

<u>agenda</u> | REGULAR TOWN COUNCIL MEETING

Tuesday, February 23, 2021 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

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

<u>COMMENCEMENT</u>

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

- PR1 Mayor Jacques Gilbert and the Apex Town Council Proclamation recognizing John M. Brown for 35 years of service to the Town and people of Apex as Parks, Recreation, & Cultural Resources Director
- <u>PR2</u> Mary Beth Manville, Human Resources Director Presentation announcing the new Town of Apex Retiree Recognition Board.
- <u>PR3</u> Jacques Gilbert, Mayor Presentation of Women's History Month Proclamation

CONSENT AGENDA

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

- <u>CN1</u> Donna Hosch, Town Clerk and Tesa Silver, Deputy Town Clerk Motion to approve Council Meeting Minutes
- <u>CN2</u> Terry Mahaffey, Council Member Motion to adopt a Resolution supporting the Energy Innovation and Carbon Dividend Act
- CN3 Dianne Khin, Director of Planning and Community Development Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for March 9, 2021 on the Question of Annexation – Apex Town Council's intent to annex Lufkin Leased Fee, LLC (3050 Lufkin



Road) property containing 3.33 acres located at 3050 Lufkin Road, Annexation #707 into the Town's corporate limits.

- <u>CN4</u> Mary Beth Manville, Human Resources Director Motion to approve the addition of one Diversity Officer position, salary Grade 27, for the Administration Department.
- CN5 Marty Stone Assistant Town Manager Motion to approve an encroachment agreement between the Town and Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan to install a fence of which 330 S.F. will encroach onto the Town's 20' wide Public Utility Easement and authorize the Town Manager to execute the same.
- CN6 Marty Stone Assistant Town Manager Motion to approve an encroachment agreement between the Town and William David Paxton and wife Vicki Thomas Paxton to install 100 S.F. and 84 S.F of fence and 78 S.F. of stairs that will encroach onto the Town's 30'Sanitary Sewer Easement and authorize the Town Manager to execute the same.
- <u>CN7</u> Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director Motion to approve Budget Ordinance Amendment No. 12 appropriating funds for the purpose of reimbursing a developer for completion of the Reliance Avenue Extension connecting to the Meridian at Ten Ten Apartment Complex.
- <u>CN8</u> Keith McGee, Fire Chief Motion to approve Town Manager to sign an amendment to the Fire Protection Agreement Apex and a Business Associate Agreement that are required for Apex Fire Department to provide assistance at the mass vaccination site hosted by Wake County.
- CN9 Russell Dalton Sr Transportation Engineer Motion to approve a reimbursement agreement between the Town and NCDOT for construction of EB-6046, West Chatham St Sidewalk, and authorize the Town Manager to execute the same.

CN10 Michael Deaton, Water Resources Director Motion to approve revisions to the Policy Regarding Town Participation in Utility Projects.

- CN11 Michael Deaton, Water Resources Director Motion to approve a Utility Infrastructure Reimbursement Agreement with MFW Investments, LLC, and to authorize the Town Manager the same for construction of the Middle Creek Regional Pump Station 2 and associated gravity sewer and force main infrastructure.
- CN12 Colleen Merays, Downtown & Small Business Development Coordinator Motion to close up to 13 on-street parallel parking spaces along N. Salem Street from Center St. to Chatham St. to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk

dining and alcohol consumption on public streets and sidewalks through May 31, 2021.

- CN13 Steve Adams, Utility Acquisition Specialist Motion to approve purchase of +/- 5 acres located at 736 Hunter Street for \$467,000, to grant authority to the Interim Town Manager to execute the contract and authority to the Interim Town Manager and Finance Director to execute all closing documents on behalf of the Town, and to approve Budget Ordinance Amendment 13.
- <u>CN14</u> Megan Pendell, Sustainability Coordinator Motion to approve amendments to Apex Town Code section 2-58 in regards to membership on the Environmental Advisory Board.
- CN15 Russell Dalton Sr Transportation Engineer Motion to approve a 2nd supplemental reimbursement agreement between the Town and NCDOT for construction of U-5537, Lake Pine Drive Improvements, and authorize the Town Manager to execute the same.
- <u>CN16</u> Amanda Grogan, Budget & Management Analyst Motion to approve Budget Ordinance Amendment No. 14 to account for COVID expense reimbursements and distribution of those funds to department budgets and to allocate fund balance to cover additional onboarding and personnel costs

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

Possible motion to continue the public hearing for proposed Transportation Plan amendments associated with Rezoning Application #20CZ12 Felton Grove High School. Due to the Planning Board continuing their vote from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

PH2 Shelly Mayo, Planner II

Possible motion to continue the public hearing for Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres located at 8550 Stephenson Road from Medium Density Residential-Conditional Zoning (MD-CZ #12CZ14) to Medium Density Residential-Conditional Zoning (MD-CZ). Due to the Planning Board continuing their public hearing from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

PH3 Shelly Mayo, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits. **The applicant** requests this item be continued to the March 23, 2021 meeting.

PH4 Lauren Staudenmaier, Planner I

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

PH5 Lauren Staudenmaier, Planner I Public Hearing and possible motion to approve Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).

PH6 Sarah Van Every, Senior Planner
 Public Hearing and possible motion to approve Rezoning Application #21CZ01 Wolfe
 Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks
 to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly
 Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397,
 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional
 Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).

PH7 Shannon Cox, Long Range Planning Manager Public hearing and possible motion regarding proposed amendments to the 2045 Land Use Map related to transit-oriented development.

<u>OLD BUSINESS</u>

UNFINISHED BUSINESS

- Page 4 -

<u>UB1</u> Russell Dalton, Sr. Transportation Engineer

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

NEW BUSINESS

- NB1 Mayor Jacques Gilbert and the Apex Council Possible motion to consider renaming the Apex Community Center to the John M. Brown Community Center
- NB2 Colleen Merays, Downtown & Small Business Coordinator Motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2021 and 2022.
- NB3 Vance Holloman, Finance Director Consider information and data presented by Finance staff to provide direction to finalize the development of a utility customer assistance program
- NB4Terry Mahaffey, Council MemberDiscussion and the setting of municipal election filing fees for the Town

PRESENTATION BY TOWN MANAGER

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney Possible motion to go into closed session to consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3) and discuss a personnel matter pursuant to NCGS 143-318.11(a)(6).

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION Meeting Date: February 23, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert and the Apex Town Council Department(s): Town Council

Requested Motion

Proclamation recognizing John M. Brown for 35 years of service to the Town and people of Apex as Parks, Recreation, & Cultural Resources Director

Approval Recommended?

N/A

<u>Item Details</u>

This proclamation is to recognize John M. Brown, Parks, Recreation, and Cultural Resources Director, for his 35 years of service to the Town of Apex and his contributions to the community.

<u>Attachments</u>

Proclamation



Town of Apex, North Carolina Proclamation

from the Office of the Mayor

RECOGNITION FOR YEARS OF SERVICE - JOHN M. BROWN

- Whereas, John M. Brown began working for the Town of Apex on January 15, 1986, as the first fulltime Parks and Recreation Director; and
- Whereas, under Brown's guidance and leadership, the department has grown from 2 townowned parks and 1.5 staff members in 1986, to 12 town-owned parks, 16.6 miles of greenway, 617.5 acres of parkland, and 76,000 square feet of recreational building space as of today; and
- Whereas, Brown has been instrumental in helping the Town Council achieve goals for the community to improve the quality of life for Apex residents; and
- Whereas, during Brown's tenure, the lives of Apex residents were enriched through the construction of the Apex Community Center, the Halle Cultural Arts Center, Rodgers Family Skate Park, and their respective programs, and the spearheading of a massive community effort to create KidsTown Park; and
- Whereas, residents and visitors regularly voice their appreciation and adoration of our parks, recreation, and cultural offerings, and see them as unique to Apex and some of the most-loved amenities offered; and
- Whereas, Brown has served faithfully in both professional and community organizations as a member and leader, including, but not limited to, the Apex Rotary Club (President 2005-2006), the Apex Festival Commission, AAU Basketball (Coach), and the YMCA "We Build People Program"; and
- Whereas, Brown has been recognized by community organizations for his contributions by being named a Paul Harris Fellow and Rotarian of the Year (2006) by the Apex Rotary Club, Citizen of the Year (2003) and "Louis C. Smith" Hall of Fame Inductee (2015) by the Apex Chamber of Commerce; and
- Whereas, the Town of Apex wishes to recognize Brown for his service to the Town of Apex and its community and the impact his leadership has had in enhancing the quality of life in both;
- NOW, THEREFORE, BE IT PROCLAIMED by the Mayor of Apex, North Carolina, that John M. Brown be commended for his outstanding efforts to serve our community and be a trailblazer, literally, for the Town of Apex; and
- BE IT FURTHER PROCLAIMED that the Apex Town Council hereby honors John M. Brown for his long and distinguished career in local government in North Carolina, and for his commitment, dedication, and leadership to Apex. The Town of Apex hereby expresses its deepest appreciation for his service to our community and wishes him a healthy and fulfilling retirement.

- Page 7 -

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

K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

		Item Type:	PRESENTATION
		Meeting Date:	February 23, 2021
Item Det	ails		
Presenter(s):	Mary Beth Manville, Human Resourc	es Director	
Department(s):	Human Resources		
	Requested Mot	<u>tion</u>	
Presentation anno	ouncing the new Town of Apex Retire	e Recognition Board	
	Approval Recomm	ended?	
N/A			
	Item Details	<u>5</u>	
N/A			
<u>Attachments</u>			
• N/A			
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	- Page 8 -		



Name Plates are 5" x 2.75" and there are 128 per board.



Recognize Our Retirees

 EVERETT SMITH 1988 	ALAN DRY 1992		SONYA LUMLEY 1993	 WAYNE PENDERGRAFT 1993 		SUE CLARK 1994		IIM JIM MARINO 1995	ANN ELLINGTON 1997	• SE	AL EYMOUR 1999	
 WILLAM SUTTON 2001 	 WILLIAM FIELDS 2002 		RONALD HEARN 2003	JAMES DENSON 2004		RALPH KELLY 2004		CAROLYN PENDERGRAFT 2004	MACK SPAINHOUR 2004		STEVE ADAMS 2005	
 JAMES JAMES HOOKER 2005 	 JOHNNY JONES 2005 		BETSY POWELL 2005	 JACK EDWARDS 2007 		WILLIE POE 2007		 DAVID DAVID ROWLAND 2007 	BILL BRITT 2008		IURMAS DODWIN 2008	
 STEVIE HARRIS 2010 	 CAROLYN HARWARD 2010 		ROBERT ROSS 2010	 HERBERT SNEED 2010 		LARRY GOODWIN 2011		 THERESA BERRY 2012 	HENRY CLAYTON 2012		EORGIA ANGELIST 2012	
 SUE JENKS 2012 	JACK LEWIS 2012		ROBERT PRICE 2012	 JOHN DUKE 2013 		NICKY WINSTEAD 2013		 ROSE MARIE BOWIE 2014 	MICHAEL L COUCH 2014		BILLY DEAN 2014	
 HANK FORDHAM 2014 	 MARK HARAWAY 2014 		BETTY HOBSON 2014	 NANCY RAPPL 2014 		LEE SMILEY 2014		J. MIKE WILSON 2014	VICTOR CRUZ-SAEZ 2015		AYMOND AUDETTE 2015	
 WALLACE MATTHEWS 2015 	 RONALD MCLAMB 2015 		ANNETTE O'BRIANT 2015	 BRUCE BRUCE ADFORD 2015 		WILLIE WOLFE 2015		BERNIS BOOKER 2016	PAUL BUTLER 2016		JERRY DOBY 2016	
 WAYNE ENGLISH 2016 	 JOHNNY JOHNSON 2016 		DEBORAH JUDD 2016	 ORIS KNIGHT 2016 		ED RALPH 2016		WILLIAM ZIMMERMANN 2016	DAVID BOGGS 2017		VILLIAM RABTREE 2017	
 TIMOTHY DONNELLY 2017 	 MARK FLAUGHER 2017 		KEVIN HERRING 2017	 JOSEPH JOHNSON 2017 		CASSANDRA NEWKIRK 2017		 LISSA PARRISH 2017 	ALIX PETERS 2017		HARLES ENN, JR 2017	
 WALTER SURLES 2017 	MIKE G. WILSON 2017		DEWAYNE BRANCH 2018	 JOHNNY CANNON, JR 2018 		JACQUES GILBERT 2018		KIMBERLY GILBERT 2018	ELEANOR GREEN 2018		PAMELA KITTO 2018	
 STEVEN LOESCH 2018 	MARTY MITCHELL 2018		STEVEN NELSON 2018	GREGORY RHODES 2018		ROBERT TOWELL 2018		 STEVEN YATES 2018 	DAVID HUGHES 2019		KAREN LEE 2019	
 ANTHONY ANTHONY MOORE 2019 	RICKY TEMPLE 2019		DWAYNE VAUGHN 2019	RODNEY CAMERON 2020		GENE MARTINEZ 2020		FRANK UNDERWOOD 2020	JOHN LETTENEY 2020			
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION Meeting Date: February 23, 2021

Item Details

Presenter(s):	Jacques Gilbert, Mayor
Department(s):	Governing Body

<u>Requested Motion</u>

Presentation of Women's History Month Proclamation

Approval Recommended?

N/A

<u>Item Details</u>

N/A

<u>Attachments</u>

• Proclamation



Town of Apex, North Carolina Proclamation

from the Office of the Mayor

WOMEN'S HISTORY MONTH-MARCH 2021

- WHEREAS, Women's History Month traces back to the first International Women's Day held in 1911 and was extended to Women's History week in 1978; and
- WHEREAS, Sarah Lawrence College, the Women's Action Alliance and the Smithsonian Institution collaborated to host the first Women's History Conference in 1979; and
- WHEREAS, the women's suffrage movement led to the passage by Congress of the 19th Amendment to the Constitution of the United States in 1919 and was ratified by the states by the summer of 1920; and
- WHEREAS, in 1980, President Jimmy Carter issued a proclamation declaring the week
 beginning March 7, 1982 as "Women's History Week" and in 1987 Congress provided
 bipartisan support to extend the Week to Women's History Month; and
- WHEREAS, the theme of 2021 is Valiant Women of the Vote: Refusing to be Silenced, recognizing and honoring the important roles of multicultural suffragists and voting right activists; and
- WHEREAS, women of every race, ethnicity, and background have made contributions to the growth and strength of our Nation in countless ways; and
- WHEREAS, women have historically played and continue to play a crucial economic, cultural and social role in every sphere of the life of the nation by constituting a significant portion of the work force inside and outside of the home; and
- WHEREAS, women of every race, ethnicity, and background have been leaders, not only in securing their own rights of freedom, suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which creates a more fair, just, and inclusive society for all people; and
- WHEREAS, despite these contributions, celebration of this Month acknowledging the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;
- NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim March 2021 as Women's History Month in the Town of Apex and call upon all citizens to celebrate the numerous contributions women have made to our community, state, nation and to the world.

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

Jacques K. Gilbert, Mayor

- Page 11 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

Item Details

Presenter(s):Donna Hosch, Town Clerk and Tesa Silver, Deputy Town ClerkDepartment(s):Office of the Town Clerk

Requested Motion

Motion to approve Council Meeting Minutes

Approval Recommended?

Yes

<u>Item Details</u>

Motion to approve Minutes of the following Council Meetings:

- January 12, 2021 Regular Meeting
- January 15, 2021 Strategic Planning Retreat
- January 26, 2021 Regular Meeting
- February 1, 2021 Special Meeting
- February 1, 2021 Special Meeting

<u>Attachments</u>

• January 12, January 15, January 26, and February 1 Meeting Minutes





REGULAR TOWN COUNCIL MEETING

Tuesday, January 12, 2021 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street THIS WAS A VIRTUAL MEETING

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Council Member Stallings gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

Mayor Jacques K. Gilbert Presentation of Dr. Martin Luther King, Jr. Day Proclamation

Mayor Gilbert read the Proclamation declaring Monday, January 18, 2021 Dr. Martin Luther King, Jr. Day.

<u>CONSENT AGENDA</u>

- CN1 Donna Hosch, Town ClerkMinutes of the December 15, 2020 Regular Town Council Meeting
- CN2 Donna Hosch, Town Clerk Apex Tax Report dated April 30, 2020, August 16, 2020 and November 1, 2020

- Page 13 -

- CN3 Mayor Jacques K. Gilbert
 - Appointment of Elaine Boyle to the Planning Board
- CN4 Mayor Jacques K. Gilbert Reappointment of Katie Schaff and Appointment of Suzanne Mason to the Environmental Advisory Board
- CN5 Sarah Van Every, Senior Planner

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN6 Sarah Van Every, Senior Planner

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Yumeewarra Farm Assembly located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.

CN7 Sarah Van Every, Senior Planner

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ13 Yumewarra Farm Assembly. The applicant, Bill Zahn, sought to rezone approximately 18.737 acres located at 0, 0, and 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

CN8 Lauren Staudenmaler, Planner I

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., sought to rezone approximately 3.86 acres for the properties located at 0 & 5920 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679) from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

CN9 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing actions on the various Unified Development Ordinance (UDO) Amendments of December 15, 2020. CN10 Dianne Khin, Director of Planning and Community Development

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Peak City Partners, LLC located at 1200 James Street, Annexation #699 into the Town's corporate limits.

CN11 Joanna Helms, Economic Development Director

Set Public Hearing for January 26, 2021 Town Council Meeting regarding an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

CN12 Russell Dalton, Sr. Transportation Engineer

Ordinance amending Section 20-164 with the addition of subsection (39) to enforce a No Parking restriction along both sides of Perry Road from Apex Peakway to American Way.

CN13 Adam Stephenson, Engineering Supervisor

Revision to the Town Standard Specifications and Details

CN14 Michael Deaton, Water Resources Director

Resolution to Abandon Existing Water and Sewer Utility Easements and Temporary Construction Easements as shown on the attached Utility Easement Abandonment Plat for Holleman Hills Subdivision.

CN15 Tony Godwin, Chief of Police

Ordinance amending Section 20-38 to allow the Chief of Police to maintain an eligible list of towing services for use by the Police Department.

Mayor Gilbert relayed to Council that an amendment was made to Consent 15 and that there was the addition of Consent 16 to set a Public Hearing for Economic Development.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Mahaffey made the motion with the stated changes; Council Member Stallings seconded the motion. The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated that the second item under New Business 1 should be listed as New Business 2.

- Page 15 -

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Gantt made the motion with the stated change; Council Member Mahaffey seconded the motion. The motion carried by a 5-0 roll call vote.

<u>Public Forum</u>

There were no public comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

NB1 Jacques Gilbert, Mayor

10 North Carolina League of Municipalities (NCLM) Legislative Goals for the NCLM Goals process and the appointment of the designated delegate.

Mayor Pro Tem Dozier stated the NCLM advocates and lobbies on issues and concerns for all municipalities within the State. She explained that in selecting goals Council will ensure that Apex's voice is heard. Council discussed the seventeen goals presented by the NCLM and selected ten they felt were most important to the Town of Apex and its' constituents. Council selected the following 10 goals:

- Grant local governments the authority to build broadband infrastructure in order to partner with private providers, and provide additional funding to help close the digital divide.
- Secure Federal and State aid directly to municipalities to offset all revenues due to the Covid-19 pandemic.
- Expand incentives and funding for local economic development.
- Increase State and Federal funding for affordable housing.
- Create a permanent and adequate funding stream for local infrastructure needs.
- Improve State-wide funding and support for LEO Training focused on use of force, mental health and de-escalation skills.

- Page 16 -

- Improve processes and payments for moving utility lines located in the right-of-way during transporation projects.
- Permit all cities to establish a police department citizen review board.
- Increase public safety grant funding and expand allowable uses.
- Reduce pressure on property tax payers by expanding locally-controlled options for revenue generation.

Council agreed that all seventeen goals were of value and importance, however, they selected the ten that best fit the needs of the Town. Town Manager Havens stated Council needed to designate a member of Council to report the selected goals to the NCLM.

Mayor Gilbert called for a motion to appoint a designee. Council Member Mahaffey made the motion to appoint Council Member Mahaffey; Council Member Dozier seconded the motion.

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

NB2 Drew Havens, Town Manager

Update on various Town projects/operations

Town Manager Havens gave updates on various projects currently underway within the Town. He reported that Mr. Mike Causey presented Fire Chief Keith McGee and the Fire Department a class 1 classification. A class 1 classification is the highest classification a fire department can be granted. Less than 1% of fire departments across the United States have been able to obtain a class 1 classification.

CLOSED SESSION

- CS1 Laurie Hohe, Town Attorney To consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3)
- CS2 Mayor Jacques Gilbert To discuss personnel matters

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion. The motion carried by a 5-0 roll call vote.

With no objection from Council, Mayor Gilbert called for to return to Open Session.

Mayor Gilbert called for a motion to appove the Resolution authorizing eminient domain proceedings related to the Beaver Creek Greenway extension project for the improvement of the Apex Greenway.

Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing Eminent domain proceedings related to Old US 1 and New Hill Olive Chapel Road traffic signal project. Council Member Mahaffey made the motion; Council Member Gantt seconded the motion. The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the Tingen Road Sidewalk Project for the improvement of the Apex street and sidewalk system. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion. The motion carried by a 5-0 roll call vote.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Jontesca Silver, CMC NCCMC Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



APEX TOWN COUNCIL STRATEGIC PLANNING RETREAT

Friday, January 15, 2021 at 8:00 AM Council Chamber at Apex Town Hall, 73 Hunter Street THIS WAS A VIRTUAL MEETING

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert welcomed everyone in attendance.

Town Manager Havens thanked Council and the staff for their attendance. He stated Council and staff collaborated at last year's retreat to create a vision and mission statement for the Town. The goal of this year's retreat was to continue to build upon the foundation created in the prior year's retreat.

The Retreat's facilitators were Lou O'Boyle, Director of Engagement, and Stacia Aylward, Chief Executive Officer for Zelos. Ms. O'Boyle welcomed everyone and gave an overview of how the day would proceed.

The majority of the day, Council and staff collaborated to review the strategic goals and plans set at the last retreat and formulated ideas on how to make sure those plans and goals are achieved.

<u>ADJOURNMENT</u>

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

Jontesca Silver, CMC, NCCMC Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

Tuesday, January 26.2021 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street THIS WAS A VIRTUAL MEETING

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Mayor Pro Tem Dozier gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

Amanda Bunce, Current Planning Manager with Tim Maloney, Wake County Planning, Development & Inspections Director, and Tim Gardiner, Planner III-Transportation

Presentation on the status of PLANWake, the draft comprehensive plan for Wake County.

Ms. Bunce introduced Mr. Maloney and Mr. Gardiner. Mr. Gardiner gave Council a brief overview of the process Wake County used to create the draft comprehensive plan. Wake County is currently on the outreach phase of the process. The public can review the plan and submit comments by visiting PLANWake.org. The scope and purpose of the draft comprehensive plan, and the methods in which the County will track, monitor, and compete the goals of the plan were identified. The County hopes to continue to grow partnerships with municipalities to collaborate to service the County. Mr. Gardiner anticipates the plan to be adopted in February 2021.

- Page 21 -

Mayor Jacques Gilbert

Presentation of Proclamation recognizing Health and Humanity Yogathan

Mayor Gilbert read the proclamation recognizing the annual Health and Humanity Yogathan organized by Hindu Swayamsevak Sangh (HSS).

Mayor Jacques Gilbert Presentation of Black History Month Proclamation

Mayor Gilbert read the proclamation declaring February Black History Month.

Mayor Jacques Gilbert

Recognition of Years of Service

Mayor Gilbert and Council thanked and recognized Town Manager Havens for his accomplishments, achievements, years of service, leadership, and stewardship as a farewell to Town Manager Havens. Mr. Havens was retiring from the Town of Apex to become the Town Manager in Duck, North Carolina.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk Apex Tax Report dated 12/07/2020

CN2 Mayor Jacques Gilbert Reappoint Jeff Ulrick, Bill Carraway, and Betsy Sisley to the Tree CAP Committee

CN3 Allyson Coltrane, Long Range Transit Planner II

Town Manager to sign and execute, the Triangle Transportation Demand Management Agreement to fund a portion of the new Long-Range Transit Planner position and promotion of the GoApex Route 1 in Fiscal Year 2021.

CN4 Marty Stone, P.E.-Assistant Town Manager

Town Manager to execute an Encroachment Agreement between the Town and property owner, Andrew J. Jablonski (Grantee), regarding Wake County, NC PIN#0732-15-3557, 1032 Diamond Dove Lane, recorded in Book of Maps 2018, Page 1365, Wake County Register of Deeds.

CN5 Dennis Brown, Senior Capital Projects Manager

Town Manager to execute Contract Amendment #2 for GMP 2 with Construction Manager at Risk, J M Thompson, in the amount of \$4,537,077.23 for the new Pleasant Park Project. This Guaranteed Maximum Price 2 (GMP 2) includes turf and fencing

- Page 22 -

packages for the soccer fields, as well as the underground drainages system for the turf.

CN6 Erika Sacco, IT Director

Capital Project Ordinance Amendment 2021-04 to allocate \$210,000 funding for IT related contracts related to the Senior Center and Community Center Expansion.

- CN7 Brian Meyer, Deputy Town Attorney and Mitch McKinney, Deputy Police Chief Resolution adopting an involuntary Commitment Custody and Transportation Agreement.
- CN8 Drew Havens, Town Manager

Vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

Mayor Gilbert stated Consent Agenda items 7 and 8 were to be removed from the Consent Agenda.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion with the stated changes; Council Member Gantt seconded the motion. The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated Public Hearing 8 would be heard before Public Hearing 1 and a Closed Session needed to be added to the Agenda to discuss personnel matters.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Mahaffey made the motion with the changes; Council Member Stallings seconded the motion. The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

There were no public comments to be heard.

PUBLIC HEARINGS

PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR& Advisors Town of Apex Affordable Housing Plan Staff stated an Affordable Housing Plan has been drafted. The plan identifies affordable housing needs in Apex, and sets vision and goals for developing affordable housing. Staff thanked the steering committee for their contributions with the plan and the process. A public presentation of the draft plan was presented to the Planning Board on December 4, 2020, the Planning Board held a Public Hearing and the comment period was open through January 26,2021.

Staff received feedback during the public comment period that the purpose and full intent of the plan needed to be clarified. Staff outlined the changes made to the draft. The Steering Committee met January 7, 2021 and voted unanimously to recommend the adoption of the plan. The Planning Board voted on January 13, 2021 and a 4-4 vote was reached on whether to recommend the adoption of the plan. The members that voted against the recommendation voiced concerns on using alternate wording on incentive zoning based on one perspective. Staff recommended adopting the plan with the alternate clarifying wording.

Mayor Gilbert declared the Public Hearing open.

Suzanne Harris-HBA of Raleigh-Wake County, thanked staff for the amended changes to the plan providing clarity to the document and asked Council to vote favorably for the current draft of the plan.

Erica Leatham-M/I Homes of Raleigh, LLC, stated the Town should set clear policies and priorities, and recommended reviewing how to effectively utilize zoning tools for the plan.

Mayor Gilbert declared the Public Hearing closed. Mayor Gilbert explained no decision would be made tonight. The public comment period for all Public Hearings would be held open for an additional 24 hours. Council would vote on the Public Hearing at the meeting scheduled for February 1, 2021.

PH2 Joanna Helms, Economic Development Director

Financial assistance for Small Business Support Initiatives during winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Staff recommended that the initiatives presented start during winter but continue throughout the year. Staff recommended the implementation of Parking to Dining Phase 2, starting March 15, 2021 and running through May 31, 2021. Staff presented several

promotional and marketing ideas including Winter on Salem, a social media ad campaign, small business highlight videos, and Count on Me NC. Staff recommended providing training and education webinars and creating a "white paper" for local businesses.

Staff recommended starting a grant or a micro-loan program that could award a business up to \$2,000 for COVID-19 related expenses. Approximately \$325,000 will need to be allocated for the program, the funds will be reallocated from funds that were not used from the small business loans. The Town Attorney confirmed the program would need to be a micro-loan program. Council asked for additional information and clarity on requirements for the micro-loan program.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH1 Joanna Helms, Economic Development Director

Economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant)

The developer for "Project Delta" was proposing to purchase approximately 26 acres at Cash Corporate Center. The office operation would create 220 jobs. The project has a total investment of \$32,000,000 and is eligible for a \$109,440 tax grant over a 3-year period, totaling \$328,320.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH3 Dianne Khin, Director of Planning and Community Development Ordinance on the Question of Annexation-Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Staff oriented Council to the site and stated the applicant's reason for the request.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH4 Sarah Van Every, Senior Planner
 Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINS 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site and stated the applicant's proposal for rezoning. The Planning Board recommended approval. Staff recommended approval of the rezoning with the proposed conditions with the exception of the pedestrian connection.

Patrick Kiernan, Jones & Cnossen Engineering, PLLC, representing the applicant, acknowledged there had been a lot of concerns about the development, and explained the applicant's reasons for the rezoning request. Mr. Kiernan stated compromises had been made to address some of the concerns expressed regarding the potential development. He explained the pedestrian connection to the Robert's Road sidewalk may be redundant, and that was why it was not included in the application.

Council expressed concern over the depictions shown and the ability of the new development to blend in with the existing area. Mr. Kiernan clarified these were only options, and that the Planning staff would review the master subdivision plan.

Mayor Gilbert declared the Public Hearing open.

Ajith Kallambella-expressed concern over construction traffic through the Crestmont subdivision, and stated the developer had not organized a community meeting.

Jawahar Ruddarraju-asked the developer to share the master subdivision plan with the Crestmont neighborhood, and to receive feedback from the neighborhood. J. Ruddarraju asked that construction traffic not be allowed thru the Crestmont neighborhood and that a traffic study be conducted once the new development is complete.

Meenakshi Ramanathan-requested a copy of the minutes of the Planning Board meeting held on January 13, 2021, a copy of the master subdivision plan, the affidavit submitted by the applicant, and that a traffic study be completed once the new development is completed.

Prathiba Charla-requested that if removed, the large trees on her property line be replaced with smaller trees. P. Charla asked Council to consider the increase of traffic in regards to

- Page 26 -

the safety of children playing in the neighborhood, and inquired into whether the houses would be built with basements or crawl spaces.

Rajesh Nadipalli-expressed concern over the environmental impact the new development would have on the area and Jordan Lake, and over having construction traffic through the Crestmont neighborhood. R. Nadipalli stated that the developer had not contacted the neighborhood for a meeting on the master subdivision plan and requested a traffic study be completed once the development is completed.

Srikanth Cherukuri-expressed concern of the impact of the development to Jordan Lake and of trees being cut down. S. Cherukuri asked that the developer ensure that there would be no construction traffic through the Crestmont neighborhood and that a traffic study be completed once the development is completed.

Umesh Kedla-asked if the new development would have proper drainage and how large trees in the development would be addressed. U. Kedla expressed concern about traffic in the area and inquired how the development would affect home values.

Vidya Ranganathan-requested the developer share the master subdivision plan and that upon completion of the development, a traffic study be conducted. V. Ranganathan asked for clarification on how the entire process works.

Mayor Gilbert declared the Public Hearing closed.

Council asked staff to explain the process, and staff explained all three processes. Staff mentioned the sidewalk project on Roberts Road would be starting soon. Mr. Kiernan stated construction traffic would be on Gratrell Way until there is a road connection. Once the connection was made signage and general zoning compliance would assure no thru construction traffic in the Crestmont Neighborhood.

Mayor Gilbert called a 5-minute break.

- PH5 Sarah Van Every, Senior Planner Ordinance on the Question of Annexation-Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits And
- PH6 Sarah Van Every, Senior Planner

Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Jeff Roach, Peak Engineering & Design, representing the applicant, briefly summarized the request and asked Council for their support as all of the conditions are consistent with the 2045 Land Use Plan.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed.

