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# Apex Town Council Meeting

Tuesday, October 01, 2019

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and  
Brett D. Gantt, Council Members  
Drew Havens, Town Manager  
David Hughes, Assistant Town Manager  
Shawn Purvis, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 01, 2019, at 7:00 PM will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street. The meeting will adjourn when all business is concluded or at 11:00 p.m., whichever comes first.

## COMMENCEMENT

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Call to Order : Invocation : Pledge of Allegiance

## PRESENTATIONS

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[PR1](#) Lance Olive, Mayor

Proclamation to raise public awareness of Indigenous Peoples' Day in Apex 2019

## CONSENT AGENDA

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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](#) Donna Hosch, Town Clerk

Motion to approve Minutes of the September 3, 2019 Regular Council Meeting

[CN2](#) Drew Havens, Town Manager

Motion to approve Ordinance Amendment related to Mobile Food Vendors.

[CN3](#) Shawn Purvis, Assistant Town Manager

Motion to approve Capital Project Ordinance Amendment No. 4 and Budget Ordinance Amendment No. 4 to appropriate funds for legal services and repairs related to Public Safety Station #5.

[CN4](#) Liz Loftin, Senior Planner

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #19CZ17 Woodbury PUD Amendment, Pulte Home Company, LLC, petitioners for the property located 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of).

[CN5](#) Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 17, 2019.

[CN6](#) Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 17, 2019 related to the size of menu board signs.

[CN7](#) Shelly Mayo, Planner II

Motion to set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ15 (Mt. Zion Church Rd PUD). The applicant, Vaughn King, seeks to rezone approximately 11.3 acres located at 2504, 2508, 2512, 2516 & 2600 Mt. Zion Church Rd. (PINs 072143255, 0721435444, 07214355322, 0721434156 & 0721424940) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

[CN8](#) Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

[CN9](#) Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the October 15, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance.

[CN10](#) Drew Havens, Town Manager

Motion to approve change of date for the American Legion Fall Car Show to November 16th, 2019. The application was originally approved by Council on April 2nd, 2019.



## REGULAR MEETING AGENDA

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Mayor Olive will call for additional Agenda items from Council or Staff and set the Agenda prior to taking action

## PUBLIC FORUM

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Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address an item that appears as a Public Hearing 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

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[PH1](#) Amanda Bunce, Current Planning Manager

Public Hearing and possible motion meeting regarding various amendments to the Unified Development Ordinance.

[PH2](#) Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Teresa Allen (single-family) property containing 3.175 acres located at 1001 Greenlea Drive, Annexation #669 into the Town's corporate limits.

## OLD BUSINESS

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[OB1](#) Bill Jensen, Council Member

Discussion and possible motion to amend the Town's personnel policy to include 2 weeks of paid maternity leave.

## UNFINISHED BUSINESS

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## NEW BUSINESS

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[NB1](#) Bill Jensen, Council Member

Request staff to perform necessary study or studies to pursue a potential bond issue for the installation of parking canopies with solar photovoltaic systems over Town of Apex parking lots

## CLOSED SESSION

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[Laurie](#) Hohe, Town Attorney

Possible motion to go into closed session (1) to consult with the Town Attorney to protect attorney-client privilege (GS 143-318.11(a)(3)) and (2) to discuss a personnel matter (GS 143-318.11(a)(6))

## WORK SESSION

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[WS1](#) Dianne Khin, Planning Director

Discussion about UDO Sec. 2.2.18.B.5 *Continuance of Public Hearing* in order to provide direction to staff relative to possible work on a future UDO amendment

## ADJOURNMENT

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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Lance Olive, Mayor

Department(s): Governing Body

### Requested Motion

Proclamation to raise public awareness of Indigenous Peoples' Day in Apex 2019

### Approval Recommended?

N/A

### Item Details

N/A

### Attachments

- Proclamation



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# PROCLAMATION

*From the Office of the Mayor*



## Indigenous Peoples' Day in Apex 2019

WHEREAS, the Town of Apex, North Carolina recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since long before European settlers; and

WHEREAS, the Town recognizes the fact that Apex is built upon the land where Indigenous Peoples hunted and lived; and

WHEREAS, the Town values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts, and culture; and

WHEREAS, the community southwest of Apex, known as Friendship, brought together Indigenous Peoples, African Americans, and European Americans; and

WHEREAS, the Town of Apex seeks to combat cultural prejudice, eliminate racial discrimination, and to promote awareness, understanding, and good relations among Indigenous Peoples and all other segments of our community; and

WHEREAS, the Town promotes equality of opportunity, consistent with the US Declaration of Independence, for all people, including those who descend from Indigenous Peoples, and desire to uphold policies and practices that ensure equal access to opportunity, and their rights to pursue life, liberty and happiness in America; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination against Indigenous Peoples in the Americas; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on December 16, 2010 and the Declaration recognizes that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources";

NOW, THEREFORE, I, LANCE OLIVE, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM that the Town of Apex shall recognize Indigenous Peoples' Day on the second Monday in October; and BE IT FURTHER RESOLVED that the Town of Apex shall continue its efforts to promote the recognition and awareness of the Indigenous community; and BE IT FURTHER RESOLVED that Indigenous Peoples' Day shall be used to reflect upon the ongoing struggles of Indigenous People in the Americas, and to celebrate the thriving culture and value that Indigenous Peoples add to our town; and BE IT FURTHER RESOLVED that the Town of Apex encourages businesses, organizations, and public institutions to recognize Indigenous Peoples' Day.

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 1st day of October 2019

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Lance Olive, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

### Requested Motion

Motion to approve Minutes of the September 3, 2019 Regular Council Meeting

### Approval Recommended?

Approval is recommended.

### Item Details

N/A

### Attachments

- Minutes





## Apex Town Council Meeting

Tuesday, September 3, 2019

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and  
Brett D. Gantt, Council Members  
Drew Havens, Town Manager  
David Hughes, Assistant Town Manager  
Shawn Purvis, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council  
scheduled for Tuesday, September 3, 2019, at  
7:00 p.m. was held in the Council Chamber of  
Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and  
Council Members William S. Jensen, Wesley M. Moyer, and Audra M. Killingsworth  
Also in attendance were Town Manager Drew Havens, Assistant Town Manager  
Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe  
Absent was Council Member Brett D. Gantt

### **COMMENCEMENT**

Mayor Olive called the meeting to order, offered words of inspiration, asked for a moment of silent reflection, and led the Pledge of Allegiance.

### **PRESENTATIONS**

Presentation 01 : Presentation of Fire Officer Designation to Fire Captain David Dague  
Chief McGee presented background on the Designation program. He additionally presented background on Captain Dague's journey to receiving this designation, providing history on his education and work background. Captail Dague thanked his family and the Town for their support. He acknowledged all those who helped him in his 27 year career.

### **CONSENT AGENDA**

Consent 01 Minutes of the Regular Town Council Meeting of August 20, 2019

Consent 02 Apex Tax Report dated 07/10/2019

- Consent 03 Resolution requesting that the Wake County Board of Commissioners appoint Glenda Alexander to the Board of Adjustment and Tim Royal to the Planning Board as ETJ Representatives
- Consent 04 Authorization for the Town Manager to sign a reciprocal Automatic Aid Contract between the Town of Apex (Apex Fire Department) and the Moncure Volunteer Fire Department in Chatham County. This contract enables each department to be automatically dispatched to structure fires in the identified areas in the contract
- Consent 05 Ordinance amending Section 20-164 with the addition of subsection (35) to enforce a No Parking restriction along both sides of Marco Drive from East Williams Street to a point 600 feet east
- Consent 06 Contract renewal between Wake County Public Schools (WCPSS) and the Town of Apex in which WCPSS will subsidize salaries of four School Resource Officers for schools located in the Town of Apex, NC
- Consent 07 Set Public Hearing for the September 17, 2019 Town Council Meeting regarding Rezoning Application #19CZ17 (Woodbury PUD Amendment). The applicant, Pulte Home Company, LLC, sought to rezone approximately 42 acres located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) in order to update an architectural standard
- Consent 08 Set Public Hearing for the September 17, 2019 Town Council meeting regarding an amendment to the Unified Development Ordinance related to the size of menu board signs
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #19CZ09, Dan Ryan Builders, petitioners for the property located at 2236 Olive Chapel Road
- Consent 10 Statement and Ordinance of the Town Council and Ordinance for Rezoning Case #19CZ13, Olive Chapel West Associates, LLC, petitioners for the property located at 2213 East Williams Street
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #19STC14, Drew Havens, Town of Apex, petitioner for the property located at 320 and 322 North Mason Street
- Consent 12 Set Public Hearing for the September 17, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

Consent 13 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of August 20, 2019

Consent 14 Temporary modification to Town of Apex Ordinance Section 14-14 to allow the sale and possession of malt beverages and unfortified wine in connection with the Apex Music Festival on September 14, 2019

Mayor Olive stated the Town Manager requested an add-on item regarding a rental and sales contract for DeeJay's Rentals, LLC.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **REGULAR MEETING AGENDA**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **PUBLIC FORUM**

Cheryl Stallings spoke about the student who was struck by a vehicle at Apex High School this past Tuesday. There were comments from concerned citizens online. A flashing sign was placed at the crosswalk the next day, and she appreciated the quick response. However, the sign has now been removed. Community Forum comments also talked about citizen safety in general. Ms. Stallings cited several incidents have happened in school crosswalks over the years. She asked for a systematic study of crosswalks which would be made public. She also asked that as a local government entity, the Town be proactive in citizen safety.

The Town Manager spoke about the studies which have been conducted by the Town and how equipment has been and will continue to be strategically employed.



## **PUBLIC HEARINGS**

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Public Hearing 01 – Quasi Judicial : Amanda Bunce, Current Planning Manager

Major Site Plan for Sweetwater Ph. 9A2 & 9B (Mixed Use) located at 0, 3115 US 64 Hwy & 2700 Core Banks Street. The subject properties were identified on Wake County Tax Maps as PINs 0722550034 (portion of), 0722544768 (portion of), and 0722554159.

Staff oriented Council to the site.

Mayor Olive declared the Public Hearing open.

Mayor Olive read the Statement outlining the quasi-judicial process. All those wishing to speak were sworn in by the Town Clerk.

No Council Member had any communication with the applicant, there were no financial conflicts, and all stated they could make impartial decisions based on the evidence presented. None had viewed the site.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Ms. Bunce presented her credentials and work history. She proceeded to orient Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Bob Brady, Attorney, ExperienceOne Homes, representing the applicant, expressed his delight in being in attendance this evening with this project. He pointed to all UDO requirements being met with one rated as exceeded. Mr. Brady presented the credentials and work relationships of his experts Mitch Craig, Rynal Stephenson, and Brett Powell. To speak for the developer, Mr. Brady stated Lannie Coldwell and Corey Schmidt were also present.

Mr. Craig answered questions from Mr. Brady concerning this project and its conformity with the UDO. Mr. Stephenson answered questions from Mr. Brady concerning the requirements of the UDO being met. Mr. Brady read the UDO statements related to setback standards. He stated all applicable standards of the UDO had been met. Mr. Craig was recalled to further speak to compliance with the UDO. Mr. Brady asked that all testimony be entered as expert testimony.

QUESTIONS FOR THE APPLICANT BY COUNCIL: None.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

REBUTTAL EVIDENCE BY STAFF: None.

REBUTTAL EVIDENCE BY APPLICANT: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Brady asked that Council approve the request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE  
REQUEST; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **OLD BUSINESS**

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There were no Old Business items for consideration.

## **UNFINISHED BUSINESS**

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Unfinished Business 01 : Vance Holloman

Bond order authorizing the sale and issuance of Combined Enterprise System Revenue Bonds, Series 2019, in an amount not to exceed \$10,000,000 and authorizing the execution and delivery of related documents.

Staff stated bids have come in a bit higher than anticipated. Requested was authorization from Council for a Bond Order, and staff stated what this Order would entail. Approval of the debt was scheduled to be heard by the Local Government Commission on September 17<sup>th</sup> which would also serve as the closing date of the debt.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE BOND ORDER; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Staff answered Council questions related to requesting smaller funds and doing so with no prepayment penalty.

THE MOTION CARRIED BY A 4-0 VOTE.

## **NEW BUSINESS**

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New Business 01 : Drew Havens, Town Manager

Change order to the current contract with Southern Solar Systems to add 108 kW of additional solar PV panels to the roof(s) on the Public Works Operations Buildings and approve Budget Amendment No. 2 to appropriate \$151,200 from General Fund Balance for this work

Staff stated we are currently putting solar panels on most of our appropriately facing roofs. One roof, however, was not included at the Public Works Operations building as it was the test building. The contractor was in town and would be able to install the additional panels.

Staff answered questions as to whether the panels were performing financially as expected. This was a good idea and good use of fund balance. There were trees indicated to be removed; however, they would remain as no significant degradation of solar would result from them being left in place. Staff answered Council questions related to the expected financial performance.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE CHANGE ORDER AND BUDGET AMENDMENT WITH NO REMOVAL OF TREES;  
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Staff explained further why the Loblolly Pine trees would remain.

THE MOTION CARRIED BY A 4-0 VOTE.

## **CLOSED SESSION**

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Closed Session 01 : Joanna Helms, Economic Development Director

To discuss the acquisition of property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH  
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

## **WORK SESSION**

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Work Session 01 : Drew Havens, Town Manager and Keith McGee, Fire Chief

MAYOR OLIVE CALLED FOR A MOTION TO MOVE THE WORK SESSION TO TRAINING ROOM A. COUNCIL MEMBER  
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

Discussion ensued on future plans for maintaining an operating fire station at 210 N. Salem Street. Staff highlighted the history of the fire station. This is the most challenging work/live station. The previously designed renovation project was outlined. Staff stated the limitations identified by Davis Kane, the architects selected to estimate the renovations. The three renovation options were outlined. It would cost less to build a new building than to fully renovate the current building. This does not include, however, any surprises along the way.

Conversation ensued about Fire administration going to Mason Street with Inspections. The Fire Chief outlined the goal to cover 90% of our habitable jurisdiction with a five minute travel time from a fire station. EnviroSAFE evaluated and recommended solutions to fire station placement, the Chief outlining those solutions.

The question this evening was whether or not we wanted a fire station downtown. Council's thought was to demolish the building and build something else seeing as the current structure is not historic. The Mayor liked the presence of a fire station downtown; we should move Station 3. Council was not in favor of renovating the downtown building; we should move Station 3. Council stated she wanted to go back and look at her emails and apply her thoughts to those. Staff gave the history of why the two stations are so close together, one of the buildings starting out housing the volunteer fire department.

Staff reiterated that consensus of council was to maintain a presence downtown, the steps moving forward being outlined. There was discussion about honoring the volunteer fire department.

## **CLOSED SESSION**

Closed Session 02 : Governing Body

To discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR THE RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

## **ADJOURNMENT**

With there being no further business and without objection from Council, Mayor Olive adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Drew Havens, Town Manager

Department(s): Administration

### Requested Motion

Motion to approve Ordinance Amendment related to Mobile Food Vendors.

### Approval Recommended?

Yes

### Item Details

The Town currently prohibits Mobile Food Vendors from serving while parked in the public right of way. This amendment will allow for vendors to apply for a permit to serve in the public right of way under particular circumstances and standards as laid out in the ordinance. This will be a standards-based review, rather than allowing for mobile food vendors to operate at particular sites, which makes the ordinance flexible for changes in future patterns of mobile food vending.

### Attachments

- Ordinance Amendment



**ORDINANCE NO. 2019-1001-28**

**AN ORDINANCE TO AMEND CHAPTER 13 OF THE CODE OF ORDINANCES OF  
THE TOWN OF APEX**

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

**Section 1.** Section 13-62 of the Code of Ordinances of the Town of Apex is hereby amended as follows:

**Sec. 13-62 – Location Standards.**

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

- (1) On private property with written permission from the property owner to operate on the owner's property;
- (2) On town-owned, public property as designated in this article with the prior written approval of the town manager or designee. Persons vending in town parks must also comply with sections 13-52(13) and 13-53(b) of the Town Code of Ordinances;
- (3) Mobile food vendors are prohibited from vending in any residentially zoned area;
- (4) No transient or mobile food vendor shall operate from, or leave a mobile food unit unattended on, any public right-of-way, required buffer, paved or traveled portion of a street, handicapped space, or fire lane, unless a Right-of-Way Use Permit is also obtained in accordance with Section 13-62.1;
- (5) No vendor shall locate within any area in such a way as to impede or interfere with pedestrian or vehicular traffic and shall not obstruct or block the entrance or exit of any building. Vendors shall observe all regulations established by the Americans with Disabilities Act.

**Section 2.** Chapter 13 of the Code of Ordinances of the Town of Apex is hereby amended by the addition of a new Section to read as follows:

**Sec. 13-62.1 – Location Standards for Public Right of Way.**

- (a) *Right of Way use Limited, Permit Required.* No mobile food vendor may utilize the right-of-way to serve customers without obtaining a permit for mobile food vendors within the right of way. This shall not apply to special events approved by the Town. A vendor may obtain a permit to serve customers from the right-of-way, provided all standards identified in this Section are met.
- (b) *Standards to Serve from Right-of-Way.* A mobile food vendor providing service from the right-of-way must meet all of the following standards:
  - a. The mobile food vendor may only be parked within the permitted area designated on the permit.
  - b. No mobile food vendor may be parked in a location that prohibits or restricts access to a private property. A minimum of fifteen (15) feet of spacing is required from any driveway.
  - c. The mobile food vendor must be located at least five (5) feet from any utility box, utility vault, handicapped ramp, or emergency call box. The mobile food vendor must be located at least fifteen (15) feet from a fire hydrant. The mobile food vendor must be located at least fifteen (15) feet from any crosswalk or intersection where pedestrians typically cross.
  - d. Mobile food vendors serving from the right-of-way shall be located on the side of the street which minimizes pedestrian traffic across that street, and must serve towards the curb side.
  - e. No mobile food vendor may be granted a permit to operate from a right-of-way located in the Small Town Character Overlay District, as indicated on the Official Zoning District Map.
  - f. The mobile food vendor must possess a valid insurance policy through an insurance carrier authorized or eligible to do business in the State of North Carolina for any damage to the public right-of-way and for any damages for which the Town might incur liability because of property damage or personal injury arising out of the use of the public right-of-way. The minimum liability limit of the policy shall be one million dollars (\$1,000,000.00). The Town of Apex shall be listed as an additional insured as its interests may appear on all Certificates of Insurance.



- g. The mobile food vendor shall hold the Town, its officers, council members, and employees harmless and indemnify them for any loss, liability, damage and costs and expenses arising from its operations.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**Section 4.** This ordinance shall be effective upon enactment.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX, NORTH CAROLINA

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Lance Olive  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Motion to approve Capital Project Ordinance Amendment No. 4 and Budget Ordinance Amendment No. 4 to appropriate funds for legal services and repairs related to Public Safety Station #5.

### Approval Recommended?

Yes

### Item Details

The Town is currently involved in litigation in the matter of A.B. Goodrich Contracting, LLC v. Town of Apex and Stewart-Cooper-Newell Architects, P.A. regarding the construction of Public Safety Station #5 (PSS#5). Outside legal services to continue in the defense of this lawsuit will be required. Additionally, the bio-retention cell at PSS#5 is not functioning properly and is in need of repair. While the cost of this repair and the contractor's responsibility for the repair is part of the lawsuit, funding is needed to make repairs now while the litigation proceeds.

Legal Services are estimated at approximately \$180,000 and the bio-retention cell repair costs are estimated at \$90,000. The source of funding for the amendments will be appropriated fund balance from the General Fund.

### Attachments

- Budget Ordinance Amendment No. 4
- Capital Project Ordinance Amendment No. 4





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## Town of Apex

### CAPITAL PROJECT ORDINANCE AMENDMENT 2020-04

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#### 61 - General Capital Projects Fund

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

**Section 1. The revenues anticipated for the projects are:**

Transfer from General Fund	270,000
<b>Total Revenues</b>	<b>\$270,000</b>

**Section 2. The expenditures anticipated are:**

Public Safety Station #5	\$270,000
<b>Total Expenditures</b>	<b>\$270,000</b>

**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 1st day of October, 2019.

Attest:

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Lance Olive, Mayor

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Donna B. Hosch, MMC, Town Clerk



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## **Town of Apex**

### **BUDGET ORDINANCE AMENDMENT 4**

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BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2019-2020 Budget Ordinance be adopted:

### **GENERAL FUND**

#### **Section 1. Revenues:**

Appropriated Fund Balance	\$270,000
<b>Total Revenues</b>	<b>\$270,000</b>

#### **Section 2. Expenditures:**

Transfer to General Capital Projects Fund	\$270,000
<b>Total Expenditures</b>	<b>\$270,000</b>

**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 1st day of October, 2019.

Attest:

---

Lance Olive, Mayor

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Donna B. Hosch, MMC, Town Clerk

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning

### Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #19CZ17 Woodbury PUD Amendment, Pulte Home Company, LLC, petitioners for the property located 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of).

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

Rezoning Case #19CZ17 was approved at the September 17, 2019 Town Council Meeting

The following PINs are included in this rezoning: 0710855474, 0710857473, 0710855545, 0710855631, 0710855646, 0710855742, 0710855747, 0710855842, 0710855847, 0710855942, 0710865171, 0710857933, 0710857838, 0710857731, 0710859436, 0710858676, 0710950758, 0710951508, 0710953870, 0710953865, 0710953950, 0710953946, 0710963010, 0710962095, 0710962069, 0710962137, 0710963227, 0710964235, 0710964179, 0710964183, 0710965008, 0710965013, 0710955937, 0710955942, 0710955857, 0710955852, 0710955766, 0710955791, portion of 0720057756

### Attachments

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



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383  
ADDRESSING ACTION ON ZONING PETITION #19CZ17**

Pulte Home Company, LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of August 2019 (the "Application"). The proposed conditional zoning is designated #19CZ17.

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 #19CZ17 before the Planning Board held on the 9<sup>th</sup> day of September 2019.

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 #19CZ17 before the Town Council on the 17<sup>th</sup> day of September 2019.

The Apex Planning Board held a public hearing on the 9<sup>th</sup> day of September 2019, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ17. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #19CZ17.

The Apex Town Council held a public hearing on the 17<sup>th</sup> day of September 2019. Liz Loftin, Senior Planner presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ17 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 to 0 approved Application #19CZ17 rezoning the subject tract located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further

**STATEMENT OF THE APEX TOWN COUNCIL ZONING PETITION #19CZ17**  
**PAGE 2**

considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the amendment will make the already built homes conforming to the PUD architectural standards and allow design flexibility for future single-family homes in the subdivision. The rezoning will encourage compatible development of the property and increase the tax base.

\_\_\_\_\_  
Lance Olive  
Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Date

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 42 ACRES LOCATED ON 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 COLLECTION COURT; 2552, 2536, 2531, 2547 KYLEWYND PLACE; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 IMPULSION DRIVE; 2701 OLD US HIGHWAY 1 (PORTION OF) FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (#16CZ01) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING**

**#19CZ17**

**WHEREAS**, the application of Pulte Home Company, LLC, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 9<sup>th</sup> day of September 2019 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 17<sup>th</sup> day of September 2019, 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 \_\_\_\_-\_\_\_\_ (\_\_) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

**Section 3:** The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

**Section 4:** The "Rezoned Lands" are subject to the conditions in Attachment "B" Woodbury PUD with the change in Section 7: Architectural Standards set forth below which are imposed as part of this rezoning:

**Section 7: Architectural Standards**

The garage cannot protrude more than 1-foot from either the front façade or porch, except that the garage may protrude up to 5-feet from the front façade or porch with the inclusion of windows in the garage door and one (1) architectural feature such as a variation in roof form, balcony, trimmed window or decorative vent over the door area to minimize the impact of the garage façade. No more than 15% of the total number of homes shall be side entry garages with "J" drives. Homes with "J" drives shall not be located on immediately adjacent lots to other homes with "J" drives.



**Ordinance Amending the Official Zoning District Map #19CZ17**

**Page Two**

**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 \_\_\_\_\_ 2019.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning Department

### Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 17, 2019.

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

### Attachments

- Statement of the Apex Town Council



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF SEPTEMBER 17, 2019**

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, 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 UDO Amendments before the Town Council on the 17<sup>th</sup> day of September 2019.

The Apex Town Council held a public hearing on the 17<sup>th</sup> day of September 2019. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

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

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of September 17, 2019 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The addition of UDO Sec. 2.1.9 *Apex Environmental Advisory Board* includes the powers and duties for the Environmental Advisory Board as it relates to the UDO and provides a reference to rules governing the other responsibilities and procedures of the Board in the Code of Ordinances.
2. The amendments to UDO Sec. 8.3 *Off-Street Parking and Loading* provides site design flexibility by clarifying that neither parking located under a building nor more than one level of structured parking counts toward the maximum parking calculation and by amending the minimum drive-aisle width in parking areas based on the angle and design of the parking lot.

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Lance Olive  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning Department

### Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 17, 2019 related to the size of menu board signs.

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

### Attachments

- Statement of the Apex Town Council



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF SEPTEMBER 17, 2019**

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, 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 UDO Amendments related to the size of menu board signs before the Town Council on the 17<sup>th</sup> day of September 2019.

The Apex Town Council held a public hearing on the 17<sup>th</sup> day of September 2019. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 4-3 at the public hearing.

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

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments related to the size of menu board signs.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of September 17, 2019 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Sec. 8.7.1.A.13 *Menu Board* allows for an increase to the maximum sign area allowed for menu boards when only one menu board is proposed per drive-through lane instead of two.

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Lance Olive  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning Department

### Requested Motion

Motion to set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ15 (Mt. Zion Church Rd PUD). The applicant, Vaughn King, seeks to rezone approximately 11.3 acres located at 2504, 2508, 2512, 2516 & 2600 Mt. Zion Church Rd. (PINs 072143255, 0721435444, 07214355322, 0721434156 & 0721424940) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

#### Attachments

- Vicinity Map
- Application







Rezoning #19CZ15

Stillwater

Buckhorn  
Preserve

KENNA CREEK BND

MCRORY WAY

McKenzie  
Ridge

LOGAN VALLEY PATH

GREGOR OVERLOOK LN

MACINTOSH WOODS DR

Friendship  
Station PUD

RICHARDSON RD

MT ZION CHURCH RD

FIRENZA DR

Parkside PUD

MOUNT JEFFERSON TRL

PINEOLA BOG TRL

LAKE WACCAMAW TRL

WEYMOUTH WOODS TRL

0 250 500  
Feet



## PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	_____	Submittal Date:	_____
Fee Paid	\$ _____	Check #	_____

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Mt. Zion Church Road Assembly

Address(es): 2504, 2508, 2512, 2516 and 2600 Mt. Zion Church Road

PIN(s) 0721-43-2558, 0721-43-5444, 0721-43-5322, 0721-43-4156, 0721-42-4940

\_\_\_\_\_ Acreage: 11.30

Current Zoning: RR - Rural Residential Proposed Zoning: PUD - CZ

Current 2045 LUM Designation: Medium Density Residential

Requested 2045 LUM Designation: no change

See next page for LUM amendment

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

Area classified as mixed use:	Acreage:	_____
Area proposed as non-residential development:	Acreage:	_____
Percent of mixed use area proposed as non-residential:	Percent:	_____

## Applicant Information

Name: Vaughn King

Address: PO Box 1328

City: Cary State: NC Zip: 27512

Phone: (919) 367-5923 E-mail: vaughnking5@gmail.com

## Owner Information

Name: See Attached List

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: vaughnking5@gmail.com

## 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: Jonathan Edwards (jedwards@peakengineering.com)

Daniel Woods (dwoods@peakengineering.com)

\_\_\_\_\_



## **Mt. Zion Church Road PUD Assembly Property Owner Information**

Lector Marie Atwater  
2504 Mt. Zion Church Road  
Apex, NC 27502  
0721-43-2558  
2.97 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-5444  
1.16 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-5322  
1.16 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-4156  
1.41 acres

Lector Marie Atwater  
2504 Mt. Zion Church Road  
Apex, NC 27502  
0721-42-4940  
4.60 acres

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

### 2045 LAND USE MAP AMENDMENT (if applicable)

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

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

N/A

Current 2045 Land Use Classification:

Medium Density Residential

Proposed 2045 Land Use Classification:

same

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

## CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

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

	Owner's Name	PIN
1.	SEE ATTACHED LIST	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

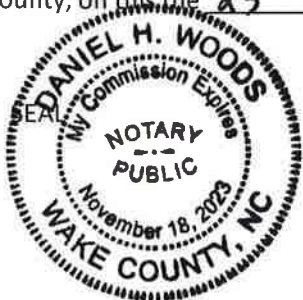
I, Jonathan Edwards, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property

Date: June 24, 2019

By: *Jonathan Edwards*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL WOODS, a Notary Public for the above State and County, on this the 25 day of JUNE, 2019.



*Daniel H. Woods*

Notary Public

DANIEL H WOODS

Print Name

My Commission Expires: 11/18/23

HOLLAND, UVA R  
370 M T HOLLAND RD  
APEX NC 27523-5704  
0721328550

HOLLAND, UVA LEE RICHARDSON  
370 M T HOLLAND RD  
APEX NC 27523-5704  
0721328679

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721332548

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721334468

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721334510

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721334658

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721334685

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721334721

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721335407

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721335623

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336226

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336331

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336346

CALATLANTIC GROUP, INC  
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MORRISVILLE NC 27560-9119  
0721336396

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336451

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336455

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336459

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336553

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336557

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119.  
0721336651

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721336655

CALATLANTIC GROUP, INC  
1100 PERIMETER PARK DR STE 112  
MORRISVILLE NC 27560-9119  
0721345460

WRIGHT, CHERYL RENEE WALDEN & ELTON  
ROLAND  
2732 RICHARDSON RD  
APEX NC 27502-7879  
0721422231

HOLLAND, UVA LEE RICHARDSON  
370 M T HOLLAND RD  
APEX NC 27523-5704  
0721422742

ATWATER, LECTOR MARIE  
2504 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721424940

WALDEN, JEAN HOLLOWAY  
909 POWELL DR  
RALEIGH NC 27606-1629  
0721425141

HOLLAND, UVA R  
370 M T HOLLAND RD  
APEX NC 27523-5704  
0721425439

WALDEN, JEAN HOLLOWAY  
909 POWELL DR  
RALEIGH NC 27606-1629  
0721426316

BELLA CASA HOMEOWNERS ASSOCIATION, INC  
OMEGA ASSOCIATION MANAGEMENT  
160 NE MAYNARD RD STE 210  
CARY, NC 27513-9676  
0721426883

MT ZION BAPTIST CHURCH TRUSTEES  
HEZZIE MORRISON  
PO BOX 10  
NEW HILL NC 27562-0010  
0721427697

PALMER, KENNETH & ANNA M  
2829 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721427843

BARRETT, LATOSHA & JERMAINE L  
2830 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721427939

MT ZION BAPTIST CHURCH  
HEZZIE MORRISON  
PO BOX 10  
NEW HILL NC 27562-0010  
0721428401

HOLDER, KEITH A & JOY R  
2825 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721428823

FALLOWS, ERIC A & SARAH  
2821 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721428892

SUBBURAYALU, KRISHNARAJ & ANUSHYA  
2826 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721428919

MT ZION BAPTIST CHURCH  
C/O HEZZIE MORRISSON  
PO BOX 10  
NEW HILL NC 27562-0010  
0721429486

SANDERS, GLADYS W  
2813 CREECH RD  
RALEIGH NC 27610-5844  
0721429597

WACHHOLZ, AARON JAMES & SARA M  
2815 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721429779

RASH, JOHN F & ALLISON K  
2820 MEDOC MOUNTAIN PT  
APEX NC 27502-9682  
0721429949

RICHARDSON, CURTIS W & JEFFREY D  
2713 RICHARDSON RD  
APEX NC 27502-7880  
0721430214

HOLLAND, UVA LEE RICHARDSON  
370 M T HOLLAND RD  
APEX NC 27523-5704  
0721431773

ATWATER, LECTOR MARIE R  
2504 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721432558

ATWATER, JEROME KENNETH HEIRS  
DONNA ATWATER  
179 ARLINGTON AVE  
JERSEY CITY NJ 07305-4438  
0721434156

ATWATER, JEROME KENNETH HEIRS  
DONNA ATWATER  
179 ARLINGTON AVE  
JERSEY CITY NJ 07305-4438  
0721435322

ATWATER, JEROME KENNETH HEIRS  
DONNA ATWATER  
179 ARLINGTON AVE  
JERSEY CITY NJ 07305-4438  
0721435444

RICHARDSON, DOROTHY MAE HEIRS CHARLES  
WALDEN  
2432 MT. ZION CHURCH RD  
APEX NC 27502-9637  
0721436885

JAKKAMPUDI, NARSIMHA K & KOPPULA, UDAYA  
REKHA 2008 GOOSE CREEK TRL APEX NC  
27502-8577  
0721437079

BELLA CASA HOMEOWNERS ASSOCIATION, INC  
OMEGA ASSOCIATION MANAGEMENT  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0721437100

ARYA, ANISH & SINGH, NUPOOR  
2004 GOOSE CREEK TRL  
APEX NC 27502-8577  
0721437198

SCHUTTE, DANIEL E & ADRIENNE  
2515 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721438248

GAVRYUCHKOV, MIKHAIL & EVGENIA  
2513 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721438354

ADAMS, EDWARD PATRICK JR & APRIL  
LINEBACK  
2511 MOUNT ZION CHURCH RD  
APEX NC 27502-9636

0721438460  
DIAZ, BRIAN & TRANG NGUYEN  
2509 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721438476

THOMAS, ROBERT & CAPUTO-THOMAS,  
ROSANN  
2507 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721438582

MASON, SCOTT A & KATHLEEN P  
2505 MOUNT ZION CHURCH RD  
APEX NC 27502-9636  
0721438598

BELLA CASA HOMEOWNERS ASSOCIATION, INC  
OMEGA ASSOCIATION MANAGEMENT  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0721438679

BELLA CASA HOMEOWNERS ASSOCIATION, INC  
OMEGA ASSOCIATION MANAGEMENT  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0721439148

SANDERS, DANIEL & CHARLA  
1989 FIRENZA DR  
APEX NC 27502-9668  
0721439619

REILLY, DANIEL THOMAS & KIMBERLY  
1985 FIRENZA DR  
APEX NC 27502-9668  
0721439668

BELLA CASA HOMEOWNERS ASSOCIATION, INC  
OMEGA ASSOCIATION MANAGEMENT  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0721439827

MASAMBA, ESPERANCE &  
LUNGENI, LAMBION  
1990 FIRENZA DR  
APEX NC 27502-9667  
0721439845

KUE, XIA & JODY  
1986 FIRENZA DR  
APEX NC 27502-9667  
0721439894

RICHARDSON, ANTHONY & DELOIS  
1825 CAR CREEK RD  
SANFORD NC 27332  
0721442048

BADER, DEWAN & LITA  
2817 BLADEN LAKES CV  
APEX NC 27502-8585  
0721530405  
RIEGO, DUSTIN B & BETHANY H  
2816 BLADEN LAKES CV  
APEX NC 27502-8585  
0721530477

OTTEN, CHRISTOPHER G & CASEY C  
1981 FIRENZA DR  
APEX NC 27502-9668  
0721530616

KRANZ, JENNIFER & TROY  
1977 FIRENZA DR  
APEX NC 27502-9668  
0721530665

LI, JIAN & SUN, JIANWEI  
1020 TIMBER MIST CT  
CARY NC 27519-7510  
0721530843



## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500\*

### Purpose

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

### Guidelines

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

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

### Existing Development Titles, Recurring

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

\*excludes names with Green Level

## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

### Proposed Subdivision/Development Information

Description of location: north and east of Richardson Road, west side of Mt. Zion Church Road  
Nearest intersecting roads: Mt. Zion Church Road and Medoc Mountain Point  
Wake County PIN(s): 0721-43-2558, 0721-43-5444, 0721-43-5322, 0721-43-4156, 0721-42-4940  
Township: Buckhorn

### Contact Information (as appropriate)

Contact person: Peak Engineering & Design, PLLC - Jeff Roach  
Phone number: (919) 439-0100 Fax number: (919) 439-6411  
Address: 1125 Apex Peakway, Apex, NC 27502  
E-mail address: jroach@peakengineering.com  
Owner: Vaughn King  
Phone number: (919) 376-5923 Fax number: \_\_\_\_\_  
Address: PO Box 1328, Cary, NC 27512  
E-mail address: vaughnking5@gmail.com

### Proposed Subdivision/Development Name

1<sup>st</sup> Choice: Project name to be determined during Master Subdivision Plan submittal  
2<sup>nd</sup> Choice (Optional): \_\_\_\_\_

### Town of Apex Staff Approval:

Town of Apex Planning Department Staff \_\_\_\_\_ Date \_\_\_\_\_

## TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Mt. Zion Church Road PUD Assembly

\_\_\_\_\_  
(the "Premises")

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

Vaughn King, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER:

Vaughn King

TOWN OF APEX

BY:

[Signature]  
Authorized Agent

BY:

\_\_\_\_\_  
Authorized Agent

DATE:

6-28-19

DATE:

## AGENT AUTHORIZATION FORM

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

N/F Lector Marie Atwater \_\_\_\_\_ is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 2504 Mt. Zion Church Road, Apex, NC 27502 (PIN 0721-43-2558)

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 (Peak Engineering & Design)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

Douglas Brown, POA  
for Lector Marie Atwater

Type or print name

06/29/2019  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #:

Submittal Date:

N/F Jerome Kenneth Atwater Heirs

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other:

The property address is: 2508 Mt. Zion Church Road, Apex, NC 27502 (PIN 0721-43-5444)

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

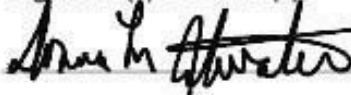
Agent Name: Jeff Roach (Peak Engineering & Design)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Donna Atwater

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #:

Submittal Date:

N/F Jerome Kenneth Atwater Heirs

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other:

The property address is: 2512 Mt. Zion Church Road, Apex, NC 27502 (PIN 0721-43-5322)

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

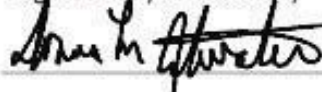
Agent Name: Jeff Roach (Peak Engineering & Design)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Donna Atwater

6/28/2019

Type or print name

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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



## AGENT AUTHORIZATION FORM

Application #:

Submittal Date:

N/F Jerome Kenneth Atwater Heirs

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other:

The property address is: 2516 Mt. Zion Church Road, Apex, NC 27502 (PIN 0721-43-4156)

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

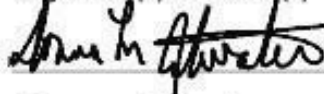
Agent Name: Jeff Roach (Peak Engineering & Design)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Donna Atwater

6/28/2019

Type or print name

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

N/F Lector Marie Atwater \_\_\_\_\_ is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 2600 Mt. Zion Church Road, Apex, NC 27502 (PIN 0721-42-4940)

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 (Peak Engineering & Design)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

Douglas Brown, POA  
for Lector Marie Atwater

Type or print name

06/29/2019  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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





June 11, 2019

Dear Neighbor,

Pursuant to Town of Apex standards, you are invited to a neighborhood meeting to introduce and discuss the development of property located on the west side of Mt. Zion Church Road near the intersection with Richardson Road. The Neighborhood meeting is an opportunity to discuss the project with the neighbors and other interested parties prior to any submittals to the Town of Apex. This meeting also allows the development team to better understand the history of the property and identify possible impacts with the development.

Collectively known as "Townes at Bella", the ~11.30 acres are currently owned by two (2) different property owners. The project proposes 65 townhomes on 11.30 acres. Initial submittal for the zoning with the Town of Apex is slated for July.

The following items will be discussed at the meeting:

1. Zoning
2. Master Subdivision Plan

**Meeting Information:**

Applicant:	Vaughn King
Contact information:	Jeff Roach; Peak Engineering & Design <a href="mailto:jroach@peakengineering.com">jroach@peakengineering.com</a>
Meeting date:	June 26, 2019
Meeting time:	5:00 pm
Meeting address:	237 N. Salem Street, Apex, NC 27502 (Halle Cultural Art Center)

The meeting will begin at 5:00 pm and will conclude when all the questions have been answered. If you have any questions about the proposed development, do not hesitate to contact our office at (919) 439-0100 any time prior to the 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.

June 11, 2019

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
2504, 2508, 2512, 2516 and 2600 Mt. Zion Church Road      0721-43-2558; -5444; -5322; -4156, 0721-42-4940  
Address(es)      PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. The Neighborhood Meeting is intended as a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org).

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

- ☒ Rezoning (including Planned Unit Development);
- ☐ Major Site Plan;
- ☒ Master Subdivision Plan (excludes minor or exempt subdivision); or
- ☐ Special Use Permit

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

The rezoning and the Master Residential Subdivision Plan of the five (5) properties located along the western side of Mt. Zion Church Road for the development of residential properties.

Estimated submittal date: July 1, 2019

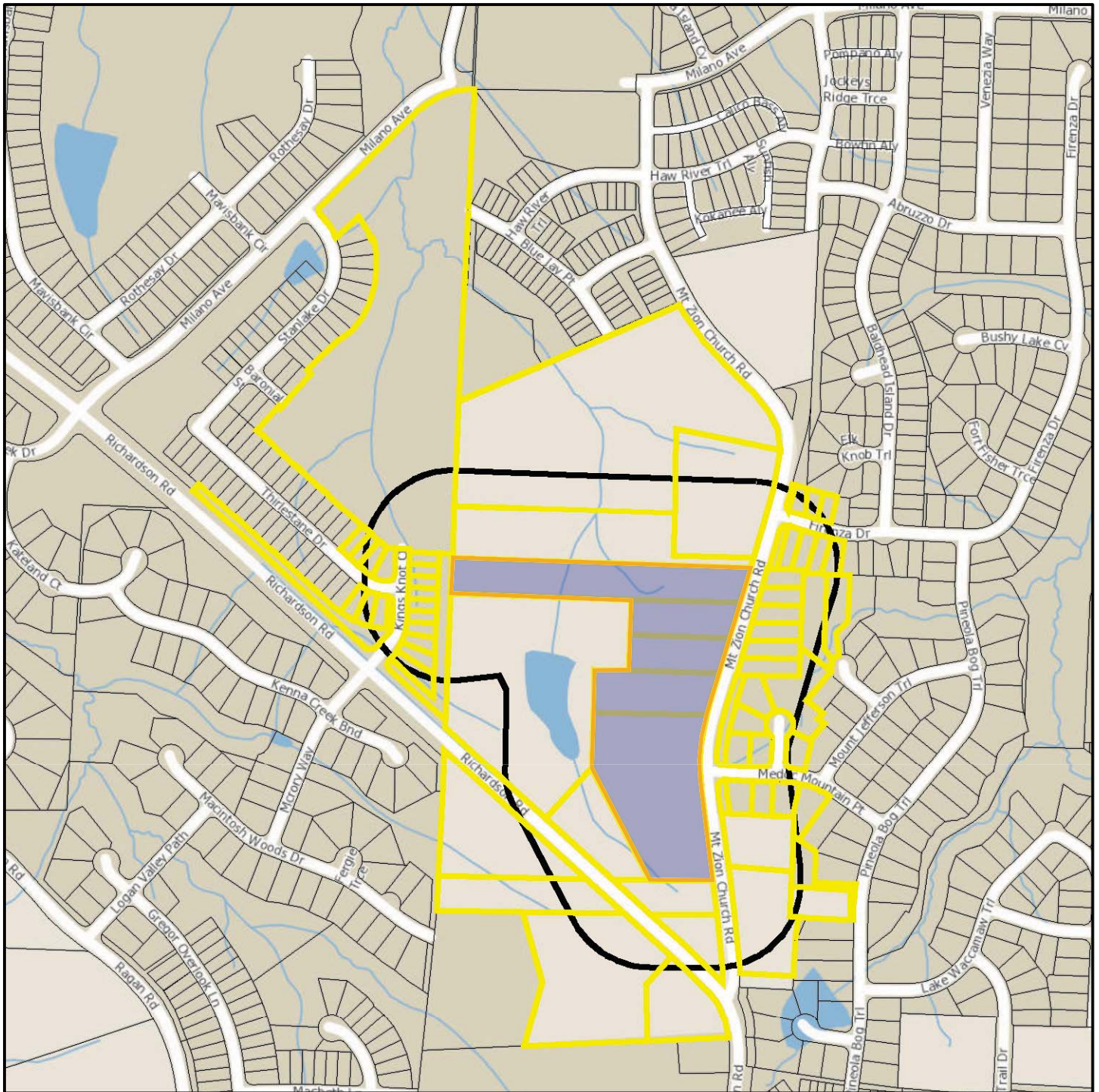
## MEETING INFORMATION:

Property Owner(s) name(s):	Atwater Family and Heirs (multiple property owners)
Applicant(s):	Peak Engineering & Design, PLLC - Jeff Roach & Vaughn king
Contact information (email/phone):	(919) 439-0100 jroach@peakengineering.com
Meeting Address:	237 N. Salem Street, Apex, NC 27502, (Halle Cultural Arts Center)
Date of meeting*:	June 26, 2019
Time of meeting*:	5:00 pm -

## MEETING AGENDA TIMES:

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

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



## Mt. Zion Church Road - 300' Buffer

 Properties being rezoned



0 265 530 1,060 ft  
1 inch = 500 feet

### **Disclaimer**

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



# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Townes at Bella (Mt. Zion Church Road PUD Assembly)  
Location: Mt. Zion Church Road north of Richardson Road, west of Medoc Mountain Point  
Property PIN: see meeting notification Acreage/Square Feet: see meeting notification  
Zoning: PUD-CZ Subdivision/Development: \_\_\_\_\_

Property Owner: Atwater Family and Heirs  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: Vaughn King  
Address: PO Box 1328  
City: Cary State: NC Zip: 27512  
Phone: (919) 376-5923 Fax: \_\_\_\_\_ Email: vaughnking5@gmail.com

Engineer: Peak Engineering & Design, PLLC - Jeff Roach  
Address: 1125 Apex Peakway  
City: Apex State: NC Zip: 27502  
Phone: (919) 439-0100 Fax: (919) 439-6411 Email: jroach@peakengineering.com

Builder (if known): N/A  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

# 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.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours to 7 a.m. – 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.

<b>Construction Traffic:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Water Resources – Infrastructure Inspections</b>	<b>919-362-8166</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

<b>Dirt in the Road:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
--------------------------	---------------------	---------------------

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

<b>Dirt on Properties or in Streams:</b>	<b>Stan Fortier</b> <b>Danny Smith</b>	<b>919-249-1166</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to Stan Fortier at 919-249-1166 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](mailto:danny.smith@ncdenr.gov)) with the State.

<b>Dust:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
---------------	---------------------	---------------------

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to Stan Fortier at 919-249-1166. He will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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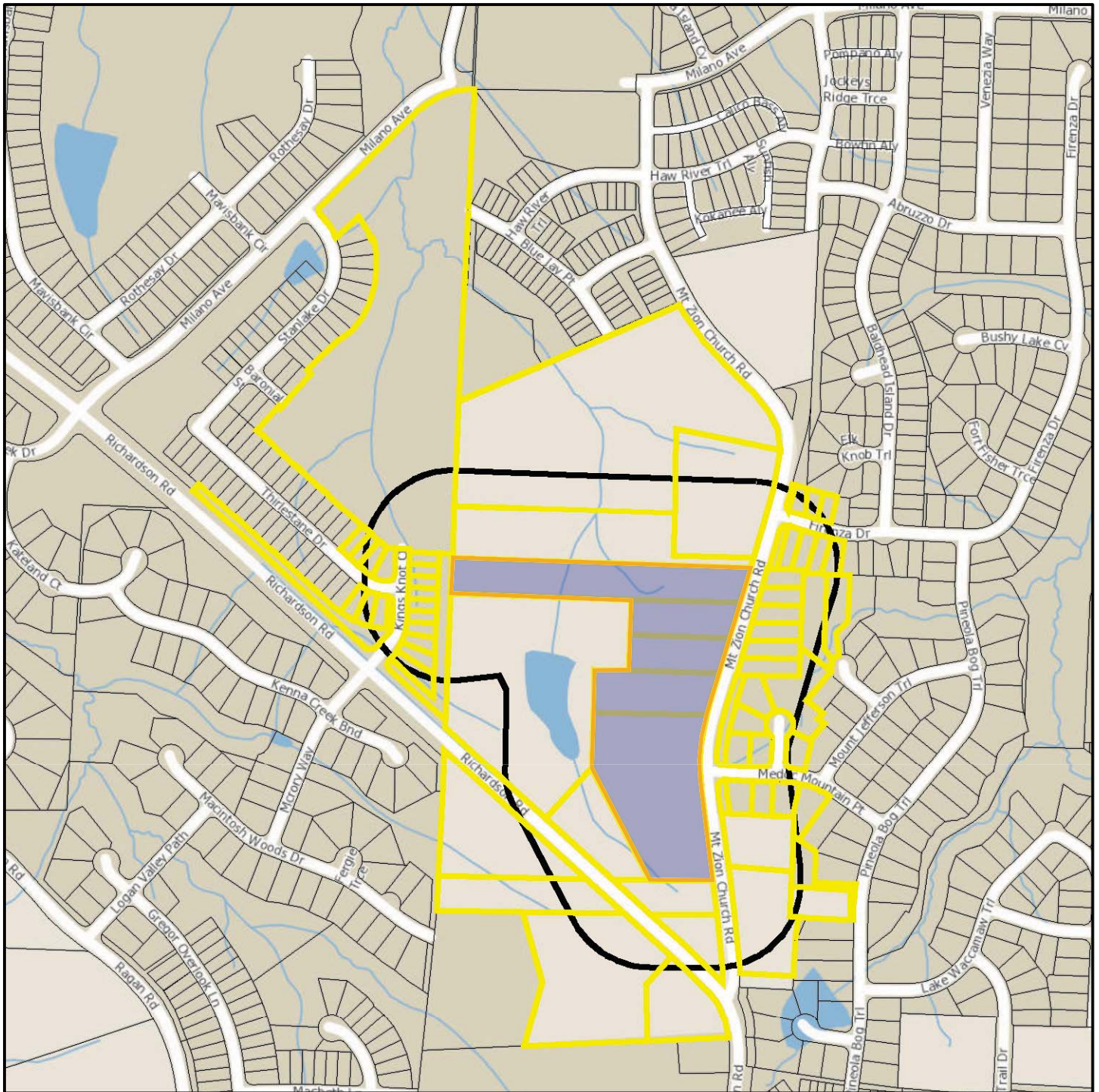
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
---------------------------------------	---------------------	---------------------

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



## Mt. Zion Church Road - 300' Buffer

 Properties being rezoned



0 265 530 1,060 ft  
1 inch = 500 feet

### **Disclaimer**

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## **Mt. Zion Church Road PUD Assembly Property Owner Information**

Lector Marie Atwater  
2504 Mt. Zion Church Road  
Apex, NC 27502  
0721-43-2558  
2.97 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-5444  
1.16 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-5322  
1.16 acres

Jerome Kenneth Atwater Heirs  
ATTN: Donna Atwater  
179 Arlington Avenue  
Jersey City, NC 07305  
0721-43-4156  
1.41 acres

Lector Marie Atwater  
2504 Mt. Zion Church Road  
Apex, NC 27502  
0721-42-4940  
4.60 acres

# 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: 227 N. Salem Street, Apex, NC 27502 (The Halle Cultural Arts Center)  
 Date of meeting: June 26, 2019 Time of meeting: 5:00 pm  
 Property Owner(s) name(s): see owner documents in application package  
 Applicant(s): Peak Engineering & Design, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Matthew Burt	2722 Markers Road	919 609 6842		
2.	Brian Diaz	2509 Mt Zion Church Rd	860 690 2239		
3.	Chris TACIA		919 356 5377		
4.	Anthony F. Richardson	1815 Cedar Creek	919 352 2219		
5.	Wayne Richardson	2713 Richardson	919 382 8248		
6.	Patrick Adams	2511 Mount Zion Church	919 422 4681		
7.	Richard Kirk	2712 Mount Jefferson Trl	919 452 0576		
8.	Sara Hansen	2815 Medea Mt. Pt.	919 252 7967		
9.	LaDawn Sanders	518 Hogan Farm Rd. Apex	919 924 6129		✓
10.	Janifer Gress	2809 Medea Mountain Pl.	919 480 7036		✓
11.	Robert + Rosann Thomas	2507 Mt Zion Church Rd	919 355 2665		✓
12.	Terry Mahaffey	109 Tension Ct	266 724 2946		✓
13.	Garrett Offen	1981 Firenze Dr.	919 943 0568		✓
14.	Cathel Brewer	8122 Hurrie Ave	919 362 5838		✓

Use additional sheets, if necessary.



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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	FRANKIE SCOTT	2515 Mt Zion Ln Road	919-910-5491		✓
2.	STEVE WATSON	2515 Mt Zion Ln Road	919-559-4773		
3.	KEITH HOLDER	2825 Mcdowell Ln	919-903-7004		
4.	SCOTT MASON	2505 Mount Zion Church	440-796-6791		✓
5.	2419 Holland St	370 M.T. Holland	919-362-6857		
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s):	See previous zoning application documentation
Applicant(s):	Peak Engineering & Design - Jeff Roach
Contact information (email/phone):	vaughnking5@gmail.com or jroach@peakengineering.com
Meeting Address:	227 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)
Date of meeting:	June 26, 2019
Time of meeting:	5:00

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

Question/Concern #1:

SEE ATTACHED MEETING REPORT

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

## SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s):	See previous zoning application documentation	
Applicant(s):	Peak Engineering & Design - Jeff Roach	
Contact information (email/phone):	vaughnking5@gmail.com or jroach@peakengineering.com	
Meeting Address:	227 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)	
Date of meeting:	June 26, 2019	Time of meeting: 5:00

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

The Mt. Zion Church Road zoning and Master Subdivision neighborhood meeting started at 5:00 pm with a brief introduction of Peak Engineering & Design, the project, the location, and general housekeeping items including the sign-in sheets and handouts. This was followed up by a discussion related to what zoning and Master Subdivision Plans are, the timing of the project, and what our role is for the project. This led into the presentation of the proposed Zoning (10 minutes) followed by discussions related to the Master Subdivision Plan (10 minutes). The floor was then opened up to questions and an open discussions with questions and answers with the group. Following are the questions and a summary of responses (some of the questions and responses were long-winded and therefore condensed for clarity/space):

1. What is the area labeled "Future Development" in the northern portion of the property?
  - A. This area is set aside for future roadway connections between properties north and south of the assembly. Final designation of this property will be coordinated with staff during the MSP process.
2. Will the trees in the buffers survive construction?
  - A. The project does not propose to remove trees within the buffers unless they are dead, dying, or diseased.
3. Can the product be single family homes instead of townhomes?
  - A. The developer/builder are looking for a townhome product in this location.
4. What do you mean by staff? Are you referring to Planning Department?
  - A. Planning, Engineering, Transportation, Public Works, Fire, and Building Inspections. These are the staff groups which attend the pre-application meetings.
5. How will the project deal with the increase in traffic?
  - A. The project proposed 65 lots or less. The project proposes to widen Mt. Zion Church Road to the Minor Collector Street standard per the adopted Apex Transportation Plan. The addition of 65 lots in this area is a minor addition to a location which is currently not experiencing heavy traffic congestion.
6. Have you ever tried to get out onto Mt. Zion Road because of the neighborhood traffic?
  - A. I have and did not have any issues. I believe there are times when traffic is heavier than normal, but to express concerns related to 65 homes on a Minor Collector (Mt. Zion Church Road) is not a heavy burden on the infrastructure.

7. Where is Friendship Station?
  - A. We showed the neighbors the location of Friendship Station on the exhibits.
8. There were comments related to the existing traffic on Richardson Road and Mt. Zion Church Road.
  - A. A question was not asked about traffic along the streets, more of a statement from the property owner related to the speed of traffic, people walking pets on Mt. Zion Church Road (on the street), and the nature of Mt. Zion Church Road today and in the future.
9. Can you change the access to the site?
  - A. The alignment of the main entrance to align with Medoc Mountain Point cannot change. The second point of access in the northern corner of the property will remain until future development extends the streets to align with Firenze Drive.
10. What does minor collector mean?
  - A. A minor collector is a street designation which specifies the street should expect more vehicles than neighborhood streets, have a slightly higher speed (possibly), and act as a funnel to the larger streets (larger streets being Major Collectors, Thoroughfares, and Interstates).
11. Is the Town of Apex proposing to take ownership of Mt. Zion Church Road from NCDOT?
  - A. That is unknown at this time. This project will be required to rezone and annex to the centerline of Mt. Zion Church Road. Maintenance of Mt. Zion Church Road in the future is unknown but the question will be asked to staff. Discussion was had concerning the 6 properties which front on Mt. Zion Church Road (2505 – 2515 Mt. Zion Church Road) and the maintenance of the minor collector.
12. What else can the property be zoned for in this area?
  - A. In general, the 2045 Land Use Map sets the future use as medium density residential. This would permit a Medium Density or PUD zoning with uses that include – but may not be limited to – single family homes, townhomes attached, townhomes detached, duplexes, family home care, church, day care, school public or private, greenway, active or passive parks, Recreation facility private (pool and clubhouse) uses.
13. Will there be apartments on the property?
  - A. No – apartments are not proposed here and the 2045 Land Use Map does not support.
14. Can you please explain Milano Avenue?
  - A. Milano Avenue is an east-west collector street that runs through Bella Casa north of this project. Mt. Zion Church Road currently extends north to Milano Avenue. Buckhorn Preserve – west of this project – is extending Milano Avenue to Richardson Road. The Town of Apex's Electrical Facility on Milano Avenue will make the final Milano Avenue connection to link up from Evans Road (east) to Richardson Road (west). Mt. Zion's connection to Milano will provide multiple options for vehicles in the area.
15. What is the width of the required frontage buffer along Mt. Zion Church Road?
  - A. Minimum buffer is 30' – and 30' is proposed (with a berm in certain areas).
16. What is the RCA? And where is it proposed?
  - A. Resource Conservation Area (RCA) as a townhome development is proposed at 25% per the UDO. Location of the RCA will be determined during the concept sketches and future MSP designs.

17. What is the maximum density for the area?
  - A. Maximum density is 6.0 units/acre per Medium Density on the 2045 Land Use Map. The project proposes 65 lots with an overall density ~5.80 units/acre.
18. How temporary is the temporary street?
  - A. This “temporary” street will be removed once the property to the north redevelops with an extension to Mt. Zion Church Road at Firenza Drive. The timing of the removal of the “temporary” drive is unknown as well.
19. Will the project be paying a fee in lieu for parks?
  - A. Most likely yes with the recent purchase of the ~23 acres on Olive Farm Road by the Town of Apex for a future park site. This project will be reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission prior to the zoning hearings.
20. On widening, will there be sidewalks?
  - A. Yes, sidewalk will be added on the west side of Mt. Zion Church Road for the project’s frontage.
21. Will there be sidewalks on the other (east) side of Mt. Zion Church Road?
  - A. No. Only installation on the west side or project frontage.
22. Will you extend the sidewalk to the Richardson Road/Mt. Zion Church Road intersection?
  - A. Sidewalk is currently not proposed to extend from the project to Richardson Road. We will discuss this option with the developer to see if this is something that can be done without creating conflict in the zoning or construction/right-of-way issues.
23. Will there be a berm along Mt. Zion Church Road?
  - A. We are evaluating the existing vegetation along Mt. Zion Church Road to determine if a berm can be installed without removing significant numbers of trees or large trees. In general, the project will provide some form of a berm along Mt. Zion Church Road where feasible.
24. Is there access to Richardson Road or Buckhorn Preserve for the driveway access?
  - A. The properties do not have access to Richardson Road and Buckhorn Preserve did not provide a stub street which would benefit these properties.
25. If a signal was installed at the Richardson Road/Mt. Zion Church Road intersection, would it work?
  - A. At this time, the area does not meet warrants for a traffic signal. It is impossible to determine when/if a signal would ever be warranted at this location. A signal is more likely to be approved at Richardson/Humie Olive with either the future school construction or with the Friendship Station construction.
26. Where will the kids go to school?
  - A. The closest schools are Friendship HS, Friendship MS, and Apex Elementary/Olive Chapel Elementary. With the new Friendship ES slated for construction, all three schools will serve this area. There are currently no caps on the Friendship schools but Wake County could adjust this in the future.
27. Will the rezoning de-value current homes?
  - A. We are not experts in the appraisal of homes. Other residential townhomes projects have not de-valued existing properties but that is something that is unknown to the engineer.

28. Why can't the Town of Apex stop townhomes?

A. Townhomes are currently a market-driven product which future homeowners are looking to purchase. There are single family homes, townhomes, apartments, and duplexes which provide living space – the market decides when there are too many of any one product.

29. Were you hired by the owner?

A. I have been retained by the developer to represent the property owners in the zoning and future design for the properties.

30. Who will the builder be? (One neighbor asked for it NOT to be a specific building – not to be named)

A. That is unknown.

31. Can the townhomes be limited to a 2 story homes?

A. We have limited the height of the townhomes to 42' which is the height needed for townhomes or single family homes to construction 2 stories (18" first floor rise, 2 floors, and roof pitch/storage areas).

32. Will you be responsible for landscaping?

A. The engineer/landscape architect will design the landscaping. The Developer will direct the design of the landscaping. The building will be responsible for the installation of the approved landscaping per plan.

33. Will this project have a higher quality landscaping?

A. The property owner recently purchased in Parkside at Bella Casa and did not have the quality landscaping which was expected. We have asked the homeowner to send pictures of "high quality" vs "low quality" landscaping to see what the concern is. We have agreed to larger buffers along Mt. Zion Church Road with a berm where possible, the frontage of the project will be establish for higher quality landscaping. This "higher quality" will be defined in conjunction with the property owners and designed during the Master Subdivision Plan process, not zoning.

34. Will there be a stop sign at access points or internal to the project?

A. Yes, a stop sign will be installed at the exits to Mt. Zion Church Road and there will be stop signs internal to the project.

35. Can one of the streets be moved?

A. During zoning, we do not provide street locations. During Master Subdivision Plan, we can adjust the layout to provide the best project possible while still meeting Town of Apex standards.

36. What is the point of this meeting?

A. This meeting is to explain the process, the project, and product while gathering information from residents which will see the development. The questions will be gathered, answers provided, and included in the zoning submittal for Planning Board and Town Council review during the zoning process.

37. Who determines the product?

A. The builders that are interested in the property and area will direct the development group to the product which the market is requesting in this area.

38. Who can I contact about the project? Town of Apex?

A. A list of Town of Apex contacts were provided at the meeting. Staff will know about the project but will not know details until after the July 1, 2019 zoning submittal.

39. Who approves rezoning?
- A. Town Council approves the zoning request.
40. Are you willing to pre-wire homes for solar power?
- A. Yes – that is a commitment in the PD Text for the project.
41. Will the electrical poles be effected by the widening on Mt. Zion Church Road?
- A. We do not know at this time. The hope is to avoid relocated any existing power poles.
42. When will the project begin?
- A. That is hard to tell with the zoning yet to be submitted. We will start the rezoning process on July 1, 2019 and follow the Town's guidelines for review through zoning, MSP, and Construction Documents.
43. How long to complete the project?
- A. From the initial zoning submittal to the start of construction is typically 15-18 months – but that time varies based upon review times or other administrative delays in the process.
44. Why are you putting forth the maximum density to benefit the development while only committing to the minimums for neighbors?
- A. The project is following the Town's requirements for items such as RCA, buffers, streets, density, etc. In a number of these items, we will exceed the Town's standards but will not confirm that until the project is in MSP and CD review.
45. What are the blue lines on the map?
- A. This is in reference to the cyan/blue line that was included on the meeting exhibits. This box was inadvertently left on the plan.
46. The way it is zoned, what could be developed on the property?
- A. Under the current RR zoning district, the properties would each be permitted to support one (1) single family home at this time.
47. What are the 5 lots included in the development?
- A. The maps were referenced to show the attendees the location of the 5 lots which are included in the current zoning/MSP request.
48. Where is the church?
- A. This is in reference to the Mount Zion Baptist Church at the corner of Mt. Zion Church Road and Richardson Road. The property was identified on the meeting exhibits.
49. Who would own the land on future development along the property to the north?
- A. That property will remain with the builder/developer to support future development connectivity west of this project.
50. What is to stop non-residents from jumping the fence at the Bella Casa Community pools?
- A. Nothing. There is nothing to stop residents from gaining access to the pools except signage, cameras, and police support.
51. How will non-Bella Casa residents be kept out of the Bella Casa pools?
- A. Lifeguards are on duty at the pools and it is their job – from other projects we deal with – to keep non-residents from using the pools.
52. What can stop someone from jumping in the surrounding ponds?
- A. Nothing. The property owner to the west has a large farm pond and is concerned. This is an issue that has come up in the past and requires parental control of future residents of the development.



53. Is there a BMP (SCM)?

A. Yes – an SCM is shown on the northern side of the property. The type, size, and design standards will meet Town of Apex requirements for this location and treatment standards.

54. Will there be irrigation on berms?

A. We have not committed to berms along Mt. Zion Church Road but are looking into options. If the existing vegetation is not well established, the developer will agree to the installation of a berm with landscaping for the 30' Mt. Zion Church Road frontage. If there are existing trees to be preserved, a berm will not be installed in those locations.

55. Can we make it a requirement to have a longer warranty on landscaping?

A. This is not a zoning condition as the installation of landscaping is always covered by a 1-year warranty for installation. If the developer lets the landscaping die, they will replant the dead vegetation 12-months later.

56. Where can I find the rezoning application once it is submitted?

A. On the Town's website under the "Interactive Development" tab will be a map. After the zoning package is submitted, the documents will be updated within a week or two.

57. Can the developers buy more land and move the temporary street to align with Firenza Drive?

A. The developer has looked at the N/F Dorothy Mae Richardson Heirs (part of the Charles Walden tracts) but is unable to determine if there is a clean chain of title to the property. A number of previous developers/builders have looked at the properties only to walk away without solving the chain of title issues.

58. Who were the planners at the pre submittal meeting?

A. Answered the question with Amanda Bunce, Lauren Staudenmaier, Sarah Rayfield, Shelly Mayo, and Liz Loftin. Planning Department contact is on the hand-out from the meeting.

59. Staff doesn't live here, poor planning in town.

A. No response except to say that development patterns in Apex were recently reviewed with Advance Apex, Bike Apex, and the 2045 Land Use Plan/Map update. Clarified that some of the staff lives in Apex and may or may not live in the Bella Casa/Buckhorn/Friendship area.

60. What does Apex do to bring in businesses?

A. Explained the role of the Economic Development Director and the Chamber of Commerce in attracting new non-residential and residential developments.

61. What is the approval rate for a project like this from Town Council?

A. If a project is going to be denied, it is usually pulled from the Council's agenda before public hearings. Denials at Town Council hearings are therefore limited based upon review by staff through the application process.

62. What is your success rate on rezonings with the Town of Apex?

A. We typically do not take projects to Town Council that don't make sense and do not have staff support. With that said, our success rate is high. But to follow that up, "we work our ass off to assure the project meets Town requirements, adopted plans, and will be a contributor to the existing neighborhoods."



63. Is the multi-colored part of the zoning map?

A. This is in reference to the 2045 LUM showing Friendship Station with 3 different land use options and the Christian Chapel Church property (Humie Olive Road at Richardson Road) shown as either Commercial Services or Medium Density Residential. Explain what the different colors on the 2045 LUM represent.

64. Where is the church?

A. The location of the church was identified on the maps.

65. Will a Target be coming to the area?

A. That is a question not related to this project but a Target in the Friendship area is unknown.

66. Is this the application you will be using, how do you answer the Legislative Consideration questions with a straight face? (Garrett Otten asked the question from the back of the room)

A. Although not aware of what application Mr. Otten had, the Legislative Considerations as not part of the PUD zoning application. It appears the application that Mr. Otten had was a different zoning application – not a PUD application. To respond to the questions from other zonings, this project meets the Legislative Considerations from the other zoning documents from the Town of Apex.

67. Is the project going to be part of the Bella Casa HOA? If not, can you remove Bella from the name?

A. We have removed “Townes at Bella” at this time. Final project name will be coordinated with the development and future building group.

68. Do churches have rights? Can the Town of Apex condemn the church?

A. This is in reference to the church at Mt. Zion and Richardson Road. Yes – the church has the same rights than any private property owner has to buy and sell, on not. The Town of Apex can use condemnation powers on any property owner but that is not in the discussions for the this project.

69. On the maps, what is the “PEAK” at the bottom of the sheets?

A. Engineering company that is working with the development team to entitle the project.

70. Who is the developer?

A. The development group is represented by Vaughn King – who was in attendance at the meeting.

71. Who is the builder?

A. A builder has not be selected for the project.

72. I thought Peak was a realty company?

A. Peak Engineering & Design is not a realty company (although there is a Peak Realty in Apex).

73. Have you approached the surround lots?

A. The developer has spoken to a number of property owners in the area. There are chain of title issues with some properties which have caused people to avoid the area.

74. What’s next?

A. Zoning submittal on July 1<sup>st</sup>. Review with staff with a Planning Board/Town Council public hearing in 3-4 months.

75. What is the timing of the council meeting?

A. Discussion insued related to the zoning submittal (July 1<sup>st</sup>) through a full project design which could take 15-18 months.

At the conclusion of the group meeting, the neighbors broke up into groups, some asking questions, some talking amongst themselves, and others leaving the meeting. There were a number of clarifications provided one-on-one but nothing more related to additional conditions or concerns about the project beyond what was asking during the larger group setting. The meeting wrapped up at 6:55 pm when all the neighbors left the Halle Cultural Arts Center.

# 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, Jonathan Edwards, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 227 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center) (location/address) on June 26, 2019 (date) from 5:00 (start time) to 7:00 (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.

June 27, 2019  
Date

By Jonathan Edwards

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 27 day of JUNE, 20 19.