PH7 Lauren Staudenmaier, Planner I

Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649670), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Spencer Terry, Carolina Land Development Group, explained that benefits of approving the rezoning request. He addressed the traffic plan that has been developed over concerns that were brought forth from the Planning Board.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed

PH9 Amanda Bunce, Current Planning Manager Amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for onpremise consumption.

Staff oriented Council to the amendment, stating the Planning Board recommended approval. Council expressed concern over approving the amendment to later alter the amendment in the opposite direction. Mayor Gilbert declared the Public hearing open. With there being no public comment, Mayor Gilbert declared the Public hearing closed.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

There were no New Business items to discuss.

PRESENTATION BY TOWN MANAGER

There was no presentation.

CLOSED SESSION

CS1 Mayor Jacques Gilbert Possible motion to go into Closed Session to discuss personnel matters

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Mayor Pro Tem Dozier seconded the motion. The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a return to Open Session with no objections from council.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Jontesca Silver, CMC, NCCMC Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 8:00 AM Council Chamber at Apex Town Hall, 73 Hunter Street THIS WAS A VIRTUAL MEETING

Council and Administration

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

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Human Resouces Director Mary Beth Manville. Also in attendanc from Developmental Associates were Steve Straus and Joe Durham

COMMENCEMENT

Mayor Gilbert called the meeting to order and introduced Steve Straus.

Mr. Straus gave a brief background on Developmental Associates and stated their mission. He presented the Scope of Work which will be involved in recruiting for the Town Manager position. He gave an example of how their recruiting document will look.

Mr. Durham talked about their multi-method recruitment process and what they believe will be the outcome of this method. He explained that along with various posting methods when recruiting, they also contact people via email. Their recruiting methods help to ensure the most diverse pool of prospects.

Mr. Straus detailed the steps involved in the recruitment process.

Council asked how COVID might affect the applicant pool, to which Mr. Straus stated they have not necessarily seen a decrease in the level of interest in other positions. Instead, the pace at which candidates take other positions has increased.

- Page 31 -

Asked about factors of importance to Council, Mr. Straus stated that if they hear something from Council, these factors would be built into the process. Exercises can be developed to assess cultural competency, and emotional intelligence results show a lot about diversity and inclusion. Mr. Durham added that any Council concerns will come out in the process loud and clear. Council was fine with using this same process for the crisis management assessment piece.

Mr. Staus stated that internal and external communication approaches will need to be handled in a different way.

Council asked how assessors are selected. Mr. Straus stated they know the folks who are out there, and they always make sure they have a diverse selection. They have been running the process virtually, which has had some unexpected benefits for them. Because there is no travel, virtual has expanded their pool of assessors.

Council asked how the success of those placed is tracked afterwards and how does the failure rate go back into the process to improve it. Mr. Straus stated their success rate is very strong. They focus totally on NC and are in touch with the client to determine how things are going. Only a few hires have not worked out well. In the latter, Council went against his firm's results.

Council asked about the timelines. Mr. Staus stated that within three months, everything could be sealed.

The Mayor thanked Mr. Straus and Mr. Durham for their comprehensive overview of the process. Developmental Associates has always done a great job for Apex, and he looked forward to the process.

Mr. Straus outlined the next steps if the Town wanted to work with them. He explained why they prefer, and the benefits of, group sessions versus 1-on-1 sessions. However, they will do the latter if the Town desired. The Mayor understood how group sessions can be positive, enjoyable, and thought provoking.

The HR Director stated that the consensus of Council was to move forward with Developmental Associates.

With that, Mr. Straus began by asking Council for their key challenges for the next town manager. He stated he would also want to have a 1-on-1 with the outgoing manager. Mr. Staus asked if Council wanted input from others on the challenges. If so, they could set up

- Page 32 -

focus group sessions, hold public meetings, distribute surveys, or a combination of these methods. He explained, responding to Council, that doing so would give more depth. Council expressed an interest in seeing public input from the business community, local school leadership, and young students who represented student bodies. Mr. Staus explained this process would take at least two weeks, and he talked about how this could be accomplished.

Consensus of Council was to start the process by getting input from other groups and putting out the employment ad now.

Council stated their key challenges facing the next town manager:

- Dealing with racism and social justice issues involving community and communication of these.
- Reassessing the organization as a whole to make sure the right people are in the right positions; looking at the organizational structure.
- Continuing the thoughtful work started on diversity and inclusion.
- Balancing important and competing priorities of different stakeholders.
- Infrastructure needs and quality of life.
- Staff morale and continuing with supporting staff in an equitable way.
- Challenges managing our growth; helping elected officials and citizens with how Apex will look in the future with the growth that is happening; Town workforce keeping up with growth.
- A vision for the quality of life.
- Climate change; someone who sees the importance of this and integrating it into our work.
- Being a real person of progress a visionary.
- Flexibility maintaining a sense of tradition but understanding how this affects change; people first.
- Developing current staff members for growth opportunities.
- Empathy for staff and the public.
- Efficiency, organization, and external communication with the community.

Mr. Straus stated these qualities would work into the key competencies. He explained how we should keep the doors open as wide as possible. He exampled their normal wording for expectations and qualifications.

He also explained it would be important to put a hiring range in the ad. Council stated they would be in favor of a competitive salary, Mr. Staus stating that most councils are

- Page 33 -

willing to consider the current salary range or higher than that of the current manager. The HR Director will work out these details for Mr. Straus.

<u>ADJOURNMENT</u>

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

Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

- Page 34 -



SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 6:00 PM Council Chamber at Apox Town Hall, 73 Hunter Street THIS WAS A VIRTUAL MEETING

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

There were no Consent Agenda items.

REGULAR MEETING AGENDA

There were no Regular Meeting Agenda items.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR&A Advisors Public hearing and possible motion regarding adoption of the Town of Apex Affordable Housing Plan.

- Page 35 -

Staff did not receive any new substantive comments in regards to the draft Affordable Housing Plan. The comments that were received were general questions from the public, support in favor of the plan, and concerns over the location of the affordable housing homes.

Mayor Pro Tem Dozier made a motion to adopt the original Affordable Housing Plan; Council Member Killingsworth seconded the motion.

Mayor Pro Tem Dozier clarified that the plan is not a mandate, but a plan that has incorporated the achieved visions and principles that Council established, that is consistent with Fair Housing Laws, and was developed by professionals including Town Staff, consultants, and advisors.

Council Member Gantt made a motion to amend the motion to accept the wording recommended by the Planning Board and Staff. After brief discussion by Council, the motion died due to lack of a second.

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

PH1 Joanna Helms, Economic Development Director

Public hearing to consider and receive public input on providing an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

Staff provided a brief review. There were no additional comments submitted.

Council Member Mahaffey made the motion to approve the economic development incentive for "Project Delta; Council Member Killingsworth seconded the motion.

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

PH2 Joanna Helms, Economic Development Director Public hearing to consider and receive public input on providing financial assistance for Small Business Support initiatives during Winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Staff provided updates on the initiatives. Fewer parking spaces will be utilized in Parking to Dining phase 2, and the additional 35 water barriers may not need to be

- Page 36 -

purchased. Surveys were sent out to businesses for Winter on Salem and the businesses expressed interest in holding the event in Spring and not closing the street to allow for more thru traffic. After feedback from area business, the department recommended not pursuing the micro-loan program. The estimated cost for the initiatives without the micro-loan program is \$45,000.

Council Member Stallings made the motion to approve the initiatives with the updated changes; Council Member Gantt seconded the motion. The motion carried by a 5-0 vote by roll call.

PH3 Dianne Khin, Director of Planning and Community Development Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Staff provided a brief overview of the annexation. There were no additional comments submitted. Staff recommended approval of the Annexation.

Council Member Mahaffey made the motion to approve; Council Member Killingsworth seconded. The motion carried by a 5-0 vote by roll call.

PH4 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, seeks to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff provided a brief overview. There were no additional comments submitted.

Council Member Gantt made the motion to approve; Council Member Killingsworth seconded the motion.

Staff clarified information on a potential walking path connecting to Roberts Road and the route for construction traffic. Council expressed concern with growth and development and schools being at capacity. Council determined a meeting with all stakeholders would be advantageous to discuss school capacity moving forward.

- Page 37 -

The motion carried by a 4-1 vote by roll call. Mayor Pro Tem Dozier and Council Members Gantt, Killingsworth, and Mahaffey voted in the affirmative; Council Member Stallings voted against.

- PH5 Sarah Van Every, Senior Planner Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits. <u>AND</u>
- PH6 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff provided a brief overview. There were no additional comments submitted.

Council Member Gantt made the motion to approve; Council Member Killingsworth seconded. The motion carried by a 4-1 vote by roll call. Mayor Pro Tem Dozier, and Council Members Gantt, Killingsworth, and Mahaffey voted in the affirmative; Council Member Stallings voted against.

PH7 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ15 Smithfield Road Collision Center. The applicant, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Staff provided a brief overview. There were no additional comments submitted.

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

PH9 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for on-premise consumption.

Staff recommend to pull this item from consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

<u>NEW BUSINESS</u>

There were no New Business items to discuss.

PRESENTATION BY TOWN MANAGER

There were no presentations.

CLOSED SESSION

CS1 Mayor Jacques Gilbert Possible motion to go into Closed Session to discuss personnel matters

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote by roll call.

With no Objection from Council, Mayor Gilbert called for to return to Open Session.

Council Member Killingsworth made the motion to approve the appointment of Ralph Clark as Interim Town Manager; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote by roll call.

WORK SESSION

There were no work sessions.

- Page 39 -

ADJOURNMENT

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

Tesa Silver CMC, NCCMC Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

Item Details

Presenter(s): Terry Mahaffey, Council Member Department(s): Governing Body

Requested Motion

Motion to adopt a Resolution supporting the Energy Innovation and Carbon Dividend Act <u>Approval Recommended?</u>

Yes

<u>Item Details</u>

Upon adoption of the Resolution, the Town Clerk will transmit copies to the indicated U.S. and State Legislators and surrounding municipal and county governments indicating Apex's support for this initiative.

<u>Attachments</u>

Resolution



RESOLUTION NO. 21-0223-07 RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT THE ENERGY INNOVATION AND CARBON DIVIDEND ACT

WHEREAS, the United States government released its Fourth Annual Climate Assessment in November 2018 reporting that the impacts of climate change are already being felt in communities across the country, and that more frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities; and

WHEREAS, conservative estimates by the world's climate scientists state that, to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80-95% below 1990 levels by 2050; and

WHEREAS, presently the environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

WHEREAS, to begin to correct this market failure, Congress can enact the **Energy Innovation** and **Carbon Dividend Act** to assess a national carbon fee on fossil fuels based on the amount of CO_2 the fuel will emit when burned and allocate the collected proceeds to all U.S. households in equal per-capita shares in the form of a monthly dividend; and

WHEREAS, as stated in the **Energy Innovation and Carbon Dividend Act**, a national, revenue-neutral carbon fee starting at a relatively low rate of \$15 per ton of CO_2 equivalent emissions and resulting in equal charges per ton of CO_2 equivalent emissions potential in each type of fuel or greenhouse gas should be assessed to begin to lower what are now dangerously high CO_2 emissions. The yearly increase in carbon fees including other greenhouse gases, shall be at least \$10 per ton of CO_2 equivalent each year, with the provision that the annual increase will be \$15 per ton of CO_2 equivalent if statutory goals are not met; and

WHEREAS, the **Energy Innovation and Carbon Dividend Act** specifies that, in order to protect low and middle income citizens from the economic impact of rising prices due to the carbon fee, equal monthly per-person dividend payments shall be made to all American households (one-half payment per child under 19 years old) each month from the fossil fuel fees collected. The total value of all monthly dividend payments shall represent 100% of the net carbon fees collected per month; and

WHEREAS, the **Energy Innovation and Carbon Dividend Act** encourages market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations; and

WHEREAS, a national carbon fee can be implemented quickly and efficiently, and will respond to the urgency of the climate crisis because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee, and already collects fees from fossil fuel producers and importers; and

WHEREAS, a national revenue-neutral carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st century and would provide incentive to other countries to enact similar carbon fees, reducing global CO₂ emissions without the need for complex international agreements, and

WHEREAS, the Apex Town Council has a long standing, proactive position toward clean energy including the adoption of a budget in 2018 with \$500,000 dollars earmarked for solar PV systems on town buildings and in 2019 the setting of a goal of transitioning to 80% clean energy by 2035 and 100% clean energy by 2050; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Apex, North Carolina urges the United States Congress to enact without delay the **Energy Innovation and Carbon Dividend Act,** and BE IT FURTHER RESOLVED, that the Town Clerk, no later than 30 days after passage of this Resolution, shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each U.S. Senator and Representative from the State of North Carolina in the Congress of the United States, and to nearby municipal and county governments urging that they pass similar resolutions.

PASSED AND ADOPTED as a Resolution of the Town Council of the Town of Apex, State of North Carolina at its regularly scheduled meeting held on Tuesday, February 23, 2021.

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, NCCMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

Item Details

Presenter:Dianne Khin, Director of Planning and Community DevelopmentDepartment:Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for March 9, 2021 on the Question of Annexation – Apex Town Council's intent to annex Lufkin Leased Fee, LLC (3050 Lufkin Road) property containing 3.33 acres located at 3050 Lufkin Road, Annexation #707 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

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

<u>Attachments</u>

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





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

Annexation Petition #707 Lufkin Leased Feed LLC

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

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

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

This the 23rd day of February 2021.

Jacques K. Gilbert Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #707 Lufkin Leased Feed LLC

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 23rd day of February 2021.

Donna B. Hosch, MMC, NCCMC Town Clerk

(Seal)

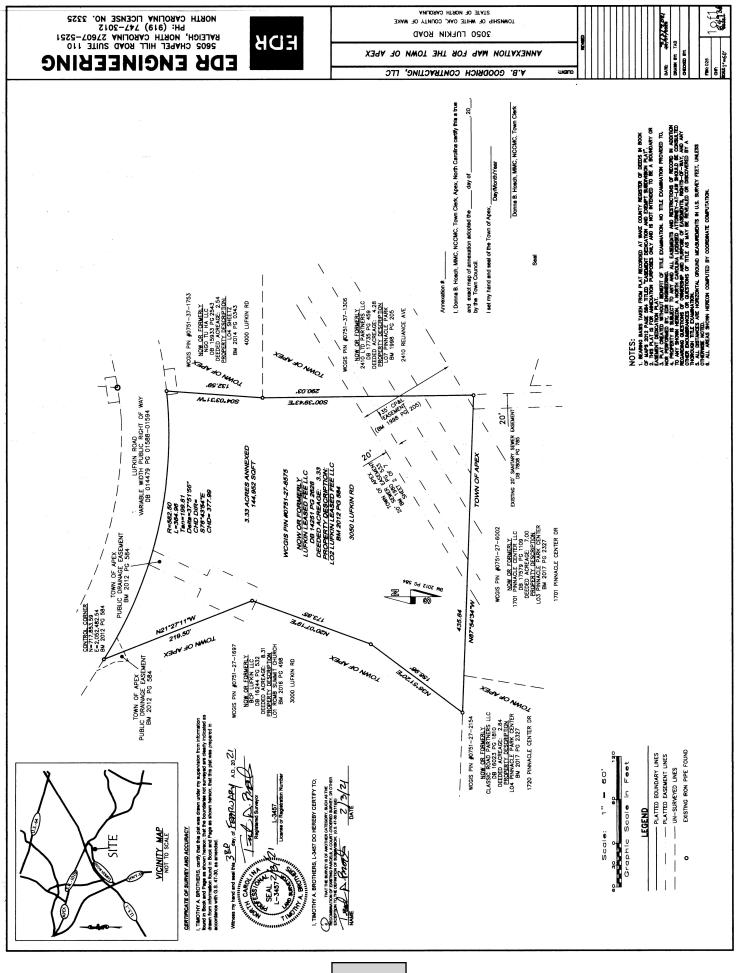
PETITION FOR VOLUNTARY ANNEX		Ast and may be mublished on the	Town's waheita or disclosed to third par	ties
This document is a public record under the NorthApplication #:707Fee Paid\$ 200	n Carolina Public Record	s Act and may be published on the Submittal Date: Check #	2/3/2021 2119	
TO THE TOWN COUNCIL APEX, NORTH CA	ROLINA			
 We, the undersigned owners of reato the Town of Apex, Wake County, The area to be annexed is <u>cont</u>boundaries are as contained in the If contiguous, this annexation will in G.S. 160A-31(f), unless otherwise st 	North Carolina. iguous, <u>□ non-con</u> metes and bounds nclude all intervenir	tiguous (satellite) to the To description attached hereto. ng rights-of-way for streets,	wn of Apex, North Carolina an	d the
Owner Information				
LUFKIN LEASED FEE LLC Owner Name (Please Print) 919-825-1567 Phone		0751276575 Property PIN or Deed Book & Page # lindsay@brookwoodcp.com E-mail Address		
Owner Name (Please Print)		Property PIN or Deed Book & Page #		
Phone Owner Name (Please Print)		E-mail Address Property PIN or Deed Book & Page #		
Phone		E-mail Address		
Surveyor InformationSurveyor:EDR EngineeringPhone:919-747-3012E-mail Address:tom.duttlinger@	edreng.com	Fax:		
Annexation Summary Chart				
Property Information Total Acreage to be annexed:	3.33		annexation (select all that apple e due to well failure	y)
Population of acreage to be annexed:	3.33	Need sewer service	e due to septic system failure	
Existing # of housing units:	0	Water service (nev	v construction)	7
Proposed # of housing units: Zoning District*:	0 PC-CU	Sewer service (nev Receive Town Serv		0

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

PETITION FOR VOLUNTARY ANNEXATION	
Application #: 700	Submittal Date: 2/3/2021
COMPLETE IS IN A LINKITED LIADULTY COMPANY	
	ted liability company, caused this instrument to be executed in ven, this the day of, 20, 20,
Name of Limited Liability Compan	v Lutkin Lensed Fee, LLC
Ву:	Signature of Member/Manager
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me, <u>Shire Chapterson</u> this the <u>Manual day of</u> <u>Security</u> , 20 <u>10</u> .	Notary Public for the above State and County,
SEAL JULIE GRUDZINSKI EARP Notary Public, North Carolina Wake County My Commission Expires January 16, 2023	My Commission Expires:
COMPLETE IF IN A PARTNERSHIP	
In witness whereof, name by a member/manager pursuant to authority duly give	, a partnership, caused this instrument to be executed in its n, this the day of
Name of Partners	nip
Ву:	Signature of General Partner
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me,, 20	, a Notary Public for the above State and County,
	Notary Public
SEAL	
	My Commission Expires:

Description of a Tract of land to be Annexed by the Town of Apex

The description hereon is of a tract of land situated in Wake County, North Carolina having Wake County Parcel Identification Numbers (WC PIN) of #0751-27-6575, Book of Maps (B.M.) 2012 Page (PG) 584. Said tract of land is now or formerly owned by Lufkin Lease Fee, LLC. The following description is the exterior boundary of said parcel for Annexation purposes. Lying and being in the County of Wake, State of North Carolina and more particularly described as follows: Beginning at a Point (POB) located on the South Right of Way of Lufkin Road, an existing Right of Way, being a variable width public right of way, said point having the NC Grid (NAD83) coordinate of N=717,853.59 and E=2,052,482.54, said coordinates from above B.M 2012 PG 584,; Thence run with said Right of Way along an arc to the left of said curve, having a Radius of 582.50 feet, a Chord Bearing of S 76°43'54" E and a Chord Length of 377.99 feet, for an Arc Length of 384.96 feet to a point, said point being a common corner with a tract of land having the Wake County PIN #0751-37-1753 now of formerly owned by NGO TU HA, LLC,; Thence run with the HA tract S 04°03'31'W for a distance of 132.59 feet to a point, said point being the common corner with a tract of land having the WC PIN #0751-37-1306, now or formerly owned by 2410 LTD Partners, LLC,; Thence leaving said HA tract run with said Partners tract S 00°39'43" E for a distance of 290.03 feet to a point, said point being the common corner with a tract of land having the WC PIN #0751-27-6002, now or formerly owned by 1701 Pinnacle Center, LLC., Thence leaving said Partners tract run with said Pinnacle Center LLC tract N 87°54'34" W a distance of 435.84 feet to a point, said point being the common corner with a tract of land having the WC PIN #0751-27-1697, now or formerly owned by BCP Lufkin, LLC., Then run with said BCP tract the following three (3) courses: N 36°51'20" E for a distance of 156.98 feet to a point, N 20°07'19" E for a distance of 173.85 feet to a point, N 21°27'11" W for a distance of 219.50 feet to a point, said point being the Point of Beginning. Said annexation area containing 144,952 sq. ft / 3.33 acres ±. Property is subject to any and all easements either recorded or implied.



- Page 50 -

Home Wake County Real Estate Data Account Summary	<u>iMaps</u> <u>Tax Bills</u>
Real Estate ID 0411767 PIN # 0751276575	Account Search
WAKE Location Address Property Description COUNTY 3050 LUFKIN RD Property Description LO2 LUFKIN LEASED FEE LLC BM2012-00584 Pin/Parcel History Search Results	Gol
NORTH CAROLINA Account Buildings Land Deeds Notes Sales Photos Tax Bill Map	

Property Owner LUFKIN LEASED FEE (Use the Deeds link to v		al owners) All owners) Owner's Mailing All Owner's Mailing All Own	ST STE 112	Property Location Addr 3050 LUFKIN RD APEX NC 27539-	ess
Administrative Data		Transfer Information		Assessed Value	
Old Map #	649				
Map/Scale	0751 06	Deed Date	1/28/2011	Land Value Assessed	\$652,748
VCS	SWAP001	Book & Page	14251 2628	Bldg. Value Assessed	
City		Revenue Stamps			
Fire District	23	Pkg Sale Date			
Township	WHITE OAK	Pkg Sale Price		Tax Relief	
Land Class	VACANT	Land Sale Date			
ETJ	AP	Land Sale Price		Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	PC-CU	Improvement Summary		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	0		
Acreage	3.33	Recycle Units	0		
Permit Date		Apt/SC Sqft	•	Use/Hist/Tax Relief	
Permit #		Heated Area		Assessed	
				Total Value Assessed*	\$652,748

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

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

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



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

Annexation Petition #707 Lufkin Leased Feed LLC

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 9th day of March 2021.

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

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

This the 23rd day of February 2021.

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC, Town Clerk

- Page 52 -

Description of a Tract of land to be Annexed by the Town of Apex

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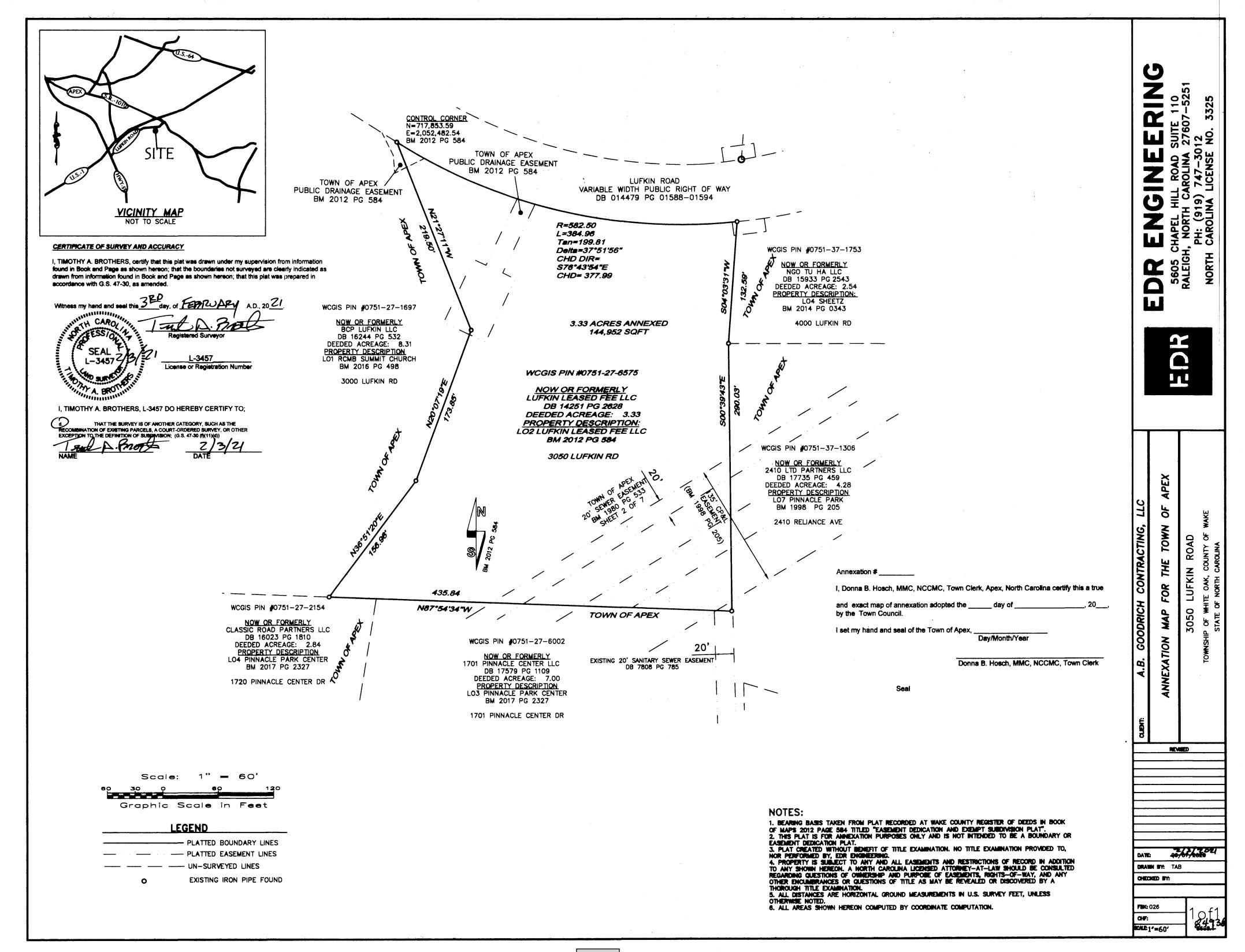
PETITION FOR VOLUNTARY ANNEX					
This document is a public record under the Nort	n Carolina Public Reco	rds Act and may be published on the T	Fown's website or disclosed to third par	ties.	
Application #: 707		Submittal Date:	2/3/2021		
Fee Paid \$ 200		Check #	2119		
TO THE TOWN COUNCIL APEX, NORTH CA	ROLINA				
 We, the undersigned owners of rea to the Town of Apex, Wake County, 		ctfully request that the area d	escribed in Part 4 below be anr	nexec	
 The area to be annexed is <u>cont</u> boundaries are as contained in the 	iguous, □ non-co metes and bound	ontiguous (satellite) to the To Is description attached hereto.	wn of Apex, North Carolina an	d the	
 If contiguous, this annexation will in G.S. 160A-31(f), unless otherwise st 	nclude all interver ated in the annex	ning rights-of-way for streets, ation amendment.	railroads and other areas as sta	ted ir	
Owner Information					
LUFKIN LEASED FEE LLC		0751276575			
Owner Name (Please Print)		Property PIN or Deed Bo	Property PIN or Deed Book & Page #		
919-825-1567		lindsay@brookwood	cp.com		
Phone		E-mail Address			
Owner Name (Please Print)		Property PIN or Deed Book & Page #			
Phone		E-mail Address			
Owner Name (Please Print)		Property PIN or Deed Book & Page #			
Phone		E-mail Address			
Surveyor Information					
Surveyor: EDR Engineering					
Phone: 919-747-3012		Fax:			
E-mail Address: tom.duttlinger@	edreng.com				
Annexation Summary Chart					
Property Information		Reason(s) for a	annexation (select all that appl	y)	
Total Acreage to be annexed:	3.33	Need water service	e due to well failure		
Population of acreage to be annexed:	3.33	Need sewer service	e due to septic system failure		
Existing # of housing units:	0	Water service (new	v construction)	\checkmark	
Proposed # of housing units:	0	Sewer service (new	v construction)	\checkmark	
Zoning District*:	PC-CU	Receive Town Serv	ices	V	
*If the property to be annexed is not v	vithin the Town of	Apex's Extraterritorial Jurisdic	ction, the applicant must also su	ubmit	

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

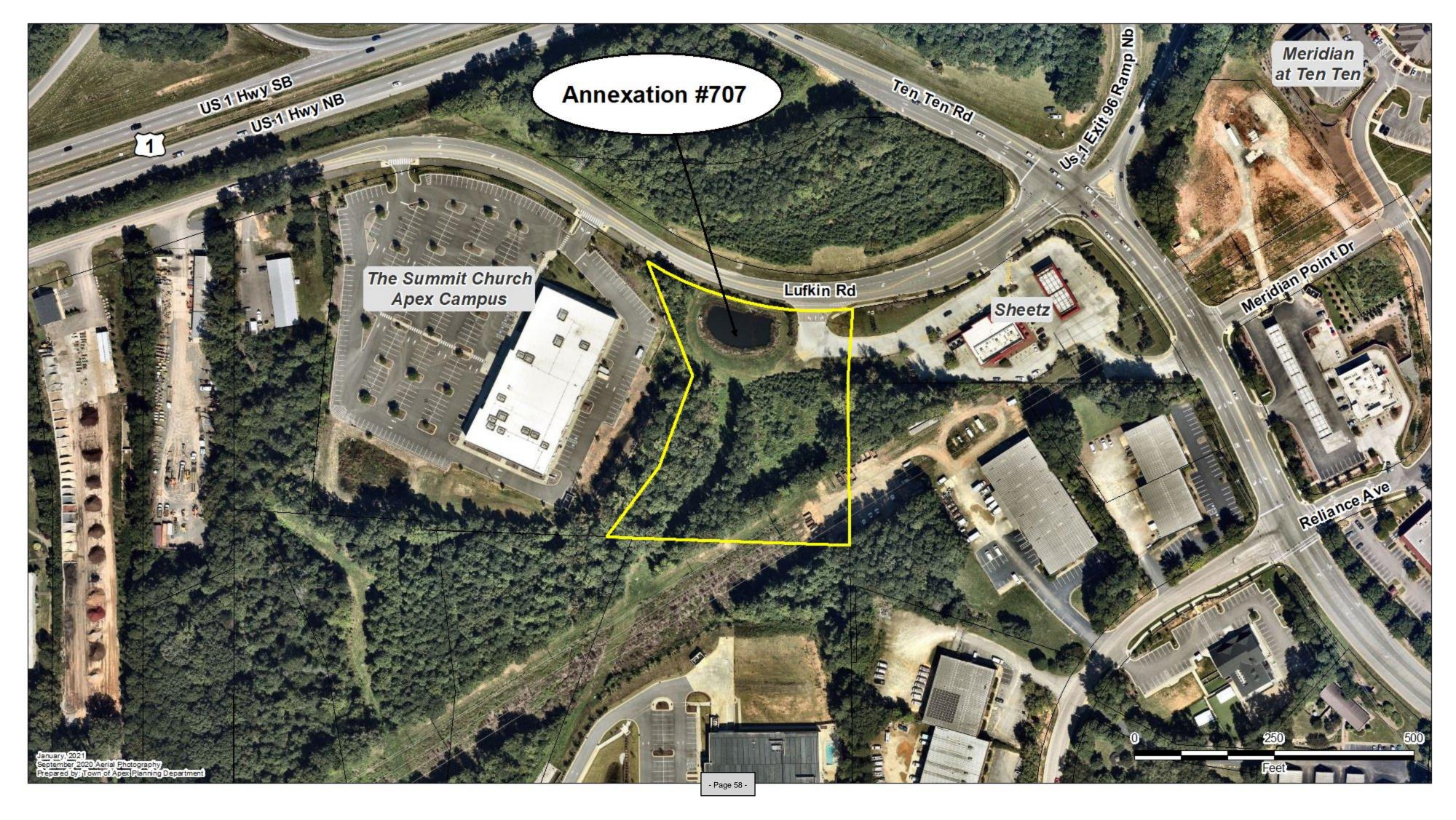
PETITION FOR VOLUNTARY ANNEXATION	
Application #: 700	Submittal Date: 2/3/2021
COMPLETE IF IN A LIMITED LIABILITY COMPANY	
	mited liability company, caused this instrument to be executed in given, this the <u>11</u> day of <u>lecember</u> , 20 <u>20</u> . any <u>Lutkin Leased Fee</u> , LLC
Ву:	Signature of Member/Manager
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me, <u>Sinc</u> <u>Goorney</u> this the <u>day of</u> , <u>Securio</u> , 2010. SEAL <u>JULIE GRUDZINSKI EARP</u> Notary Public, North Carolina Wake County My Commission Expires January 16, 2023	My Commission Expires:
COMPLETE IF IN A PARTNERSHIP	
In witness whereof,	, a partnership, caused this instrument to be executed in its ven, this the day of
Name of Partne	rship
Ву	: Signature of General Partner
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me,	, a Notary Public for the above State and County,
this theday of, 20	
	Notary Public
SEAL	
	My Commission Expires:

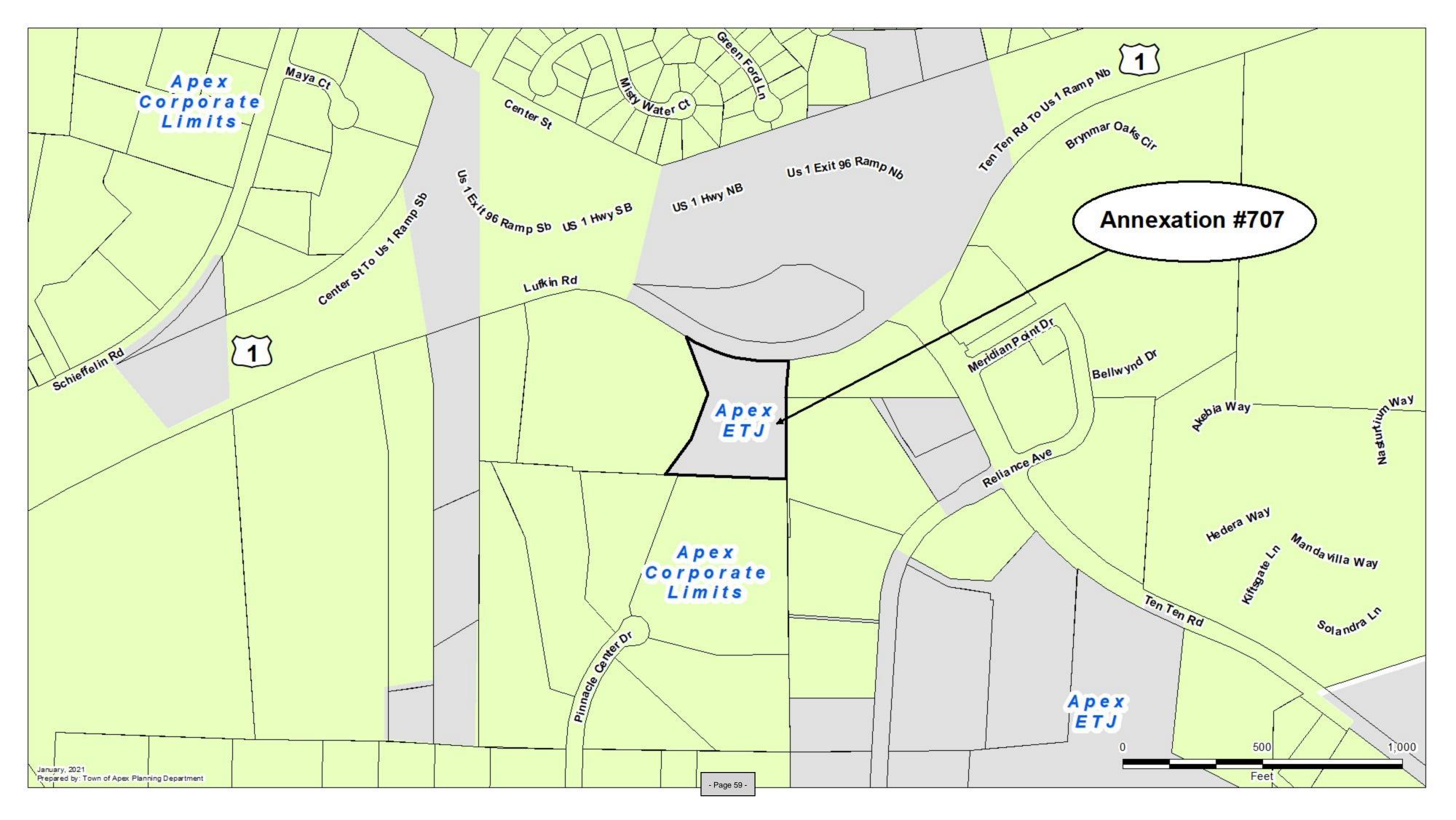
Description of a Tract of land to be Annexed by the Town of Apex

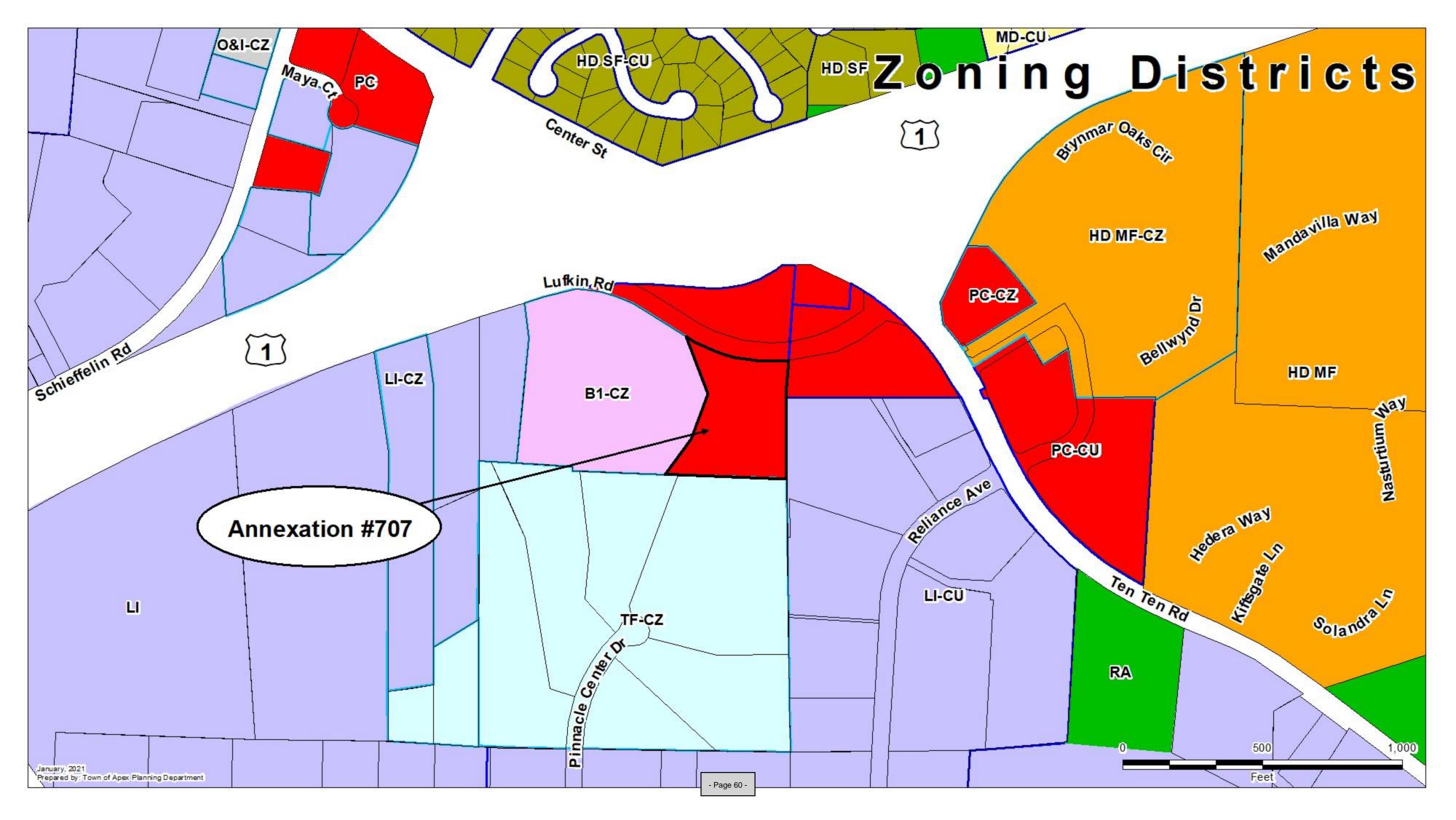
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

Item Details

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

Requested Motion

Motion to approve the addition of one Diversity Officer position, salary Grade 27, for the Administration Department.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

The Diversity Officer position will lead the development and implementation of proactive diversity, equity, inclusion and belonging initiatives in support of the Town's strategic plan to create a working environment and community where all have an opportunity to succeed. The attached job description includes a sample of duties to be performed. This position will report directly to the Town Manager.

<u>Attachments</u>

• TOA Diversity Officer



DIVERSITY OFFICER FLSA: Exempt

General Statement of Duties

Under the direction of the Town Manager, the Diversity Officer leads the development and implementation of proactive diversity, equity, inclusion and belonging initiatives in support of the Town's strategic plan to create a learning and working environment where all have an opportunity to succeed. The Diversity Officer is a senior-level management position reporting directly to the Town Manager. The Diversity Officer champions the importance and value of a diverse and inclusive work environment and community partner. He/she leads the development of a vision and effective strategy to create a culture for equity, diversity, and inclusion. The Diversity Officer actively engages all employees and community stakeholders to further behaviors, attitudes, and policies that support diversity, equity, and inclusion. The Diversity Officer will collaborate with various internal and external stakeholders to assess potential barriers and develop strategies to recruit and retain a diverse workforce. The Diversity Officer will also collaborate with HR to assess the need for, and recommend training initiatives on, cultural competency, gender differences, disability, sexual harassment, and other topics designed to increase awareness and support of equity and inclusion values and maintaining compliance with applicable laws.

Duties and Responsibilities

The primary areas of accountability include compliance, advocacy and education. The incumbent serves as advisor and resource person for management and staff in the areas of diversity, inclusion, equity and intake and investigation of concerns across the Town that pertains to discrimination or harassment.

ESSENTIAL DUTIES AND TASKS:

- Plans, guides and advises Town management on diversity, equity, inclusion and affirmative action matters. Collaborates with management to create, implement and monitor programs designed to ensure fair and equitable treatment employees and citizens.
- Leads the Town in implementing strategic initiatives, including the creation of a culture for equity, diversity, and inclusion. Partners with community leaders, and internal and external constituencies to ensure programing supports the Town's values and strategic goals.
- Provides strategic direction for training initiatives on cultural competency, gender differences, disability, sexual harassment, building a climate of equity and inclusion, and other topics designed to increase awareness and support of equity and inclusion values, and maintaining compliance with applicable laws in collaboration with Town stakeholders.
- Promotes Town's commitment to a climate of equity, diversity, and inclusion through interaction with Executive Staff, supervisory staff, employees, and the community.
- Represents the Town to external community, organizations, and agencies. Collaborates with external and internal constituency groups, including students and protected veterans, to promote and advance diversity, equity, and inclusion.
- Gathers, researches and analyzes data for use in statistical calculations and reporting in order to meet federal and state requirements, including creating workforce analysis reports. Conducts regular Climate Survey, analyzes results, makes recommendations for action.
- Performs other related duties as assigned.

WORK ENVIRONMENT AND PHYSICAL REQUIREMENTS

Work pressure, disturbances of work flow, and/or irregularities in work schedule are frequent and require significant adaptation. The work environment rapidly evolves, requiring continual upgrading of skills. Work is mostly sedentary and confined to an office setting with periodic outside activity for training and intervention. Extended work hours are common. Physical exertion includes standing during training, carrying materials and hand-outs, flip charts and other audio-visual equipment. Early morning, evening and/or weekend work occasionally required.

MINIMUM QUALIFICATIONS

A Bachelor's degree in social justice, post-secondary education, sociology, social anthropology, public administration, human resource management or other related field. Experience performing the duties described above may substitute for the education requirement on a year-for-year basis. Five years of experience advancing diversity, equity, and inclusion in a complex organization.

KNOWLEDGE, SKILLS, ABILITIES

Knowledge of:

- Leadership and managerial principles;
- Advanced theories and principles related to area of assignment;
- Strategy development and management principles and practices;
- Diversity, equity and inclusion best practices
- Program management and development principles;
- Public administration principles and practices;
- 1964 Civil Rights Act, the 1991 Civil Rights Act, the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, Affirmative Action, Equal Employment Opportunity, and other applicable laws;
- Applicable local, state and federal laws, codes, rules, and regulations;
- Public relations principles;
- Conflict resolution and mediation methods.

Skill in:

- Providing strategic leadership;
- Cultural competency;
- Working with diverse cultural and ethnic backgrounds of community, and staff and police officers
- Collaboration and consensus building;
- Managing change and sensitive topics;
- Offering viable solutions for problem solving;
- Analyzing and making sound recommendations on complex management and administrative issues, including identifying alternative solutions, projecting consequences of proposed actions, and making recommendations in support of goals;
- Planning, implementing, improving, and evaluating programs, policies, and procedures;
- Communicating effectively through oral and written mediums;
- Managing multiple priorities simultaneously;
- Utilizing computer technology for communication, data gathering and reporting activities;
- Speaking in public.

Able to:

- Understand, be sensitive to, and respect the diverse socio-economic, ethnic, religious, and cultural backgrounds, disabilities and sexual orientation employees and citizens
- Develop policy and procedures related to program initiatives;
- Effectively communicate both in writing and verbally;
- Maintain a professional demeanor during emotionally charged, difficult, or high-pressure situations;
- Defuse anger and establish or restore harmony.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

Item Details

Presenter(s): Marty Stone – Assistant Town Manager Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan to install a fence of which 330 S.F. will encroach onto the Town's 20' wide Public Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

<u>Item Details</u>

Approve Encroachment Agreement between the Town and property owner Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan (Grantees) for the property described as a residential lot known as Wake County PIN#0732-58-1922, Book of Maps 1996, Page 1568, Lot 234, 1700 Walden Meadow Drive, Apex, NC 27523. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 330 S.F. onto the Town's 20' wide Public Utility Easement.

<u>Attachments</u>

- Encroachment Agreement
- Exhibit A



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

STATE OF NORTH CAROLINA COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2021, by and between Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0732-58-1922** and more particularly described as **Lot 234** of the subdivision known as **Walden Creek SC2 Ph. 2**, which is shown on that certain plat recorded in **Book of Maps 1996, Page 1568**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **1700 Walden Meadow Drive, Apex, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the **"Residential Lot."**

WHEREAS, the Town is the owner of a 20' WD. UTILITY EASEMENT as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Utility Easement."**

WHEREAS, Grantees wish to install certain improvements, more particularly described as a **fence that will encroach 330 S.F. into the Public Utility Easement** which serves the Residential Lot, hereinafter referred to as the "**Encroachment**," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

- Page 67 -

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the abovedescribed Encroachment upon the **Public Utility Easement**.

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

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

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

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

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

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

To Grantees: Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan 1700 Walden Meadow Drive Apex, NC 27523

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

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said Public
 Utility Easement and the Town may terminate this Encroachment Agreement by giving Grantees ninety
 (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Utility Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Utility Easement** without cost, risk or liability to the Town.

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

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as Lot 234 Walden Creek SC2 Phase 2 (1700 Walden Meadow Drive, Apex, NC 27523), or by assumption of said obligations by an incorporated property or condominium owners association for Walden Creek SC2 Phase 2. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In testimony whereof, said Grantees and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES

und Salt Bv: Daniel Gerard O'Sullivan

By: Kyna lyn

STATE OF NORTH CAROLINA COUNTY OF <u>WAKE</u> [county in which acknowledgement taken]

I, do hereby certify that <u>Daniel Gerard O'Sullivan</u>, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this $\frac{29}{29}$ day of $\frac{3}{2000}$, 2021.

UM [Signature of Notary Public]

My Commission Expires: May 5, 2021.

Miguel Campos Umana NOTARY PUBLIC Wake County North Carolina My Commission Expires: May 5, 2021

STATE OF NORTH CAROLINA

COUNTY OF <u>WAKE</u> [county in which acknowledgement taken]

I, do hereby certify that <u>Kyra Lynn O'Sullivan</u>, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this <u>29</u> day of <u>January</u>, 2021.

[Signature of Notary Public]

My Commission Expires: $M_{04}5, 2021$.

Miguel Campos Umana NOTARY PUBLIC Wake County North Carolina My Commission Expires: May 5, 2021

- Page 71 -

TOWN OF APEX

Ralph Clark Interim Town Manager

(Corporate Seal)

ATTEST:

Donna B. Hosch, MMC, NCCMC Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

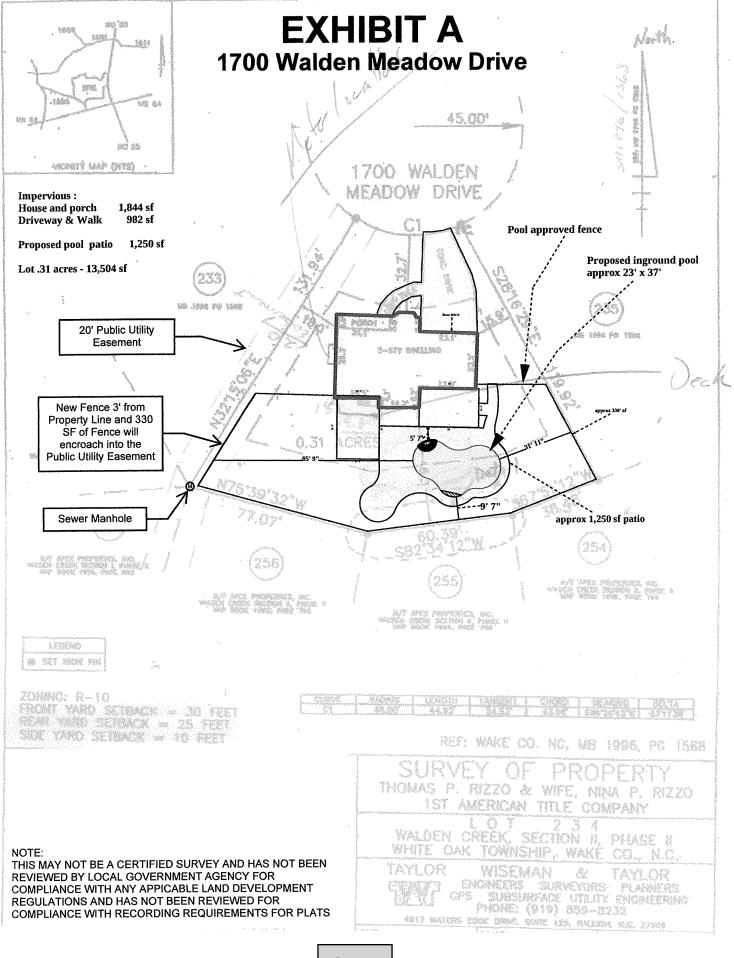
I, ______, a Notary Public of ______ County, North Carolina, certify that <u>Donna B. Hosch</u> personally came before me this day and acknowledged that <u>she</u> is <u>Town Clerk</u> of the <u>Town of Apex</u>, a <u>North Carolina Municipal Corporation</u>, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its <u>Interim Town Manager</u>, sealed with its corporate seal and attested by her as its <u>Town Clerk</u>.

Witness my hand and official stamp or seal, this _____ day of _____, 2021.

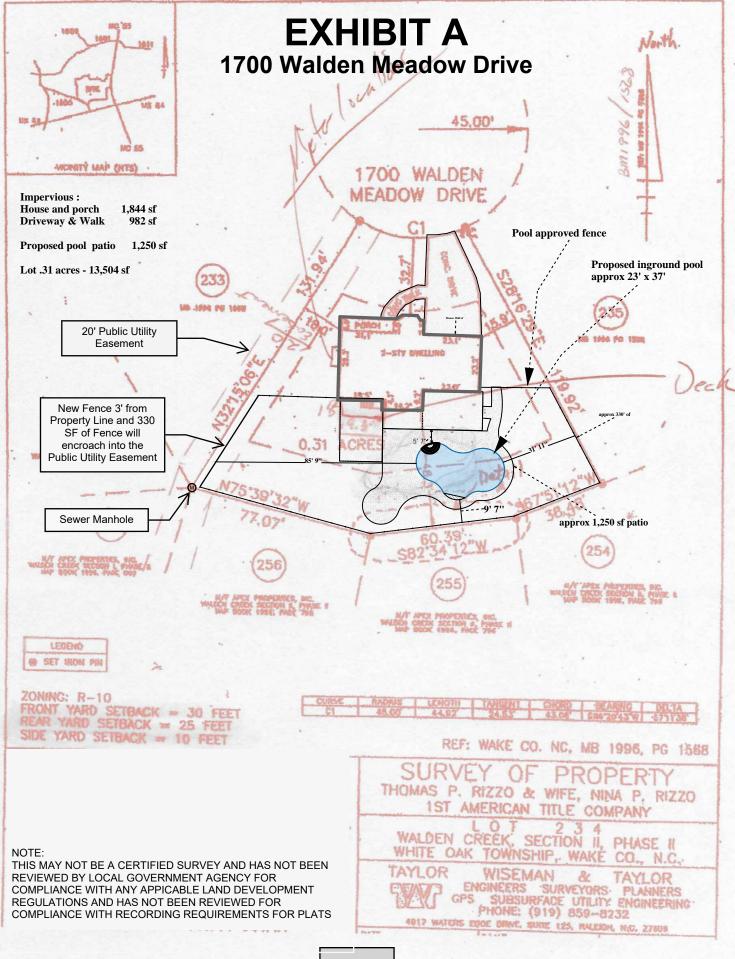
[Signature of Notary Public]

(Seal)

My Commission Expires: _____



- Page 73 -



- Page 74 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

Item Details

Presenter(s): Marty Stone – Assistant Town Manager Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and William David Paxton and wife Vicki Thomas Paxton to install 100 S.F. and 84 S.F of fence and 78 S.F. of stairs that will encroach onto the Town's 30'Sanitary Sewer Easement and authorize the Town Manager to execute the same.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

Approve Encroachment Agreement between the Town and property owner William David Paxton and wife Vicki Thomas Paxton (Grantees) for the property described as a residential lot known as Wake County PIN#0742-81-8403, Book of Maps 1994, Page 518, Lot 116, 1003 Thorncroft Lane, Apex, NC, 27502. Grantees wish to install certain improvements, more particularly described as 100 S.F. and 84 S.F. of fence and 78 S.F. of stairs that will encroach onto the 30'Sanitary Sewer Easement.

<u>Attachments</u>

- Encroachment Agreement
- Exhibit A



After Recording Mail To:

Development Services Town of Apex PO Box 250 Apex, NC 27502

STATE OF NORTH CAROLINA COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of ______, 2021, by and between William David Paxton and wife, Vicki Thomas Paxton, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as PIN #0742-81-8403 and more particularly described as Lot 116 of the subdivision known as Surrey Meadows Phase II - Section Three, which is shown on that certain plat recorded in Book of Maps 1994, Page 518, Wake County Registry (hereinafter the "Subdivision Plat"). The residential lot is also known as 1003 Thorncroft Lane, Apex, NC 27502. The residential lot described in this paragraph is hereinafter referred to as the "Residential Lot."

WHEREAS, the Town is the owner of a 30 Sanitary Sewer Easement as shown on the **Subdivision Plat** hereinafter referred to as the **"Sanitary Sewer Easement."**

WHEREAS, Grantees wishes to install certain improvements, more particularly described as **100** SF and 84 SF of fence and 78 SF of stairs that will encroach into the "Sanitary Sewer Easement" which serves the Residential Lot, hereinafter referred to as the "Encroachment," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the abovedescribed Encroachment upon the **Sanitary Sewer Easement**.

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

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

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

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

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

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

To Grantees: William David Paxton and Wife Vicki Thomas Paxton 1003 Thorncroft Lane Apex, NC 27502

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

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Sanitary Sewer Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at its own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Sanitary Sewer Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Sanitary Sewer Easement** without cost, risk or liability to the Town.

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

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

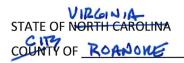
13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as Lot 116 Surrey Meadows Phase II - Section Three (1003 Thorncroft Lane, Apex, NC 27502), or by assumption of said obligations by an incorporated property or condominium owners association for Surrey Meadows Phase II - Section Three. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever by subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In testimony whereof, said Grantees and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES B١ William David Paxton Bv: Vicki Thomas Paxton



[county in which acknowledgement taken]

I, do hereby certify that <u>William David Paxton</u>, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 2120	lay of2021.
[Signature of Notary Public]	S. ON THE
[Signature of Notary Public]	NNO NO
My Commission Expires: <u>06/30/2</u> 023	PUB OIL
*****	**************************************

STATE OF NORTH CAROLINA

COUNTY OF ______ [county in which acknowledgement taken]

I, do hereby certify that <u>Vicki Thomas Paxton</u>, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 26^{t} day of $\sqrt{3}$, 2021.

Showard

[Signature of Notary Public]

My Commission Expires: Lecouser 19th 2024

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

- Page 80 -

TOWN OF APEX

Ralph Clark Interim Town Manager

(Corporate Seal)

ATTEST:

Donna B. Hosch, MMC, NCCMC Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

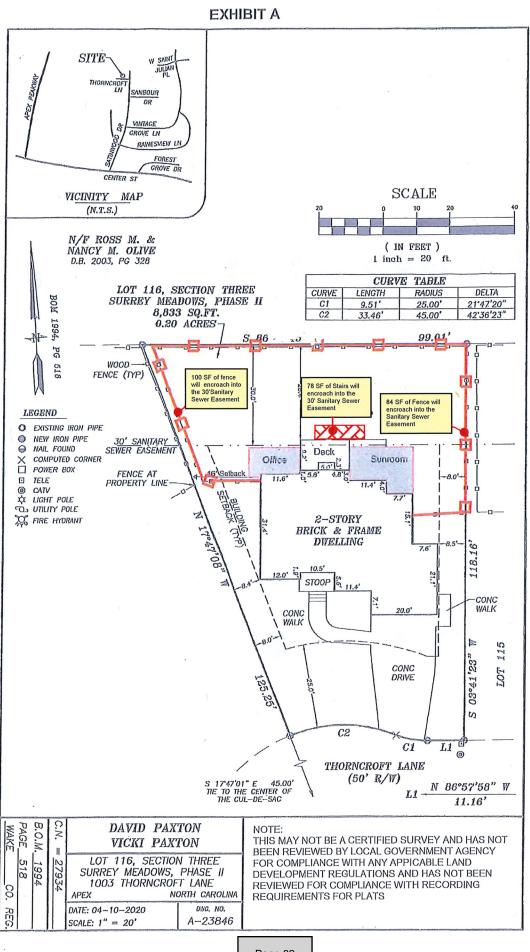
I, ______, a Notary Public of ______ County, North Carolina, certify that <u>Donna B. Hosch</u> personally came before me this day and acknowledged that <u>she</u> is <u>Town Clerk</u> of the <u>Town of Apex</u>, a <u>North Carolina Municipal Corporation</u>, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its <u>Interim Town Manager</u>, sealed with its corporate seal and attested by her as its <u>Town Clerk</u>.

Witness my hand and official stamp or seal, this _____ day of _____, 2021.

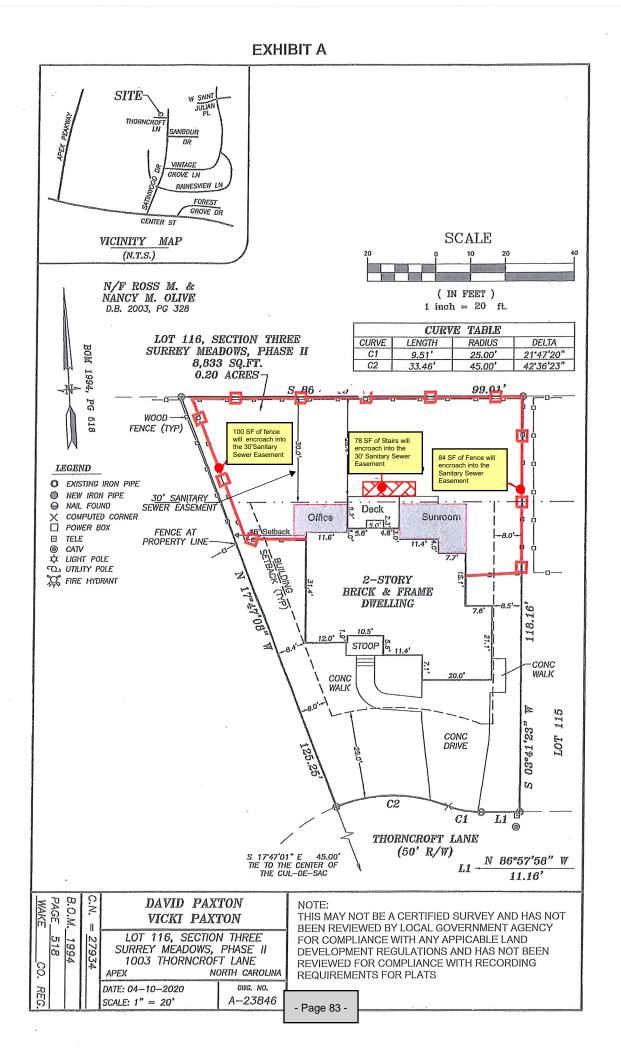
[Signature of Notary Public]

(Seal)

My Commission Expires: _____



- Page 82 -



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

Item Details

Presenter(s): Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director Department(s): Streets and Finance

Requested Motion

Motion to approve Budget Ordinance Amendment No. 12 appropriating funds for the purpose of reimbursing a developer for completion of the Reliance Avenue Extension connecting to the Meridian at Ten Ten Apartment Complex.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

In September 2015 the Town received a fee in lieu of streets of \$83,205.95 from a developer that was not able to construct the Reliance Avenue Extension along their property. Per the Town's UDO Sec. 7.1.7.A. a fee-in-lieu of construction is permitted where due to topographical features or other conditions peculiar to the site it is not possible to construct required improvements. In this instance, the developer did not own the full width of right of way needed to construct Reliance Avenue. Per UDO Sec. 7.5.4.F.4, when the adjacent site plan includes completion of the street, the developer of the adjacent site shall receive the full balance of the fee-in-lieu. The extension of Reliance Avenue has recently been completed by Meridian at Ten Ten, LLC. The transaction will also result in the extension being added to the fixed assets of the Town at a value equal to the fee.

The fee was deposited in the Transportation Capital Reserve Fund. The budget amendment will also appropriate funds to be transferred from the Reserve Fund to the General Fund to make the payment.

<u>Attachments</u>

• Budget Ordinance Amendment No. 12





Town of Apex Budget Ordinance Amendment No. 12

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues:

Transfer form Transportation Capital Reserve		\$83,206	
	Total Revenues	\$83,206	
Section 2.	Expenditures:		
	Streets-Capital Outlay-Improvements	\$83,206	
	Total Expenditures	\$83,206	

TRANSPORTATION CAPITAL RESERVE FUND

Section 3.