Daniel H. Woods  
Notary Public  
DANIEL H. WOODS  
Print Name

My Commission Expires: 11/18/23

Project Identification and Legal Description

**Mt. Zion Church Road Assembly Property**

Apex, Buckhorn Township  
Wake County, North Carolina

The Mt. Zion Church Road Assembly Property is identified by the following owner names and Wake County GIS PIN #'s; N/F Lector Marie Atwater (PIN 0721-43-2558), N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5444), N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5322), N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-4156), N/F Lector Marie Atwater (PIN 0721-42-4940), located on the east side of Mt. Zion Church Road S.R. 1146.

The POINT OF BEGINNING is an existing point in the centerline of Mt. Zion Church Road S.R. 1146 in the northeastern corner of the property N/F Lector Marie Atwater (PIN 0721-43-2558) being the common property corner with N/F Uva Holland property (PIN 0721-43-1773);  
thence S 17°05'10" W for 126.21' along the centerline to an existing point at the corner of a shared property, said property being N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5444);  
thence S 17°05'10" W for 126.44' along the centerline to an existing point at the corner of a shared property, said property being N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5322);  
thence S 17°05'10" W for 126.74' along the centerline to an existing point at the corner of a shared property, said property being N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-4156);  
thence S 17°32'19" W for 37.67' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 16°50'50" W for 106.63' along the centerline to an existing point at the corner of a shared property, said property being N/F Lector Marie Atwater (PIN 0721-42-4940);  
thence S 17°21'16" W for 14.53' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 13°35'39" W for 24.45' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 12°11'19" W for 27.69' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 9°42'02" W for 25.70' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 5°58'28" W for 18.72' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 4°04'17" W for 21.04' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 0°03'44" W for 19.93' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 2°00'47" E for 17.34' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 3°01'51" E for 21.23' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 3°21'47" E for 8.69' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 3°21'56" E for 27.38' along the centerline of Mt. Zion Church Road S.R. 1146;

thence S 5°58'11" E for 33.30' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 5°24'23" E for 38.01' along the centerline of Mt. Zion Church Road S.R. 1146;  
thence S 7°49'41" E for 196.19' along the centerline to an existing point at the corner of a shared property, said property being N/F Uva Holland property (PIN 0721-42-5439);  
thence N 89°07'25" W for 245.17' along the shared property line, said property being N/F Uva Holland property (PIN 0721-42-5439) to a shared point with N/F Uva Holland property (PIN 0721-42-5439) and N/F Uva Holland property (PIN 0721-42-2742);  
thence N 27°29'51" W for 209.55' along the shared property line; said property being N/F Uva Holland property (PIN 0721-42-2742) to a shared point with N/F Curtis Richardson property (PIN 0721-43-0214);  
thence N 27°50'57" W for 224.50' along the shared property line; said property being N/F Uva Holland property (PIN 0721-42-2742) to a shared point with N/F Curtis Richardson property (PIN 0721-43-0214);  
thence N 1°46'58" E for 192.84' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared point with N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-4156);  
thence N 1°49'38" E for 149.07' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared;  
thence S 87°57'07" E for 117.90' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared point said property being N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5322);  
thence N 2°21'50" E for 122.20' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared point said property being N/F Jerome Kenneth Atwater Heirs (PIN 0721-43-5444);  
thence N 2°21'51" E for 122.05' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared point said property being N/F Lector Marie Atwater (PIN 0721-43-2558);  
thence N 88°04'20" W for 623.91' along the shared property line; said property being N/F Curtis Richardson property (PIN 0721-43-0214) to a shared point said property being N/F CalAtlantic Group Inc. (PIN 0721-33-6396);

thence N 2°26'52" E for 122.00' along the shared property line; said property being N/F CalAtlantic Group Inc. (PIN 0721-33-6396) to a shared point said property being N/F Uva Holland property (PIN 0721-43-1773);

thence S 88°04'22" E for 1059.89' along the common property line with N/F Uva Holland property (PIN 0721-43-1773) to a shared existing point in the centerline of Mt. Zion Church Road S.R. 1146, said point being the POINT OF BEGINNING.

Said property includes 492,224 square feet or 11.30 acres.

The property hereinabove described was acquired by the referencing Wake County GIS information.

# **Mt. ZION CHURCH ROAD ASSEMBLY**

**A PLANNED UNIT DEVELOPMENT**

**PD PLAN  
Rezoning Case #19CZ15**

**July 1, 2019  
Revised: August 9, 2019  
Revised: September 4, 2019**

**Project Contact:  
Vaughn King  
PO Box 1328  
Cary, NC 27512  
[vaughnking5@gmail.com](mailto:vaughnking5@gmail.com)**

**Civil Engineering & Land Planning:  
Jeff Roach, P.E.  
Peak Engineering & Design, PLLC**





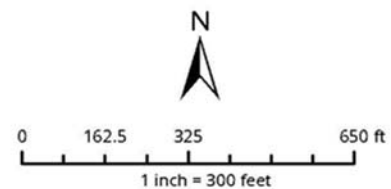
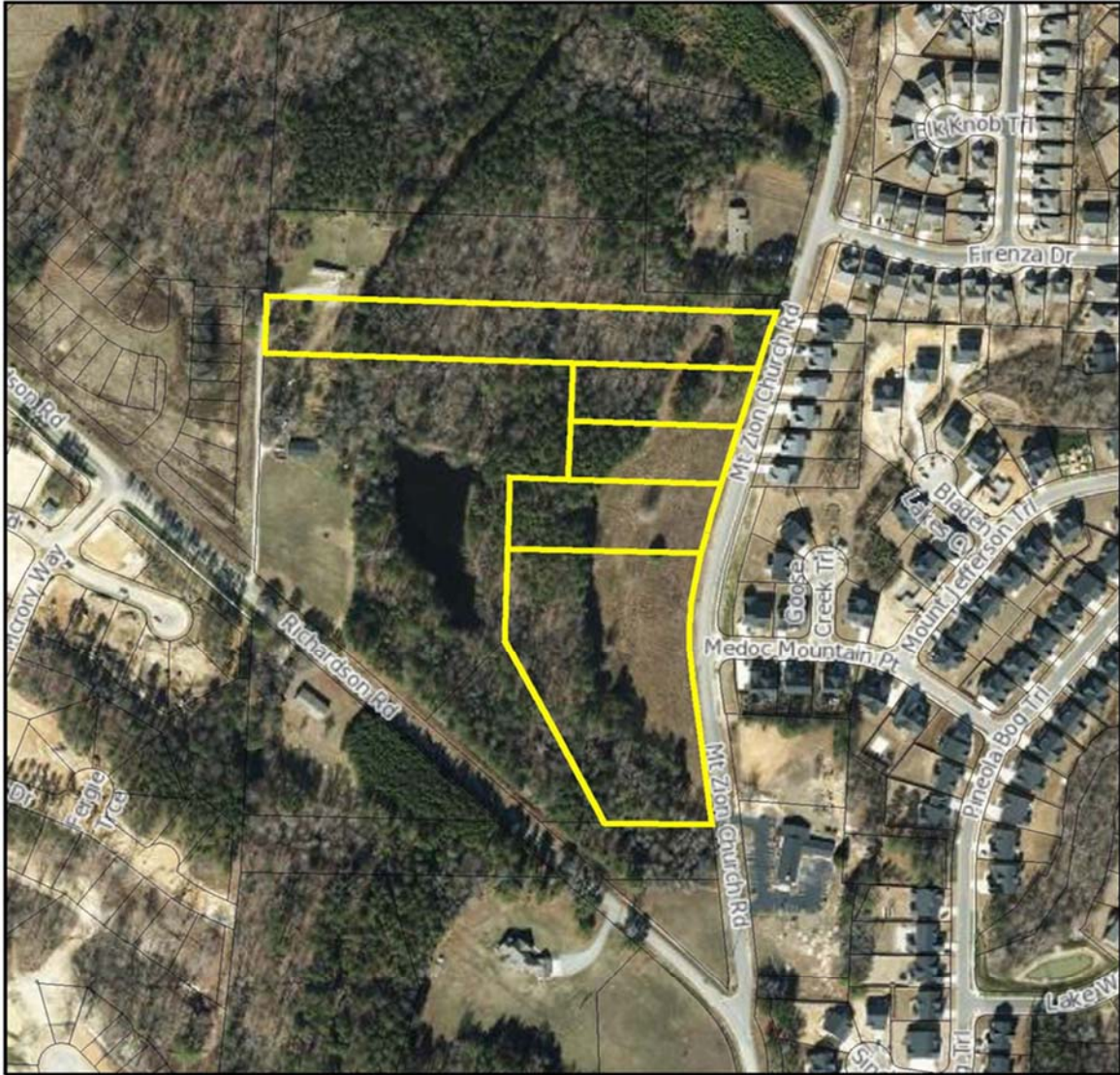
## **Table of Contents**

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Section 2:	Vicinity Map
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## **Exhibits**

## Section 2: Vicinity Map

Mt. Zion Church Road Assembly is a group of five (5) properties located along the western side of Mt. Zion Church Road; north of Richardson Road, south of Milano Avenue, directly east of Firenze Drive and Medoc Mountain Point. The property is bordered to the north and south by existing large lot residential properties; to the east by the Bella Casa subdivision; to the west is the Buckhorn Preserve subdivision (currently under construction).



### Section 3: Project Data

Project name: Name is TBD  
Mt. Zion Church Road Assembly - Planned Unit Development

#### Property Owners:

Lector Atwater 2504 Mt. Zion Church Road Apex, NC 27502 PIN 0721-43-2558 (2.97 acres)	Jerome Kenneth Atwater Heirs 2512 Mt. Zion Church Road Apex, NC 27502 PIN 0721-43-5322 (1.16 acres)
Jerome Kenneth Atwater Heirs 2508 Mt. Zion Church Road Apex, NC 27502 PIN 0721-43-3444 (1.16 acres)	Jerome Kenneth Atwater Heirs 2516 Mt. Zion Church Road Apex, NC 27502 PIN 0721-43-4156 (1.41 acres)
Lector Atwater 2600 Mt. Zion Church Road Apex, NC 27502 PIN 0721-42-4940 (4.6 acres)	

#### Project Contact:

Vaughn King  
PO Box 1328  
Cary, NC 27512  
(919) 376-5923  
[vaughnking@gmail.com](mailto:vaughnking@gmail.com)

#### Prepared by:

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

#### Zoning:

Existing Zoning: Rural Residential (RR)  
Proposed Zoning: Planned Unit Development – Conditional Zoning (PUD-CZ)

#### Land Use Map:

2045 Land Use Map Designation: Medium Density Residential  
Proposed Land Use: Medium Density Residential < 6 units/acre  
Total Project Area: 11.30 acres (per Wake County GIS & Deeds/Plats)

Legal descriptions for the properties being rezoned were assembled from available plats, deeds, and other Wake County GIS data. This information is public and provided within the zoning application packet.

#### **Section 4: Purpose Statement**

Mt. Zion Church Road Assembly is a proposed Planned Unit Development (PUD) located outside of the Apex corporate limits yet inside the ETJ. The project proposes:

- Sixty-five (65) townhouse lots or
- Forty-six (46) single-family residential lots currently

Prior to Construction Document approval, the properties will be annexed to obtain Town services. The PUD parameters are outlined per UDO Section 2.3.4(F)(1)(a)(i - vi) and answered in various locations within the PD Text document. Specifically, the PD Text and associated documents will:

- Permit uses which are compatible with the surround development pattern
- Permit uses which are compatible with Section 4.2.2 – Use Table of the UDO
- Offer additional residential options in western Apex
- Provide dimensional standards that are consistent with the UDO, and where modifications are required, said modifications will be included within the PD Text and subject to Town Council approval
- Provide a high quality residential development which is linked through a network of streets and pedestrian walkways which promote connectivity and a healthy lifestyle
- Provide high quality residential homes to enhance the value of surround properties.

All site-related standards of the PD Text and PUD documents are consistent with a Conditional Zoning (CZ) District as established by UDO section 2.3.3 – Conditional Zoning Districts. The proposed development is:

- consistent with the 2045 Land Use Map for use and density;
- assures the transition of uses from surrounding developments and vacant properties;
- vehicular connectivity is established for future developments; and
- pedestrian connectivity is provided or stubbed for future extensions.

The project is consistent with the Town's adopted development standards including the 2045 Land Use Map, Transportation Plan, Construction Specifications and Details, the Parks, Recreation, Greenways and Open Space Master Plan, and other adopted plans as coordinated with Town staff.

#### **Section 5: Permitted Uses**

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

- |                        |                                 |
|------------------------|---------------------------------|
| 1. Accessory apartment | 5. Recreation facility, private |
| 2. Single-family       | 6. Greenway                     |
| 3. Townhouse           | 7. Park, active                 |
| 4. Utility, minor      | 8. Park, passive                |

## Section 6: Description, Density and Dimensional Standards

The project will comply with the standards as established by UDO Section 5.1.3 or as noted within the PD Text for the project. The following dimensional standards are for the development of the property as **townhouses or single-family detached homes**:

### Townhouse Development Standards

Proposed maximum density:	5.80 units/acre (includes R/W, RCA, Open Space & lots)
Maximum number of lots:	65 lots
Maximum built-upon percentage:	70%
Minimum lot width:	20'
Minimum lot depth:	80'
Maximum building height:	45 feet

#### Building setbacks:

- |   |  |
|---|--|
| ○ Front setback: 10 feet from R/W   | ○ Side setback (end units): 3 feet min. (no aggregate between buildings) |
| ○ Garage setback: 20 feet from back of sidewalk, or back of curb where no sidewalk exists | ○ Side setback (central units): 0 feet                                   |
|   | ○ Rear setback: 10 feet  |

## OR

### Single-Family Development Standards

Proposed maximum density:	4.10 units/acre (includes R/W, RCA, open space & lots)
Maximum number of lots:	46 lots
Maximum built-upon percentage:	70%
Minimum lot width:	40'
Minimum lot depth:	90'
Minimum lot size:	4,000 SF
Maximum building height:	45 feet

#### Building setbacks:

- |   |  |
|---|--|
| ○ Front setback: 10 feet from R/W   | ○ Side setback: 3 feet min. (no aggregate) |
| ○ Garage setback: 20 feet from back of sidewalk, or back of curb where no sidewalk exists | ○ Side setback, corner: 10 feet            |
|   | ○ Rear setback: 10 feet                    |



## **Section 7: Architectural Standards**

### Townhouse standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. Front entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch.
6. The rear and side elevations of the units that can be seen from the right-of-way shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
7. A varied color palette shall be utilized on townhouses 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.
8. Minor elevation adjustments may be accommodated with staff approval.
9. Clipped dormers shall be limited to no more than 25% of the proposed townhouse building designs.
10. Building facades shall have horizontal relief achieved by the use of recesses and projections.
11. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
12. Side-entry, end-unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.
13. All townhouse residential units shall be pre-configured with conduit for a solar energy system.



Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door, unless they provide a first floor master bedroom. Zero-entry homes without the 20" rise are permitted if they provide the first floor master bedroom. Lots permitted as "zero-entry" shall be noted on the Final Plat.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. Front entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 6 feet from the front façade or front porch. Any homes where the front entry garage protrudes more than 1 foot from the front façade or front porch shall provide one of the following additional decorative elements:
  - Window
  - Bay window
  - Decorative gable
  - Decorative cornice
  - Columns
  - Portico
  - Balcony
  - Dormer
  - Trellis
  - Arbor
6. The rear and side elevations of the units that can be seen from the right-of-way shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 

• Windows	• Two or more	• Decorative gable
• Bay window	building materials	• Decorative cornice
• Recessed window	• Decorative	• Column
• Decorative window	brick/stone	• Portico
• Trim around the	• Decorative trim	• Balcony
windows	• Decorative shake	• Dormer
• Wrap around porch	• Decorative air vents	
or side porch	on gable	
7. 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.
8. Eaves shall project at least 12 inches from the wall of the structure.
9. Front porches shall be a minimum of 6 feet deep.
10. No more than 25% of the lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
11. All single-family detached residential homes shall be pre-configured with conduit for a solar energy system.

### **Section 8: Parking and Loading**

Parking will comply with the Town of Apex UDO Section 8.3 for the townhouse or single-family home development. Parking may be provided within an enclosed garage, within driveways, or on a designated parking pad. For residential driveways to count as required parking, they shall be a minimum of 12 feet wide and 20 feet long as measured from the back of the sidewalk or, where no sidewalk exists, the back of the curb. Cluster Box Unit or Mail Kiosk parking shall be calculated per UDO Section 8.3 standards and provided around the appropriate device

### **Section 9: Resource Conservation Area (RCA)**

The Mt. Zion Church Road Assembly is located south and/or west of Highway 540 and is therefore required to meet the standards of UDO Section 8.1.2 to preserve or establish a minimum of 25% Resource Conservation Area (RCA) for the project. If single-family residences are built, an additional 5% RCA will be required for mass grading. The project will protect perimeter buffers, environmentally sensitive areas, stream buffers, wetlands, and other locations where significant trees can provide wildlife habitat. The final RCA locations and acreage will be provided during the Master Subdivision Plan review.

### **Section 10: Landscaping**

Perimeter buffers shall be established or protected to preserve the nature of the surrounding properties. The following buffers shall apply to the project's perimeter:

Northern boundary (N/F Uva Holland):	10 foot Type 'B'
Southern Boundary (vacant):	10 foot Type 'B'
Western Boundary (vacant):	10 foot Type 'B'
Eastern Boundary (Minor Collector - Mt. Zion Church Road):	30 foot Type 'B'

Collector Street Buffers along Mt. Zion Church Road:

The UDO requires a 10 foot Type A buffer along a Minor Collector Road. The buffer width has been increased to provide a larger buffer while maintaining existing vegetation in the Type 'B' buffer standards.

Landscaping within the new lots, open space, SCMs, and along streets will comply with various UDO sections including Section 8.2 for buffers, building plantings, foundation plantings and tree preservation around the perimeter of the site and within stream buffers/environmentally sensitive site areas.

### **Section 11: Signage**

All signage will comply with the applicable standards and requirements of UDO Section 8.7. Signage for residential developments shall be coordinated with staff during the appropriate Master Subdivision Plan and/or Master Signage Plan approval.

## **Section 12: Public Facilities**

The project will extend existing public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications. Facilities include:

### Water:

Water will be provided by connecting to an existing Town of Apex water main in Mt. Zion Church Road and extended throughout the project. Town water will be stubbed to adjacent properties to future connectivity. The design team will coordinate with staff to locate and size the necessary extensions during the Master Subdivision and Construction Document review phases.

### Sanitary Sewer:

The existing sanitary sewer is located in Firenza Drive near the intersection with Mt. Zion Church Road. The project will evaluate the sewer connectivity for current and future development within the area for extensions as required per the UDO and Town Design Specification. The design shall be coordinated with Town of Apex staff during the Master Subdivision Plan and Construction Document phases.

### Streets:

The project proposes new connections to Mt. Zion Church Road per the pre-application meeting with staff. Based upon the final product selection, there will be one (1) or two (2) connections to Mt. Zion Church Road, based upon the total number of residential units developed. Per the UDO, two connections are required if more than 50 residential units are built. The development will also stub a number of residential streets to adjacent properties for future extensions. The final alignment of all internal streets shown within the Master Subdivision Plans will be coordinated with staff.

The development of more than fifty (50) lots will require a second point of access. The second point of access shall be located north, west, or south and will not be onto Mt. Zion Church Road from the current property assembly.

### Other Utilities:

Electric service shall be provided by the Town of Apex in conjunction with the appropriate staff. Gas, telephone, and cable shall be provided by the builder as coordinated with the appropriate utility companies.

#### Transportation:

Per UDO Section 13.19, a Traffic Impact Analysis (TIA) is not required as the project will generate less than 1,000 daily and/or 100 peak hour vehicle trips. Based upon discussions with staff, the project has agreed to construct the following roadway improvements. Said improvements will be coordinated with NCDOT as Mt. Zion Church Road is a State Maintained road at this time. Any deviation from Town of Apex Standards for the NCDOT roadway will be coordinated with Apex prior to installation.

#### Mt. Zion Church Road:

1. The Developer shall construct the full frontage improvements along Mt. Zion Church Road per the adopted Town of Apex Transportation Plan. Mt. Zion Church Road is identified as a two (2) lane Minor Collector Street and will be constructed to meet the Town's standards and specifications.

#### Mt. Zion Church Road at Site Drive #1 (intersection with Medoc Mountain Point)

1. The development shall construct single lane eastbound and westbound approaches with stop control from the development.

### **Section 13: Pedestrian Circulation System and Amenities**

Per UDO Section 2.3.4(F)(1), sidewalks shall be provided on both sides of all internal streets and along the frontage of any public roads which the development abuts. Per the Bike Apex Plan, a sidewalk is shown on the west side of Mt. Zion Church Road and will be installed in conjunction with the frontage improvements. Additional project amenities including open space, play lawns, greenway connections, and/or multi-use paths will be evaluated with staff to provide a walkable neighborhood

### **Section 14: Parks and Recreation**

Based upon the Bike Apex and the Parks, Recreation, Greenways, and Open Space Master Plan Map, greenways and parks are not identified on this property. On August 28, 2019, the Town of Apex Parks, Recreation and Cultural Resources Advisory Commission recommended with Parks & Recreation staff support, the acceptance of a fee in lieu of public land dedication for the project. The final fee in lieu amount will be confirmed during the Master Subdivision Plan review and approval through Technical Review Committee (TRC).

*Figure 1: Bike Apex and Advance Apex*

- Existing Sidewalks\*
- - - Proposed Sidewalks\*
- Existing Pedestrian/  
Vehicle Bridge
- Existing Pedestrian  
Underpass
- Existing Signalized  
Pedestrian Crossing
- Future Pedestrian Crossing
- Existing Greenway
- - - Proposed Greenway
- Existing Sidepath
- - - Proposed Sidepath
- - - Proposed Streetside Greenway
- Existing Bike Lanes
- - - Proposed Bike Lanes
- Proposed Paved Shoulders
- Proposed Bicycle Shared  
Lane Markings, "Bicycle May  
Use Full Lane" Signage &  
Speed Limit Reduction
- Private Greenway



## Section 15: Natural Resources and Environmental Protection

Mt. Zion Church Road is located within the Town's Primary Watershed Protection Overlay District. This area is currently located in Wake County and will be annexed into Apex to obtain public utilities and Town services. The area is currently undeveloped and has a number of creeks and streams containing stream buffers and other environmentally sensitive areas. No portion of the property is located within a Special Flood Hazard areas as identified by FEMA FIRM Maps 37200721000J dated May 2, 2006. No historical structures are identified within the property boundary pursuant to the North Carolina State Historic Preservation Office's website.

## Section 16: Stormwater Management

The project will contain a new Stormwater Control Measures (SCM) per Apex standards. The site is located within the Jordan Lake drainage basin and Apex's Primary Watershed Overlay District and is therefore required to meet applicable standards of UDO Section 6.1. The project will utilize approved structural devices (SCMs) to control stormwater and sediment laden runoff, including detention ponds, retention ponds, bioretention cells, wetlands, underground devices, or other State recognized SCMs. The design Engineer will provide SCM routing in conjunction with the Town of Apex Stormwater and Utility Engineering staff to ensure compliance with appropriate requirements.

### **Section 17: Phasing**

The project consists of residential units, streets, utility services, landscaping, stormwater controls, and other site design features. Phase I shall consist of up to 50 residential lots and will include all required improvements for those lots. If more than 50 residential lots are on the Master Subdivision Plan, a second phase will be required in order to provide a second point of access to the development. Phase II shall not be constructed until an additional road connection is made to the surrounding road network. Off-site roadway improvements shall be clearly delineated and identified for the construction during the Master Subdivision Plan and Construction Drawing review process.

### **Section 18: Plan Consistency**

The proposed zoning for the Mt. Zion Church Road Assemble complies with the 2045 Land Use Map designation for this area as a Medium Density Residential Development. The proposed project density does not exceed 6.0 units/acre. The project will meet the requirements of the Transportation Master Plan, Advance Apex, Bike Apex, the Parks, Recreation, Greenways, and Open Space Master Plan, along with other Town of Apex adopted plans which direct development, as amended from time-to-time.

*Figure 2: 2045 Land Use Map*



### **Section 19: Compliance with the Unified Development Ordinance**

Mt. Zion Church Road Assembly will comply with the relevant standards of the Town of Apex's Unified Development Ordinance and other development related standards. Any deviation from standards shall be approved by staff, Planning Board, or Town Council representatives throughout the zoning and design development processes as required.



## **EXHIBITS**

### **I. COVER SHEET (Sheet C000)**

The Cover Sheet contains contact information, vicinity map, site design guidelines, and required Town of Apex notes and descriptions.

### **II. EXISTING CONDITIONS (Sheet C001)**

The existing conditions plan includes the base site items, zoning of adjacent properties, boundary, environmental features, and existing conditions around the property.

### **III. EXISTING CONDITIONS – TOPO (Sheet C002)**

The existing conditions (topo) plan includes all items from the C001 sheet and adds the existing topography. The C002 sheet also reduces the scale to allow for a more detailed review.

### **IV. CONCEPTUAL SITE PLAN (Sheet C100)**

This sheet includes standard site notes, site infrastructure, vehicular connectivity locations, buffers, areas proposed for development, and preliminary RCA designed areas.

### **V. CONCEPTUAL UTILITY PLAN (Sheet C200)**

The Conceptual Utility Plan shows the preliminary location for connection to existing water, sewer, and stormwater as well as the existing infrastructure for said services. The final design will be completed to the Apex standards at the time of Master Subdivision submittal.

Townhouse and Single-Family Home Color Palette (Sherwin Williams)  
Color selection shall generally be consistent and similar to the colors shown below.

Primary Colors



Accent Colors

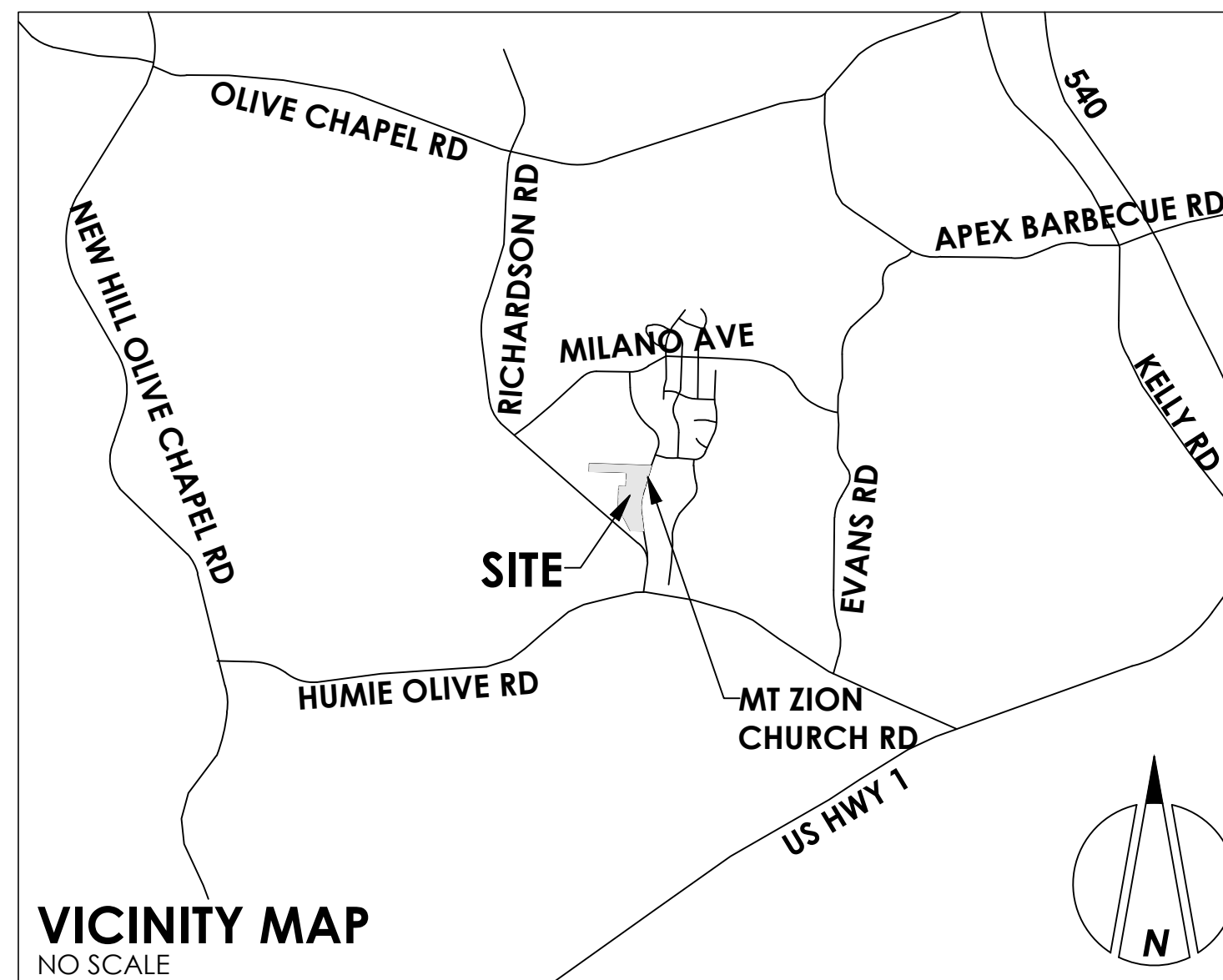


White may also be used as a primary, trim, or accent color with any palette variations



# PLANNED UNIT DEVELOPMENT MT. ZION CHURCH ROAD ASSEMBLY

2600 MT. ZION ROAD  
APEX, NORTH CAROLINA  
PROJECT NUMBER: 190202  
DATE: JULY 1, 2019



VICINITY MAP  
NO SCALE



AERIAL MAP  
NO SCALE

## INDEX OF DRAWINGS:

- C000 COVER SHEET
- C001 EXISTING CONDITIONS
- C002 EXISTING CONDITIONS WITH TOPO
- C100 CONCEPTUAL SITE PLAN
- C200 CONCEPTUAL UTILITY PLAN

## PARKS AND RECREATION SITE DATA TABLE:

DATE REVIEWED BY PRCR ADVISORY COMMISSION: AUGUST 28, 2019

FEE-IN-LIEU:  
SINGLE-FAMILY DETACHED UNITS - \$3,395.67 / UNIT  
SINGLE-FAMILY ATTACHED UNITS - \$2,273.79 / UNIT  
MULTI-FAMILY UNITS - \$2,002.00 / UNIT

TOTAL FEE-IN-LIEU: TBD DURING FINAL MASTER SUBDIVISION PLAN REVIEW  
ACRES OF LAND DEDICATION: 0.0 ACRES  
PUBLIC GREENWAY TRAIL CONSTRUCTION ☐ YES ☒ NO

The Parks, Recreation, and Cultural Resources Advisory Commission recommended a fee-in-lieu of land dedication for the project at their August 28, 2019 meeting.

## SITE INFORMATION:

Property Owner/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
Lector Atwater 2504 Mt. Zion Church Road Apex, NC 27502	0721-43-2558	0002622	072103	2.97	DB 1758 PG 00143
Jerome Kenneth Atwater Heirs 2508 Mt. Zion Church Road Apex, NC 27502	0721-43-3444	0150542	072103	1.16	DB - PG -
Jerome Kenneth Atwater Heirs 2512 Mt. Zion Church Road Apex, NC 27502	0721-43-5322	0059759	072103	1.16	DB - PG -
Jerome Kenneth Atwater Heirs 2516 Mt. Zion Church Road Apex, NC 27502	0721-43-4156	0149562	072103	1.41	DB - PG -
Lector Atwater 2600 Mt. Zion Church Road Apex, NC 27502	0721-42-4940	0149560	072103	4.6	DB 3621 PG 855

Total Deeded Acreage: 11.30 acres

Each existing property owns to the centerline of Mt. Zion Church Road

Zoning:	PUD-CZ (Planned Unit Development - Conditional Zoning)
2045 Land Use Map:	Medium Density Residential
Existing Use:	Vacant & Single Family Residential
Proposed Uses:	Attached Townhouses or Single-Family Detached
Township:	Buckhorn
Flood Zone Information:	Firm Panel 3720072100J dated May 2, 2006 does not show the presence of flood zones on properties.
Watershed Information:	Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin.
Historical:	Per the NC SHPO, no historical structures are located within the project boundary.
Annexation:	Project will be annexed prior to Construction Document approval

### Townhouse Development Standards

- Proposed maximum density: 5.80 units/acre (includes R/W, RCA, Open Space & lots)
  - Maximum number of lots: 65 lots
  - Maximum built-upon percentage: 70%
  - Minimum lot width: 20'
  - Minimum lot depth: 80'
  - Maximum building height: 45 feet
- Building setbacks:
- Front setback: 10 feet from R/W
  - Garage setback: 20 feet from back of sidewalk, or back of curb where no sidewalk exists
  - Side setback (end units): 3 feet min. (8' minimum aggregate between buildings)
  - Side setback (central units): 0 feet
  - Rear setback: 10 feet

Or

### Single Family Development Standards

- Proposed maximum density: 4.10 units/acre (includes R/W, RCA, open space & lots)
  - Maximum number of lots: 46 lots
  - Maximum built-upon percentage: 70%
  - Minimum lot width: 40'
  - Minimum lot depth: 90'
  - Minimum lot size: 4,000 SF
  - Maximum building height: 45 feet
- Building setbacks:
- Front setback: 10 feet from R/W
  - Garage setback: 20 feet from back of sidewalk, or back of curb where no sidewalk exists
  - Side setback: 3 feet min. (no aggregate)
  - Side setback, corner: 10 feet
  - Rear setback: 10 feet

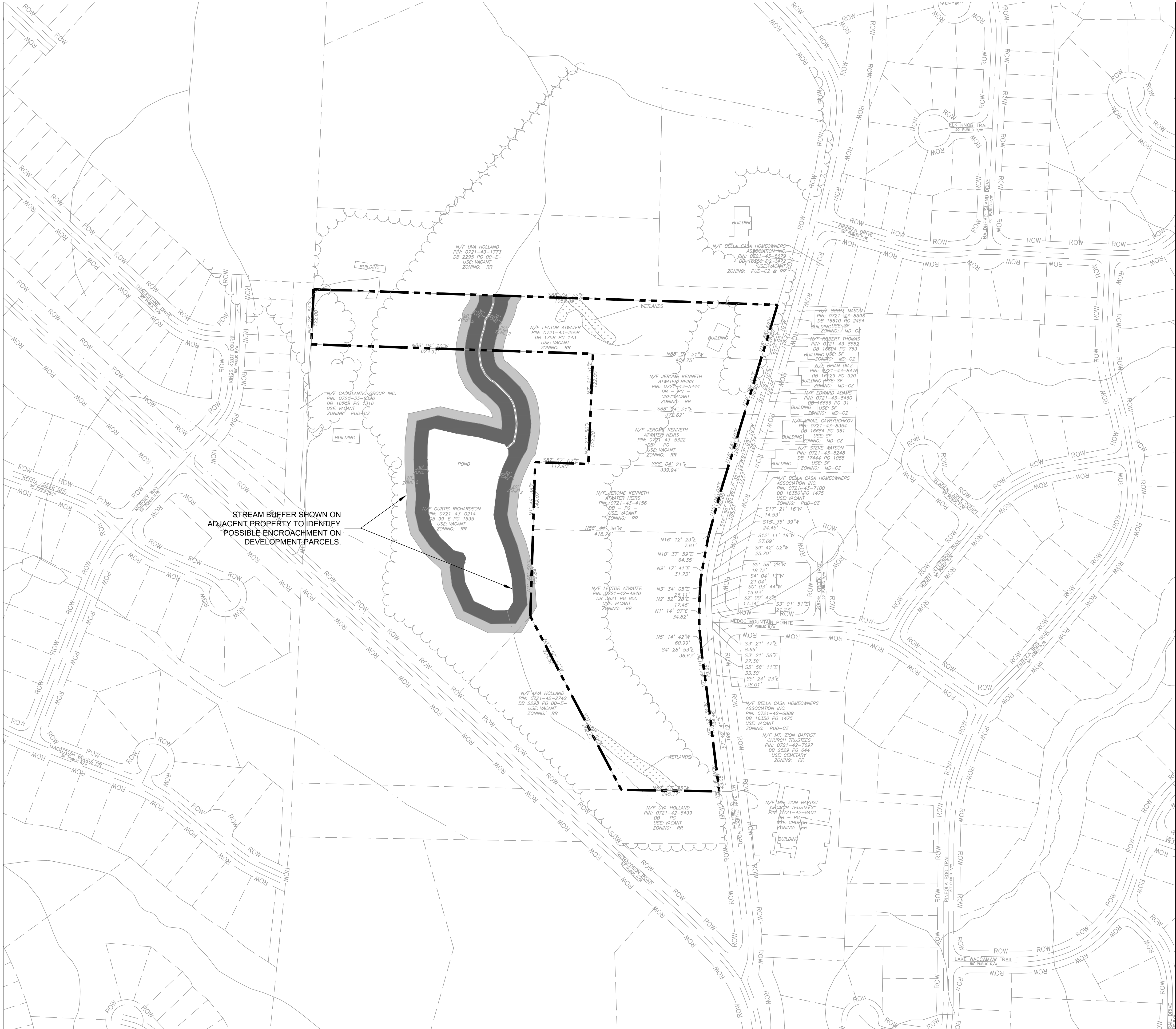
DEVELOPER/OWNER  
**VAUGHN KING**  
PO BOX 1328  
CARY, NC 27512  
E: VAUGHNKING5@GMAIL.COM

ENGINEER/LAND PLANNER  
**PEAK ENGINEERING & DESIGN, PLLC**  
JEFF ROACH, P.E.  
1125 APEX PEAKWAY  
APEX, NC 27502  
Phone (919) 439-0100  
www.PeakEngineering.com

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RALEIGH, NC 27615  
Phone (919) 846-5900  
www.SandEC.com

NO.	DATE	REVISION
1	August 13, 2019	Added 100' from Back of Sidewalk
2	September 5, 2019	Added 100' from Back of Sidewalk





- NOTES:
1. THERE ARE NO CONTRIBUTING HISTORICAL STRUCTURES WITHIN THE PROJECT BOUNDARY.
  2. SUBJECT PROPERTIES KNOWN AS PARCEL IDENTIFICATION NUMBERS (PINS): AS SHOWN ON SHEET C000.
  3. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
  4. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPOUNDMENT UPON TOWN OF APEX PUBLIC UTILITY EASEMENTS, PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, DECKS, GARAGES, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL MECHANISMS/APURTENANCES AND FENCES. UPON PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DEPARTMENT, FENCES MAY PERMITTED ACROSS EASEMENTS, PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
  5. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT.
  6. ANY AND ALL STREET SIGNS SHALL ONLY BE PROVIDED AND INSTALLED BY THE TOWN OF APEX.
  7. FIRM PANEL 3720072100J EFFECTIVE 5-2-2006 DOES NOT SHOW THE PRESENCE OF FLOOD ZONES ON PROPERTIES.
  8. WATERSHED INFORMATION: PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, BEAVER CREEK BASIN, CAPE FEAR RIVER BASIN.

BOUNDARY INFORMATION OBTAINED FROM WAKE COUNTY GIS, DEED AND PLAT DESCRIPTIONS, APEX LIDAR, AND OTHER AVAILABLE DATA SOURCES. FINAL BOUNDARY AND SURVEY DOCUMENTS WILL BE PROVIDED DURING THE MASTER SUBDIVISION PLAN DESIGN PHASE OF THE DEVELOPMENT.

STREAM BUFFERS

30' ZONE 1 BUFFER

20' ZONE 2 BUFFER

WETLANDS

PROJECT PERIMETER BOUNDARY

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, AND WAKE COUNTY SOILS SURVEY. A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.

N

NAD 83

050100200

SCALE: 1" = 100'

1

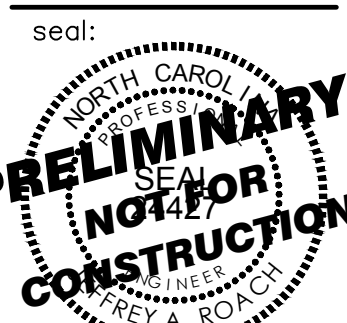
C001

EXISTING CONDITIONS

SCALE: 1" = 100'

NC License #P-0673

project:  
MT. ZION CHURCH ROAD ASSEMBLY  
2600 MT. ZION CHURCH ROAD  
BUCKHORN TOWNSHIP  
APEX, NORTH CAROLINA 27502



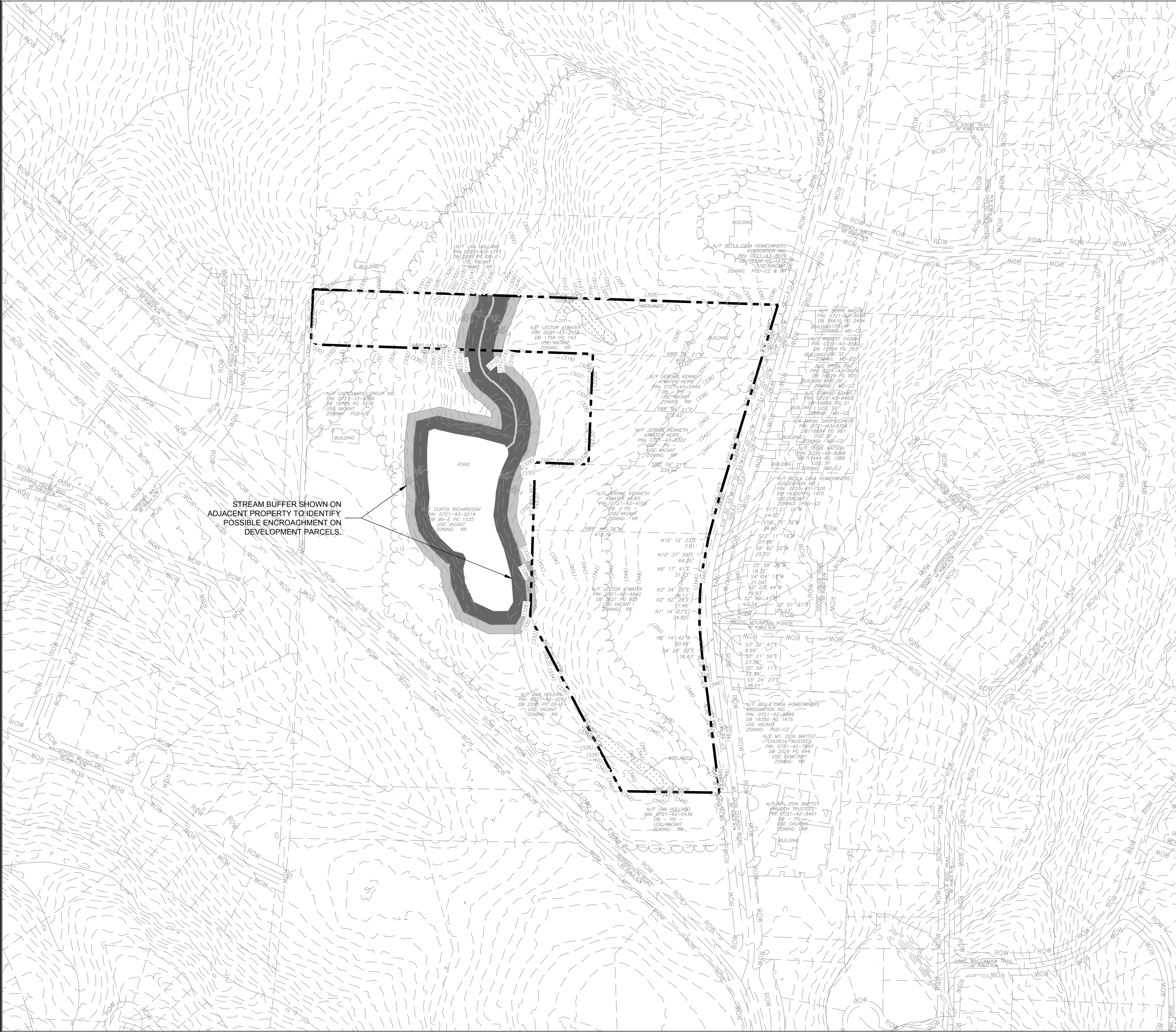
NO.		DATE	BY
1	August 8, 2019	Mark 182 From Review Comments	JE
2	September 5, 2019	Mark 182 From Review Comments	JE

title:  
EXISTING CONDITIONS

proj #:  
190202  
date:  
July 1, 2019  
dwg by: chkd by:  
JE JR  
scale:  
As Noted  
sheet:

C001  
Planned Unit Development





- NOTES:
1. THERE ARE NO CONTRIBUTING HISTORICAL STRUCTURES WITHIN THE PROJECT BOUNDARY.
  2. SUBJECT PROPERTIES KNOWN AS PARCEL IDENTIFICATION NUMBERS (PINS): AS SHOWN ON SHEET C000.
  3. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
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  8. WATERSHED INFORMATION: PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, BEAVER CREEK BASIN, CAPE FEAR RIVER BASIN.

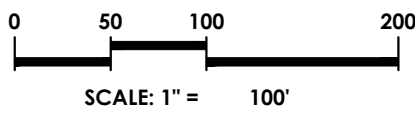
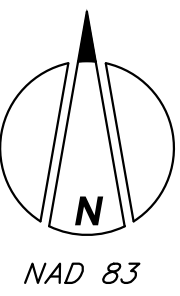
BOUNDARY INFORMATION OBTAINED FROM WAKE COUNTY GIS, DEED AND PLAT DESCRIPTIONS, APEX LIDAR, AND OTHER AVAILABLE DATA SOURCES. FINAL BOUNDARY AND SURVEY DOCUMENTS WILL BE PROVIDED DURING THE MASTER SUBDIVISION PLAN DESIGN PHASE OF THE DEVELOPMENT.

STREAM BUFFERS

- 30' ZONE 1 BUFFER
- 20' ZONE 2 BUFFER
- WETLANDS

PROJECT PERIMETER BOUNDARY

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, AND WAKE COUNTY SOILS SURVEY. A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.



1 EXISTING CONDITIONS WITH TOPO  
C002 SCALE: 1"= 100'

NC License #P-0673

project:  
**MT. ZION CHURCH ROAD ASSEMBLY**  
2600 MT. ZION CHURCH ROAD  
BUCKHORN TOWNSHIP  
APEX, NORTH CAROLINA 27502

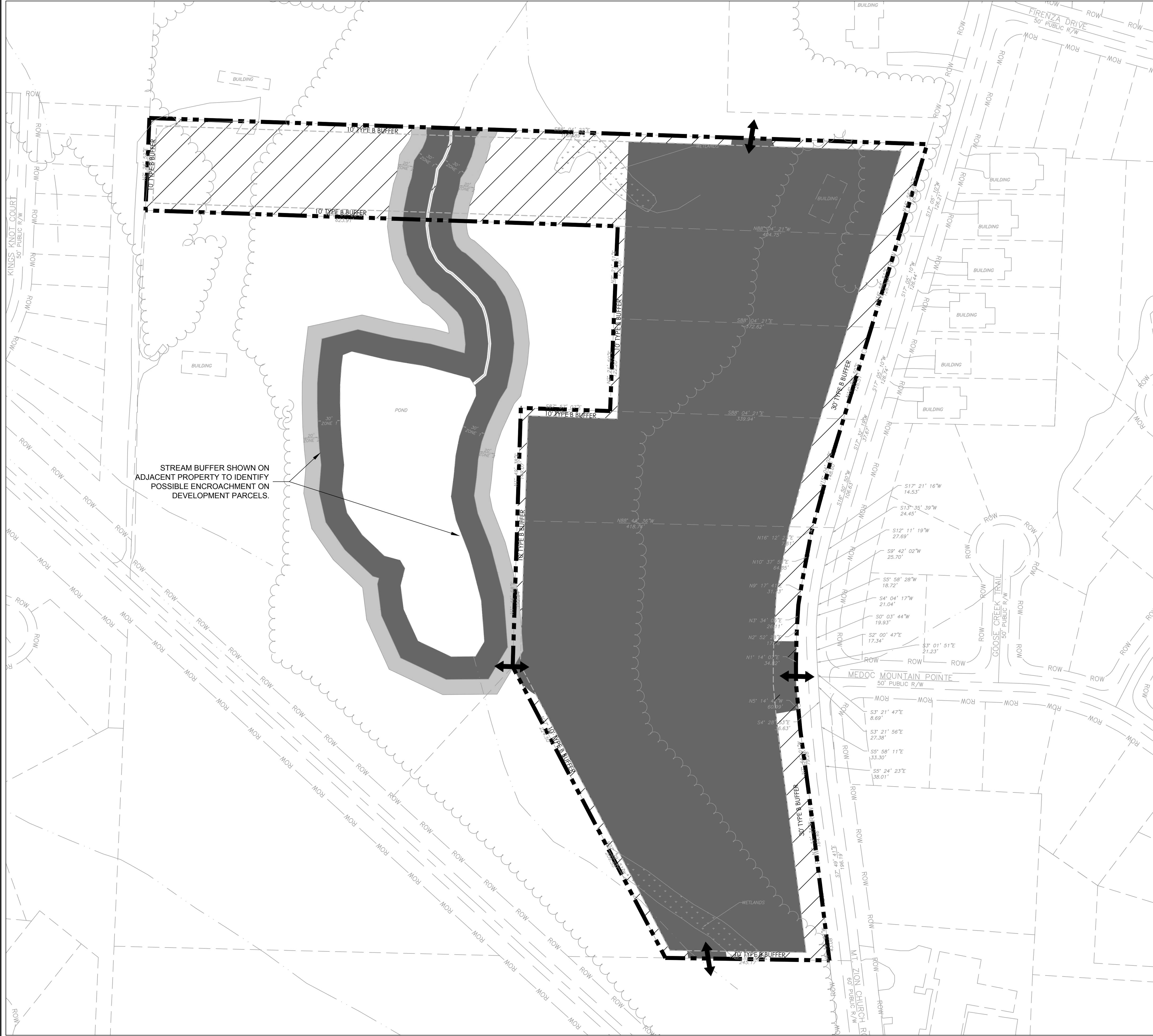
seal:  
**PRELIMINARY**  
NOT FOR  
CONSTRUCTION

NO.	DATE	REVISION
1	August 8, 2019	Issue 100 From Review Comments
2	September 5, 2019	Issue 100 From Review Comments

title:  
**EXISTING  
CONDITIONS  
WITH TOPO**

proj #:  
**190202**  
date:  
**July 1, 2019**  
dwg by: chkd by:  
**JE JR**  
scale:  
**As Noted**  
sheet:  
**C002**  
Planned Unit  
Development





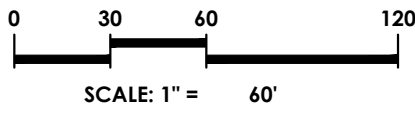
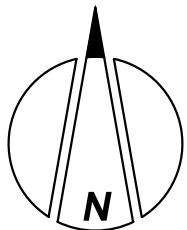
- PRELIMINARY RESOURCE CONSERVATION AREA
- PRELIMINARY DEVELOPMENT AREA
- PRELIMINARY STREET CONNECTIONS

- STREAM BUFFERS
- 30' ZONE 1 BUFFER
- 20' ZONE 2 BUFFER
- WETLANDS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

PROJECT PERIMETER BOUNDARY

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING AND WAKE COUNTY SOILS SURVEY. A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.



1  
C100

CONCEPTUAL SITE PLAN

SCALE: 1"= 60'



NC License #P-0673

project:  
MT. ZION CHURCH ROAD ASSEMBLY  
2600 MT. ZION CHURCH ROAD  
BUCKHORN TOWNSHIP  
APEX, NORTH CAROLINA 27502

seal:



No.	DATE	REVISION
1	August 13, 2019	Issue 100 Final Review Comments
2	September 5, 2019	Issue 100 Final Review Comments

title:  
CONCEPTUAL SITE PLAN

proj #:  
190202

date:  
July 1, 2019

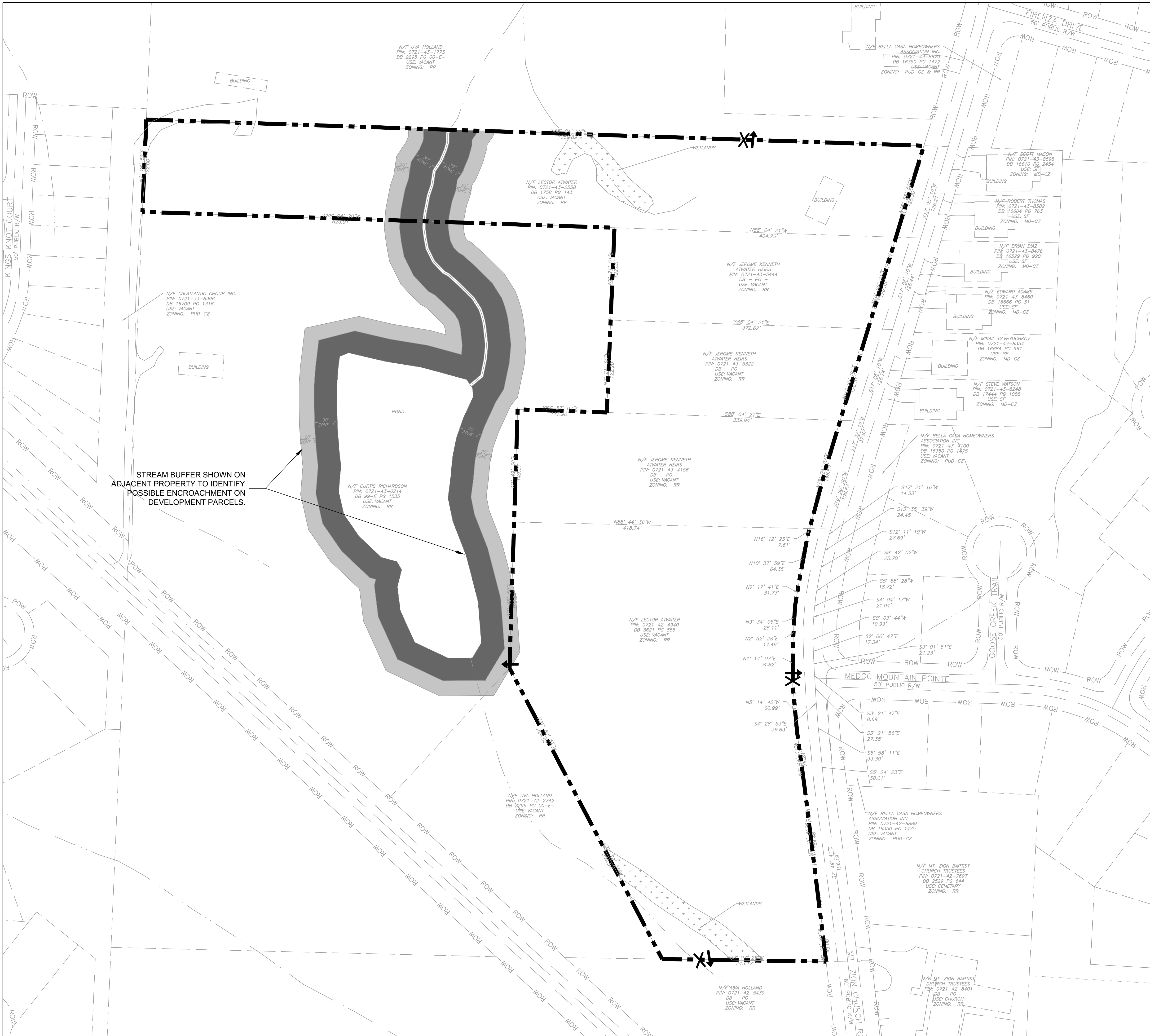
dwg by: JE  
chkd by: JR

scale:  
As Noted

sheet:

C100  
Planned Unit Development





- NOTES:
1. THE PROJECT IS REQUEST FULL TOWN OF APEX UTILITIES, INCLUDING WATER, SEWER AND ELECTRICAL SERVICES. THE FINAL LOCATION AND TIMING OF THE REFERENCED SERVICES SHALL BE COORDINATED WITH TOWN STAFF.
  2. THE PROJECT IS NOT PROPOSING PRIVATE SEWAGE DISPOSAL.
  3. THE LOCATION OF LOTS, STREETS, OPEN SPACE, RESOURCE CONSERVATION AREAS, STORMWATER CONTROLS, AND OTHER SITE IMPROVEMENTS ARE ILLUSTRATIVE ONLY AND WILL BE COORDINATED WITH STAFF DURING THE MASTER SUBDIVISION PLAN REVIEW PROCESS.
  4. THE PROJECT WILL COMPLY WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS AS OUTLINED WITHIN THE DESIGN AND DEVELOPMENT MANUAL, THE REZONING PD TEXT, AND UNIFIED DEVELOPMENT ORDINANCE (UDO).

- ↑ PROPOSED WATER CONNECTION
- ✕ PROPOSED SEWER CONNECTION

STREAM BUFFERS

- 30' ZONE 1 BUFFER
- 20' ZONE 2 BUFFER
- WETLANDS

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, WAKE COUNTY SOILS SURVEY A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED AND PROVIDED TO STAFF FOR APPROVAL CONCURRENCE.

PROJECT PERIMETER BOUNDARY

NAD 83

0 30 60 120  
SCALE: 1" = 60'

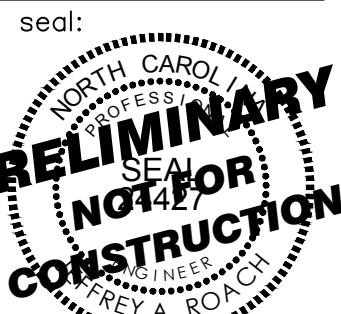
1  
C200

CONCEPTUAL UTILITY PLAN  
SCALE: 1" = 60'



NC License #P-0673

project:  
**MT. ZION CHURCH ROAD ASSEMBLY**  
2600 MT. ZION CHURCH ROAD  
BUCKHORN TOWNSHIP  
APEX, NORTH CAROLINA 27502



NO.	DATE	REVISION
1	August 13, 2019	Issue 100 Final Review Comments
2	September 5, 2019	Issue 100 Final Review Comments

title:  
**CONCEPTUAL UTILITY PLAN**

proj #:  
**190202**

date:  
**July 1, 2019**

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

scale:  
**As Noted**

sheet:



Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. A maximum of 100% of the single-family detached residential units may be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. Front entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 6 feet from the front façade or front porch. Any homes where the front entry garage protrudes more than 1 foot from the front façade or front porch shall provide one of the following additional decorative elements:
  - Window
  - Bay window
  - Decorative gable
  - Decorative cornice
  - Columns
  - Portico
  - Balcony
  - Dormer
  - Trellis
  - Arbor
7. The rear and side elevations of the units that can be seen from the right-of-way shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Two or more	• Decorative gable
• Bay window	building materials	• Decorative cornice
• Recessed window	• Decorative	• Column
• Decorative window	brick/stone	• Portico
• Trim around the	• Decorative trim	• Balcony
windows	• Decorative shake	• Dormer
• Wrap around porch	• Decorative air vents	
or side porch	on gable	
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Front porches shall be a minimum of 6 feet deep.
11. No more than 25% of the lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
12. All single-family detached residential homes shall be pre-configured with conduit for a solar energy system.

## Townhouse and Single-Family Home Color Palette (Sherwin Williams)

Color selection shall generally be consistent and similar to the colors shown below.

### Primary Colors



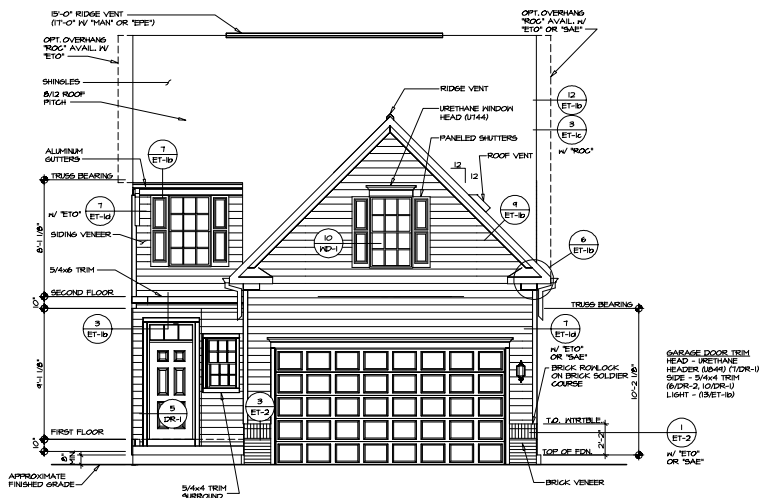
### Accent Colors



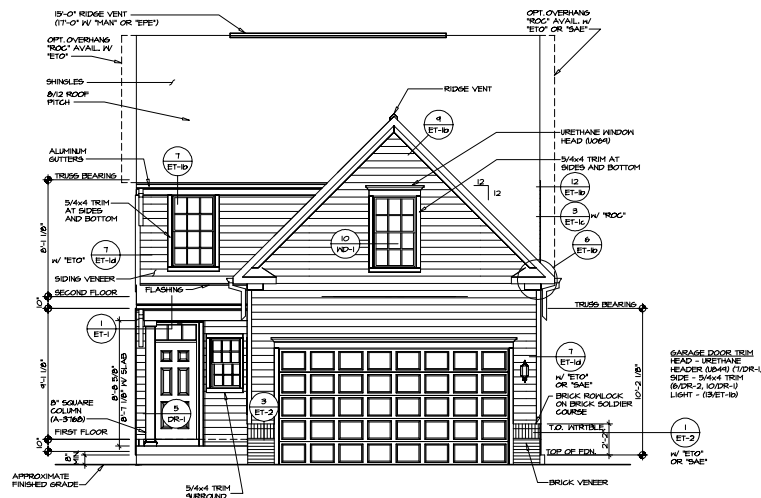
### ACCENT

White may also be used as a primary, trim, or accent color with any palette variations

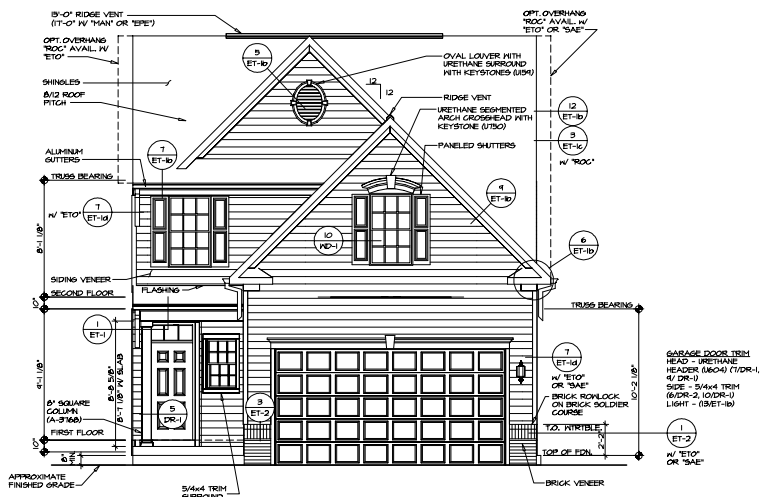




1 FRONT ELEVATION "A"  
SCALE: 1/4" = 1'-0"



2 FRONT ELEVATION "B"  
SCALE: 1/4" = 1'-0"



3 FRONT ELEVATION "C"  
SCALE: 1/4" = 1'-0"

The garage cannot protrude more than 6' in front of the porch or front facade. Building elevations are required to meet Architectural conditions per the zoning commitments.

These drawings were prepared by NVR, Inc. for the purpose of illustrating the proposed design. They are not to be used for construction without the approval of NVR, Inc.



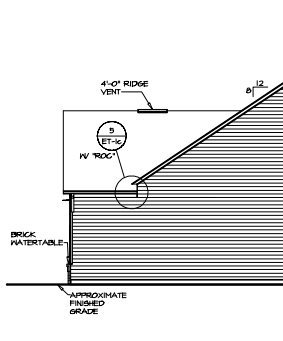
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OWNER	ALBERT	DESIGNED BY	NY
PROJECT TITLE	FRONT ELEVATION	DATE	11/6/2017
BY	ALBERT	DATE	11/6/2017
CHECKED BY	ALBERT	DATE	11/6/2017
APPROVED BY	ALBERT	DATE	11/6/2017
SCALE	1/4" = 1'-0"	DATE	11/6/2017
PROJECT NO.	4	DATE	11/6/2017



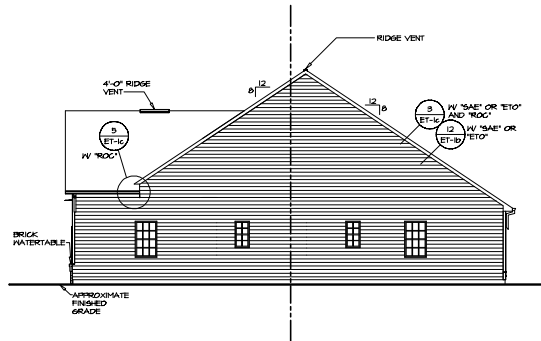
The garage cannot protrude more than 6' in front of the porch or front facade. Building elevations are required to meet Architectural conditions per the zoning commitments.

**NOTE:**  
GARAGE DOOR GLASS  
DESIGN MAY VARY BY  
MANUFACTURER

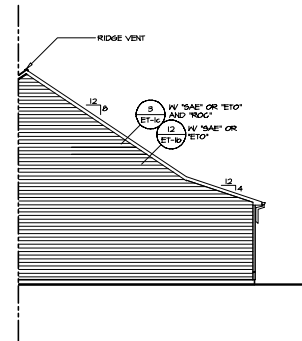
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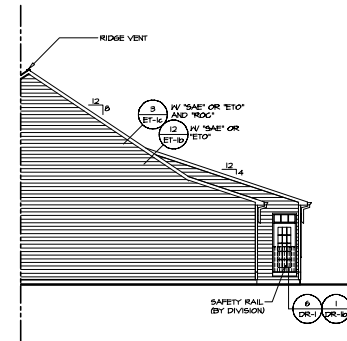
7 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
ELEVATION B TELB



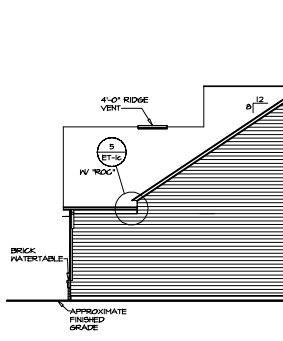
1 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. WINDOWS END UNIT SIDE TELC



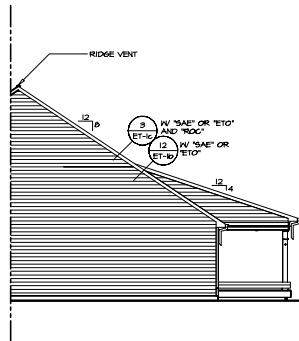
2 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. LUXURY OWNER'S SUITE TELB



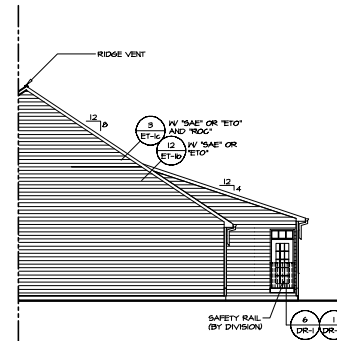
3 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. SUNROOM TELB  
OPT. LUXURY OWNER'S SUITE TELB



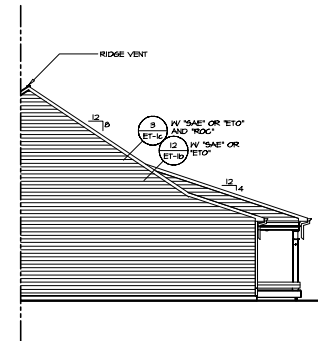
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SCALE: 1/8" = 1'-0"  
ELEVATION C TELC



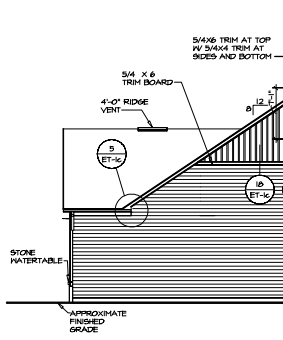
4 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. COVERED PORCH TELB



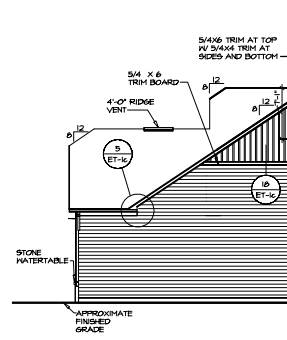
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SCALE: 1/8" = 1'-0"  
OPT. SUNROOM TELB



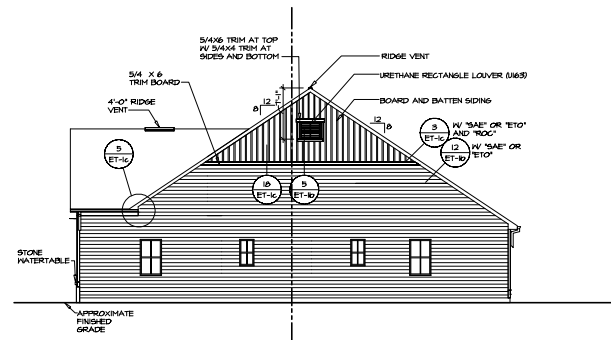
6 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. COVERED PORCH TELB  
OPT. LUXURY OWNER'S SUITE TELB



9 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
ELEVATION L TELL



10 PARTIAL RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
ELEVATION H TELH



11 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
OPT. WINDOWS END UNIT SIDE TELC

REV.	NO.	DATE	REMARKS

1. This set of drawings is prepared for the use of the owner and is not to be used for any other purpose without the written consent of NVR, Inc.