	Appropriated Fund Balance	\$83,206
	Total Revenues	\$83,206
Section 4.		
	Transfer to General Fund	\$83,206
	Total Expenditures	\$83,206
Section 3.	Within five (5) days after adoption, copies of this Amendment shall be filed w	vith the

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

Adopted this the 23rd day of February, 2021

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

Item Details

Presenter(s): Keith McGee, Fire Chief Department(s): Fire

Requested Motion

Motion to approve Town Manager to sign an amendment to the Fire Protection Agreement Apex and a Business Associate Agreement that are required for Apex Fire Department to provide assistance at the mass vaccination site hosted by Wake County.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

This addendum provides language that will allow Town of Apex firefighters to serve as vaccine providers at mass vaccination events organized by Wake County. Currently these events are being held at PNC arena on Thursday's and Saturdays. Personnel costs for assisting with this effort are 100% reimbursable by Wake County.

- Business Associate Agreement
- COVID 19 Vaccination Assistance Reimbursement Amendment



BUSINESS ASSOCIATE AGREEMENT

This Agreement is made effective the 12th day of February 2021, by and between WAKE COUNTY, hereinafter referred to as "Covered Entity", and Town of Apex, hereinafter referred to as "Business Associate"; also referred to herein individually as a "Party" and collectively as the "Parties".

WITNESSETH:

WHEREAS, Sections 261 through 264 of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 directs the Department of Health and Human Services to develop standards to protect the security, confidentiality and integrity of health information; and

WHEREAS, Covered Entity is or may be subject to the requirements of 42 U.S.C. Section 1320(d) *et seq* enacted by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and regulations promulgated thereunder at 45 CFR Parts 160 and 164 (the "Privacy Regulations" and "Security Regulations"); and

WHEREAS, Covered Entity and Business Associate are or may be subject to the requirements of Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), codified at 45 CFR Part 160 and Part 164, subparts A and C (the "Security Rule"), subparts A and D (the "Breach Notification Rule"), and subparts A and E (the "Privacy Rule") and Subtitle D of the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH") (collectively the "HIPAA Rules") which expands the scope of privacy and security protections available under HIPAA to Protected Health Information managed via electronic health records; and

WHEREAS, the Parties wish to enter into or have entered into an arrangement whereby Business Associate will provide certain services to Covered Entity ("Services Agreement"), and, pursuant to such Services Agreement, Business Associate is or may be considered a "Business Associate" of Covered Entity as defined in the HIPAA Rules; and

WHEREAS, Business Associate may have or require access to Protected Health Information as defined in the HIPAA Rules in fulfilling its responsibilities under such Services Agreement;

THEREFORE, in consideration of the Parties' continuing obligations under the Services Agreement, compliance with the HIPAA Rules, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to the following provisions in order to address the requirements of the HIPAA Rules and to protect the interests of both Parties.

SECTION I

DEFINITIONS

1.1 Catch-All definition:

The following terms used in this Agreement shall have the same meaning as those terms in the HIPAA Rules: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Protected Health Information, Required By Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

1.2 Specific definitions:

"Business Associate" shall generally have the same meaning as the term "business associate" in 45 CFR §160.103, and in reference to the party to this agreement, shall mean Town of Apex.

"Covered Entity" shall generally have the same meaning as the term "covered entity" at 45 CFR §160.103, and in reference to the party to this agreement, shall mean Wake County.

- Page 87 -

"HIPAA Rules" shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164 and Subtitle D of the Health Information Technology for Economical and Clinical Health Act which is Title XIII of the American Recovery and Reinvestment Act of 2009.

"HITECH or HITECH Standards" means the privacy, security, and security breach notification provisions applicable to a Business Associate under Subtitle D of the Health Information Technology for Economical and Clinical Health Act which is Title XIII of the American Recovery and Reinvestment Act of 2009.

SECTION II

COORDINATION WITH HIPAA RULES

- 2.1 In the event of an inconsistency between the provisions of this Agreement and mandatory provisions of the HIPAA Rules, as amended, the HIPAA Rules in effect at the time shall control. Where provisions of this Agreement are different than those mandated in the HIPAA Rules, but are nonetheless permitted by the HIPAA Rules, the provisions of this Agreement shall control.
- 2.2 The parties agree that, in the event that any documentation of the Services Agreement pursuant to which Business Associate provides services to Covered Entity contains provisions relating to the use or disclosure of Protected Health Information which are more restrictive than the provisions of this Agreement, the provisions of the more restrictive documentation will control. The provisions of this Agreement are intended to establish the minimum requirements regarding Business Associate's use and disclosure of Protected Health Information.

SECTION III

OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE

- 3.1 Business Associate acknowledges and agrees that all Protected Health Information that is created, received, stored or transmitted by the Covered Entity and disclosed or made available in any form, including paper record, oral communication, audio recording, and electronic display by Covered Entity or its operating units to Business Associate or created, received, stored or transmitted by Business Associate on Covered Entity's behalf shall be subject to this Agreement.
- 3.2 Business Associate agrees to not use or further disclose Protected Health Information other than as permitted or required by the Services Agreement or as required by law.
- 3.3 Business Associate agrees to use appropriate safeguards to prevent any use or disclosure of Protected Health Information other than as provided by this Agreement, and to comply with Subpart C of 45 CFR Part 164 and HITECH Standards to prevent use or disclosure of Protected Health Information other than as provided for by this Agreement.
- 3.4 Business Associate agrees to report to Covered Entity any use or disclosure of Protected Health Information not provided for by this Agreement of which it becomes aware, including breaches of Unsecured Protected Health Information as required by at 45 CFR § 164.410, and any Security Incident of which it becomes aware. Business Associate will make this report to the Covered Entity's Privacy Officer and Security Officer within twenty-four (24) hours after discovery. This report will include at least the following information (a) nature of the non-permitted or violating use or disclosure or Security Incident; and (b) the PHI used or disclosed (c) the identification of each individual whose unsecured PHI has been, or is reasonably believed by the Business Associate to have been accessed, acquired, used, or disclosed during the breach (d) any other information requested by Covered Entity that must be included in the notification to the individual pursuant to at 45 CFR § 164.404.

- 3.5 In the event of a potential or actual Breach, Business Associate shall cooperate with the Covered Entity to investigate, perform risk analyses, notify appropriate government, regulatory authorities, media, or individuals as required by law or generate statute and to mitigate any harmful effect that is known to Business Associate and the Covered Entity as a result of a use or disclosure of Protected Health Information by Business Associate in violation of the requirements of this Agreement. The Business Associate shall be responsible for the direct costs of implementing these efforts to the extent that the actual or potential Breach is caused by the willful neglect, material breach or violation of the Agreement by the Business Associate.
- 3.6 In accordance with 45 CFR § 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, Business Associate may disclose protected health information to a downstream business associate that is an agent or subcontractor and may allow the agent or subcontractor to create, receive, maintain, or transmit Protected Health Information on its behalf only if the Business Associate enters and maintains a written agreement with the agent or subcontractor pursuant to which the agent or subcontractor agrees to the same restrictions, conditions, and requirements that apply through this Agreement to Business Associate with respect to such information. This requirement applies to any person or entity who performs functions or activities that involve access to information created, received, maintained, or transmitted by the Business Associate. Nothing in this Section shall be deemed to permit a Business Associate to use an agent or subcontractor not approved by Covered Entity to perform work as may be provided in the Services Agreement.
- 3.7 Business Associate agrees to make available Protected Health Information in a designated record set to the Covered Entity to the extent and in the manner required by 45 CFR § 164.524.
- 3.8 Business Associate agrees to make amendment(s) to Protected Health Information in a designated record set as directed or agreed to by the Covered Entity pursuant to 45 CFR § 164.526; or take other measures as necessary to satisfy Covered Entity's obligations under 45 CFR § 164.526.
- 3.9 Business Associate agrees to maintain and make available the information required to provide an accounting of disclosures to the Covered Entity as necessary to satisfy the Covered Entity's obligations under 45 CFR § 164.528.
- 3.10 Business Associate agrees to make internal practices, books, and records relating to the use and disclosure of Protected Health Information created, received, maintained, or transmitted by Business Associate on behalf of, Covered Entity available to the Covered Entity, or at the request of the Covered Entity to the Secretary of Health and Human Services.
- 3.11 Business Associate agrees to document any disclosures of and make Protected Health Information available for purposes of accounting of disclosures, as required under 45 CFR § 164.528.

SECTION IV

PERMITTED USES AND DISCLOSURES BY BUSINESS ASSOCIATE

- 4.1 Except as otherwise limited in this Agreement, Business Associate may use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, Covered Entity as specified in the Services Agreement, provided that such use or disclosure would not violate the HIPAA Rules and/or HITECH Section 13405(a) if done by Covered Entity.
- 4.2 Business Associate may use or disclose Protected Health Information as required by law.
- 4.3 Business Associate agrees to make and use reasonable efforts to limit disclosures and requests for Protected Health Information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request consistent with 45 CFR § 164.502(b).

- Page 89 -

TERM AND TERMINATION

- 5.1 **Term**. The term of this agreement shall be effective as of the date first written above, and shall terminate upon the last to occur of 1) termination of the Services Agreement 2) when all of the Protected Health Information or Electronic Protected Health Information provided by Covered Entity to Business Associate, or created, received, stored or transmitted by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity; or, if it is infeasible to return or destroy Protected Health Information or Electronic Protected Health Information are extended to such information, in accordance with the termination provisions in this Section.
- 5.2 **Termination for Cause**. Upon Covered Entity's knowledge of a material breach of this Agreement by Business Associate, Covered Entity shall have the right to immediately terminate this Agreement and the Services Agreement.

5.3 **Obligations of Business Associate upon Termination**.

- a. Upon termination of this Agreement for any reason, or upon request of Covered Entity, whichever occurs first, Business Associate shall return or destroy all Protected Health Information received from Covered Entity, or created, received, stored or transmitted by Business Associate on behalf of Covered Entity that the Business Associate still maintains in any form. This provision shall apply to Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate, their subcontractors, or agents shall retain no copies of the Protected Health Information.
- b. In the event that Business Associate determines that returning or destroying the Protected Health Information is infeasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction infeasible. Upon mutual agreement of the Parties that return or destruction of Protected Health Information is infeasible, Business Associate shall extend the protections of this Agreement to such Protected Health Information and limit further uses and disclosures of such Protected Health Information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such Protected Health Information. Business Associate shall return to Covered Entity, or if agreed to by Covered Entity, destroy the Protected Health Information retained by Business Associate, its agents, or subcontractors when the conditions that make return or destruction infeasible no longer exist.

SECTION VI

MISCELLANEOUS

- 6.1 **No Rights in Third Parties.** Except as expressly stated herein or the HIPAA Rules, the Parties to this Agreement do not intend to create any rights in any third parties.
- 6.2 **Survival**. The obligations of Business Associate under this Section shall survive the expiration, termination, or cancellation of this Agreement, the Services Agreement and/or the business relationship of the parties, and shall continue to bind Business Associate, its agents, employees, contractors, successors, and assigns as set forth herein.
- 6.3 **Amendment**. This Agreement may be amended or modified only in a writing signed by the Parties. The Parties agree that this Agreement will be automatically amended to conform to any changes in the HIPAA Rules as is necessary for a Covered Entity to comply with.
- 6.4 **Assignment**. No Party may assign its respective rights and obligations under this Agreement without the prior written consent of the other Party.

- Page 90 -

- 6.5 **Independent Contractor.** None of the provisions of this Agreement are intended to create, nor will they be deemed to create any relationship between the Parties other than that of independent parties contracting with each other solely for the purposes of effecting the provisions of this Agreement and any other agreements between the Parties evidencing their business relationship.
- 6.6 **Governing Law.** This Agreement will be governed by the laws of the State of North Carolina.
- 6.7 **No Waiver.** No change, waiver or discharge of any liability or obligation hereunder on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.
- 6.8 **Interpretation.** Any ambiguity of this Agreement shall be resolved in favor of a meaning that permits Covered Entity to comply with the HIPAA Rules.
- 6.9 **Severability.** In the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the provisions of this Agreement will remain in full force and effect.
- 6.10 **Notice.** Any notification required in this Agreement shall be made in writing to the representative of the other Party who signed this Agreement or the person currently serving in that representative's position with the other Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written above.

BUSINESS ASSOCIATE:	COVERED ENTITY:
TOWN OF APEX	WAKE COUNTY
By:	Ву:
Name: Ralph Clark (Interim Town Manager) Title: Town Manager	Name: David Ellis Title: County Manager
Dated:	Dated:

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

<u>Item Details</u>

Presenter(s):Russell Dalton - Sr Transportation EngineerDepartment(s):Public Works & Transportation

Requested Motion

Motion to approve a reimbursement agreement between the Town and NCDOT for construction of EB-6046, West Chatham St Sidewalk, and authorize the Town Manager to execute the same. Approval Recommended?

Yes

<u>Item Details</u>

Design of water line replacement and sidewalk along West Chatham St is currently in progress with anticipated right of way acquisition and construction in 2021. EB-6046, West Chatham St Sidewalk, has been approved in the NCDOT Locally Administerred Projects Program (LAPP) to recieve federal funds toward reimbursement of construction activities.

The project consists of construction of approximately 860 linear feet of 5-foot concrete sidewalk to complete a gap along West Chatham St between Saunders St and Hunter St, lane widening, curb & gutter, retaining wall, and a pedestrian crossing across the east leg of Hunter St and NC 55.

This agreement provides for reimbursement of up to 40% of eligible construction costs based on an estimate of \$953,000, for a total of up to \$381,200 in reimbursement. NCDOT staff time for review and inspections will reduce the total amount of funding available under the agreement for reimbursement as typical for this type of agreement. However, contingencies were assumed in the project application intended to offset the impact of NCDOT staff time on eligible reimbursement.

<u>Attachments</u>

• NCDOT Agreement ID #9680



NORTH CAROLINA

WAKE COUNTY

LOCALLY ADMINISTERED PROJECT - FEDERAL

DATE: 2/03/2021

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

TOWN OF APEX

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

<u>WITNESSETH:</u>

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and,

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

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$571,800 for the Project; and,

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

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

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

Agreement ID # 9680



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

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

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

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

AGREEMENT MODIFICATIONS

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

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

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

PERSON IN RESPONSIBLE CHARGE

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

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

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

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

COMPLIANCE WITH STATE/FEDERAL POLICY

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

FAILURE TO COMPLY - CONSEQUENCES

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

2. SCOPE OF PROJECT

The Project consists of the construction of approximately 860 linear feet of 5-foot concrete sidewalk to complete a gap along West Chatham Street between Saunders Street and Hunter Street. Construction will also include variable widening (3' - 5') on West Chatham Street to meet minimum standards, installing curb and gutter, and building a retaining wall. The project will also improve the pedestrian crossing at the east leg of Hunter St and NC 55 including the addition of crosswalk, restriping and relocation of stop bar and vehicle detection loops.



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

Construction

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

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

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse forty percent (40%) of eligible expenses incurred by the Municipality up to a maximum amount of Three Hundred Eighty One Thousand Two Hundred Dollars (\$381,200), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total available funding.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbur Ra		Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$381,200	40 %		\$571,800	60 %
Total Available Funding		\$953,000			

WORK PERFORMED BY NCDOT

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

percent (10%) of the total estimated cost, or \$95,300, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

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

4. PERIOD OF PERFORMANCE

The Municipality has three (3) years to complete all work outlined in the Agreement from the date of authorization of Federal Construction funds. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

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

5. PRELIMINARY ENGINEERING AUTHORIZATION

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

6. PROFESSIONAL AND ENGINEERING SERVICES

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

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

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

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

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

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

WORK BY ENTITY

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

Agreement ID # 9680



7. PLANNING / ENVIRONMENTAL DOCUMENTATION

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

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

8. DESIGN

CONTENT OF PLAN PACKAGE

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



9. RIGHT OF WAY / UTILITY AUTHORIZATION

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

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

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

SPONSOR PROVIDES ROW

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

ROW GUIDANCE

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

APPRAISAL

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

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain

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

RELOCATION ASSISTANCE

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

11.UTILITIES

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

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

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



13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

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

ENGINEER'S ESTIMATE

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

14. CONSTRUCTION AUTHORIZATION

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

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

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at

<u>www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm;</u> and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at <u>www.ncleg.net/gascripts/Statutes/Statutes.asp</u>.

CONSTRUCTION CONTRACTOR REQUIREMENTS

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

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx.

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

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for

Agreement ID # 9680

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documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference

<u>www.fhwa.dot.gov/legsregs/directives/cfr23toc.htm</u>. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at <u>www.ncleg.net/gascripts/Statutes/Statutes.asp</u>.

16. CONSTRUCTION

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

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

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

Agreement ID # 9680

SIGNAGE

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

SITE LAYOUT

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

RIGHT TO INSPECT

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

CONTRACTOR COMPLIANCE

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

CHANGE ORDERS

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

SHOP DRAWINGS

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

17. CLOSE-OUT

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

FINAL INSPECTION

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

FINAL PROJECT CERTIFICATION

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

18. MAINTENANCE

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

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (<u>www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm</u>) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in

Agreement	ID	#	9680
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Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

WORK PERFORMED BEFORE NOTIFICATION

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

NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING

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

UNSUBSTANTIATED COSTS

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

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$381,200 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

CONSTRUCTION ADMINISTRATION

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project.

These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

CONSTRUCTION CONTRACT UNIT PRICES

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

RIGHT OF WAY

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

FORCE ACCOUNT

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

PROCEDURE

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

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

INTERNAL APPROVALS

Agreement ID # 9680

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

TIMELY SUBMITTAL OF INVOICES

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

FINAL INVOICE

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

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

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

PROJECT RECORDS

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



21.OTHER PROVISIONS

REFERENCES

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

INDEMNIFICATION OF DEPARTMENT

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

DEBARMENT POLICY

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

TITLE VI - CIVIL RIGHTS ACT OF 1964

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

OTHER AGREEMENTS

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

AVAILABILITY OF FUNDS

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

IMPROPER USE OF FUNDS

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

TERMINATION OF PROJECT

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

AUDITS

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

REIMBURSEMENT BY MUNICIPALITY

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

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated

Agreement ID # 9680

to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

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

AUTHORIZATION TO EXECUTE

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

FACSIMILE SIGNATURES

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

GIFT BAN

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

22. SUNSET PROVISION

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

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

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

TOWN OF APEX

BY:	 	 	 	

TITLE:	

DATE:	

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

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

(FINANCE OFFICER)

Federal Tax Identification Number

Town of Apex

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY:_____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: <u>3-4-2021</u> (Date)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

Item Details

Presenter(s):Michael Deaton, Water Resources DirectorDepartment(s):Water Resources

Requested Motion

Motion to approve revisions to the Policy Regarding Town Participation in Utility Projects. <u>Approval Recommended?</u>

Yes

<u>Item Details</u>

This policy is being revised to simplify the town's current utility reimbursement schedule and to ensure compliance with GS 160A-320. Specifically, the revisions clarify how the Approved Incremental Construction Cost should be determined, increases the allowable reimbursable amount for non-construction costs (Approved Incremental Design Cost), and provides for a tiered reimbursement schedule based on the amount of the Town Share.

<u>Attachments</u>

• Policy Regarding Town Participation in Utility Projects



Policy Regarding Town Participation in Utility Projects

- A developer or property owner is required to install water and sewer facilities sufficient to meet the needs of their development. In order to provide for the orderly and efficient long term growth of the Town's water and sewer infrastructure, the Town of Apex may contract with a developer or property owner ("Developer") for the construction of utility improvements that are adjacent or ancillary to a private land development project and in excess of the needs of the private land development project ("Oversized Improvements"). Facilities shall be sized in accordance with the Town's Water and Wastewater Facilities Plan ("Plan") or as approved by the Director of Water Resources.
- 2. When Oversized Improvements are required by the Plan, the Developer shall be reimbursed for cost associated with the design and construction of improvements that are in addition to those required to serve the needs of the development in accordance with this Policy.
- 3. Developer shall be reimbursed the incremental cost differential for construction of water distribution lines, sanitary sewer collection lines, sewer pump stations, and sewer force mains under the following conditions:
 - a. The Oversized Improvements exceed the needs of the development; and
 - b. The waterline distribution line or sanitary sewer collection line, as applicable, is greater than an 8 inch line; and
 - The Developer complies with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts where the estimated public cost exceeds \$250,000; and
 - d. The Developer administers the construction contract without cost or expense to the Town and file reports of its administration with the Town's Water Resources Director or the Water Resources Director's designee; and
 - e. A Reimbursement Agreement is approved by the Town Council.
- 4. "Approved Incremental Construction Cost" shall be determined as follows: The incremental cost differential for the Oversized Improvements shall be determined by (a) conducting a publicly bid construction contract process showing the minimum required sizing sufficient to meet the needs of the development as the base bid and the Oversized Improvements as an alternate bid or (b) based on a set unit price cost differential using the Town's published costs for determining performance guarantees. In the case of a pump station, certified estimates will be provided by Developer Engineer and Town Engineer to analyze and reach agreement on an "Oversized Improvement Percentage". The Oversized Improvement Percentage would be applied to the publicly bid pricing to determine the Approved Incremental Construction Cost. Any or all of the above methods may be used for a single project or as agreed to in the Reimbursement Agreement. The Approved Incremental Construction Cost shall not include any change orders increasing the costs of the construction unless reviewed and approved by the

Town's Water Resources Director or the Water Resources Director's designee in writing prior to execution of the change order.

- 5. In addition to the Approved Incremental Construction Cost, the Developer may be reimbursed for non-construction costs such as engineering, surveying, and land acquisition in an amount not to exceed 15% of the Approved Incremental Construction Cost; provided however, Developer must comply with the Mini-Brooks Act and any other state law or regulation applicable to procuring those services as if the Town were procuring said services ("Approved Incremental Design Cost"). The aggregate of the Approved Incremental Construction Cost and Approved Incremental Design Cost is the "Town's Share."
- 6. Upon completion of construction of the Oversized Improvements and acceptance of the facilities by the Town, Town's Share shall be reimbursed as follows:
 - a. Developer shall receive a credit against Developer owed Capital Reimbursement Fees ("Fee Credits").
 - b. Upon acceptance of the facilities and annually thereafter, Developer shall receive payments of any remaining Town Share ("Annual Payment") in accordance with the following schedule:
 - Town Share less Fee Credits is less than or equal to \$800,000, Annual Payment shall be paid out over a period of time not to exceed 4 years.
 - Town Share less Fee Credits is between \$800,000 and \$1,200,000, Annual Payment shall be paid out over a period of time not to exceed 6 years.
 - Town Share less Fee Credits is between \$1,200,000 and \$1,600,000, Annual Payment shall be paid out over a period of time not to exceed 8 years.
 - Town Share less Fee Credits is greater than \$1,600,000, Annual Payment shall be paid out over a period of time not to exceed 10 years.

For example, if the Town's share is \$600,000 and the Fee Credits equal \$100,000, the remaining \$500,000 will be spread among 4 equal Annual Payments of \$125,000.

- c. Reimbursement for water system improvements shall only be received from Water Capital Reimbursement Fee funds. Likewise, reimbursement for sewer system improvements shall only be received from Sewer Capital Reimbursement Fee funds.
- d. In no event shall the Fee Credits or the aggregate of the Fee Credits and Annual Payment received by the Developer exceed the amount of the Town's Share.
- 7. The Town's obligation to reimburse Developer under this Policy shall automatically terminate on the 10th anniversary of the acceptance of the completed facilities by the Town or the date on which the Developer has been reimbursed in full the amount of the Town's Share, whichever occurs first.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

<u>Item Details</u>

Presenter(s): Michael Deaton, Water Resources Director Department(s): Water Resources

Requested Motion

Motion to approve a Utility Infrastructure Reimbursement Agreement with MFW Investments, LLC, and to authorize the Town Manager the same for construction of the Middle Creek Regional Pump Station 2 and associated gravity sewer and force main infrastructure.

Approval Recommended?

Yes

<u>Item Details</u>

MFW Investments, LLC, (developer) desires to develop the land known as the Horton Park PUD located in the Middle Creek portion of the Town of Apex (Town). To provide reliable, efficient and cost-effective sewer service that can accommodate future growth, the Town's Master Sewer Plan requires the sanitary sewer system for this area to be designed and constructed as a regional pump station that will convey raw wastewater to the Apex Water Reclamation Facility for treatment. This "regional" pump station will not only fulfill the Horton Park PUD sewer need, but will also provide future gravity sewer service for the entire remaining Middle Creek sewer shed. In return for their oversizing commitment, the developer will be eligible for reimbursement of certain costs in accordance with the Town's duly adopted "Policy Regarding Town Participation in Utility Projects."

Specifically, the developer plans to construct a 3,200 gallon per minute regional pump station, 8,293 linear feet (LF) of force main, and 2,602 LF of gravity sewer. The developer's engineer estimated total construction cost was \$3,800,000. Bids were received on December 10, 2020, with the low bids coming in at approximately \$4,300,000. In accordance with the above referenced Town Policy, it is estimated that Apex will reimburse the developer approximately \$1,980,000.

<u>Attachments</u>

Utility Infrastructure Reimbursement Agreement



WAKE COUNTY

UTILITY INFRASTRUCTURE REIMBURSEMENT AGREEMENT

This Utility Infrastructure Reimbursement Agreement (this "Agreement") is entered into this the _____ day of January, 2021, by and between **MFW Investments, LLC**, a North Carolina limited liability company, its assignees and successors in title and/or interest ("Developer"), and the **Town of Apex**, a municipal corporation under the laws of North Carolina ("Town"). Developer and the Town are collectively referred to as the "Parties".

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)

WITNESSETH:

WHEREAS, Developer owns and/or has contracted to purchase certain unimproved tracts of land in or near the Town of Apex, Wake County, North Carolina containing approximately one hundred and fifty-five acres (i.e., 155.477 acres in the aggregate and being more particularly described in **Exhibit A** attached hereto and hereby incorporated by reference) ("**Properties**"). Developer plans to develop the Properties for residential and nonresidential uses (the development of these Properties is generally known as the "**Horton Park Project**" and the "**Colby Crossing Subdivision**"); and

WHEREAS, the Town's Master Sewer Plan specifies the Properties are to be served by a gravity outfall along Middle Creek to the "Middle Creek Regional Pump Station 2" or "MCRPS2" and its force main to the Apex Water Reclamation Facility.

WHEREAS, the Developers desire to construct water lines, sewer lines, and a certain pump station and force main(s) and all necessary or convenient appurtenances thereto (collectively the "Facilities") in order to connect their Property to certain existing Town sewer infrastructure so that Developers can develop their Property in the manner that Developers desire. The portion of the Facilities described on the Bid Form as "Contract 1" is hereinafter referred to as the "Pump Station" and the portion of the Facilities described on the Bid Form as "Contract 2" is hereinafter referred to as the "Line Work". The Bid Form is identified as Exhibit C attached hereto and incorporated herein by reference; and

WHEREAS, the Developers have agreed to construct the Facilities at a size and/or capacity in excess of that required to serve the Developers' proposed development; and

WHEREAS, the Developer proposes to: (i) design the Facilities, (ii) procure permits and approvals for the construction of the Facilities, including mitigation expenses, (iii) pay the acquisition costs for certain real property for the pump station site and easements for the construction of the Facilities, and (iv) construct sewer lines and the Facilities in general accordance with the Town's Master Sewer Plan; and



WHEREAS, upon completion of the Facilities, (i) Developer proposes to connect the Properties to existing Town utilities in order to develop the Properties in an appropriate and efficient manner, and (ii) Developer desires that the Town accept public dedication of the Facilities and assume their maintenance; and

WHEREAS, pursuant to NCGS § 160A-320, the Town may contract with a developer for construction of public enterprise improvements that are ancillary to the private land development project and reimburse the developer for costs associated with the improvements that are in addition to those required by the Town's development regulations; and

WHEREAS, the Town has a duly adopted "Policy Regarding Town Participation in Utility Projects", dated as of February, ____, 2021, guiding reimbursement of costs incurred by private developers in constructing extensions of public utility infrastructure, as may be subsequently amended or modified (which is hereby incorporated by reference and herein called the "**Policy**"), a copy of which is attached hereto as **Exhibit D**; and,

WHEREAS, Developer proposes to coordinate, finance, and construct the Facilities in accordance with plans agreed upon by the Parties and Developer requests reimbursement of eligible costs under the Policy. The Town agrees to reimburse such eligible costs under the terms provided herein, and Developer has agreed to construct the Facilities with a capacity in excess of that required to serve Developer's proposed development; and

WHEREAS, the Town wishes to optimize the expansion of its utility infrastructure and to maximize the efficiency and cost effectiveness of utility services provided to citizens and residents of the Town by contracting with Developer to construct the Facilities and reimburse Developer for the cost of construction of the Facilities that exceed the needs of the proposed development; and

WHEREAS, pursuant to NCGS § 162A-207, the Town shall credit the value of costs in excess of the developments' proportionate share of connecting facilities required to be oversized for use of others outside the development; and

WHEREAS, the Parties desire to memorialize their agreement for Developer to coordinate, finance, and construct the Facilities and for the Town to reimburse the Developer for certain eligible costs as set forth more particularly herein.

NOW, THEREFORE, in consideration of the agreements, mutual covenants, promises and benefits contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree and covenant as follows:

1. <u>Recitals.</u>

The foregoing recitals shall constitute an integral part of this Agreement, and this Agreement shall be construed in light thereof.

2. <u>Construction of Facilities.</u>

The Developer may, at its own expense, construct the Facilities more particularly described in **Exhibit B**, attached hereto and incorporated herein (the "**Plans**"). If Developer elects to construct the Facilities, Developer shall (i) pay the acquisition cost for the Pump Station site and all easements necessary for the construction of the Facilities, (ii) procure permits and approvals for the construction of the Facilities, including payment for all associated mitigation costs, (iii) design the Facilities, (iv) obtain surveying for design and construction of the Facilities, (v) construct and install the Facilities, all (a) in a good and workmanlike manner, (b) in compliance with this Agreement, Town specifications, and all applicable Federal, State and local laws, statutes, ordinances, rules, regulations, policies and specifications, and (c) in accordance with the approved construction plans described in Exhibit B. Developer represents to the Town and the Town concurs that the Facilities will be designed and constructed to exceed the size and/or capacity required to serve Developer's proposed development; and therefore, the Facilities are subject to reimbursement pursuant to the Policy.

3. <u>Certification, Inspection and Acceptance of Facilities.</u>

Upon completion of the construction of the Facilities, Developer shall provide the Town with written certification and as-built drawings from Developer's designated consulting engineering firm (**"Developer's Engineer"**) that the Facilities are complete, have been constructed and installed in compliance with this Agreement and are within appropriate Town easements or fee simple parcels. The Facilities shall be offered for public dedication to the Town upon completion of construction, and shall be subject to inspection and acceptance by the Town. Upon the Town's inspection and acceptance of the Facilities, Developer shall take any steps necessary to transfer title to and possession of the Facilities to the Town, including but not limited to all steps necessary to acquire and transfer to the Town all easement rights, rights-of-way, and all other rights of use, access, ingress and egress, necessary or desirable for the existence, improvement, use, operation, inspection, maintenance, repair, reconstruction, replacement and/or removal of the Facilities and such improvements, facilities, fixtures, equipment, markers and appurtenances thereto as may be necessary or desirable for the collection of wastewater. Thereafter, the Town shall own the Facilities and have exclusive possession and control of the Facilities.

4. <u>Approved Project Costs.</u>

The "**Approved Actual Project Costs**" means the actual and reasonable cost of constructing the Facilities as certified by the Developer's Engineer, including, but not limited to materials; fees; the contractor's labor, expenses, and profit; permits; mitigation; construction management; and testing and certification related to or necessary for the construction of the

Facilities, as approved by the Town's Water Resources Director (**"Town's Director"**), whose consent shall not be unreasonably withheld, conditioned or delayed. Costs that are not certified by the Developer's Engineer and approved by the Town's Director shall not be included in the Approved Actual Project Costs. The preliminary Approved Actual Project Costs will be determined as agreed upon by the Developer's Engineer and the Town's Director at the time of execution of this Agreement by the Parties based on preliminary estimates of costs. Certification of the Approved Actual Project Costs will be prepared by the Developer's Engineer within 90 days after the completion of the award of the construction contract for the Facilities or the completion of acquisition of all easements and/or properties required for construction of the Facilities, whichever is later, at which time this Agreement will be adjusted by the Parties to reflect the actual amount. Upon completion of the Facilities and acceptance by the Town, the Developer's Engineer shall certify the final Approved Actual Project Costs, accounting for all approved changes, and such amount shall be referred to herein as the "**Final Approved Actual Project Costs**".

The Town shall not participate in or be responsible to pay or reimburse any change order increasing the cost of the Facilities ("**Change Order**") unless agreed to by the Town and approved by the Town's Director in writing prior to execution of the Change Order. All change orders must be signed by the Town's Director. In other words, the costs associated with a Change Order shall be excluded from the Final Approved Actual Project Costs unless the Change Order is pre-approved by the Town's Director, which approval will not be unreasonably withheld, conditioned or delayed. Change Orders that are not acted upon by the Town's Director within ten (10) business days following receipt shall be deemed approved. Upon learning of a proposed Change Order, Developer shall immediately provide the Town with all documentation and information needed for the Town to evaluate the proposed Change Order. In addition, the actual costs incurred by Developer in constructing the Facilities shall reflect any cost savings that reduce the amount the Developer actually pays to construct the Facilities.

5. Credits

A. Developer shall receive a credit equal to fifty-eight and 33/100 percent (58.33%) of the Final Approved Actual Project Costs for construction of the Pump Station as more specifically identified in Exhibit C as "Contract 1", representing the cost difference between cost of construction of a Pump Station sized to meet the needs of the development and the cost of construction of the oversized Pump Station.

B. Additionally, the Developer shall receive credit for the cost difference between the Line Work sized for the development of the Properties versus the oversized Line Work required for the basin at the rates shown in Exhibit C, "Contract 2", for the actual amounts actually constructed. Credits received under this Subparagraphs 5A and 5B are equal to the Approved Incremental Construction Cost as defined in the Policy.

C. In addition to the credits under this Subparagraphs 5A and 5B, Developer shall also receive credit in an amount not to exceed fifteen percent (15%) of the Approved Incremental

Construction Cost (as defined in the Policy) for the costs of acquisition of the Pump Station site and easements necessary for the construction of the Facilities, but not to exceed the actual costs of such acquisitions and non-construction costs such as engineering and surveying; provided however, Developer must comply with the Mini-Brooks Act and any other state law or regulation applicable to procuring those services as if the Town were procuring said services.

6. <u>Reimbursement.</u> Reimbursement shall be payable as follows:

A. Upon completion of the Facilities and acceptance by the Town, the Town shall reimburse Developer for any Sewer Capital Reimbursement Fees previously paid for development of the Properties and shall off-set the amount of Sewer Capital Reimbursement Fees otherwise due to the Town for the development of the Properties, but not yet paid. The Sewer Capital Reimbursement Fees against Phase 1 of the Horton Park Project and the Colby Crossing Subdivision, which together comprise some 261 lots is expected to total \$959,175 (261 lots x \$3,675 fee per lot), the "**Phase One Offset**". If, after the date of this Agreement, Sewer Capital Reimbursement Fees are increased by the Town, Developer shall be entitled to a Phase One Offset based on the amount of the fee actually paid or at the current rate due, but not yet paid.

B. The total Credits due under Paragraph 5 shall be reduced by the Phase One Offset amount to determine the remaining balance ("**Remaining Reimbursable Balance**"). The Developer shall receive the Remaining Reimbursable Balance in six (6) equal amount annual installments ("**Annual Installment**") until paid in full in accordance with the Policy. Should additional phases of the Horton Park Project be developed prior to the full payout of the Remaining Reimbursable Balance, the Sewer Capital Reimbursement Fees associated with such additional development shall likewise be offset against the Remaining Reimbursable Balance. Any Sewer Capital Reimbursement Fees offset against additional development shall reduce the Remaining Reimbursable Balance by the exact amount of the Sewer Capital Reimbursement Fees. The initial Annual Installment payment shall be paid to Developer within sixty (60) days of acceptance of the Facilities by the Town, with subsequent Annual Installment payments on the anniversary of the payment of the initial Annual Installment.

C. No Double Reimbursement.

In no event shall the aggregate of the reimbursement to Developer under subparagraphs 6A and 6B above exceed the total credits due under paragraph 5

7. No Other Credits.

The credits and reimbursements provided in this Agreement shall be the only credits, reimbursements, payments, compensation, or other remuneration to which the Developer shall be entitled to in connection with the Facilities or this Agreement. The credits and

reimbursements provided in this Agreement may not be applied in any manner other than as stated in this Agreement.

8. <u>Developer's Engineer and Town's Director.</u>

The Developer's Engineer is Diehl and Phillips, P.A., and the Town's Director shall be the Town's Water Resources Director or his or her designee.

9. Formal Bidding Requirements.

Developer shall comply with Article 8 of Chapter 143 of the North Carolina General Statutes. Formal bidding is required and Developer shall advertise for and solicit at least three (3) competitive sealed bids for construction of the Facilities, then the bids shall be opened by the Town's Director or his or her designee in the Apex Public Works Administration Building and Developer shall award the contract to construct the Facilities to the lowest responsible bidder. The advertisement shall give prospective bidders at least thirty (30) days' notice prior to the due date of the bids. The Developer shall administer the construction contract without cost or expense to the Town, except as provided for in this Agreement, and the Town may require the Developer to file reports of its administration of the bidding process with the Town's Director.

10. Termination of the Town's Obligation.

The Town's obligation under this Agreement shall automatically terminate on the date of the tenth (10th) anniversary of the acceptance by the Town of the completed Facilities or the date on which the Developer has been reimbursed in full in the amount of the Final Approved Actual Project Costs under this Agreement, whichever occurs first. Thereafter, the Town shall have no further responsibility for any additional or other credits, payments, reimbursements, compensation, or other remuneration to the Developer in connection with this Agreement or the Facilities.

11. Acts Beyond Parties Control.

Neither party to this Agreement shall be in breach or default of any provisions hereof by reason of delay or failure in the discharge of performance of any duty or obligation hereunder due to acts of God, war, government laws or regulations, civil disorder, labor difficulties, inability to obtain materials, or any other such cause beyond the party's reasonable control (each and collectively, "**Force Majeure Delays**"). In the event of Force Majeure Delays, all time periods and time deadlines in this Agreement shall be extended automatically for the period of such force majeure delay.

12. <u>Termination for Failure to Complete.</u>

If Developer does not complete construction of the Facilities on or before the fifth (5th) anniversary of the full execution of this Agreement, absent Force Majeure Delays, the Town may terminate this Agreement, provide Capital Reimbursement Fee Credits as provided herein

as an offset against the Approved Incremental Actual Project Costs incurred, and have no further obligations to Developer.

13. Non Waiver of Breaches.

The waiver by either Party of any breach or violation of any term or provision of this Agreement by any other party hereto shall not operate as a waiver of any other breach or violation.

14. Agreement Does Not Create Agency.

Nothing in this Agreement shall constitute the appointment of Developer as an agent, employee or legal representative of the Town or form any fiduciary relationship of any kind, for any purpose; nor shall Developer make any representations to that effect. Developer shall have no authority to bind or commit the Town in any manner, but shall act and conduct himself in all respects on his own behalf. This Agreement creates no relationship of agency, joint venturers, partners, or associates between the Parties, and the Parties agree that they are each acting as principals.

15. Benefit, Binding Effect, and Assignment.

The rights, duties and obligations of the Parties under this Agreement shall be to the benefit of and binding upon the Parties and their respective permitted successors and permitted assigns. Neither this Agreement nor the respective rights, duties, obligations and responsibilities of the Developer under this Agreement may be assigned or transferred, in whole or in part, including without limitation by operation of law, by the Developer to any other person, firm or organization (including sub-agents thereof) without the prior written consent of the Town, which shall not be unreasonably withheld, conditioned or delayed. A request from Developer for any such assignment or transfer that is not acted upon by the Town within ten (10) business days after it is received by the Town shall be deemed approved. Notwithstanding the foregoing, the Town hereby agrees that Developer may assign at any time, without any further written consent from the Town, all of Developer's rights, duties, obligations and responsibilities under this Agreement to D.R. Horton -Terramor, LLC, a Delaware limited liability company, or to any wholly or partially owned subsidiary of D.R. Horton, Inc., a Delaware corporation, including without limitation Forestar (USA) Real Estate Group, Inc., a Delaware corporation.

16. Counterparts, Changes, and Complete Agreement.

This Agreement may be executed in counterparts to provide each party with a fully executed original. Except as otherwise provided herein, this Agreement may not be changed, modified or amended, except by an agreement in writing signed by all Parties. This Agreement, together with the attachments hereto, reflects the complete understanding of the Parties and constitutes their entire agreement with respect to the subject matter hereof, superseding all prior negotiations, communications, representations, promises, understandings, statements, contracts or agreements, oral or written, with respect to the subject matter hereof. No subsequent



modification to the Policy shall adversely affect Developer's rights and obligations pursuant to this Agreement.

17. Governing Law.

This Agreement shall be governed by, construed and interpreted in accordance with the laws of the State of North Carolina excluding only its choice of laws provisions.

18. E-Verify.

Developer shall comply with and shall require that all of its contractors and subcontracts comply with the requirements for verification of work authorization set forth in Chapter 64, Article 2 of the North Carolina General Statutes (Employer E-Verify). The Town shall comply with the municipality verification of work authorization set forth in N.C.G.S. § 160A-169.1 (Municipality E-Verify).

19. Notices.

All notices, requests, demands and other communications made under this Agreement shall be in writing and shall be deemed duly given if delivered by hand or sent by registered or certified mail, postage prepaid, return receipt requested, or by reputable overnight courier service, charges prepaid, to the respective addressees set forth below or to other such addressees as any Party may specify by notice to the others in accordance with this paragraph. The Parties shall endeavor to send copies of the above to each of the addressees via email to the address provided below, but the failure to do so will not render a communication ineffective.

If to the Town, to:

Assistant Town Manager Attention: Marty Stone 73 Hunter Street Post Office Box 250 Apex, North Carolina 27502 Email: marty.stone@apexnc.org

- And to:Water Resources DirectorAttention: Michael Deaton73 Hunter StreetPost Office Box 250Apex, North Carolina 27502Email: michael.deaton@apexnc.org
- And to: Apex Town Attorney Attention: Laurie Hohe



73 Hunter Street Post Office Box 250 Apex, North Carolina 27502 Email: laurie.hohe@apexnc.org

If to Developer, to:

MFW Investments, LLC Attention: Michael Whitehead 2702 Emerald Drive Emerald Isle, North Carolina 28594 Email: <u>mwhitehead@macgregordev.com</u>

With a copy to: Developer's Legal Counsel: Barringer Sasser, LLP Attention: Brent D. Barringer 111 Commonwealth Court Post Office Box 5566 Cary, North Carolina 27512-5566 Email: brent@barsaslaw.com

Except as otherwise provided, notices shall be effective when received, as evidenced by the acknowledgment of delivery issued with respect thereto by the postal authorities or the signed receipt of the Party to whom such notice is addressed. Rejection or other refusal to accept shall be deemed to be receipt of the notice sent.

SIGNATURES TO FOLLOW

DEVELOPER:

MFW Investments, LLC a North Carolina limited liability company

By: _

Michael F. Whitehead, Duly Authorized Member/Manager

State of North Carolina - County of Wake

I, a Notary Public of Wake County, North Carolina, hereby certify that Michael F. Whitehead, known to me or proved on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged that he is a Member/Manager of MFW Investments, LLC, a North Carolina limited liability company, and further acknowledged the due and voluntary execution of the foregoing instrument on behalf of the said limited liability company for the purposes stated therein.

Witness my hand and Notarial stamp or seal this _____ day of _____, 2021.

NOTARY SEAL OR STAMP

Signature of Notary Public

Notary's Printed or Typed Name

My Commission Expires:

TOWN:

Town of Apex, a North Carolina municipal corporation

Ralph Clark, Interim Town Manager

ATTEST:

Donna Hosch, Town Clerk

State of North Carolina - County of Wake

I, a Notary Public of Wake County, North Carolina, hereby certify that ______, known to me or proved on the basis of satisfactory evidence to be the persons described, personally appeared before me this day and acknowledged that he is the ______ of the Town of Apex, a North Carolina municipal corporation, and further acknowledged the due and voluntary execution of the foregoing instrument on behalf of the said limited liability company for the purposes stated therein.

Witness my hand and Notarial stamp or seal this _____ day of _____, 2021.

NOTARY SEAL OR STAMP

Signature of Notary Public

Notary's Printed or Typed Name

My Commission Expires: _____



EXHIBIT A

[SITE PLAN / RELATED PARCELS]

EXHIBIT B

[APPROVED CONSTRUCTION DRAWINGS]

EXHIBIT C

[INSERT BID FORM]

LOWEST BID FOR PUMP STATION WAS 2,043,847

LOWEST BID FOR LINE WORK WAS 2.25m

WE NEED TO EXTEND THE 90-DAY POST BID PERIOD



EXHIBIT D

Policy Regarding Town Participation in Utility Projects

1. A developer or property owner is required to install water and sewer facilities sufficient to meet the needs of their development. In order to provide for the orderly and efficient long term growth of the Town's water and sewer infrastructure, the Town of Apex may contract with a developer or property owner ("Developer") for the construction of utility improvements that are adjacent or ancillary to a private land development project and in excess of the needs of the private land development project ("Oversized Improvements"). Facilities shall be sized in accordance with the Town's Water and Wastewater Facilities Plan ("Plan") or as approved by the Director of Water Resources.

2. When Oversized Improvements are required by the Plan, the Developer shall be reimbursed for cost associated with the design and construction of improvements that are in addition to those required to serve the needs of the development in accordance with this Policy.

3. Developer shall be reimbursed the incremental cost differential for construction of water distribution lines, sanitary sewer collection lines, sewer pump stations, and sewer force mains under the following conditions:

- a. The Oversized Improvements exceed the needs of the development; and
- b. The waterline distribution line or sanitary sewer collection line, as applicable, is greater than an 8 inch line; and
- c. The Developer complies with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts where the estimated public cost exceeds \$250,000; and
- d. The Developer administers the construction contract without cost or expense to the Town and file reports of its administration with the Town's Water Resources Director or the Water Resources Director's designee; and
- e. A Reimbursement Agreement is approved by the Town Council.

4. "Approved Incremental Construction Cost" shall be determined as follows: The incremental cost differential for the Oversized Improvements shall be determined by (a) conducting a publicly bid construction contract process showing the minimum required sizing sufficient to meet the needs of the development as the base bid and the Oversized Improvements as an alternate bid or (b) based on a set unit price cost differential using the Town's published costs for determining performance guarantees. In the case of a pump station, certified estimates will be provided by Developer Engineer and Town Engineer to analyze and reach agreement on an "Oversized Improvement Percentage". The Oversized Improvement Percentage would be applied to the publicly bid pricing to determine the Approved Incremental Construction Cost. Any or all of the above methods may be used for a single project or as agreed to in the Reimbursement Agreement. The Approved Incremental Construction Cost shall not include any change orders increasing the costs of the construction unless reviewed and approved by the Town's Water Resources Director or the Water Resources Director's designee in writing prior to execution of the change order.



5. In addition to the Approved Incremental Construction Cost, the Developer may be reimbursed for non-construction costs such as engineering, surveying, and land acquisition in an amount not to exceed 15% of the Approved Incremental Construction Cost; provided however, Developer must comply with the Mini-Brooks Act and any other state law or regulation applicable to procuring those services as if the Town were procuring said services ("Approved Incremental Design Cost"). The aggregate of the Approved Incremental Construction Cost and Approved Incremental Design Cost is the "Town's Share."

6. Upon completion of construction of the Oversized Improvements and acceptance of the facilities by the Town, Town's Share shall be reimbursed as follows:

- a. Developer shall receive a credit against Developer owed Capital Reimbursement Fees ("Fee Credits").
- b. Upon acceptance of the facilities and annually thereafter, Developer shall receive payments of any remaining Town Share ("Annual Payment") in accordance with the following schedule:
 - Town Share less Fee Credits is less than or equal to \$800,000, Annual Payment shall be paid out over a period of time not to exceed 4 years.
 - Town Share less Fee Credits is between \$800,000 and \$1,200,000, Annual Payment shall be paid out over a period of time not to exceed 6 years.
 - Town Share less Fee Credits is between \$1,200,000 and \$1,600,000, Annual Payment shall be paid out over a period of time not to exceed 8 years.
 - Town Share less Fee Credits is greater than \$1,600,000, Annual Payment shall be paid out over a period of time not to exceed 10 years.

For example, if the Town's share is \$600,000 and the Fee Credits equal \$100,000, the remaining \$500,000 will be spread among 4 equal Annual Payments of \$125,000.

- c. Reimbursement for water system improvements shall only be received from Water Capital Reimbursement Fee funds. Likewise, reimbursement for sewer system improvements shall only be received from Sewer Capital Reimbursement Fee funds.
- d. In no event shall the Fee Credits or the aggregate of the Fee Credits and Annual Payment received by the Developer exceed the amount of the Town's Share.

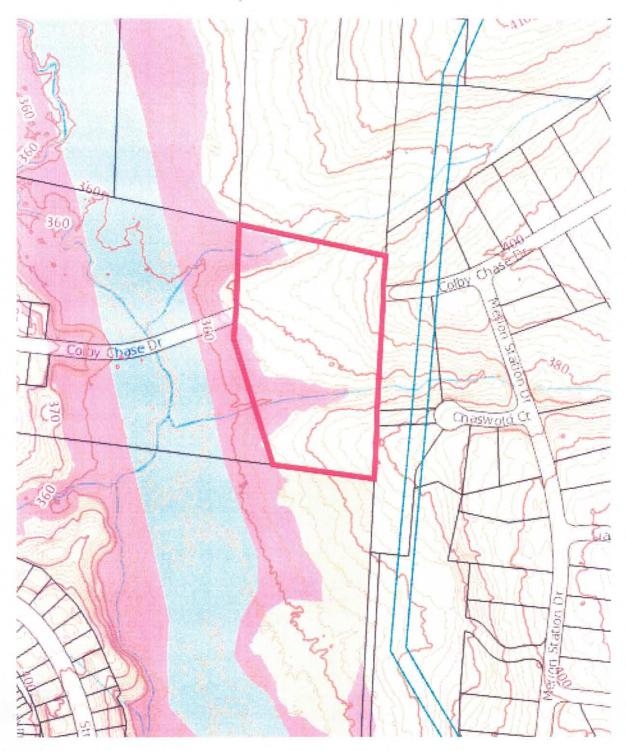
7. The Town's obligation to reimburse Developer under this Policy shall automatically terminate on the 10th anniversary of the acceptance of the completed facilities by the Town or the date on which the Developer has been reimbursed in full the amount of the Town's Share, whichever occurs first.



Colby Chase Subdivision

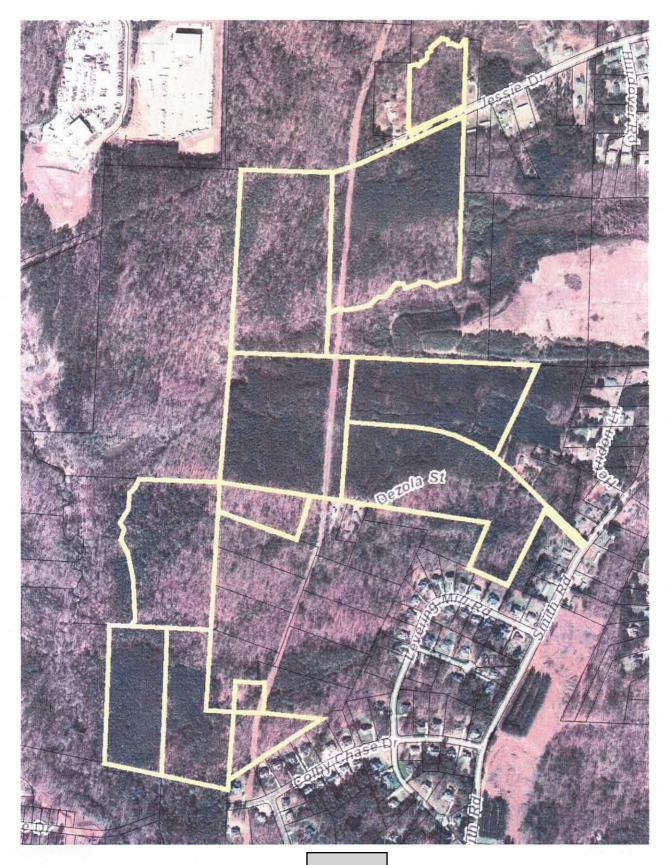
BEING all of Tract D containing 7.578 acres as shown on a Recombination Survey for C.O. Heavner Heirs and Joseph Ira Lee, Et. Ux. Prepared by Smith and Smith Surveyors dated December 5, 2005 and recorded in Book of Maps 2006, Page 172, Wake County Registry.

Wake County REID# 0332044; PIN 0750-26-4926



- Page 135 -

Horton Park PD



Project Identification and Legal Description

Horton Park PUD Apex, White Oak Township Wake County, North Carolina Revised March 1, 2018

Horton Park property with the following Wake County Property Identification Numbers (PINs): 0751-42-1387, 0751-31-9308, 0751-31-0079, 0750-39-0993, 0750-49-2436, 0750-29-9342, 0750-29-2070, 0750-27-4707, 0750-27-8677, 0751-40-0194, 0750-27-0906, and 0750-27-8925 Located in the Town of 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);

- Page 138 -

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); 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

MIDDLE CREEK REGIONAL PUMP STATION, FORCE MAIN, & INTERCEPTOR CERTIFICATION STATEMENTS: PUBLIC WORKS TRANSPORTATION TOWN OF APEX CERTIFICATION This drawing has been reviewed by the Town of Apex, and to th best of my knowledge and belief, provides an acceptable transportation system with consideration for the elements contained within the Transportation Plan conforming to the requirements established in the Standard Specifications of the from any requirements contained in any federal, state, or local Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state or local code, law, specification, rule or ordinance. The MFW INVESTMENTS, LLC developer/enaineer/contractor is solely responsible for meeting USSellA Dan Date: 3 25 10 Ale Twee Date: ELECTRIC TOWN OF APEX CERTIFICATION WATER RESOURCES SOIL EROSION & SEDIMENTATION CONTROL TOWN OF APEX CERTIFICATION This drawing has been reviewed by the Town of Apex, and to the APEX, NORTH CAROLINA best of my knowledge and belief, conforms to the requirement established in the Soil Erosion and Sedimentation Control Ordinance of the Town of Apex. However, this signature does no constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance The developer/ engineer/contractor is solely responsible fo NOTE TO CONTRACTORS By: Kon Sure Date: 3/11/19 meeting all applicable requirements

BUILDING INSPECTION TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Building Inspection Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Code of Ordinances and the North Carolina State Building Codes. However, this signature does not constitute a variance

code, law, specification, rule or ordinance. The developer/engineer contractor is solely responsible for meeting all applicable

This drawing has been reviewed by the Town of Apex Electric Utilities Department, and to the best of my knowledge and belief conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

FIRE DEPARTMENT TOWN OF APEX CERTIFICATION This drawing has been reviewed by the Town of Apex Fire Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Standard Specifications, Fire Protection Ordinances, and the North Carolina International Fire Code. However, this signature does not constitute a variance from any requirements contained w federal state or local code, law, specification, rule or ordinance. The developer/ engineer/contractor is solely responsible for meeting all applicable requirements. By plugerich Date: 3/0/19

PARKS, RECREATION, AND CULTURAL RESOURCES TOWN OF APEX CERTIFICATION

These plans have reviewed by the Town of Apex, and to the best of my knowledge and belief, conform to representations made by the developer to myself and the Parks, Recreation, and Cultural Resource Advisory Commission consistent with the projects requirements for public Parks and Recreation, either in total or in part, as outlined in Section 7.3 of the Town's Unified Development Ordinance and Article IV, Section 19 of the Town Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable real lirements

Ulbate: 3.11.19

PLANNING/ZONING TOWN OF APEX CERTIFICATION

This construction drawing has been reviewed by the Town of Apex Planning Department, and to the best of my knowledge and belief, conforms to the Subdivision or Site Plan that was approved by the Town of Apex Board of Commissioners, and meets the Town of Apex Zoning, Subdivision, or Unified Development Ordinance. This signature does not constitute of variance from any requirements of the originally approved Subdivision or Site Plan cited above, or any federal, state, or loca code, law, specification, rule, guideline, or ordinance. It is the sole responsibility of the owner/developer, or any of his agents of contract professionals to ensure that this construction plan meets

all the aforementioned requirements. By AMM Date: 3/19/19

DETAILS

MSP8

	INDEX OF DRAWINGS
MSP1	EXISTING CONDITIONS
MSP2	SITE LAYOUT PLAN
MSP3	STAGING & DEMOLITION PLAN
MSP4	GRADING PLAN
MSP5	UTILITY PLAN
MSP6	LANDSCAPE PLAN
MSP7	LIGHTING PLAN
NA	ELEVATIONS

THIS SIGNATURE DOES NOT CONSTITUTE PLAN APPROVAL, ONLY PLAN REQUIREMENTS. A SEPARATE LÉTTER OF PLAN APPROVAL WILL BE MAILED TO THE FINANCIALLY RESPONSIBLE PERSON AT A LATER DATE ACCORDING TO THE CONSTRUCTION SEQUENCE.

By: 11 dan tot Date: 3-22-19 WATER RESOURCES STORMWATER ENGINEERING TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Public Water Resources Stormwater & Utility Engine the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements. This signature serves as the stormwater permit for this project.

_Date: 3 8 19 WATER RESOURCES UTILITY ENGINEERING

TOWN OF APEX CERTIFICATION This drawing has been reviewed by the Town of Apex Water Resources Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The

developer/engineer/contractor is solely responsible for meeting all applicable requirements Date: 3-15-19

PROJECT DATA PROJECT NAME

MIDDLE CREEK BASIN REGIONAL PUMP STATION 3356 COLBY CHASE DR. PIN: 0750.01-17-6279 & 0750.01-26-4926

PREPARER

DIEHL & PHILLIPS, P.A. 1500 PINEY PLAINS RD., SUITE 200, CARY, NC 27518 PHONE: 919-467-9972 FAX: 919-467-5327 EMAIL: JFPHILLIPS@BELLSOUTH.NET

OWNER

MFW INVESTMENTS, LLC 114 BIRKLANDS DRIVE, CARY, NC 27518 PHONE: 919-801-3905 EMAIL: MWHITEHEAD@MACGREGORDEV.COM

CONTRACT PURCHASER - NA ZONING OF PROPERTY - PUD & MEDIUM DENSITY RESIDENTIAL (MINOR UTILITY IS A PERMITTED USE) CURRENT 2030 LAND USE MAP DESIGNATION - HIGH DENSITY & MEDIUM HIGH DENSITY RESIDENTIAL PROPOSED 2030 LAND USE MAP DESIGNATION - HIGH DENSITY & MEDIUM HIGH DENSITY RESIDENTIAL PUBLIC RECREATION - A FUTURE PUBLIC GREENWAY TRAIL IS PLANNED TO FOLLOW THE UTILITY EASEMENTS CREATED BY THIS PROJECT. UDO SUPPLEMENTAL STANDARD 4.4.3 UTILITIES, PARAGRAPH "G. UTILITIES, MINOR" APPLIES TO THIS PROJECT. UTILITY LINE EASEMENT AREA = 8.00 AC. UTILITY LINE EASEMENT BUILT UPON AREA = 0.00 AC. PUMP STATION EASEMENT AREA = 0.76 AC. PUMP STATION EASEMENT BUILT UPON AREA = 0.28 AC.

WATERSHED PROTECTION OVERLAY DISTRICTS" SITE CONTAINS A FEMA DESIGNATED 100 YEAR FLOODPLAIN SITE DOES NOT CONTAIN ANY HISTORIC STRUCTURES

PER TOA UDO 6.1.3A) DEVELOPMENT THAT CUMULATIVELY DISTURBS < 1 AC. IS EXEMPT FROM THE REQUIREMENTS OF UDO SECTION 6.1

SITE IS LOCATED IN THE SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT

DIEHL & PHILLIPS, P.A.

CONSULTING ENGINEERS - LIC. NO. C-0465 1500 PINEY PLAINS RD., SUITE 200 CARY, N.C. 27518 • (919) 467-9972

177 SANITARY SEWER 24' (LF) FORCEMAIN 16" (LF) 8,445 Curb & Gutter (LF) 0 Storm Drain (Public) (LF) 0 0 Sidewalk/Greenways (LF) Street (Public) (LF) 0

PUBLIC INFRASTRUCTURE TABLE

0

123

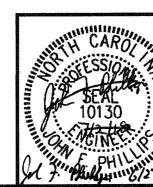
2,439

WATER LINE (LF)

SANITARY SEWER 8" (LF)

SANITARY SEWER 18" (LF)

Issued for Bid Onl



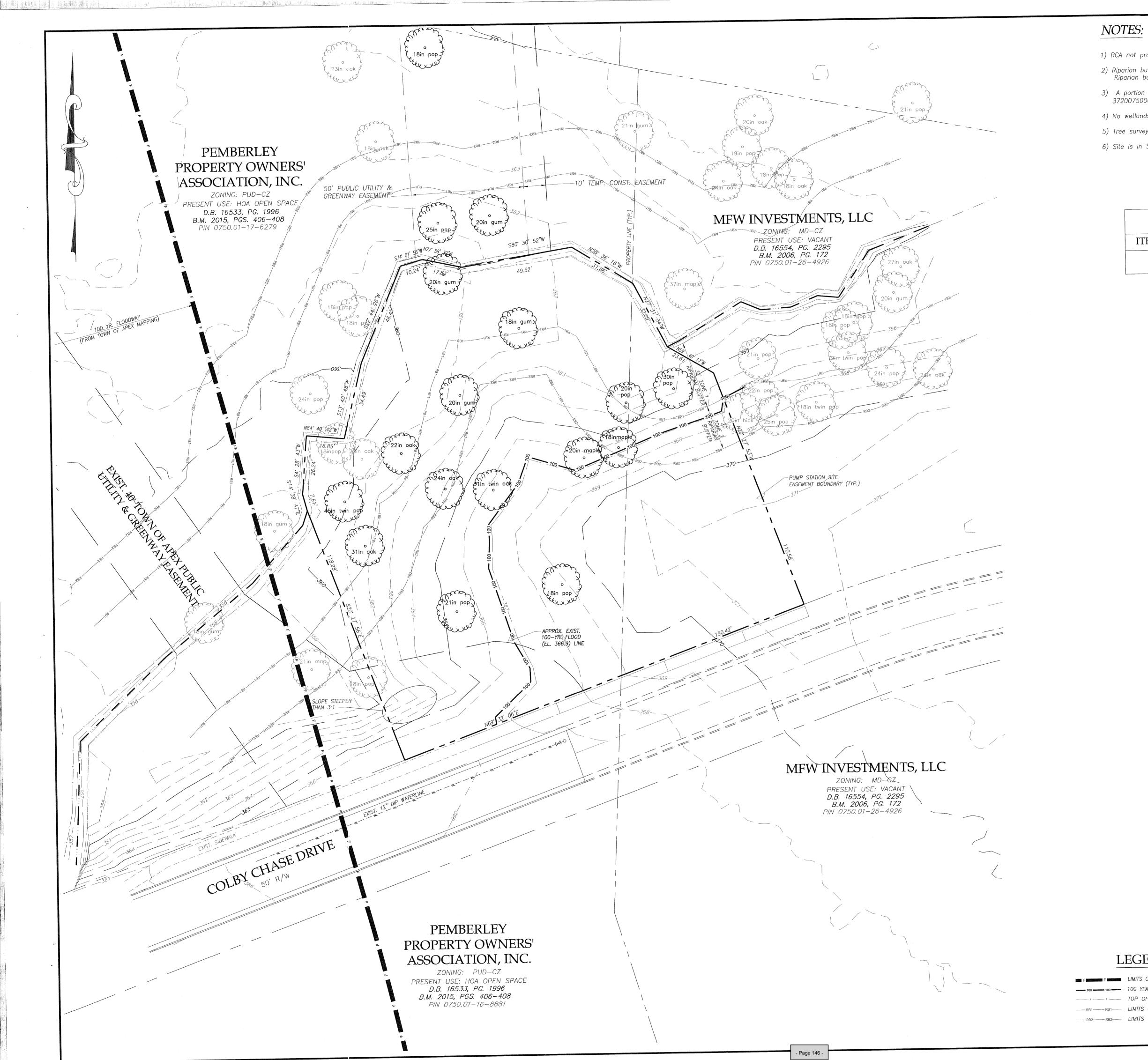
THIS PROJECT REQUIRED A MINOR SITE PLAN APPROVAL FROM THE TOWN OF APEX, IN ADDITION TO THE TOWN'S APPROVAL OF THE CONSTRUCTION PLANS AND SPECIFICATIONS. YOU WILL BE REQUIRED TO COMPLY WITH ALL CONDITIONS AND REQUIREMENTS, AND TO PROVIDE ALL EQUIPMENT AND CONSTRUCTION, AS SHOWN ON BOTH THE APPROVED MINOR SITE PLANS (DRAWINGS MSP1 THROUGH MSP8) AND THE APPROVED CONSTRUCTION PLANS (DRAWINGS 1 THROUGH 33). YOU WILL ALSO BE REQUIRED TO COMPLY WITH THE APPROVED PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

CHECKLIST EXCLUSIONS

ITEM No. | REASON FOR EXCLUSION PUBLIC RECREATION AREA IS NOT REQUIRED FOR A MINOR UTILITY THERE ARE NO VARIANCES RCA NOT APPLICABLE TO A PUBLIC WORKS ONLY PROJECT 6(q)(r)(s)

	PROJECT SITE

Innin	VICINITY MAP
119	



出现,我们就是我们的问题,我们就能够能够。""我们就是我们的问题。"

~

1) RCA not provided for this Public Works only project.