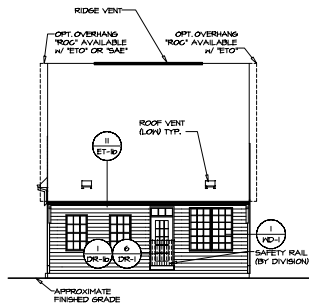
SET NO. 01/00	OWNER'S NAME	SET NO. 01/00
DATE: 11/6/2017	DATE: 11/6/2017	DATE: 11/6/2017
BY: J. ALBERT	BY: J. ALBERT	BY: J. ALBERT
RIGHT SIDE ELEVATION	RIGHT SIDE ELEVATION	RIGHT SIDE ELEVATION
END UNIT	END UNIT	END UNIT
ONE UNIT BUILDING	ONE UNIT BUILDING	ONE UNIT BUILDING
6	6	6



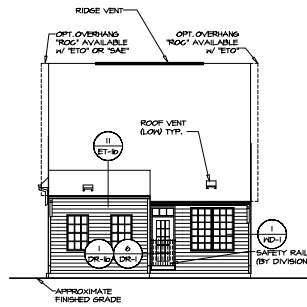


The garage cannot protrude more than 6' in front of the porch or front facade. Building elevations are required to meet Architectural conditions per the zoning commitments.

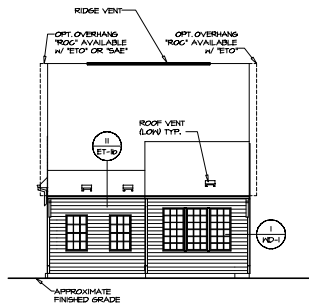
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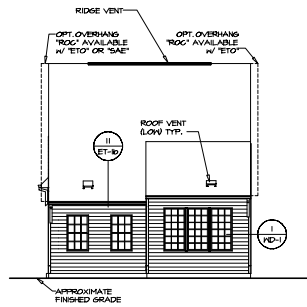
1  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



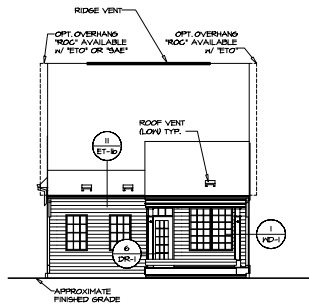
2  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. LUXURY OWNER'S SUITE 'TBL'



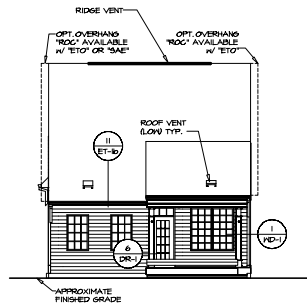
3  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. SUNROOM 'TAN' IN OPT. LUXURY OWNER'S SUITE 'TBL'



4  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. SUNROOM 'TAN'



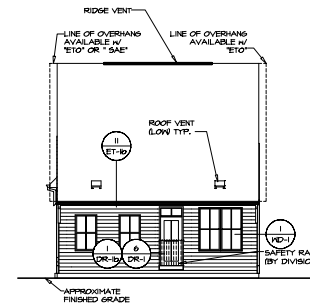
5  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. COVERED PORCH 'TBL' IN OPT. LUXURY OWNER'S SUITE 'TBL'



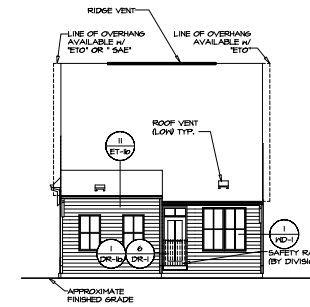
6  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. COVERED PORCH 'TBL'

SHOWN IN  
ELEVATION  
'A-26' 1'-0"

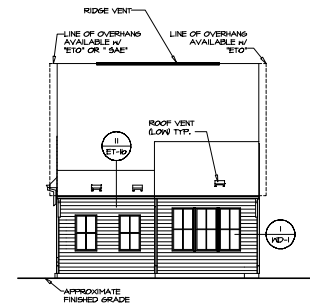
SHOWN IN  
ELEVATION  
'A-26' 1'-0"



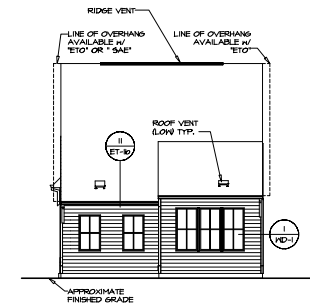
7  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



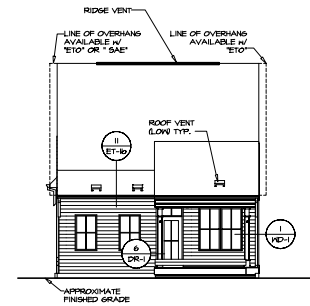
8  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. LUXURY OWNER'S SUITE 'TBL'



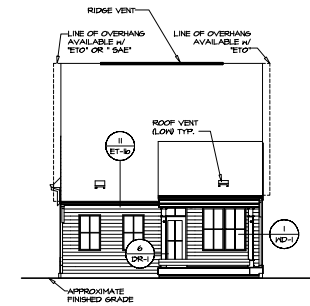
9  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. SUNROOM 'TAN' IN OPT. LUXURY OWNER'S SUITE 'TBL'



10  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. SUNROOM 'TAN'



11  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. COVERED PORCH 'TBL' IN OPT. LUXURY OWNER'S SUITE 'TBL'



12  
A-26  
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0" OPT. COVERED PORCH 'TBL'

REMARKS

REV. NO.

DATE

1. The owner, architect, engineer, contractor, and other parties to this contract are responsible for the accuracy of the information provided to the architect. The architect is not responsible for the accuracy of the information provided to the architect.

**NVR**  
NVR, INC.  
100  
100  
100

SET NO. 01/00  
OWNER'S TITLE  
DATE: 11/6/2017  
OPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION

OPTION DESCRIPTION



SHOWN W/  
ELEVATION  
"K", "L", "M"

Q1	Q2	Q3	Q4
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MVR, Inc.  
3285 Westview Drive, Suite 100

1000

SET NO. 21V00  
VERSION 02

DRAWN BY HV

DATE: 11/6/2015

MODEL

**MODEL CALVERT**

**DRAWING TITLE**  
**REAR ELEVATION**

OPTION DESCRIPTION
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SECRET NO

FILE NO.

9-2b

[illegible]

9	SLIDING GLASS DOOR WALKOUT BASEMENT	DGC	Frederick, MD 21703
---	-------------------------------------	-----	---------------------



Cobalt Elevation





The garage cannot protrude more than 6' in front of the porch or front facade. Building elevations are required to meet Architectural conditions per the zoning commitments.

## Garnet Elevation





The garage cannot protrude more than 6' in front of the porch or front facade. Building elevations are required to meet Architectural conditions per the zoning commitments.

Sapphire Elevation





Sienna Elevation



Elevation A - Traditional



Elevation B - Farmhouse



Elevation C - Low Country



Elevation D - Craftsman



Elevation E - Cottage



Elevation F - Traditional  
Enhanced



Elevation G - Farmhouse  
Enhanced



Elevation H - Craftsman  
Enhanced



Elevation J - Traditional  
Full Brick



Elevation K - Cottage  
Full Brick/Stone



## Section 7: Architectural Standards

### Townhouse standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. Front entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch.
6. The rear and side elevations of the units that can be seen from the right-of-way shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
7. A varied color palette shall be utilized on townhouses 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.
8. Minor elevation adjustments may be accommodated with staff approval.
9. Clipped dormers shall be limited to no more than 25% of the proposed townhouse building designs.
10. Building facades shall have horizontal relief achieved by the use of recesses and projections.
11. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
12. Side-entry, end-unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.
13. All townhouse residential units shall be pre-configured with conduit for a solar energy system.

## Townhouse and Single-Family Home Color Palette (Sherwin Williams)

Color selection shall generally be consistent and similar to the colors shown below.

### Primary Colors



### Accent Colors



### ACCENT

White may also be used as a primary, trim, or accent color with any palette variations



UNIT B  
ELEVATION "A"  
REVERSE

UNIT A  
ELEVATION "B"

1  
B-2  
2-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV02



UNIT B  
ELEVATION "A"  
REVERSE

UNIT A  
ELEVATION "L"

2  
B-2  
2-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV22



UNIT C  
ELEVATION "B"  
REVERSE

UNIT B  
ELEVATION "A"

UNIT A  
ELEVATION "C"

3  
B-2  
3-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV03



UNIT C  
ELEVATION "L"  
REVERSE

UNIT B  
ELEVATION "C"

UNIT A  
ELEVATION "H"

4  
B-2  
3-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV23



UNIT D  
ELEVATION "B"  
REVERSE

UNIT C  
ELEVATION "C"

UNIT B  
ELEVATION "A"

UNIT A  
ELEVATION "B"

5  
B-2  
4-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV04



UNIT D  
ELEVATION "L"  
REVERSE

UNIT C  
ELEVATION "H"

UNIT B  
ELEVATION "C"

UNIT A  
ELEVATION "L"

6  
B-2  
4-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
CLV24

REMARKS

REV. NO. DATE

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**NVR**  
NVR, Inc.  
1515 West 10th Street  
Tulsa, Oklahoma 74103  
Tel: 918.436.1000  
Fax: 918.436.1001

SHEET NO. CLV...  
DRAWING NO. 22  
DATE: 11/22/17  
OPTION

PROJECT TITLE  
2.5/4 UNIT STRIP ELEVATIONS  
OPTION DESCRIPTION

501



UNIT E ELEVATION "B" REVERSE UNIT D ELEVATION "A" UNIT C ELEVATION "C" UNIT B ELEVATION "B" UNIT A ELEVATION "C"

1  
B-2  
5-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
GLV05



UNIT E ELEVATION "L" REVERSE UNIT D ELEVATION "C" UNIT C ELEVATION "H" UNIT B ELEVATION "L" UNIT A ELEVATION "H"

2  
B-2  
5-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
GLV05



UNIT F ELEVATION "B" REVERSE UNIT E ELEVATION "A" UNIT D ELEVATION "C" UNIT C ELEVATION "B" UNIT B ELEVATION "A" UNIT A ELEVATION "C"

3  
B-2  
6-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
GLV06



UNIT F ELEVATION "L" REVERSE UNIT E ELEVATION "C" UNIT D ELEVATION "H" UNIT C ELEVATION "L" UNIT B ELEVATION "C" UNIT A ELEVATION "H"

4  
B-2  
6-UNIT BUILDING  
SCALE: 1/8" = 1'-0"  
GLV06

REMARKS

REV. NO. DATE

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NVR, Inc.  
1515 Pennsylvania Ave., Suite 100  
Baltimore, MD 21202

SET NO. GLV...  
DRAWING NO. 02  
DRAWING TITLE  
DATE: 11/21/17  
OPTION

5/4 UNIT STRIP ELEVATIONS

OPTION DESCRIPTION

502

1/2" = 1' - 0" 1/4" = 1' - 0" 1/8" = 1' - 0" 1/16" = 1' - 0"





## Townhomes

### 5 Unit Building - Front Elevation

1. Steps are required to provide the required 12" average raised crawl space or foundation for each front door.
2. Multiple siding colors are required throughout the development.



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The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structure, and MEP design requirements, unit plan / floor plan changes, etc.).  
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Townhomes  
5 Unit Building - Left Elevation



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Townhomes  
5 Unit Building - Rear Elevation



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The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.)  
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Townhomes  
5 Unit Building - Right Elevation



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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning Department

### Requested Motion

Motion to set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

The following PINs are included in this rezoning:

0751421387, 0751310079, 0751319308, 0750390993, 0751400194, 0750398682, 0750495371, 0750299342, 0750280998 (portion of), 0750270906, 0750274707, 0750278677, 0750278925

### Attachments

- Vicinity Map
- Application





Dixie Pipeline

Rezoning #19CZ16

Horton  
Park  
PUD

Myrtle  
Wood

Summercrest

FLIPPIN WAY

Colvin Park

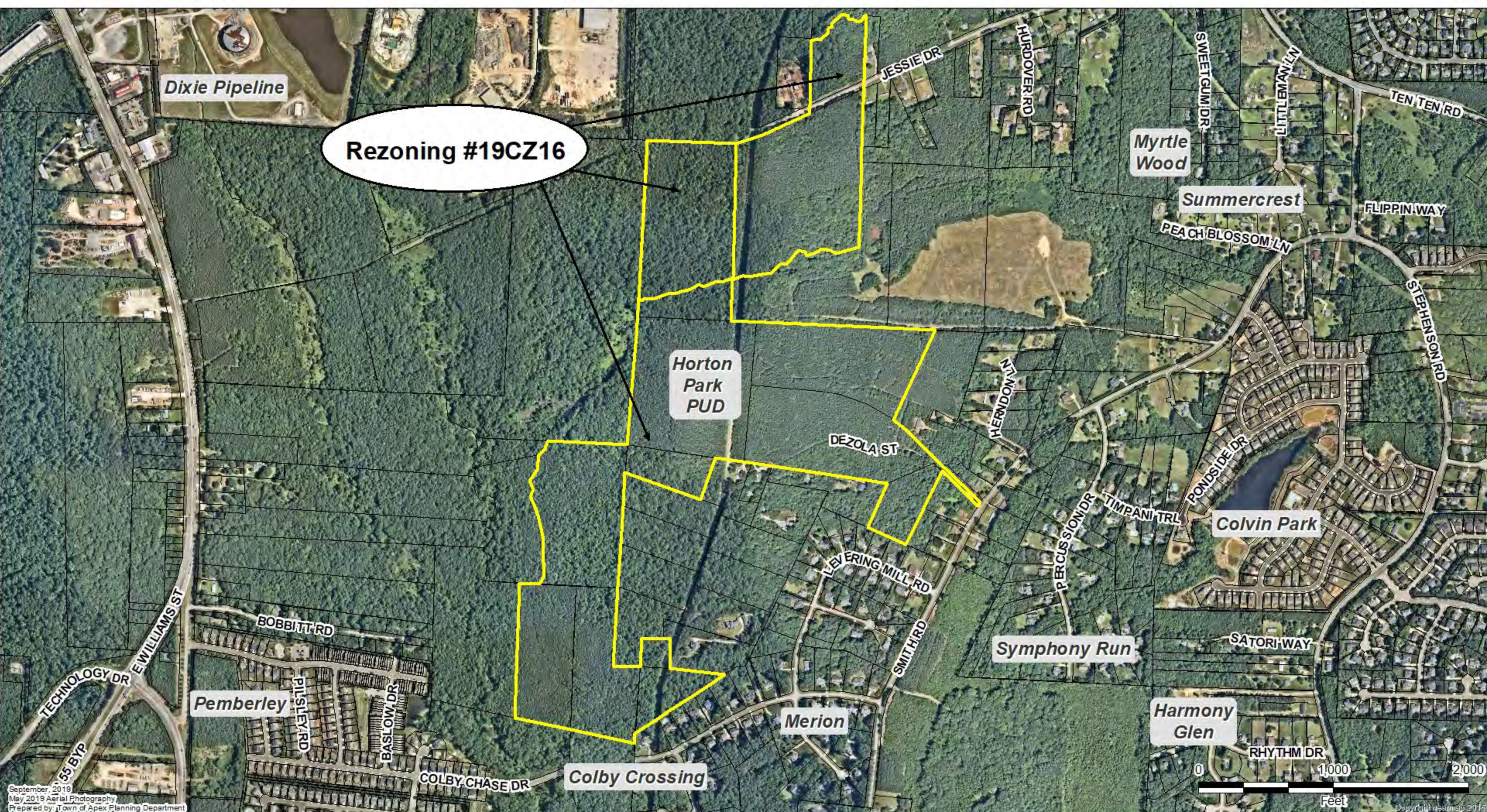
Symphony Run

Harmony  
Glen

Merion

Colby Crossing

Pemberley





## PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	_____	Submittal Date:	_____
Fee Paid	\$ _____	Check #	_____

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: \_\_\_\_\_

Address(es): \_\_\_\_\_

PIN(s) \_\_\_\_\_

\_\_\_\_\_ Acreage: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Current 2045 LUM Designation: \_\_\_\_\_

Requested 2045 LUM Designation: \_\_\_\_\_

See next page for LUM amendment

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

Area classified as mixed use: \_\_\_\_\_ Acreage: \_\_\_\_\_

Area proposed as non-residential development: \_\_\_\_\_ Acreage: \_\_\_\_\_

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

## Applicant Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Owner Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Agent Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Other contacts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

### 2045 LAND USE MAP AMENDMENT (if applicable)

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

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

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Current 2045 Land Use Classification: \_\_\_\_\_

Proposed 2045 Land Use Classification: \_\_\_\_\_

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

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# ATTACHMENT A

Rezoning Application Parcel List  
Horton Park Assembly  
Apex, NC

<u>Parcel</u>	<u>Owner</u>	<u>PIN</u>
1	MFW Investments LLC	0751-42-1387
2	MFW Investments LLC	0751-31-0079 (portion)
3	Horton Park MH, LLC	0751-31-9308 (portion)
4	Mary Elizabeth Horton	0750-39-0993
5	MFWIRA, LLC	0751-40-0194
6	Kimberly Horton; Loomis Horton III	0750-39-8682
7	Kimberly Horton; Loomis Horton III	0750-49-5371
8	MFW Investments LLC	0750-29-9342
9	MFW Investments LLC	0750-28-0998 (portion)
10	MFW Investments LLC	0750-27-0906
11	Kimberly Horton; Loomis Horton III	0750-27-4707
12	MFW Investments LLC	0750-27-8677
13	MFW Investments LLC	0750-27-8925

**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**Application #: 19CZ16Submittal Date: 7/1/2019

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

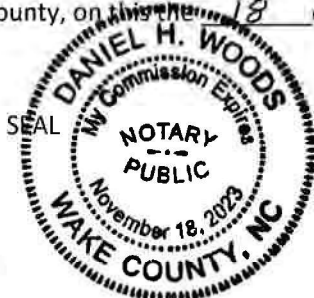
	Owner's Name	PIN
1.	See attached sheets	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		


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

Date: June 18, 2019By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 18 day of JUNE, 2019.



  
Notary Public  
DANIEL H. WOODS  
Print Name

My Commission Expires: 11/18/23

TRINITY APEX NORTH 100 LLC  
106 ISLAND VIEW DR  
BEAUFORT NC 28516-9108  
0750085838

PAGE TWO HOLDINGS LLC RODESSA LLC  
940 SE CARY PKWY STE 102  
CARY NC 27518-7417  
0750095624

STEELE, GERTRUDE  
1713A E WILLIAMS ST  
APEX NC 27539-7706  
0750096187

PEMBERLEY PROPERTY OWNERS' ASSOCIATION,  
INC., CHARLESTON MGMT  
PO BOX 97243  
RALEIGH NC 27624-7243  
0750176279

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750184078

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750197426

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750264926

MUSE, EDWARD MUSE, ROBIN  
3305 COLBY CHASE DR  
APEX NC 27539-3602  
0750267955

KUNSMAN, STEVEN A KUNSMAN, SUSAN E  
5408 MERION STATION DR  
APEX NC 27539-3603  
0750269948

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750270906

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750274707

FELTON, TIMOTHY M FELTON, ALLISON C  
3304 COLBY CHASE DR  
APEX NC 27539-3601  
0750278301

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750278677

MFW INVESTMENTS, LLC  
7837 SMITH RD  
APEX NC 27539-8170  
0750278925

FALCHI, JOHN J FALCHI, JOYCE T  
3232 COLBY CHASE DR  
APEX NC 27539-3620  
0750279358

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750280998

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750286271

RICHARDSON, DONALD FELIX  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750288532

RICHARDSON, ALTON RICHARDSON, TERESA  
1295 WINDHAM RD  
GREENVILLE NC 27834-7093  
0750288880

HORTON, MATTHEW  
4 ARBOR LN  
BORDENTOWN NJ 08505-4807  
0750299045

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750299342

YOUNG, TODD C YOUNG, GLORIA C  
3228 COLBY CHASE DR  
APEX NC 27539-3620  
0750370454

DALE, DENNIS DALE, ROBERTA  
3224 COLBY CHASE DR  
APEX NC 27539-3620  
0750371540

HEISE, ROBERT H HEISE, CARY VIVIAN  
2408 MERION CREEK DR  
APEX NC 27539-6300  
0750371996

STEWART, RICHARD J STEWART, MARY A  
3220 COLBY CHASE DR  
APEX NC 27539-3620  
0750372555

CATHEY, ROBERT E III CATHEY, KRISTA B  
3212 COLBY CHASE DR  
APEX NC 27539-3620  
0750373664

RHODES, AMANDA C RHODES, STEVEN A  
3208 COLBY CHASE DR  
APEX NC 27539-3620  
0750375700

PIETZ, BRYAN PIETZ, JORDAN  
2400 MERION CREEK DR  
APEX NC 27539-6300  
0750375774

KANODE, MARK E KANODE, LORI D  
3204 COLBY CHASE DR  
APEX NC 27539-3620  
0750376759

PIETZ, BRYAN S PIETZ, JORDAN  
2400 MERION CREEK DR  
APEX NC 27539-6300  
0750383293

COFFER, LANA HORTON  
3113 CARRIAGE LIGHT CT  
RALEIGH NC 27604-6117  
0750385765

MERION HOMEOWNERS ASSOCIATION INC  
OMEGA ASSOCIATION MANAGEMENT INC  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0750387004

HORTON, MARY ELIZABETH  
PO BOX 306  
APEX NC 27502-0306  
0750390993

HORTON, CHARLES LEON, SARAH  
8804 STEPHENSON RD  
APEX NC 27539-8170  
0750393222



HINTON, MELISSA D  
5137 DEZOLA ST  
APEX NC 27539-9529  
0750395262

MANSFIELD, MARISA MANSFIELD, MICHAEL  
5133 DEZOLA ST  
APEX NC 27539-9529  
0750398002

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750398682

RYDESKY, THOMAS E RYDESKY, LINDA U  
5232 LEVERING MILL RD  
APEX NC 27539-3610  
0750480767

HORNADA, JEFFREY MICHAEL HORNADA,  
KARA LEIGH  
5228 LEVERING MILL RD  
APEX NC 27539-3610  
0750481855

SURA, PIYUSH SURA, SMITA P  
5229 LEVERING MILL RD  
APEX NC 27539-3640  
0750482535

POZDER, VLADIMIR POZDER, JULI W  
5224 LEVERING MILL RD  
APEX NC 27539-3610  
0750482864

SINGLETARY, MICHAEL SINGLETARY, LAETITIA  
5217 LEVERING MILL RD  
APEX NC 27539-3640  
0750483541

MOUSHEGIAN, KENNITH C MOUSHEGIAN,  
CINDY W  
5220 LEVERING MILL RD  
APEX NC 27539-3610  
0750483860

GREENE, WILLIAM BLAKE GREENE, LAUREN  
KIRBY  
5213 LEVERING MILL RD  
APEX NC 27539-3640  
0750484438

BACHOLZKY, RICHARD JR BACHOLZKY, KATHRYN  
5216 LEVERING MILL RD  
APEX NC 27539-3610  
0750484775

MEHTA, RUSHIKESH J TRUSTEE RUSHIKESH J  
MEHTA REVOCABLE TRUST  
5209 LEVERING MILL RD  
APEX NC 27539-3640  
0750485424

BURNET, MARTHA SNYDER TRUSTEE BURNET,  
GILBERT NEFF TRUSTEE  
5208 LEVERING MILL RD  
APEX NC 27539-3610  
0750485688

RUSNAK, DAVID W RUSNAK, PAMELA P  
5205 LEVERING MILL RD  
APEX NC 27539-3640  
0750486339

MADRID, RICHARD J MADRID, RENE MONIQUE  
5204 LEVERING MILL RD  
APEX NC 27539-3610  
0750487632

KEENE, CHRISTOPHER P KEENE, ANNA E  
5200 LEVERING MILL RD  
APEX NC 27539-3610  
0750488577

HORTON, WILLIAM JR HORTON, EDNA  
8208 SMITH RD  
APEX NC 27539-8176  
0750488737

HORTON, WILLIAM JR  
8208 SMITH RD  
APEX NC 27539-8176  
0750489723

HORTON, WILLIAM JR BURRIS, JULIA HORTON  
8208 SMITH RD  
APEX NC 27539-8176  
0750489886

BECK, JOSHUA KEVIN BECK, KATHERINE  
CLEMMONS  
5129 DEZOLA ST  
APEX NC 27539-9529  
0750492134

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750495371

WRIGHT, DWIGHT MARVIN  
407 S SALEM ST  
APEX NC 27502-2037  
0750498888

HORTON, WILLIAM JR HORTON, EDNA  
8208 SMITH RD  
APEX NC 27539-8176  
0750499041

HORTON, WILLIAM SR HEIRS HORTON,  
LOOMIS JR HEIRS, WILLIAM HORTON JR  
8208 SMITH RD  
APEX NC 27539-8176  
0750499710

HORTON, WILLIAM HORTON, EDNA W  
8208 SMITH RD  
APEX NC 27539-8176  
0750582794

HORTON, WILLIAM JR HORTON, EDNA WILLIS  
8205 SMITH RD  
APEX NC 27539-8177  
0750583990

HORTON, WILLIAM HORTON, EDNA W  
8208 SMITH RD  
APEX NC 27539-8176  
0750591257

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750592361

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750592399

DOWNING, OSWALD DOWNING, DEBORAH H  
8129 SMITH RD  
APEX NC 27539-8175  
0750594097

GANDHI, ANIL R GANDHI, NEHA A  
105 BONNIEWOOD DR  
CARY NC 27518-8961  
0750596206

JACK 1, LLC  
738 CASH ST  
APEX NC 27502-1302  
0751137742

WOMBLE, CHARLES H ET AL WOMBLE, GLEN  
802 BELLAMY RD  
NORTH MYRTLE BEACH SC 29582-2828  
0751201670

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751216689

PRISTINE PARTNERS LLC  
2821 JONES FRANKLIN RD  
RALEIGH NC 27606-4007  
0751222279

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751310079

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751319308

TRINITY APEX NORTH 100 LLC  
106 ISLAND VIEW DR  
BEAUFORT NC 28516-9108  
0751323228

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751328256

MFWIRA, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751400194

KK LAND INC  
2203 GOOD SHEPHERD WAY  
APEX NC 27523-6947  
0751400697

GRIFFIN, SIRRHAN GRIFFIN, JOSEPH A  
1038 IRONGATE DR  
APEX NC 27502-6505  
0751407981

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751414924

HUNTER, MELVIN O HUNTER, NICOLE  
5037 JESSIE DR  
APEX NC 27539-8859  
0751415915

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751421387

HINTON, BLANCHE W  
4929 JESSIE DR  
APEX NC 27539-9302  
0751424433

TOOMER, JOE ELLIS TOOMER, FANNIE O  
PO BOX 676  
APEX NC 27502-0676  
0751426099

INDUS REAL ASSOC LLC  
4713 BROOK TOP CT  
RALEIGH NC 27606-3100  
0751426828

KK LAND INC  
2203 GOOD SHEPHERD WAY  
APEX NC 27523-6947  
0751510857

CAREY C JONES MEMORIAL PARK INC  
PO BOX 781  
APEX NC 27502-0781  
0751532815

Additional properties on Sweetgum  
Drive have been added for  
informational purposes

## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500\*

### Purpose

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

### Guidelines

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

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

### Existing Development Titles, Recurring

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

\*excludes names with Green Level



**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: 19CZ16

Submittal Date: 7/1/2019

**Proposed Subdivision/Development Information**

Description of location: Properties located between Jessie Drive and Colby Chase Drive

Nearest intersecting roads:

Wake County PIN(s): See Attachment A

Township: White Oak

**Contact Information (as appropriate)**

Contact person: Peak Engineering &amp; Design (Jeff Roach)

Phone number: (919) 439-0100 Fax number: (919) 439-6411

Address: 1125 Apex Peakway, Apex, NC 27502

E-mail address: jroach@peakengineerin.com

Owner: Michael F. Whitehead

Phone number: (919) 801-3905 Fax number:

Address: 114 Birklands Drive, Cary, NC 27518

E-mail address: mwhitehead@macgregordev.com

**Proposed Subdivision/Development Name**1<sup>st</sup> Choice: Horton Park2<sup>nd</sup> Choice (Optional):**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff

Date

## TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 19CZ16

Submittal Date: 7/1/2019

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Horton Park

(the "Premises")

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

\_\_\_\_\_, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER:

BY:

Michael F. Whitehead  
Authorized Agent

TOWN OF APEX

BY:

\_\_\_\_\_  
Authorized Agent

DATE:

6/28/2019

DATE:

\_\_\_\_\_

## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

MFW Investments, LLC is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 5100 Jessie Drive, Apex, NC, PIN 0751-42-1387

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

Michael R. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

# AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

Horton Park MF LLC

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 5101 Jessie Drive, Apex, NC PIN 0751-31-9308

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Thomas G. Drake  
Member/Manager  
Horton Park MF LLC

Type or print name

6/24/19

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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



## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

MFW Investments, LLC is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 5220 Jessie Drive, Apex, NC, PIN 0751-31-0079

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

Michael F. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

Mary Elizabeth Horton is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment  
☒ Rezoning  
☐ Site Plan  
☒ Subdivision  
☐ Variance  
☐ Other: \_\_\_\_\_

The property address is: 0 Dezola Street, Apex, NC, PIN 0750-39-0993

The agent for this project is: Peak Engineering & Design

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

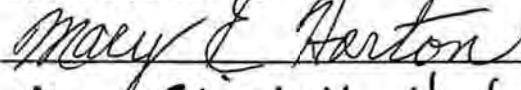
Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Mary Elizabeth Horton  
Type or print name

June 28, 2019  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

MFWIRA, LLC is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 0 Dezola Street, Apex, NC, PIN 0751-40-0194

The agent for this project is: Peak Engineering & Design

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


Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

  
Michael F. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

**AGENT AUTHORIZATION FORM**Application #: 19CZ16Submittal Date: 7/1/2019

Kimberly Horton and Loomis A Horton III is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment  
☒ Rezoning  
☐ Site Plan  
☒ Subdivision  
☐ Variance  
☐ Other: \_\_\_\_\_

The property address is: 0 Dezola Street, Apex, NC, PIN 0750-39-8682 0750-27-4707, 0750-49-5371

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

Loomis Horton III  
Type or print name

6/28/19  
Date

Kimberly Horton  
Type or print name

6/28/19  
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.**



## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

Merion Investment Properties LLC

is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 0 Dezola Street, Apex, NC, PIN 0750-29-9342

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Michael R. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

MFW Investments, LLC

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 8140 Smith Road, Apex, NC, PIN 0750-28-0998

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Michael F. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

Merion Investments Properties, LLC

is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 0 Dezola, Apex, NC, PIN 0750-27-8677

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Michael F. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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



## AGENT AUTHORIZATION FORM

Application #: 19CZ16

Submittal Date: 7/1/2019

MFW Investments, LLC is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 8252 Smith Road, Apex, NC, PIN 0750-27-8925

The agent for this project is: Peak Engineering & Design

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

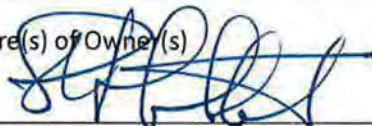
Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Michael G. Whitehead

Type or print name

6/28/2019

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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





# Instruction Packet and Affidavit for Neighborhood Meetings

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

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

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

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

## INSTRUCTIONS

Prior to submitting a Rezoning, Major Site Plan, Master Subdivision Plan (excluding minor or exempt subdivisions), or Special Use Permits, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with their initial submittal.

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

### These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

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

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet, and the applicant shall provide reduced copies upon such request.
  - Printed copies must equal the number of notices required to be sent.
  - Contact information for the applicant’s representative must be provided on the handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the “Send Plans & Updates” box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex’s Interactive Development Map.

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

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



June 12, 2019

Adjacent Property Owners and Interested Parties,

RE: Horton Park Rezoning

During the design and review of Horton Park, the timing of NCDOT and Town of Apex projects are beginning to align with the Horton Park timing. For this reason, Horton Park will be submitting a rezoning on July 1st, 2019 to adjust the timing of off-site roadway improvements with three (3) major transportation improvements in mind.

1. Ten Ten Road improvements
2. Highway 55 design and future improvements
3. Jessie Drive design and future improvements/extension

The project will continue to have a mix of residential options (single family, townhomes, and apartments) and non-residential property along the future Jessie Drive corridor. This letter is to inform you that a neighborhood meeting has been scheduled to introduce the rezoning request, the overall Master Subdivision Plan and to answer any questions which you may have. You are welcome to attend the meeting, email me any questions, or call our office to discuss the project.

Meeting Information:

- Date of Neighborhood Meeting: June 27, 2019
- Meeting location: 237 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)
- Time of Meeting: 5:30 PM

If you have any questions concerning the rezoning request, do not hesitate to call or email me at ([jroach@peakengineering.com](mailto:jroach@peakengineering.com)).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffret A. Roach'.

Jeffret A Roach P.E.  
Peak Engineering & Design, PLLC

# 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.

June 12, 2019

Date

Dear Neighbor:

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

See Attached Sheet

See Attached Sheet

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. The Neighborhood Meeting is intended as a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org).

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

- ☒ Rezoning (including Planned Unit Development);
- ☐ Major Site Plan;
- ☒ Master Subdivision Plan (excludes minor or exempt subdivision); or
- ☐ Special Use Permit

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

To discuss with the adjacent property owners and other interested parties the rezoning request to adjust the phasing of the project, timing of roadway improvements, the rezoning process, and the overall Master Subdivision Plan.

Estimated submittal date: July 1, 2019

## MEETING INFORMATION:

Property Owner(s) name(s):	See Attached
Applicant(s):	Peak Engineering & Design (Jeff Roach); MFW Investments, LLC
Contact information (email/phone):	(919) 439-0100, jroach@peakengineering.com
Meeting Address:	237 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)
Date of meeting*:	June 27, 2019
Time of meeting*:	5:30 -

## MEETING AGENDA TIMES:

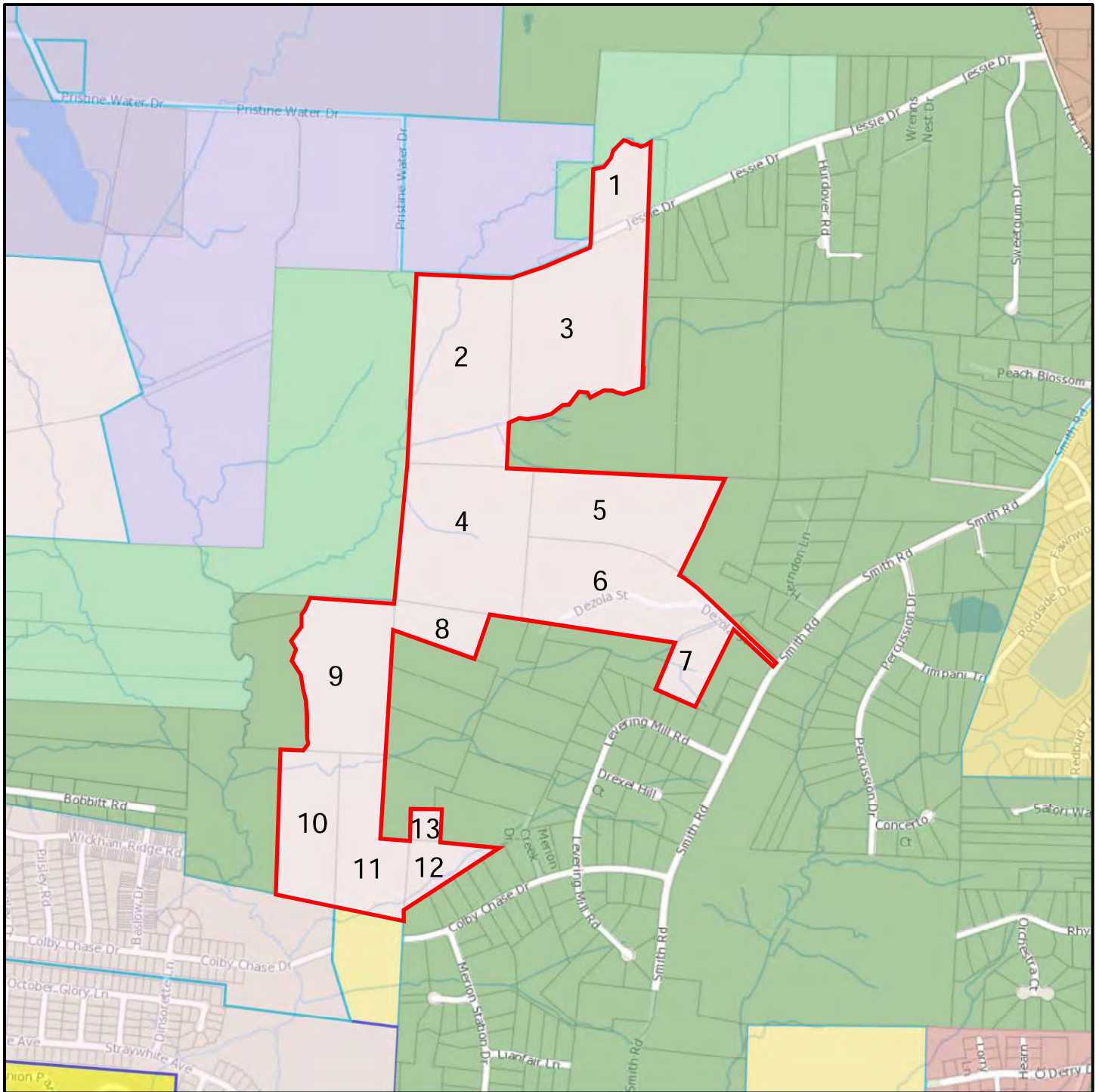
Welcome:	5:30 - 5:40
Project Presentation:	5:40 - 6:00
Question & Answer:	6:00 -

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

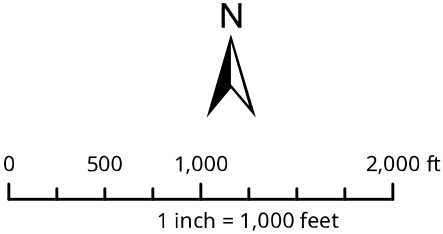


Rezoning Application Parcel List  
Horton Park Assembly  
Apex, NC

<b><u>Parcel</u></b>	<b><u>Owner</u></b>	<b><u>PIN</u></b>
1	MFW Investments LLC	0751-42-1387
2	MFW Investments LLC	0751-31-0079
3	Horton Park MF, LLC	0751-31-9308
4	Mary Elizabeth Horton	0750-39-0993
5	MFWIRA, LLC	0751-40-0194
6	Kimberly Horton; Loomis Horton III	0750-39-8682
7	Kimberly Horton; Loomis Horton III	0750-49-5371
8	MFW Investments LLC	0750-29-9342
9	MFW Investments LLC	0750-28-0998
10	MFW Investments LLC	0750-27-0906
11	Kimberly Horton; Loomis Horton III	0750-27-4707
12	MFW Investments LLC	0750-27-8677
13	MFW Investments LLC	0750-27-8925



# Horton Park Rezoning



**Disclaimer**  
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# 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: MFW Investments, LLC  
 Location: Properties located between Jessie Drive and Colby Chase Drive  
 Property PIN: See Attached sheet Acreage/Square Feet: \_\_\_\_\_  
 Zoning: PUD - CZ Subdivision/Development: \_\_\_\_\_

Property Owner: See Attached Sheet  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: MFW Investments, LLC  
 Address: 114 Birklands Drive  
 City: Cary State: NC Zip: 27518  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: mwhitehead@macgregordev.com

Engineer: Peak Engineering & Design, PLLC (Jeff Roach, P.E.)  
 Address: 1125 Apex Peakway  
 City: Apex State: NC Zip: 27502  
 Phone: (919) 439-0100 Fax: (919) 439-6411 Email: jroach@peakengineerindesign.com

Builder (if known): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

# 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.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours to 7 a.m. – 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.

<b>Construction Traffic:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Water Resources – Infrastructure Inspections</b>	<b>919-362-8166</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

<b>Dirt in the Road:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to Stan Fortier. He will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Stan Fortier</b> <b>Danny Smith</b>	<b>919-249-1166</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to Stan Fortier at 919-249-1166 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](mailto:danny.smith@ncdenr.gov)) with the State.

<b>Dust:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to Stan Fortier at 919-249-1166. He will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



# 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: Halle Cultural Arts Center, 237 North Salem Street, Apex, NC 27502 (Gallery Room)

Date of meeting: June 27, 2019 Time of meeting: 5:30

Property Owner(s) name(s): See Attached Sheet

Applicant(s): MFW Investments, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Falchi	3232 Colby Chase			
2.	Dan Carter	2614 Sweetgum Dr			✓
3.	ERMA BURR	2625 Sweetgum DR			✓
4.	Donna Provance	2624 " "			✓
5.	Brian Johnson	3305 Cheswald Ct			✓
6.	JLOSS WITARS	111 ANNANDALE			✓
7.	Mike Mansfield	5133 Dezelast			✓
8.	Suey Ward	2528 Sweetgum			✓
9.	Karen Peters	5300 Levering Hill Rd			✓
10.	Margaret Griffin	2609 Sweetgum Dr.			✓
11.	Hevin Hunter	5037 Jessie Dr			✓
12.	Steven Rhodes	3208 Colby Chase			✓
13.	Alton Richardson	1295 Windham Pl Greenville			net ✓
14.					

Use additional sheets, if necessary.

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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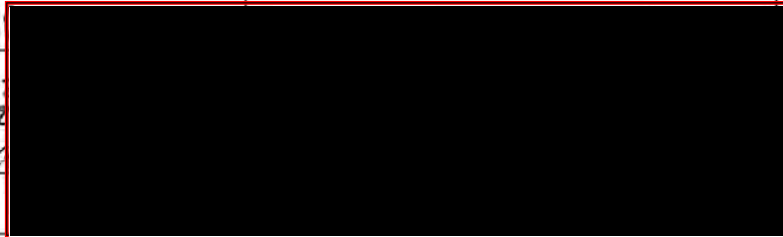
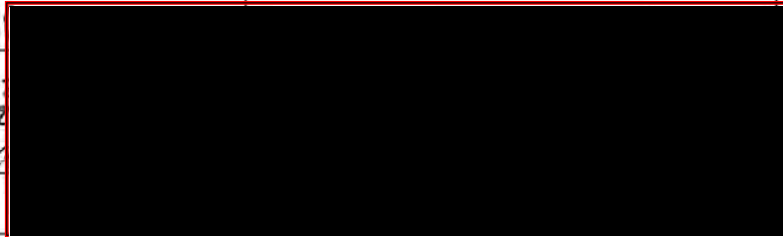
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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Buckley Bullock	2521 Sweetgum Dr. <sup>Apex</sup>			✓
2.	Randy Mann	106 Island View Dr. <sup>Apex</sup>			✓
3.	Jerilyn Paderno	3216 Winton Ln			✓
4.	Russ & Laurie Bell	5508 Merion Station Dr.			✓
5.					
6.					
7.					
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14.					

Use additional sheets, if necessary.

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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Date of meeting: June 27, 2019 Time of meeting: 5:30

Property Owner(s) name(s): See Attached Sheet

Applicant(s): MFW Investments, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Joyce Falchi	3232 Colby Chase Dr			x
2.	Pam Carter	2616 Sweetgum Dr			x
3.	Erma Burr	2625 Sweetgum Dr			x
4.	Donna Provance	2624 Sweetgum Dr			x
5.	Brian Johnson	3305 Chaswold Ct			x
6.	Moss Withers	111 Annadale Dr			x
7.	Mike Mansfield	5133 Dezola St			x
8.	Judy Ward	2828 Sweetgum Dr			x
9.	Karen Peters	5300 Levering Mill Rd			x
10.	Marcaret Griffin	2609 Sweetgum Dr			x
11.	Melvin O Hunter	5037 Jessie Dr			x
12.	Steven Rhodes	3208 Colby Chase Dr			x
13.	Alton Richardson	1295 Windham Pl Greenville NC			x
14.					

Use additional sheets, if necessary.

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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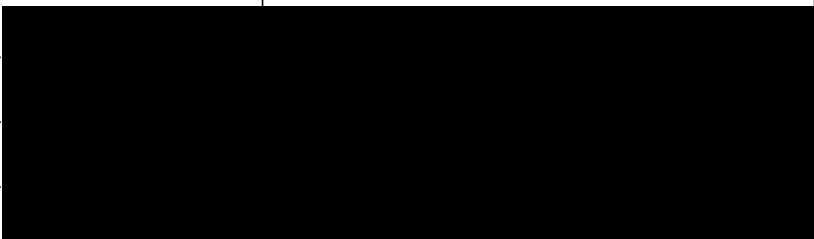
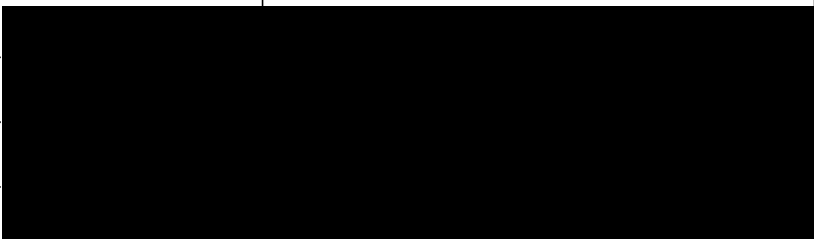
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Property Owner(s) name(s): See Attached Sheet

Applicant(s): MFW Investments, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Bethel Bullock	2521 Sweetgum Dr			x
2.	Randy Mann	106 Island View Dr Beaufort NC			x
3.	Jerilyn Paolino	3216 Lianfair Ln			x
4.	Russ/Laurie Bell	5508 Merian Station Dr			x
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*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):	See Attached Sheet		
Applicant(s):	MFW Investments, LLC		
Contact information (email/phone):	Jeff Roach, jroach@peakengineering.com		
Meeting Address:	Halle Cultural Arts Center, 237 North Salem Street, Apex, NC 27502 (Gallery Room)		
Date of meeting:	6-27-2019	Time of meeting:	5:30 -

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

Question/Concern #1:

SEE ATTACHED LIST OF QUESTIONS AND RESPONSES

Applicant's Response:

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Question/Concern #2:

Applicant's Response:

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Question/Concern #3:

Applicant's Response:

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Question/Concern #4:

Applicant's Response:

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The Horton Park rezoning and Master Subdivision neighborhood meeting started at 5:30 pm with a brief introduction of the project, the location, and general housekeeping items including the sign-in sheets and handouts. This was followed up by a discussion related to what zoning and Master Subdivision Plans are, the timing of the project, and what our role is for the project. This led into the presentation of the proposed Zoning (10 minutes) followed by discussions related to the Master Subdivision Plan (10 minutes).

The floor was then opened to a discussion with questions and answers from the group. Following are the questions and a summary of responses (some of the questions and responses were long-winded, were condensed for clarity/space, or combined with other questions to provide clarity to staff):

1. Why is the project back again? Please clarify the changes again.
  - A. Horton Park is being rezoned for three (3) reasons: (1) modify the conditions and timing associated with off-site roadway improvements; (2) incorporate timing of Phase I and Phase II development with Jessie Drive construction and alignment of the north-south collector street; and (3) removing the “Cash” property from the PUD and zoning it TF-CZ.

The Town of Apex is proposing to design and build Jessie Drive – and the zoning of Horton Park requires the adjustment of a number of zoning conditions to allow the project to start without having Jessie Drive either in place or under construction. The Town’s investment in Jessie Drive as a Major Thoroughfare is something that has been in discussions for a couple years – and Apex sees the benefit of the connection for neighbors, commuters, and life safety personnel.
2. The Sweetgum neighbors were invited to the meeting – is the zoning changing to incorporate more property near Sweetgum Drive?
  - A. No, there is no additional property being added. The property owners on Sweetgum were notified based upon their interest in the original zonings over the past 2-1/2 years.
3. Are there any changes to the design of Jessie Drive @ Ten Ten which would impact the Sweetgum property owners?
  - A. The Town is beginning the design of Jessie Drive @ Ten Ten in the next fiscal year. We are not aware of the final design at this time. Directed the property owners the Town’s website and the Interactive Development Map for upcoming projects – but not sure if Jessie Drive extension would be included until design-permitting was started.
4. Is a traffic signal proposed at Jessie Drive at Ten Ten Road?
  - A. Horton Park Phase I is not proposing to construct Jessie Drive or have any traffic directed to Jessie Drive. The Horton Park study will not evaluate Jessie Drive for a traffic signal. The Town of Apex extension of Jessie Drive “should” evaluate the intersection for the installation of a new signal. That is part of the ongoing discussions with Apex Transportation Staff related to the Jessie Drive extension project.
5. What is the timing of Jessie Drive?
  - A. Per staff discussions, the 2019-2020 budget allocated \$1MM for design and studies of the Jessie Drive corridor. 2021-2022 budget allocates \$10MM for the construction of Jessie Drive from Highway 55 to Ten Ten. This is still up for discussions with the Town of Apex but is the current status of the project.
6. How does the Jessie Drive timing align with the other projects in the area?
  - A. Explained the current schedule for Ten Ten (start in 2023); Highway 55 (unknown at this time); and Jessie Drive (budget \$10mm for 2022 start). This will be reviewed annually to coordinate with NCDOT and other grants or alternate funding sources as soon as possible (per discussions with staff).

7. What is the plan for the barricade at Colby Crossing and the Merion Subdivision?
  - A. Horton Park continues to have the zoning condition to install the barriers on the western edge of Merion on Colby Chase Drive until the Town of Apex determines the connection is needed. No change to this condition worked out with Merion HOA during the previous zoning requests.
8. Are there other conditions which are changing?
  - A. We assured the neighbors that the rezoning is about timing of improvements – not about modification of any of the conditions which were worked on for months through two previous rezonings.
9. What is the Middle Creek pump station? What is a pump station? And where is it located?
  - A. The Middle Creek Regional Pump Station (aka Middle Creek north) is a pump station that is required to pump sewage from Horton Park and other upstream properties to the Town's Water Reclamation Facility on Pristine Water Drive. This pump station is approximately \$4MM in costs for the developer of Horton Park. The pump station is currently planned for the northeastern corner of the intersection of Middle Creek and Colby Chase Drive (same location that it has been in since the initial zoning and Master Subdivision Plan).
10. What do you mean by staff? Are you referring to Planning Department?
  - A. Planning, Engineering, Transportation, Public Works, Fire, and Building Inspections. These are the staff groups which attend the pre-application meetings and we work with on every project.
11. What does minor collector mean?
  - A. A minor collector is a street designation which specifies the street should expect more vehicles than neighborhood streets, have a slightly higher speed (possibly), and act as a funnel to the larger streets (larger streets being Major Collectors, Thoroughfares, and Interstates).
12. Is the Town of Apex proposing to take ownership of Jessie Drive after completion of the extension?
  - A. That is unknown at this time. Current plan is for Jessie Drive to be constructed to Town of Apex standard but retained within the NCDOT maintenance system. That will be determined later.
13. In showing the 2045 Land Use Map, can you explain the different colors and what they mean?
  - A. Went into the definition of medium density (light yellow), medium-high density (light orange), high density (dark orange), light blue (office employment), purple (industrial employment), and green (park). Then explained the difference between the existing ZONING MAP, 2045 LAND USE MAP, and the WAKE GIS.
14. What is the RCA? And where is it proposed?
  - A. Resource Conservation Area (RCA) is the preservation of existing vegetation and environmentally sensitive areas including trees, wetlands, floodplains, steep slopes, and animal habitat. RCA is proposed to be around the property in various locations including those listed above (current MSP was used to identify current RCA locations).
15. How many lots are proposed with the project?
  - A. The number of lots from the original zoning has not changed. In general, approximately 350 single family or townhomes plus the apartment area and Tech-Flex area along Jessie Drive.
16. What is Tech-Flex? And what are the uses permitted?
  - A. Tech-Flex is an office or business zoning with a number of uses. The uses have been limited for this project to included (as an example) day care, vet, entertainment area (indoor or outdoor), restaurants, offices, convenience store, grocery store, repair services, and others. All the uses will be identified in the zoning application on Interactive Development Map once submitted to the Town.

17. What is the development timing?

- A. **Phase I** is the residential portion south of the existing landfill and “N/F Cash Property” which has access to Smith Road and Colby Chase Drive – the property was identified on the maps at the meeting. This section is hoped to be approved in early 2020; construction start in Spring of 2020; full construction build-out of homes in 2024-2025. This timing is based upon the success of the project and any financial changes. **Phase II** of the project is the section along Jessie Drive including PODs 2,3 and 4 which all rely upon Jessie Drive for access – this timing is based upon the timing of Jessie Drive, Ten Ten, and Highway 55 projects.

18. What is the timing of the review by Apex and the Town Council meetings?

- A. Submittal of the rezoning request is July 1, 2019. This will start a 3-4 month process prior to Town Council public hearings. Assuming approval of the zoning, the Master Subdivision Plan (which has previously been approved) will be modified to reflect the changes associated with the rezoning. Construction Documents will then follow for the contractor and permitting. Apex will send out a notification of future Public Hearings based upon the list of contacts we provided (including the Sweetgum Drive property owners).

19. What is the plan for the greenway and connection to surrounding properties?

- A. The Middle Creek Greenway was discussed at length. Middle Creek Greenway is major connection from the Town of Apex to Holly Springs’ greenway system. These projects include Middle Creek Phase I and II (Town of Apex projects), Reunion Pointe, Horton Park, and future projects north of Jessie Drive. Future connection to Lufkin Road and the Town of Cary greenway system in Regency Park.

20. Who will the builder be?

- A. The construction team may be a couple of builders. Final builder team is TBD.

21. In summary, what is the meeting for?

- A. This meeting is to explain the process, the project, and product while gathering information from residents in the area. The questions will be gathered, answers provided, and included in the zoning submittal for Planning Board and Town Council review during the zoning process. Changes to the design documents or the zoning application may be made from comments received.

22. Who can I contact about the project? Town of Apex?

- A. A list of Town of Apex contacts were provided at the meeting. Staff will know about the project but will not know details until after the July 1, 2019 zoning submittal.

23. Who approves the revised rezoning request?

- A. Town Council reviews and ultimately provides final zoning determination.

24. Where can I find the rezoning application once it is submitted?

- A. On the Town’s website under the “Interactive Development” tab is the map of projects. After the zoning package is submitted, the documents will be updated within a week or two.

25. In reviewing the Master Subdivision Plan provided, how is the zoning changing the design?

- A. The zoning will require the modification of the Master Subdivision Plan to remove the connection to Jessie Drive as part of the Phase I development. This will be done in conjunction with staff input to clarify the improvements on the property.

The Horton Park rezoning neighborhood meeting was very different from a majority of neighborhood meetings as the neighbors were well informed about the project. This is the 3<sup>rd</sup> zoning for this project based upon the size and complexity of the project. Most of the discussions were centered on previous items committed to or discussed with property owners. The questions asked were more process or overall



“why are you rezoning again” type questions. For this reason, the number of questions from the meeting were limited. It was difficult to track all the discussions.

At the conclusion of the meeting, the neighbors broke up into groups, some asking questions, some talking, and others leaving the meeting. There were a number of clarifications provided one-on-one but no additional conditions or concerns about the project beyond what was asking during the larger group setting. The meeting completed at 7:30 when all questions were answered.

# 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, Jonathan Edwards, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Halle Cultural Arts Center, 237 North Salem Street, Apex, NC 27502 (Gallery Room) (location/address) on 6-27-2019 (date) from 5:30 (start time) to 7:30 (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.

6-28-2019

Date

By: Jonathan Edwards

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 28 day of JUNE, 20 19.



Daniel Woods

Notary Public

DANIEL H WOODS

Print Name

My Commission Expires: 11/18/23

## Project Identification and Legal Description

### **Horton Park PUD**

Apex, White Oak Township  
Wake County, North Carolina  
Revised July 1, 2019

Horton Park property with the following Wake County Property Identification Numbers (PINs): 0751-42-1387, 0751-31-9308, 0751-31-0079, 0750-39-0993, 0751-40-0194, 0750-39-8682, 0750-49-5371, 0750-29-9342, 0750-28-0998, 0750-27-0906, 0750-27-4707, 0750-27-8677, and 0750-27-8925 located in the Apex's ETJ, between Jessie Drive and Colby Chase Drive, Apex, NC.

Commencing at an existing iron pipe at the northwest corner of N/F MFW Investments, LLC property (PIN# 0751-31-9308), said point intersects with southern line of N/F Trinity Apex North 100, LLC property (PIN# 0751-32-3228), and the northeast corner of N/F Fred Cash Jr. (PIN # 0751-31-0079), said point being the POINT OF BEGINNING;

thence N 01°34'29" E for 36.51' to an existing iron pipe at the northern Jessie Drive;

thence N 01°34'29" E for 30.22' to an existing iron pipe at the southern corner of N/F Trinity Apex North 100, LLC (PIN# 0751-42-1387);

thence N 01°34'29" W for 472.23' to a point along the N/F Blanche Hinton (PIN# 0751-32-8256) property line;

thence N 75°28'14" E for 47.89' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence S 70°56'43" E for 19.41' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 35°58'42" E for 29.34' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 64°47'45" E for 28.00' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 35°16'15" E for 29.31' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 00°20'08" E for 28.40' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 62°27'55" E for 32.05' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 10°59'28" W for 21.69' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 49°05'39" E for 103.19' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence S 76°41'38" E for 45.82' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence S 10°05'29" E for 28.71' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 83°54'46" E for 28.00' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence S 65°07'03" E for 45.42' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 75°33'41" E for 27.20' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 26°33'47" E for 42.52' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence N 89°35'33" E for 13.97' to a point along the N/F Indus Real Associates LLC property (PIN# 0751-42-6828);

thence S 01°50'31" W for 476.05' to a point along the N/F Blanche Hinton property (PIN# 0751-42-4433) ending at a point on the Jessie Drive northern Right of Way line;

thence S 01°50'31" W for 66.76' to a point along the Jessie Drive southern Right of Way line;

thence S 01°50'31" W for 426.99' to a point along the N/F Blanche Hinton property (PIN# 0751-41-4924);

thence S 01°54'49" W for 118.52' to a point along the N/F KK Land Inc. property (PIN# 0751-41-0857);

thence S 01°49'17" W for 625.99' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 89°11'21" W for 2.52' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);



thence S 72°37'10" W for 92.98' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 73°45'10" W for 80.25' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 60°10'47" W for 49.51' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 81°52'01" W for 67.16' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 40°49'23" W for 22.21' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 70°25'32" W for 99.01' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 24°18'53" W for 34.03' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 77°13'16" W for 50.45' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 37°21'11" W for 127.24' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 84°47'45" W for 53.66' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 48°53'39" W for 94.23' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 79°54'53" W for 164.77' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence N 79°57'29" W for 36.14' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 87°46'00" W for 14.26' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697);

thence S 66°52'27" W for 76.36' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697) said point intersects with N/F Fred Cash Jr. property (PIN# 0751-31-0079);

thence S 07°14'12" E for 317.37' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697) said point intersects with N/F Mary Elizabeth Horton property (PIN# 0750-39-0993);

thence S 83°27'48" E for 187.41' to a point along the N/F KK Land Inc. property (PIN# 0751-40-0697) said point intersects with the northwest corner of the N/F MFWIRA, LLC property (PIN# 0751-40-0194);

thence S 83°27'48" E for 973.40' to a point in the southeast corner of the N/F KK Land Inc. property (PIN# 0751-40-0697) and the southwest corner of the N/F Sirrhan Griffin property (PIN# 0751-40-7981);

thence S 83°27'48" E for 337.45' to a point along the N/F Sirrhan Griffin property line (PIN# 0751-40-7981);

thence S 83°31'08" E for 16.61' to a point along the N/F Sirrhan Griffin property (PIN# 0751-40-7981 and the northwest corner of the N/F Dwight Wright property (PIN # 0750-49-8888);

thence S 28°37'14" W for 730.70' along the N/F Dwight Wright property (PIN# 0750-49-8888) to the southwest corner of said Wright property;

thence along a curve S 45°33'02" E with a radius 1,097.99' and chord length 144.18' to a point along the N/F Dwight Wright property (PIN# 0750-49-8888);

thence S 41°47'10" E for 763.27' to a point along the N/F Dwight Wright property (PIN# 0750-49-8888); said point being the centerline of Smith Road;

thence S 39°45'17" W for 30.00' to a point along the centerline of Smith Road;

thence N 41°47'45" W for 390.80 to a point along the N/F William Horton property (PIN# 0750-49-9041);

thence S 30°04'18" W for 604.83' to a point along the N/F William Horton property (PIN# 0750-49-9041) said point intersects with N/F Martha Burnet (PIN# 0750-48-5688);

thence N 62°26'59" W for 306.49 to a point along the N/F Martha Burnet property (PIN# 0750-48-5688), the N/F Richard Bacholzky property (PIN# 0750-48-4775) and N/F Kennith Moushegian property (PIN# 0750-48-3860) said point intersects with N/F Joshua Beck property (PIN# 0750-49-2134);

thence N 26°52'23" E for 354.32' to a point along the N/F Joshua Beck property (PIN# 0750-49-2134);

thence N 77°31'26" W for 861.72' to a point along the N/F Joshua Beck property (PIN# 0750-49-2134) said point intersects with N/F Melissa Hinton property (PIN# 0750-39-5262);

thence N 77°28'29" W for 149.98' to a point along the N/F Melissa Hinton property (PIN# 0750-39-5262) said point intersects with N/F Mary Elizabeth Horton property (PIN# 0750-39-0993);  
thence N 77°33'04" W for 275.75' to a point along the N/F Eugene Horton Heirs property (PIN# 0750-39-3222) said point intersects with N/F Merion Investment Properties LLC property (PIN# 0750-29-9342);  
thence S 23°52'03" W for 340.31' to a point along the N/F Eugene Horton Heirs property (PIN# 0750-39-3222) said point intersects with N/F Matt Horton property (PIN# 0750-29-9045);  
thence N 66°07'57" W for 585.43' to a point along the N/F Matt Horton property (PIN# 0750-29-9045) said point intersects with N/F MFW Investments LLC property (PIN# 0750-29-2070);  
thence S 07°36'44" W for 246.69' to a point along the N/F Matt Horton property (PIN# 0750-29-9045) said point intersects with N/F Alton Richardson property (PIN# 0750-28-8880);  
thence S 07°36'44" W for 274.24' to a point along the N/F Alton Richardson property (PIN# 0750-28-8880) said point intersects with N/F Donald Richardson property (PIN# 0750-28-8532);  
thence S 07°36'44" W for 313.79' to a point along the N/F Donald Richardson property (PIN# 0750-28-8532) said point intersects with N/F Donald Richardson property (PIN# 0750-28-6271);  
thence S 07°36'44" W for 9.43' to a point along the N/F Donald Richardson property (PIN# 0750-28-6271) said point intersects with N/F Loomis Horton Heirs property (PIN# 0750-27-4707);  
thence S 07°00'15" W for 588.50' to a point along the N/F Donald Richardson property (PIN# 0750-28-6271);  
thence S 85°42'32" E for 165.00' to a point on the southeast corner of the N/F Donald Richardson property (PIN# 0750-28-6271) said point intersects with N/F Merion Investments LLC property (PIN# 0750-27-8677);  
thence S 85°42'32" E for 40.00' to a point along the N/F Merion Investments LLC property (PIN# 0750-27-8677) said point in the southwest corner of the N/F Virginia Stewart property (PIN# 0750-27-8925);  
thence N 04°17'28" E for 210.00' to a point which in the northwest corner of the N/F Virginia Horton Stewart parcel (PIN# 0750-27-8677);  
thence S 85°42'32" E for 164.54' along the N/F Virginia Horton Stewart parcel (PIN# 0750-27-8677);  
thence S 85°42'32" E for 45.46' to a point which is the northeast corner of the N/F Virginia Horton Stewart parcel (PIN# 0750-27-8677);

thence S 04°17'28" W for 210.00' to a point which in the southeast corner of the N/F Virginia Horton Stewart parcel (PIN# 0750-27-8677) and an existing iron pin in the southwest corner of the N/R Robert Heise property (PIN# 0750-37-1996);

4thence S 81°29'17" E for 436.45' to a point along the N/F Merion Investments LLC property (PIN# 0750-27-8677) said point intersects with N/F Robert Cathey property (PIN# 0750-37-3664);  
thence S 60°32'28" W for 824.16' to a point along the N/F Merion Investments LLC property (PIN# 0750-27-8677) said point intersects with N/F Robert Cathey property (PIN# 0750-37-3664), N/F Richard Stewart property (PIN# 0750-37-2555), N/F Dennis Dale property (PIN# 0750-37-1540), N/F Todd Young property (PIN# 0750-37-0454), N/F John Falchi property (PIN# 0750-27-9358) and George King property (PIN# 0750-27-8301), said point intersects with N/F Loomis Horton Heirs property (PIN# 0750-27-4707);

thence S 02°56'47" W for 73.32' to a point along the N/F Loomis Horton Heirs property (PIN# 0750-27-4707) said point intersects with N/F MFW Investments LLC property (PIN# 0750-26-4926);

thence N 77°50'29" W for 487.73' to a point along the N/F MFW Investments LLC property (PIN# 0750-26-4926) said point intersects with N/F Patricia Jones property (PIN# 0750-27-0906) and N/F Pemberley Property Owners' Association, Inc. property (PIN# 0750-17-6279);

thence N 77°50'39" W for 8.51' along the southern boundary of N/F Patricia Jones (PIN# 0750-27-0906);

thence N 77°50'39" W for 424.69' to the southwest corner of the N/F Patricia Jones property (PIN# 0750-27-0906) along the N/F Pemberley Property Owners' Association, Inc. property (PIN# 0750-17-6279);

thence N 06°15'00" E 997.21' to a point in the northwest corner of the N/F Patricia Jones property (PIN# 0750-27-0906);

thence S 83°40'10" E for 162.45' to a point along the N/F Patricia Jones property (PIN# 0750-27-0906) said point intersects with N/F MFW Investments LLC property (PIN# 0750-19-7053 and 0750-29-2070);

thence N 45°39'39" E for 56.43' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 01°01'01" E for 301.17' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);



thence N 07°47'37" W for 187.77' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 24°12'03" W for 113.39' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 24°46'59" E for 71.19' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 26°33'54" W for 64.44' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 37°00'06" E for 121.55' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 07°08'18" E for 106.61' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 52°04'00" E for 50.09' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053);

thence N 26°44'55" E for 75.53' to a point along the N/F MFW Investments LLC property (PIN# 0750-19-7053), said point intersects with N/F Charles Womble property (PIN# 0750-29-0721);

thence S 83°33'51" E for 583.20' to a point along the N/F Charles Womble property (PIN# 0750-29-0721) said point intersects with the N/F Mary Elizabeth Horton property (PIN# 0750-39-0993) and the N/F Merion Investment Properties LLC property (PIN# 0750-29-9342);

thence N 08°41'45" E for 946.00' to a point along the N/F Charles Womble property (PIN# 0750-29-0721) said point intersects with N/F Fred Cash Jr. property (PIN# 0751-31-0079);

thence N 03°13'00" E for 1316.79' to a point along the N/F Charles Womble property (PIN# 0750-29-0721) said point intersects with N/F Trinity Apex North 100 LLC property (PIN# 0751-32-3228);

thence S 87°52'51" E for 659.44 to a point along the N/F Trinity Apex North 100 LLC property (PIN# 0751-32-3228), said point intersects with N/F MFW Investments LLC property (PIN# 0751-31-9308)

thence N 71°52'08" E for 205.23 to a point along N/F Trinity Apex North 100 LLC property (PIN# 0751-32-3228);

thence N 65°28'18" E for 379.18' to an existing iron pipe along the N/F Trinity Apex North 100, LLC (PIN# 0751-32-3228) property line, said point being the POINT OF BEGINNING.

Said property includes approximately 6,405,520 square feet or 146.899 acres.

List of Plats referenced to complete legal description.

- Recombination Survey Property of Trinity Apex North 100, LLC BM 2016 PG 1901
- Exempt Plat Property of Trinity Apex North 100, LLC Subdivision BM 2016 PG 1677
- Horton Heirs Properties BM 2015 PG 1973
- Map of Carcillar Horton “Estate Division” BM 1988 PG 754
- Division of E.L. Horton BM 1942 PG 114
- C.O. Heavner, Heirs and Joseph Ira Lee, Et Ux BM 2006 Pg 0172
- Exempt Division Survey Property of MFW Investments, LLC – BM 2017 Pg 1067
- Exempt Recombination Plat – Tract 2A and Tract 2B Horton Heirs Properties BM2017 Pg2004
- Estate Division – Carcillar Horton – BM1988 Pg754
- Patricia Jones property Deed – DB 2900 Pg 698

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

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

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
2045 LUM Amendment: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

### Project Information

Project Name: \_\_\_\_\_  
Address(es): \_\_\_\_\_  
PIN(s): \_\_\_\_\_  
Acreage: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_  
Current 2045 LUM Designation: \_\_\_\_\_  
Proposed 2045 LUM Designation: \_\_\_\_\_

See next page for LUM Amendment.

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

Area classified as mixed use: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Area proposed as non-residential development: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: \_\_\_\_\_ Percent: \_\_\_\_\_

### Applicant Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Owner Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

### 2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

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Current 2045 Land Use Classification: \_\_\_\_\_

Proposed 2045 Land Use Classification: \_\_\_\_\_

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

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## PETITION INFORMATION

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

An application has been duly filed requesting that the property described in this application be rezoned from \_\_\_\_\_ to \_\_\_\_\_. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

## PROPOSED USES:

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

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

## PETITION INFORMATION

Application #: \_\_\_\_\_

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.

## LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

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

## PETITION INFORMATION

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

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.

## PETITION INFORMATION

Application #:

Submittal Date:

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.



**Horton Park**  
**Tech/Flex – Conditional Zoning (TF-CZ) District**  
**Architectural Standards for Non-Residential Structures**

1. Maximum non-residential building height is 65'.
2. Building shall be architecturally compatible through the use of similar colors and building materials. Buildings shall be consistent in scale, massing, style, and relationship to adjacent streets.
3. Building placement shall be done to maximize parking in the rear or side of buildings. Drive-thrus, pick-up windows, loading areas, trash facilities, and other accessory items for uses are encouraged to be oriented away from adjacent streets.
4. Buildings shall have vertical breaks across any facade which faces an adjacent street. Windows and other storefront treatments shall be proportional to the building height and width. Horizontal and vertical setbacks shall be used to provide a visual break in the building mass. Various architectural features shall be incorporated, including roofline changes, parapet heights, columns, piers, and material patterns to create various facade breaks.
5. Exterior materials for non-residential structures shall be a combination of materials. The primary facade (front) or any facade facing a street shall include:
  - Brick
  - Wood
  - Stacked stone or other native stone
  - Decorative block (integrally colored or textured) masonry units
  - EIFS cornices and parapet trim (EIFS or stucco shall not be used within 4 feet of ground and shall be limited to 25% of each building facade)
  - Precast concrete

## CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: \_\_\_\_\_

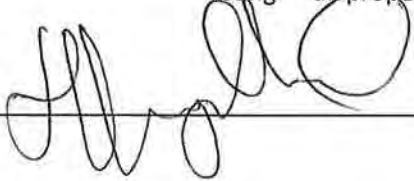
Submittal Date: \_\_\_\_\_

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

	Owner's Name	PIN
1.	SEE ATTACHED LIST	
2.		
3.	LIST IS PART OF THE HORTON PARK NEIGHBORHOOD	
4.	MEETING LIST AND OTHER DOCUMENTS	
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

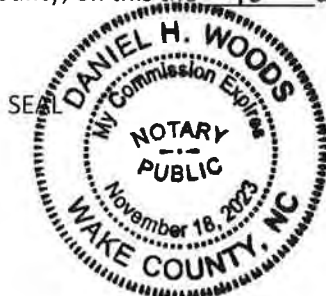
I, JEFFREY A. ROACH, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 6/28/2019

By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 28 day of JUNE, 2019.



  
Notary Public

DANIEL H. WOODS  
Print Name

My Commission Expires: 11/18/23

TRINITY APEX NORTH 100 LLC  
106 ISLAND VIEW DR  
BEAUFORT NC 28516-9108  
0750085838

PAGE TWO HOLDINGS LLC RODESSA LLC  
940 SE CARY PKWY STE 102  
CARY NC 27518-7417  
0750095624

STEELE, GERTRUDE  
1713A E WILLIAMS ST  
APEX NC 27539-7706  
0750096187

PEMBERLEY PROPERTY OWNERS' ASSOCIATION,  
INC., CHARLESTON MGMT  
PO BOX 97243  
RALEIGH NC 27624-7243  
0750176279

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750184078

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750197426

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750264926

MUSE, EDWARD MUSE, ROBIN  
3305 COLBY CHASE DR  
APEX NC 27539-3602  
0750267955

KUNSMAN, STEVEN A KUNSMAN, SUSAN E  
5408 MERION STATION DR  
APEX NC 27539-3603  
0750269948

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750270906

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750274707

FELTON, TIMOTHY M FELTON, ALLISON C  
3304 COLBY CHASE DR  
APEX NC 27539-3601  
0750278301

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750278677

MFW INVESTMENTS, LLC  
7837 SMITH RD  
APEX NC 27539-8170  
0750278925

FALCHI, JOHN J FALCHI, JOYCE T  
3232 COLBY CHASE DR  
APEX NC 27539-3620  
0750279358

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750280998

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750286271

RICHARDSON, DONALD FELIX  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750288532

RICHARDSON, ALTON RICHARDSON, TERESA  
1295 WINDHAM RD  
GREENVILLE NC 27834-7093  
0750288880

HORTON, MATTHEW  
4 ARBOR LN  
BORDENTOWN NJ 08505-4807  
0750299045

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0750299342

YOUNG, TODD C YOUNG, GLORIA C  
3228 COLBY CHASE DR  
APEX NC 27539-3620  
0750370454

DALE, DENNIS DALE, ROBERTA  
3224 COLBY CHASE DR  
APEX NC 27539-3620  
0750371540

HEISE, ROBERT H HEISE, CARY VIVIAN  
2408 MERION CREEK DR  
APEX NC 27539-6300  
0750371996

STEWART, RICHARD J STEWART, MARY A  
3220 COLBY CHASE DR  
APEX NC 27539-3620  
0750372555

CATHEY, ROBERT E III CATHEY, KRISTA B  
3212 COLBY CHASE DR  
APEX NC 27539-3620  
0750373664

RHODES, AMANDA C RHODES, STEVEN A  
3208 COLBY CHASE DR  
APEX NC 27539-3620  
0750375700

PIETZ, BRYAN PIETZ, JORDAN  
2400 MERION CREEK DR  
APEX NC 27539-6300  
0750375774

KANODE, MARK E KANODE, LORI D  
3204 COLBY CHASE DR  
APEX NC 27539-3620  
0750376759

PIETZ, BRYAN S PIETZ, JORDAN  
2400 MERION CREEK DR  
APEX NC 27539-6300  
0750383293

COFFER, LANA HORTON  
3113 CARRIAGE LIGHT CT  
RALEIGH NC 27604-6117  
0750385765

MERION HOMEOWNERS ASSOCIATION INC  
OMEGA ASSOCIATION MANAGEMENT INC  
160 NE MAYNARD RD STE 210  
CARY NC 27513-9676  
0750387004

HORTON, MARY ELIZABETH  
PO BOX 306  
APEX NC 27502-0306  
0750390993

HORTON, CHARLES LEON, SARAH  
8804 STEPHENSON RD  
APEX NC 27539-8170  
0750393222



HINTON, MELISSA D  
5137 DEZOLA ST  
APEX NC 27539-9529  
0750395262

MANSFIELD, MARISA MANSFIELD, MICHAEL  
5133 DEZOLA ST  
APEX NC 27539-9529  
0750398002

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750398682

RYDESKY, THOMAS E RYDESKY, LINDA U  
5232 LEVERING MILL RD  
APEX NC 27539-3610  
0750480767

HORNADA, JEFFREY MICHAEL HORNADA,  
KARA LEIGH  
5228 LEVERING MILL RD  
APEX NC 27539-3610  
0750481855

SURA, PIYUSH SURA, SMITA P  
5229 LEVERING MILL RD  
APEX NC 27539-3640  
0750482535

POZDER, VLADIMIR POZDER, JULI W  
5224 LEVERING MILL RD  
APEX NC 27539-3610  
0750482864

SINGLETARY, MICHAEL SINGLETARY, LAETITIA  
5217 LEVERING MILL RD  
APEX NC 27539-3640  
0750483541

MOUSHEGIAN, KENNITH C MOUSHEGIAN,  
CINDY W  
5220 LEVERING MILL RD  
APEX NC 27539-3610  
0750483860

GREENE, WILLIAM BLAKE GREENE, LAUREN  
KIRBY  
5213 LEVERING MILL RD  
APEX NC 27539-3640  
0750484438

BACHOLZKY, RICHARD JR BACHOLZKY, KATHRYN  
5216 LEVERING MILL RD  
APEX NC 27539-3610  
0750484775

MEHTA, RUSHIKESH J TRUSTEE RUSHIKESH J  
MEHTA REVOCABLE TRUST  
5209 LEVERING MILL RD  
APEX NC 27539-3640  
0750485424

BURNET, MARTHA SNYDER TRUSTEE BURNET,  
GILBERT NEFF TRUSTEE  
5208 LEVERING MILL RD  
APEX NC 27539-3610  
0750485688

RUSNAK, DAVID W RUSNAK, PAMELA P  
5205 LEVERING MILL RD  
APEX NC 27539-3640  
0750486339

MADRID, RICHARD J MADRID, RENE MONIQUE  
5204 LEVERING MILL RD  
APEX NC 27539-3610  
0750487632

KEENE, CHRISTOPHER P KEENE, ANNA E  
5200 LEVERING MILL RD  
APEX NC 27539-3610  
0750488577

HORTON, WILLIAM JR HORTON, EDNA  
8208 SMITH RD  
APEX NC 27539-8176  
0750488737

HORTON, WILLIAM JR  
8208 SMITH RD  
APEX NC 27539-8176  
0750489723

HORTON, WILLIAM JR BURRIS, JULIA HORTON  
8208 SMITH RD  
APEX NC 27539-8176  
0750489886

BECK, JOSHUA KEVIN BECK, KATHERINE  
CLEMMONS  
5129 DEZOLA ST  
APEX NC 27539-9529  
0750492134

HORTON, KIMBERLY A HORTON, LOOMIS III  
4801 SW 202ND AVE  
SOUTHWEST RANCHES FL 33332-1033  
0750495371

WRIGHT, DWIGHT MARVIN  
407 S SALEM ST  
APEX NC 27502-2037  
0750498888

HORTON, WILLIAM JR HORTON, EDNA  
8208 SMITH RD  
APEX NC 27539-8176  
0750499041

HORTON, WILLIAM SR HEIRS HORTON,  
LOOMIS JR HEIRS, WILLIAM HORTON JR  
8208 SMITH RD  
APEX NC 27539-8176  
0750499710

HORTON, WILLIAM HORTON, EDNA W  
8208 SMITH RD  
APEX NC 27539-8176  
0750582794

HORTON, WILLIAM JR HORTON, EDNA WILLIS  
8205 SMITH RD  
APEX NC 27539-8177  
0750583990

HORTON, WILLIAM HORTON, EDNA W  
8208 SMITH RD  
APEX NC 27539-8176  
0750591257

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750592361

RICHARDSON, DONALD F  
1630 VAN BUREN ST NW  
WASHINGTON DC 20012-2838  
0750592399

DOWNING, OSWALD DOWNING, DEBORAH H  
8129 SMITH RD  
APEX NC 27539-8175  
0750594097

GANDHI, ANIL R GANDHI, NEHA A  
105 BONNIEWOOD DR  
CARY NC 27518-8961  
0750596206

JACK 1, LLC  
738 CASH ST  
APEX NC 27502-1302  
0751137742

WOMBLE, CHARLES H ET AL WOMBLE, GLEN  
802 BELLAMY RD  
NORTH MYRTLE BEACH SC 29582-2828  
0751201670

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751216689

PRISTINE PARTNERS LLC  
2821 JONES FRANKLIN RD  
RALEIGH NC 27606-4007  
0751222279

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751310079

MFW INVESTMENTS, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751319308

TRINITY APEX NORTH 100 LLC  
106 ISLAND VIEW DR  
BEAUFORT NC 28516-9108  
0751323228

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751328256

MFWIRA, LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751400194

KK LAND INC  
2203 GOOD SHEPHERD WAY  
APEX NC 27523-6947  
0751400697

GRIFFIN, SIRRHAN GRIFFIN, JOSEPH A  
1038 IRONGATE DR  
APEX NC 27502-6505  
0751407981

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751414924

HUNTER, MELVIN O HUNTER, NICOLE  
5037 JESSIE DR  
APEX NC 27539-8859  
0751415915

MFW INVESTMENTS LLC  
114 BIRKLANDS DR  
CARY NC 27518-8203  
0751421387

HINTON, BLANCHE W  
4929 JESSIE DR  
APEX NC 27539-9302  
0751424433

TOOMER, JOE ELLIS TOOMER, FANNIE O  
PO BOX 676  
APEX NC 27502-0676  
0751426099

INDUS REAL ASSOC LLC  
4713 BROOK TOP CT  
RALEIGH NC 27606-3100  
0751426828

KK LAND INC  
2203 GOOD SHEPHERD WAY  
APEX NC 27523-6947  
0751510857

CAREY C JONES MEMORIAL PARK INC  
PO BOX 781  
APEX NC 27502-0781  
0751532815

## AGENT AUTHORIZATION FORM

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

MFW Investments, LLC (Mike Whitehead - Manager) \_\_\_\_\_ is the owner of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 5220 Jessie Drive, Apex, NC (Wake PIN 0751-31-0079) (a portion of the property)

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

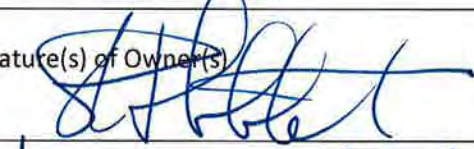
Agent Name: Jeff Roach, P.E. (for Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)

  
Michael F. Whitehead

Type or print name

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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



## AGENT AUTHORIZATION FORM

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Horton Park MF LLC

is the owner of the property for which the attached

application is being submitted:

- ☐ Land Use Amendment
- ☒ Rezoning
- ☐ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: \_\_\_\_\_

The property address is: 5101 Jessie Drive, Apex, NC PIN 0751-31-9308 (portion of the property west of the Colonial Pipeline easement)

The agent for this project is: Peak Engineering & Design

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

Agent Name: Jeff Roach

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)



Thomas G. Drake  
Member / Manager  
Horton Park MF LLC

Type or print name

6/24/19

Date

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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



# Instruction Packet and Affidavit for Neighborhood Meetings

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

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

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

## WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

## WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

## INSTRUCTIONS

Prior to submitting a Rezoning, Major Site Plan, Master Subdivision Plan (excluding minor or exempt subdivisions), or Special Use Permits, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with their initial submittal.

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

### These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

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

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet, and the applicant shall provide reduced copies upon such request.
  - Printed copies must equal the number of notices required to be sent.
  - Contact information for the applicant’s representative must be provided on the handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the “Send Plans & Updates” box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex’s Interactive Development Map.

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

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



June 12, 2019

Adjacent Property Owners and Interested Parties,

RE: Horton Park Rezoning

During the design and review of Horton Park, the timing of NCDOT and Town of Apex projects are beginning to align with the Horton Park timing. For this reason, Horton Park will be submitting a rezoning on July 1st, 2019 to adjust the timing of off-site roadway improvements with three (3) major transportation improvements in mind.

1. Ten Ten Road improvements
2. Highway 55 design and future improvements
3. Jessie Drive design and future improvements/extension

The project will continue to have a mix of residential options (single family, townhomes, and apartments) and non-residential property along the future Jessie Drive corridor. This letter is to inform you that a neighborhood meeting has been scheduled to introduce the rezoning request, the overall Master Subdivision Plan and to answer any questions which you may have. You are welcome to attend the meeting, email me any questions, or call our office to discuss the project.

Meeting Information:

- Date of Neighborhood Meeting: June 27, 2019
- Meeting location: 237 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)
- Time of Meeting: 5:30 PM

If you have any questions concerning the rezoning request, do not hesitate to call or email me at ([jroach@peakengineering.com](mailto:jroach@peakengineering.com)).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffret A. Roach'.

Jeffret A Roach P.E.  
Peak Engineering & Design, PLLC

# 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.

June 12, 2019

Date

The TF-CZ neighborhood meeting was noticed with the overall Horton Park rezoning meeting below.

Dear Neighbor:

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

See Attached Sheet

See Attached Sheet

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. The Neighborhood Meeting is intended as a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org).

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

- ☒ Rezoning (including Planned Unit Development);
- ☐ Major Site Plan;
- ☒ Master Subdivision Plan (excludes minor or exempt subdivision); or
- ☐ Special Use Permit

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

To discuss with the adjacent property owners and other interested parties the rezoning request to adjust the phasing of the project, timing of roadway improvements, the rezoning process, and the overall Master Subdivision Plan.

Estimated submittal date: July 1, 2019

## MEETING INFORMATION:

Property Owner(s) name(s):	See Attached
Applicant(s):	Peak Engineering & Design (Jeff Roach); MFW Investments, LLC
Contact information (email/phone):	(919) 439-0100, jroach@peakengineering.com
Meeting Address:	237 N. Salem Street, Apex, NC 27502 (Halle Cultural Arts Center)
Date of meeting*:	June 27, 2019
Time of meeting*:	5:30 -

## MEETING AGENDA TIMES:


Welcome:	5:30 - 5:40
Project Presentation:	5:40 - 6:00
Question & Answer:	6:00 -

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



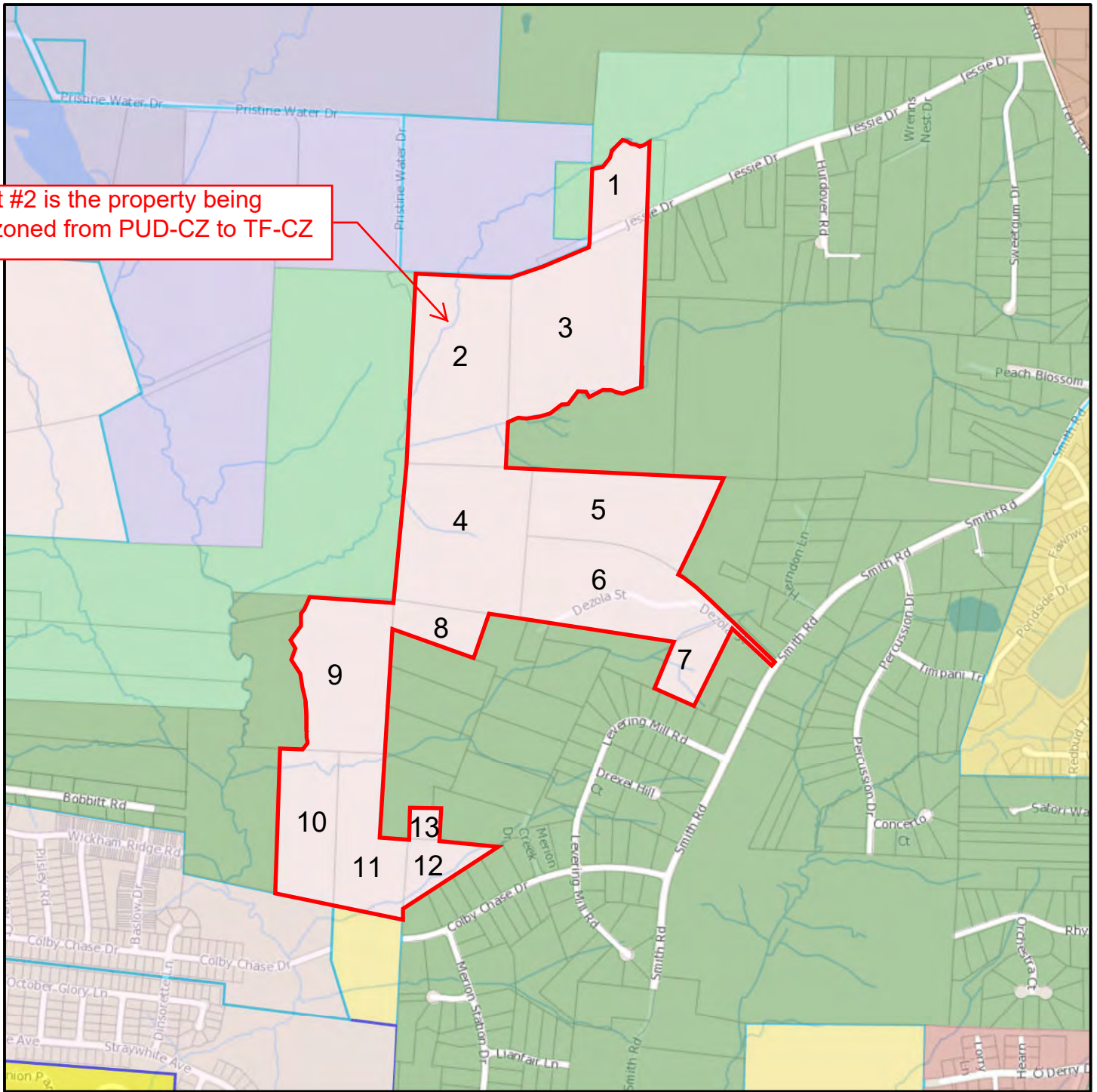
Rezoning Application Parcel List  
Horton Park Assembly  
Apex, NC

A portion of these properties  
is being rezoned from PUD-  
CZ to TF-CZ

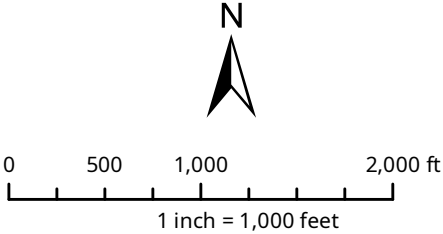


<u>Parcel</u>	<u>Owner</u>	<u>PIN</u>
1	MFW Investments LLC	0751-42-1387
2	MFW Investments LLC	0751-31-0079
3	Horton Park MF, LLC	0751-31-9308
4	Mary Elizabeth Horton	0750-39-0993
5	MFWIRA, LLC	0751-40-0194
6	Kimberly Horton; Loomis Horton III	0750-39-8682
7	Kimberly Horton; Loomis Horton III	0750-49-5371
8	MFW Investments LLC	0750-29-9342
9	MFW Investments LLC	0750-28-0998
10	MFW Investments LLC	0750-27-0906
11	Kimberly Horton; Loomis Horton III	0750-27-4707
12	MFW Investments LLC	0750-27-8677
13	MFW Investments LLC	0750-27-8925

Lot #2 is the property being rezoned from PUD-CZ to TF-CZ



**Horton Park Rezoning**



**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.

# 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.

<b>Noise &amp; Hours of Construction:</b>	<b>Non-Emergency Police</b>	<b>919-362-8661</b>
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours to 7 a.m. – 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.

<b>Construction Traffic:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

<b>Road Damage &amp; Traffic Control:</b>	<b>Water Resources – Infrastructure Inspections</b>	<b>919-362-8166</b>
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

<b>Dirt in the Road:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to Stan Fortier. He will coordinate the cleaning of the roadways with the developer.

<b>Dirt on Properties or in Streams:</b>	<b>Stan Fortier</b> <b>Danny Smith</b>	<b>919-249-1166</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to Stan Fortier at 919-249-1166 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](mailto:danny.smith@ncdenr.gov)) with the State.

<b>Dust:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

<b>Trash:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to Stan Fortier at 919-249-1166. He will coordinate the cleanup and trash collection with the developer/home builder.

<b>Temporary Sediment Basins:</b>	<b>Stan Fortier</b>	<b>919-249-1166</b>
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Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to Stan Fortier at 919-249-1166 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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

<b>Electric Utility Installation:</b>	<b>Rodney Smith</b>	<b>919-249-3342</b>
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

# 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: Halle Cultural Arts Center, 237 North Salem Street, Apex, NC 27502 (Gallery Room)

Date of meeting: June 27, 2019 Time of meeting: 5:30

Property Owner(s) name(s): See Attached Sheet

Applicant(s): MFW Investments, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Falchi	3232 Colby Chase	919 4		ail.com
2.	Dan Carter	2614 Sweetgum Dr	919 749 130		✓
3.	ERMA BURR	2625 Sweetgum DR	919-335-6286		
4.	Donna Provance	2624 " "	919/335-89		✓
5.	Brian Johnson	3305 Cheswold Ct	(919) 602-0542		
6.	Wloss WITARS	111 ANNANDALE	919-810-249		✓
7.	Mike Mansfield	5133 Dezelast	919-353-518		✓
8.	Suecy Ward	2528 Sweetgum	919-931-19		✓
9.	Karen Peters	5300 Leveing Hill Rd			✓
10.	Margaret Griffin	2609 Sweetgum Dr.			✓
11.	Mevin Hunter	5037 Teele Dr	919-271-624		
12.	Steven Rhodes	3208 Colby Chase			✓
13.	Alton Richardson	1295 Windham Rd Greenville NC	252-757-3044		✓
14.					

Use additional sheets, if necessary.



# NEIGHBORHOOD MEETING SIGN-IN SHEET

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Applicant(s): MFV Investments, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Bethel Bullock	2521 Sweetgum Dr <sup>Apex</sup>	(919) 602-83		✓
2.	Randy Mann	106 Island View Dr <sup>RESURFACED</sup>	252-723-06		✓
3.	Jerilyn Paderno	3216 Winton Ln	919 363 373		✓
4.	Russ & Laurie Bell	5508 Merion Station Dr	919 303 85		✓
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): \_\_\_\_\_

Applicant(s): \_\_\_\_\_

Contact information (email/phone): \_\_\_\_\_

Meeting Address: \_\_\_\_\_

Date of meeting: \_\_\_\_\_ Time of meeting: \_\_\_\_\_

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

Question/Concern #1:

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Applicant's Response:

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Question/Concern #2:

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Applicant's Response:

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Question/Concern #3:

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Applicant's Response:

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Question/Concern #4:

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Applicant's Response:

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The Horton Park rezoning and Master Subdivision neighborhood meeting started at 5:30 pm with a brief introduction of the project, the location, and general housekeeping items including the sign-in sheets and handouts. This was followed up by a discussion related to what zoning and Master Subdivision Plans are, the timing of the project, and what our role is for the project. This led into the presentation of the proposed Zoning (10 minutes) followed by discussions related to the Master Subdivision Plan (10 minutes).

The floor was then opened to a discussion with questions and answers from the group. Following are the questions and a summary of responses (some of the questions and responses were long-winded, were condensed for clarity/space, or combined with other questions to provide clarity to staff):

1. Why is the project back again? Please clarify the changes again.
  - A. Horton Park is being rezoned for three (3) reasons: (1) modify the conditions and timing associated with off-site roadway improvements; (2) incorporate timing of Phase I and Phase II development with Jessie Drive construction and alignment of the north-south collector street; and (3) removing the “Cash” property from the PUD and zoning it TF-CZ.

The Town of Apex is proposing to design and build Jessie Drive – and the zoning of Horton Park requires the adjustment of a number of zoning conditions to allow the project to start without having Jessie Drive either in place or under construction. The Town’s investment in Jessie Drive as a Major Thoroughfare is something that has been in discussions for a couple years – and Apex sees the benefit of the connection for neighbors, commuters, and life safety personnel.
2. The Sweetgum neighbors were invited to the meeting – is the zoning changing to incorporate more property near Sweetgum Drive?
  - A. No, there is no additional property being added. The property owners on Sweetgum were notified based upon their interest in the original zonings over the past 2-1/2 years.
3. Are there any changes to the design of Jessie Drive @ Ten Ten which would impact the Sweetgum property owners?
  - A. The Town is beginning the design of Jessie Drive @ Ten Ten in the next fiscal year. We are not aware of the final design at this time. Directed the property owners the Town’s website and the Interactive Development Map for upcoming projects – but not sure if Jessie Drive extension would be included until design-permitting was started.
4. Is a traffic signal proposed at Jessie Drive at Ten Ten Road?
  - A. Horton Park Phase I is not proposing to construct Jessie Drive or have any traffic directed to Jessie Drive. The Horton Park study will not evaluate Jessie Drive for a traffic signal. The Town of Apex extension of Jessie Drive “should” evaluate the intersection for the installation of a new signal. That is part of the ongoing discussions with Apex Transportation Staff related to the Jessie Drive extension project.
5. What is the timing of Jessie Drive?
  - A. Per staff discussions, the 2019-2020 budget allocated \$1MM for design and studies of the Jessie Drive corridor. 2021-2022 budget allocates \$10MM for the construction of Jessie Drive from Highway 55 to Ten Ten. This is still up for discussions with the Town of Apex but is the current status of the project.
6. How does the Jessie Drive timing align with the other projects in the area?
  - A. Explained the current schedule for Ten Ten (start in 2023); Highway 55 (unknown at this time); and Jessie Drive (budget \$10mm for 2022 start). This will be reviewed annually to coordinate with NCDOT and other grants or alternate funding sources as soon as possible (per discussions with staff).

7. What is the plan for the barricade at Colby Crossing and the Merion Subdivision?
  - A. Horton Park continues to have the zoning condition to install the barriers on the western edge of Merion on Colby Chase Drive until the Town of Apex determines the connection is needed. No change to this condition worked out with Merion HOA during the previous zoning requests.
8. Are there other conditions which are changing?
  - A. We assured the neighbors that the rezoning is about timing of improvements – not about modification of any of the conditions which were worked on for months through two previous rezonings.
9. What is the Middle Creek pump station? What is a pump station? And where is it located?
  - A. The Middle Creek Regional Pump Station (aka Middle Creek north) is a pump station that is required to pump sewage from Horton Park and other upstream properties to the Town's Water Reclamation Facility on Pristine Water Drive. This pump station is approximately \$4MM in costs for the developer of Horton Park. The pump station is currently planned for the northeastern corner of the intersection of Middle Creek and Colby Chase Drive (same location that it has been in since the initial zoning and Master Subdivision Plan).
10. What do you mean by staff? Are you referring to Planning Department?
  - A. Planning, Engineering, Transportation, Public Works, Fire, and Building Inspections. These are the staff groups which attend the pre-application meetings and we work with on every project.
11. What does minor collector mean?
  - A. A minor collector is a street designation which specifies the street should expect more vehicles than neighborhood streets, have a slightly higher speed (possibly), and act as a funnel to the larger streets (larger streets being Major Collectors, Thoroughfares, and Interstates).
12. Is the Town of Apex proposing to take ownership of Jessie Drive after completion of the extension?
  - A. That is unknown at this time. Current plan is for Jessie Drive to be constructed to Town of Apex standard but retained within the NCDOT maintenance system. That will be determined later.
13. In showing the 2045 Land Use Map, can you explain the different colors and what they mean?
  - A. Went into the definition of medium density (light yellow), medium-high density (light orange), high density (dark orange), light blue (office employment), purple (industrial employment), and green (park). Then explained the difference between the existing ZONING MAP, 2045 LAND USE MAP, and the WAKE GIS.
14. What is the RCA? And where is it proposed?
  - A. Resource Conservation Area (RCA) is the preservation of existing vegetation and environmentally sensitive areas including trees, wetlands, floodplains, steep slopes, and animal habitat. RCA is proposed to be around the property in various locations including those listed above (current MSP was used to identify current RCA locations).
15. How many lots are proposed with the project?
  - A. The number of lots from the original zoning has not changed. In general, approximately 350 single family or townhomes plus the apartment area and Tech-Flex area along Jessie Drive.
16. What is Tech-Flex? And what are the uses permitted?
  - A. Tech-Flex is an office or business zoning with a number of uses. The uses have been limited for this project to included (as an example) day care, vet, entertainment area (indoor or outdoor), restaurants, offices, convenience store, grocery store, repair services, and others. All the uses will be identified in the zoning application on Interactive Development Map once submitted to the Town.

17. What is the development timing?

- A. **Phase I** is the residential portion south of the existing landfill and “N/F Cash Property” which has access to Smith Road and Colby Chase Drive – the property was identified on the maps at the meeting. This section is hoped to be approved in early 2020; construction start in Spring of 2020; full construction build-out of homes in 2024-2025. This timing is based upon the success of the project and any financial changes. **Phase II** of the project is the section along Jessie Drive including PODs 2,3 and 4 which all rely upon Jessie Drive for access – this timing is based upon the timing of Jessie Drive, Ten Ten, and Highway 55 projects.

18. What is the timing of the review by Apex and the Town Council meetings?

- A. Submittal of the rezoning request is July 1, 2019. This will start a 3-4 month process prior to Town Council public hearings. Assuming approval of the zoning, the Master Subdivision Plan (which has previously been approved) will be modified to reflect the changes associated with the rezoning. Construction Documents will then follow for the contractor and permitting. Apex will send out a notification of future Public Hearings based upon the list of contacts we provided (including the Sweetgum Drive property owners).

19. What is the plan for the greenway and connection to surrounding properties?

- A. The Middle Creek Greenway was discussed at length. Middle Creek Greenway is major connection from the Town of Apex to Holly Springs’ greenway system. These projects include Middle Creek Phase I and II (Town of Apex projects), Reunion Pointe, Horton Park, and future projects north of Jessie Drive. Future connection to Lufkin Road and the Town of Cary greenway system in Regency Park.

20. Who will the builder be?

- A. The construction team may be a couple of builders. Final builder team is TBD.

21. In summary, what is the meeting for?

- A. This meeting is to explain the process, the project, and product while gathering information from residents in the area. The questions will be gathered, answers provided, and included in the zoning submittal for Planning Board and Town Council review during the zoning process. Changes to the design documents or the zoning application may be made from comments received.

22. Who can I contact about the project? Town of Apex?

- A. A list of Town of Apex contacts were provided at the meeting. Staff will know about the project but will not know details until after the July 1, 2019 zoning submittal.

23. Who approves the revised rezoning request?

- A. Town Council reviews and ultimately provides final zoning determination.

24. Where can I find the rezoning application once it is submitted?

- A. On the Town’s website under the “Interactive Development” tab is the map of projects. After the zoning package is submitted, the documents will be updated within a week or two.

25. In reviewing the Master Subdivision Plan provided, how is the zoning changing the design?

- A. The zoning will require the modification of the Master Subdivision Plan to remove the connection to Jessie Drive as part of the Phase I development. This will be done in conjunction with staff input to clarify the improvements on the property.

The Horton Park rezoning neighborhood meeting was very different from a majority of neighborhood meetings as the neighbors were well informed about the project. This is the 3<sup>rd</sup> zoning for this project based upon the size and complexity of the project. Most of the discussions were centered on previous items committed to or discussed with property owners. The questions asked were more process or overall

“why are you rezoning again” type questions. For this reason, the number of questions from the meeting were limited. It was difficult to track all the discussions.

At the conclusion of the meeting, the neighbors broke up into groups, some asking questions, some talking, and others leaving the meeting. There were a number of clarifications provided one-on-one but no additional conditions or concerns about the project beyond what was asking during the larger group setting. The meeting completed at 7:30 when all questions were answered.



# 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, Jonathan Edwards, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Haile Cultural Arts Center, 237 North Salem Street, Apex, NC 27502 (Gallery Room) (location/address) on 6-27-2019 (date) from 5:30 (start time) to 7:30 (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.

6-28-2019  
Date

By: Jonathan Edwards

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 28 day of JUNE, 20 19.



Daniel H Woods  
Notary Public  
DANIEL H WOODS  
Print Name

My Commission Expires: 11/18/23

Legal Description for  
**Tech/Flex – Conditional Zoning**  
Revised August 1, 2019

Boundary description of the proposed Tech/Flex-Conditional Zoning area includes portions of property identified by Wake County GIS as PIN 0751-31-9308 (partial) and 0751-31-0079 (partial). The properties are located south of the future Jessie Drive extension in the Apex ETJ, White Oak Township, and Wake County.

BEING a portion of multiple properties bounded on the North by property N/F Trinity Apex North 100, LLC (BM 2006 Page 360, Wake County Registry); on the south by property of N/F KK Land, Inc (BM 1987 Page 1199, Wake County Registry) and N/F Mary Horton (BM2015 Pg1973, Wake County Registry); and west by property of N/F Womble et al. (DB4443 Pg949, Wake County Registry), more particularly described as follows:

Commencing at an existing iron pipe at the northwest corner of N/F MFW Investments, LLC property (PIN# 0751-31-9308) and the northeast corner of the N/F Fred Cash, Jr. property (PIN 0751-31-0079) as shown on the "Recombination Survey, property of Trinity Apex North 100, LLC" by Riley Surveying, P.A. recorded in Wake County Register of Deeds office Book of Maps 2016 Page 1902, said point being the POINT OF BEGINNING; **thence** N 71°52'08" E for 120.03' to the western edge of the Colonial Pipeline gas easement; **thence** S 05°16'12" W for 1,031.68' to a theoretical point along the southern property line of the N/F MFW Investments, LLC property (PIN 0751-31-9308); **thence** S 66°52'27" W for 52.20' to an existing iron pipe being in the southwest corner of the N/F MFW Investments, LLC property (PIN 0751-31-9308); **thence** S 03°17'44" W for 29.64' to a theoretical point along the eastern boundary of the N/F Fred Cash, Jr. property (PIN 0751-31-0079); **thence** S 77°11'09" W for 688.96' along the south side of an existing creek to a theoretical point along the western boundary of the N/F Fred Cash, Jr. property (PIN 0751-31-0079); **thence** N 02°00'13" E for 1,218.43' to the existing iron pipe in the northwest corner of the N/F Fred Cash, Jr. property (PIN 0751-31-0079); **thence** S 87°50'35" E for 659.92' to an existing iron pipe along the northern property line of the N/F Fred Cash, Jr. property (PIN 0751-31-0079), said point being the POINT AND PLACE OF BEGINNING.

Said property includes approximately 830,332.87 square feet or 19.06 acres.

# **HORTON PARK**

## **A PLANNED UNIT DEVELOPMENT**

### **PD PLAN**

Horton Park Zoning Approval (Case #17CZ19)	October 17, 2017
Horton Park Zoning Approval (Case #18CZ04)	May 1, 2018
Horton Park Zoning Submittal (Case #19CZ16)	July 1, 2019
Revised: September 13, 2019	

Applicant:	MFW Investments, LLC 114 Birklands Drive Cary, NC 27518
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Civil Engineering & Land Planning:	Peak Engineering & Design, PLLC 5448 Apex Peakway #368 Apex, NC 27502 (919) 439-0100 <a href="mailto:JRoach@PeakEngineering.com">JRoach@PeakEngineering.com</a>
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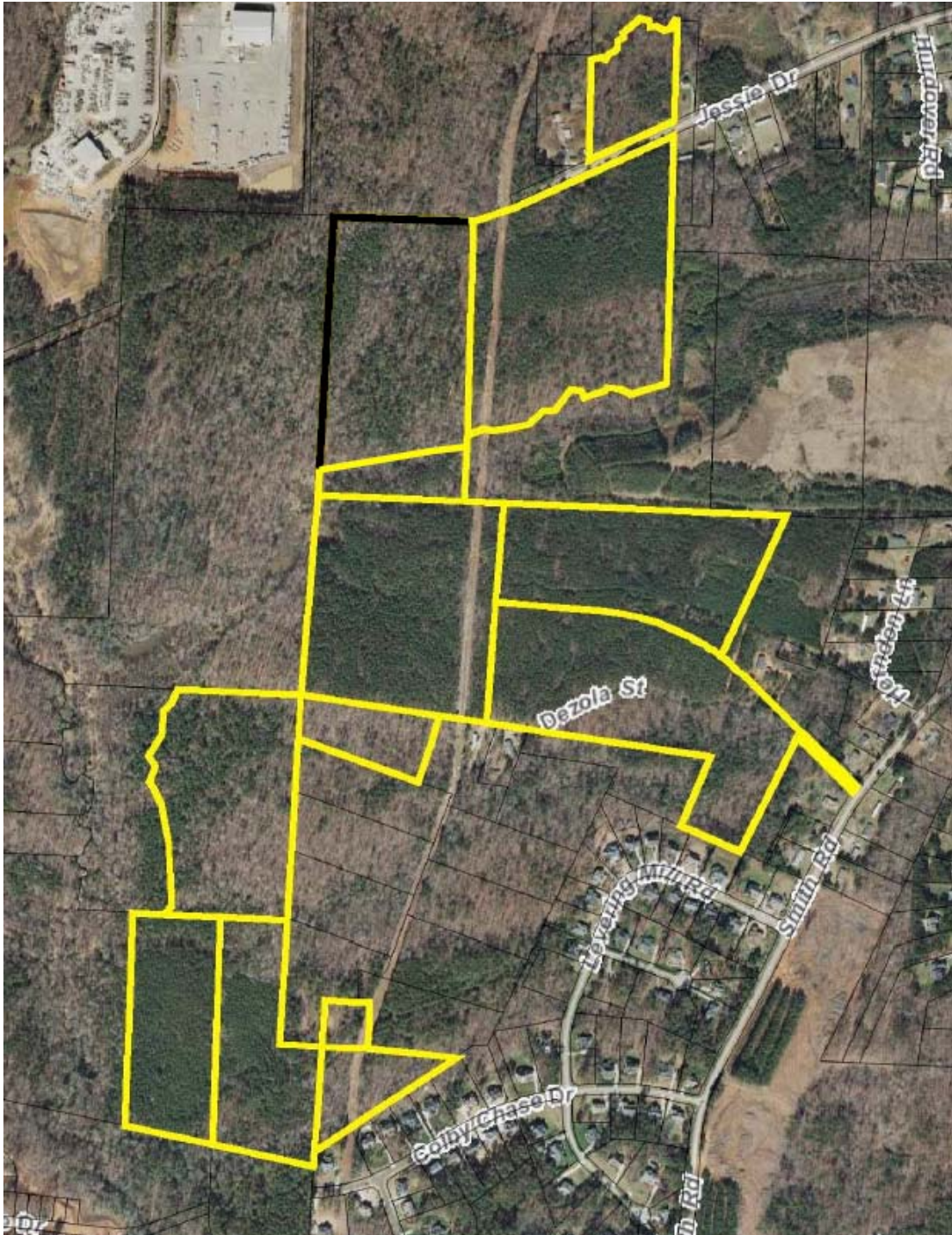
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Section 17:	Phasing
Section 18:	2045 Land Use Map
Section 19:	Compliance with the Unified Development Ordinance (UDO)

Exhibits

Building Elevations

## Section 2: Vicinity Map

Horton Park is a property assembly located along the western terminus of Jessie Drive on the north; Colby Chase Drive on the south; Middle Creek on the west; and Smith Road on the east. A Tech-Flex area was part of the original PUD and is now being removed from the PUD with a request to change the zoning to Tech/Flex- Conditional Zoning (TF-CZ) (a portion of the Cash property – PIN 0751-31-0079) and a separate section is included for the TF-CZ zoning application.





### Executive Summary:

Horton Park was rezoned in October 2017 (case #17CZ19) and May 2018 (case #18CZ04). The original zoning cases included 146.899 acres (121.109 acres PUD-CZ and 27.92 acres LI-CZ). This zoning case is to modify zoning conditions previously approved, modify the zoning on 19.06 acres from PUD-CZ to TF-CZ, remove all reference to the LI-CZ area (north of Jessie Drive) and clarify the timing of the improvements associated with the development. The following information is related to the overall project description and development opportunities.

### Section 3: Project Data

Project name: Horton Park

Applicant/Developer: MFW Investments, LLC  
114 Birklands Drive  
Cary, NC 27518-8203  
[mwhitehead@macgregordev.com](mailto:mwhitehead@macgregordev.com)

Prepared by: Peak Engineering & Design, PLLC  
5448 Apex Peakway #368  
Apex, NC 27502  
(919) 439-0100  
[jroach@peakengineeringdesign.com](mailto:jroach@peakengineeringdesign.com)

#### Zoning:

Existing Zoning: Planned Unit Development (PUD-CZ)

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

#### 2045 Land Use Map

Existing Land Use Designation: Medium Density Residential, High Density Residential, High Density Residential/Office Employment, Office Employment/Industrial Employment

Proposed Land Use: Medium Density Residential, High-Density Residential, High Density Residential/Office Employment, Office Employment/Industrial Employment (no change proposed)

Total Property: PUD-CZ area: 127.84 acres

#### Property Data (PINs):

0751-42-1387	0750-39-8682	0751-40-0194
0751-31-9308 (portion)	0750-29-9342	0750-27-0906
0751-31-0079 (portion)	0750-28-0998 (portion)	0750-27-8925
0750-39-0993	0750-27-4707	
0750-49-5371	0750-27-8677	

Legal descriptions of the properties are based upon surveys, recorded maps, plats, or deeds. This information is all public and provided within the zoning application packet.

#### **Section 4: Purpose Statement**

Horton Park is a proposed mixed-use development that is comprised of single family homes, townhomes, and apartments. The 127.84 acre assemblage is located in an underserved portion of Apex due to the lack of adequate road, water and sewer infrastructure. The PUD parameters are outlined in UDO Section 2.3.4(F)(1)(a)(i - vi) and addressed in various locations within the PD text document which will control the overall Horton Park development as previously described.

The PUD section of the property assemblage is comprised of thirteen (13) parcels, or portions thereof, which total 127.84 acres located along Jessie Drive, west of Smith Road, north of Colby Chase Drive, and east of Middle Creek. The properties are all currently zoned PUD-CZ. The Town of Apex's 2045 Land Use Map designates the properties as Medium Density Residential, High Density Residential, and High Density Residential/Office Employment. An amendment to the 2045 Land Use Map is not required for the current zoning request. Additional information related to the 2045 Land Use Map is provided in Section 18 – 2045 Land Use Map - within the PD Text document and with additional exhibits within the rezoning application.

The purpose of the PUD-CZ rezoning application is to modify conditions agreed to under Zoning #18CZ04. These modifications are summarized below:

1. Modify the timing of off-site roadway improvements to align with major NCDOT and Town of Apex projects including the Ten Ten Road widening; Jessie Drive construction between Ten Ten Road and Highway 55; and Highway 55 corridor improvements from Technology Drive to US 1.
2. Showing portion of PINs 0751-31-0079 and 0751-31-9308 proposed to be removed from the PUD and rezoned to TF-CZ on the official zoning map improves marketability of the site for long-term success.

The higher density residential portion of the property, including apartments and townhomes, will be clustered along Jessie Drive (a major thoroughfare), the North-South Collector Street (a major collector street), and the East-West Collector Street (a major collector street). As the site transitions from north to south, the residential density of Horton Park will reduce and the lot sizes increase. Infrastructure – including roads, water, and sewer – will extend from Smith Road west to the North-South Collector Street in Phase I and to the apartment/townhome properties in Phase II. This phasing aligns with the timing of connections of current and future major transportation corridors within NCDOT's and the Town of Apex's long-range plans.

The residential areas, along with the surrounding non-residentially zoned properties, will support the live-work environment which has been stressed by staff and elected officials for years. Greenways will provide pedestrian and bicycle connectivity to surrounding developments, future Apex trail connections, and adjacent municipal connections. In the greenways section of the PD text, the extension of the Middle Creek greenway will be analyzed as discussions have been ongoing with Parks & Recreation staff related to long-term connectivity within the basin.

The transportation systems associated with the project will construct various off-site improvements. Ramey Kemp & Associates has updated the Traffic Impact Analysis with input from NCDOT and Town of Apex staff. Those improvements are clarified in PD Text Section 12 – Public Facilities.

Phasing is covered in Section 17 of the PD Text and in summary, the project expects development to occur in a number of phases, including apartments, townhomes, and single family areas. The final construction phasing will be coordinated with Apex staff during the Master Subdivision Plan and Site Plan design stages. Section 17 provides additional phasing details.

The rezoning of the properties to PUD-CZ in conjunction with the proposed TF-CZ zoning adjacent to this PUD will provide a high quality project for the live-work option in southeast Apex, preserve significant environmentally sensitive areas, provide greenway connections and play lawns, ensure compatibility with the surrounding developments, provide major infrastructure upgrades, and add significant employment zoned areas in southeast Apex.

#### **Section 5: Permitted Use Table**

The rezoned lands may be used as listed below. The chart provided is a reference to UDO Section 4.2.2 – Use Table – which lists the uses which are permitted within the proposed Planned Unit Development (PUD-CZ).

<b>Horton Park PUD</b>		
<b>Permitted Use Table – PUD-CZ</b>		
"P" permitted; "S" special use permit; " " not permitted; "%" percentage of gross square footage		
Use Type	Residential PODs 3, 5 - 8	High Density Residential POD 4
<b>Residential Uses (UDO 4.3.1)</b>		
Accessory apartment	P	P
Family care home	P	P
Multi-family or apartment		P
Single-family	P	
Townhouse	P	P
Townhouse, detached	P	P
<b>Utilities (UDO 4.3.3)</b>		
Utility, minor	P	P

<b>Horton Park PUD</b>		
<b>Permitted Use Table – PUD-CZ</b>		
"P" permitted; "S" special use permit; " " not permitted; "%" percentage of gross square footage		
Use Type	Residential PODs 3, 5 - 8	High Density Residential POD 4
<b>Recreation Uses (UDO 4.3.4)</b>		
Greenway	P	P
Park, active	P	P
Park, passive	P	P
Recreation facility, private	P	P

## Section 6: Description, Density and Dimensional Standards

The project is broken down into six (6) PODs, numbered 3-8, to explain the proposed uses, dimensional standards, density and other UDO standards. The PODs are shown on the project exhibit – identified as “EX-1: Proposed Site Exhibit” – included in the rezoning package. The density of the property is identified per POD, access shown per POD, and overall site configuration shown for future roadway extensions.

**\*\* If additional property is included in the project boundary prior to any single family homes or townhomes being occupied in an adjacent POD/Phase, the design buffer may be shifted to the new project boundary in coordination with Apex staff. The design buffer may also be crossed by future public streets based upon review and approval by Apex staff.**

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### **PODs 3 & 5 Medium/Medium-High**

POD 3 site area:	4.55 acres
POD 5 site area:	19.71 acres
Proposed zoning:	PUD-CZ
Maximum density:	Townhomes (6 units / acre) or single family homes (4 units / acre)
• POD 3 Density:	27 townhomes or 18 single family homes
• POD 5 Density:	118 townhomes or 78 single family homes
Maximum building height:	40 feet
Maximum Built-Up percentage:	70%

PODs 3 & 5 are proposed for Medium/Medium-High Residential uses, including townhomes, single-family homes, or a mix of products. All development of the residential portions of Horton Park shall submit for Master Subdivision Plan approval through the Town of Apex. Townhomes will be a mix of one (1), two (2), and three (3) bedroom units with various garage and surface parking options to meet current UDO standards (parking standards are referenced in Section 8 of the PD Text).

Individual lot driveway access from POD 5 to the North-South Major Collector Street shall not be permitted.

### **Type T-1 Townhomes: front entry units**

- Minimum lot width: 20 feet
- Minimum lot depth: 80 feet
- Front entry townhomes
- Setbacks:
  - Front setback: 20 feet from R/W
  - Side setback: 0 feet
  - Garage setback: 20 feet from back of sidewalk or back of curb where no SW exists
  - End unit side & corner lot setback: 3 ft
  - Rear setback: 10 feet



Type T-2 Townhomes: rear or alley entry units fronting on public streets

- Minimum lot width: 20 feet
- Minimum lot depth: 80 feet
- Rear or alley entry townhomes
- Setbacks:
  - o Front setback: 10 feet from R/W
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 5 feet from alley easement or right-of-way

Type S-1, S-2, S-3, and S-4 single family lots in PODs 3 & 5 shall match the standards established in PODs 6, 7, & 8 within the PD Text document.

Perimeter buffers POD 3 & 5:

All perimeter buffers for PODs 3 & 5 are noted in the table included at the end of Section 6.

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**POD 4**                      **High Density Residential**

Site Area:                      20.99 acres

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

POD 4 is proposed for High Density Residential uses, including apartments, townhomes or a mix of both housing types. The final product will depend upon market conditions as the project progresses. POD 4 will have direct access to Jessie Drive and shall obtain approval from NCDOT and the Town of Apex.

The following parameters will control future apartment and/or townhome development within POD 4 as the required PUD-CZ standards apply:

POD 4 Apartments:

POD 4 site area:                      20.99 acres

Proposed density:                      314 apartments (maximum of 15 units/acre)

Maximum built-upon percentage:    70%

Maximum building height:    65 feet; 4-stories (not including basement level)

Apartments will be a mix of one (1), two (2), and three (3) bedroom units with the option for various parking standards, including surface, garage, and/or basement level parking.

Proposed minimum building setbacks:

- Front, side and rear: 50 feet (perimeter of the apartment site only)

POD 4 Townhomes:

POD 4 site area: 20.99 acres  
Proposed density: 125 townhomes (max of 6 units/acre)  
Maximum built-upon percentage: 70%  
Maximum building height: 40 feet

If POD 4 is developed as townhomes, there may be a mix of two (2) car garage units, one (1) car garage units, and units without garages. Various types of parking shall be provided to meet current UDO standards (parking standard noted in Section 8 of the PD Text).

Type T-1 Townhomes: front entry units

- Minimum lot width: 18 feet
- Minimum lot depth: 80 feet
- Minimum building separation: 8 feet
- Front entry townhomes
- Setbacks:
  - o Front setback: 20 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk or back of curb where no SW exists
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 10 feet

Type T-2 Townhomes: rear or alley entry units

- Minimum lot width: 18 feet
- Minimum lot depth: 80 feet
- Minimum building separation: 8 feet
- Rear or alley entry townhomes
- Setbacks:
  - o Front setback: 10 feet from R/W
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 5 feet from alley right-of-way limits

Perimeter buffers POD 4:

All perimeter buffers for POD 4 are noted in the table included at the end of Section 6.

The project will comply with other standards established by UDO Section 5.1.3 related to setbacks and density requirements or as proposed throughout the rezoning process and noted within the PD Text document.

### **PODs 6, 7, & 8 Medium Density Residential**

PODs 6, 7, and 8 are proposed Medium Density Residential uses per Section 5 of the PD text – Permitted Use table.

POD 6	39.01 acres
POD 7	19.37 acres
POD 8	24.21 acres
Total area:	82.59 acres
Proposed density:	227 single family lots (2.75 units / acre – medium density)
Maximum Built Upon Percentage:	70%
Maximum Building height:	40 feet

82.59 acres are proposed within the Medium Density Residential PODs (PODs 6, 7 & 8). The overall lot count for this area has not increased from the previous zoning (case #18CZ04). Single family lots will be a mix of various sizes to create different options for future residents, including:

#### **Type S-1 single family lots**

- Minimum lot width: 70 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 7,700 SF
- Average lot size: 8,500 SF
- Lots shall be front, side, or rear entry garage homes
- Proposed minimum setbacks:
  - Front setback: 15 feet from R/W
  - Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - Side setback: 5' min. (no aggregate)
  - Corner side setback: 10 feet minimum
  - Rear setback: 10 feet
  - Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

#### **Type S-2 single family lots**

- Minimum lot width: 60 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 6,600 SF
- Average lot size: 7,200 SF
- Lots shall be front, side, or rear entry garage homes
- Proposed minimum setbacks:
  - Front setback: 15 feet from R/W
  - Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - Side setback: 5' min. (no aggregate)
  - Corner side setback: 8 feet minimum
  - Rear setback: 10 feet
  - Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Type S-3 single family lots

- Minimum lot width: 50 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 5,500 SF
- Average lot size: 6,000 SF
- Lots shall be front, side, or rear entry garage homes
- Building setbacks:
  - o Front setback: 10 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 5 feet
  - o Rear setback: 5 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Type S-4 single family lots

S-4 single family lots are not permitted in POD 8 and are only permitted along the collector streets within POD 6 and 7.

- Minimum lot width: 40 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 4,000 SF
- Average lot size: 4,500 SF
- Front entry units may have 1 car garage or no garage for each unit
- Rear entry units may have 2 car garage for each unit
- Building setbacks:
  - o Front setback: 10 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 5 feet
  - o Rear setback: 5 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Perimeter buffers PODs 6, 7 & 8:

All perimeter buffers for PODs 6, 7 & 8 are noted in the table included at the end of Section 6.

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<b>Horton Park PUD Proposed Buffer Table</b>				
<b>POD #</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
3	20' Type B	20' Type B	30' Type B (50' Type A/B if disturbed per UDO)	20' Type B
4	30' Type B (50' Type A/B if disturbed per UDO)	25' Type B-residential and landfill	25' Type B – stream buffer next to landfill	0' - adjacent to gas easement
5	20' Type B	25' Type B–next to landfill 0' between POD 5&6	10' Type A-major collector * (type 'D' for alley loaded)	20' Type B
6	25' Type B – landfill 20' Type B- residential	20' Type B	10' Type A-major collector * (type 'D' for alley loaded) 20' Type B-residential 30' Type B-Beck property	0' - adjacent to gas easement
7	10' Type A-major collector *	10' Type D-collector OR 20' Type B-residential	None; internal to project (stream buffer)	10' Type B-floodplain
8	0' – internal 20' Type B-residential	20' Type B-stream buffer 20' Type B – residential 10' Type B – eastern boundary of Virginia Horton Stewart property	10' Type B-Colby Crossing & stream buffer	10' Type B floodplain

Buffers along roads shall be provided as shown on Sheet EX-1 or the PUD Plan Sheet Packet. Per UDO 8.2.6, within residential developments, no streetfront buffer is required on minor collectors or residential streets.

\* Where alley-loaded homes face a major collector, a Type 'D' buffer shall be required.



## **Section 7: Architectural Standards**

The following Architectural Standards shall apply for the multi-family/apartments, townhomes and single family homes as applicable to the following sections.

### Apartment standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments.
8. At least three of the following decorative features shall be used on each building:
  - Decorative shake
  - Board and batten
  - Decorative porch railing/posts
  - Shutters
  - Decorative/functional air vents on roof or foundation
  - Recessed windows
  - Decorative windows
  - Decorative brick/stone
  - Decorative gables
  - Decorative cornices
  - Tin/metal roof
9. A varied color palette shall be utilized for the apartment buildings throughout the development. With garden style apartments, a minimum of three color families for siding shall be provided and will include varied trim, shutter, and accent colors complementing the siding color. For a single mass apartment structure, the color shall vary with accent colors or architectural features to provide building relief.
10. Breezeway(s) for the four story apartment elevation is to be enclosed for additional mechanical equipment or elevators.

### Townhome standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch.
7. The visible side of a townhome on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch

- Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. Building facades shall have horizontal relief achieved by the use of recesses and projections.
  9. 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.
  10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
  11. Minor elevation adjustments may be accommodated with staff approval – including limiting clipped dormers on no more than 25% of the proposed townhome building designs.
  12. Side entry, end unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.

Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
6. 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.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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
9. 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.

10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
14. A maximum of 100% of the single family detached residential units within POD 6 shall be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
15. All single family detached residential homes are to be pre-configured with conduit for a solar energy system.
16. No less than 10 single family detached homes out of the first 100 homes within POD 6 will be installed with a minimum of a 4 kW solar PV system.

### **Section 8:     Parking and Loading**

Parking will be provided for each product type in accordance with Apex UDO Section 8.3 standards or as noted below.

#### Apartments:

Parking shall be provided by surface, garage, underground parking, or a mix of parking types. Parking shall be provided per UDO Section 8.3 standards in conjunction with staff reviews.

#### Townhomes:

Townhome parking shall be provided pursuant to standards established in Section 8.3 of the UDO with the following clarification:

- 2 parking space/townhome required, including garage or driveway spaces, plus
- 0.50 parking spaces/bedroom over 2 bedrooms/unit, plus
- 0.25 parking spaces/unit for guest spaces
- Garages and driveways shall be counted for overall parking standards if they meet dimensional standards

#### Single Family detached:

Parking for single family homes will be provided in garages and concrete driveways on each lot which meet Apex UDO standards. CBU or Mail Kiosk parking shall be calculated per UDO Section 8.3 standards and provided around the appropriate device.

Residential driveways shall have a minimum width of 12' and 20' in length as measured from the back of the sidewalk or, where no sidewalk exists, a minimum of 20' as measured from the back of the curb, to count as required parking.

### **Section 9: Resource Conservation Area (RCA)**

Horton Park PUD (127.84 acres) is located north and east of 540 and is therefore required to meet the standards of UDO Section 8.1.2 to preserve or establish a minimum of 20% Resource Conservation Area (RCA) for the project. The project is proposing to mass grade the single-family portions of the project and is therefore required to provide an additional 2% RCA for the single family, mass graded sections. The project will provide an overall RCA of no less than 20% (25.568 acres) of the project's total gross acreage if the site is stage-graded, with an additional 2% RCA for any single family sections within Horton Park which are mass graded.

With large portions of floodplain along the western boundary of the site, development patterns may adjust to accommodate required RCA standards. RCA for the project may include stream buffers, floodplains, wetlands, steep slope areas, perimeter buffers, street and roadway buffers, a portion of storm water devices, community amenity areas, play lawns and other designated areas. The final location and calculations for RCA shall be finalized during the Master Subdivision Plan and Construction Document reviews.

### **Section 10: Landscaping**

Internal landscaping will comply with various UDO sections including Section 8.2 for buffers, street tree plantings, foundation plantings, and tree preservation (as proposed) or as noted within Section 6 of the PD Text or as shown on EX-1: Proposed Site Exhibit attached with the rezoning request. With the variety of uses in and around the property, variable width and variable opacity buffers will be provided throughout the project.

The residential buffers will follow UDO standards for perimeter plantings, Jessie Drive frontage (thoroughfare), collector streets, and residential properties adjacent to developed or undeveloped property. Proposed buffers are labeled within Section 6 – Description, Density, and Dimensional Standards for each POD and shown on Exhibit 1 to assist in the identification of the buffer classifications.

### **Section 11: Signage**

All signage will comply with the applicable standards and requirements of UDO Section 8.7.

Signage for the residential developments, whether apartments, townhome or single family PODs, shall be coordinated with staff during the appropriate Master Subdivision Plan and/or Master Signage Plan approval. Each section of the development will provide sign easements along perimeter street infrastructure for appropriate signage.

## Section 12: Public Facilities

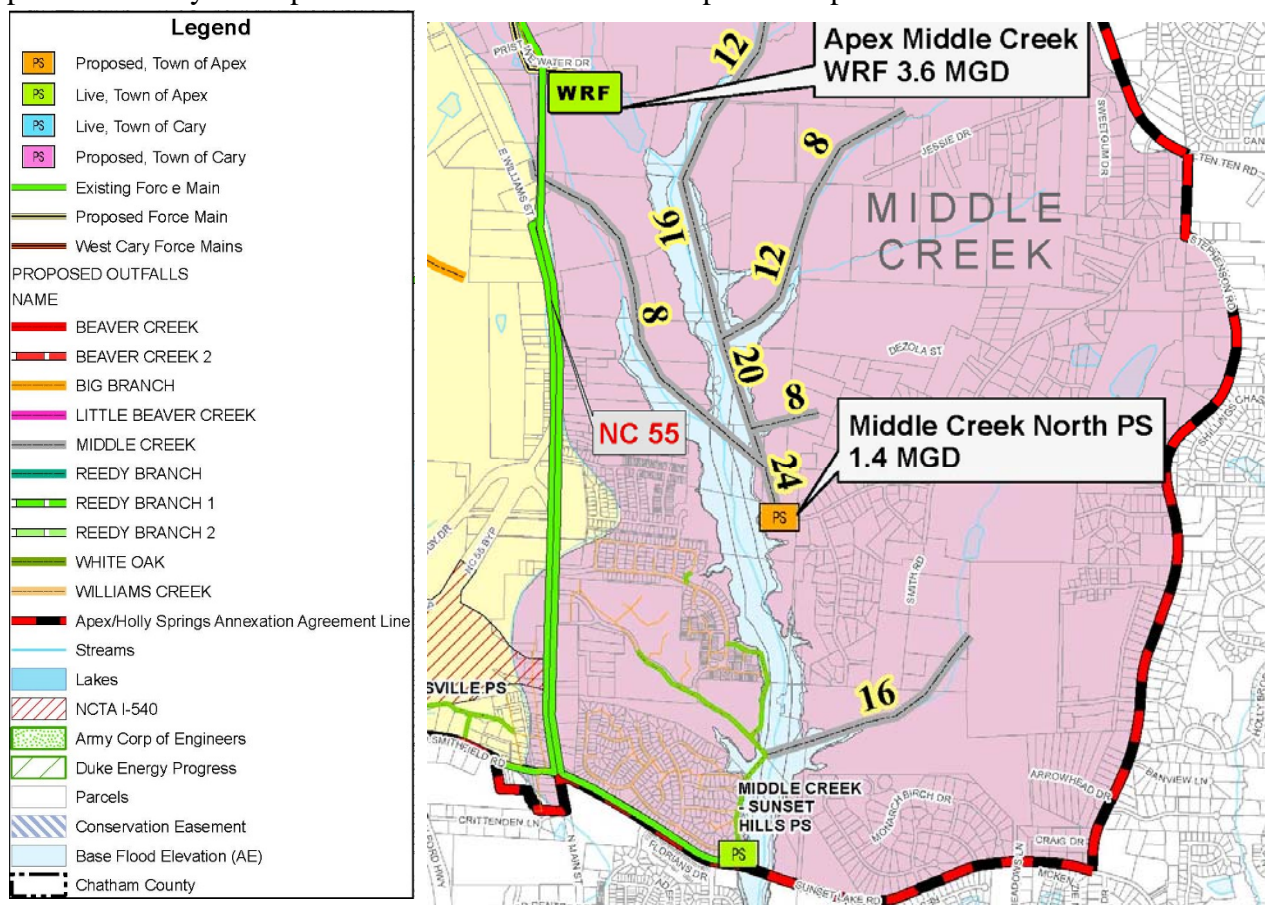
The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall be designed per the current Town of Apex standards and specifications. Facilities include:

Water

Water will be extended from Pemberley subdivision (south) and Smith Road (east) for Phase I; and from Jessie Drive (north) for Phase II. Various extensions will be provided within the Horton Park phasing study to confirm sufficient pressure and flows to all portions of the project during any phased portion of the development.

## Sanitary Sewer

The Middle Creek North Pump Station is proposed to provide sanitary sewer service to the Middle Creek drainage basin north of Colby Chase Drive. This pump station will be constructed by the development team, including design, land acquisition, construction, and commissioning. Costs associated with the pump station will be reimbursed through separate developers' agreements with the Town of Apex that are outside the scope of the PUD process. The new regional pump station is required as the existing Middle Creek – Sunset Hills pump station is currently at capacity and cannot accept significant flows from development within the Middle Creek drainage basin. This new pump station will alleviate capacity concerns for the existing pump station and provide a public sewer system option for Horton Park and other parts of Apex.





### Streets

A number of future collector streets and a future 4-lane thoroughfare are shown on the Apex Transportation Plan – Thoroughfare and Collector Street Map within the boundary of the PUD. These streets include Jessie Drive (major thoroughfare); an east-west major collector (within the vicinity of Dezola Street); an east-west minor collector (connection from Percussion Drive to the north-south connector); a north-south minor collector (Colby Chase Drive to the east-west major collector), and a north-south major collector from the east-west major collector to Jessie Drive). The final alignment of any collectors or thoroughfares will be coordinated with staff during the Master Subdivision Plan or Site Plans. The ultimate right-of-way for each of the collectors and thoroughfares shall be provided during the time of Master Subdivision Plan review. The roadway sections which are installed are based upon the traffic capacity evaluations, the Traffic Impact Analysis, standards, and discussions with staff at the time of submittal of the Horton Park design documents. Modifications to the alignment of the collectors and thoroughfares will be reviewed with staff at the appropriate time to ensure compliance with Town standards that certain connections are made. The final alignment of all streets shown within the Master Subdivision Plans will be coordinated with staff.

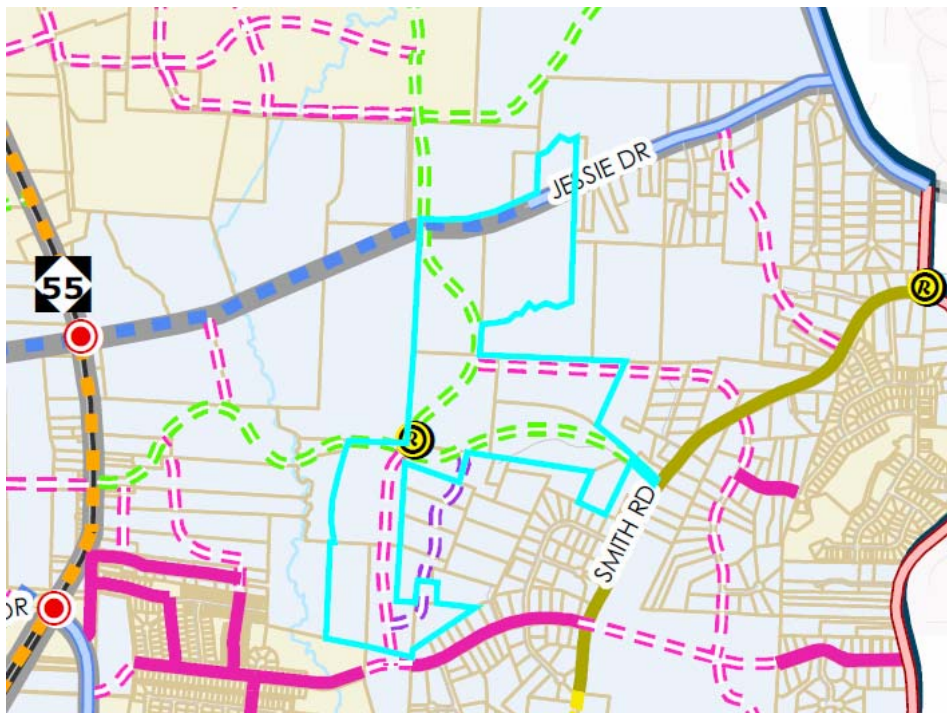


Figure 1 – Apex  
Transportation Map

### Apex Transportation Plan modification.

No changes are proposed at this time to the existing Town of Apex Transportation Plan Map.

### Transportation:

Following are the Traffic Capacity Zoning Conditions for the project pursuant to the MOU dated June 21, 2019 coordinated between NCDOT, the Town of Apex Transportation Engineering staff, and the project Transportation Engineer (Ramey Kemp & Associates).

The Developer shall coordinate with NCDOT all planned improvements on state maintained roadways. In some cases, zoning conditions are subject to NCDOT review and approval and may change to conform to NCDOT approvals. Turn bay storage lengths refer to the length of full width lane provided exclusive of the 100-foot taper in each case. Jessie Drive shall continue as a state maintained roadway for all existing and proposed sections, and the developer shall dedicate the right-of-way pursuant to the current Town of Apex Transportation Plan, currently a 110-foot public right of way along all sections of Jessie Drive within the development.

The timing of the roadway improvements will be coordinated with Apex Transportation Staff during the Master Subdivision Plan and Construction Document review based upon the recommendations within the approved Traffic Impact Analysis (TIA) and according to the phasing plan provided in Section 17 - Phasing. The following recommendations are based upon the revised TIA which will supersede the TIA dated May 31, 2017, the Colby Chase Addendum dated August 30, 2017, and the TIA Update date July 2, 2019.