2) Riparian buffers on perennial streams are measured 100 feet from the top of the bank on both sides of the stream. Riparian buffers on intermittent streams are measured 50 feet from the top of the bank on both sides of the stream. 3) A portion of the site has 100—year Floodplain, but not 100—year Floodway. Floodplain determined by FEMA study (Map 3720075000J), revised by Withers & Ravenel letter of map revision. JLB HECKED

JFP

1" = 20'

MCBPS-MinorSP

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IK REC MAIN,

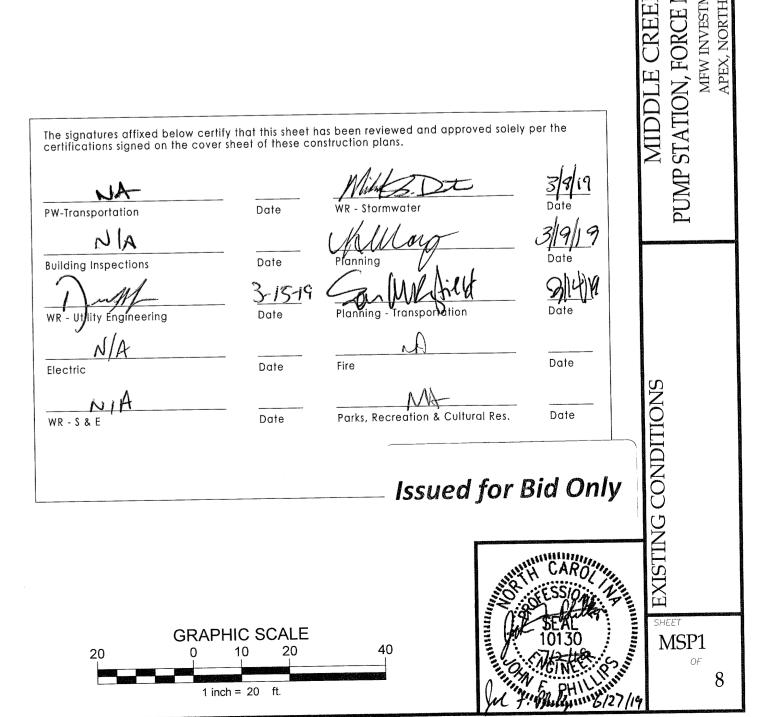
4) No wetlands on Pump Station site (by Soil Scientist, confirmed by USACOE).

5) Tree survey provided by Mauldin—Watkins Surveying, P.A.

6) Site is in Secondary Watershed Protection Overlay District.

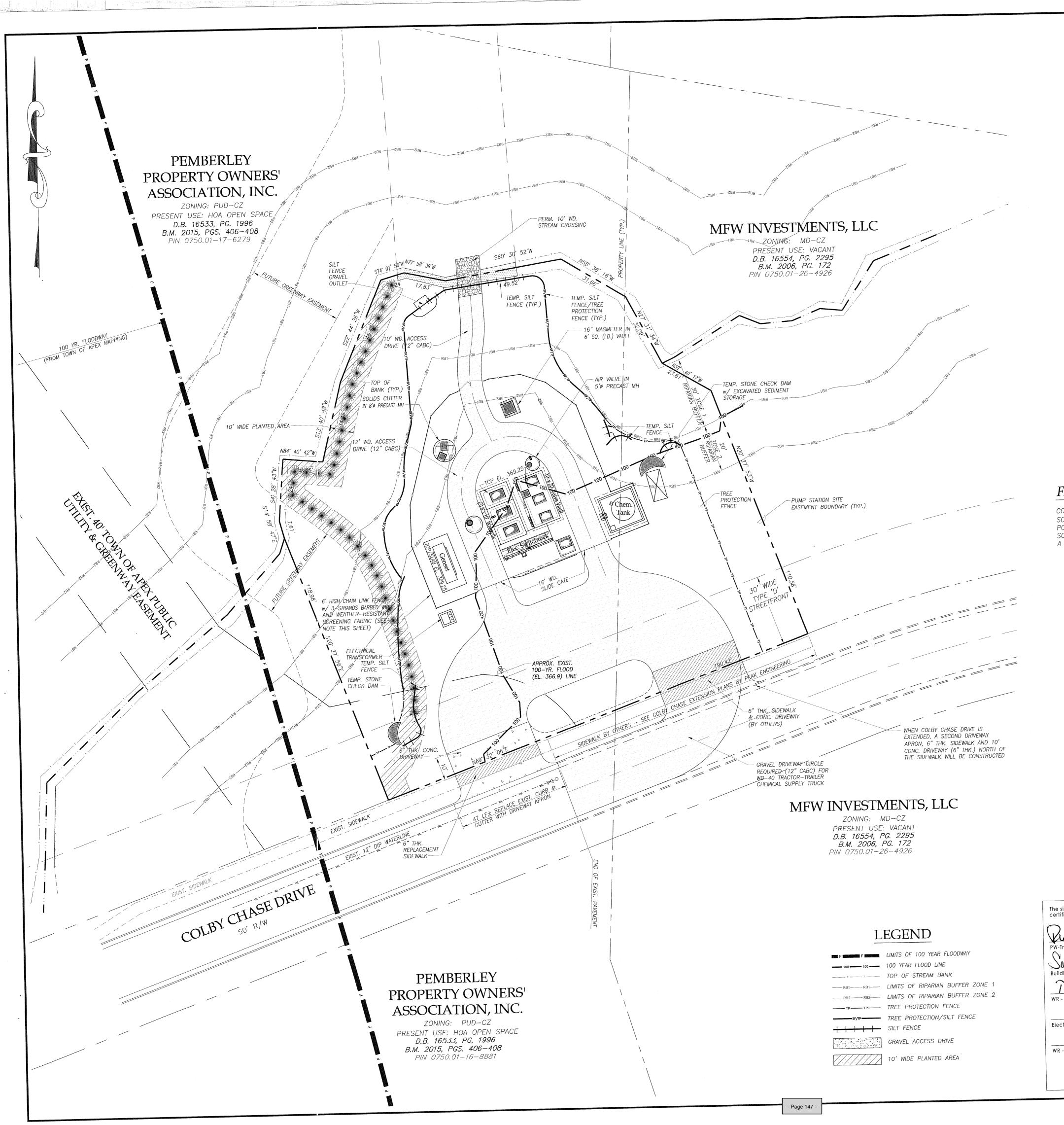
CHECKLIST EXCLUSIONS

ITEM No.	REASON FOR EXCLUSION
5 7	RCA NOT PROVIDED – PUBLIC WORKS ONLY PROJECT NO WETLANDS PRESENT ON SITE
	ITEM No. 5 7



LEGEND

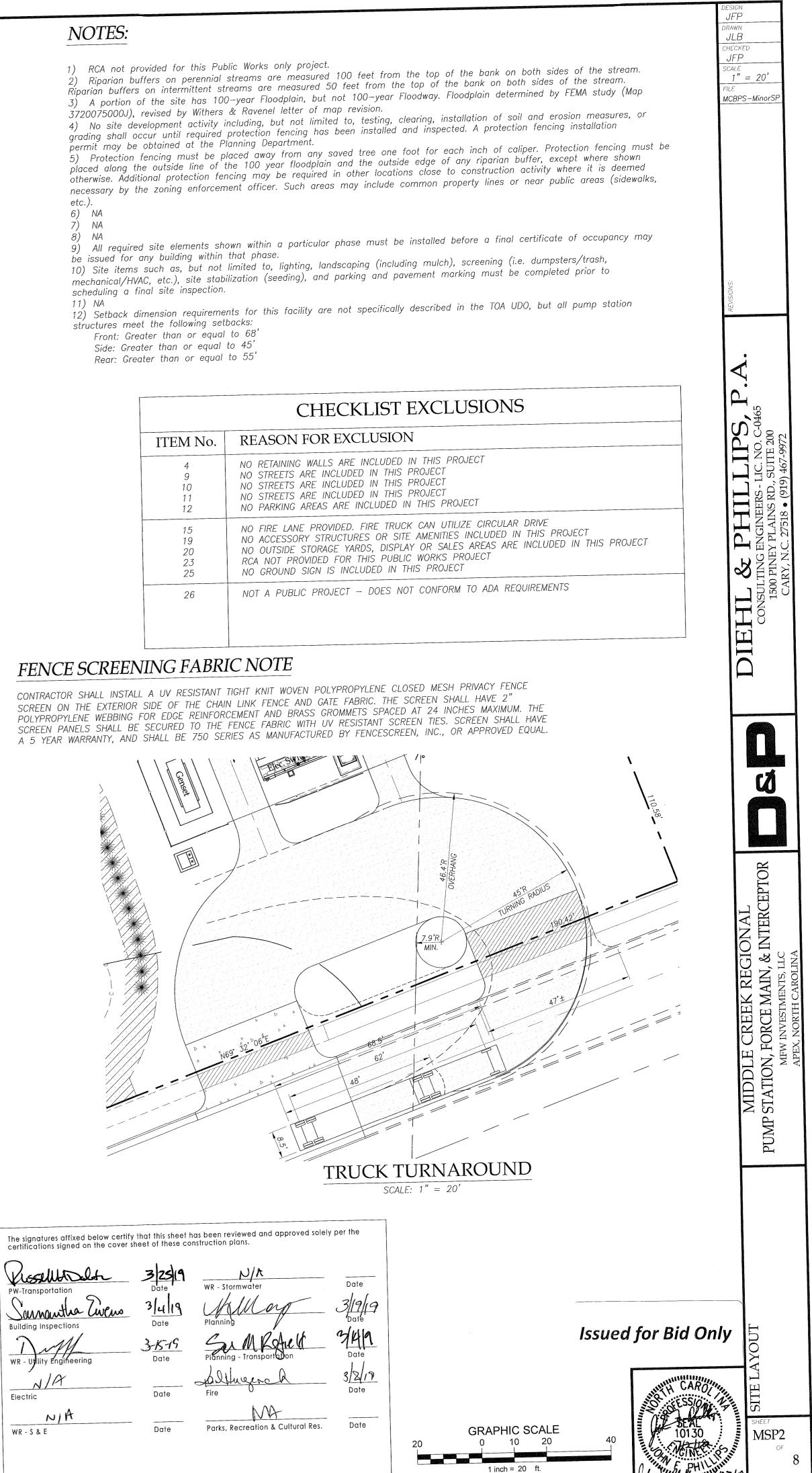
LIMITS OF 100 YEAR FLOODWAY 100 YEAR FLOOD LINE TOP OF STREAM BANK LIMITS OF RIPARIAN BUFFER ZONE 2

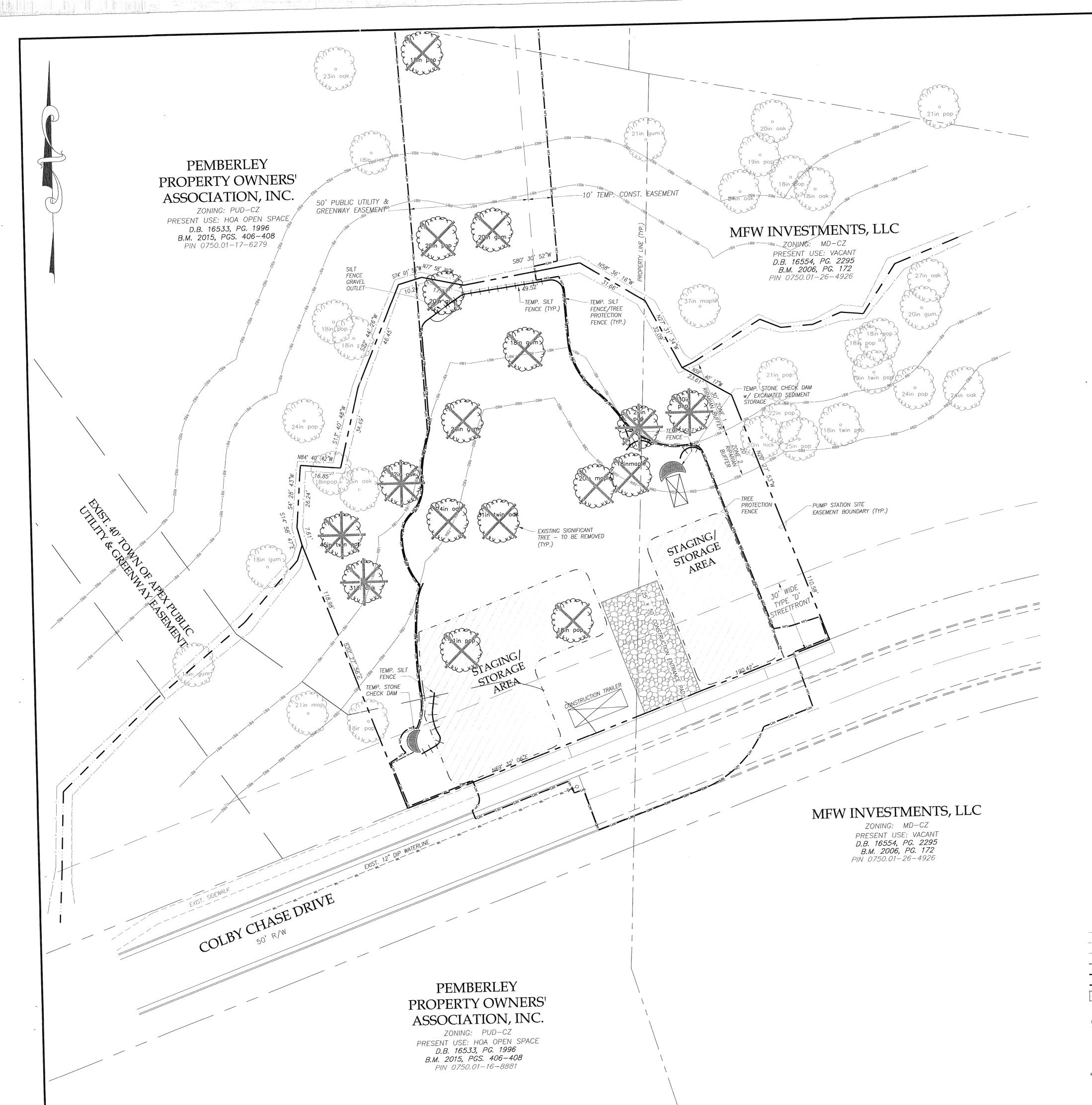


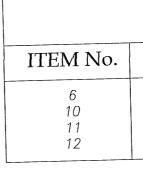
F	LIMITS OF 100 YEAR FLOODWA
0 100	100 YEAR FLOOD LINE
r f	TOP OF STREAM BANK
81	LIMITS OF RIPARIAN BUFFE
82 RB2	LIMITS OF RIPARIAN BUFFE
TP TP	TREE PROTECTION FENCE
SF/TP	TREE PROTECTION/SILT FEI
	SILT FENCE
	GRAVEL ACCESS DRIVE
7.7.7.7.7	10' WIDE PLANTED AREA

etc.). 6) NA

NA







LEGEND

TREE PROTECTION FENCE

SILT FENCE

TREES TO BE CUT FLUSH TO THE GROUND WITH STUMP REMOVED TO 12" BELOW GROUND SURFACE BY GRINDING (TYP. FOR 5 TREES LOCATED OUTSIDE OF TREE PROTECTION FENCE)

CHECKLIST EXCLUSIONS

JFP

JLB checked JFP

1'' = 20'

MCBPS-MinorSF

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REASON FOR EXCLUSION

NO BUILDINGS WILL BE DEMOLISHED LOCATION OF TEMPORARY UTILITIES WILL BE DETERMINED BY CONTRACTOR NO ADDITIONAL PROTECTIVE MEASURES ARE REQUIRED NO TRAFFIC MANAGEMENT PLAN – SITE IS AT THE END OF A DEAD END STREET

DEMOLITION SEQUENCE

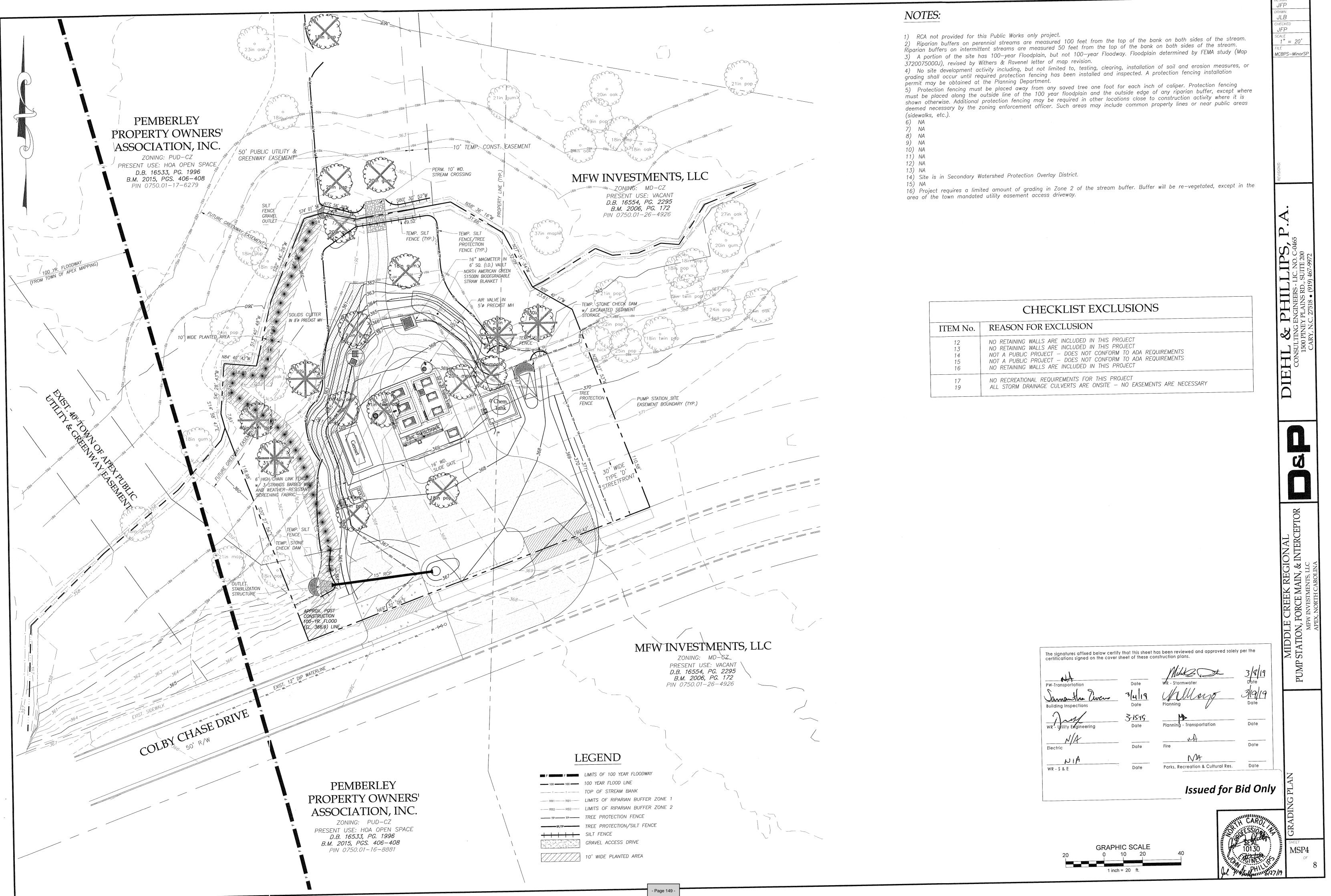
- 1. CUT AND REMOVE LARGE TREES DESIGNATED FOR REMOVAL. 2. INSTALL PROTECTIVE FENCING AND EROSION CONTROL MEASURES AS SHOWN ON PLANS. 3. CLEAR AND GRUB REMAINDER OF SITE WITHIN CLEARING LIMITS.

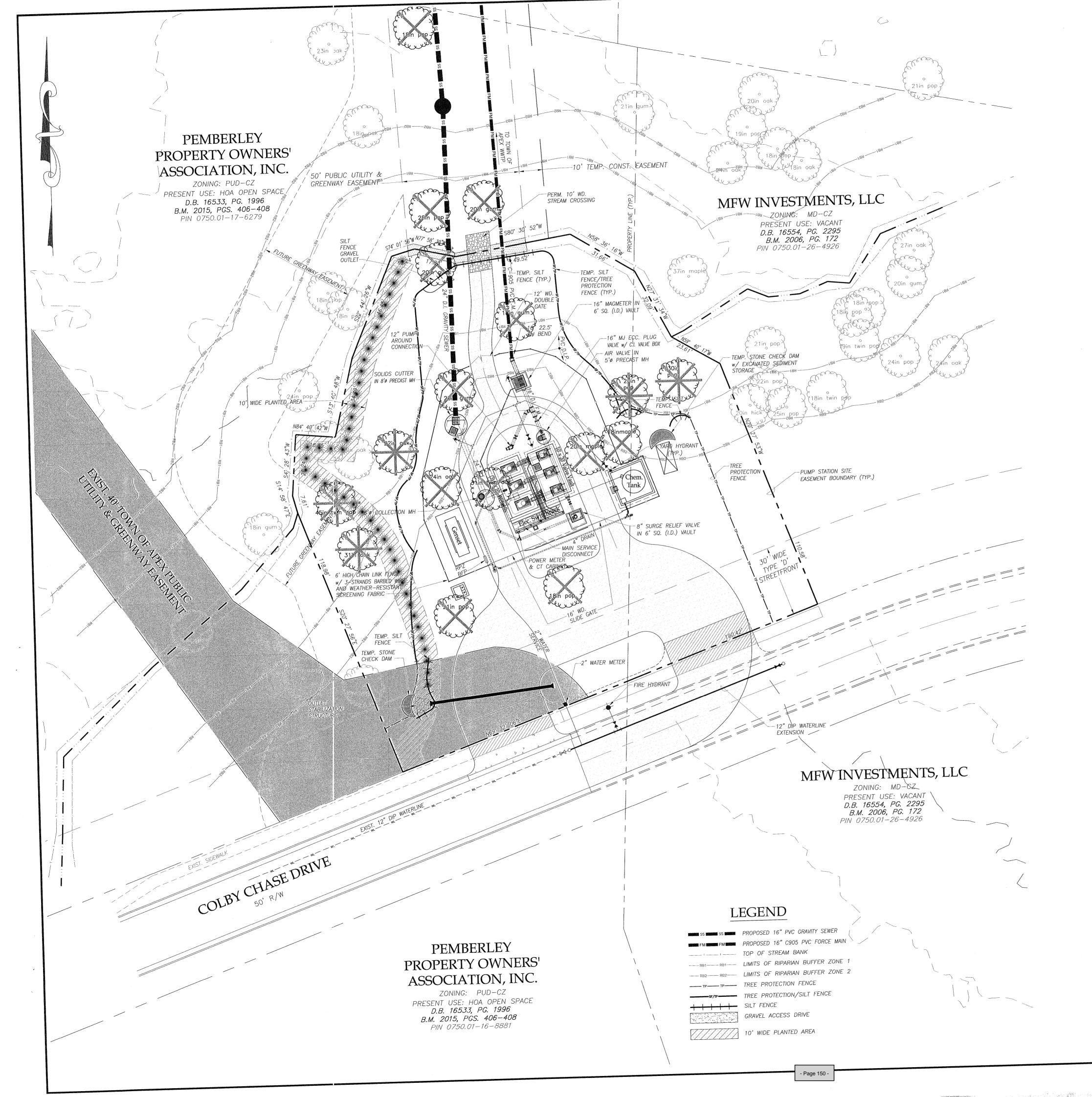
The signatures affixed below ce certifications signed on the cov	rtify that this sheet h er sheet of these cor	as been reviewed and approved sol struction plans.	ely per the	MIDD JMP STATIC
PW-Transportation PW-Transportation Building Inspections WR - Utility Engineering N/A	Date Date 3-15-19 Date Date	WR - Stormwater WR - Stormwater Planning Planning - Transportation MA Fire	Date 3/19/19 Date Date Date	ld
Electric NIA WR - S & E	Date	Parks, Recreation & Cultural Res Issued for		STAGING & DEMOLITION PLAN
20 0	PHIC SCALE 10 20 inch = 20 ft.	40	SEAL 10130	SHEET MSP

TOP OF STREAM BANK

GRAVEL ACCESS DRIVE

TREES TO BE REMOVED ENTIRELY INCLUDING GRUBBING OF ROOT SYSTEM





NOTES:

2) Riparian buffers on perennial streams are measured 100 feet from the top of the bank on both sides of the stream. 1) RCA not provided for this Public Works only project. Riparian buffers on intermittent streams are measured 50 feet from the top of the bank on both sides of the stream. 3) A portion of the site has 100-year Floodplain, but not 100-year Floodway. Floodplain determined by FEMA study (Map JFP

JLB

IECKED JFP

 \triangleleft

. NO. C-04

1" = 20'

MCBPS-MinorSP

3720075000J), revised by Withers & Ravenel letter of map revision. 4) No site development activity including, but not limited to, testing, clearing, installation of soil and erosion measures, or grading shall occur until required protection fencing has been installed and inspected. A protection fencing installation

permit may be obtained at the Planning Department. 5) Protection fencing must be placed away from any saved tree one foot for each inch of caliper. Protection fencing must be placed along the outside line of the 100 year floodplain and the outside edge of any riparian buffer, except where shown otherwise. Additional protection fencing may be required in other locations close to construction activity where it is deemed necessary by the zoning enforcement officer. Such areas may include common property lines or near public areas (sidewalks,

- etc.). 6) NA NA 8) NA 9) NA 10) NA 11) NA
- 14) All water and sewer lines shall be installed with a minimum of 3 feet of cover.

15) Maintain 18" minimum vertical separation between utilities. 16) Verify all illustrated utility crossings prior to construction and notify the engineer if conflicts are encountered.

17) Contractor shall coordinate utility relocation or abandonment with local utility companies as required.

18) Water and sewer shall be at least 10 feet laterally from existing or proposed sewers. Where local conditions prevent a separation of at least 10 feet, the water main may be laid closer, provided that the elevation of the bottom of the water

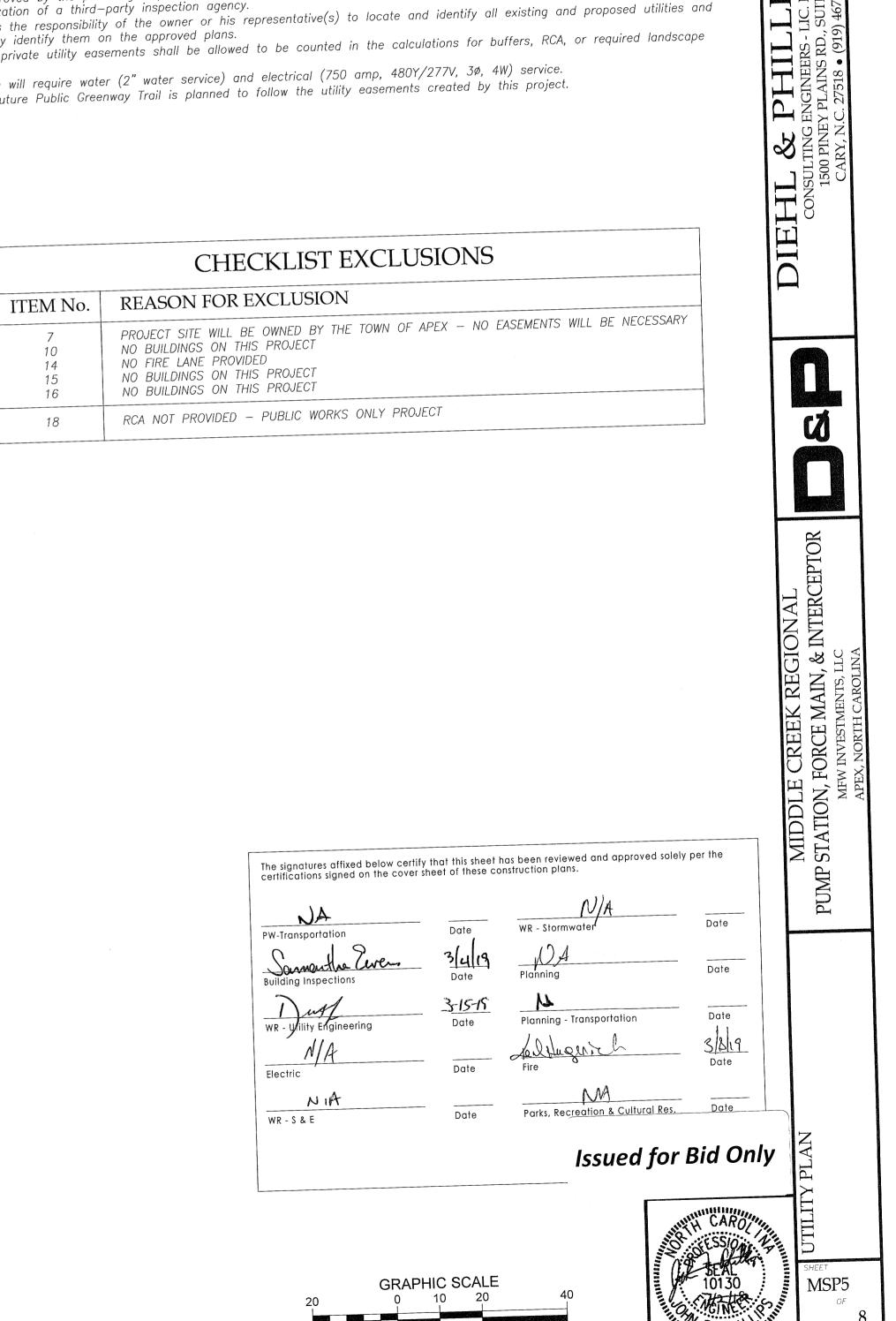
main is at least 18" above the top of the sewer with a horizontal separation of at least 3 feet. 19) All new public water and sewer lines contained within a Town of Apex Public Utility Easement will require a Water Distribution Extension Permit and/or a Gravity Sewer Extension Permit prior to the start of utility construction. All Water Distribution Extension Permit Applications shall be accompanied by a Sealed Engineer's Report per the TOA Water Sewer

20) A plumbing permit issued by the Building Inspection Division is required for all plumbing systems, including storm drainage systems, installed outside the Public Right—of—Way or a Public Utility Easement. These systems shall be inspected and approved by the plumbing inspector prior to covering. Contact Rudy Baker (919–249–3381) for information including the utilization of a third-party inspection agency.