### **PHASE I TRANSPORTATION IMPROVEMENTS**

#### US 1 Southbound Ramps / Waterford Green Drive at Center Street

- The Developer shall coordinate with NCDOT and Town staff in order to conduct a signal timing study and implement traffic signal timing modifications within the scope of the closed loop-system for Center Street/Ten-Ten Road, including this intersection, Lufkin Road and Reliance Avenue. The developer shall be obligated to pursue this effort only once during the development build-out schedule as directed by the Town of Apex Senior Transportation Engineer.
- The Developer shall provide intersection signal timing evaluation and modifications at a time to be determined by the Town of Apex Senior Transportation Engineer within the following schedule: The timing evaluation shall occur after the first Final Plat is recorded and prior to the recordation of the Final Plat for no more than 250 dwelling units of single-family and/or townhomes, or the issuance building permits for 250 apartment units, or any combination thereof.

#### Ten Ten Road at Smith Road

- The Developer shall extend the existing westbound left-turn lane to provide a minimum of 350 feet of storage and appropriate taper.
- The Developer shall construct the aforementioned improvements at the Ten Ten Road/Smith Road intersection at the time the East-West Collector Street is constructed and platted to Smith Road.

#### Smith Road at Stephenson Road/Smith Road

- The Developer shall construct an eastbound left-turn lane with a minimum of 100 feet of storage and appropriate taper.
- The Developer shall monitor this intersection for installation of all-way stop control and provide for the all-way stop conversion if warranted and permitted by NCDOT.
- The Developer shall construct the aforementioned improvements at the Smith Road/Stephenson Road intersection at the time the East-West Collector Street is constructed and platted to Smith Road.

#### Smith Road at East-West Collector Street

- The Developer shall construct a southbound right-turn lane with a minimum of 75 feet of storage and appropriate taper.
- The Developer shall construct a Major Collector Street from the North-South Collector Street to Smith Road on a 60-foot public right of way for the entire length.
- The Developer shall provide access to existing residential properties on Dezola Street in a manner that avoids residential driveways directly accessing any Major Collector Streets.

#### East Williams Street at Straywhite Avenue

- The Developer shall stripe the Straywhite Avenue approach to E. Williams Street for two lanes with 75 feet of storage.
- The Developer shall monitor the intersection and install a traffic signal if warranted and permitted by NCDOT.
- The Developer shall complete the monitoring period as directed by the Town of Apex Senior Transportation Engineer within the following schedule: The monitoring shall occur after the opening of Colby Chase Drive from the Pemberley subdivision to the Merion Subdivision but no later than the recording of the Final Plat for 250 dwelling units of single-family and/or townhomes, or the issuance of building permits for 250 apartment units, or any combination thereof.

#### East Williams Street at Technology Drive at NC 55

- Intersection included in the MOU although no improvements are proposed.

## **PHASE II TRANSPORTATION IMPROVEMENTS**

The full project build-out includes the following intersections per the approved MOU.

### **Jessie Drive at Ten-Ten Road**

- The Developer shall construct a westbound left-turn lane with a minimum of 100 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall construct an eastbound right-turn lane with a minimum of 200 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall construct a northbound right-turn lane with 100 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall monitor this intersection and install a traffic signal if warranted and permitted by NCDOT prior to the pending state TIP project.
- The Developer shall construct the improvements at the aforementioned Jessie Drive/Ten Ten intersection at the time Jessie Drive is extended to the Horton Park North-South Collector/Production Drive intersection.
- If the traffic signal is not warranted prior to the first Final Plat, the developer shall provide a performance bond for the signal based on an engineer's estimate of final costs. The performance bond shall remain in place for a period of 5 years, or until the last Final Plat for the development, whichever comes first. Once the signal is warranted, the developer shall install the signal within 6 months plus time for any delays due to right-of-way acquisition and utility relocation but not to exceed 12 months.

### **Jessie Drive at the North-South Collector Street**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions at both intersections.
- The Developer shall construct the North-South Collector Street to a Minor Collector Street typical section on a 60-foot public right of way for the entire length.
- The Developer shall construct the aforementioned improvements at the Jessie Drive/North-South Collector Street prior to recordation of the first Final Plat for single-family and/or townhomes, or the issuance of the first building permit for the apartments.

### **Jessie Drive at Site Drive #1**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions.

### **Jessie Drive at Site Drive #2**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions.

**The following roadway improvements are internal to the project and do not require NCDOT review or approval. These improvements shall be reviewed with Apex staff to verify compliance with design standards during the zoning, master subdivision, and construction document stages of the project as appropriate. Improvements shall be constructed and platted as the connections are created for each development POD. Said improvements were identified within the Traffic Impact Analysis dated May 31, 2017 with the Colby Chase Addendum dated August 30, 2017 with no proposed modifications.**

**North-South Collector Street at Site Drive #2, #3, and Dezola Street**

- The Developer shall construct single lane eastbound and westbound approaches with stop control, and single lane northbound and southbound free-flow approaches.

**East-West Collector Street at Site Drive #4**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and single lane eastbound and westbound free-flow approaches. Stop control may be reversed subject to future connectivity.

**North-South Collector Street at Colby Chase Drive**

- The Developer shall construct the connection of Colby Chase from Pemberley Subdivision to the Merion Subdivision. The connection of Colby Chase Drive to the state-maintained portion requires NCDOT review and approval.
- The Developer shall construct the connection of the North-South Collector Street to Colby Chase Drive.
- The Developer shall evaluate with Apex staff the option for traffic calming devices along Colby Chase Drive between Pemberley and Merion subdivisions.

**Colby Chase Drive Extension**

- The Developer agrees not to open Colby Chase Drive to the Merion Subdivision until the North-South Collector Street is constructed and open to the public or at the direction of the Town of Apex Senior Transportation Engineer.



### Sidewalks

Sidewalks will be installed in accordance with the UDO standards along all streets within the residential development and along the public rights-of-ways.

### Greenways

Greenways and multi-use paths will be provided within the development per the PRGOS Master Plan and as an additional project amenity. Location of said greenways and multi-use paths is being and will continue to be coordinated with staff through the rezoning process and future MSPs. Additional detail will be provided at the appropriate time including the Parks & Recreation Advisory Commission meeting, MSP review and construction document submittals. Additional information is contained in Section 16 – Parks & Recreation.

## **Section 13: Pedestrian Circulation System and Amenities**

The pedestrian circulation system will include sidewalks along internal streets, perimeter roadways, Jessie Drive, Dezola Street and other named and unnamed collectors, residential streets, alleys or as appropriate in discussion with staff for each Phase of the project. Various greenways and multi-use paths are shown within the Apex Master Plans and will be coordinated with staff for the design and installation as appropriate during Master Subdivision Plan review.

The developer has agreed to work with staff to find a location which can accommodate a future transit easement along Jessie Drive for Phase II of the project. Any final agreements and location shall be coordinated during the design of Jessie Drive. This commitment is not a commitment to construct – this is a commitment to work with staff to find an appropriate location only.

## **Section 14: Natural Resources and Environmental Protection**

The site is located within the Town's Secondary Watershed Protection Overlay District including Middle Creek and the large floodplain associated with this feature. This part of Apex is currently undeveloped and has a number of creeks and streams containing a large amount of wetlands, floodplains, stream buffers and other environmentally sensitive areas. The site is shown within Specials Flood Hazard areas as identified by FEMA FIRM Maps 3720075100J and 3720075000J dated May 2, 2006.

Impacts to some of these environmentally sensitive areas will be unavoidable during the design and permitting for the project. Impacts will be identified and permitted through the appropriate local, State and/or Federal review agencies as required for construction of the project. Major creek crossings will be required and adjusted to minimize environmental impacts associated with the development.

A full review of the flora, fauna, endangered species, and historical data has been completed and all areas identified within the previously approved Master Subdivision Plans. Environmentally sensitive areas and impact maps have been prepared through the rezoning, Master Subdivision Plan, and construction documents for impacts. The creeks, streams, and buffers which are currently shown were provided by S&EC, Inc. and from the current USGS map and Wake County soils

survey. An onsite review with the US Army Corps of Engineers and NC-DNR has been completed. Any additional buffers or streams have been coordinated with NCDWR staff and the site adjusted per the final concurrence calls. Immediately adjoining land uses would extend into the newly available development area with additional building square footage or additional lots not to exceed the zoning approval conditions.

Based upon the North Carolina State Historic Preservation Office website (HPOWEB GIS Service) and Apex UDO Section 12.2 – Historic Structures – there are no historic homes or contributory structures within the boundary of the properties.

### **Section 15: Storm Water Management**

The project will contain a number of proposed storm water SCMs. The site is located within the Middle Creek basin and Apex's Secondary Watershed Overlay District and is therefore required to meet the standards of UDO Section 6.1 as applicable. Horton Park will utilize approved structural devices to control storm water and sediment runoff including detention ponds, retention ponds, bioretention cells, wetlands, underground devices, and/or other State recognized storm water management devices. Storm water control devices shall blend into the surrounding developments or be used as possible amenities depending upon their design, aesthetics, size, and location. Final routing of the SCMs will be done in conjunction with the Apex Environmental Services staff to assure compliance with appropriate guidelines.

### **Section 16: Parks and Recreation**

The Parks, Recreation, Greenways and Open Space Master Plan shows the development of the Middle Creek greenway from the Holly Springs greenway system at Sunset Lake Road extending north to Lufkin Road Middle School and the Town of Cary's greenway system north of Ten Ten Road. The greenway and multi-use paths shall be a mix of asphalt, concrete, sidewalk, boardwalk, and pedestrian bridges which will be identified with Apex staff during the Master Subdivision Plan review. Horton Park has been in discussions with Parks & Recreation staff to determine the best routing to serve the most residents and possible commuters as practical. This routing would involve greenways along Middle Creek, unnamed creeks and streams, floodplain boundaries and other natural areas as well as multi-use paths along residential streets, minor collectors, and major collectors.

Horton Park was reviewed at the August 30, 2017 PRCR Advisory Commission meeting and was approved consistent with Staff's recommendation for a fee-in-lieu for the project with the flexibility for both parties to continue to work to find a way to implement the Middle Creek Greenway plan. In the event a solution can be reached, which may involve adjusting the corridor, the developer would build the connection and receive credit against the fees owed. All other sections of the UDO pertaining to the construction of public greenway would then be applicable.

A Public Art Easement shall be provided at the intersection of Jessie Drive and the North-South Collector with a second location within the roundabout at the intersection of the North-South Collector and the East-West Collector streets.

## **Section 17: Phasing**

### **Lot Development Phasing:**

The project will consist of as many as seven (7) development phases. These phases will be broken into the following categories, although development will vary in timing and order of POD development based upon market conditions and off-site roadway improvements at the time of approval:

1. one (1) phase of single-family and/or townhomes north of Jessie Drive (POD 3);
2. one (1) phase of townhomes and/or apartments south of Jessie Drive (POD 4);
3. two (2) townhome phases south of Jessie Drive (POD 5); and
4. three (3) medium density, single family phases south of Jessie Drive to Colby Chase Drive and east to Smith Road (PODs 6, 7 & 8).

The development of Horton Park will also be broken down into two (2) larger phases – as identified in the Traffic Impact Analysis (TIA). The two phases within the TIA are described as:

#### **Phase I:**

Phase I includes the development of all single-family residential lots and townhome lots south of the N/F Cash Property (PIN 0751-31-0079). This includes PODs 5 – 8, the East-West Major Collector Street from Smith Road to the western project boundary and the North-South Collector Street from Colby Chase Drive to the southern boundary of the N/F Cash Property.

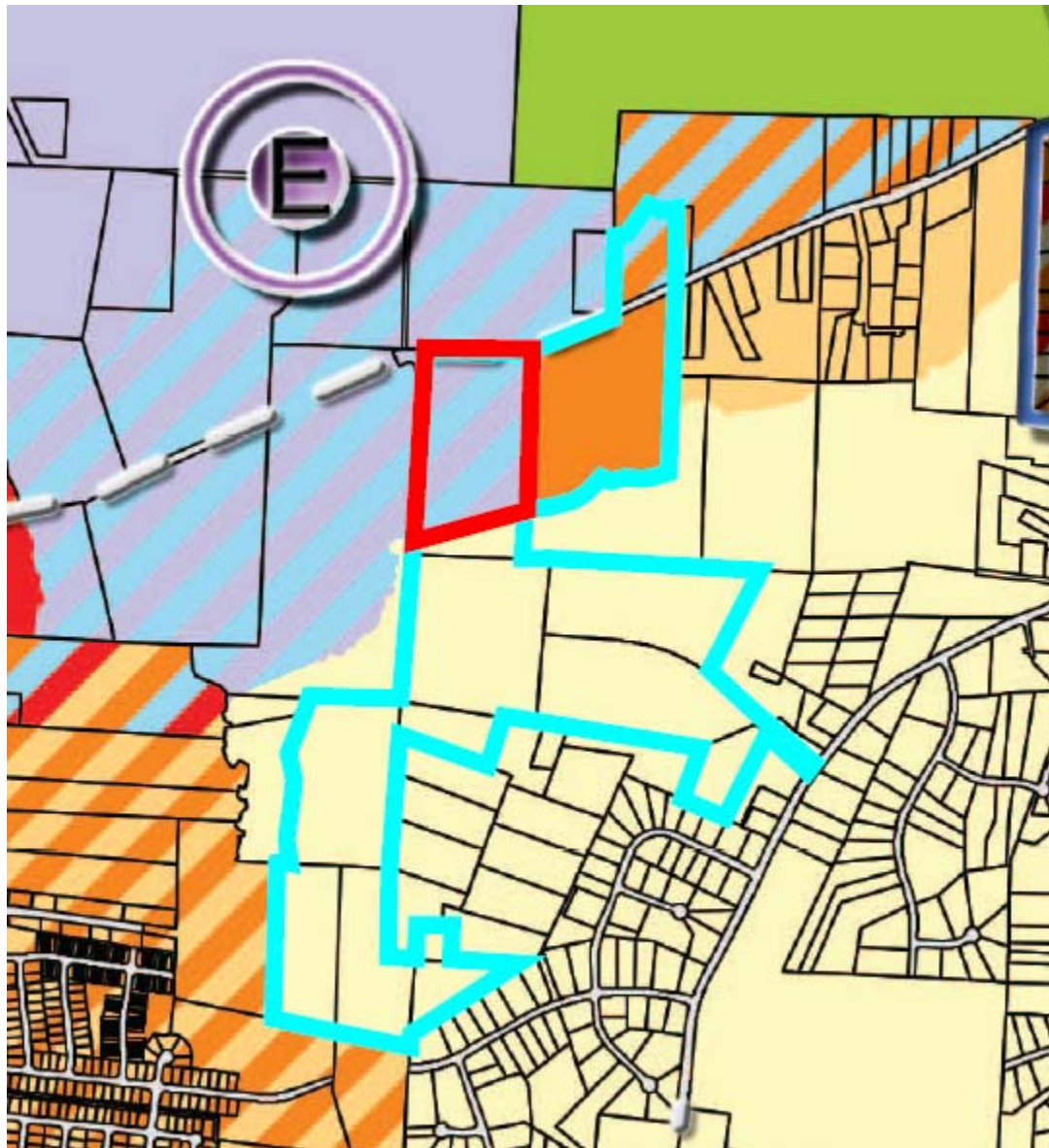
#### **Phase II:**

Phase II includes the development of the single-family, townhomes, and/or apartments along the Jessie Drive corridor. This specifically includes PODs 3 and 4. Phase II also includes the construction of the North-South Major Collector from the Phase I terminus to Jessie Drive; and the construction of Jessie Drive west of the connection with the North-South Major Collector.

## **Section 18: 2045 Land Use Map**

The Horton Park PUD development encompasses 127.84 acres of property including multiple residential types (PODs 3-8). The rezoning request is in keeping with the land use designations identified on the current 2045 Land Use Map. The 2045 Land Use Map has been included for reference in this section although there are no requested changes.

NO CHANGES TO THE CURRENT 2045 LAND USE MAP ARE PROPOSED WITH THE HORTON PARK REZONING.



2045 Land Use Map  
Boundary of PUD-CZ district is shown in CYAN.

#### Future Land Classifications

- Protected Open Space
- Rural Density Residential  
One dwelling unit per five acres
- Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes, and/or townhomes
- 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

- Park—Public or Private
- School
- Sanitary Landfill
- Right-of-Way
- Mixed Use  
\*30% Non-residential
- Property Lines
- Duke Energy Land
- Proposed Thoroughfares

\*Apartments allowed within the Town Center and Transit-Oriented Development context areas

#### Potential Activity Centers

- Ⓝ **Neighborhood Mixed Use (NMU)**  
Economic development potential estimated to be, but not limited to:  
• Up to 100,000 ft<sup>2</sup> of commercial  
• 1 to 2-mile trade area
- ⓔ **Employment Mixed Use (EMU)**  
Economic development potential estimated to be, but not limited to:  
• Office, warehousing, tech/flex  
• Some commercial
- Ⓢ **Community Mixed Use (CMU)**  
Economic development potential estimated to be, but not limited to:  
• Up to 350,000 ft<sup>2</sup> of commercial  
• 4 to 6-mile trade area
- Ⓡ **Regional Mixed Use (RMU)**  
Economic development potential estimated to be, but not limited to:  
• Over 350,000 ft<sup>2</sup> of commercial  
• 10 to 25-mile trade area
- Ⓧ **Recreational Mixed Use (XMU)**  
Economic development anchored by a recreational amenity  
• Size of businesses and services dependent upon amenity size  
• Pedestrian and bicycle mobility preserved



## **Section 19: Compliance with the Unified Development Ordinance**

With any specific items previously identified within the PD Text addressed, the project – including the Residential Master Subdivision Plans, non-residential Site Plans, and Construction Documents – shall comply with the applicable Apex Unified Development Ordinance sections. Any deviation from these standards shall be approved by staff, Planning Board or Town Council representatives through the design and approval for the project as appropriate.



## **EXHIBITS**

The following exhibits/drawings are attached as part of the required PUD-CZ. Any reference to the LI-CZ parcels is for information purposes only and does not constitute control or additional standards on the LI-CZ parcel.

### **COVER SHEET (Sheet C000)**

The Cover Sheet contains contact information, a vicinity map, the site design guidelines and required Town of Apex site notes and descriptions.

### **EXISTING CONDITIONS (Sheet C001)**

The C001 Existing Conditions sheet is the overall boundary of the property including land owners, property line calls, creek data, adjacent property owner's information, land uses, PIN reference, deed and/or plat information, and surrounding roadway networks.

### **EXISTING CONDITIONS - TOPO (Sheet C002)**

The C002 Existing Conditions sheet includes the data on sheet C001 along with LIDAR topographic information referenced into the drawing.

### **EXISTING CONDITIONS – TREE SURVEY (C003)**

The C003 Tree Survey sheet contains the location, size and tree data. The trees were identified per requirements of UDO Section 8.1.2(B)(2) including perimeter site locations, anticipated RCA, and a general notation for internal tree samplings. This information was provided by Ellen & Associates, registered NC forester #565.

### **CONCEPTUAL SITE PLAN (Sheet C100)**

The Conceptual Site Plan includes the required base items per the PUD checklist, standard site notes, access points, existing street network, and identification of specific uses. The townhome and apartment areas, as well as the single family residential areas, are all identified on the plan. Items to point out are the locations of Jessie Drive, the gas easement and creek locations based upon surveys, LIDAR and FEMA mapping information.

### **CONCEPTUAL UTILITY PLAN (Sheet C200)**

The Conceptual Utility Plan shows the location of existing water and sewer infrastructure in the area. Although there is no sewer in the area, we have still set up the drawing to reflect existing conditions and location of the connections and Middle Creek North Pump Station.

### **PROPOSED SITE EXHIBIT (Sheet EX-1)**

The Proposed Site Exhibit shows the location of the different uses within the project boundary. This includes; high density residential (townhomes and/or apartments); medium/high density residential (townhomes); and medium density residential (single family homes). Each section is broken into PODs for each use and summarized in the PD Text document.

## SINGLE FAMILY BUILDING ELEVATIONS

### Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
6. 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.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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
9. 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.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. No more than 25% of the lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
14. A maximum of 100% of the single family detached residential units within POD 6 shall be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
15. All single family detached residential homes are to be pre-configured with conduit for a solar energy system.
16. No less than 10 single family detached homes out of the first 100 homes within POD 6 will be installed with a minimum of a 4 kW solar PV system.

## Townhome and Single Family Home Color Palette (Sherwin Williams)

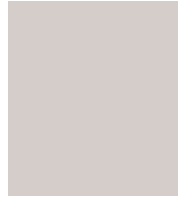
All colors are Primary with the exception of those noted



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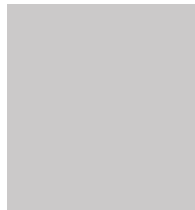
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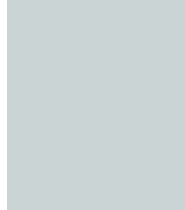
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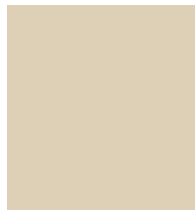
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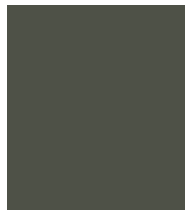
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SW 9119  
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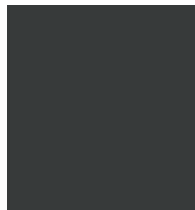
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JUNGLE



SW 6156  
RAMIE



SW 6994  
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ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.

## TOWNHOME BUILDING ELEVATIONS

### Townhome Standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch.
7. The visible side of a townhome on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. Building facades shall have horizontal relief achieved by the use of recesses and projections.
9. 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.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Minor elevation adjustments may be accommodated with staff approval – including limiting clipped dormers on no more than 25% of the proposed townhome building designs.
12. Side entry, end unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.

## Townhome and Single Family Home Color Palette (Sherwin Williams)

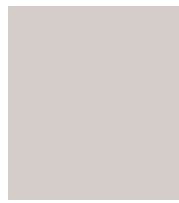
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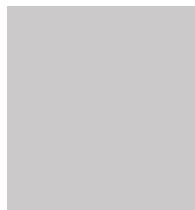
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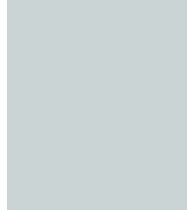
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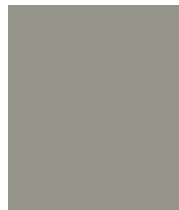
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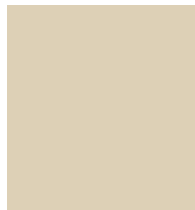
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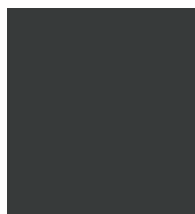
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GREENBLACK  
ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.



## APARTMENT BUILDING ELEVATIONS

### Apartment standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments.
8. At least three of the following decorative features shall be used on each building:
  - Decorative shake
  - Board and batten
  - Decorative porch railing/posts
  - Shutters
  - Decorative/functional air vents on roof or foundation
  - Recessed windows
  - Decorative windows
  - Decorative brick/stone
  - Decorative gables
  - Decorative cornices
  - Tin/metal roof
9. A varied color palette shall be utilized for the apartment buildings throughout the development. With garden style apartments, a minimum of three color families for siding shall be provided and will include varied trim, shutter, and accent colors complementing the siding color. For a single mass apartment structure, the color shall vary with accent colors or architectural features to provide building relief.
10. Breezeway(s) for the four story apartment elevation is to be enclosed for additional mechanical equipment or elevators.

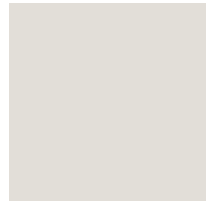
Apartment Color Palette (Sherwin Williams)  
All colors are Primary with the exception of those noted



SW 6117  
SMOKEY  
TOPAZ



SW 7019  
GAUNTLET  
GRAY



SW 7014  
ELDER WHITE



SW 7024  
FUNCTIONAL GRAY



SW 6242  
BRACING BLUE



SW 6524  
COMMODORE



SW 6761  
THERMAL  
SPRING  
(ACCENT)



SW 6871  
POSITIVE  
RED  
(ACCENT)

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.

# HORTON PARK

## A PLANNED UNIT DEVELOPMENT

### PD PLAN

Horton Park Zoning Approval (Case #17CZ19)	October 17, 2017
Horton Park Zoning Approval (Case #18CZ04)	May 1, 2018
Horton Park Zoning Submittal (Case #19CZ16)	July 1, 2019
Revised: September 13, 2019	

Applicant:	MFW Investments, LLC 114 Birklands Drive Cary, NC 27518
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Civil Engineering & Land Planning:	Peak Engineering & Design, PLLC 5448 Apex Peakway #368 Apex, NC 27502 (919) 439-0100 <a href="mailto:JRoach@PeakEngineering.com">JRoach@PeakEngineering.com</a>
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## **Table of Contents**

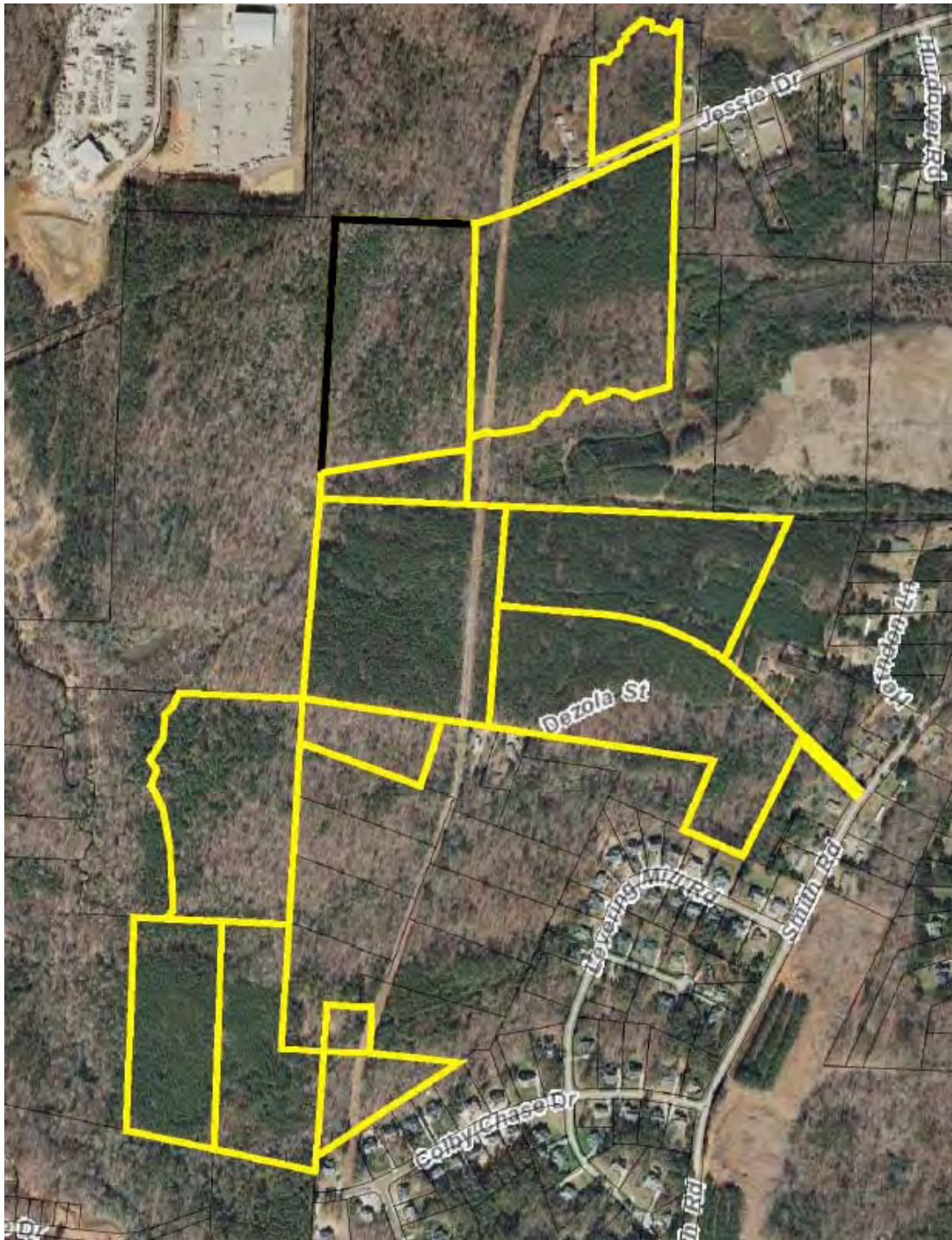
Section 1:	Table of Contents
Section 2:	Vicinity Map
Section 3:	Project Data
Section 4:	Purpose Statement
Section 5:	Permitted Uses
Section 6:	Description, Density and Dimensional Standards
Section 7:	Architectural Standards
Section 8:	Parking and Loading
Section 9:	Resource Conservation Area (RCA)
Section 10:	Landscaping
Section 11:	Signage
Section 12:	Public Facilities
Section 13:	Pedestrian Circulation System and Amenities
Section 14:	Natural Resources and Environmental Protection
Section 15:	Storm Water Management
Section 16:	Parks and Recreation
Section 17:	Phasing
Section 18:	2045 Land Use Map
Section 19:	Compliance with the Unified Development Ordinance (UDO)

Exhibits

Building Elevations

## Section 2: Vicinity Map

Horton Park is a property assembly located along the western terminus of Jessie Drive on the north; Colby Chase Drive on the south; Middle Creek on the west; and Smith Road on the east. A Tech-Flex area was part of the original PUD and is now being removed from the PUD with a request to change the zoning to Tech/Flex- Conditional Zoning (TF-CZ) (a portion of the Cash property – PIN 0751-31-0079) and a separate section is included for the TF-CZ zoning application.





#### Executive Summary:

Horton Park was rezoned in October 2017 (case #17CZ19) and May 2018 (case #18CZ04). The original zoning cases included 146.899 acres (121.109 acres PUD-CZ and 27.92 acres LI-CZ). This zoning case is to modify zoning conditions previously approved, modify the zoning on 19.06 acres from PUD-CZ to TF-CZ, remove all reference to the LI-CZ area (north of Jessie Drive) and clarify the timing of the improvements associated with the development. The following information is related to the overall project description and development opportunities.

### Section 3: Project Data

Project name: Horton Park

Applicant/Developer: MFW Investments, LLC  
114 Birklands Drive  
Cary, NC 27518-8203  
[mwhitehead@macgregordev.com](mailto:mwhitehead@macgregordev.com)

Prepared by: Peak Engineering & Design, PLLC  
5448 Apex Peakway #368  
Apex, NC 27502  
(919) 439-0100  
[jroach@peakengineeringdesign.com](mailto:jroach@peakengineeringdesign.com)

#### Zoning:

Existing Zoning: Planned Unit Development (PUD-CZ)

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

#### 2045 Land Use Map

Existing Land Use Designation: Medium Density Residential, High Density Residential, High Density Residential/Office Employment, Office Employment/Industrial Employment

Proposed Land Use: Medium Density Residential, High-Density Residential, High Density Residential/Office Employment, Office Employment/Industrial Employment (no change proposed)

Total Property: PUD-CZ area: 127.84 acres

#### Property Data (PINs):

0751-42-1387	0750-39-8682	0751-40-0194
0751-31-9308 (portion)	0750-29-9342	0750-27-0906
0751-31-0079 (portion)	0750-28-0998 (portion)	0750-27-8925
0750-39-0993	0750-27-4707	
0750-49-5371	0750-27-8677	

Legal descriptions of the properties are based upon surveys, recorded maps, plats, or deeds. This information is all public and provided within the zoning application packet.

#### **Section 4: Purpose Statement**

Horton Park is a proposed mixed-use development that is comprised of single family homes, townhomes, and apartments. The 127.84 acre assemblage is located in an underserved portion of Apex due to the lack of adequate road, water and sewer infrastructure. The PUD parameters are outlined in UDO Section 2.3.4(F)(1)(a)(i - vi) and addressed in various locations within the PD text document which will control the overall Horton Park development as previously described.

The PUD section of the property assemblage is comprised of thirteen (13) parcels, or portions thereof, which total 127.84 acres located along Jessie Drive, west of Smith Road, north of Colby Chase Drive, and east of Middle Creek. The properties are all currently zoned PUD-CZ. The Town of Apex's 2045 Land Use Map designates the properties as Medium Density Residential, High Density Residential, and High Density Residential/Office Employment. An amendment to the 2045 Land Use Map is not required for the current zoning request. Additional information related to the 2045 Land Use Map is provided in Section 18 – 2045 Land Use Map - within the PD Text document and with additional exhibits within the rezoning application.

The purpose of the PUD-CZ rezoning application is to modify conditions agreed to under Zoning #18CZ04. These modifications are summarized below:

1. Modify the timing of off-site roadway improvements to align with major NCDOT and Town of Apex projects including the Ten Ten Road widening; Jessie Drive construction between Ten Ten Road and Highway 55; and Highway 55 corridor improvements from Technology Drive to US 1.
2. Showing portion of PINs 0751-31-0079 and 0751-31-9308 proposed to be removed from the PUD and rezoned to TF-CZ on the official zoning map improves marketability of the site for long-term success.

The higher density residential portion of the property, including apartments and townhomes, will be clustered along Jessie Drive (a major thoroughfare), the North-South Collector Street (a major collector street), and the East-West Collector Street (a major collector street). As the site transitions from north to south, the residential density of Horton Park will reduce and the lot sizes increase. Infrastructure – including roads, water, and sewer – will extend from Smith Road west to the North-South Collector Street in Phase I and to the apartment/townhome properties in Phase II. This phasing aligns with the timing of connections of current and future major transportation corridors within NCDOT's and the Town of Apex's long-range plans.

The residential areas, along with the surrounding non-residentially zoned properties, will support the live-work environment which has been stressed by staff and elected officials for years. Greenways will provide pedestrian and bicycle connectivity to surrounding developments, future Apex trail connections, and adjacent municipal connections. In the greenways section of the PD text, the extension of the Middle Creek greenway will be analyzed as discussions have been ongoing with Parks & Recreation staff related to long-term connectivity within the basin.

The transportation systems associated with the project will construct various off-site improvements. Ramey Kemp & Associates has updated the Traffic Impact Analysis with input from NCDOT and Town of Apex staff. Those improvements are clarified in PD Text Section 12 – Public Facilities.

Phasing is covered in Section 17 of the PD Text and in summary, the project expects development to occur in a number of phases, including apartments, townhomes, and single family areas. The final construction phasing will be coordinated with Apex staff during the Master Subdivision Plan and Site Plan design stages. Section 17 provides additional phasing details.

The rezoning of the properties to PUD-CZ in conjunction with the proposed TF-CZ zoning adjacent to this PUD will provide a high quality project for the live–work option in southeast Apex, preserve significant environmentally sensitive areas, provide greenway connections and play lawns, ensure compatibility with the surrounding developments, provide major infrastructure upgrades, and add significant employment zoned areas in southeast Apex.

#### **Section 5: Permitted Use Table**

The rezoned lands may be used as listed below. The chart provided is a reference to UDO Section 4.2.2 – Use Table – which lists the uses which are permitted within the proposed Planned Unit Development (PUD-CZ).

<b>Horton Park PUD</b>		
<b>Permitted Use Table – PUD-CZ</b>		
"P" permitted; "S" special use permit; " " not permitted; "%" percentage of gross square footage		
Use Type	Residential PODs 3, 5 - 8	High Density Residential POD 4
<b>Residential Uses (UDO 4.3.1)</b>		
Accessory apartment	P	P
Family care home	P	P
Multi-family or apartment		P
Single-family	P	
Townhouse	P	P
Townhouse, detached	P	P
<b>Utilities (UDO 4.3.3)</b>		
Utility, minor	P	P

<b>Horton Park PUD</b>		
<b>Permitted Use Table – PUD-CZ</b>		
"P" permitted; "S" special use permit; " " not permitted; "%" percentage of gross square footage		
Use Type	Residential PODs 3, 5 - 8	High Density Residential POD 4
<b>Recreation Uses (UDO 4.3.4)</b>		
Greenway	P	P
Park, active	P	P
Park, passive	P	P
Recreation facility, private	P	P

## **Section 6: Description, Density and Dimensional Standards**

The project is broken down into six (6) PODs, numbered 3-8, to explain the proposed uses, dimensional standards, density and other UDO standards. The PODs are shown on the project exhibit – identified as “EX-1: Proposed Site Exhibit” – included in the rezoning package. The density of the property is identified per POD, access shown per POD, and overall site configuration shown for future roadway extensions.

**\*\* If additional property is included in the project boundary prior to any single family homes or townhomes being occupied in an adjacent POD/Phase, the design buffer may be shifted to the new project boundary in coordination with Apex staff. The design buffer may also be crossed by future public streets based upon review and approval by Apex staff.**

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### **PODs 3 & 5 Medium/Medium-High**

POD 3 site area: 4.55 acres  
 POD 5 site area: 19.71 acres  
 Proposed zoning: PUD-CZ  
 Maximum density: Townhomes (6 units / acre) or single family homes (4 units / acre)

- POD 3 Density: 27 townhomes or 18 single family homes
- POD 5 Density: 118 townhomes or 78 single family homes

Maximum building height: 40 feet  
 Maximum Built-Up percentage: 70%

PODs 3 & 5 are proposed for Medium/Medium-High Residential uses, including townhomes, single-family homes, or a mix of products. All development of the residential portions of Horton Park shall submit for Master Subdivision Plan approval through the Town of Apex. Townhomes will be a mix of one (1), two (2), and three (3) bedroom units with various garage and surface parking options to meet current UDO standards (parking standards are referenced in Section 8 of the PD Text).

Individual lot driveway access from POD 5 to the North-South Major Collector Street shall not be permitted.

### **Type T-1 Townhomes: front entry units**

- Minimum lot width: 20 feet
- Minimum lot depth: 80 feet
- Front entry townhomes
- Setbacks:
  - Front setback: 20 feet from R/W
  - Side setback: 0 feet
  - Garage setback: 20 feet from back of sidewalk or back of curb where no SW exists
  - End unit side & corner lot setback: 3 ft
  - Rear setback: 10 feet



Type T-2 Townhomes: rear or alley entry units fronting on public streets

- Minimum lot width: 20 feet
- Minimum lot depth: 80 feet
- Rear or alley entry townhomes
- Setbacks:
  - o Front setback: 10 feet from R/W
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 5 feet from alley easement or right-of-way

Type S-1, S-2, S-3, and S-4 single family lots in PODs 3 & 5 shall match the standards established in PODs 6, 7, & 8 within the PD Text document.

Perimeter buffers POD 3 & 5:

All perimeter buffers for PODs 3 & 5 are noted in the table included at the end of Section 6.

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**POD 4**                      **High Density Residential**

Site Area:                      20.99 acres

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

POD 4 is proposed for High Density Residential uses, including apartments, townhomes or a mix of both housing types. The final product will depend upon market conditions as the project progresses. POD 4 will have direct access to Jessie Drive and shall obtain approval from NCDOT and the Town of Apex.

The following parameters will control future apartment and/or townhome development within POD 4 as the required PUD-CZ standards apply:

POD 4 Apartments:

POD 4 site area:                      20.99 acres

Proposed density:                      314 apartments (maximum of 15 units/acre)

Maximum built-upon percentage:    70%

Maximum building height:    65 feet; 4-stories (not including basement level)

Apartments will be a mix of one (1), two (2), and three (3) bedroom units with the option for various parking standards, including surface, garage, and/or basement level parking.

Proposed minimum building setbacks:

- Front, side and rear: 50 feet (perimeter of the apartment site only)

#### POD 4 Townhomes:

POD 4 site area: 20.99 acres  
Proposed density: 125 townhomes (max of 6 units/acre)  
Maximum built-upon percentage: 70%  
Maximum building height: 40 feet

If POD 4 is developed as townhomes, there may be a mix of two (2) car garage units, one (1) car garage units, and units without garages. Various types of parking shall be provided to meet current UDO standards (parking standard noted in Section 8 of the PD Text).

#### Type T-1 Townhomes: front entry units

- Minimum lot width: 18 feet
- Minimum lot depth: 80 feet
- Minimum building separation: 8 feet
- Front entry townhomes
- Setbacks:
  - o Front setback: 20 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk or back of curb where no SW exists
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 10 feet

#### Type T-2 Townhomes: rear or alley entry units

- Minimum lot width: 18 feet
- Minimum lot depth: 80 feet
- Minimum building separation: 8 feet
- Rear or alley entry townhomes
- Setbacks:
  - o Front setback: 10 feet from R/W
  - o Side setback: 0 feet
  - o End unit side & corner lot setback: 3 ft
  - o Rear setback: 5 feet from alley right-of-way limits

#### Perimeter buffers POD 4:

All perimeter buffers for POD 4 are noted in the table included at the end of Section 6.

The project will comply with other standards established by UDO Section 5.1.3 related to setbacks and density requirements or as proposed throughout the rezoning process and noted within the PD Text document.

### **PODs 6, 7, & 8 Medium Density Residential**

PODs 6, 7, and 8 are proposed Medium Density Residential uses per Section 5 of the PD text – Permitted Use table.

POD 6	39.01 acres
POD 7	19.37 acres
POD 8	24.21 acres
Total area:	82.59 acres
Proposed density:	227 single family lots (2.75 units / acre – medium density)
Maximum Built Upon Percentage:	70%
Maximum Building height:	40 feet

82.59 acres are proposed within the Medium Density Residential PODs (PODs 6, 7 & 8). The overall lot count for this area has not increased from the previous zoning (case #18CZ04). Single family lots will be a mix of various sizes to create different options for future residents, including:

#### **Type S-1 single family lots**

- Minimum lot width: 70 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 7,700 SF
- Average lot size: 8,500 SF
- Lots shall be front, side, or rear entry garage homes
- Proposed minimum setbacks:
  - o Front setback: 15 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 10 feet minimum
  - o Rear setback: 10 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

#### **Type S-2 single family lots**

- Minimum lot width: 60 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 6,600 SF
- Average lot size: 7,200 SF
- Lots shall be front, side, or rear entry garage homes
- Proposed minimum setbacks:
  - o Front setback: 15 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 8 feet minimum
  - o Rear setback: 10 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Type S-3 single family lots

- Minimum lot width: 50 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 5,500 SF
- Average lot size: 6,000 SF
- Lots shall be front, side, or rear entry garage homes
- Building setbacks:
  - o Front setback: 10 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 5 feet
  - o Rear setback: 5 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Type S-4 single family lots

S-4 single family lots are not permitted in POD 8 and are only permitted along the collector streets within POD 6 and 7.

- Minimum lot width: 40 feet
- Minimum lot depth: 100 feet
- Minimum lot size: 4,000 SF
- Average lot size: 4,500 SF
- Front entry units may have 1 car garage or no garage for each unit
- Rear entry units may have 2 car garage for each unit
- Building setbacks:
  - o Front setback: 10 feet from R/W
  - o Garage setback: 20 feet from back of sidewalk, or back of curb where no SW exists
  - o Side setback: 5' min. (no aggregate)
  - o Corner side setback: 5 feet
  - o Rear setback: 5 feet
  - o Rear entry setback: 5 feet (garage setback for driveway parking standards from alley)

Perimeter buffers PODs 6, 7 & 8:

All perimeter buffers for PODs 6, 7 & 8 are noted in the table included at the end of Section 6.

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<b>Horton Park PUD Proposed Buffer Table</b>				
<b>POD #</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
3	20' Type B	20' Type B	30' Type B (50' Type A/B if disturbed per UDO)	20' Type B
4	30' Type B (50' Type A/B if disturbed per UDO)	25' Type B-residential and landfill	25' Type B – stream buffer next to landfill	0' - adjacent to gas easement
5	20' Type B	25' Type B–next to landfill 0' between POD 5&6	10' Type A-major collector * (type 'D' for alley loaded)	20' Type B
6	25' Type B – landfill 20' Type B- residential	20' Type B	10' Type A-major collector * (type 'D' for alley loaded) 20' Type B-residential 30' Type B-Beck property	0' - adjacent to gas easement
7	10' Type A-major collector *	10' Type D-collector OR 20' Type B-residential	None; internal to project (stream buffer)	10' Type B-floodplain
8	0' – internal 20' Type B-residential	20' Type B-stream buffer 20' Type B – residential 10' Type B – eastern boundary of Virginia Horton Stewart property	10' Type B-Colby Crossing & stream buffer	10' Type B floodplain

Buffers along roads shall be provided as shown on Sheet EX-1 or the PUD Plan Sheet Packet. Per UDO 8.2.6, within residential developments, no streetfront buffer is required on minor collectors or residential streets.

\* Where alley-loaded homes face a major collector, a Type 'D' buffer shall be required.



## **Section 7: Architectural Standards**

The following Architectural Standards shall apply for the multi-family/apartments, townhomes and single family homes as applicable to the following sections.

### Apartment standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments.
8. At least three of the following decorative features shall be used on each building:
  - Decorative shake
  - Board and batten
  - Decorative porch railing/posts
  - Shutters
  - Decorative/functional air vents on roof or foundation
  - Recessed windows
  - Decorative windows
  - Decorative brick/stone
  - Decorative gables
  - Decorative cornices
  - Tin/metal roof
9. A varied color palette shall be utilized for the apartment buildings throughout the development. With garden style apartments, a minimum of three color families for siding shall be provided and will include varied trim, shutter, and accent colors complementing the siding color. For a single mass apartment structure, the color shall vary with accent colors or architectural features to provide building relief.
10. Breezeway(s) for the four story apartment elevation is to be enclosed for additional mechanical equipment or elevators.

### Townhome standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch.
7. The visible side of a townhome on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch

- Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. Building facades shall have horizontal relief achieved by the use of recesses and projections.
  9. 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.
  10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
  11. Minor elevation adjustments may be accommodated with staff approval – including limiting clipped dormers on no more than 25% of the proposed townhome building designs.
  12. Side entry, end unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.

Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
6. 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.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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
9. 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.

10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
14. A maximum of 100% of the single family detached residential units within POD 6 shall be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
15. All single family detached residential homes are to be pre-configured with conduit for a solar energy system.
16. No less than 10 single family detached homes out of the first 100 homes within POD 6 will be installed with a minimum of a 4 kW solar PV system.

### **Section 8:     Parking and Loading**

Parking will be provided for each product type in accordance with Apex UDO Section 8.3 standards or as noted below.

#### Apartments:

Parking shall be provided by surface, garage, underground parking, or a mix of parking types. Parking shall be provided per UDO Section 8.3 standards in conjunction with staff reviews.

#### Townhomes:

Townhome parking shall be provided pursuant to standards established in Section 8.3 of the UDO with the following clarification:

- 2 parking space/townhome required, including garage or driveway spaces, plus
- 0.50 parking spaces/bedroom over 2 bedrooms/unit, plus
- 0.25 parking spaces/unit for guest spaces
- Garages and driveways shall be counted for overall parking standards if they meet dimensional standards

#### Single Family detached:

Parking for single family homes will be provided in garages and concrete driveways on each lot which meet Apex UDO standards. CBU or Mail Kiosk parking shall be calculated per UDO Section 8.3 standards and provided around the appropriate device.

Residential driveways shall have a minimum width of 12' and 20' in length as measured from the back of the sidewalk or, where no sidewalk exists, a minimum of 20' as measured from the back of the curb, to count as required parking.

### **Section 9: Resource Conservation Area (RCA)**

Horton Park PUD (127.84 acres) is located north and east of 540 and is therefore required to meet the standards of UDO Section 8.1.2 to preserve or establish a minimum of 20% Resource Conservation Area (RCA) for the project. The project is proposing to mass grade the single-family portions of the project and is therefore required to provide an additional 2% RCA for the single family, mass graded sections. The project will provide an overall RCA of no less than 20% (25.568 acres) of the project's total gross acreage if the site is stage-graded, with an additional 2% RCA for any single family sections within Horton Park which are mass graded.

With large portions of floodplain along the western boundary of the site, development patterns may adjust to accommodate required RCA standards. RCA for the project may include stream buffers, floodplains, wetlands, steep slope areas, perimeter buffers, street and roadway buffers, a portion of storm water devices, community amenity areas, play lawns and other designated areas. The final location and calculations for RCA shall be finalized during the Master Subdivision Plan and Construction Document reviews.

### **Section 10: Landscaping**

Internal landscaping will comply with various UDO sections including Section 8.2 for buffers, street tree plantings, foundation plantings, and tree preservation (as proposed) or as noted within Section 6 of the PD Text or as shown on EX-1: Proposed Site Exhibit attached with the rezoning request. With the variety of uses in and around the property, variable width and variable opacity buffers will be provided throughout the project.

The residential buffers will follow UDO standards for perimeter plantings, Jessie Drive frontage (thoroughfare), collector streets, and residential properties adjacent to developed or undeveloped property. Proposed buffers are labeled within Section 6 – Description, Density, and Dimensional Standards for each POD and shown on Exhibit 1 to assist in the identification of the buffer classifications.

### **Section 11: Signage**

All signage will comply with the applicable standards and requirements of UDO Section 8.7.

Signage for the residential developments, whether apartments, townhome or single family PODs, shall be coordinated with staff during the appropriate Master Subdivision Plan and/or Master Signage Plan approval. Each section of the development will provide sign easements along perimeter street infrastructure for appropriate signage.







### Streets

A number of future collector streets and a future 4-lane thoroughfare are shown on the Apex Transportation Plan – Thoroughfare and Collector Street Map within the boundary of the PUD. These streets include Jessie Drive (major thoroughfare); an east-west major collector (within the vicinity of Dezola Street); an east-west minor collector (connection from Percussion Drive to the north-south connector); a north-south minor collector (Colby Chase Drive to the east-west major collector), and a north-south major collector from the east-west major collector to Jessie Drive). The final alignment of any collectors or thoroughfares will be coordinated with staff during the Master Subdivision Plan or Site Plans. The ultimate right-of-way for each of the collectors and thoroughfares shall be provided during the time of Master Subdivision Plan review. The roadway sections which are installed are based upon the traffic capacity evaluations, the Traffic Impact Analysis, standards, and discussions with staff at the time of submittal of the Horton Park design documents. Modifications to the alignment of the collectors and thoroughfares will be reviewed with staff at the appropriate time to ensure compliance with Town standards that certain connections are made. The final alignment of all streets shown within the Master Subdivision Plans will be coordinated with staff.

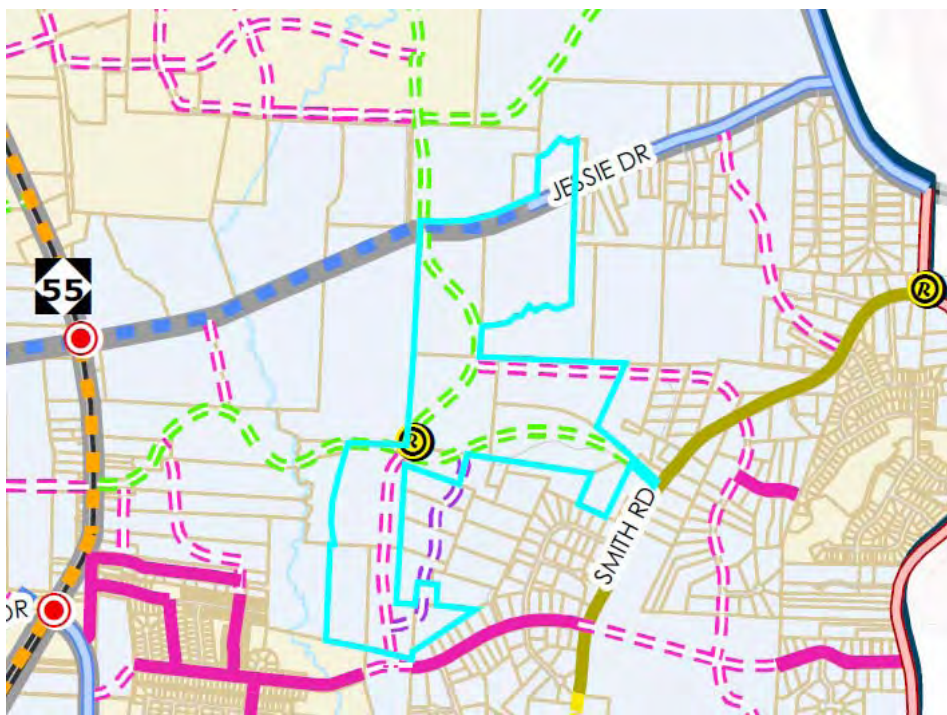


Figure 1 – Apex  
Transportation Map

### Apex Transportation Plan modification.

No changes are proposed at this time to the existing Town of Apex Transportation Plan Map.

### Transportation:

Following are the Traffic Capacity Zoning Conditions for the project pursuant to the MOU dated June 21, 2019 coordinated between NCDOT, the Town of Apex Transportation Engineering staff, and the project Transportation Engineer (Ramey Kemp & Associates).

The Developer shall coordinate with NCDOT all planned improvements on state maintained roadways. In some cases, zoning conditions are subject to NCDOT review and approval and may change to conform to NCDOT approvals. Turn bay storage lengths refer to the length of full width lane provided exclusive of the 100-foot taper in each case. Jessie Drive shall continue as a state maintained roadway for all existing and proposed sections, and the developer shall dedicate the right-of-way pursuant to the current Town of Apex Transportation Plan, currently a 110-foot public right of way along all sections of Jessie Drive within the development.

The timing of the roadway improvements will be coordinated with Apex Transportation Staff during the Master Subdivision Plan and Construction Document review based upon the recommendations within the approved Traffic Impact Analysis (TIA) and according to the phasing plan provided in Section 17 - Phasing. The following recommendations are based upon the revised TIA which will supersede the TIA dated May 31, 2017, the Colby Chase Addendum dated August 30, 2017, and the TIA Update date July 2, 2019.

### **PHASE I TRANSPORTATION IMPROVEMENTS**

#### **US 1 Southbound Ramps / Waterford Green Drive at Center Street**

- The Developer shall coordinate with NCDOT and Town staff in order to conduct a signal timing study and implement traffic signal timing modifications within the scope of the closed loop-system for Center Street/Ten-Ten Road, including this intersection, Lufkin Road and Reliance Avenue. The developer shall be obligated to pursue this effort only once during the development build-out schedule as directed by the Town of Apex Senior Transportation Engineer.
- The Developer shall provide intersection signal timing evaluation and modifications at a time to be determined by the Town of Apex Senior Transportation Engineer within the following schedule: The timing evaluation shall occur after the first Final Plat is recorded and prior to the recordation of the Final Plat for no more than 250 dwelling units of single-family and/or townhomes, or the issuance building permits for 250 apartment units, or any combination thereof.

#### **Ten Ten Road at Smith Road**

- The Developer shall extend the existing westbound left-turn lane to provide a minimum of 350 feet of storage and appropriate taper.
- The Developer shall construct the aforementioned improvements at the Ten Ten Road/Smith Road intersection at the time the East-West Collector Street is constructed and platted to Smith Road.

#### Smith Road at Stephenson Road/Smith Road

- The Developer shall construct an eastbound left-turn lane with a minimum of 100 feet of storage and appropriate taper.
- The Developer shall monitor this intersection for installation of all-way stop control and provide for the all-way stop conversion if warranted and permitted by NCDOT.
- The Developer shall construct the aforementioned improvements at the Smith Road/Stephenson Road intersection at the time the East-West Collector Street is constructed and platted to Smith Road.

#### Smith Road at East-West Collector Street

- The Developer shall construct a southbound right-turn lane with a minimum of 75 feet of storage and appropriate taper.
- The Developer shall construct a Major Collector Street from the North-South Collector Street to Smith Road on a 60-foot public right of way for the entire length.
- The Developer shall provide access to existing residential properties on Dezola Street in a manner that avoids residential driveways directly accessing any Major Collector Streets.

#### East Williams Street at Straywhite Avenue

- The Developer shall stripe the Straywhite Avenue approach to E. Williams Street for two lanes with 75 feet of storage.
- The Developer shall monitor the intersection and install a traffic signal if warranted and permitted by NCDOT.
- The Developer shall complete the monitoring period as directed by the Town of Apex Senior Transportation Engineer within the following schedule: The monitoring shall occur after the opening of Colby Chase Drive from the Pemberley subdivision to the Merion Subdivision but no later than the recording of the Final Plat for 250 dwelling units of single-family and/or townhomes, or the issuance of building permits for 250 apartment units, or any combination thereof.

#### East Williams Street at Technology Drive at NC 55

- Intersection included in the MOU although no improvements are proposed.

## **PHASE II TRANSPORTATION IMPROVEMENTS**

The full project build-out includes the following intersections per the approved MOU.

### **Jessie Drive at Ten-Ten Road**

- The Developer shall construct a westbound left-turn lane with a minimum of 100 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall construct an eastbound right-turn lane with a minimum of 200 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall construct a northbound right-turn lane with 100 feet of storage and appropriate taper prior to the pending state TIP project.
- The Developer shall monitor this intersection and install a traffic signal if warranted and permitted by NCDOT prior to the pending state TIP project.
- The Developer shall construct the improvements at the aforementioned Jessie Drive/Ten Ten intersection at the time Jessie Drive is extended to the Horton Park North-South Collector/Production Drive intersection.
- If the traffic signal is not warranted prior to the first Final Plat, the developer shall provide a performance bond for the signal based on an engineer's estimate of final costs. The performance bond shall remain in place for a period of 5 years, or until the last Final Plat for the development, whichever comes first. Once the signal is warranted, the developer shall install the signal within 6 months plus time for any delays due to right-of-way acquisition and utility relocation but not to exceed 12 months.

### **Jessie Drive at the North-South Collector Street**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions at both intersections.
- The Developer shall construct the North-South Collector Street to a Minor Collector Street typical section on a 60-foot public right of way for the entire length.
- The Developer shall construct the aforementioned improvements at the Jessie Drive/North-South Collector Street prior to recordation of the first Final Plat for single-family and/or townhomes, or the issuance of the first building permit for the apartments.

### **Jessie Drive at Site Drive #1**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions.

### **Jessie Drive at Site Drive #2**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and free-flow eastbound and westbound approaches with 100-foot left turn lanes both directions.

**The following roadway improvements are internal to the project and do not require NCDOT review or approval. These improvements shall be reviewed with Apex staff to verify compliance with design standards during the zoning, master subdivision, and construction document stages of the project as appropriate. Improvements shall be constructed and platted as the connections are created for each development POD. Said improvements were identified within the Traffic Impact Analysis dated May 31, 2017 with the Colby Chase Addendum dated August 30, 2017 with no proposed modifications.**

**North-South Collector Street at Site Drive #2, #3, and Dezola Street**

- The Developer shall construct single lane eastbound and westbound approaches with stop control, and single lane northbound and southbound free-flow approaches.

**East-West Collector Street at Site Drive #4**

- The Developer shall construct single lane northbound and southbound approaches with stop control, and single lane eastbound and westbound free-flow approaches. Stop control may be reversed subject to future connectivity.

**North-South Collector Street at Colby Chase Drive**

- The Developer shall construct the connection of Colby Chase from Pemberley Subdivision to the Merion Subdivision. The connection of Colby Chase Drive to the state-maintained portion requires NCDOT review and approval.
- The Developer shall construct the connection of the North-South Collector Street to Colby Chase Drive.
- The Developer shall evaluate with Apex staff the option for traffic calming devices along Colby Chase Drive between Pemberley and Merion subdivisions.

**Colby Chase Drive Extension**

- The Developer agrees not to open Colby Chase Drive to the Merion Subdivision until the North-South Collector Street is constructed and open to the public or at the direction of the Town of Apex Senior Transportation Engineer.



### Sidewalks

Sidewalks will be installed in accordance with the UDO standards along all streets within the residential development and along the public rights-of-ways.

### Greenways

Greenways and multi-use paths will be provided within the development per the PRGOS Master Plan and as an additional project amenity. Location of said greenways and multi-use paths is being and will continue to be coordinated with staff through the rezoning process and future MSPs. Additional detail will be provided at the appropriate time including the Parks & Recreation Advisory Commission meeting, MSP review and construction document submittals. Additional information is contained in Section 16 – Parks & Recreation.

## **Section 13: Pedestrian Circulation System and Amenities**

The pedestrian circulation system will include sidewalks along internal streets, perimeter roadways, Jessie Drive, Dezola Street and other named and unnamed collectors, residential streets, alleys or as appropriate in discussion with staff for each Phase of the project. Various greenways and multi-use paths are shown within the Apex Master Plans and will be coordinated with staff for the design and installation as appropriate during Master Subdivision Plan review.

The developer has agreed to work with staff to find a location which can accommodate a future transit easement along Jessie Drive for Phase II of the project. Any final agreements and location shall be coordinated during the design of Jessie Drive. This commitment is not a commitment to construct – this is a commitment to work with staff to find an appropriate location only.

## **Section 14: Natural Resources and Environmental Protection**

The site is located within the Town's Secondary Watershed Protection Overlay District including Middle Creek and the large floodplain associated with this feature. This part of Apex is currently undeveloped and has a number of creeks and streams containing a large amount of wetlands, floodplains, stream buffers and other environmentally sensitive areas. The site is shown within Specials Flood Hazard areas as identified by FEMA FIRM Maps 3720075100J and 3720075000J dated May 2, 2006.

Impacts to some of these environmentally sensitive areas will be unavoidable during the design and permitting for the project. Impacts will be identified and permitted through the appropriate local, State and/or Federal review agencies as required for construction of the project. Major creek crossings will be required and adjusted to minimize environmental impacts associated with the development.

A full review of the flora, fauna, endangered species, and historical data has been completed and all areas identified within the previously approved Master Subdivision Plans. Environmentally sensitive areas and impact maps have been prepared through the rezoning, Master Subdivision Plan, and construction documents for impacts. The creeks, streams, and buffers which are currently shown were provided by S&EC, Inc. and from the current USGS map and Wake County soils

survey. An onsite review with the US Army Corps of Engineers and NC-DNR has been completed. Any additional buffers or streams have been coordinated with NCDWR staff and the site adjusted per the final concurrence calls. Immediately adjoining land uses would extend into the newly available development area with additional building square footage or additional lots not to exceed the zoning approval conditions.

Based upon the North Carolina State Historic Preservation Office website (HPOWEB GIS Service) and Apex UDO Section 12.2 – Historic Structures – there are no historic homes or contributory structures within the boundary of the properties.

### **Section 15: Storm Water Management**

The project will contain a number of proposed storm water SCMs. The site is located within the Middle Creek basin and Apex's Secondary Watershed Overlay District and is therefore required to meet the standards of UDO Section 6.1 as applicable. Horton Park will utilize approved structural devices to control storm water and sediment runoff including detention ponds, retention ponds, bioretention cells, wetlands, underground devices, and/or other State recognized storm water management devices. Storm water control devices shall blend into the surrounding developments or be used as possible amenities depending upon their design, aesthetics, size, and location. Final routing of the SCMs will be done in conjunction with the Apex Environmental Services staff to assure compliance with appropriate guidelines.

### **Section 16: Parks and Recreation**

The Parks, Recreation, Greenways and Open Space Master Plan shows the development of the Middle Creek greenway from the Holly Springs greenway system at Sunset Lake Road extending north to Lufkin Road Middle School and the Town of Cary's greenway system north of Ten Ten Road. The greenway and multi-use paths shall be a mix of asphalt, concrete, sidewalk, boardwalk, and pedestrian bridges which will be identified with Apex staff during the Master Subdivision Plan review. Horton Park has been in discussions with Parks & Recreation staff to determine the best routing to serve the most residents and possible commuters as practical. This routing would involve greenways along Middle Creek, unnamed creeks and streams, floodplain boundaries and other natural areas as well as multi-use paths along residential streets, minor collectors, and major collectors.

Horton Park was reviewed at the August 30, 2017 PRCR Advisory Commission meeting and was approved consistent with Staff's recommendation for a fee-in-lieu for the project with the flexibility for both parties to continue to work to find a way to implement the Middle Creek Greenway plan. In the event a solution can be reached, which may involve adjusting the corridor, the developer would build the connection and receive credit against the fees owed. All other sections of the UDO pertaining to the construction of public greenway would then be applicable.

A Public Art Easement shall be provided at the intersection of Jessie Drive and the North-South Collector with a second location within the roundabout at the intersection of the North-South Collector and the East-West Collector streets.

## **Section 17: Phasing**

### Lot Development Phasing:

The project will consist of as many as seven (7) development phases. These phases will be broken into the following categories, although development will vary in timing and order of POD development based upon market conditions and off-site roadway improvements at the time of approval:

1. one (1) phase of single-family and/or townhomes north of Jessie Drive (POD 3);
2. one (1) phase of townhomes and/or apartments south of Jessie Drive (POD 4);
3. two (2) townhome phases south of Jessie Drive (POD 5); and
4. three (3) medium density, single family phases south of Jessie Drive to Colby Chase Drive and east to Smith Road (PODs 6, 7 & 8).

The development of Horton Park will also be broken down into two (2) larger phases – as identified in the Traffic Impact Analysis (TIA). The two phases within the TIA are described as:

#### **Phase I:**

Phase I includes the development of all single-family residential lots and townhome lots south of the N/F Cash Property (PIN 0751-31-0079). This includes PODs 5 – 8, the East-West Major Collector Street from Smith Road to the western project boundary and the North-South Collector Street from Colby Chase Drive to the southern boundary of the N/F Cash Property.

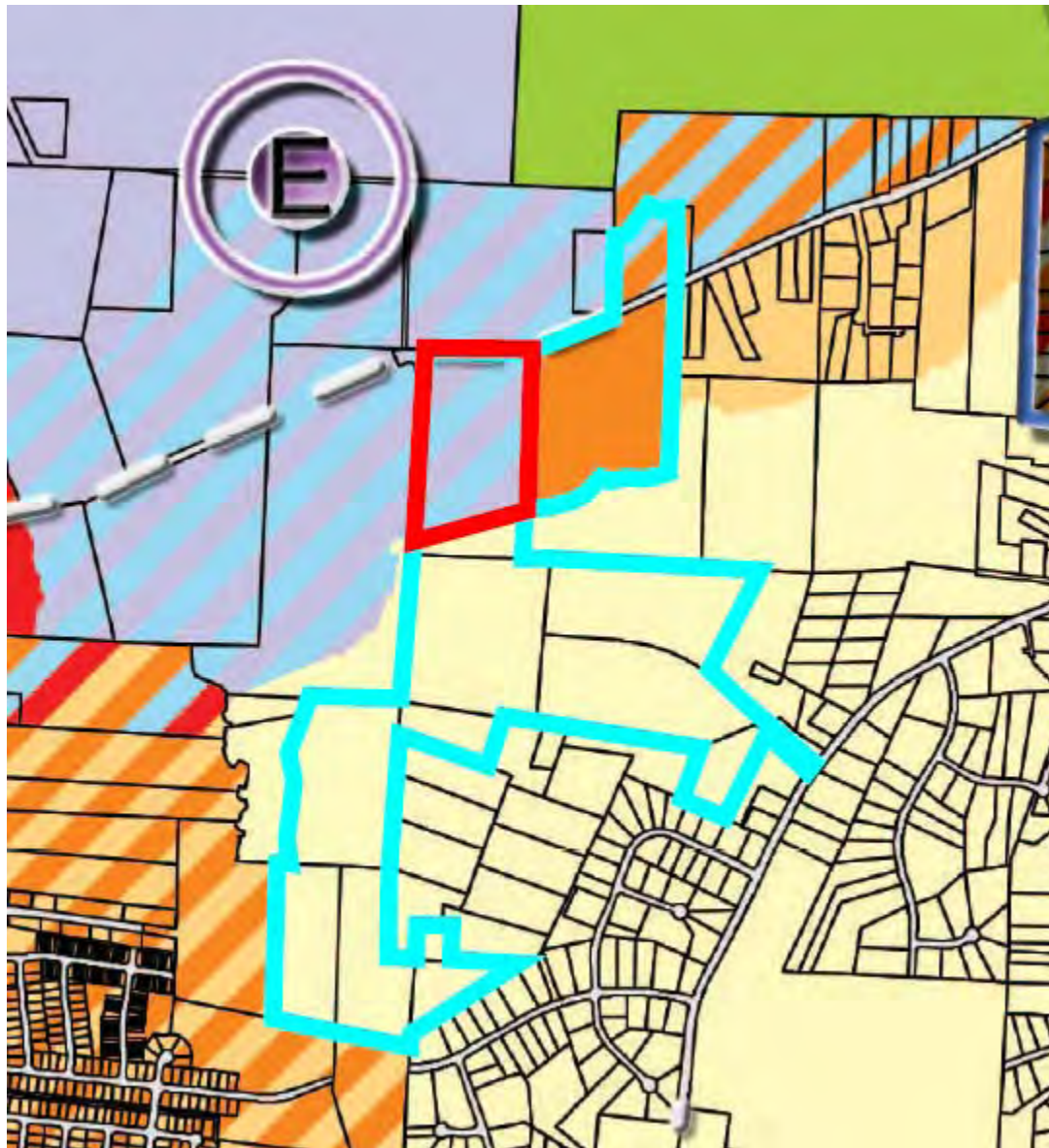
#### **Phase II:**

Phase II includes the development of the single-family, townhomes, and/or apartments along the Jessie Drive corridor. This specifically includes PODs 3 and 4. Phase II also includes the construction of the North-South Major Collector from the Phase I terminus to Jessie Drive; and the construction of Jessie Drive west of the connection with the North-South Major Collector.

## **Section 18: 2045 Land Use Map**

The Horton Park PUD development encompasses 127.84 acres of property including multiple residential types (PODs 3-8). The rezoning request is in keeping with the land use designations identified on the current 2045 Land Use Map. The 2045 Land Use Map has been included for reference in this section although there are no requested changes.

NO CHANGES TO THE CURRENT 2045 LAND USE MAP ARE PROPOSED WITH THE HORTON PARK REZONING.