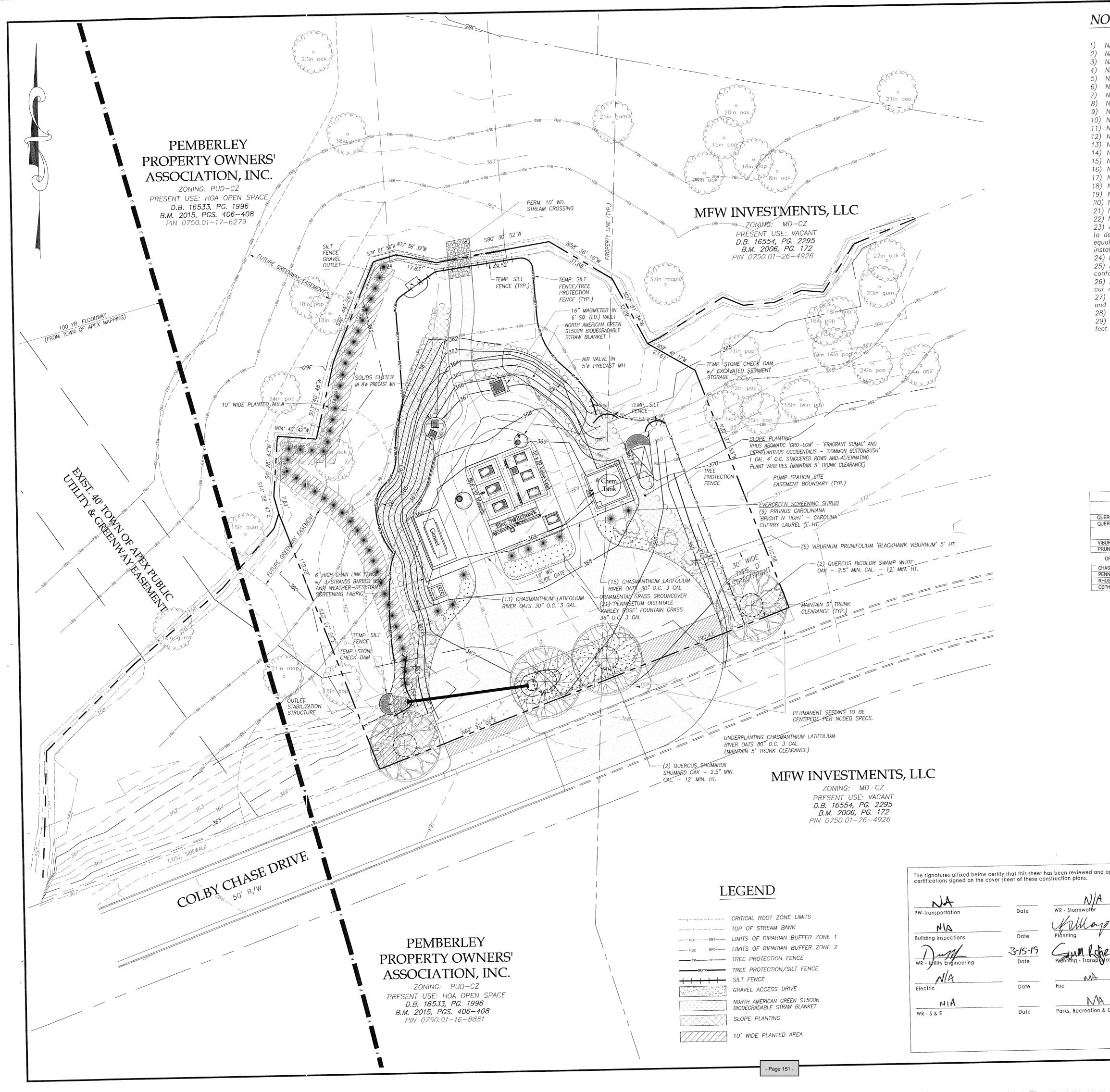
21) It is the responsibility of the owner or his representative(s) to locate and identify all existing and proposed utilities and 22) No private utility easements shall be allowed to be counted in the calculations for buffers, RCA, or required landscape

23) Site will require water (2" water service) and electrical (750 amp, 480Y/277V, 3ø, 4W) service.

24) A future Public Greenway Trail is planned to follow the utility easements created by this project.



1 inch = 20

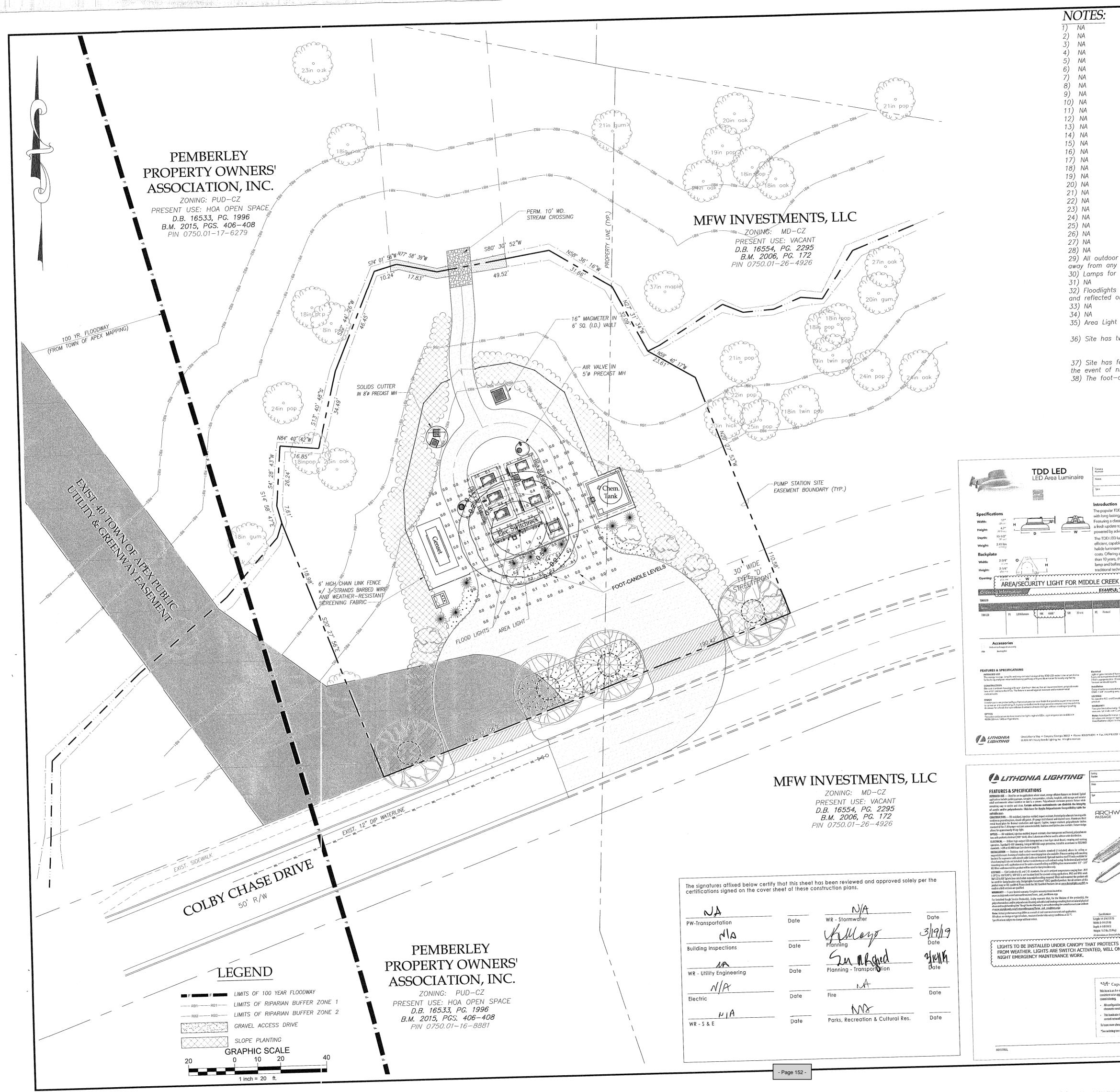


33666-14 (Restand) -

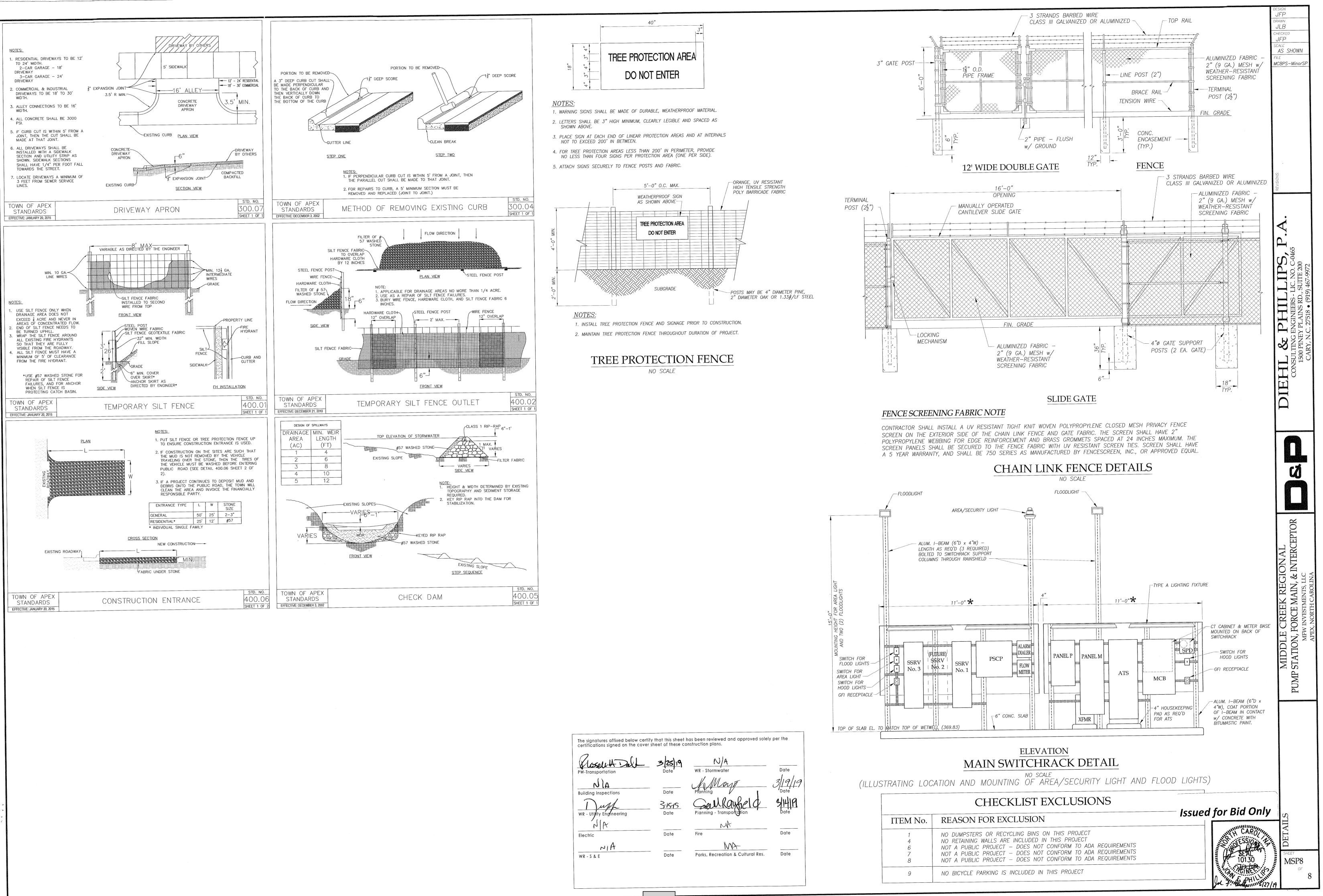
DTES:		DESIGN JFP DRAWN JLB CHECKED JFP
VA VA VA		SCALE 1" = 20' FILE MCBPS-MinorSP
NA NA NA		
NA NA NA		REVISIONS:
NA NA All landscaping is requir lelay the installation of l	ed to be installed prior to a certificate of occupancy for the project. If the applicant chooses andscaping from April 1 through September 1, then the applicant shall provide a cash bond	L L L
al to 150 percent of the allation of the required l	cost of materials and installation, based on the ingreat s	Y.
formance with Town stan All plant material shall	dards. be allowed to reach their mature size and maintained at their mature size. Plants shall not be hat their natural form is impaired. heper shall be stabilized with permanent slope retention or a suitable combination of plantings	² ² ² ² ²
l retention devices. Slopes steeper than 3: 	shall not be stabilized turf grasses, but with other permanent groundcover.	LIPS J.C. NO. C-0 SUITE 200 467-9972
t away from any required	perimeter or streetscape buffer and tree save area.	(919)
		PHHI ENGINEERS Y PLAINS RI C. 27518 • (9
TTEM No.	CHECKLIST EXCLUSIONS REASON FOR EXCLUSION	
6 8	NO STREETS ARE INCLUDED ON THIS PROJECT NO BUILDINGS ARE INCLUDED ON THIS PROJECT	
		DIEH
		Ω
TREES RCUS BICOLOR	PLANT LIST COMMON NAME QTY CAL. HT. SPREAD ROOT REMARKS SWAMP WHITE OAK 2 2.5" 12' BB Image: Colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Common colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan="5">Colspan= 55 Colspan="5">Colspan="5"Colspa="5"Co	
RCUS SHUMARDII SHRUBS	SHUMARD OAK 2 2.5" 12" DD	
JRNUM PRUNIFOLIUM INUS CAROLINIANA 'BRIGHT N TIGHT' DRNAMENTAL GRASS GROUNDCOVER	BLACKI IAWK VIDOKNOM G CAROLINA CHERRY LAUREL 54 State 5' CONT. RIVER OATS 28 1 - 2.5' 3 GAL. CONT.	(C)
ASMANTHIUM LATIFOLUM INISETUM ORIENTALE 'KARLEY ROSE' JS AROMATIC 'GRO-LOW' PHELANTHUS OCCIDENTALIS	ORIENTAL FOUNTAIN GRASS 21 2 - 3' 3 GAL. CONT. ORIENTAL FOUNTAIN GRASS 21 3 - 6' 1 GAL. CONT. FRAGRANT SUMAC - 3 - 6' 1 GAL. CONT. COMMON BUTTONBUSH - 3 - 6' 1 GAL. CONT.	
	ETFRONT BUFFER CALCULATION	OR
	E 'D' STREETFRONT BUFFER F TOTAL AREA – 2,932 UNVEGETATED (TRUCK TURN AROUND) = 2,781 SF VEGETATED F x 1 LARGE TREE PER 1,000 SF = 3 REQUIRED (4 LARGE TREES PROVIDED)	AL RCEPTOR
		GIONAL & INTERC LC NA
		REC AIN, ands, l arolii
		REEK RCE M avestme
	BRANCHING HT. TO AAN STDS. UNLESS OTHERWISE SPECIFIED STAKE TREES ONLY	OLE CR ON, FOR MFW INV APEX, NC
	PULL BACK BURLAP ON TRUNK & UPPER 1/3 OF ROOTBALL. CLIP WIRE BASKETS IN 3-4 SECTIONS	MIDD STATIC
	REMOVE STRING. NATIVE SOIL OR IMPORTED BACKFILL – SEE SPECS. DINE STRAW MULCH GRADE, SCARIFY	MIDI TATI
	PINE STRAW MULCH. 2.5"-3" AFTER SETTLEMENT EXISTING GRADE	PI I
	1/2 BALL	
approved solely per the	SUBGRADE (SET TREE	
 Date	ON UNDISTURBED SUBGRADE) <u>NOTES:</u> 1. For container-grown trees, use fingers or small hand tools to pull the roots out of the outer layer of potting soil; then cut or pull apart any roots circling the perimeter of the container. If hole does not	
7 <u>3/19/19</u> Date	 After digging hole, fill with water to confirm that water drains out of the out of the out of the perc, do not plant tree. Thoroughly soak the tree root ball and adjacent prepared soil immediately after planting. The planting process is similar for deciduous and evergreen trees. 	PLAN
212 3(14)19 ation Date	TREE PLANTING DETAIL NOT TO SCALE	ANDSCAPE PLAN
Date	WHY CARO	ANDS
Cultural Res. Date	GRAPHIC SCALE 0 10 20 40	SHEET MSP6
	20 0 10 20 40 1 inch = 20 ft.	
	We to issue the second s	127/19

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v



		DESIGN JFP DRAWN JLB CHECKED JFP SCALE 1" = 20' FILE MCBPS-MinorSP
light fixtures shall be lo	rated a minimum of 10 feet from a property or right—of—way line, and at least two feet betscape buffer and tree save area.	REVISIONS:
non-cutoff light fixtures or other types of lighting on the approved site plan. – Photocell operated Lith Mounting height – 1 wo floodlights – Quartz h shielding columns four "Fluorescent Style" LE	are prohibited unless approval is given through the development review process nonia CAT. No. TDD LED–P1–40K–120–PE–DNA–M4 with optional mounting arm. 5' on Electrical Rack support columns. Photocell activated. No light leaves pump station sit alogen floodlight, with bronze finish, tempered clear glass lens, hinged door frame, and lig 9 visor – Lithonia Cat. No. OFL 300/500Q. Mounting Height – 15' on Electrical Rack supp 5. Floodlights will only be used in the event of night time emergency maintenance. D fixtures under the canopy protecting the Electrical Panels. These lights will only be used	out NGINEERS - L PLAINS RD., 919)
	CHECKLIST EXCLUSIONS	L & J ULTING E 500 PINEY CARY, N.C
ITEM No.	REASON FOR EXCLUSION	HL & consulting 1 cary, N.
12 13	NO ADJACENT EXISTING RESIDENTIAL FROMERINES NA	
DD LED luminaire is now available tig energy-efficient LED technology, ssic dayform, the TDD LED offers to a traditional appearance and is dvanced LEDs. Iuminaire is powerful yet energy ble of replacing up to a 100W metal re while saving up to 84% in energy, an expected service life of more the TDD LED eliminates frequent ast replacements associated with hnologies. PUMP STATION DN PUMP STAT	<image/> <form><text><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></text></form>	DDLE CREEK REGIONAL TION, FORCE MAIN, & INTERCEPTOR MEW INVESTMENTS, LLC
	<text><text> References References References References Description Section Sect</text></text>	SNII
Pable Lurrinaire + capable luminaire, which has been designed and tested to provide appearance and out-of-the-bac control compatibility with simple tions of this luminaire meet the Acuity Brand's specification for nastency the spart of an A+ Certified solution for nLight* or XPoint** Wireless ords marked by a shaded background* bout A+, vkity <u>www.acuitybrands.com/aplus.</u> tee for details	VAP-LED NO JSTRUAL: One Leftenia Way, Convers, 64 39812 - Phane: 809-315-49943 - www. Mittenia com < 2012 2018 Acuty Blands Lightings. Inc. All rights reserved. Rev. 07/24/2018	CARO SSION DEAL 0130 HILL PHILL HILL HILL HILL HILL HILL HIL

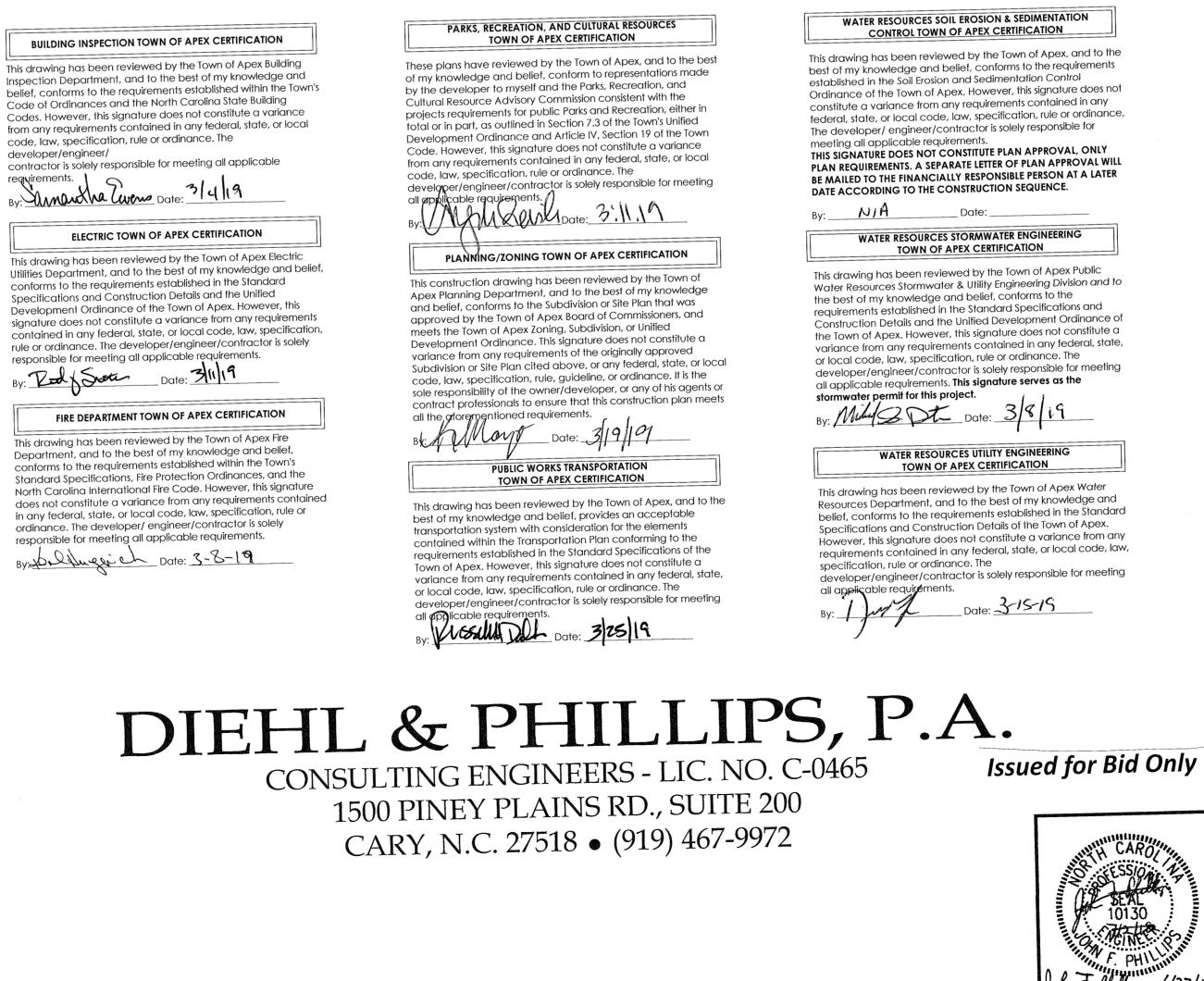


- Page 153 -

MIDDLE CREEK REGIONAL SUBJECT NUMBER MIDDLE CREEK REGIONAL SUBJECT NUMBER MIDDLE CREEK REGIONAL MIDDLE CREEK REGIONAL SUBJECT NUMBER MIDDLE CREEK REGIONAL MIDLE CREEK REGIONAL MIDLE CREEK REGIONAL MIDLE CREEK REGIONAL</

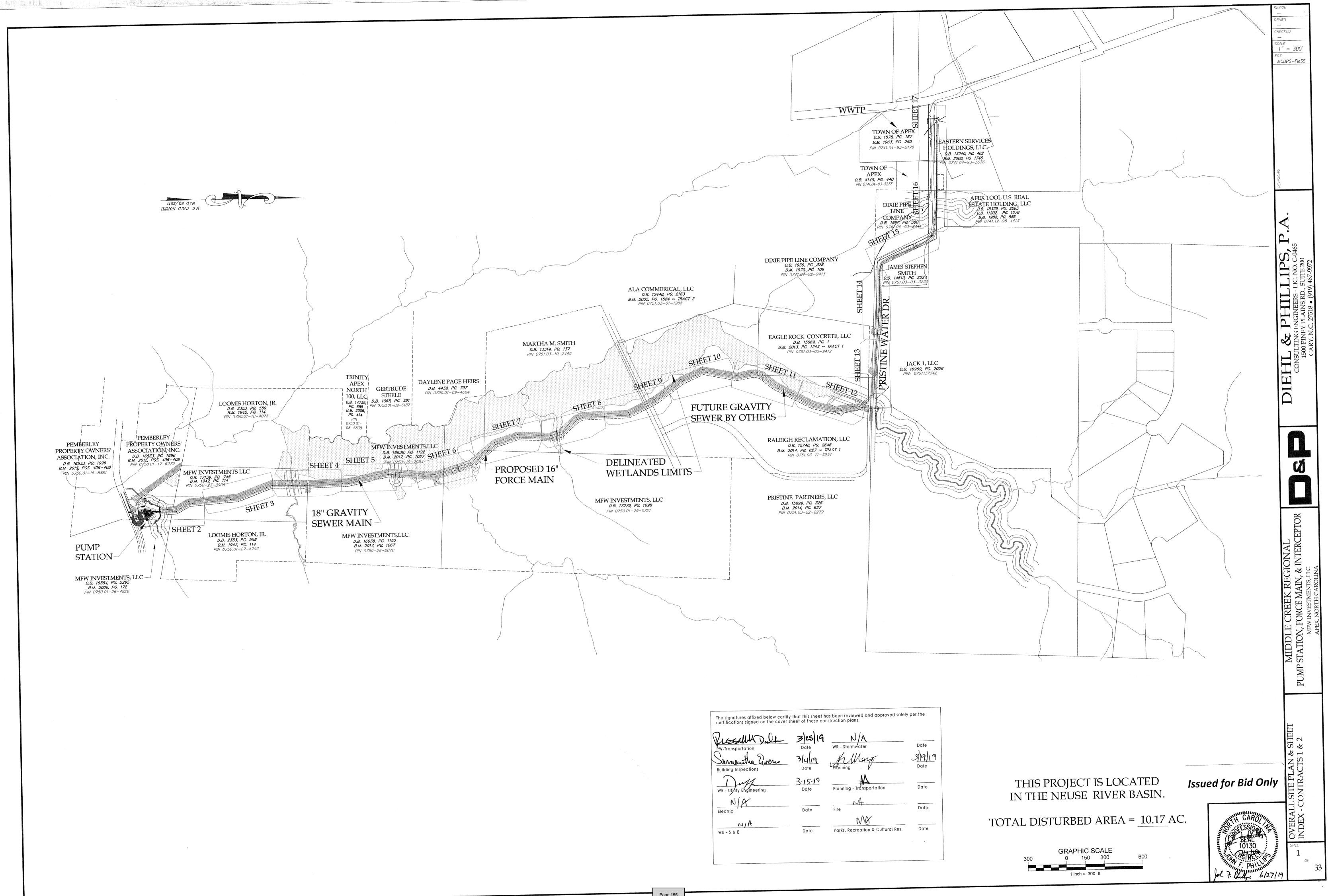
	INDEX OF DRAWINGS
1	OVERALL SITE PLAN & SHEET INDEX - CONTRACTS 1 & 2
2	PLAN AND PROFILE - 10+22.73 TO 15+00 AND LINE 'A' - CONTRACTS 1 & 2
3	PLAN AND PROFILE - 15+00 TO 20+60 - CONTRACT 2
4	PLAN AND PROFILE - 20+60 TO 26+00 AND LINE 'B' - CONTRACT 2
5	PLAN AND PROFILE - 26+00 TO 32+00 - CONTRACT 2
6	PLAN AND PROFILE - 32+00 TO 37+00, LINE 'C' & LINE 'D' - CONTRACT 2
7	PLAN AND PROFILE - 37+00 TO 42+50 - CONTRACT 2
8	PLAN AND PROFILE - 42+50 TO 48+00 - CONTRACT 2
9	PLAN AND PROFILE - 48+00 TO 53+50 - CONTRACT 2
10	PLAN AND PROFILE - 53+50 TO 59+00 - CONTRACT 2
11	PLAN AND PROFILE - 59+00 TO 64+50 - CONTRACT 2
12	PLAN AND PROFILE - 64+50 TO 70+00 - CONTRACT 2
13	PLAN AND PROFILE - 70+00 TO 75+50 - CONTRACT 2
14	PLAN AND PROFILE - 75+50 TO 81+00 - CONTRACT 2
15	PLAN AND PROFILE - 81+00 TO 86+50 - CONTRACT 2
16	PLAN AND PROFILE - 86+50 TO 92+00 - CONTRACT 2
17	PLAN AND PROFILE - 92+00 TO END - CONTRACT 2
18	TRAFFIC PLAN - CONTRACT 2
19	PUMP STATION - ENLARGED SITE PLAN - CONTRACT 1
20	PUMP STATION - PIPING PLAN - CONTRACT 1
20	PUMP STATION - TOP PLAN - CONTRACT 1
22	PUMP STATION - SECTIONAL PLAN - CONTRACT 1
23	PUMP STATION - SECTION - CONTRACT 1
23	PUMP STATION - STAKING PLAN - CONTRACT 1
24	PUMP STATION - LANDSCAPING PLAN - CONTRACT 1
26	SOLIDS CUTTER MANHOLE, SURGE RELIEF VALVE VAULT, MAGMETER VAULT DETAIL, & SAFETY CHAIN OPENING DETAIL - CONTRACT 1
27	AIR VALVE MANHOLE @ P.S. DETAIL, CHEMICAL STORAGE TANK DETAILS, & EMERGENCY BYPASS CONNECTION DETAIL - CONTRACT 1
28	SEWER DETAILS - CONTRACTS 1 & 2
29	STREET AND WATER DETAILS - CONTRACTS 1 &2
30	EROSION CONTROL DETAILS - CONTRACTS 1 & 2
30A	EROSION CONTROL DETAILS - CONTRACTS 1 & 2
31	PUMP STATION - ELECTRICAL SITE PLAN - CONTRACT 1
32	ONE-LINE DIAGRAM AND PANEL SCHEDULES - CONTRACT 1
33	MISCELLANEOUS ELECTRICAL DETAILS - CONTRACT 1