2045 Land Use Map  
Boundary of PUD-CZ district is shown in CYAN.

#### Future Land Classifications

	Protected Open Space		Park—Public or Private
	Rural Density Residential One dwelling unit per five acres		School
	Low Density Residential Single-family homes or a mix of single-family homes with duplexes, and/or townhomes		Sanitary Landfill
	Medium Density Residential Single-family homes, duplexes, and townhomes		Right-of-Way
	Medium/High Density Residential Single-family homes, duplexes, triplexes, quadplexes, and townhomes*		Mixed Use 80% Non-residential
	High Density Residential Townhomes, triplexes, quadplexes, and apartments		Property Lines
	Office Employment		Duke Energy Land
	Commercial Services		Proposed Thoroughfares
	Industrial Employment		

\*Apartments allowed within the Town Center and Transit-Oriented Development context areas

#### Potential Activity Centers

	<b>Neighborhood Mixed Use (NMU)</b> Economic development potential estimated to be, but not limited to: • Up to 100,000 ft² of commercial • 1 to 2-mile trade area
	<b>Employment Mixed Use (EMU)</b> Economic development potential estimated to be, but not limited to: • Office, warehousing, tech/flex • Some commercial
	<b>Community Mixed Use (CMU)</b> Economic development potential estimated to be, but not limited to: • Up to 350,000 ft² of commercial • 4 to 6-mile trade area
	<b>Regional Mixed Use (RMU)</b> Economic development potential estimated to be, but not limited to: • Over 350,000 ft² of commercial • 10 to 25-mile trade area
	<b>Recreational Mixed Use (XMU)</b> Economic development anchored by a recreational amenity • Size of businesses and services dependent upon amenity size • Pedestrian and bicycle mobility preserved



## **Section 19: Compliance with the Unified Development Ordinance**

With any specific items previously identified within the PD Text addressed, the project – including the Residential Master Subdivision Plans, non-residential Site Plans, and Construction Documents – shall comply with the applicable Apex Unified Development Ordinance sections. Any deviation from these standards shall be approved by staff, Planning Board or Town Council representatives through the design and approval for the project as appropriate.



## **EXHIBITS**

The following exhibits/drawings are attached as part of the required PUD-CZ. Any reference to the LI-CZ parcels is for information purposes only and does not constitute control or additional standards on the LI-CZ parcel.

### **COVER SHEET (Sheet C000)**

The Cover Sheet contains contact information, a vicinity map, the site design guidelines and required Town of Apex site notes and descriptions.

### **EXISTING CONDITIONS (Sheet C001)**

The C001 Existing Conditions sheet is the overall boundary of the property including land owners, property line calls, creek data, adjacent property owner's information, land uses, PIN reference, deed and/or plat information, and surrounding roadway networks.

### **EXISTING CONDITIONS - TOPO (Sheet C002)**

The C002 Existing Conditions sheet includes the data on sheet C001 along with LIDAR topographic information referenced into the drawing.

### **EXISTING CONDITIONS – TREE SURVEY (C003)**

The C003 Tree Survey sheet contains the location, size and tree data. The trees were identified per requirements of UDO Section 8.1.2(B)(2) including perimeter site locations, anticipated RCA, and a general notation for internal tree samplings. This information was provided by Ellen & Associates, registered NC forester #565.

### **CONCEPTUAL SITE PLAN (Sheet C100)**

The Conceptual Site Plan includes the required base items per the PUD checklist, standard site notes, access points, existing street network, and identification of specific uses. The townhome and apartment areas, as well as the single family residential areas, are all identified on the plan. Items to point out are the locations of Jessie Drive, the gas easement and creek locations based upon surveys, LIDAR and FEMA mapping information.

### **CONCEPTUAL UTILITY PLAN (Sheet C200)**

The Conceptual Utility Plan shows the location of existing water and sewer infrastructure in the area. Although there is no sewer in the area, we have still set up the drawing to reflect existing conditions and location of the connections and Middle Creek North Pump Station.

### **PROPOSED SITE EXHIBIT (Sheet EX-1)**

The Proposed Site Exhibit shows the location of the different uses within the project boundary. This includes; high density residential (townhomes and/or apartments); medium/high density residential (townhomes); and medium density residential (single family homes). Each section is broken into PODs for each use and summarized in the PD Text document.

## SINGLE FAMILY BUILDING ELEVATIONS

### Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
6. 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.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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
9. 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.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. No more than 25% of the lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
14. A maximum of 100% of the single family detached residential units within POD 6 shall be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
15. All single family detached residential homes are to be pre-configured with conduit for a solar energy system.
16. No less than 10 single family detached homes out of the first 100 homes within POD 6 will be installed with a minimum of a 4 kW solar PV system.

## Townhome and Single Family Home Color Palette (Sherwin Williams)

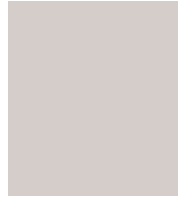
All colors are Primary with the exception of those noted



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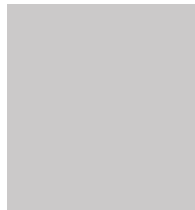
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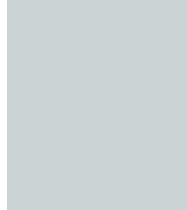
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SW 9148  
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SW 6260  
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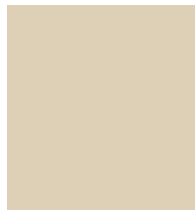
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SLATE



SW 9131  
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GREEN



SW 6524  
COMMODORE



SW 9119  
DIRTY  
MARTINI



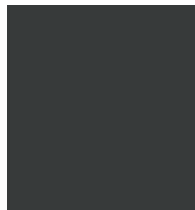
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SW 9117  
URBAN  
JUNGLE



SW 6156  
RAMIE



SW 6994  
GREENBLACK  
ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.

## TOWNHOME BUILDING ELEVATIONS

### Townhome Standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch.
7. The visible side of a townhome on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. Building facades shall have horizontal relief achieved by the use of recesses and projections.
9. 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.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Minor elevation adjustments may be accommodated with staff approval – including limiting clipped dormers on no more than 25% of the proposed townhome building designs.
12. Side entry, end unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.

## Townhome and Single Family Home Color Palette (Sherwin Williams)

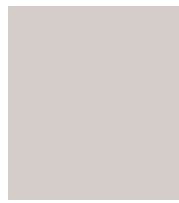
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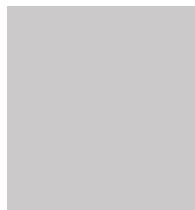
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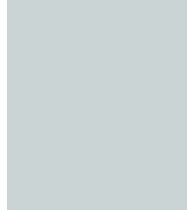
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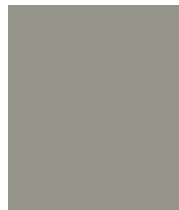
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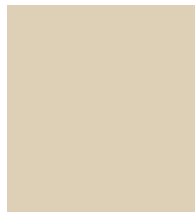
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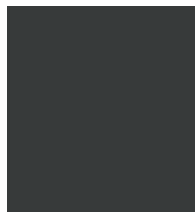
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URBAN  
JUNGLE



SW 6156  
RAMIE



SW 6994  
GREENBLACK  
ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.



## APARTMENT BUILDING ELEVATIONS

### Apartment standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments.
8. At least three of the following decorative features shall be used on each building:
  - Decorative shake
  - Board and batten
  - Decorative porch railing/posts
  - Shutters
  - Decorative/functional air vents on roof or foundation
  - Recessed windows
  - Decorative windows
  - Decorative brick/stone
  - Decorative gables
  - Decorative cornices
  - Tin/metal roof
9. A varied color palette shall be utilized for the apartment buildings throughout the development. With garden style apartments, a minimum of three color families for siding shall be provided and will include varied trim, shutter, and accent colors complementing the siding color. For a single mass apartment structure, the color shall vary with accent colors or architectural features to provide building relief.
10. Breezeway(s) for the four story apartment elevation is to be enclosed for additional mechanical equipment or elevators.

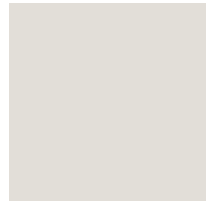
Apartment Color Palette (Sherwin Williams)  
All colors are Primary with the exception of those noted



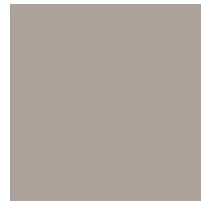
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TOPAZ



SW 7019  
GAUNTLET  
GRAY



SW 7014  
ELDER WHITE



SW 7024  
FUNCTIONAL GRAY



SW 6242  
BRACING BLUE



SW 6524  
COMMODORE



SW 6761  
THERMAL  
SPRING  
(ACCENT)



SW 6871  
POSITIVE  
RED  
(ACCENT)

White may also be used as a primary, trim, or accent color with any palette variations. Paint manufacturer may vary – Sherwin Williams used as a reference.

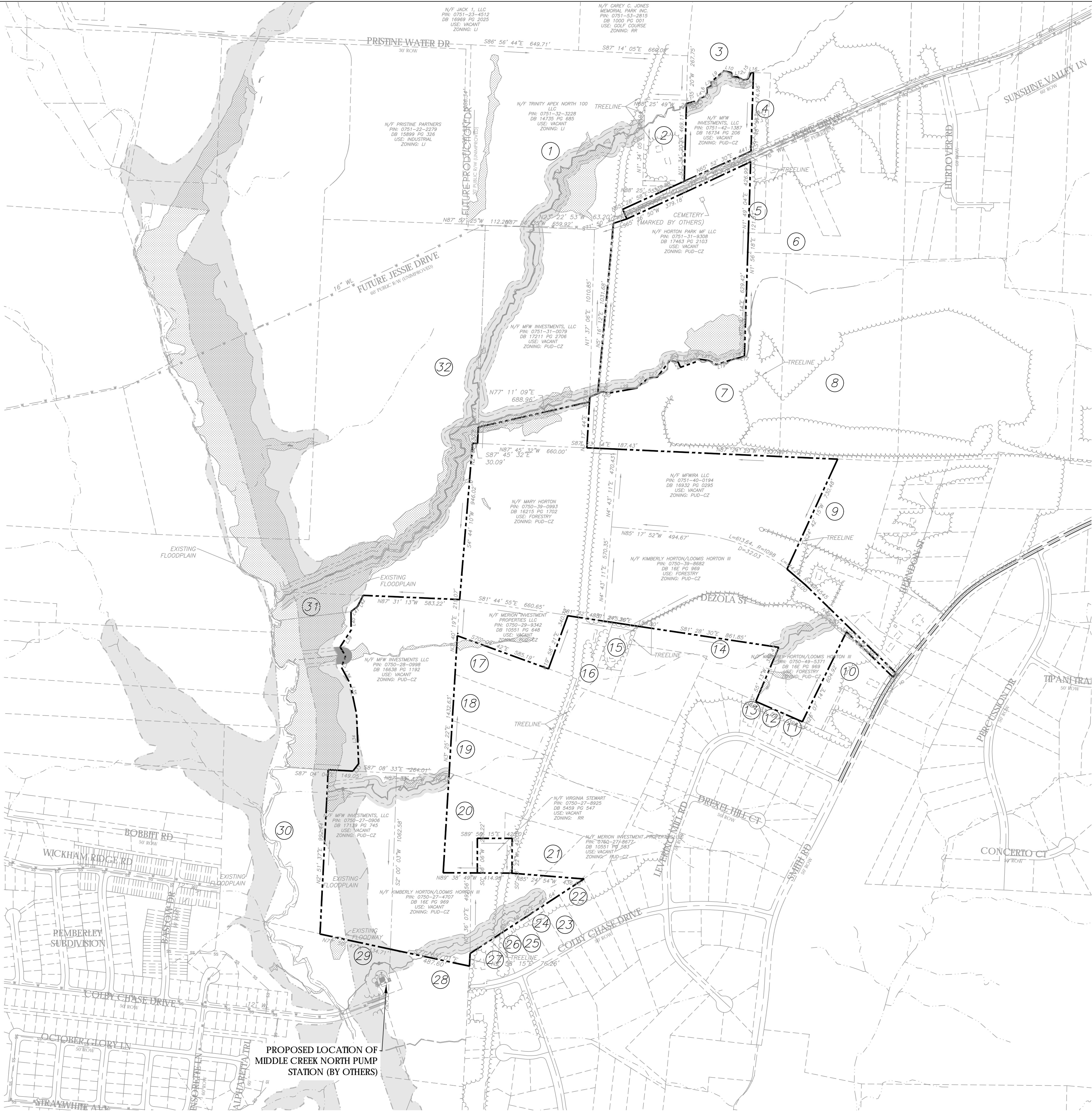


July 1, 2019



**C000**  
Planned Unit  
Development Plan





- NOTES:
1. THERE ARE NO CONTRIBUTING HISTORICAL STRUCTURES WITHIN THE PROJECT BOUNDARY.
  2. SUBJECT PROPERTIES KNOWN AS PARCEL IDENTIFICATION NUMBERS, AS SHOWN ON SHEET C000.
  3. ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE DEDICATED TO THE TOWN OF APEX AND LABELED "TOWN OF APEX PUBLIC UTILITY EASEMENT".
  4. NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPOUNDMENT UPON TOWN OF APEX PUBLIC UTILITY EASEMENTS. PROHIBITED STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: BUILDINGS, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, DECKS, GARAGES, STORAGE/TOOL SHEDS, SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL MECHANISMS/APURTENANCES AND FENCES, UPON PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DEPARTMENT. FENCES MAY PERMITTED ACROSS EASEMENTS, PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
  5. NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE PUBLIC WORKS DEPARTMENT.
  6. ANY AND ALL STREET SIGNS SHALL ONLY BE PROVIDED AND INSTALLED BY THE TOWN OF APEX.
  7. THE PROPERTY SHOWN HEREON IS IN THE TOWN OF APEX SECONDARY WATERSHED PROTECTION AREA.
  8. FIRM PANEL 3720075100J AND 3720075000J SHOWS THE PRESENCE OF FLOOD ZONES ON PROPERTY.

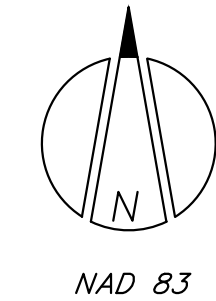
BOUNDARY INFORMATION OBTAINED FROM WAKE COUNTY GIS, DEED AND PLAT DESCRIPTIONS, APEX ULTRA AND OTHER AVAILABLE DATA SOURCES. FINAL BOUNDARY AND SURVEY DOCUMENT WILL BE PROVIDED DURING THE SITE PLAN DESIGN PHASE OF THE DEVELOPMENT.

NUMBER	N/F OWNER	PIN	DEED BOOK	DEED PAGE	USE	ZONING
1	Trinity Apex North 100 LLC	0751-32-3228	14735	685	Vacant	RA
2	MFV INVESTMENTS, LLC	0751-32-8256	17311	557	SINGLE FAMILY	RA
3	INDUS REAL ASSOCIATION LLC	0751-42-6828	12215	930	SINGLE FAMILY	RA
4	BLANCHIE HINTON	0751-42-4433	12 E	1476	SINGLE FAMILY	RA
5	MFV INVESTMENTS, LLC	0751-41-4924	17311	557	SINGLE FAMILY	RR
6	KK LAND INC	0751-51-0857	13881	629	VACANT	RR
7	KK LAND INC	0751-40-0697	13881	629	VACANT	RR
8	SIRRHAN GRIFFIN	0751-40-7981	8778	2496	VACANT	RR
9	DWIGHT WRIGHT	0750-49-8888	16215	1702	SINGLE FAMILY	RR
10	DAVID & MARILYN MARTIN	0750-59-0018	17467	358	SINGLE FAMILY	RR
11	MARTHA BURNET	0750-48-5688	13519	1893	SINGLE FAMILY	RR
12	RICHARD BACHOLZKY	0750-48-4775	16444	1976	SINGLE FAMILY	RR
13	KENNETH MOUSHEGIAN	0750-48-3860	12784	2062	SINGLE FAMILY	RR
14	JOSHUA BECK	0750-49-2134	15284	1727	SINGLE FAMILY	RR
15	MELISSA HINTON	0750-39-5262	8281	225	MOBILE	RR
16	EUGENE HORTON HEIRS	0750-39-3222	15-E	1859	VACANT	RR
17	MATTHEW HORTON	0750-29-9045	5861	59	VACANT	RR
18	ALTON RICHARDSON	0750-28-8880	7245	786	VACANT	RR
19	DONALD RICHARDSON	0750-28-8532	11858	2707	VACANT	RR
20	DONALD RICHARDSON	0750-28-6271	7275	654	VACANT	RR
21	ROBERT HEISE	0750-37-1996	16444	2524	SINGLE FAMILY	RR
22	ROBERT CATHEY	0750-37-3664	11988	1801	SINGLE FAMILY	RR
23	RICHARD STEWART	0750-37-2555	11012	2141	SINGLE FAMILY	RR
24	DENNIS DALE	0750-37-1540	11800	97	SINGLE FAMILY	RR
25	TODD YOUNG	0750-37-0454	11069	476	SINGLE FAMILY	RR
26	JOHN FALCHI	0750-27-9358	10836	2123	SINGLE FAMILY	RR
27	TIMOTHY FELTON	0750-27-8301	17376	1337	SINGLE FAMILY	RR
28	MFV INVESTMENTS, LLC	0750-26-4926	16554	2295	SINGLE FAMILY	RR
29	PEMBERLY PROPERTY OWNERS ASSOCIATION, INC.	0750-17-6279	16533	1996	VACANT	PUD-CZ
30	HORTON, KIMBERLY A	0750-18-4078	16E	969	VACANT	RR
31	MFV INVESTMENTS, LLC	0750-19-7426	16638	1192	VACANT	RR
32	CHARLES WOMBLE	0751-20-1670	4443	94	VACANT	RA

- ON-SITE STREAM BUFFERS
- ON-SITE WETLANDS
- FLOODWAY
- FLOOD FRINGE

\*OFF-SITE STREAM BUFFERS ARE NOT SHOWN

PROJECT'S PERIMETER BOUNDARY



0 150 300 600  
SCALE: 1" = 300'

1  
C001  
EXISTING CONDITIONS  
SCALE: 1" = 300'

LINE	DIRECTION	ADDRESS
1	N 89° 51' 37" E	149.05'
2	N 89° 51' 37" E	149.05'
3	N 89° 51' 37" E	149.05'
4	N 89° 51' 37" E	149.05'
5	N 89° 51' 37" E	149.05'
6	N 89° 51' 37" E	149.05'
7	N 89° 51' 37" E	149.05'
8	N 89° 51' 37" E	149.05'
9	N 89° 51' 37" E	149.05'
10	N 89° 51' 37" E	149.05'
11	N 89° 51' 37" E	149.05'
12	N 89° 51' 37" E	149.05'
13	N 89° 51' 37" E	149.05'
14	N 89° 51' 37" E	149.05'
15	N 89° 51' 37" E	149.05'
16	N 89° 51' 37" E	149.05'
17	N 89° 51' 37" E	149.05'
18	N 89° 51' 37" E	149.05'
19	N 89° 51' 37" E	149.05'
20	N 89° 51' 37" E	149.05'
21	N 89° 51' 37" E	149.05'
22	N 89° 51' 37" E	149.05'
23	N 89° 51' 37" E	149.05'
24	N 89° 51' 37" E	149.05'
25	N 89° 51' 37" E	149.05'
26	N 89° 51' 37" E	149.05'
27	N 89° 51' 37" E	149.05'
28	N 89° 51' 37" E	149.05'
29	N 89° 51' 37" E	149.05'
30	N 89° 51' 37" E	149.05'
31	N 89° 51' 37" E	149.05'
32	N 89° 51' 37" E	149.05'

CURVE	ARC	CHORD BEARING	CHORD LENGTH
C1	114.87°	S 89° 51' 37" E	149.05'
C2	114.87°	S 89° 51' 37" E	149.05'

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, USGS MAPPING, WAKE COUNTY SOILS SURVEY AND AN ONSITE DELINEATION BY SOIL & ENVIRONMENTAL CONSULTANTS (S&C). A FINAL JURISDICTIONAL DETERMINATION (JD) MAP WILL BE PREPARED FOR APPROVAL.



NC License #P-0673

project:  
HORTON PARK  
JESSIE DRIVE  
WHITE OAK TOWNSHIP  
APEX, NORTH CAROLINA 27502

seal:



NOT FOR CONSTRUCTION

NO.	DATE	REVISION	BY
1	August 8, 2018	20% Conceptual Plan Review	JE
2	September 13, 2018	50% Comments & Plan Review	JE

title:

EXISTING  
CONDITIONS

proj #:

161201

date:

July 1, 2019

dwg by: chkd by:

JE JR

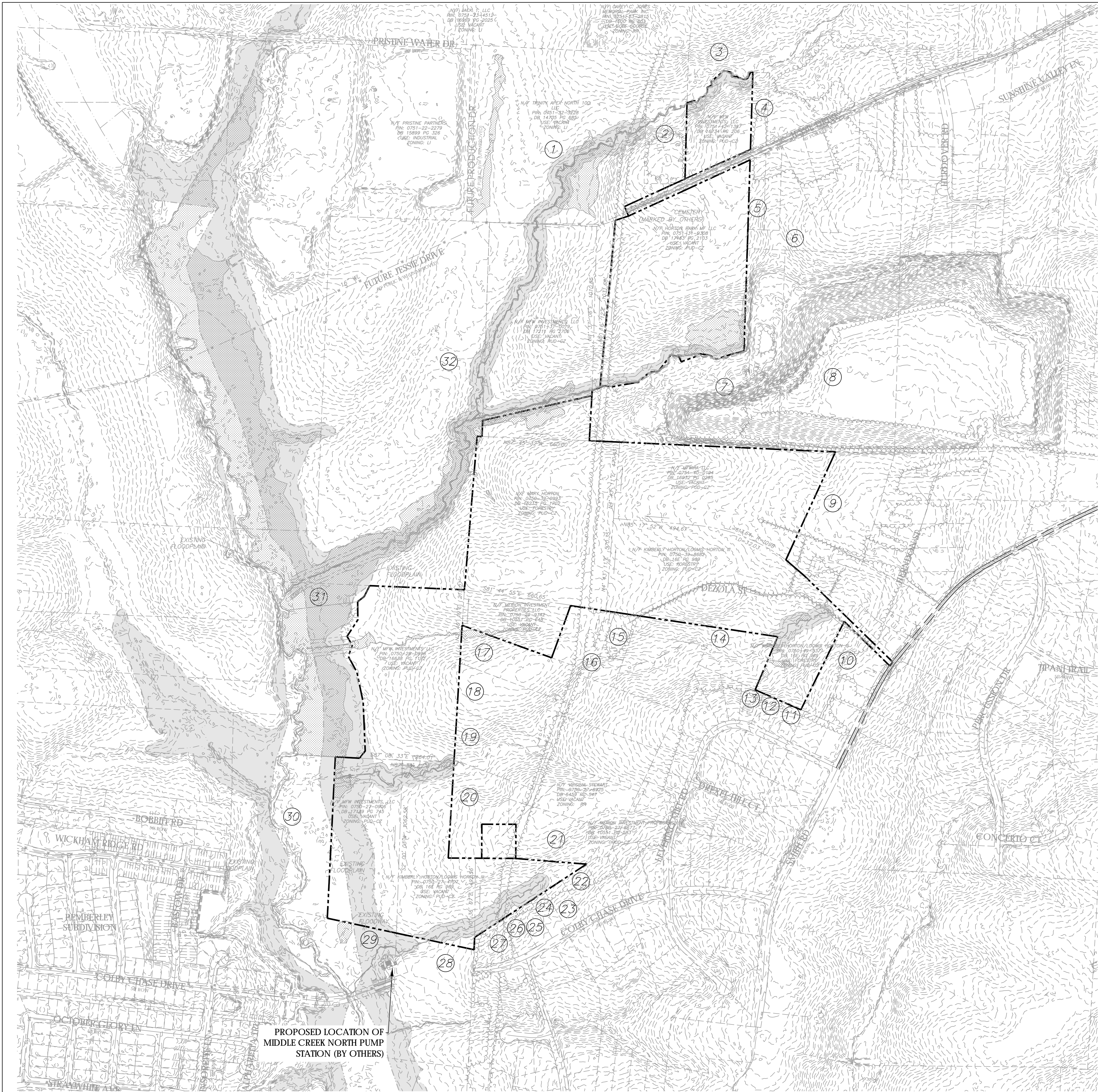
scale:

1" = 300'

sheet:

C001  
Planned Unit  
Development Plan





PROPOSED LOCATION OF  
MIDDLE CREEK NORTH PUMP  
STATION (BY OTHERS)

ENVIRONMENTAL FEATURES NOTE:  
STREAM BUFFERS WERE OBTAINED FROM APEX WATERSHED PROTECTION OVERLAY DISTRICT  
MAP, USGS MAPPING, WAKE COUNTY SOILS SURVEY AND AN ONSITE DELINEATION BY SOIL &  
ENVIRONMENTAL CONSULTANTS (S&EC). A FINAL JURISDICTIONAL DETERMINATION (JD) MAP  
WILL BE PREPARED FOR APPROVAL.

PROJECT'S PERIMETER  
BOUNDARY

ON-SITE STREAM  
BUFFERS

ON-SITE WETLANDS

FLOODWAY

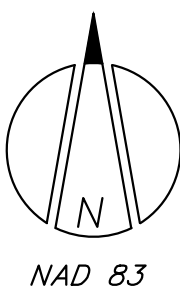
FLOOD FRINGE

\*OFF-SITE STREAM BUFFERS ARE NOT SHOWN

NUMBER	N/F OWNER	PIN	DEED BOOK	DEED PAGE	USE	ZONING
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4	BLANCHE HINTON	0751-42-4433	12-E	1476	SINGLE FAMILY	RA
5	MFV INVESTMENTS, LLC	0751-41-4924	17311	557	SINGLE FAMILY	RR
6	KK LAND INC	0751-51-0857	13881	629	VACANT	RR
7	KK LAND INC	0751-40-0697	13881	629	VACANT	RR
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9	DWIGHT WRIGHT	0750-49-8888	16215	1702	SINGLE FAMILY	RR
10	DAVID & MARILYN MARTIN	0750-59-0018	17467	358	SINGLE FAMILY	RR
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12	RICHARD BACHOLZKY	0750-48-4775	16444	1976	SINGLE FAMILY	RR
13	KENNETH MOUSHEGIAN	0750-48-3860	12784	2062	SINGLE FAMILY	RR
14	JOSHUA BECK	0750-49-2134	15284	1727	SINGLE FAMILY	RR
15	MELISSA HINTON	0750-39-5262	8281	225	MOBILE	RR
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18	ALTON RICHARDSON	0750-28-8880	7245	786	VACANT	RR
19	DONALD RICHARDSON	0750-28-8532	11858	2707	VACANT	RR
20	DONALD RICHARDSON	0750-28-6271	7275	654	VACANT	RR
21	ROBERT HEISE	0750-37-1996	16444	2524	SINGLE FAMILY	RR
22	ROBERT CATHEY	0750-37-3664	11988	1801	SINGLE FAMILY	RR
23	RICHARD STEWART	0750-37-2555	11012	2141	SINGLE FAMILY	RR
24	DENNIS DALE	0750-37-1540	11800	97	SINGLE FAMILY	RR
25	TODD YOUNG	0750-37-0454	11069	476	SINGLE FAMILY	RR
26	JOHN FALCHI	0750-27-9358	10836	2123	SINGLE FAMILY	RR
27	TIMOTHY FELTON	0750-27-8301	17376	1337	SINGLE FAMILY	RR
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30	HORTON, KIMBERLY A	0750-18-4078	16E	969	VACANT	RR
31	HORTON, LOOMIS III	0750-19-7426	16638	1192	VACANT	RR
32	CHARLES WOMBLE	0751-20-1670	4443	94	VACANT	RA

LINE	DIRECTION	DISTANCE
L1	N 75°28'14" E	47.89'
L2	S 70°56'43" E	19.41'
L3	N 39°56'42" E	29.34'
L4	N 64°47'45" E	28.00'
L5	N 35°16'15" E	29.31'
L6	N 10°20'08" E	28.40'
L7	N 62°27'55" E	32.05'
L8	N 10°59'28" W	21.69'
L9	N 49°05'39" E	103.79'
L10	S 76°41'18" E	45.82'
L11	S 10°20'29" E	28.71'
L12	N 63°54'46" E	28.00'
L13	S 63°07'03" E	45.45'
L14	N 75°33'41" E	27.70'
L15	N 26°33'47" E	42.52'
L16	N 80°35'33" E	13.97'
L17	N 89°11'21" W	2.52'
L18	S 72°37'10" W	92.98'
L19	S 71°45'10" W	80.25'
L20	N 60°10'47" W	49.51'
L21	N 81°32'01" W	87.16'
L22	S 40°46'23" W	22.21'
L23	S 70°25'32" W	99.01'
L24	N 24°18'03" W	34.03'
L25	N 77°13'16" W	50.45'
L26	S 37°21'11" W	127.24'
L27	S 84°47'45" W	53.66'
L28	S 48°53'39" W	84.23'
L29	S 79°54'53" W	164.77'
L30	N 79°52'59" W	36.14'
L31	S 87°46'00" W	14.36'
L32	S 86°52'27" W	76.36'
L33	N 45°39'39" E	56.43'
L34	N 01°01'01" E	301.17'
L35	N 07°41'57" W	187.77'
L36	N 24°12'03" W	113.39'
L37	N 24°46'59" E	71.19'
L38	N 26°33'54" W	64.44'
L39	N 37°00'06" E	121.55'
L40	N 07°08'16" E	106.61'
L41	N 52°04'00" E	50.09'
L42	N 26°44'55" E	75.53'

CURVE	ARC LENGTH	ARC RADIUS	CHORD BEARING	CHORD LENGTH
C1	613.63'	1,097.99'	S 65°19'32" E	605.68'
C2	144.28'	1,097.99'	S 45°33'02" E	144.18'



0 150 300 600  
SCALE: 1" = 300'

1 EXISTING CONDITIONS  
C002 SCALE: 1" = 300'



NC License #P-0673

project:  
**HORTON PARK**  
**JESSIE DRIVE**  
**WHITE OAK TOWNSHIP**  
**APEX, NORTH CAROLINA 27502**

seal:



NOT FOR CONSTRUCTION

DATE	BY	REVISION
1	August 1, 2018	2018 Comments & Plan Revisions
2	September 13, 2018	2018 Comments & Plan Revisions

title:

EXISTING  
CONDITIONS  
(TOPO)

proj #:

161201

date:

July 1, 2019

dwg by: chkd by:

JE JR

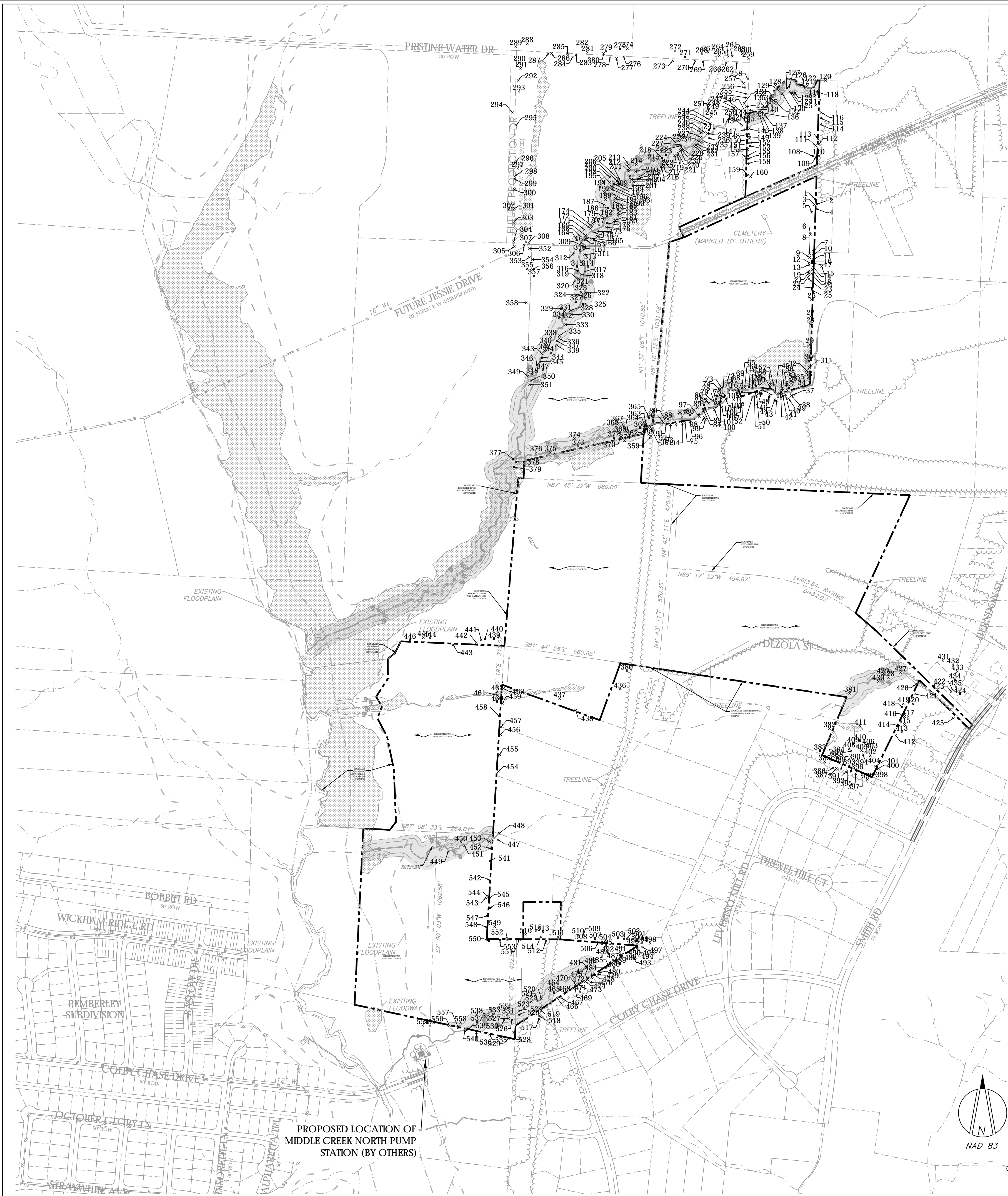
scale:

1" = 300'

sheet:

C002  
Planned Unit  
Development Plan





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

EXISTING TREE TABLE	
TREE NUMBER	SPECIES
101	22" RED OAK
102	22" RED OAK
103	20" POPLAR
104	21" PINE
105	19" SWEET GUM
106	20" SWEET GUM
107	21" POPLAR
108	20" PINE
109	24" SWEET GUM
110	28" PINE
111	20" PINE
112	18" PINE
113	40" WHITE OAK
114	36" WHITE OAK
115	23" POPLAR
116	20" SWEET GUM
117	22" WHITE OAK
118	20" PINE
119	21" PINE
120	20" POPLAR
121	20" POPLAR
122	23" PINE
123	20" SWEET GUM
124	18" PINE
125	18" RED OAK
126	19" RED OAK
127	21" PINE
128	18" SWEET GUM
129	18" POPLAR
130	18" RED OAK
131	24" PINE
132	20" PINE
133	19" POPLAR
134	23" POPLAR
135	19" POPLAR
136	18" SWEET GUM
137	21" PINE
138	21" WHITE OAK
139	21" POPLAR
140	20" RED OAK
141	28" POPLAR
142	20" POPLAR
143	18" PINE
144	20" POPLAR
145	20" POPLAR
146	21" POPLAR
147	23" PINE
148	21" WHITE OAK
149	22" PINE
150	19" WHITE OAK
151	25" POPLAR
152	20" SWEET GUM
153	20" RED OAK
154	25" SWEET GUM
155	18" SWEET GUM
156	21" WHITE OAK
157	19" WHITE OAK
158	25" TWIN SWEET GUM
159	48" TWIN WHITE OAK
160	18" SWEET GUM
161	20" HICKORY
162	19" WHITE OAK
163	22" WHITE OAK
164	20" WHITE OAK
165	19" WHITE OAK
166	20" WHITE OAK
167	20" WHITE OAK
168	18" PINE
169	19" POPLAR
170	18" POPLAR
171	19" WHITE OAK
172	19" BLACK GUM
173	19" BLACK GUM
174	20" POPLAR
175	20" POPLAR
176	28" WILLOW OAK
177	19" WHITE OAK
178	22" POPLAR
179	21" PINE
180	30" WHITE OAK
181	18" WILLOW OAK
182	19" BLACK GUM
183	32" WILLOW OAK
184	21" WILLOW OAK
185	23" WILLOW OAK
186	20" WHITE OAK
187	24" PINE
188	20" POPLAR
189	18" PINE
190	20" WHITE OAK
191	19" PINE
192	18" PINE
193	28" WILLOW OAK
194	26" WHITE OAK
195	18" PINE
196	20" PINE
197	20" WILLOW OAK
198	19" PINE
199	19" PINE
200	20" POPLAR

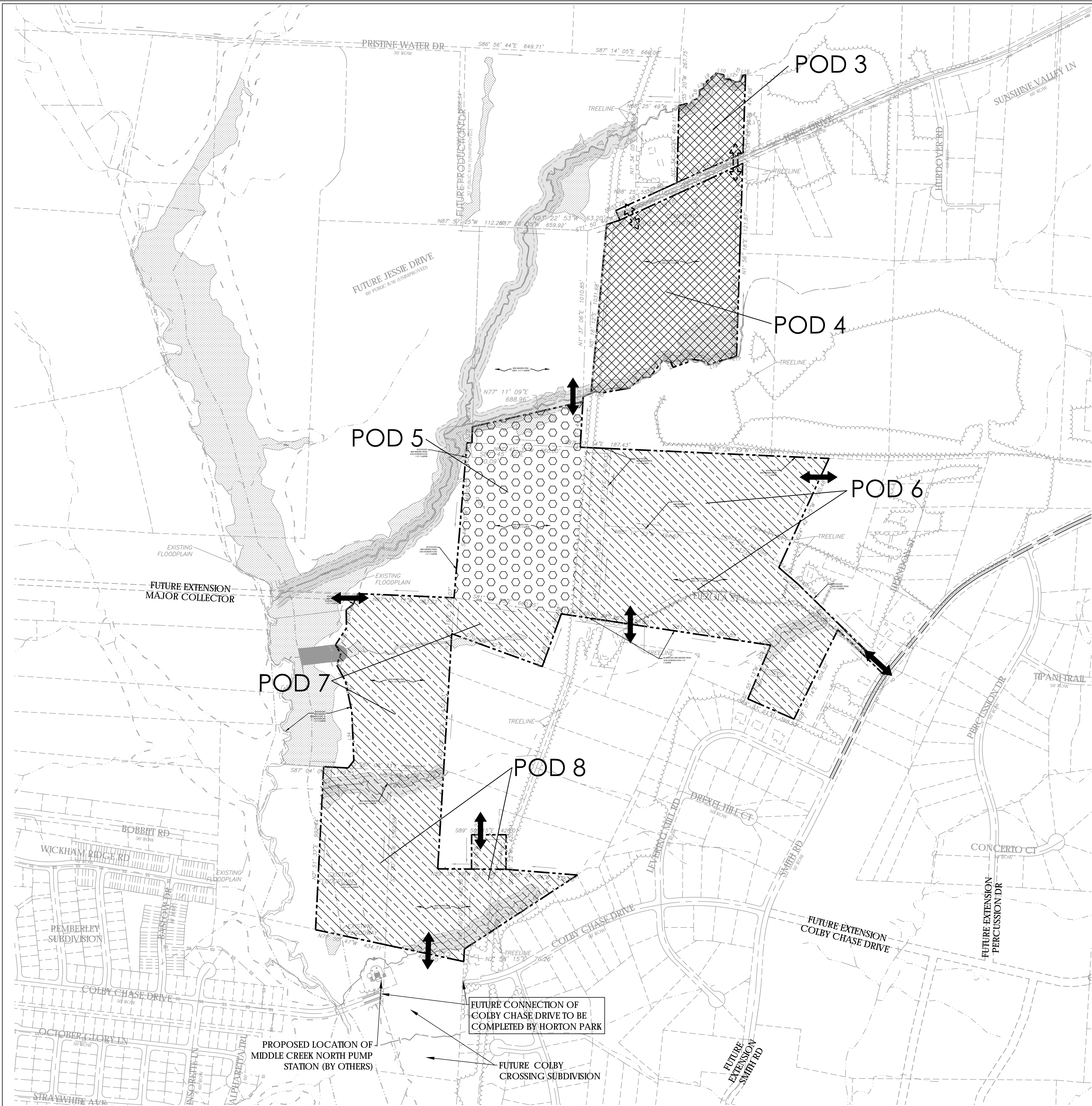
EXISTING TREE TABLE	
TREE NUMBER	SPECIES
201	21" BLACK GUM
202	21" ELM
203	20" WILLOW OAK
204	20" POPLAR TWINS
205	20" BLACK GUM
206	20" WHITE OAK
207	38" RED MAPLE
208	21" POPLAR
209	20" WHITE OAK
210	25" POPLAR
211	20" WILLOW OAK
212	19" POPLAR
213	19" PINE
214	20" PINE
215	21" RED MAPLE
216	19" POPLAR
217	19" POPLAR
218	26" PINE
219	21" PINE
220	24" POPLAR
221	25" POPLAR
222	19" POPLAR
223	23" PINE
224	19" POPLAR
225	21" PINE
226	22" PINE
227	20" PINE
228	22" PINE
229	21" PINE
230	22" PINE
231	20" WILLOW OAK
232	18" POPLAR
233	20" SWEET GUM
234	22" POPLAR
235	22" POPLAR
236	24" PINE
237	25" PINE
238	21" PINE
239	19" POPLAR
240	22" PINE
241	25" POPLAR
242	19" PINE
243	18" PINE
244	18" WHITE OAK
245	21" PINE
246	28" RED OAK
247	18" RED OAK
248	18" RED OAK
249	23" PINE
250	26" PINE
251	19" WHITE OAK
252	20" PINE
253	18" PINE
254	18" POPLAR
255	22" PINE
256	18" WHITE OAK
257	21" POPLAR
258	18" WHITE OAK
259	21" POPLAR
260	21" PINE
261	19" WHITE OAK
262	19" PINE
263	22" POPLAR
264	18" POPLAR
265	18" PINE
266	18" WHITE OAK
267	23" RED OAK
268	40" POPLAR
269	18" RED OAK
270	18" SWEET GUM
271	23" WHITE OAK
272	20" PINE
273	20" WHITE OAK
274	22" RED OAK
275	18" WHITE OAK
276	23" RED OAK
277	18" RED OAK
278	18" RED OAK
279	20" RED OAK
280	20" WHITE OAK
281	18" PINE
282	18" WHITE OAK
283	20" PINE
284	21" PINE
285	18" WHITE OAK
286	19" PINE
287	20" RED OAK
288	18" PINE
289	20" SWEET GUM
290	19" POPLAR
291	19" PINE
292	19" PINE
293	18" PINE
294	19" POPLAR
295	18" PINE
296	18" PINE
297	19" WHITE OAK
298	19" PINE
299	20" PINE
300	21" WILLOW OAK

EXISTING TREE TABLE	
TREE NUMBER	SPECIES
301	19" SWEET GUM
302	20" RED MAPLE
303	32" WILLOW OAK
304	28" PINE
305	18" WHITE OAK
306	19" WILLOW OAK
307	20" WHITE OAK
308	18" SWEET GUM
309	18" SWEET GUM
310	19" SWEET GUM
311	29" WILLOW OAK
312	19" RED MAPLE
313	19" SWEET GUM
314	21" POPLAR
315	19" PINE
316	20" ELM
317	19" POPLAR
318	21" POPLAR
319	26" SWEET GUM
320	21" WILLOW OAK
321	20" SWEET GUM
322	27" WHITE OAK
323	20" POPLAR
324	18" SWEET GUM
325	21" WILLOW OAK
326	21" HICKORY
327	19" RED MAPLE
328	20" WILLOW OAK
329	20" RED OAK
330	19" RED OAK
331	19" SWEET GUM
332	19" WHITE OAK
333	19" POPLAR
334	18" PINE
335	18" PINE
336	19" RED MAPLE
337	19" WILLOW OAK
338	25" RED MAPLE
339	20" RED MAPLE
340	18" PINE
341	21" BLACK GUM
342	20" WHITE OAK
343	22" SWEET GUM
344	19" POPLAR
345	19" SWEET GUM
346	35" WILLOW OAK
347	20" POPLAR
348	33" SYCAMORE
349	33" WILLOW OAK
350	18" SWEET GUM
351	28" POPLAR
352	24" WILLOW OAK
353	21" WILLOW OAK
354	21" RED OAK
355	18" WILLOW OAK
356	19" WHITE OAK
357	18" WHITE OAK
358	18" WHITE OAK
359	19" RED MAPLE
360	25" RED OAK
361	19" WHITE OAK
362	20" RED MAPLE
363	30" RED MAPLE
364	21" RED OAK
365	26" POPLAR
366	22" SWEET GUM
367	18" RED MAPLE
368	18" RED MAPLE
369	26" GREEN ASH
370	21" POPLAR
371	40" POPLAR
372	18" CHESTNUT OAK
373	22" POPLAR
374	24" CHESTNUT OAK
375	18" WHITE OAK
376	18" POPLAR
377	19" GREEN ASH
378	20" GREEN ASH
379	19" WILLOW OAK
380	22" WHITE OAK
381	19" WHITE OAK
382	18" POPLAR
383	19" PINE
384	20" PINE
385	23" POPLAR
386	24" POPLAR
387	22" WHITE OAK
388	21" POPLAR
389	20" PINE
390	21" RED OAK
391	20" PINE
392	19" POPLAR
393	19" PINE
394	18" PINE
395	19" PINE
396	19" PINE
397	18" POPLAR
398	19" PINE
399	20" PINE
400	18" PINE

EXISTING TREE TABLE	
TREE NUMBER	SPECIES
401	19" PINE
402	20" PINE
403	25" PINE
404	21" POPLAR
405	20" POPLAR
406	19" WHITE OAK
407	20" POPLAR
408	23" RED OAK
409	18" WHITE OAK
410	23" WHITE OAK
411	19" SWEET GUM
412	22" POPLAR
413	24" PINE
414	18" SWEET GUM
415	19" PINE
416	18" PINE
417	18" PINE
418	24" PINE
419	19" PINE
420	28" SWEET GUM
421	43" SWEET GUM
422	19" PINE
423	19" PINE
424	22" PINE
425	30" BASSWOOD
426	28" WILLOW OAK
427	18" POPLAR
428	19" WHITE OAK
429	20" RED MAPLE
430	20" WHITE OAK
431	18" SWEET GUM
432	24" PINE
433	21" PINE
434	19" PINE
435	19" PINE
436	19" RED OAK
437	19" RED OAK
438	18" PINE
439	28" WHITE OAK
440	21" RED OAK
441	19" WHITE OAK
442	19" WHITE OAK
443	31" WHITE OAK
444	26" POPLAR
445	21" PINE
446	21" PINE
447	21" PINE
448	18" POPLAR
449	22" RED OAK
450	18" SWEET GUM
451	18" POPLAR
452	23" SWEET GUM
453	20" POPLAR
454	20" RED OAK
455	20" RED OAK
456	18" WHITE OAK
457	22" WHITE OAK
458	18" RED OAK
459	18" WHITE OAK
460	18" WHITE OAK
461	28" WHITE OAK
462	28" WHITE OAK
463	21" RED MAPLE
464	23" WILLOW OAK
465	18" MAPLE OAK
466	19" POPLAR
467	19" POPLAR
468	19" WHITE OAK
469	20" WHITE OAK
470	19" POPLAR
471	19" RED OAK
472	19" WHITE OAK
473	21" WHITE OAK
474	20" POPLAR
475	18" RED MAPLE
476	18" WHITE OAK
477	20" POPLAR
478	22" WHITE OAK
479	21" SWEET GUM
480	30" WHITE OAK
481	18" RED MAPLE
482	22" POPLAR
483	24" WHITE OAK
484	24" WHITE OAK
485	24" WHITE OAK
486	18" WHITE OAK
487	20" WILLOW OAK
488	19" WHITE OAK
489	19" WHITE OAK
490	20" WHITE OAK
491	21" WHITE OAK
492	18" SWEET GUM
493	21" WILLOW OAK
494	22" POPLAR
495	22" WHITE OAK
496	22" POPLAR
497	21" WHITE OAK
498	28" WHITE OAK
499	18" SWEET GUM
500	18" PINE

EXISTING TREE TABLE	
TREE NUMBER	SPECIES
501	19" PINE
502	19" PINE
503	20" PINE
504	26" WILLOW OAK
505	19" RED MAPLE
506	19" WHITE OAK
507	19" PINE
508	18" PINE
509	22" PINE
510	18" PINE
511	35" PINE
512	22" WILLOW OAK
513	19" PINE
514	





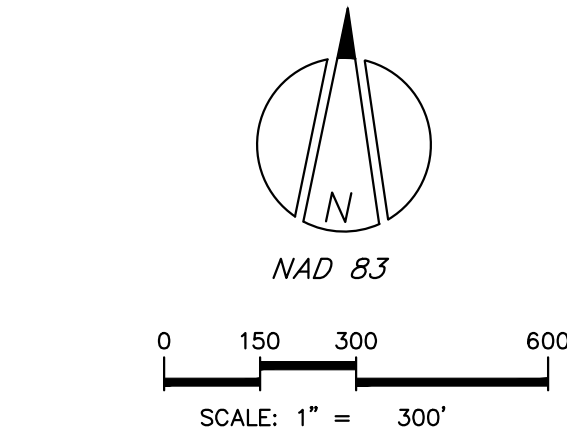
POD SUMMARY			
POD #	DWELLING TYPE	ACREAGE	MAXIMUM ALLOWED
3	Single Family	4.55	18*
3	Townhomes	4.55	27**
4	Apartments	20.99	314***
4	Townhomes	20.99	125**
5	Single Family	19.71	78*
5	Townhomes	19.71	118**
6, 7 & 8	Single Family	82.59	227

PODs 6, 7 & 8 are limited by the number of lots - not density

- APARTMENTS AND/OR TOWNHOUSES
- TOWNHOUSES
- SINGLE FAMILY
- ON-SITE STREAM BUFFERS

- PROJECT PERIMETER BOUNDARY
- POTENTIAL ACCESS POINTS (PHASE 1)
- POTENTIAL ACCESS POINTS (PHASE 2)

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



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

NOTE: STREAM BUFFERS BASED UPON AN ON-SITE EVALUATION BY S&E, INC. IN CONJUNCTION WITH THE U.S. ARMY CORPS OF ENGINEERS, NC-DWR, AND THE TOWN OF APEX.



NO.	DATE	REVISION	BY
1	August 8, 2018	20% Construction & Plan Review	JE
2	September 13, 2018	50% Construction & Plan Review	JE

title:  
**CONCEPTUAL SITE PLAN**

proj #:  
**161201**

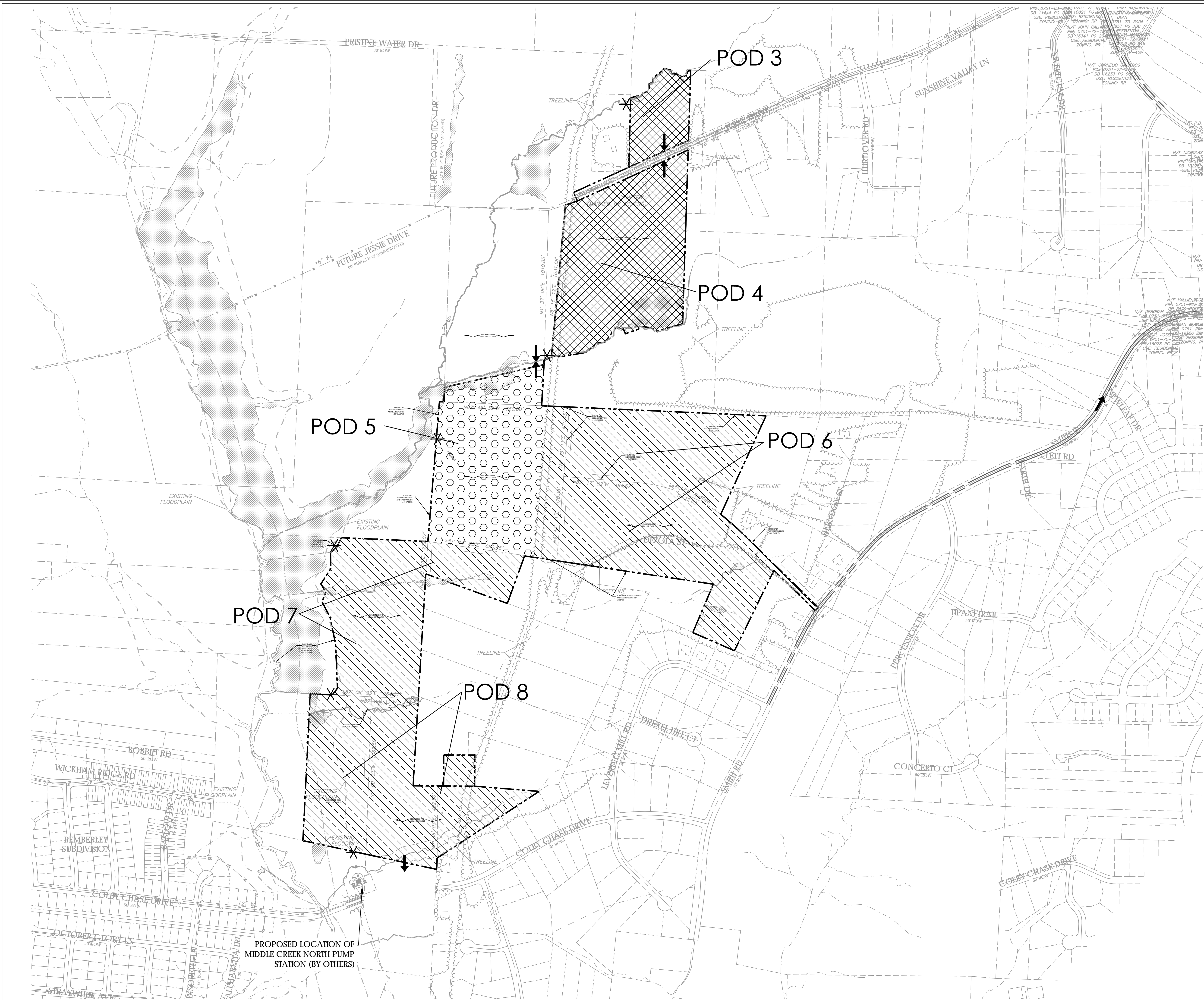
date:  
**July 1, 2019**

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

scale:  
**1" = 100'**

sheet:  
**C100**  
Planned Unit Development Plan





↑ PROPOSED WATER CONNECTIONS  
✕ PROPOSED SEWER CONNECTIONS

FINAL LOCATION AND TIMING OF WATER CONNECTIONS SHALL BE COORDINATED WITH THE TOWN OF APEX PUBLIC WORKS AND PLANNING DEPARTMENT DURING THE MASTER SUBDIVISION PLAN OR SITE PLAN SUBMITTALS.

- UTILITY NOTES:
1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY
  2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
  3. NEW SANITARY SEWER WILL BE PROVIDED WITH THE MIDDLE CREEK NORTH REGIONAL PUMP STATION.

PROJECT PERIMETER BOUNDARY

NAD 83

1  
C200

SCALE: 1" = 100'

CONCEPTUAL UTILITY PLAN

PEAK

Engineering & Design

5448 Adair Pkwy, Suite 300, Cary, NC 27502

www.peakengineeringdesign.com

NC License #P-0673

project:

HORTON PARK

JESSIE DRIVE

WHITE OAK TOWNSHIP

APEX, NORTH CAROLINA 27502

seal:

SEAL

24427

ENGINEER

MICHAEL A. ROY

NOT FOR CONSTRUCTION

NO.	DATE	REVISION	BY
1	August 8, 2018	20% Construction & Plan Review	JE
2	September 13, 2018	50% Construction & Plan Review	JE

title:

CONCEPTUAL UTILITY PLAN

proj #:

161201

date:

July 1, 2019

dwg by:

JE

chkd by:

JR

scale:

1" = 100'

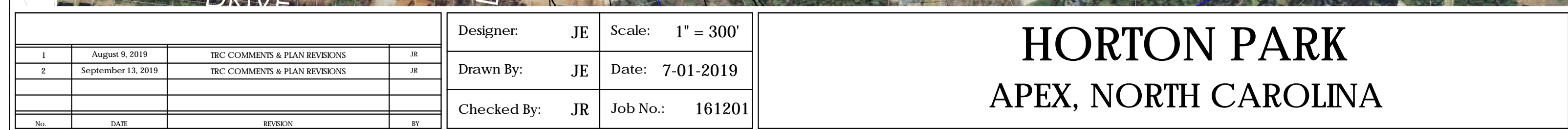
sheet:

C200


Planned Unit Development Plan

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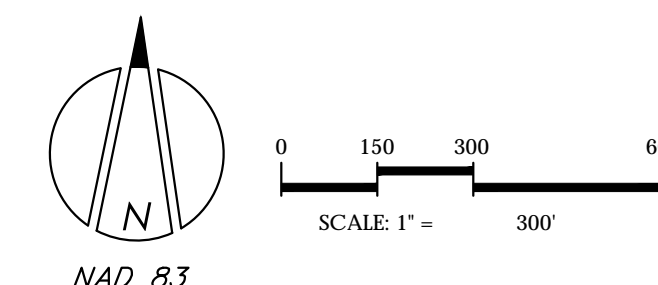




\* 4 UNITS PER ACRE  
\*\* 6 UNITS PER ACRE  
\*\*\* 15 UNITS PER ACRE

- |   |                                 |
|---|---------------------------------|
|  | APARTMENTS AND/OR TOWNHOUSES    |
|  | TOWNHOUSES AND/OR SINGLE FAMILY |
|  | SINGLE FAMILY                   |
|  | FLOODPLAIN OR BUFFERS           |
|  | PROPOSED STREETS                |

- NOTES:**
1. THE NORTHERN BUFFER ALONG POD 6 MAY BE SHIFTED TO THE NEW PROJECT BOUNDARY IF THE ADDITIONAL PROPERTY IS INCORPORATED INTO THE HORTON PARK PUD.
  2. THE SOUTHERN BUFFERS OF POD 8 MAY BE SHIFTED TO NEW PROJECT BOUNDARIES BY THE DEVELOPER IF ADJACENT PROPERTIES ARE INCORPORATED INTO THE HORTON PARK PUD.
  3. FUTURE PUBLIC STREETS SHALL BE ALLOWED TO CROSS BUFFERS THROUGHOUT THE PROJECT BOUNDARY.
  4. ALLEY LOADED RESIDENTIAL UNITS ARE REQUIRED TO PROVIDE TYPE 'D' BUFFERS ALONG COLLECTOR STREETS.
  5. INDIVIDUAL LOT DRIVEWAY ACCESS FROM POD 5 TO THE NORTH-SOUTH MAJOR COLLECTOR STREET SHALL NOT BE PERMITTED.





## SINGLE FAMILY BUILDING ELEVATIONS

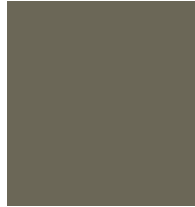
### Single-family residential standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The roof shall be pitched at 5:12 or greater for 50% of the building designs.
6. 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.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. 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
9. 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.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. No more than 25% of the lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
14. A maximum of 100% of the single family detached residential units within POD 6 shall be permitted as “zero-entry” homes without the 20 inch rise from average grade across the front of the property to the finished floor elevation. All “zero-entry” homes shall also provide first floor master bedrooms. Lots permitted as “zero-entry” shall be noted on the Final Plat.
15. All single family detached residential homes are to be pre-configured with conduit for a solar energy system.
16. No less than 10 single family detached homes out of the first 100 homes within POD 6 will be installed with a minimum of a 4 kW solar PV system.



## Townhome and Single Family Home Color Palette (Sherwin Williams)

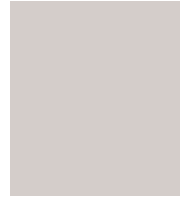
All colors are Primary with the exception of those noted



SW 6166  
ECLIPSE



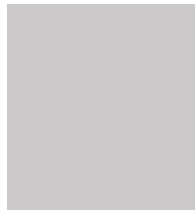
SW 7502  
DRY ROCK



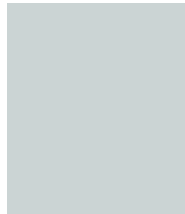
SW 6008  
INDIVIDUAL  
AZURITE



SW 9148  
SMOKEY



SW 6260  
UNIQUE GRAY



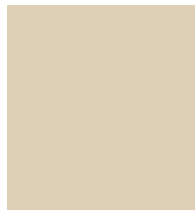
SW 9136  
LULLABY  
SLATE



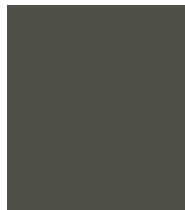
SW 9131  
CORNWALL  
GREEN



SW 6524  
COMMODORE



SW 9119  
DIRTY  
MARTINI



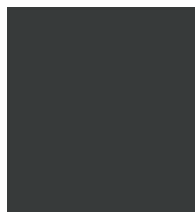
SW 6188  
SHADE  
GROWN



SW 9117  
URBAN  
JUNGLE



SW 6156  
RAMIE



SW 6994  
GREENBLACK  
ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations



**Wakefield**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Rear Elevation



Right Elevation



---

# Wakefield - French Country

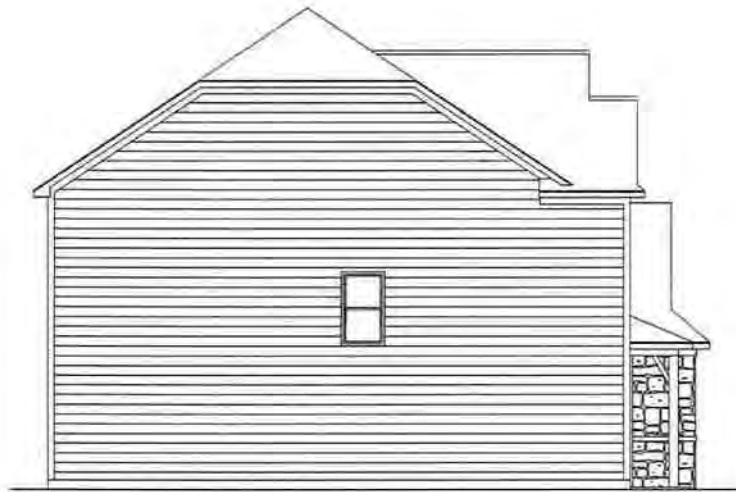
BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Wakefield**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Rear Elevation



Right Elevation

---

## Wakefield - Low Country

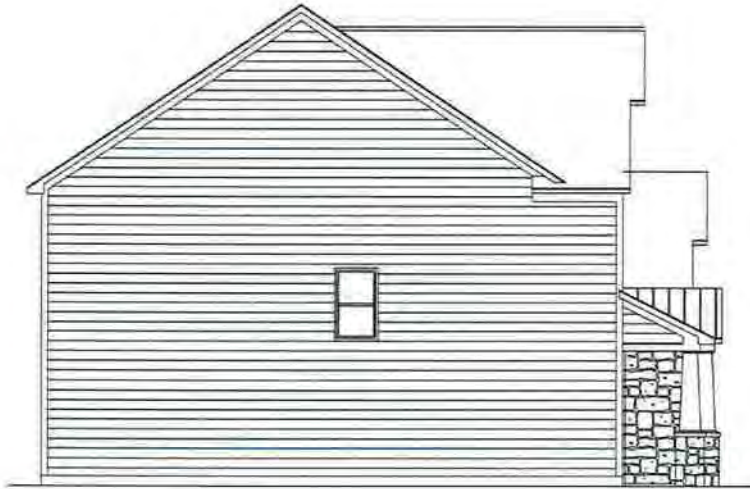
BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Wakefield**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

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## Wakefield - Craftsman

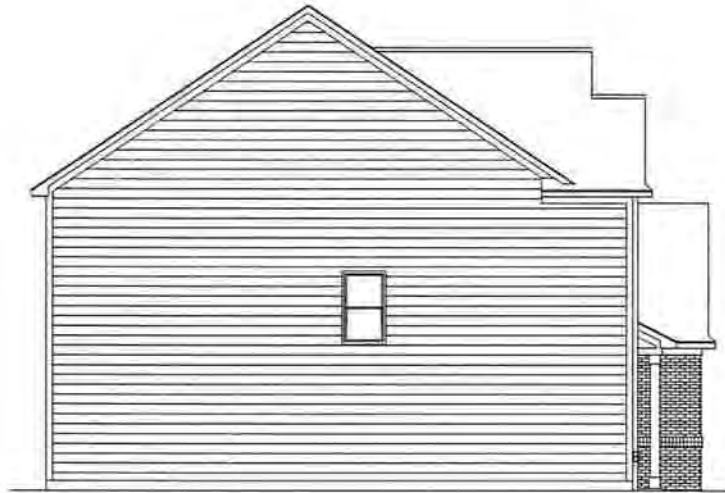
BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Wakefield**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

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# Wakefield - Federal - Brick

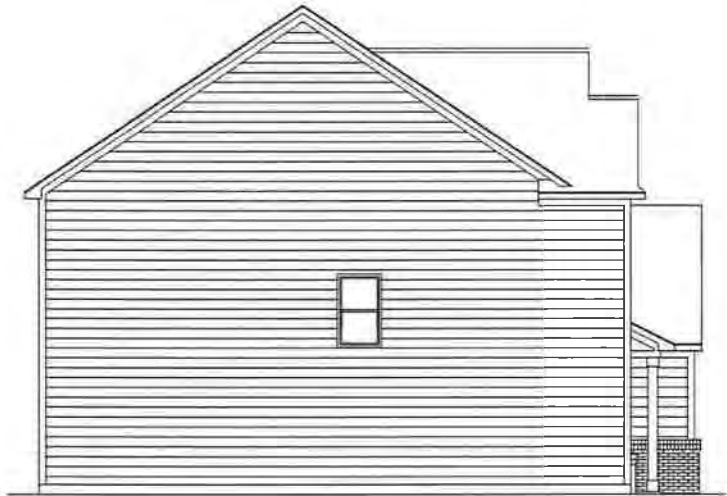
BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Wakefield**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

---

Wakefield - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

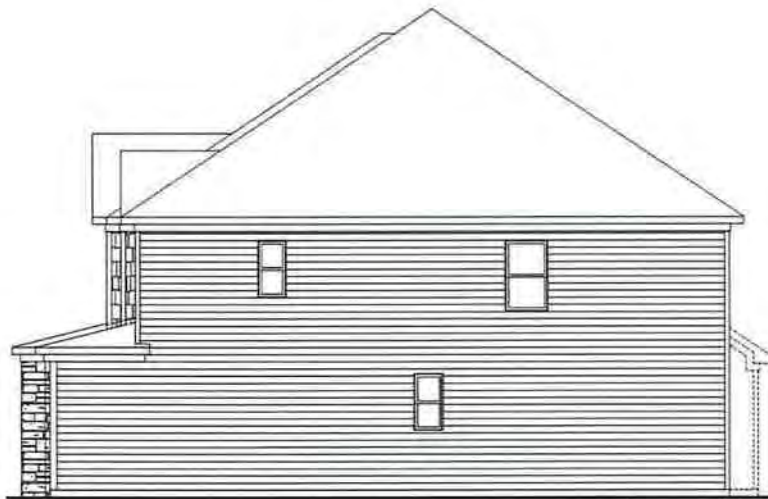
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## Dorset - Craftsman

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

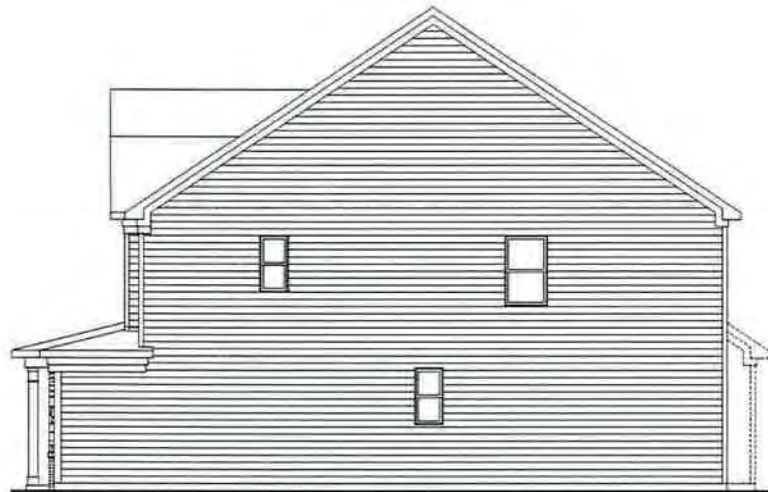
## Dorset - French Country

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



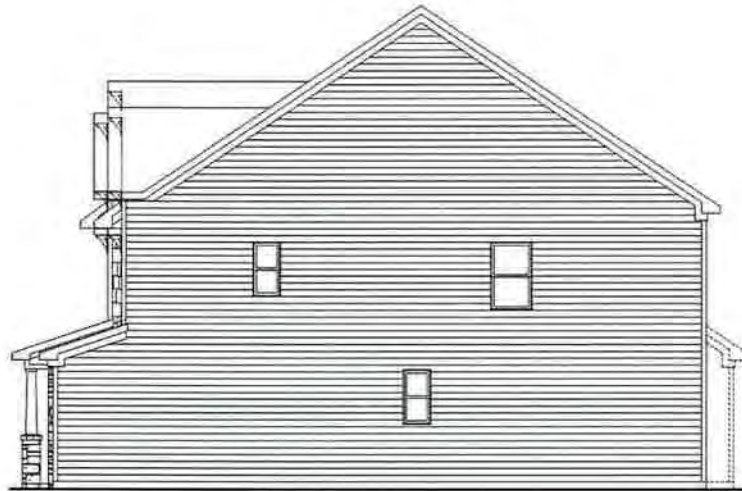
Rear Elevation

## Dorset - Low Country

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



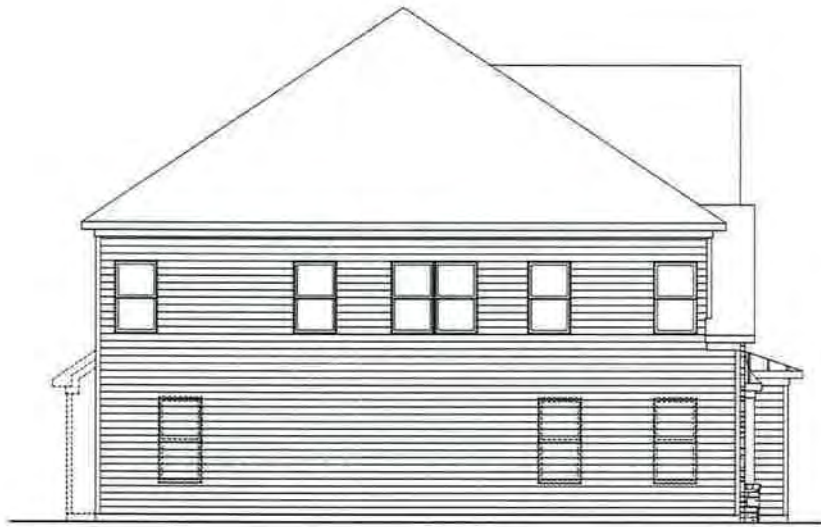
Rear Elevation

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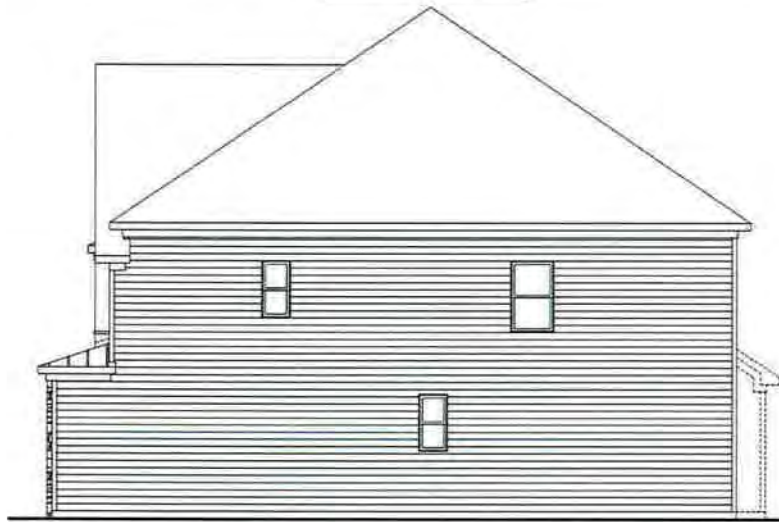
## Dorset - Arts and Crafts

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



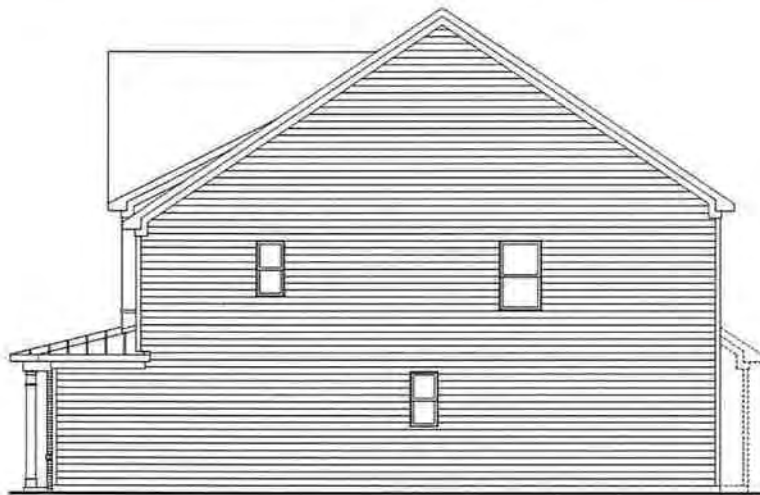
Rear Elevation

## Dorset - European

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

## Dorset - Federal - Brick

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

---

## Dorset - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



### **Low Country**

**BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY**





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



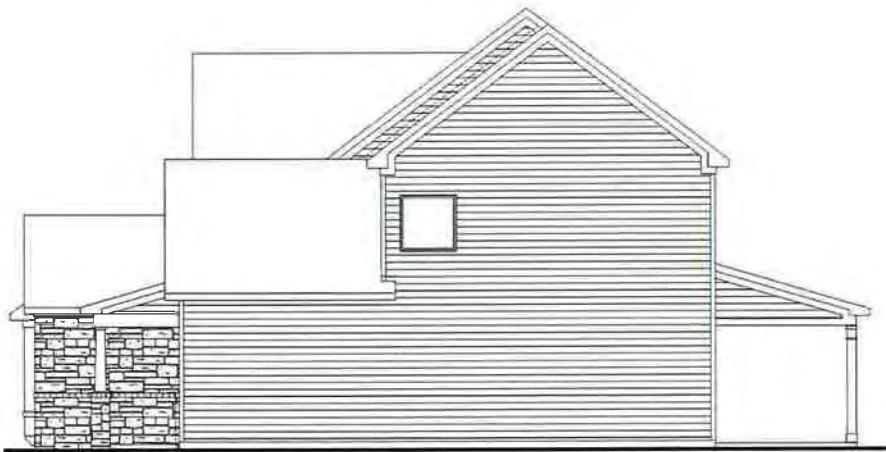
**Essex II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



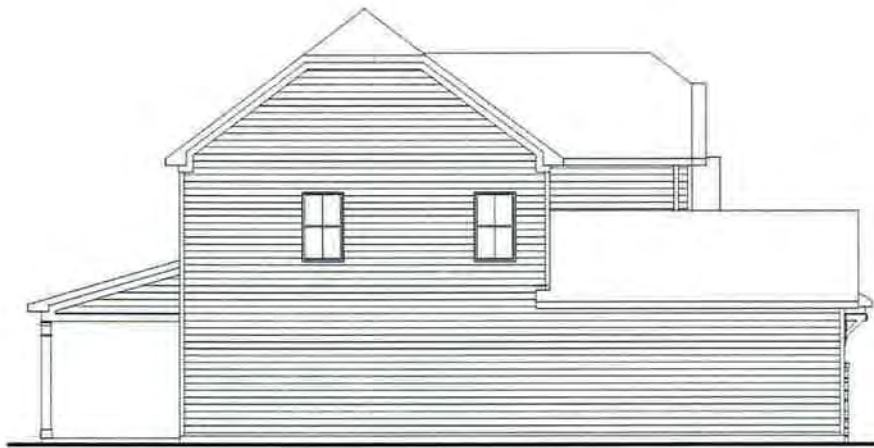
Right Elevation



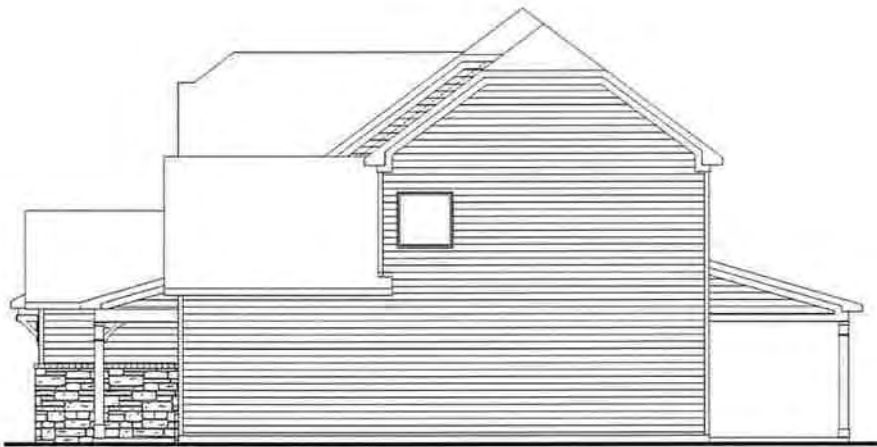
Rear Elevation

## Brighton - Craftsman

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation

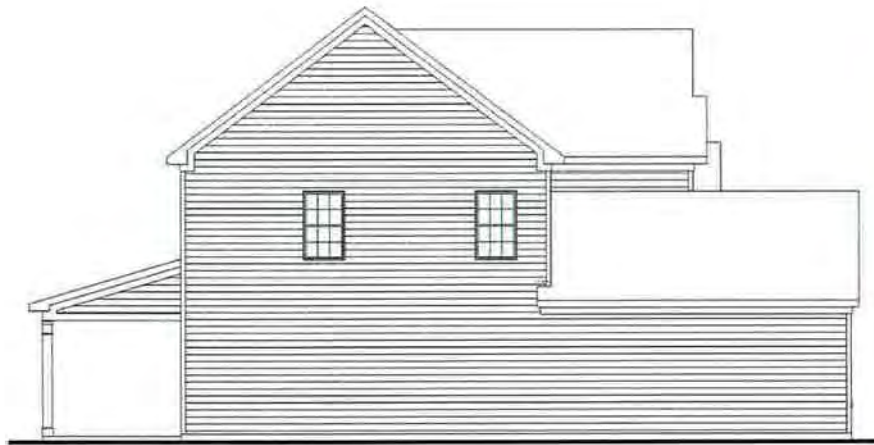


Rear Elevation

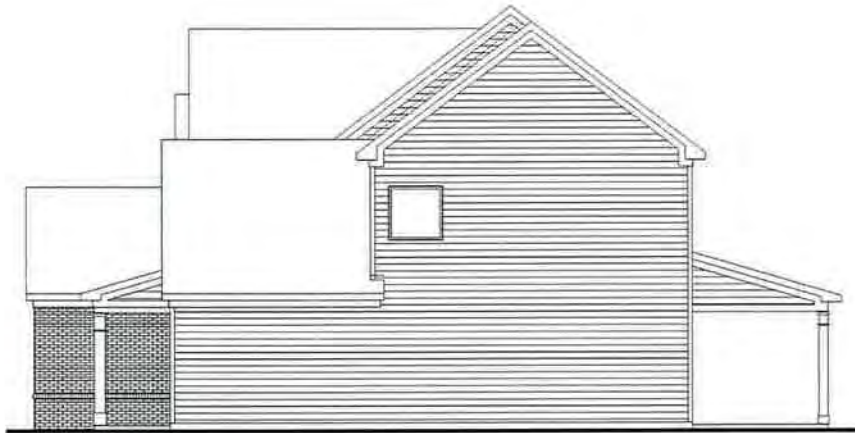
# Brighton - Farmhouse

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



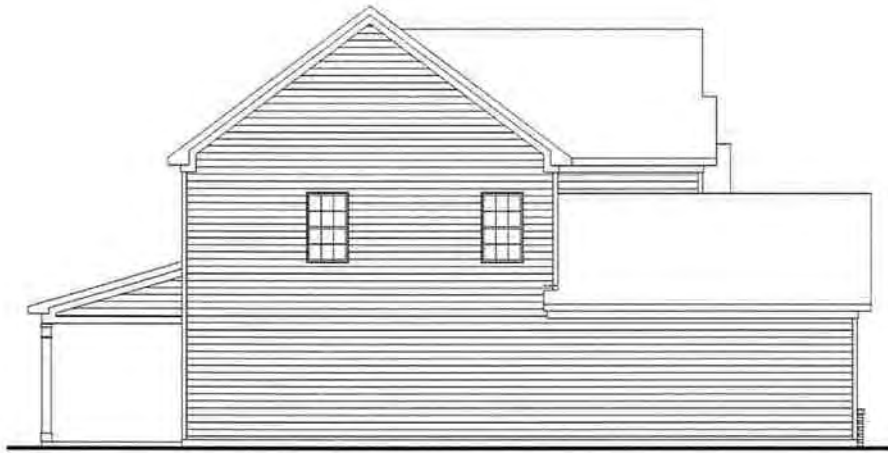
Right Elevation



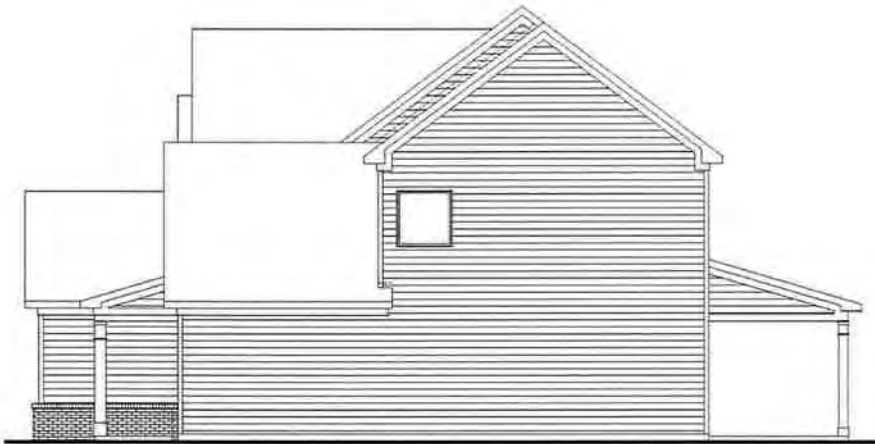
Rear Elevation

# Brighton - Federal - Brick

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

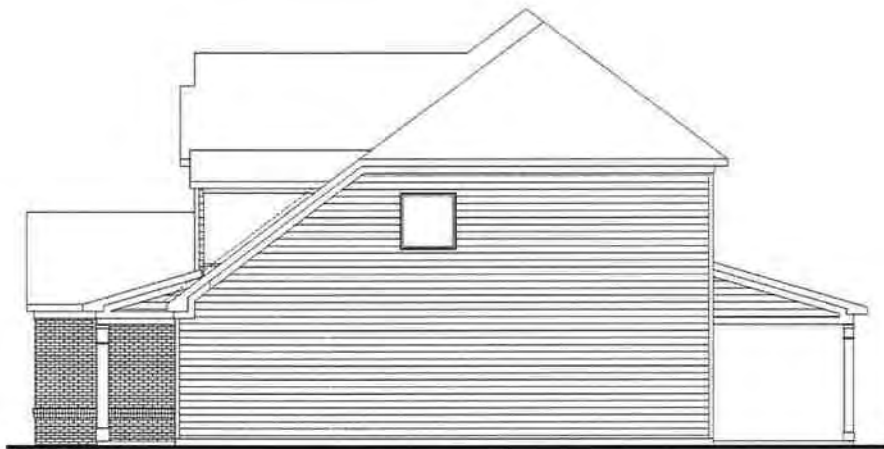
# Brighton - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

---

## Brighton - Traditional

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

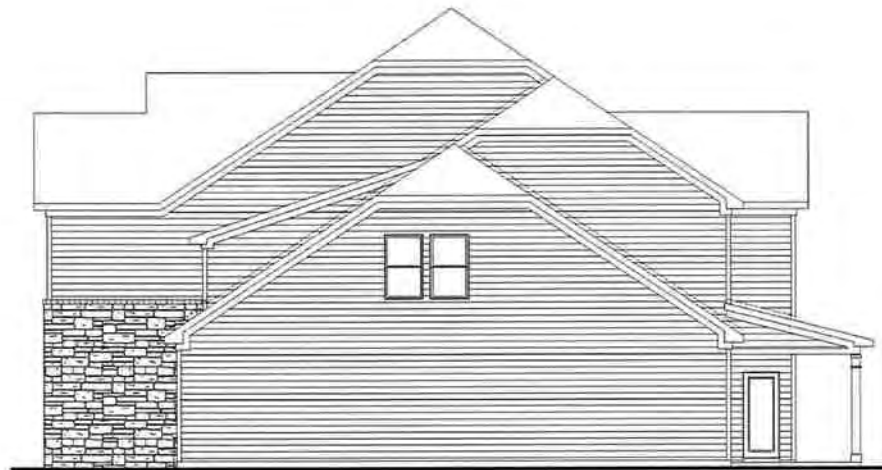
# Highland - Craftsman

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

# Highland - Farmhouse

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

---

# Highland - Federal - Brick

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



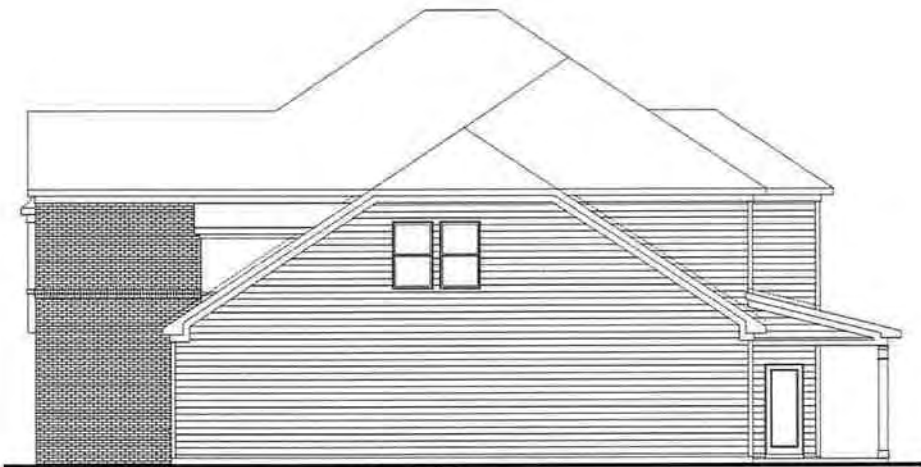
Rear Elevation

Highland - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

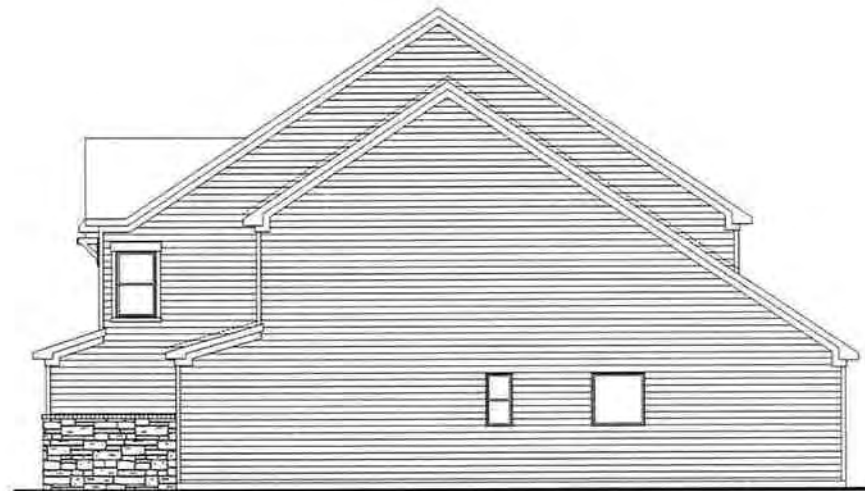
# Highland - Traditional

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation

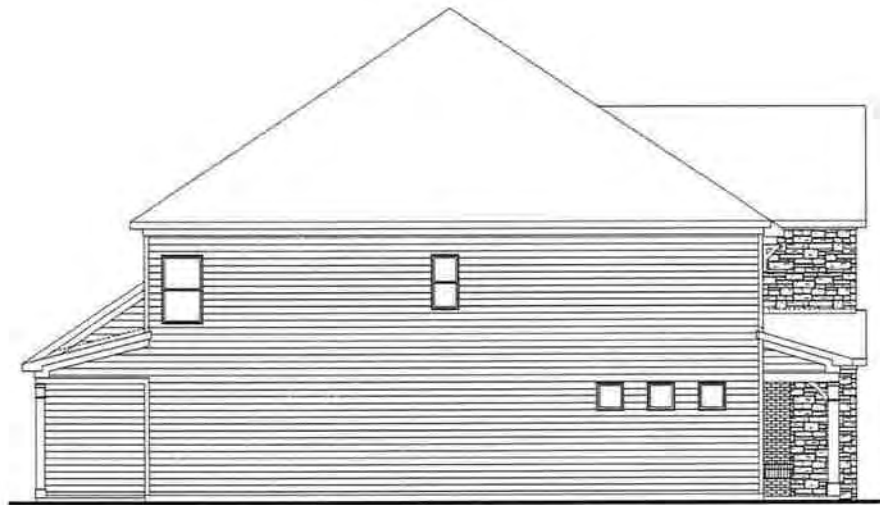


Rear Elevation

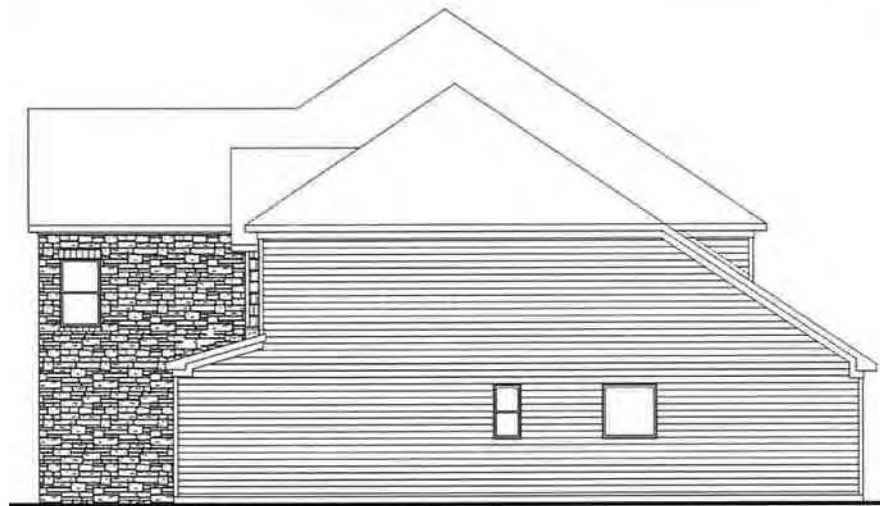
# Kendyll - Craftsman

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



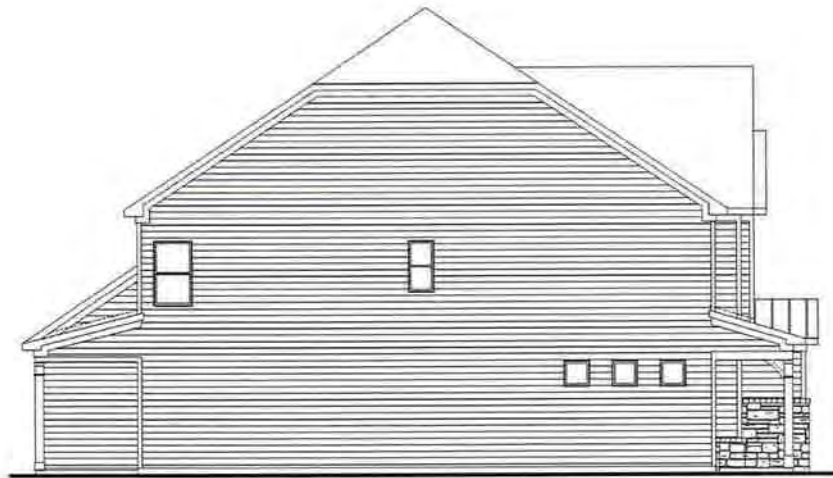
Right Elevation



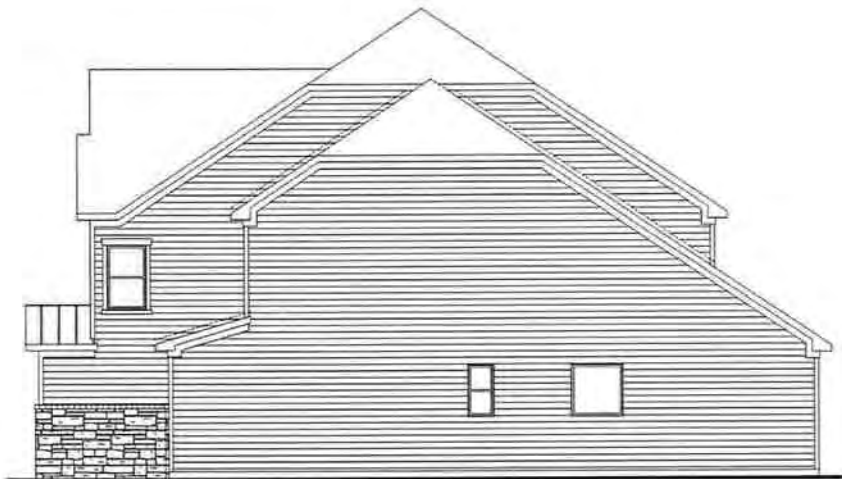
Rear Elevation

Kendyll - European

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

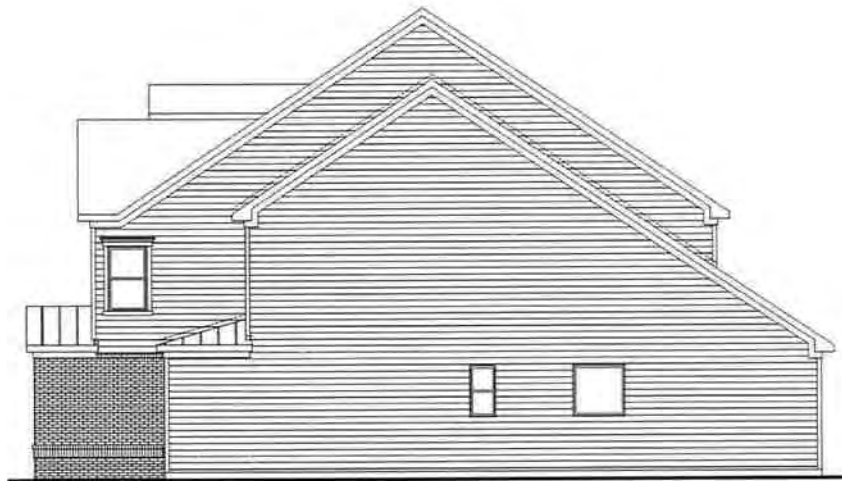
# Kendyll - Farmhouse

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

Kendyll - Federal - Brick

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation

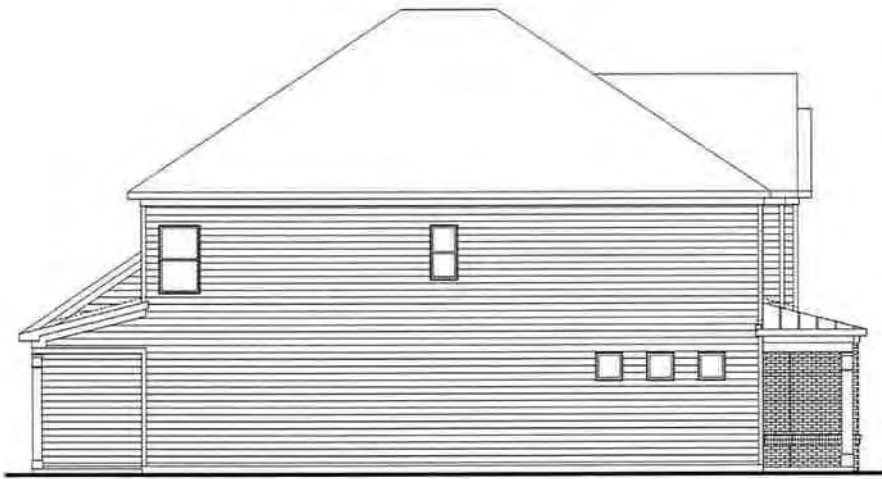


Rear Elevation

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Kendyll - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

## Kendyll - Traditional

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

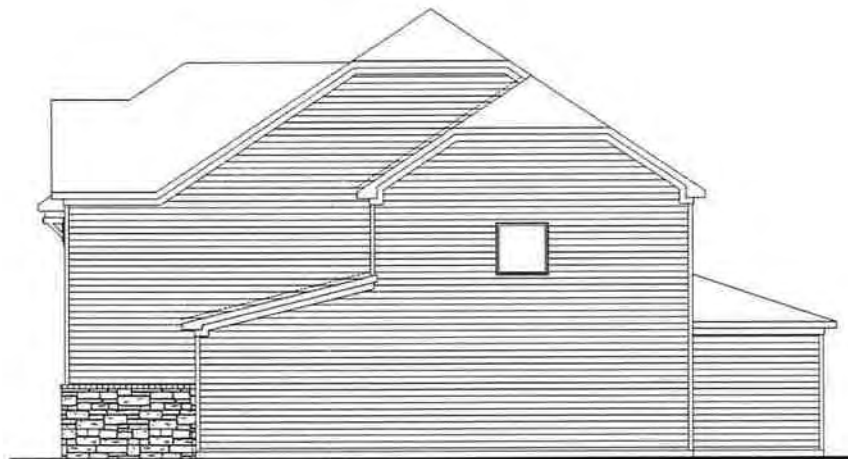
## London - Craftsman

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



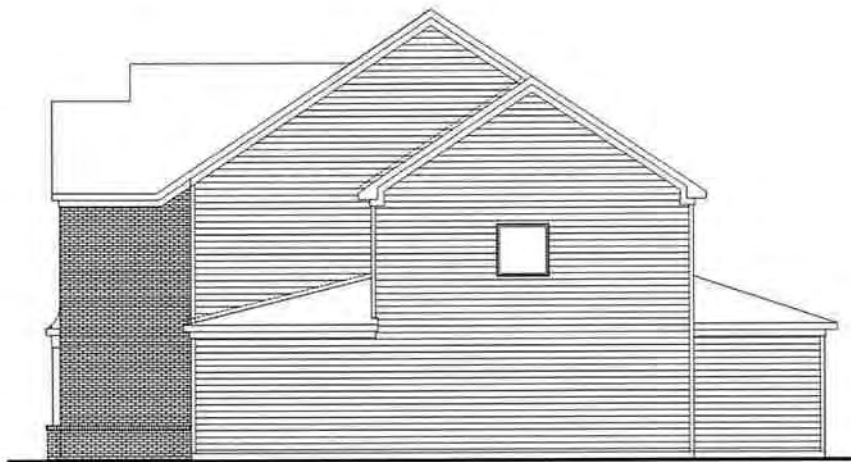
Rear Elevation

## London - Farmhouse

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Left Elevation



Right Elevation



Rear Elevation

## London - Federal - Brick

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation

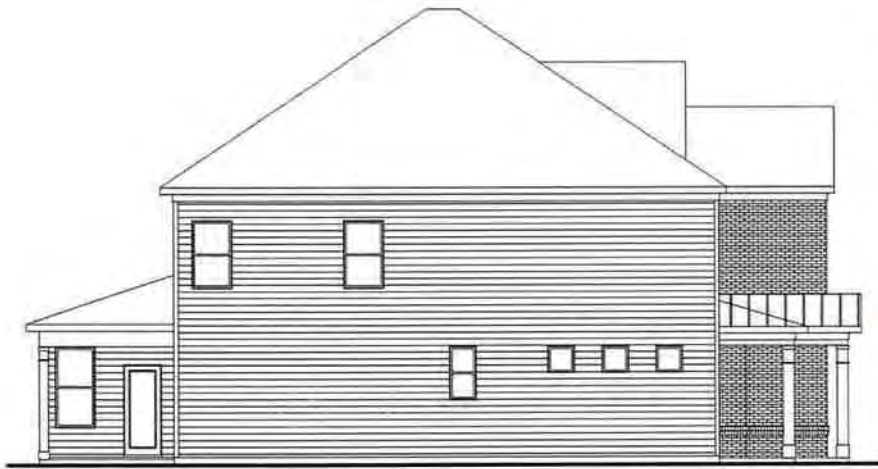


Rear Elevation

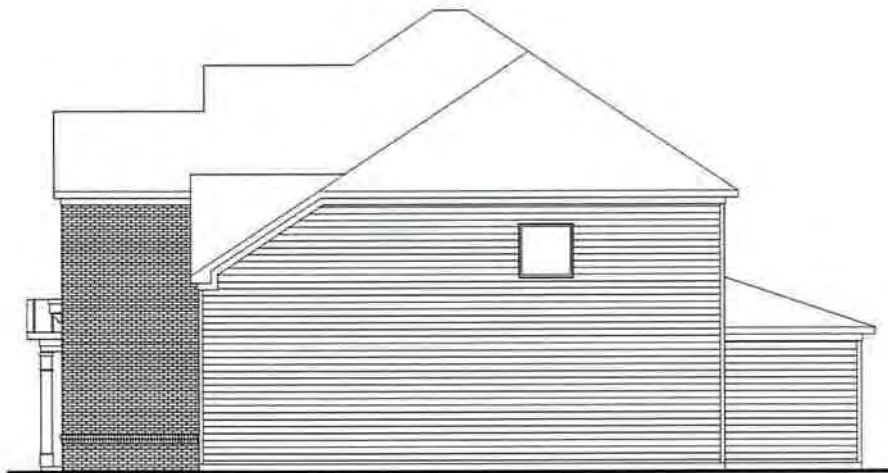
London - Federal - Siding

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Left Elevation



Right Elevation



Rear Elevation

## London - Traditional

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



## Livingston

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





## Livingston

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Livingston**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



## **Livingston**

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ILLUSTRATIVE PURPOSES ONLY



**Livingston**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





## **Livingston**

**BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY**



**Waverly**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Waverly**

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ILLUSTRATIVE PURPOSES ONLY





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ILLUSTRATIVE PURPOSES ONLY





**Waverly**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Somerset**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY

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**Somerset**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





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**Somerset**

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ILLUSTRATIVE PURPOSES ONLY



**Prescott II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



**Prescott II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





**Pescott II**

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**Prescott II**

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ILLUSTRATIVE PURPOSES ONLY





**Prescott II**

BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Game Changer

3,037 square feet

3 Bedrooms | 2.5 Bathrooms



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Massey

2,883 square feet

4 Bedrooms | 3.5 Bathrooms | Game Room



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Barrett

3,147 square feet

4 Bedrooms | 3 Bathrooms | Study



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Stratton

3,217 square feet

4 Bedrooms | 3.5 Bathrooms



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Bliss

2,056 square feet

3 Bedrooms | 2.5 Bathrooms



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Sanctuary

2,580 square feet

4 Bedrooms | 3.5 Bathrooms



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# Braxton

2,935 square feet

4 Bedrooms | 2.5 Bathrooms | Loft



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



# House Party

3,015 square feet

4 Bedrooms | 2.5 Bathrooms



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



## TOWNHOME BUILDING ELEVATIONS

### Townhome Standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a crawl space or raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. Roofline cannot be a single mass; it must be broken up horizontally and vertically between units.
4. Garage doors must have windows, decorative details or carriage-style adornments.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The garage cannot protrude more than 1 foot out from the front façade or front porch.
7. The visible side of a townhome on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. Building facades shall have horizontal relief achieved by the use of recesses and projections.
9. 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.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Minor elevation adjustments may be accommodated with staff approval – including limiting clipped dormers on no more than 25% of the proposed townhome building designs.
12. Side entry, end unit townhomes in highly visible locations shall provide a covered entry feature for each unit. Highly visible locations shall include the end of a series of buildings, and adjacent to public or private rights-of-ways, recreation areas, open space, buffers, or adjacent properties.

## Townhome and Single Family Home Color Palette (Sherwin Williams)

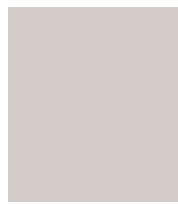
All colors are Primary with the exception of those noted



SW 6166  
ECLIPSE



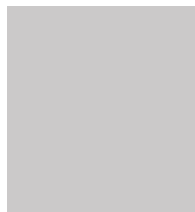
SW 7502  
DRY ROCK



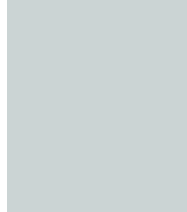
SW 6008  
INDIVIDUAL  
AZURITE



SW 9148  
SMOKEY



SW 6260  
UNIQUE GRAY



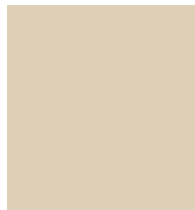
SW 9136  
LULLABY  
SLATE



SW 9131  
CORNWALL  
GREEN



SW 6524  
COMMODORE



SW 9119  
DIRTY  
MARTINI



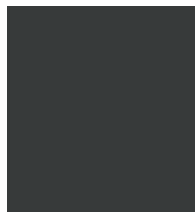
SW 6188  
SHADE  
GROWN



SW 9117  
URBAN  
JUNGLE



SW 6156  
RAMIE



SW 6994  
GREENBLACK  
ACCENT



SW 6717  
LIME RICKEY  
ACCENT



SW 7589  
HABANERO  
CHILE  
ACCENT



SW 70399148  
VIRTUAL  
TAUPE

White may also be used as a primary, trim, or accent color with any palette variations



Elevation A1-R



Elevation A2



Elevation A3-R



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Elevation B1



Elevation B2



Elevation B3-R



Elevation B4



Elevation B5 - R



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY



Elevation C1



Elevation C2



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Elevation D1



Elevation D2



BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY





Elevation E1



Elevation E2



Elevation E3 R



BUILDING ELEVATION FOR  
ILLUSTRATIVE PURPOSES ONLY





Elevation F1



Elevation F2-R

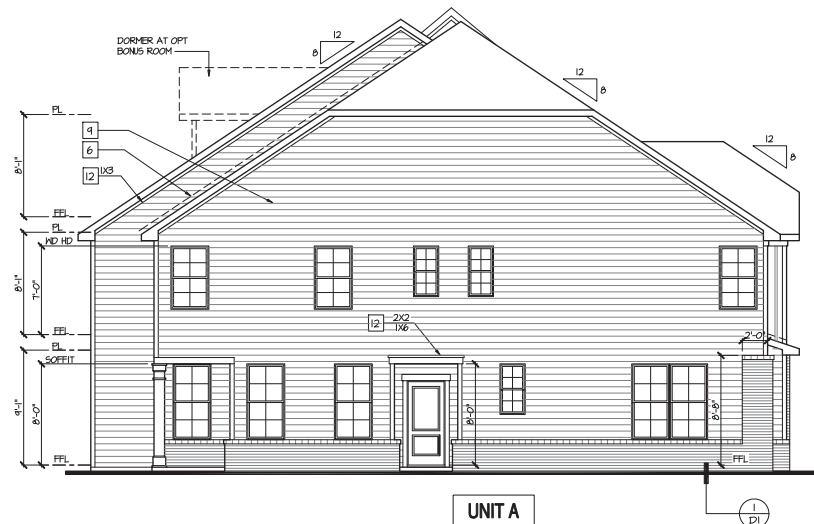


Elevation F3



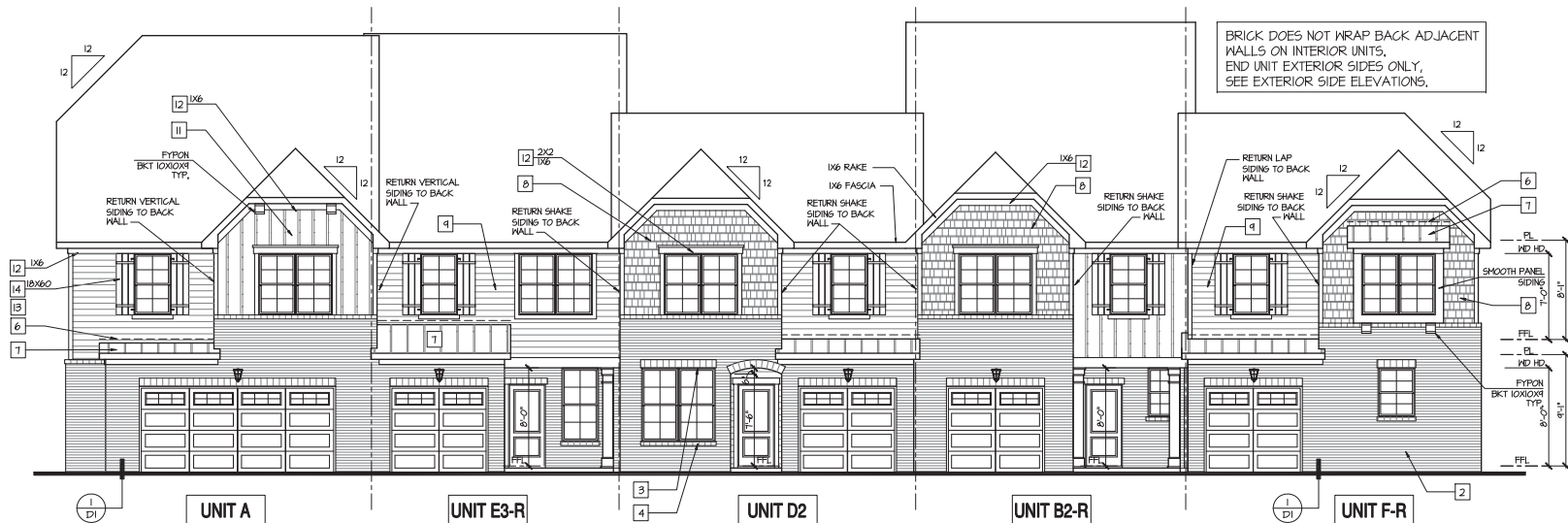
BUILDING ELEVATIONS FOR  
ILLUSTRATIVE PURPOSES ONLY

- NOTES:
- GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE FROM THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
  - WINDOW HEAD HEIGHTS:  
1ST FLOOR = 8'-0" UNO, ON ELEVATIONS,  
2ND FLOOR = 7'-0" UNO, ON ELEVATIONS.
  - ROOFING: PITCHED SHINGLES PER DEVELOPER.
  - WINDOWS: MANUFACTURER PER DEVELOPER, DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS.
  - ENTRY DOOR: AS SELECTED BY DEVELOPER.
  - GARAGE DOORS: AS SELECTED BY DEVELOPER, RAISED PANEL AS SHOWN.
  - ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- KEY NOTES:
- MASONRY:
- [1] ADHERED STONE VENEER AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
  - [2] MASONRY FULL BRICK AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
  - [3] 8" SOLDIER COURSE.
  - [4] RAINLOCK COURSE.
- TYPICALS:
- [5] CORROSION RESISTANT SCREEN COVERED VENTS, SIZE AS NOTED.
  - [6] CORROSION RESISTANT ROOF TO WALL FLASHING, CODE COMPLIANT FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
  - [7] STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- SIDING:
- [8] VINYL SHAKE SIDING PER DEVELOPER
  - [9] VINYL CORNER.
  - [4] VINYL LAP SIDING PER DEVELOPER
  - [9] VINYL CORNER.
  - [10] VINYL BATT AND BOARD SIDING PER DEVELOPER
  - [9] VINYL CORNER.
  - [11] VINYL VERTICAL SIDING PER DEVELOPER
  - [9] VINYL CORNER.
  - [12] 1X SYMBEARD TRIM OR EQUAL, UNO, SIZE AS NOTED
  - [13] 3 1/2" VINYL TRIM (WINDOW JAMBS AND EXTERIOR CORNERS.)
  - [14] VINYL SHUTTERS, TYPE AS SHOWN, SIZE AS NOTED.



Left Elevation 5-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Front Elevation 5-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT





SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT

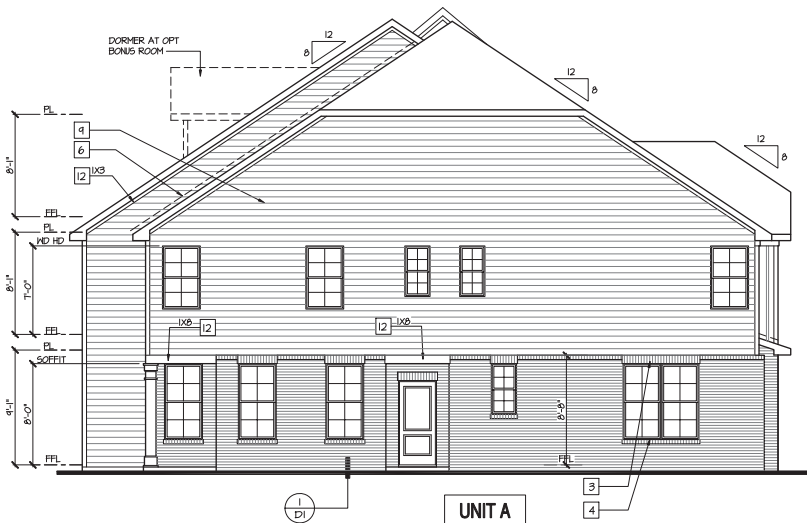


SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



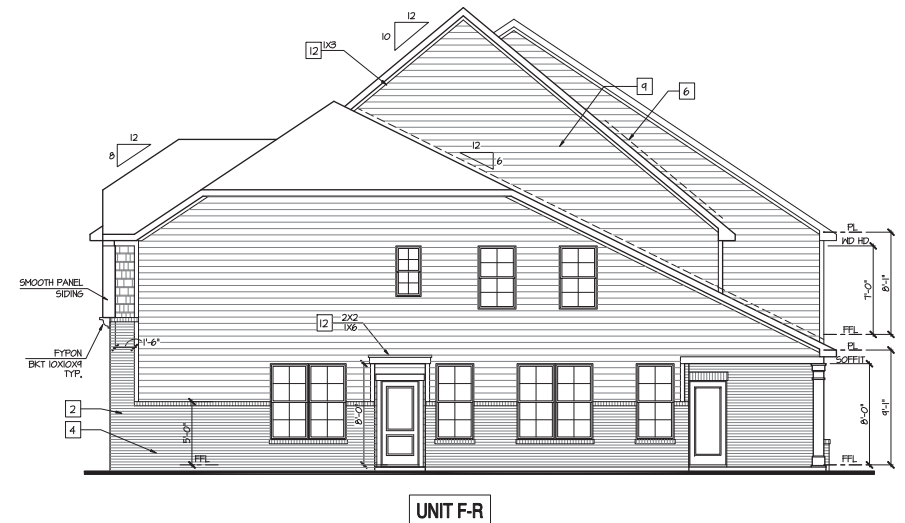
Rear Elevation 5-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



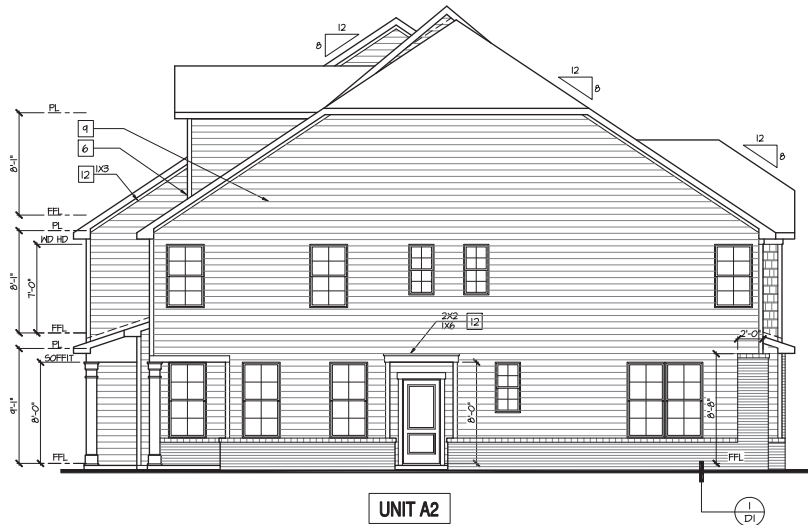
Left Elevation 5-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



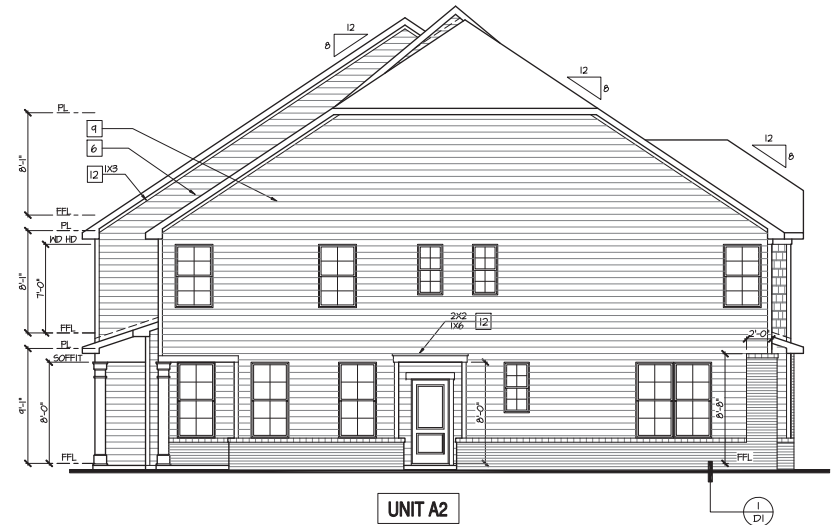
Right Elevation 5-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



Left Elevation 5-Plex 'B'

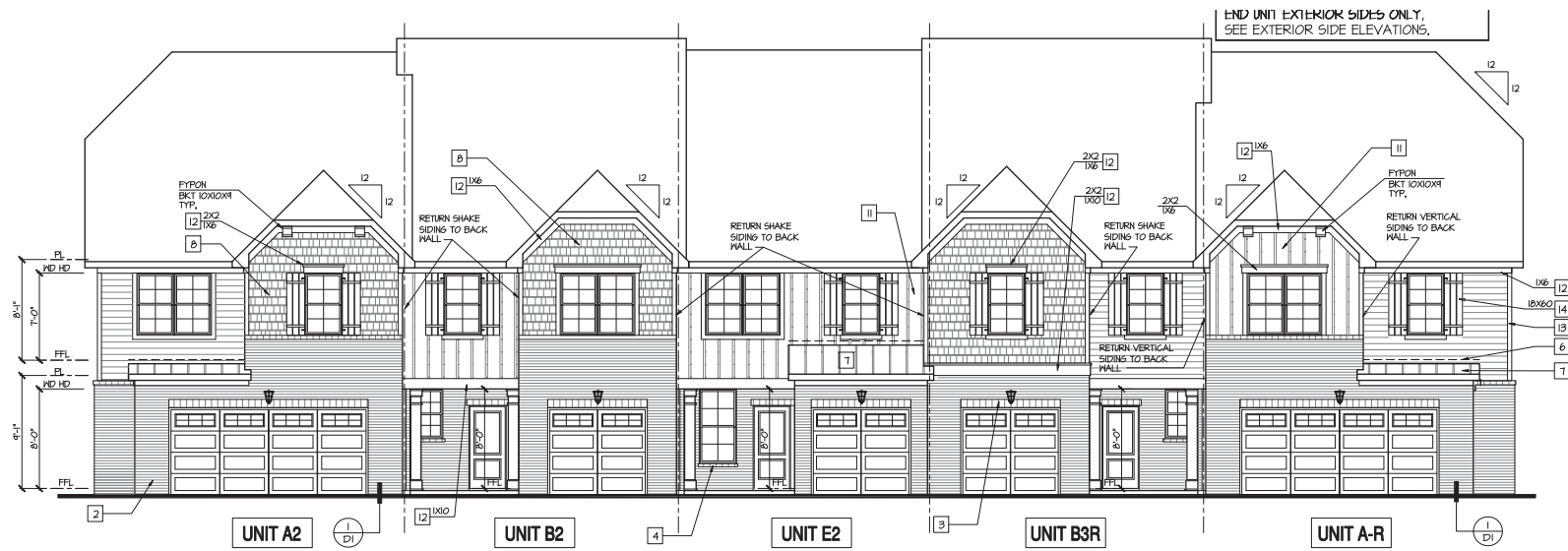
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Left Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT

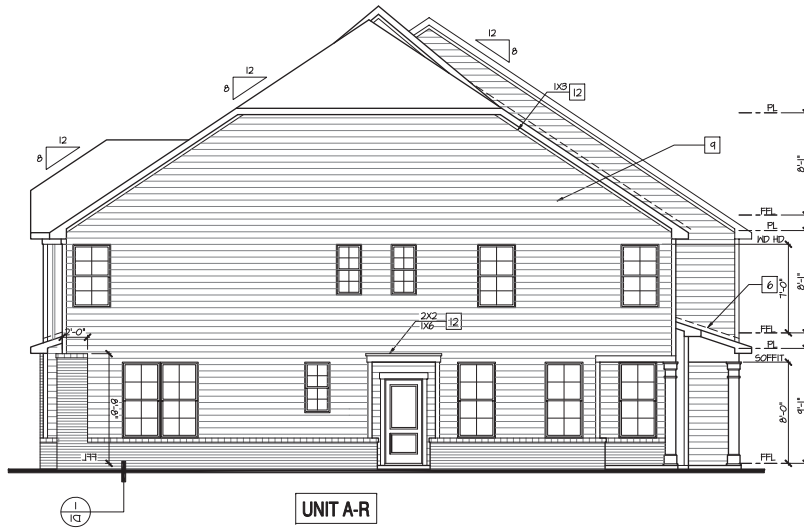
NOTES:	
-	GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE FROM THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
-	WINDOW HEAD HEIGHTS:
-	1ST FLOOR = 8'-0" UNO, ON ELEVATIONS,
-	2ND FLOOR = 7'-0" UNO, ON ELEVATIONS,
-	ROOFING: PITCHED SHINGLES PER DEVELOPER.
-	WINDOWS: MANUFACTURER PER DEVELOPER, DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS.
-	ENTRY DOOR, AS SELECTED BY DEVELOPER.
-	GARAGE DOORS, AS SELECTED BY DEVELOPER, RAISED PANEL AS SHOWN.
-	ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
KEY NOTES:	
MASONRY:	
[1]	ADHERED STONE VENEER AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
[2]	MASONRY FULL BRICK AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
[3]	8" SOLDIER COURSE.
[4]	ROWLOCK COURSE.
TYPICALS:	
[5]	CORROSION RESISTANT SCREEN LOUVERED VENTS, SIZE AS NOTED.
[6]	CORROSION RESISTANT ROOF TO WALL FLASHING, CODE COMPLIANT FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
[7]	STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
SIDING:	
[8]	VINYL SHAKE SIDING PER DEVELOPER
[9]	W/ VINYL CORNER.
[10]	VINYL LAP SIDING PER DEVELOPER
[11]	W/ VINYL CORNER.
[12]	VINYL BATT AND BOARD SIDING PER DEVELOPER
[13]	W/ VINYL CORNER.
[14]	VINYL VERTICAL SIDING PER DEVELOPER
[15]	W/ VINYL CORNER.
[16]	1X SYNBORD TRIM OR EQUAL, UNO, SIZE AS NOTED.
[17]	3 1/2" VINYL TRIM (WINDOW JAMBES AND EXTERIOR CORNERS).
[18]	VINYL SHUTTERS, TYPE AS SHOWN, SIZE AS NOTED.



Front Elevation 5-Plex 'B'

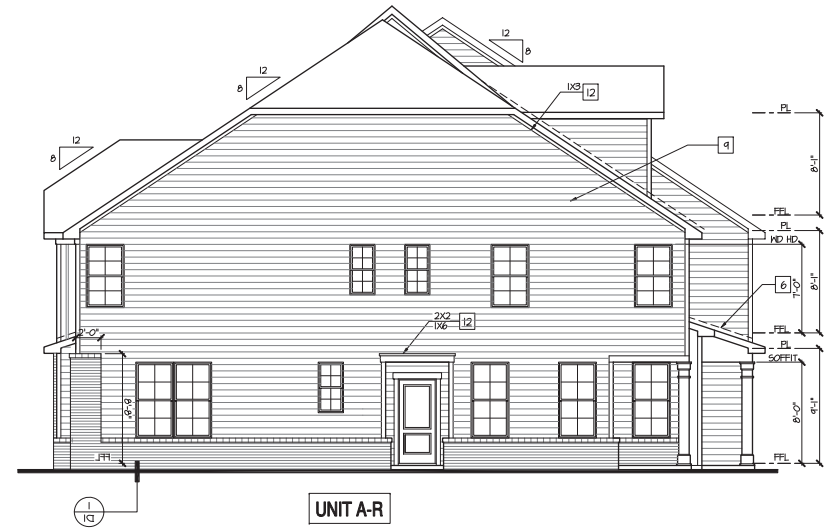
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT





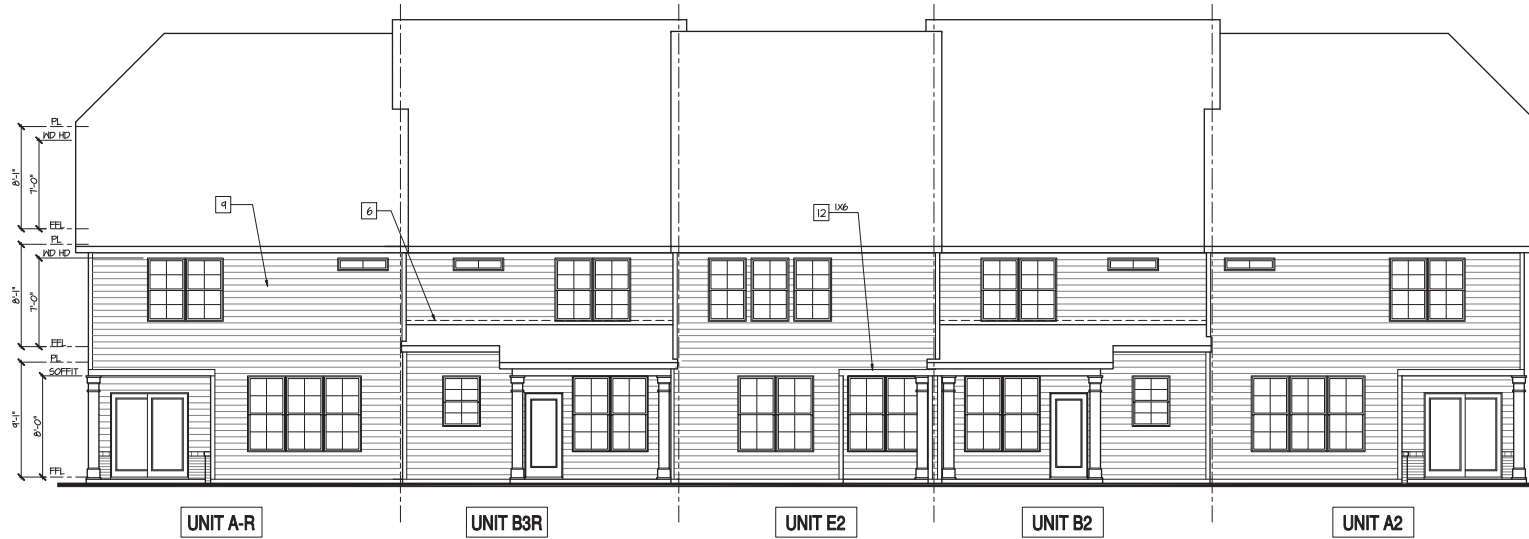
Right Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



Right Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



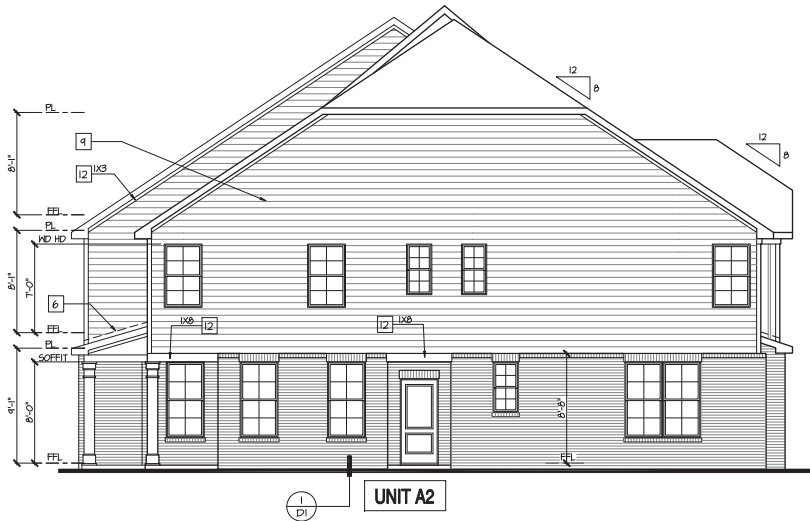
Rear Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



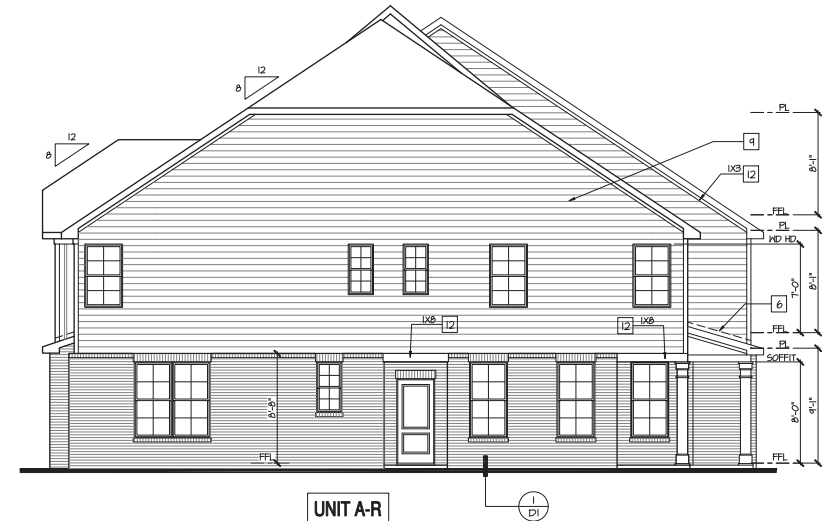
Rear Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Left Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Right Elevation 5-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT

## NOTES:

- GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
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  - 2ND FLOOR = 7'-0" UNQ, ON ELEVATIONS,
- ROOFING: PITCHED SHINGLES PER DEVELOPER.
- WINDOW MANUFACTURE PER DEVELOPER, DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS.
- ENTRY DOOR, AS SELECTED BY DEVELOPER.
- GARAGE DOORS, AS SELECTED BY DEVELOPER, RAISED PANEL, AS SHOWN.
- ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.

## KEY NOTES:

### MASONRY:

- [1] ADHERED STONE VENEER AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
- [2] MASONRY FULL BRICK AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
- [3] 8" SOLDIER COURSE
- [4] ROWLOCK COURSE

### TYPICALS:

- [5] CORROSION RESISTANT SCREEN LOUVERED VENTS, SIZE AS NOTED.
- [6] CORROSION RESISTANT ROOF TO WALL FLASHING, GUE COMPLIANT FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
- [7] STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.

### SIDING:

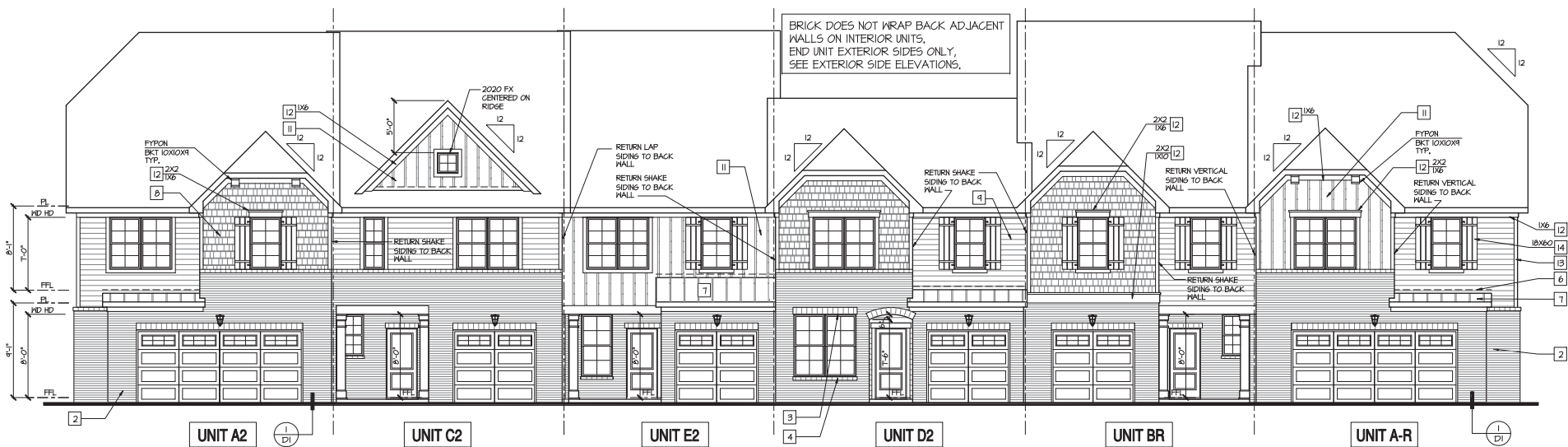
- [8] VINYL SHANE SIDING PER DEVELOPER  
W/ VINYL CORNER.
- [9] VINYL LAP SIDING PER DEVELOPER  
W/ VINYL CORNER.
- [10] VINYL BATT AND BOARD SIDING PER DEVELOPER  
W/ VINYL CORNER.
- [11] VINYL VERTICAL SIDING PER DEVELOPER  
W/ VINYL CORNER.
- [12] W/ SYNOBOARD TRIM OR EQUAL, UNQ, SIZE AS NOTED
- [13] 3 1/2" VINYL TRIM (WINDOW JAMBS AND EXTERIOR CORNERS)
- [14] VINYL SHUTTERS, TYPE AS SHOWN, SIZE AS NOTED.



SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



# Front Elevation 6-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT





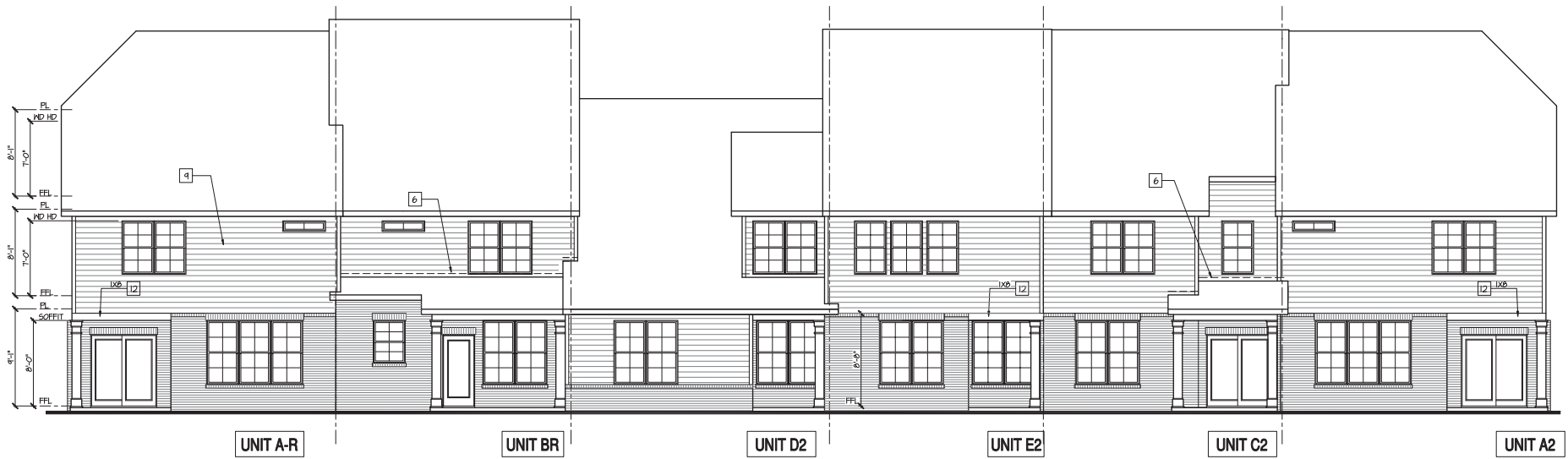
Rear Elevation

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



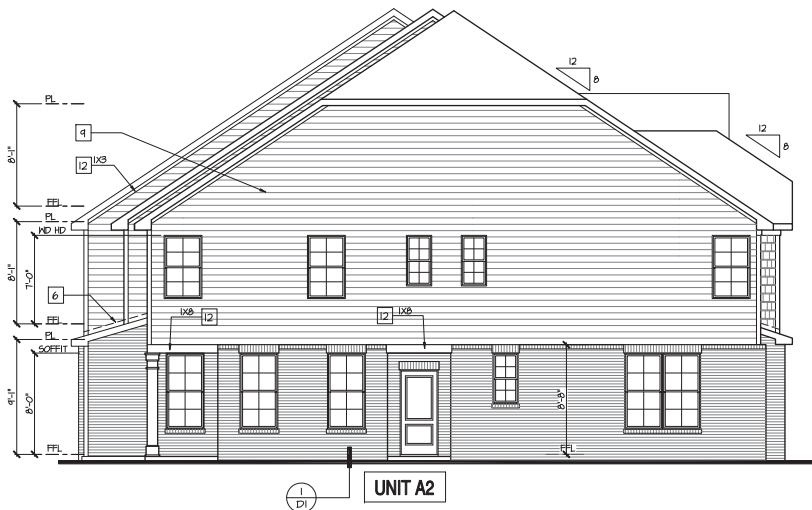
Rear Elevation 6-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



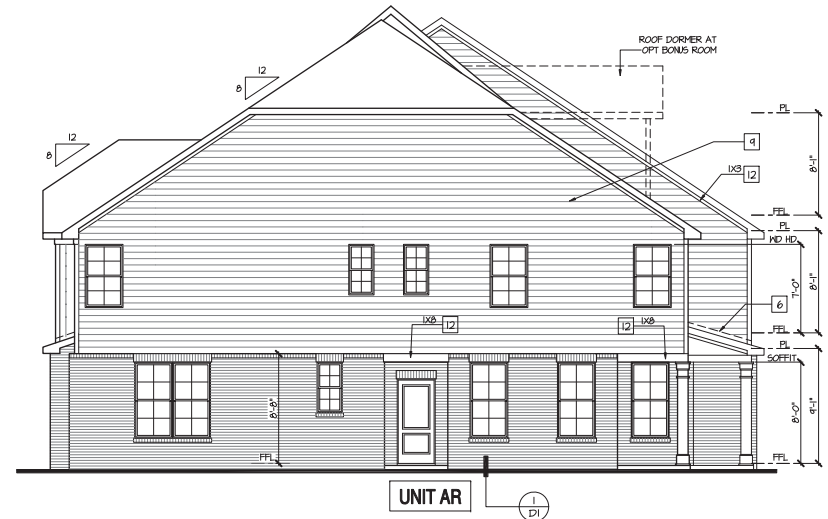
Rear Elevation 6-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



Left Elevation 6-Plex 'A'

SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



Right Elevation 6-Plex 'A'

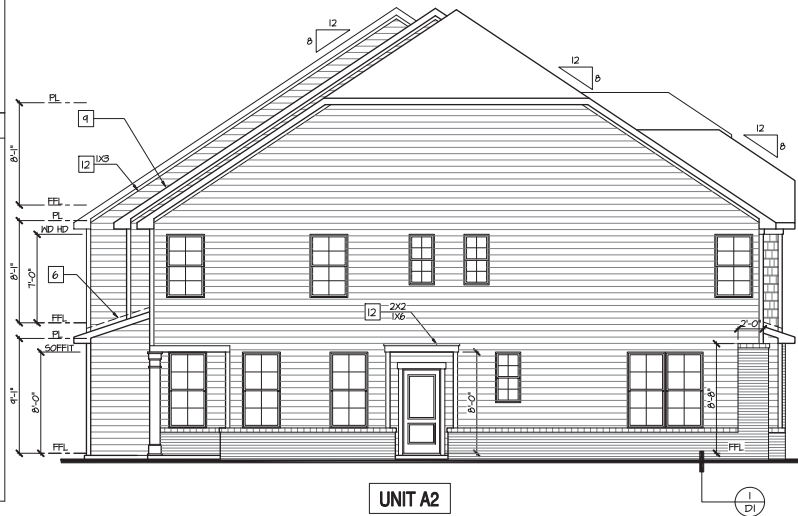
SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT

# NOTES:

- GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE FROM THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
- WINDOW HEAD HEIGHTS:  
1ST FLOOR = 8'-0" UNO, ON ELEVATIONS,  
2ND FLOOR = 7'-0" UNO, ON ELEVATIONS.
- ROOFING: PITCHED SHINGLES PER DEVELOPER.
- WINDOWS: MANUFACTURER PER DEVELOPER, DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS.
- ENTRY DOORS: AS SELECTED BY DEVELOPER.
- GARAGE DOORS: AS SELECTED BY DEVELOPER, RAISED PANEL AS SHOWN.
- ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.

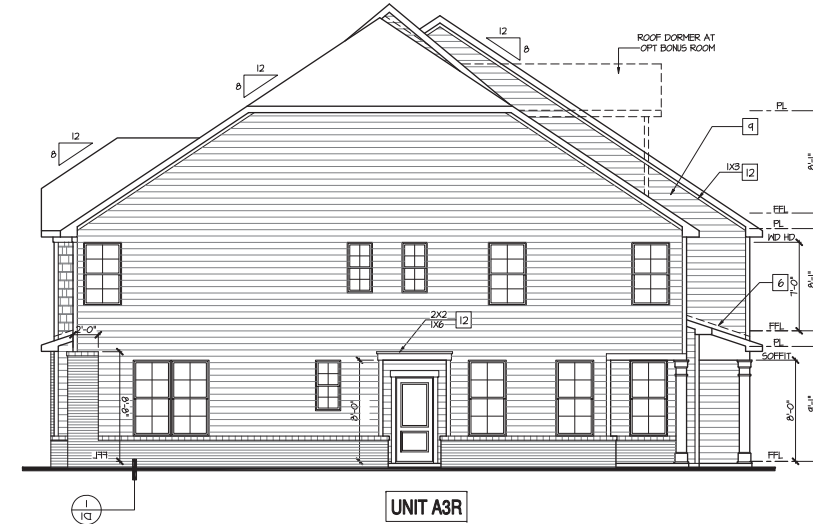
## KEY NOTES:

- MASONRY:**
- [1] ADHERED STONE VENEER AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
  - [2] MASONRY FULL BRICK AS SELECTED BY DEVELOPER, HEIGHT AS NOTED.
  - [3] 8" SOLDIER COURSE.
  - [4] RAINLOCK COURSE.
- TYPICALS:**
- [5] CORROSION RESISTANT SCREEN COVERED VENTS, SIZE AS NOTED.
  - [6] CORROSION RESISTANT ROOF TO WALL FLASHING, CODE COMPLIANT FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
  - [7] STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- SIDING:**
- [8] VINYL SHAKE SIDING PER DEVELOPER.
  - [9] VINYL CORNER.
  - [10] VINYL LAP SIDING PER DEVELOPER.
  - [11] VINYL CORNER.
  - [12] VINYL BATT AND BOARD SIDING PER DEVELOPER.
  - [13] VINYL CORNER.
  - [14] VINYL VERTICAL SIDING PER DEVELOPER.
  - [15] VINYL CORNER.
  - [16] 1X SYMBEARD TRIM OR EQUAL, UNO, SIZE AS NOTED.
  - [17] 3 1/2" VINYL TRIM (WINDOW JAMBES AND EXTERIOR CORNERS).
  - [18] VINYL SHUTTERS, TYPE AS SHOWN, SIZE AS NOTED.



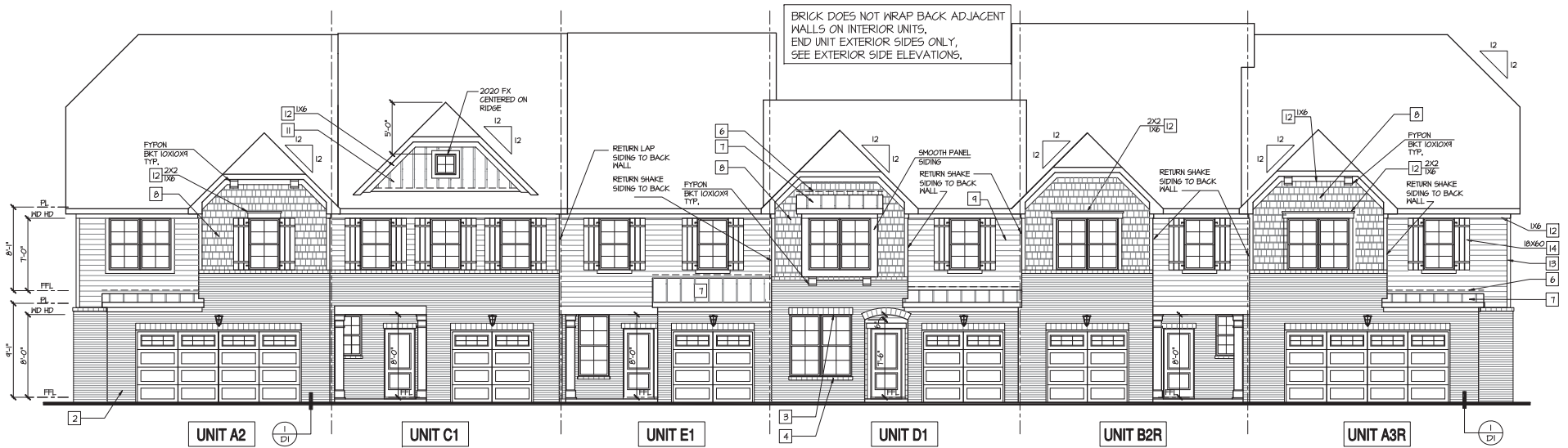
Left Elevation 6-Plex 'B'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Right Elevation 6-Plex 'B'

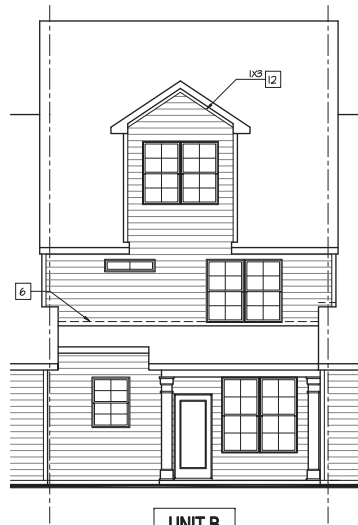
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Front Elevation 6-Plex 'B'

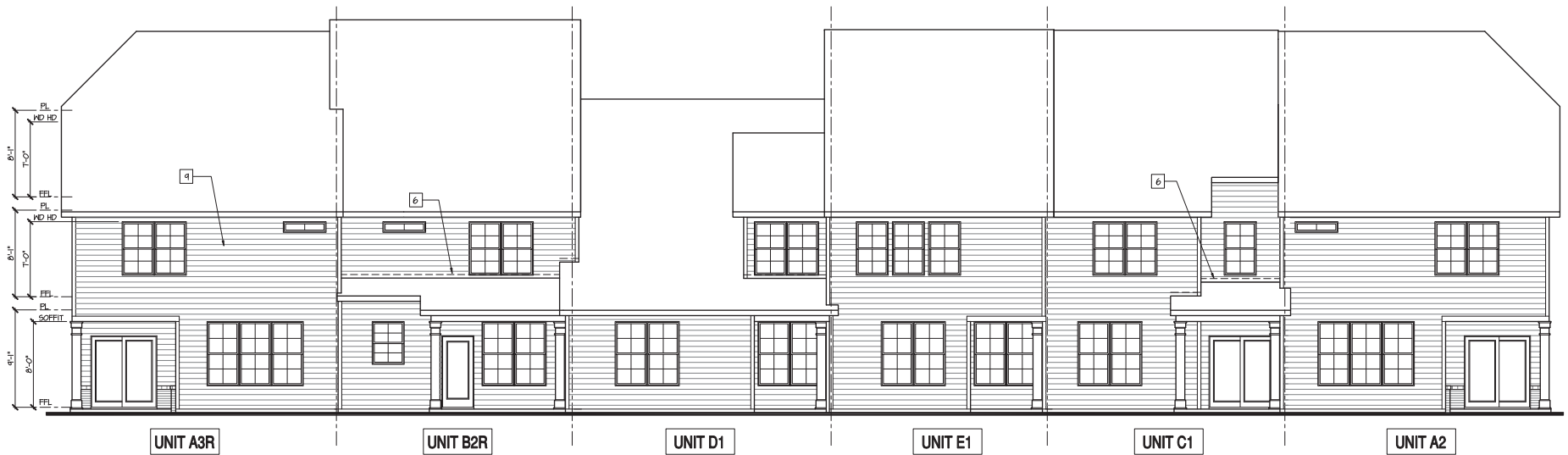
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT





Rear Elevation

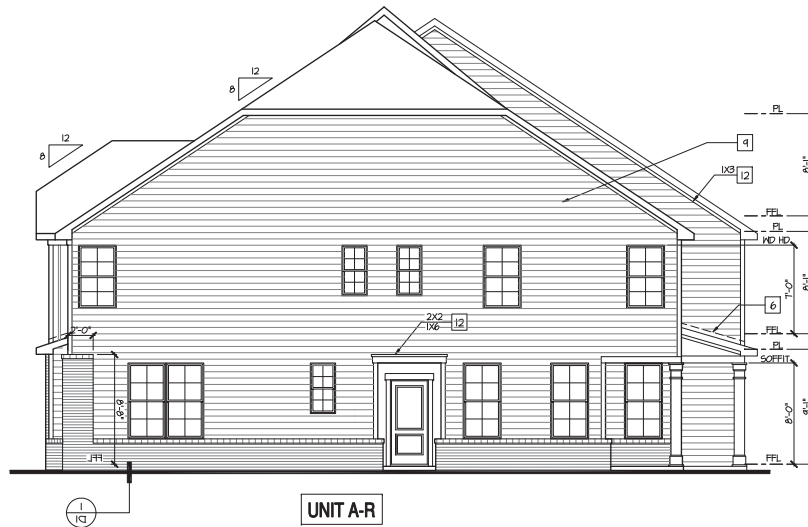
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Rear Elevation 6-Plex 'B'

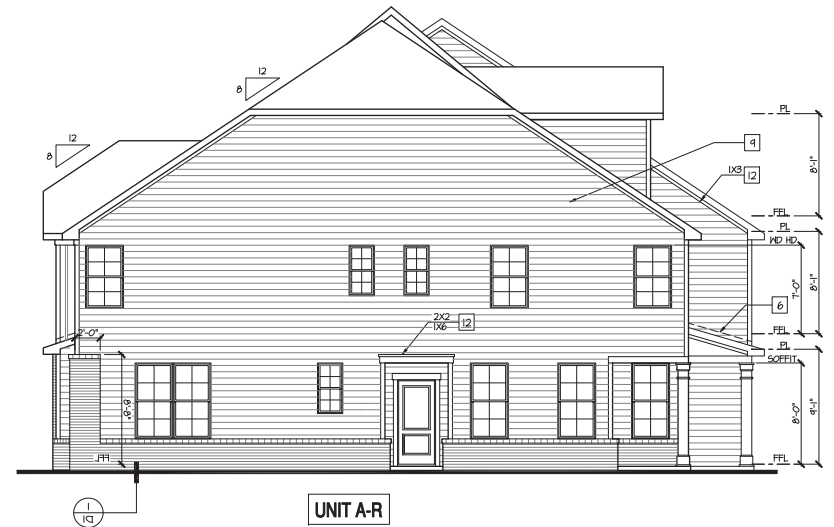
SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT





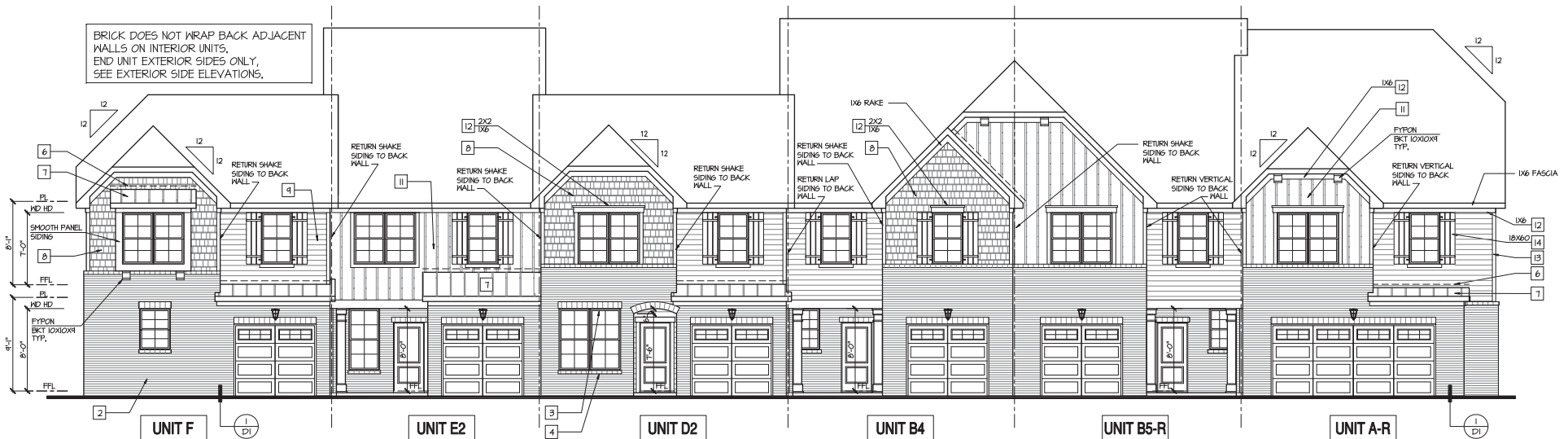
Right Elevation 6-Plex 'C'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Right Elevation 6-Plex 'C'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT



Front Elevation 6-Plex 'C'

SCALE: 3/16"=1'-0" AT 22"x34" LAYOUT





SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



SCALE: 3/16"=1'-0" AT 22"X34" LAYOUT



UNIT B4

UNIT D2

UNIT E2

UNIT F

## APARTMENT BUILDING ELEVATIONS

### Apartment standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments.
8. At least three of the following decorative features shall be used on each building:
  - Decorative shake
  - Board and batten
  - Decorative porch railing/posts
  - Shutters
  - Decorative/functional air vents on roof or foundation
  - Recessed windows
  - Decorative windows
  - Decorative brick/stone
  - Decorative gables
  - Decorative cornices
  - Tin/metal roof
9. A varied color palette shall be utilized for the apartment buildings throughout the development. With garden style apartments, a minimum of three color families for siding shall be provided and will include varied trim, shutter, and accent colors complementing the siding color. For a single mass apartment structure, the color shall vary with accent colors or architectural features to provide building relief.
10. Breezeway(s) for the four story apartment elevation is to be enclosed for additional mechanical equipment or elevators.

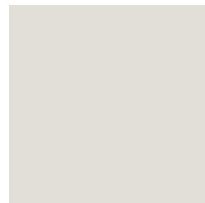
Apartment Color Palette (Sherwin Williams)  
All colors are Primary with the exception of those noted



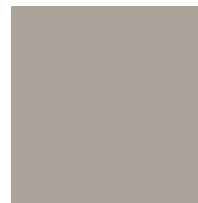
SW 6117  
SMOKEY  
TOPAZ



SW 7019  
GAUNTLET  
GRAY



SW 7014  
ELDER WHITE



SW 7024  
FUNCTIONAL GRAY



SW 6242  
BRACING BLUE



SW 6524  
COMMODORE



SW 6761  
THERMAL  
SPRING  
(ACCENT)



SW 6871  
POSITIVE  
RED  
(ACCENT)

White may also be used as a primary, trim, or accent color with any palette variations





PRELIMINARY BUILDING ELEVATION  
FOR ILLUSTRATIVE PURPOSES ONLY



PRELIMINARY BUILDING ELEVATIONS  
FOR ILLUSTRATIVE PURPOSES ONLY



Front Elevation



Rear Elevation



Typ. Side Elevation





ARCHITECTURAL PLANS  
EXTERIOR MATERIALS

- ASPHALT SHINGLE ROOF
- STANDING SEAM METAL ROOF
- FIBER CEMENT SIDING
- FIBER CEMENT PANELS
- BRICK PER BUILDER
- BRICK ROWLOCK/SOLDIER PER BUILDER
- CULTURED STONE VENEER

1

FRONT ELEVATION

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

PRELIMINARY BUILDING ELEVATIONS  
FOR ILLUSTRATIVE PURPOSES ONLY



2

TYPICAL SIDE ELEVATION

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



PRELIMINARY BUILDING ELEVATIONS  
FOR ILLUSTRATIVE PURPOSES ONLY



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning Department

### Requested Motion

Motion to set Public Hearing for the October 15, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance.

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

UDO Amendment Summary:

Requested by Planning Staff:

1. Amendments to Sec. 2.3.7.F.1 *Master Subdivision Final Plat, General* in order to allow fewer than 15 lots to be platted before the last phase with the approval of the Planning Director, Public Works & Transportation Director, and Water Resources Director.
2. Amendment to Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations* in order to require that all temporary uses and structures not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed temporary use or structure.
3. Amendments to Sec. 2.3.5.B *Special Use and Sec. 4.6.1.C Temporary Uses and Structures, Uses Allowed* in order to repeal subsection 7 "Temporary Use Permits issued under a Special Use Permit" and to remove the reference to Planning Board reviewing Special Use Permits.
4. Amendments to Sec. 8.3 *Off-Street Parking and Loading* in order to add that parking for uses associated with Landmark and other historic structures or properties may be gravel with the exception of handicap parking spaces.
5. Amendments to Sec. 8.7.1.A.13 *Menu Board* in order to set the minimum distance between two menu boards on the same drive-through lane.

### Attachments

- N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Drew Havens, Town Manager

Department(s): Administration

### Requested Motion

Motion to approve change of date for the American Legion Fall Car Show to November 16<sup>th</sup>, 2019. The application was originally approved by Council on April 2<sup>nd</sup>, 2019.

### Approval Recommended?

Yes

### Item Details

The American Legion Car Show will take place on the Apex Town Hall Campus on November 16<sup>th</sup> from 8:00am-3:00pm

### Attachments

- American Legion Car Show Special Event Application (original)





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# *Apex Fall Car, Truck, & Motor Cycle Show*

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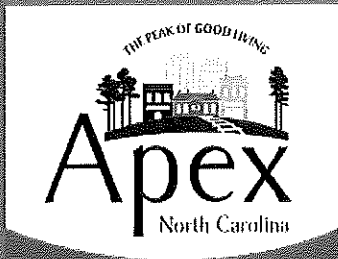
*Date(s)* | September 21, 2019

*Contact* | Apex American Legion Post 124  
[Michael Sayers]

*Town of Apex Expenses* | \$1,695.00

*Summary* | Raise money for veterans and youth  
programs in and around the Apex  
community.

*Notes* |



## Special Events Permit Application

Apex Parks, Recreation and Cultural Resources

Permit applications are accepted no later than 60 days prior to the start of the Special Event. Co-sponsored applications due by December 1st of each year.

All questions should be directed to david.wood@apexnc.org or by phone at (919) 249-1120.

Your permit application must be accompanied by a \$25.00 non-refundable processing fee before consideration is given to your request.

Upon submission of your permit request, send fee to: Halle Cultural Arts Center, Attn: Special Events Permit, PO Box 250, Apex, NC 27502 (You can also drop off in person at the Halle, 237 N. Salem Street).

### Event Information

**Name of Event \***

Apex Fall Car, Truck, \* Motor Cycle Show

**Event From  
Date: \***

09/21/2019

**Event To Date: \***

09/21/2019

**Event Organizer (Sponsor): \***

Apex American Legion Post 124

**Rain From Date: Rain To Date:**

09/28/2019

09/28/2019

**Contact Person: \***

Michael Sayers

**501 (c) 3  
Organization \***

☒ Yes ☐ No

**Contact Mailing Address \***

P.O. Box 1002

**City: \***

Apex

**ZIP: \***

27502

**Primary Phone: \***

(919) 345-3566

**Cell:**

(919) 345-3566

**Email**

msayers1@att.net

Providing a daytime phone number and email address allows our office to communicate with you electronically when appropriate. Failure to provide accurate and complete information may result in a delay in processing your application.

**Website:**

apexlegionpost124.org

**Projected  
Attendance: \***

10,000

### Event Purpose

**Event Purpose \***

Raise money for Veterans and Youth Programs in and around the Apex Community

**Location of Event \***

Town parking lot including gravel lot across from Police Department

new location; Town  
Hall Parking lot &  
courtyard

**Are you requesting Town of Apex Co-Sponsorship? \***

☒ Yes ☐ No

**Will Town facilities be utilized (i.e. Streets, Parks, Greenways, Sidewalks, Multi-Use Trails)? \***

☒ Yes ☐ No

**Are sales/vendors being anticipated at the event? \* Will amplified sound be used for or during the event? \***

☒ Yes ☐ No

☒ Yes ☐ No

**Will streets/sidewalks be closed during the event? \***

☒ Yes ☐ No

**Does this event seek to include the sale, distribution, possession, or consumption of alcoholic beverages on public property? \***

☐ Yes ☒ No

**Event Description****Describe type, size and area of event \***

Including stages, entertainment, parking, etc.  
See maps attached

**Date/Time event is scheduled to begin**

\* \*  
09/21/2019 08:00:00 AM

**Date/Time event is scheduled to end**

\* \*  
09/21/2019 03:00:00 PM

**Date/Time setup is scheduled to begin**

\* \*  
09/21/2019 06:00:00 AM

**Date/Time take-down will end**

\* \*  
09/21/2019 04:00:00 PM

**Street Closure**

Time Street(s) are scheduled to close:

06:00:00 AM

Time Street(s) are scheduled to open:

04:00:00 PM

**Description of plan to notify homes and businesses effected by street closure \***

Visit and letter to each one.

**Street Closure Map \***



A map indicating the location of road closures, barricade locations, must be attached.

Town Parking Lot.xlsx

13.32KB

1, Town Parking Lot.pdf

824.27KB

## Event Set Up

**Does the event require electrical connections and where should they be located? \***

☒ Yes ☐ No

**Will tents be used for the event? \***

☒ Yes ☐ No

**Please list number, sizes & types: \***

10' X 10', and 12' X 12'

**Will banners be used for the event? \***

☒ Yes ☐ No

**Request banner installation by the Town? \***

☒ Yes ☐ No

**Are food vendors planned? \***

☒ Yes ☐ No

**If yes, please describe food items to be sold at event \***

Hot Dogs, Hamburgers, Chips, Soft Drinks

**Please describe sanitation provisions, restroom facilities, trash cans, and event clean up procedures \***

Port-A-Johns and Trash cans

**Provide contact information for provider of above services: \***

Unknown at this time

*An 8.5" x 11" site map must be included with the application showing sidewalks/greenways or multipurpose paths to be closed, tent placement, parade/run/walk routes or other similar activities, location of electrical needs, restroom, trash and water as needed*

**Event Site Map \***

To include electrical boxes, tents, port-a-johns, dumpsters, handicap parking, etc.

Town Parking Lot.xlsx

13.32KB

## eSignature

I hereby certify that the information contained in this application is true to the best of my knowledge and I further certify that this event will be conducted per all applicable local laws. I understand that failure to address any item listed on this application shall result in my application being returned for revisions and resubmission. I certify that I have received the attached information concerning regulations for special events.

**Applicant's name (Print) \***

**Applicant's eSignature**

**Date \***

*Michael A. Sayers***SPECIAL EVENTS SPONSOR/ CO-SPONSOR AGREEMENT**

**We,**

Apex American Legion Post 124

**do hereby agree to the following conditions in order to be considered for sponsorship or co-sponsorship by the Town of Apex.**

1. Group or organization must be recreational in nature or principle, or provide tangible benefit to the community.
2. Group or organization must be a non-profit group as defined by N.C. State Law and be accountable for all income and expenditures to the Town of Apex. Provide a detailed financial statement to the Town annually or after completion of the event. Any or all financial records are subject to audit by Town of Apex.
3. Group or organization must submit **by December 1st of the calendar year in which your event is scheduled an event application**, which includes the following:
  - ☐ a written plan for the event together including a narrative description of the event
  - ☐ a budget for the event
  - ☐ a marketing plan for the event
  - ☐ a logistics plan for the event.
4. Group or organization's activities must be open to the general public.
5. Group or organization must include in **ALL PUBLICITY**, including print, video, television and radio, that the activity is co-sponsored by the Town of Apex with the Town receiving significant name, logo and banner representation in tandem with the co-sponsors name, logo and banner representation.
6. Events held by the group to raise funds must obtain permission in writing **by December 1st of the calendar year in which your event is scheduled**. This permission will be based on the following: How the funds will be raised, Proposed use of the funds raised, and Group or organization's history of rendering community benefit
7. No activities/events may be held at a facility, which – would result in monetary gain for an individual.
8. **NO ALCOHOLIC BEVERAGES** will be allowed at any outdoor event, without prior approval and all necessary permits.
9. Partisan political events or activities will not be permitted during a town sponsored or co-sponsored event. If political figures are invited to participate, it must be clearly understood that it is because of the office they now hold and not because of the office for which they are seeking election or re-election.
10. The Town of Apex shall appoint a representative to serve as staff/liaison to the group or organization.
11. Group or organization must provide a \$1,000,000 certificate of insurance which specifically lists the Town of Apex as an additional insured.
12. Group or organization hereby assumes all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted activity or the conduct of the Permittee's operation. Event Organizer hereby expressly agrees to indemnify, defend and save the Town harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims or suits for damages or losses (including, but not limited to, attorney's fees and other litigation expenses) for personal injury and for property damage directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of Permittee or its officers, agents and employees.
13. Group or organization must provide information and/or perform such other duties as may be required by the Town of Apex
14. After the initial event and approval, this co-sponsorship agreement may be reviewed annually by Town of Apex representative and group/organization representative provided that the parameters, purpose, and organization of the event to not substantively change.
15. The Event Organizer will provide a booth space (or equivalent thereof), at a mutually agreeable location at the event,

for the use of Town of Apex free of cost. Any cost associated with this shall be borne by the applicant.

16. Applicant will provide clear spoken recognition of the Town of Apex and its contribution at any events or functions utilizing live entertainment or speakers. Any cost associated with this shall be borne by the applicant.

17. The Event Organizer will provide for The Town of Apex a wrap up package of copies of all media coverage including, radio, print and television ads and feature stories that relate to the event. Any cost associated with this shall be borne by the applicant.

*Michael A. Sayers*

11/03/2018  
Date

Special Event Organizer

*Michael A. Sayers*

11/03/2018  
Date

President of Group/Organization

### Special Events Co-Sponsor Checklist

#### What services/personnel are you requesting from the Town? \*

Check all Town paid services.

- ☒ On-duty Police ☒ Barricades ☐ Dumpsters ☒ Trash Cans ☐ Trash Removal during event ☒ Recycle Bins  
☒ Temporary Electric Boards ☐ Utility Sinks ☐ Street Sweeper ☒ Use of Town Parking Lots  
☒ Water Bill Ad inserts ☐ Other

#### As the event organizer what services will you be providing?

Please be specific:

Note: Upon further review the Town may determine if additional services are required.

#### Number of temporary electric boards? \*

1

#### Additional information/Special instructions as it pertains to the requested services?

### Department Review Section

Each Department must complete a Cost Estimate Worksheet and upload before completing your review.

[Click here for Rate Worksheet](#)

**Note: Save a copy of the Worksheet to your computer before making any modifications. Once completed then upload the Worksheet to the application form, see below.**

#### Department Comments \*

#### Approval? \*

#### Cost Estimate

Enter Police Review Comments: This event will require a road closure on Templeton and Officers to maintain the parking lot closures.

☒ Yes ☐ No

\$ 1,416.00

Enter Streets Review Comments: Event applicant is not providing enough information to create an estimate. How many trash cans, Who is emptying them, is a dumpster needed?

☐ Yes ☒ No

\$ 0.00



Enter ELeetric Review Comments: If approved by Council: Contact Rodney Smith at 919-249-3342 or rodney.smith@apexnc.org at least 1 month from start of event date to discuss location of electrical connection. If approved by Council please drop off banner at 105-A Upchurch Street and put in in the bin labeled banner drop off.

☒ Yes ☐ No

\$ 279.00

Enter PR Final Comments: No comments

☒ Yes ☐ No

\$ 0.00

Enter FD Final Comments: No comments

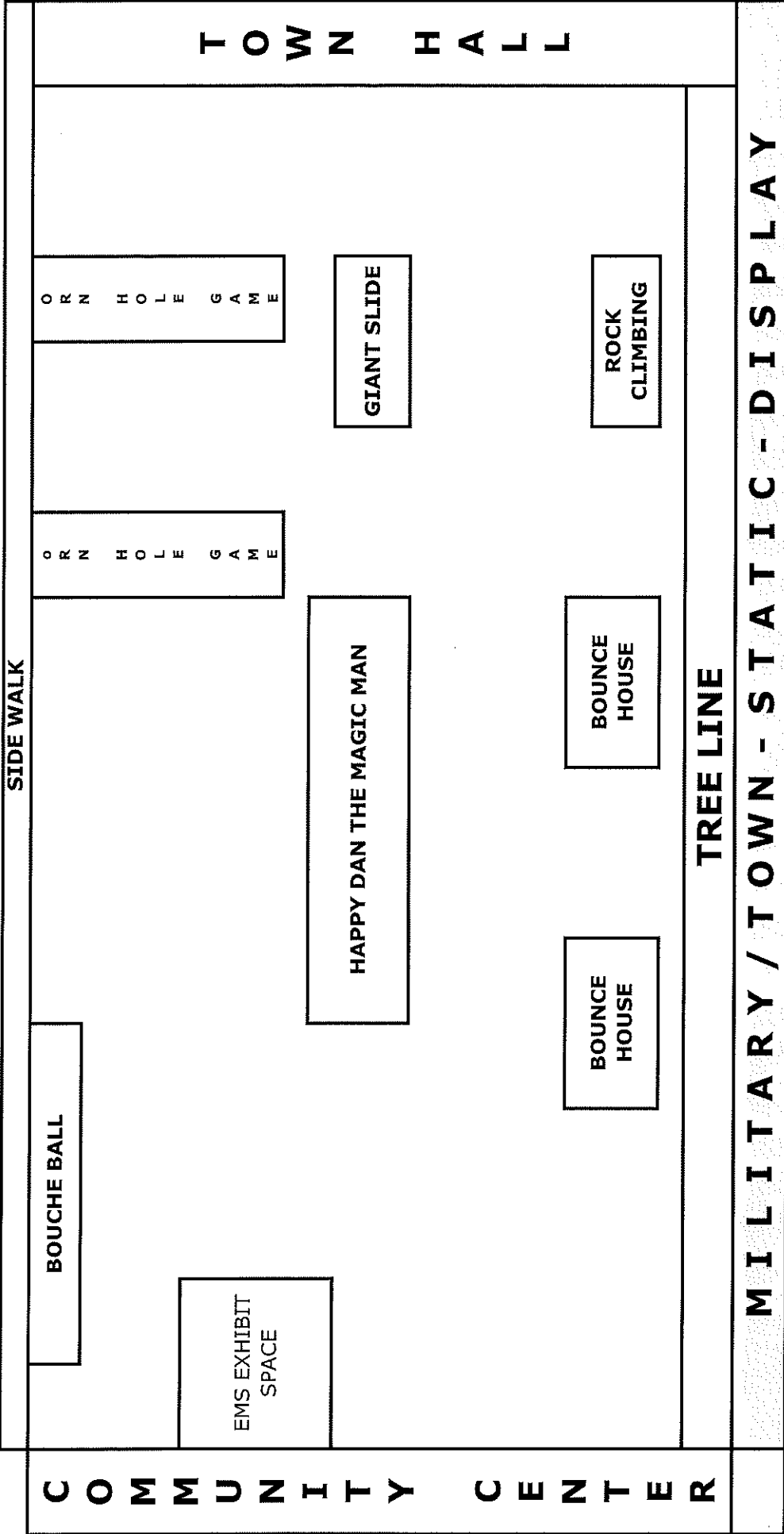
☒ Yes ☐ No

\$ 0.00

#### **Revised Mapping and Department Worksheets**

These documents will supercede any previously submitted documents.

**TOWN HALL COURT YARD LAYOUT SPRING 2019 AMERICAN LEGION CAR  
and TRUCK SHOW, SEPTEMBER 21, 2019**



## **TOWN RESOURCES 2019 APEX FALL CAR AND TRUCK SHOW**

- 6, Garbage cans
- 2 Police Officers
- Barricades
- 4, Port-A-Johns
- Hang street signs, North & South Salem St.
- Yard sign permit
- Water Bill Insert



# TOWN HALL PARKING LOT LAYOUT SPRING 2019 AMERICAN LEGION CAR SHOW, SEPTEMBER 21, 2019

PORT-A-JOINS

MOTORCYCLE PARKING		STAGE TRAILER	EXHABITOR PARKING
<div> <div>TREE AREA</div> <div>EXHABITOR PARKING</div> <div>EXHABITOR PARKING</div> <div>TREE AREA</div> </div>			
<div> <div>TREE AREA</div> <div>EXHABITOR PARKING</div> <div>EXHABITOR PARKING</div> <div>TREE AREA</div> </div>			
<div> <div>TREE AREA</div> <div>EXHABITOR PARKING</div> <div>EXHABITOR PARKING</div> <div>TREE AREA</div> </div>			
<div> <div>TREE AREA</div> <div>FOOD SERVICE AREA</div> <div>EXHABITOR PARKING</div> </div>			

R I R I  
E S A O  
G T T N

T O W N H A L L B U I L D I N G

E X H A B I T O R P A R K I N G

E X H A B I T O R P A R K I N G

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning Department

### Requested Motion

Public Hearing and possible motion meeting regarding various amendments to the Unified Development Ordinance.

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their August 12, 2019 meeting and unanimously recommended approval.

### Item Details

UDO Amendment Summary:

Requested by the Economic Development Committee:

1. Amendments to Secs. 7.5 *Required Improvements*; 8.1.2 *Resource Conservation Area*; and 13.19 *Traffic Impact Analysis Required* in order to provide more development flexibility for North Carolina Certified Sites. The proposed changes include requiring no more Resource Conservation Area than what is located within onsite perimeter and street buffers, riparian buffers, and preserved wetlands; providing a tree survey for only those areas within required buffers; delaying the submission of a Traffic Impact Analysis until Site Plan submittal; and delaying full design of water and sewer infrastructure until Site Plan submittal.

### Attachments

- Staff Report
- Ordinance



## STAFF REPORT

### Amendments to the Unified Development Ordinance

October 1, 2019 Town Council Meeting



#### Requested by the Economic Development Committee:

*Please note that the amendments to Sec. 6.1 Watershed Protection Overlay Districts in order to reduce the width of riparian buffers for North Carolina Certified Sites are no longer being requested.*

1. **Amendments to Secs. 7.5 Required Improvements; 8.1.2 Resource Conservation Area; and 13.19 Traffic Impact Analysis Required** in order to provide more development flexibility for North Carolina Certified Sites. The proposed changes include requiring no more Resource Conservation Area than what is located within onsite perimeter and street buffers, riparian buffers, and preserved wetlands; providing a tree survey for only those areas within required buffers; delaying the submission of a Traffic Impact Analysis until Site Plan submittal; and delaying full design of water and sewer infrastructure until Site Plan submittal.

#### 7.5 Required Improvements

...

##### 7.5.3 Water Lines and Sanitary Sewers

...

##### **E) North Carolina Certified Site**

**For sites designated as a North Carolina Certified Site, the Master Subdivision Plan shall show the general location of proposed water and sewer infrastructure. The final design of such infrastructure shall not be required until the submission of each Minor Site Plan.**

#### 8.1.2 Resource Conservation Area

...

##### **B) Criteria for Establishing RCA**

...

##### **2) Site and Tree Survey Required**

...

- d) Provide tree survey locating all specimen (hardwood) trees 18" caliper and larger within RCA and buffers on site. **For North Carolina Certified Sites, the tree survey shall only be required within buffers.** Fifty (50) feet outside of the perimeter of the site, document location of all trees 18" caliper and larger by providing an aerial photograph, registered forester's or certified arborist's report, tree survey, or other appropriate means.

...

##### **C) Size of the RCA**

...

##### **1) Planned Developments**

The RCA for all planned developments shall be determined by the Town Council per Sec. 2.3.4.F.1.c and per Sec. 8.1.2.C.4, 5, ~~or 6~~, **or 9** as applicable, based on the criteria set forth in subsection B. above.

...

##### **4) Development located north and east of NC 540**



All developments which do not meet the criteria of subsections 8.1.2.C.2-~~or 3, or 9 above~~ and which are located north and east of NC 540 shall provide buffers and RCA equal to or greater than 20% of the gross site acreage.

5) *Development located south and west of NC 540*

All developments which do not meet the criteria of subsections 8.1.2.C.2, 3, ~~or 4, or 9 above~~ and which are located south and west of NC 540 shall provide buffers and RCA equal to or greater than 25% of the gross site acreage.

...

9) **North Carolina Certified Sites**

**Any development designated as a North Carolina Certified Site by the North Carolina Department of Commerce shall provide RCA equal to or greater than the area located within required perimeter and street buffers, riparian buffers, and preserved wetlands.**

13.19 Traffic Impact Analysis Required

A Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that would generate 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. A TIA is also required for a subdivision that individually or collectively (with the subdivision(s) it has its only access to a thoroughfare through whether that access is at one or more points) generates 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. **For sites designated as a North Carolina Certified Site by the North Carolina Department of Commerce, the TIA may be submitted at the time of Minor Site Plan submittal instead of Master Subdivision Plan submittal.** The calculation of vehicular trips per day as used in this section shall be determined according to the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If an applicable ITE land use is not available or contains limited data, an alternate trip generation rate may be approved by the Town. The TIA shall indicate the average daily and peak hour vehicular trips generated by the proposed development and shall indicate the trip distribution allocation on all roads and intersections within a study area approved by the Town. The recommendations provided in the TIA shall at a minimum be based on the following:

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard this item at their August 12, 2019 meeting and unanimously recommended approval.

# PLANNING BOARD REPORT TO TOWN COUNCIL

## Unified Development Ordinance Amendments

August 12, 2019 Planning Board Meeting



### Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

### Planning Board Recommendation:

Motion: To approve with modification

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Beth Godfrey

☐ Approval of the proposed UDO amendment(s)

☒ Approval of the proposed UDO amendment(s) with the following conditions:

"...reinstalled or" prior to "replaced"  
in 8.6.4.K.

☐ Denial of the proposed UDO amendment(s)

With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12<sup>th</sup> day of August 2019.

Attest:

Margo Bills  
Margo Bills, Planning Board Chair

Dianne F. Khin  
Dianne Khin, Planning Director



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARING

### AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by the Economic Development Committee:

1. Amendments to Secs. ~~6.1 Watershed Protection Overlay Districts~~; 7.5 *Required Improvements*; 8.1.2 *Resource Conservation Area*; and 13.19 *Traffic Impact Analysis Required* in order to provide more development flexibility for North Carolina Certified Sites. The proposed changes include requiring no more Resource Conservation Area than what is located within onsite perimeter and street buffers, riparian buffers, and preserved wetlands; providing a tree survey for only those areas within required buffers; delaying the submission of a Traffic Impact Analysis until Site Plan submittal; and delaying full design of water and sewer infrastructure until Site Plan submittal.

**Public Hearing Location:** Apex Town Hall  
73 Hunter Street, Apex, North Carolina  
Council Chambers, 2<sup>nd</sup> Floor

**Town Council Public Hearing Date and Time:** October 1, 2019 7:00 PM

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: September ~~20~~23-October 1, 2019





## TOWN OF APEX

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

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Dianne F. Khin, AICP  
Planning Director

Published Dates: September ~~20~~23-October 1, 2019

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

**Section 1. Sections 7.5, 8.1.2, and 13.19 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

7.5 Required Improvements

...

7.5.3 Water Lines and Sanitary Sewers

...

**E) North Carolina Certified Site**

**For sites designated as a North Carolina Certified Site, the Master Subdivision Plan shall show the general location of proposed water and sewer infrastructure. The final design of such infrastructure shall not be required until the submission of each Minor Site Plan.**

8.1.2 Resource Conservation Area

...

B) Criteria for Establishing RCA

...

2) Site and Tree Survey Required

...

d) Provide tree survey locating all specimen (hardwood) trees 18" caliper and larger within RCA and buffers on site. **For North Carolina Certified Sites, the tree survey shall only be required within buffers.** Fifty (50) feet outside of the perimeter of the site, document location of all trees 18" caliper and larger by providing an aerial photograph, registered forester's or certified arborist's report, tree survey, or other appropriate means.

...

C) Size of the RCA

...

1) *Planned Developments*

The RCA for all planned developments shall be determined by the Town Council per Sec. 2.3.4.F.1.c and per Sec. 8.1.2.C.4, 5, ~~or 6~~, **or 9** as applicable, based on the criteria set forth in subsection B. above.

...

4) *Development located north and east of NC 540*

All developments which do not meet the criteria of subsections 8.1.2.C.2-~~or 3~~, **or 9** ~~above~~ and which are located north and east of NC 540 shall provide buffers and RCA equal to or greater than 20% of the gross site acreage.

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...

- 9) **North Carolina Certified Sites**

**Any development designated as a North Carolina Certified Site by the North Carolina Department of Commerce shall provide RCA equal to or greater than the area located within required perimeter and street buffers, riparian buffers, and preserved wetlands.**

13.19 Traffic Impact Analysis Required

A Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that would generate 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. A TIA is also required for a subdivision that individually or collectively (with the subdivision(s) it has its only access to a thoroughfare through whether that access is at one or more points) generates 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. **For sites designated as a North Carolina Certified Site by the North Carolina Department of Commerce, the TIA may be submitted at the time of Minor Site Plan submittal instead of Master Subdivision Plan submittal.** The calculation of vehicular trips per day as used in this section shall be determined according to the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If an applicable ITE land use is not available or contains limited data, an alternate trip generation rate may be approved by the Town. The TIA shall indicate the average daily and peak hour vehicular trips generated by the proposed development and shall indicate the trip distribution allocation on all roads and intersections within a study area approved by the Town. The recommendations provided in the TIA shall at a minimum be based on the following:

**Section 2.** The Planning Director 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.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.



**Section 4.** The ordinance shall be effective upon enactment on the \_\_\_\_ day of October 2019.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Donna Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Lance Olive  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning Department

### Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Teresa Allen (single-family) property containing 3.175 acres located at 1001 Greenlea Drive, Annexation #669 into the Town's corporate limits.

### Approval Recommended?

The Planning Department recommends approval.

### Item Details

The Town Clerk certifies to the investigation of said annexation.

### Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat



## PETITION FOR VOLUNTARY ANNEXATION

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

Application #: \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_

Submittal Date: \_\_\_\_\_  
Check # \_\_\_\_\_

### TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, 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

Owner Name (Please Print)

919-906-1729

Phone

Property PIN or Deed Book & Page #

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: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### Annexation Summary Chart

Total Acreage to be annexed: _____	Reason for annexation: (select one)
Population of acreage to be annexed: _____	Receive Town Services _____
Existing # of housing units: _____	Other (please specify) _____
Zoning District*: _____	

\*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 #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Leresa S. Allen  
Please Print

Leresa S. Allen  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

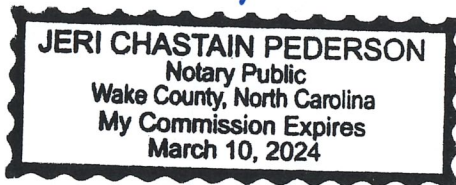
\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County,  
this the 2<sup>nd</sup> day of July, 2019.

SEAL



Jeri Chastain Pederson  
Notary Public

My Commission Expires: March 10, 2024

COMPLETE IF A CORPORATION:

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

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_

Attest:

President (Signature)

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

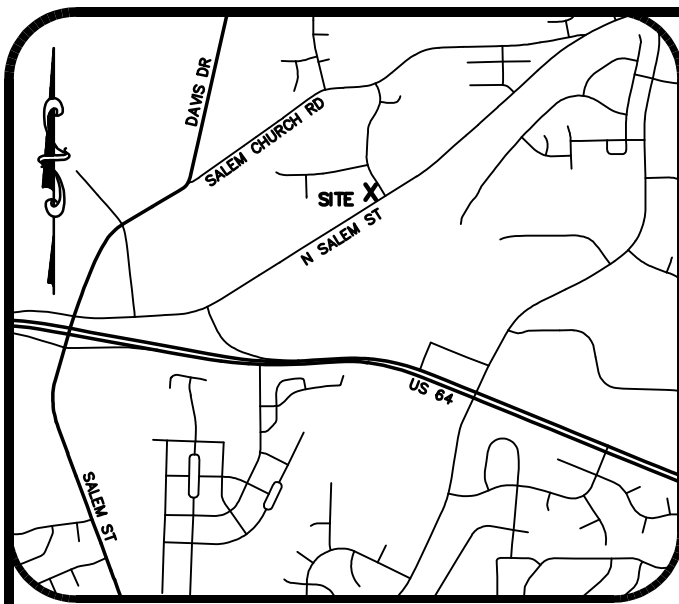
### **Legal Description Lot 6**

Beginning at an existing iron pipe in northwestern right of way of North Salem Street, said point being a common corner between lots 5 and 6 in Phase I of the Salem Woods Subdivision as recorded in Book of Maps 1985 at Page 2255, thence from said beginning point and leaving said right of way and running with the common line between lots 5 and 6, North 32°06'57" West passing an existing iron pipe being the northeast corner of lot 5 at 266.06' for a total distance of 298.80' to an existing iron pipe, being the northwest corner of lot 6 and a common corner with lot 20 in Phase II of the Salem Woods Subdivision as recorded in Book of Maps 1986 at Page 427; thence along a common line of lots 6 and 20, North 65°16'13" East passing an existing iron pipe being a common corner between lots 20 and 21 at 53.02' and another existing iron pipe at 72.23' for a total distance of 357.23' to an existing iron pipe in the western right of way of Greenlea Drive, being a common corner between lots 6 and 21; thence with said right of way South 31°59'03" East 232.78' to an existing iron pipe; thence South 12°53'03" West 28.43' to a point in the northwestern right of way of North Salem Street; thence with said right of way South 57°53'03" West 333.63' to the point of beginning, and being all of lot 6 in Phase I of the Salem Woods Subdivision containing 2.237 acres.

### **Legal Description Road Annexation**

Beginning at an existing iron pipe in northwestern right of way of North Salem Street, said point being a common corner between lots 5 and 6 in Phase I of the Salem Woods Subdivision as recorded in Book of Maps 1985 at Page 2255, thence from said beginning point and with said right of way North 57°53'03" East 333.63' to a point in the western right of way of Greenlea Drive; thence with said right of way North 12°53'03" East 28.43' to an existing iron pipe; thence North 31°59'03" West 232.78' to an existing iron pipe being a common corner between lots 6 and 21; thence crossing Greenlea Drive North 57°58'45" East 59.78' to an existing iron pipe in the eastern right of way of Greenlea Drive being the northwestern corner of lot 8; thence with said right of way South 31°59'03" East 343.70' to a point in the southern right of way of North Salem Street in the northwestern line of a tract now, or formerly, owned by Peakstone Partners, LLC; thence with said right of way South 57°38'33" West 140.81' to a point in the eastern line of a tract now, or formerly, owned by Salem Street Arboretum Condo; thence with Salem Street Arboretum Condos line North 32°16'16" West 45.00' to a point in the centerline of North Salem Street; thence with said centerline South 57°53'03" West 272.33' to a point; thence North 32°06'57" West 46.51' to the point of beginning, and being all of the area to be annexed lying within the right of way contiguous to lot 6 in Phase I of the Salem Woods Subdivision containing 0.938 acres.





VICINITY MAP

LINE	BEARING	LENGTH
L1	S 59°51'49" E	83.19'
L2	S 56°16'22" E	56.38'
L3	S 64°48'21" E	82.80'
L4	S 61°08'57" E	24.55'
L5	S 88°08'27" E	59.71'
L6	N 77°15'42" E	58.69'
L7	S 88°04'35" E	39.56'
L8	S 41°56'55" W	63.66'

I, G. Darrell Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 13238, page 2476; Book of Maps 1985, page 2255); that the ratio of precision as calculated is 1:20,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 17th day of July, A.D., 2019.

I certify that this plat is the following type: G.S. 47-30 (f)(11)(d.) This survey is the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

Surveyor

*G. Darrell Taylor*

Reg. No. L-3729



Annexation # \_\_\_\_\_

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the \_\_\_\_\_ day of \_\_\_\_\_, by the Town Council. I set my hand and seal of the Town of Apex, \_\_\_\_\_.

Donna B. Hosch, MMC, NCCMC, Town Clerk

LEGEND

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

NOTES:

BEING ALL OF LOT 6 IN PHASE 1 OF THE SALEM WOODS S/D AS RECORDED IN BOOK OF MAPS 1985 PG. 2255 IN THE WAKE CO. REGISTRY.

LOT IS SUBJECT TO ALL RESTRICTIONS AND EASEMENTS OF RECORD.

FLOOD NOTE:

NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720074200J, MAP REVISED MAY 2, 2006.

TOTAL ANNEXATION 3.175 AC.

----- EXISTING TOWN OF APEX CORPORATE LIMITS

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

REGISTER OF DEEDS

(21)

ROBERT S. COATS &  
JEAN C.G. COATS  
PIN 0742-79-3692  
DB 5794-75  
BM 1986-427

(20)

ROBERT J. LANAHAN &  
JUDY A. LANAHAN  
PIN 0742-79-2502  
DB 8982-1996  
BM 1986-427

(5)

JEFFREY L. WATSON &  
DEBRA P. WATSON  
PIN 0742-79-3228  
DB 6162-647  
BM 1985-2255

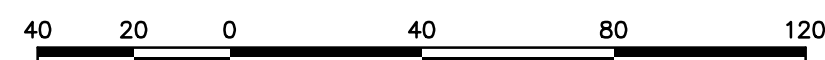
(6)  
2.237 AC.

0.938 AC.

PEAKSTONE PARTNERS, LLC  
PIN 0742-79-9174  
DB 17109-2445  
BM 1992-1340

SALEM STREET  
ARBORETUM CONDO  
PIN 0742-78-8809  
DB 12209-685  
BM 2006-415

GRAPHIC SCALE



1 INCH = 40 FEET



G. DARRELL TAYLOR

Professional Land Surveyor

2220 Effingham Circle  
Raleigh, NC 27615

919.906.8043

REVISIONS:

08/21/19: TOA comments



SURVEY BY:

ANNEXATION MAP FOR THE TOWN OF APEX

TERESA S. ALLEN

1001 GREENLEA DRIVE, APEX, NC 27523  
WHITE OAK TWP., WAKE CO., N. C.  
PIN 0742-79-4431 DB 13238, PG 2476

PROJ. NO.: 2019-315

FILENAME: ALLEN

DRAWN BY: GDT

SCALE: 1" = 40'

DATE: 08/16/19





Annexation #669

PINEDALE RD

CAREFREE CV

Salem Woods

GREENLEAF DR

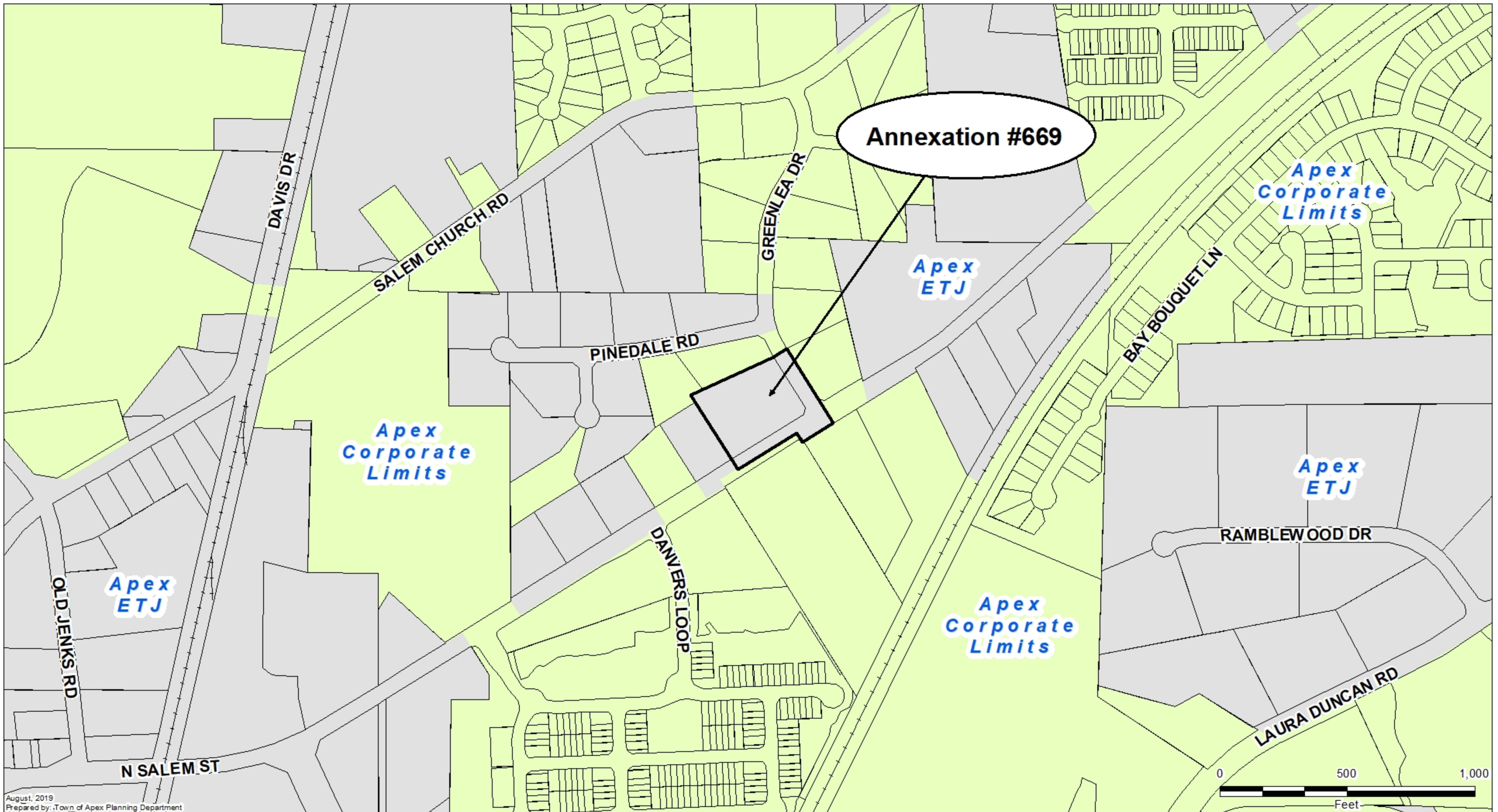
NSALEM ST

Ellington Cove

DANVERS LOOP

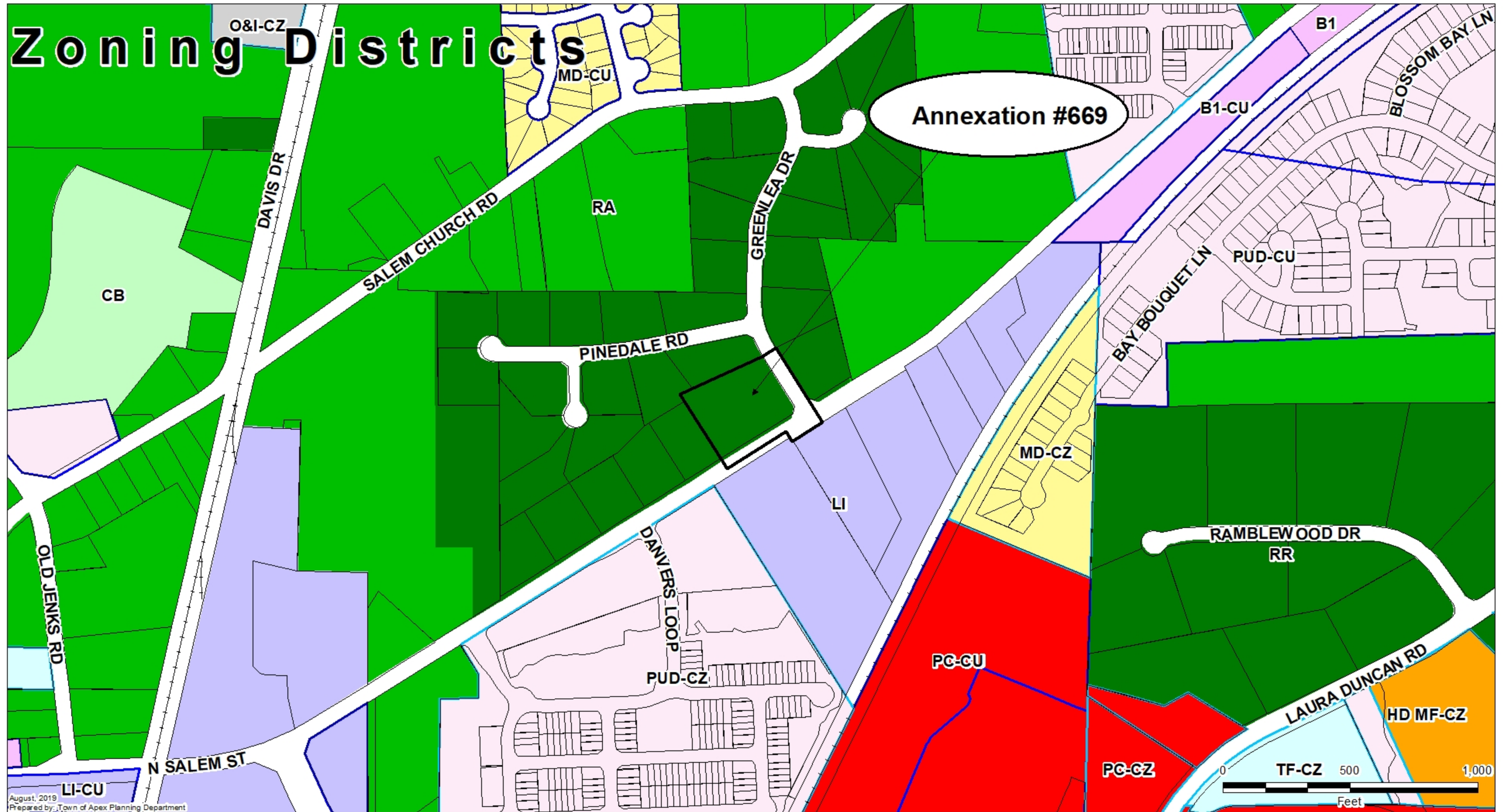
0 250 500  
Feet







# Zoning Districts





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. 2019-10-01-2 7  
ANNEXATION PETITION NO. 669  
1001 Greenlea Drive

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 7:00 p.m. on October 1, 2019, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on October 1, 2019. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Teresa S. Allen, G. Darrell Taylor, Professional Land Surveyors, revised date 08/21/19" and recorded in Book of Maps book number 2019 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 1st day of October 2019.

---

Lance Olive  
Mayor

ATTEST:

---

Donna B. Hosch, MMC, NCCMC  
Town Clerk

APPROVED AS TO FORM:

---

Laurie L. Hohe  
Town Attorney



Legal Description

Legal Description - Lot 6

Beginning at an existing iron pipe in northwestern right of way of North Salem Street, said point being a common corner between lots 5 and 6 in Phase I of the Salem Woods Subdivision as recorded in Book of Maps 1985 at Page 2255, thence from said beginning point and leaving said right of way and running with the common line between lots 5 and 6, North 32°06'57" West passing an existing iron pipe being the northeast corner of lot 5 at 266.06' for a total distance of 298.80' to an existing iron pipe, being the northwest corner of lot 6 and a common corner with lot 20 in Phase II of the Salem Woods Subdivision as recorded in Book of Maps 1986 at Page 427; thence along a common line of lots 6 and 20, North 65°16'13" East passing an existing iron pipe being a common corner between lots 20 and 21 at 53.02' and another existing iron pipe at 72.23' for a total distance of 357.23' to an existing iron pipe in the western right of way of Greenlea Drive, being a common corner between lots 6 and 21; thence with said right of way South 31°59'03" East 232.78' to an existing iron pipe; thence South 12°53'03" West 28.43' to a point in the northwestern right of way of North Salem Street; thence with said right of way South 57°53'03" West 333.63' to the point of beginning, and being all of lot 6 in Phase I of the Salem Woods Subdivision containing 2.237 acres.

Legal Description - Road Annexation

Beginning at an existing iron pipe in northwestern right of way of North Salem Street, said point being a common corner between lots 5 and 6 in Phase I of the Salem Woods Subdivision as recorded in Book of Maps 1985 at Page 2255, thence from said beginning point and with said right of way North 57°53'03" East 333.63' to a point in the western right of way of Greenlea Drive; thence with said right of way North 12°53'03" East 28.43' to an existing iron pipe; thence North 31°59'03" West 232.78' to an existing iron pipe being a common corner between lots 6 and 21; thence crossing Greenlea Drive North 57°58'45" East 59.78' to an existing iron pipe in the eastern right of way of Greenlea Drive being the northwestern corner of lot 8; thence with said right of way South 31°59'03" East 343.70' to a point in the southern right of way of North Salem Street in the northwestern line of a tract now, or formerly, owned by Peakstone Partners, LLC; thence with said right of way South

57°38'33" West 140.81' to a point in the eastern line of a tract now, or formerly, owned by Salem Street Arboretum Condo; thence with Salem Street Arboretum Condos line North 32°16'16" West 45.00' to a point in the centerline of North Salem Street; thence with said centerline South 57°53'03" West 272.33' to a point; thence North 32°06'57" West 46.51' to the point of beginning, and being all of the area to be annexed lying within the right of way contiguous to lot 6 in Phase I of the Salem Woods Subdivision containing 0.938 acres.

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. 2019-1001-27, adopted at a meeting of the Town Council, on the 1st day of October 2019, 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 2nd day of October 2019.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

(SEAL)

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Bill Jensen, Council member

Department(s): Town Council

### Requested Motion

Discussion and possible motion to amend the Town's personnel policy to include 2 weeks of paid maternity leave.

### Approval Recommended?

N/A

### Item Details

The Town currently allows employees to take six (6) weeks paid time off for the birth or adoption of a child. Mothers may also be granted two (2) additional weeks of paid time off if they undergo a cesarean delivery. This policy allows for all birth mothers to receive an additional two (2) weeks paid time off. There is a lifetime benefit cap of four (4) weeks, as well as a two (2) weeks cap for each rolling twelve (12) month period. The benefit will run concurrently with FMLA and the two weeks must be used consecutively.

### Attachments

- Paid Maternity Leave Personnel Policy





## **Paid Maternity Leave**

Two weeks of Paid Maternity Leave will be provided to eligible employees who have given birth to a child. The purpose of this medical-related leave is to provide time to the birth-mother to recover from child-birth, or any related medical conditions or complications. This leave will be in addition to an employee's accrued vacation or sick leave and Paid Parental Leave. The lifetime benefit cap for paid maternity leave is four weeks.

Eligible employees must meet the following conditions:

- a. Given birth to a child.
- b. Have completed one year of service with the Town of Apex and qualify for Family Medical Leave.
- c. Has not exceeded the lifetime benefit cap of four weeks.

An employee may receive paid maternity leave for one qualifying event within a rolling twelve month period. The amount of paid maternity leave for any one person shall not exceed two weeks in a twelve month period.

Paid maternity leave will run concurrently with FMLA and the two weeks must be used consecutively. Employees shall provide advance notice to their supervisor of paid maternity leave dates. The total amount of paid maternity leave shall not exceed 2 weeks, regardless of the employee's annual schedule. An employee out of work and receiving paid maternity leave may not work a secondary job during the same hours an employee would normally be at work, or work any off duty assignments during the maternity leave period.

All Town-provided benefits will continue to be paid by the Town during the time the employee is out of work on paid maternity leave. Sick and vacation leave will continue to accrue while the employee is in a paid maternity leave status.

An employee who wishes to use paid maternity leave shall follow the Town's procedures for requesting FMLA and request paid maternity leave at the same time. FMLA leave and paid maternity leave are approved through the HR Department, and no individual supervisor may deny an employee's request for FMLA or paid maternity leave. An employee may be required to submit supporting documentation to satisfy eligibility requirements for paid maternity leave and FMLA.

An employee must return to work after the duration of any approved maternity/FMLA leave, or any other leave that has been combined with maternity leave (ex: paid parental leave). An employee who does not remain actively employed by the Town for a minimum of 12 months after returning from paid maternity leave will be required to reimburse the Town for one-half of the paid maternity leave received. The value of the paid maternity leave received will be deducted from the employee's final paycheck, including any annual leave or compensatory time paid out in compliance with the Fair Labor Standards Act. The Town Manager may waive the payback provision if medical complications or a special needs birth impact the employee's ability to return to work.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Councilman Bill Jensen

Department(s): Town Council

### Requested Motion

Request staff to perform necessary study or studies to pursue a potential bond issue for the installation of parking canopies with solar photovoltaic systems over Town of Apex parking lots

### Approval Recommended?

Determined by Town Council

### Item Details

The Apex Town Council previously approved the adding of solar photovoltaic (PV) systems to the town's public buildings in an effort to move toward the Town's goal of 80% renewable energy by 2035. A next step could be installation of solar canopies over town parking lots. The estimated cost of adding solar canopies to all of the Town of Apex parking lots is approximately \$15 million. This proposal is for Town staff to begin investigating a potential bond issue for \$15 million to be place before the voters at the 2020 November election.

### Attachments

- Facts and notes presented by Mr. Jensen



## FINANCING SOLAR PHOTOVOLTAIC CANOPIES

The Apex Town Council has led other towns by previously approving a program to add solar photovoltaic (PV) systems to all of the town's public buildings. These systems will provide a positive rate of return that exceeds the interest rate of any loan the town now has. The systems will provide approximately 8% of the town's electrical energy consumption, so more needs to be done if the town is to meet the goal of 80% renewable energy by 2035.

The town's next most economic step for meeting the 2035 goal of 80% renewable energy is to install solar canopies on all the town's parking lots. These canopy solar PV systems will provide approximately 50% of the renewable energy necessary to meet the town's 2035 goal for renewable energy. The expected rate-of-return from a canopy based solar PV system will likely be in the 4% to 5% range, which is greater than the expected interest rate on any loan the town may procure. The beauty of solar PV canopies is that improved parking conditions will be provided to our citizens.

The cost of adding solar canopies to all of the Town of Apex parking lots is approximately \$15 million dollars.

It is proposed that the Apex Town Council task staff to begin investigating a bond issue for \$15 million dollars to be placed before the voters at the 2020 November election. The investigation should include estimated costs for the canopy structures in addition to evaluating the cost and performance of solar PV systems. A rate-of-return analysis may be provided. A formal application to the Local Government Commission for the \$15 million-dollar bond should be assembled, in addition to a voter information packet regarding the advantages of the town installing solar canopies. This information packet should include information regarding the reduction in the town's carbon footprint resulting from the installation of solar canopies throughout the town.



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal

### Requested Motion

Possible motion to go into closed session to (1) consult with the Town Attorney to protect attorney-client privilege (GS 143-318.11(a)(3)) and (2) discuss a personnel matter (GS 143-318.11(a)(6))

### Approval Recommended?

N/A

### Item Details

N/A

### Attachments

- N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: WORK SESSION

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning Department

### Requested Motion

Discussion about UDO Sec. 2.2.18.B.5 *Continuance of Public Hearing* in order to provide direction to staff relative to possible work on a future UDO amendment

### Approval Recommended?

N/A

### Item Details

The current wording of this section of the UDO has remained unchanged since the UDO's adoption on August 1, 2000.

#### 2.2.18 *Public Hearing Procedures*

...  
B) *Conduct of Public Hearing*

...  
5) *Continuance of public hearing*

- a) The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
- b) A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Section, provided that the continuance is set for a date within 60 days, and the date and time of the continued hearing is announced at the time of the continuance.

### Attachments

- N/A