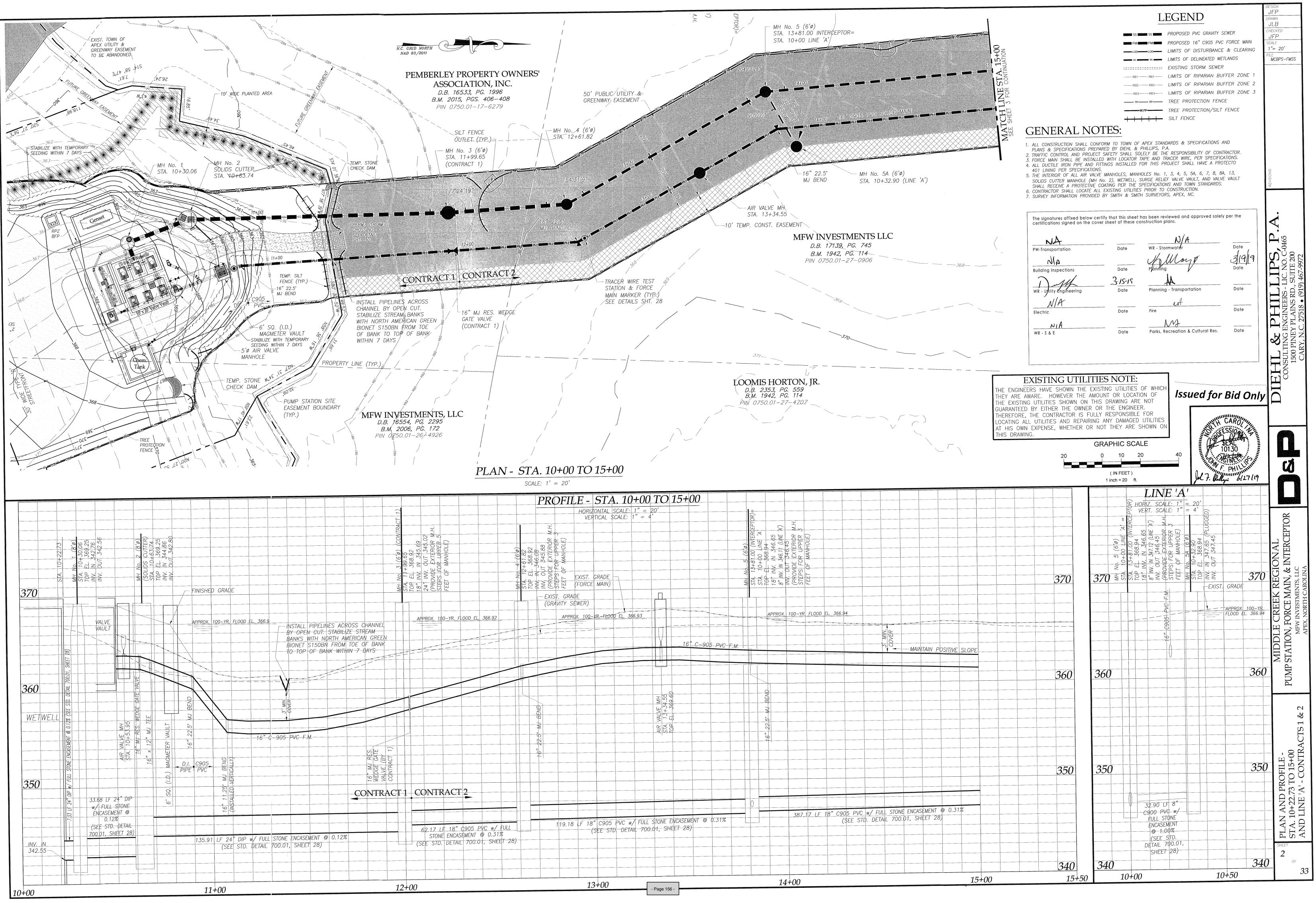


NOTE TO CONTRACTORS THIS PROJECT REQUIRED A MINOR SITE PLAN APPROVAL FROM THE TOWN OF APEX, IN ADDITION TO THE TOWN'S APPROVAL OF THE CONSTRUCTION PLANS AND SPECIFICATIONS. YOU WILL BE REQUIRED TO COMPLY WITH ALL CONDITIONS AND REQUIREMENTS, AND TO PROVIDE ALL EQUIPMENT AND CONSTRUCTION, AS SHOWN ON BOTH THE APPROVED MINOR SITE PLANS (DRAWINGS MSP1 THROUGH MSP8) AND THE APPROVED CONSTRUCTION PLANS (DRAWINGS 1 THROUGH 33). YOU WILL ALSO BE REQUIRED TO COMPLY WITH THE APPROVED PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

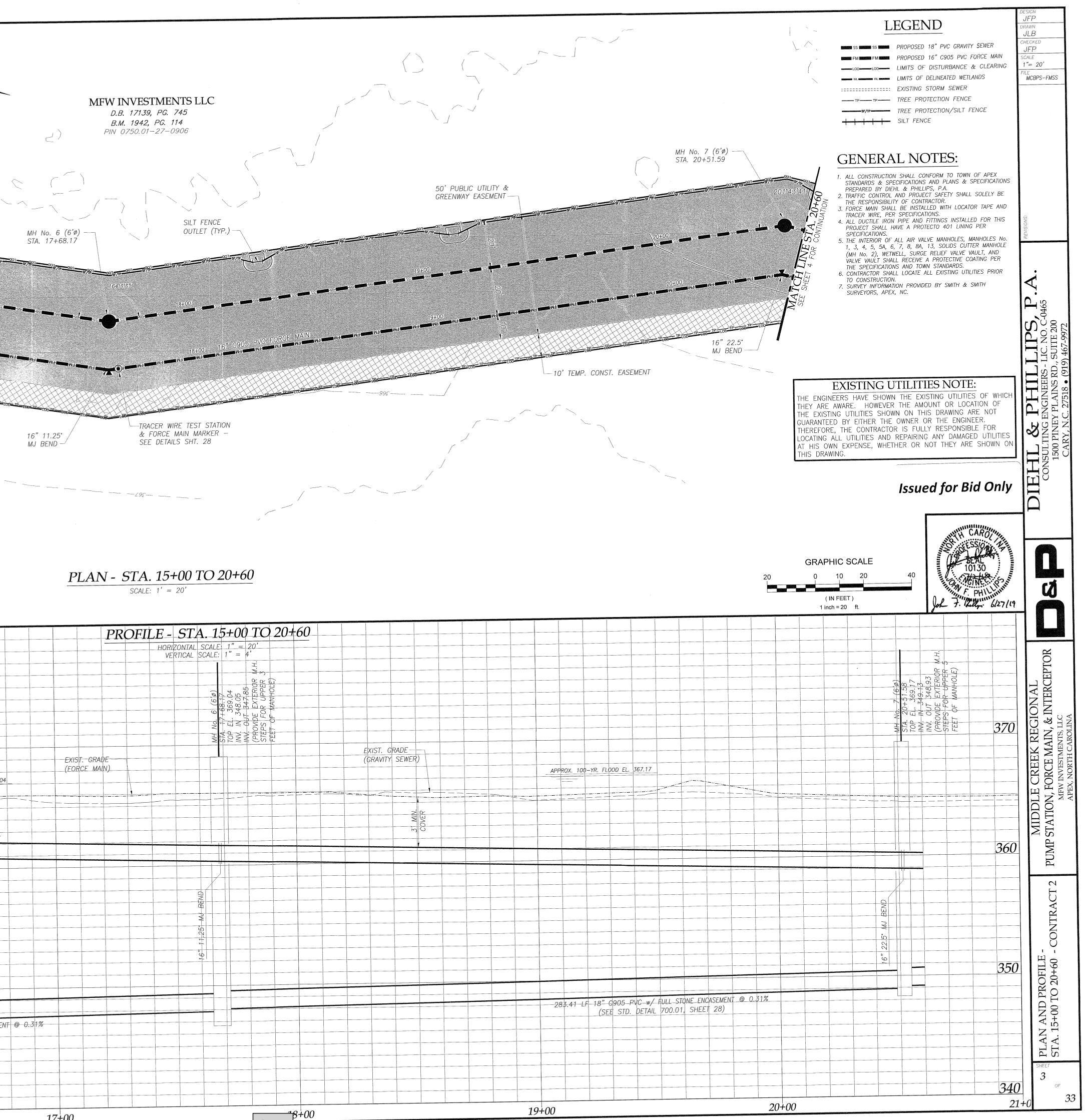
PROJEC SITE VICINITY MAP NO SCALE



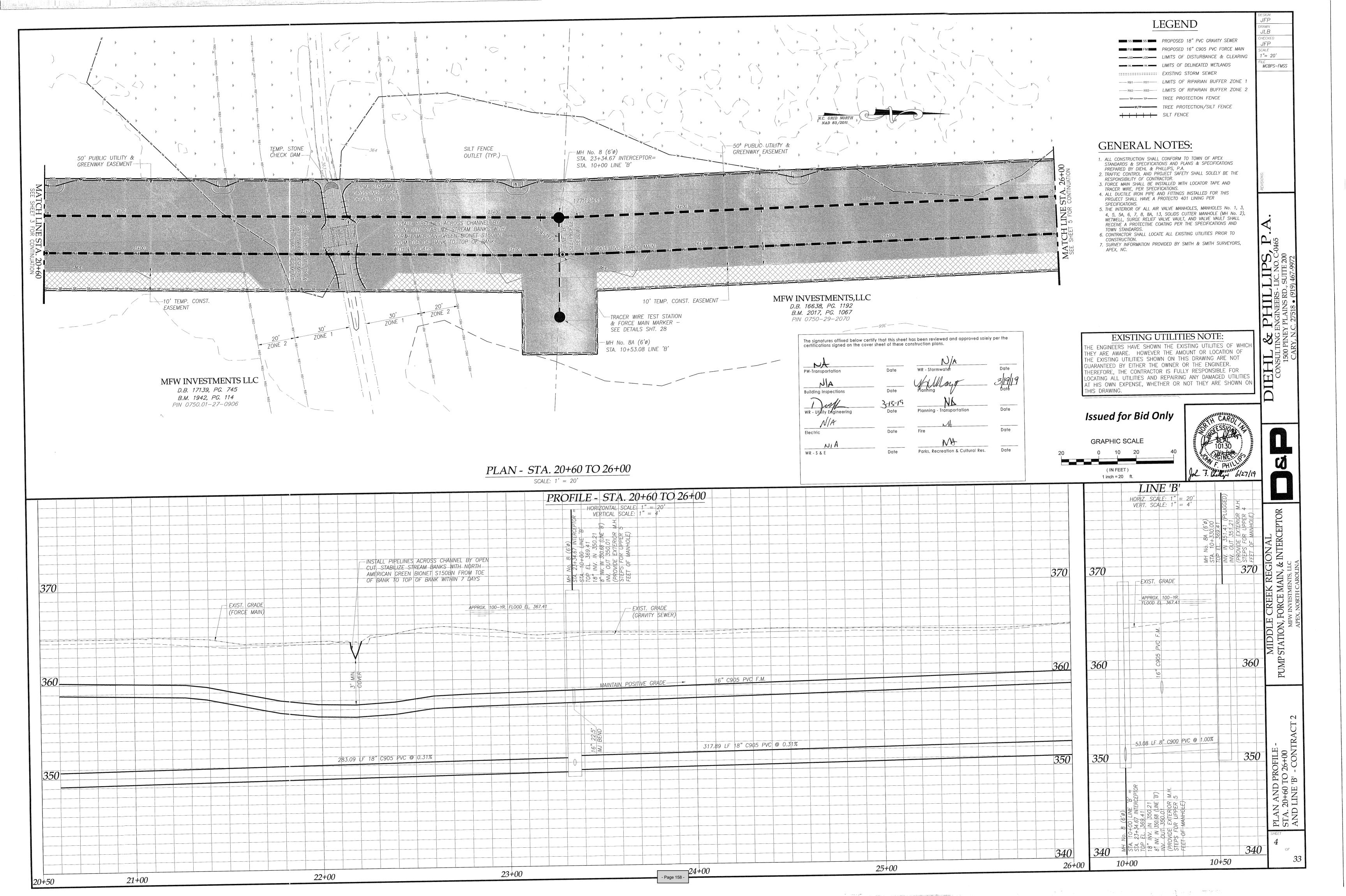
PW-Transportation Sumentha Even	32519 Date 3/4/19	WR - Stormwater	Date 3/19/16
Building Inspections WR - Utivity Engineering	Date <u>3-15-19</u> Date	Planning - Transportation	Date Date
	Date	Fire	Date
NJA WR-S&E	Date	Parks, Recreation & Cultural Res.	Date

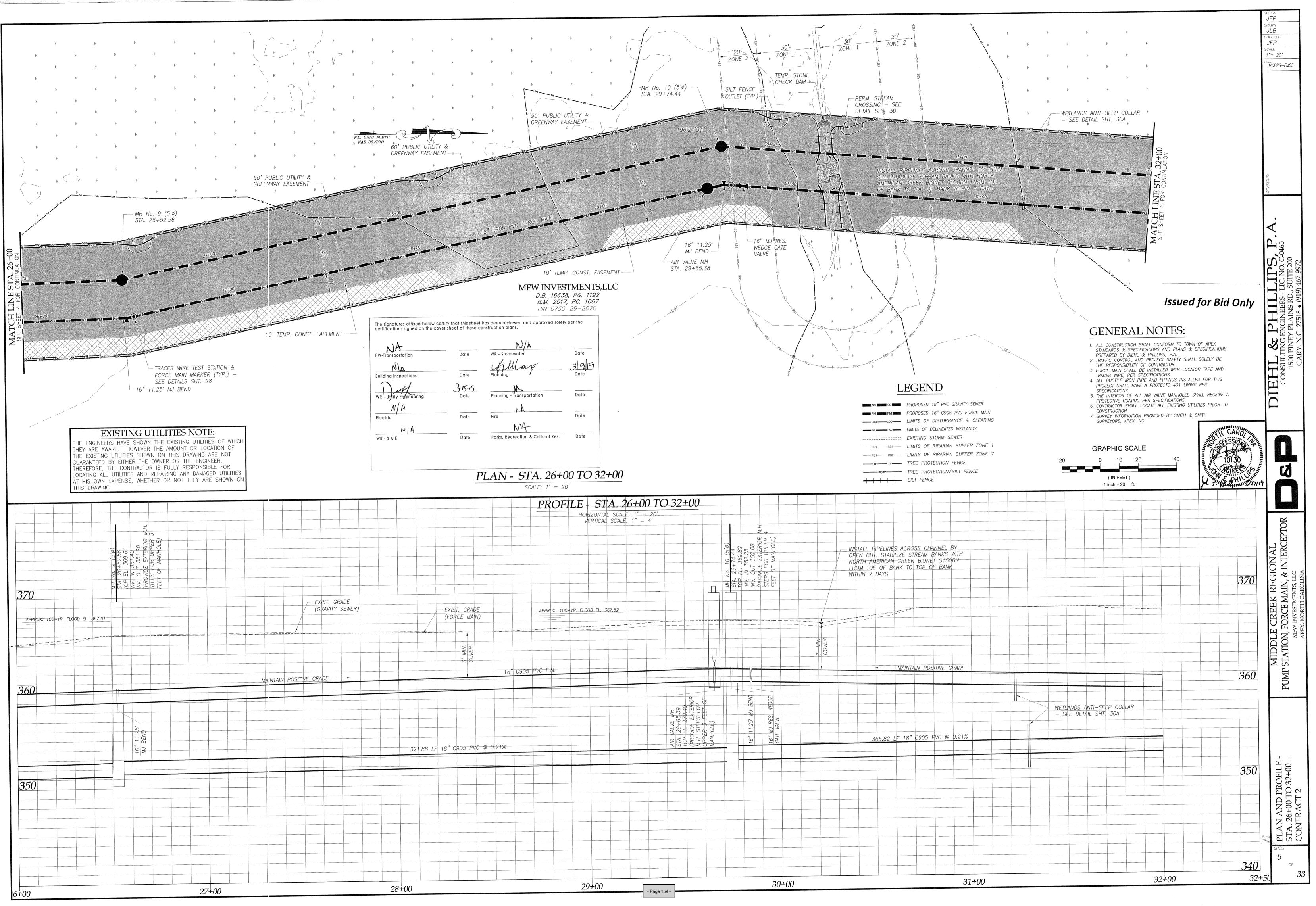


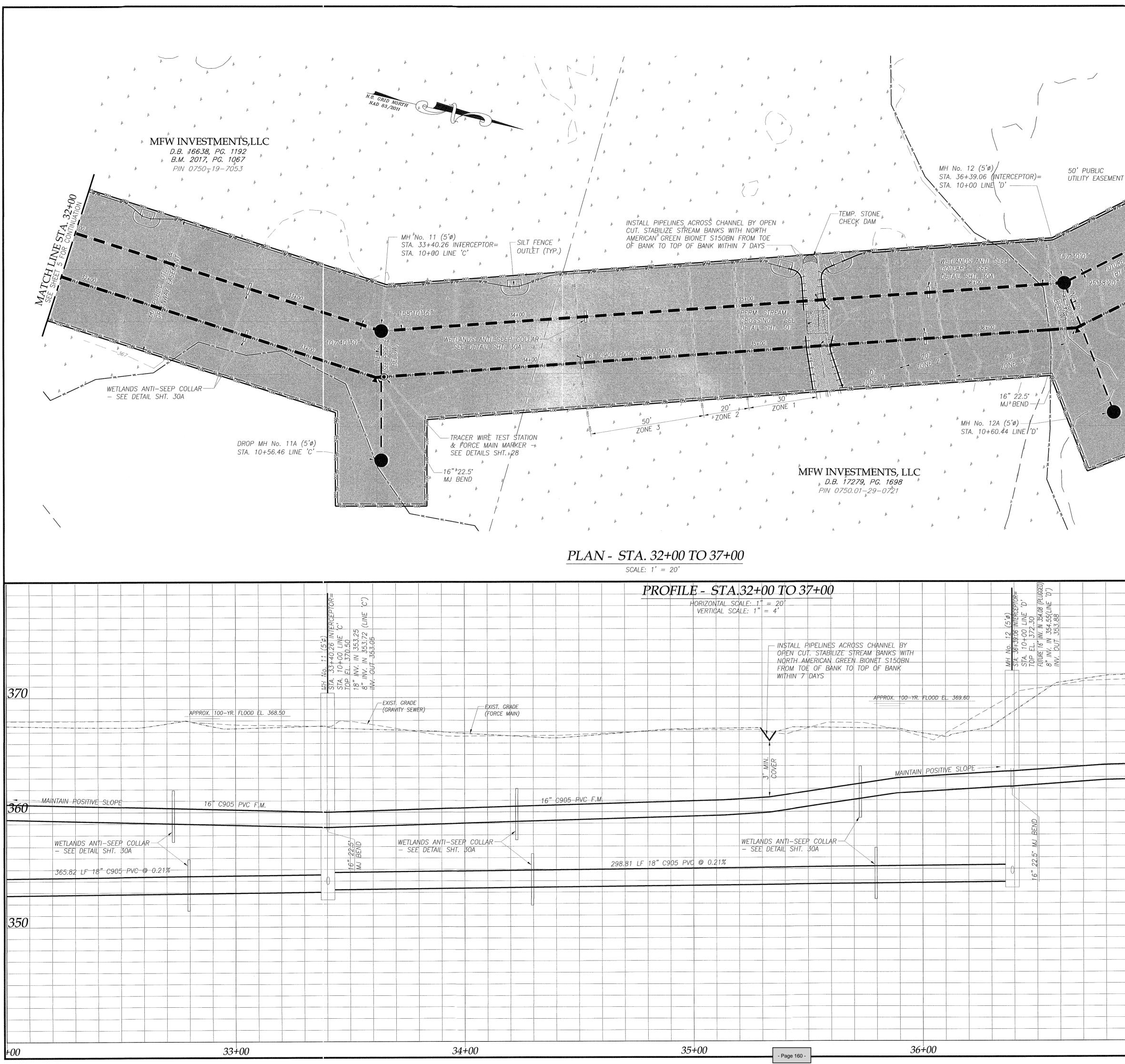
			N.C. CRID NORTH NAD 83/2011	
MATCH			ـــــــــــــــــــــــــــــــــــــ	2007 sr/m ⁹⁰¹ 2001 30/19 sr/m ⁹
The signatures affixed below certify that this sheet ha certifications signed on the cover sheet of these cons MA PW-Transportation Date	N/A WR - Stormwater Date MULAT 3/9/	D.B. 171 B.M. 19-	ESTMENTS LLC 739, PG. 745 42, PG. 114 01–27–0906	
Building Inspections Date Building Inspections Date WR - Utility Engineering Date N/A Date N/A Date WR - S & E Date	Planning Date Planning - Transportation Date Fire Date Parks, Recreation & Cultural Res. Date			
370				100-YR. FLOOD EL. 367.04
360		95 PVC F.M.		NTAIN POȘITIVE SLOPE
350				
			387.17 LF 18" C905 PVC w/ (SEE STD. DETAI	FULL STONE ENCASEMEN L 700.01, SHEET 28)
14+50 15+00		16	5+00	



- Page 157 -17+00



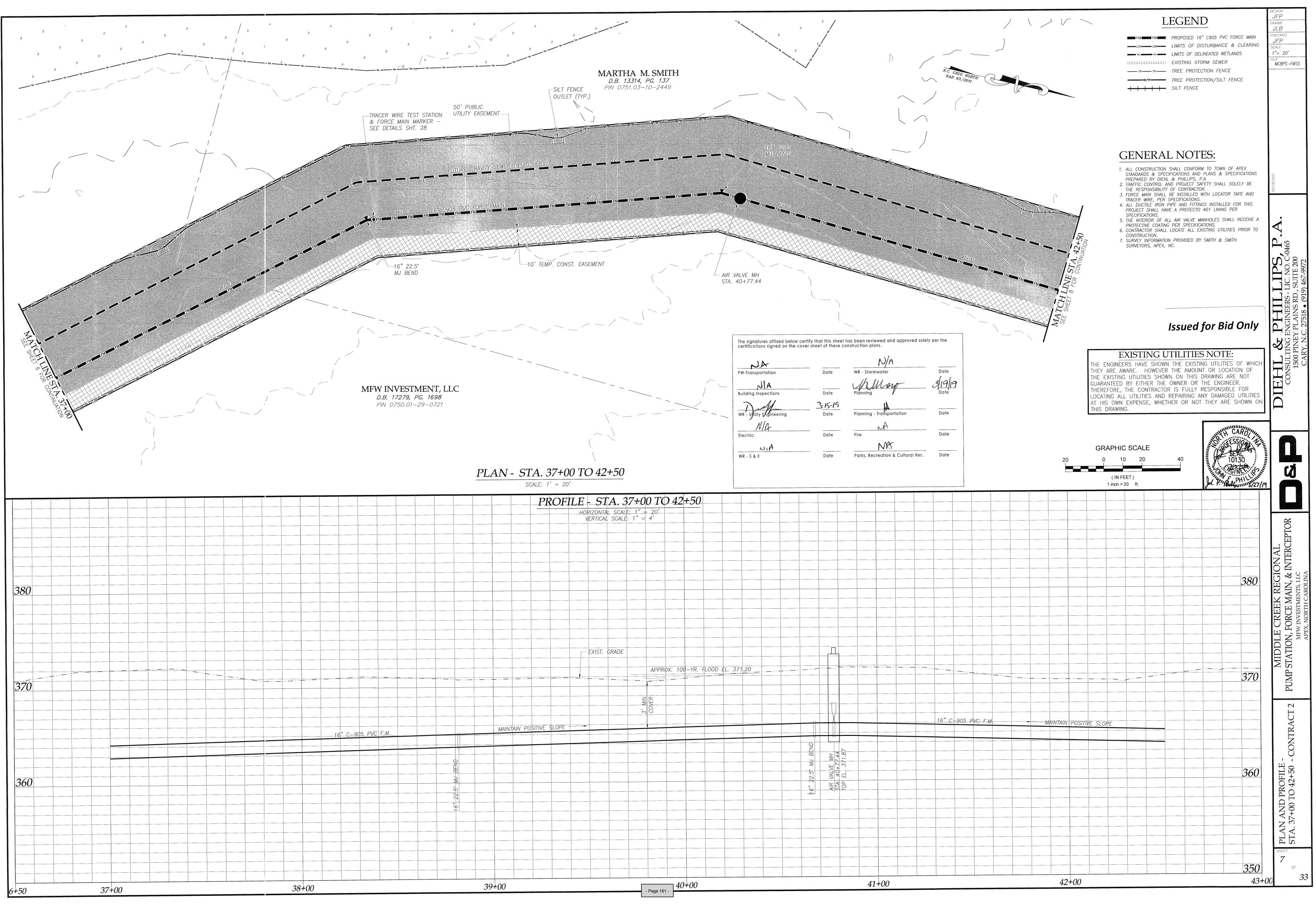




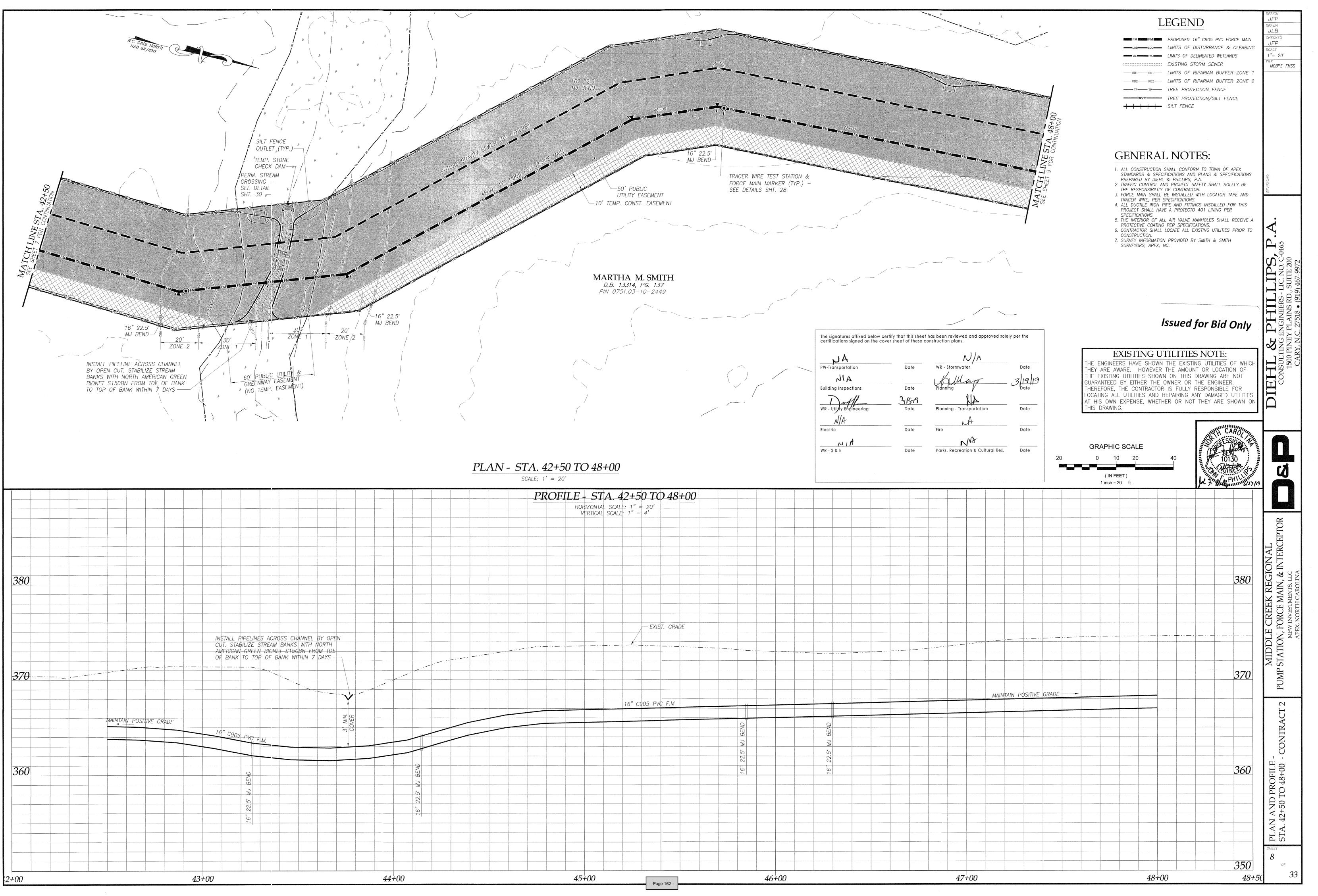
PROFI	LE - STA.32+0	0 TO 37+00		R=
	HORIZONTAL_SCALE: 1" VERTICAL SCALE: 1" =	= 20'		MH No. 12 (5'\$) STA. 36+39.06 INTERCEPTOR= STA. 10+00 LINE 'D' TOP EL. 372.30 FUTURE 16" INV. IN 354.08 (PLUGGED) 8" INV. IN 354.55(LINE 'D') INV. OUT 353.88
		- INSTALL PIPELINES AC	CROSS CHANNEL BY	00. 12 (66-39.06 11 10+00 10+372. 10" INV. M 10" INV. M 10" INV. 354
		- INSTALL PIPELINES AC OPEN CUT. STABILIZE NORTH AMERICAN GRI FROM TOE OF BANK WITHIN 7 DAYS	STREAM BANKS WITH EEN BIONET S150BN TO TOP OF BANK	MH N STA. 3 NV. NV.
			APPROX. 100-YR. FLOOD EL. 369	9.60
	WW	COVER	MAINTAIN POSITIVE S	
16" C905-PVC F.M				
				BEND
298.81 LF 18" C905		DS ANTI-SEEP COLLAR DETAIL SHT. 30A		
	35+00		36+00	

GENERAL NOTES: LEGEND 1. ALL CONSTRUCTION SHALL CONFORM TO TOWN OF APEX STANDARDS & SPECIFICATIONS AND PLANS & SPECIFICATIONS ECKED SS STATES SS STATES PROPOSED 18" PVC GRAVITY SEWER JFP PREPARED BY DIEHL & PHILLIPS, P.A. 2. TRAFFIC CONTROL AND PROJECT SAFETY SHALL SOLELY B FM FM FM FM PROPOSED 16" C905 PVC FORCE MAIN 1"= 20' THE RESPONSIBILITY OF CONTRACTOR. LIMITS OF DISTURBANCE & CLEARING 3. FORCE MAIN SHALL BE INSTALLED WITH LOCATOR TAPE AND LIMITS OF DELINEATED WETLANDS MCBPS-FMSS TRACER WIRE, PER SPECIFICATIONS. 4. ALL DUCTILE IRON PIPE AND FITTINGS INSTALLED FOR THIS EXISTING STORM SEWER PROJECT SHALL HAVE A PROTECTO 401 LINING PER SPECIFICATIONS. 5. THE INTERIOR OF ALL AIR VALVE MANHOLES SHALL RECEIVE A PROTECTIVE COATING PER SPECIFICATIONS. 6. CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. 7. SURVEY INFORMATION PROVIDED BY SMITH & SMITH TP-----TP------TREE PROTECTION FENCE SURVEYORS, APEX, NC. TREE PROTECTION/SILT FENCE SILT FENCE The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans. NA Date PW-Transportation WR - Stormwater Date 31919 NA Date Building Inspections Date \cap 3 15-19 Date WR - Utility Engli Date Plannina - Transportation Date Electric Date NI Date Parks, Recreation & Cultural Res. WR - S & E Date **Thursday** Issued for Bid Only EXISTING UTILITIES NOTE: HE ENGINEERS HAVE SHOWN THE EXISTING UTILITIES OF WHICH HEY ARE AWARE. HOWEVER THE AMOUNT OR LOCATION OF DIEF HE EXISTING UTILITIES SHOWN ON THIS DRAWING ARE NOT UARANTEED BY EITHER THE OWNER OR THE ENGINEER. THEREFORE, THE CONTRACTOR IS FULLY RESPONSIBLE FOR OCATING ALL UTILITIES AND REPAIRING ANY DAMAGED UTILITIES T HIS OWN EXPENSE, WHETHER OR NOT THEY ARE SHOWN ON HIS DRAWING. GRAPHIC SCALE CATT TIC *c* % Ŵ (IN FEET) 1 inch = 20 ft. LINE 'D' LINE 'C'HORIZ. SCALE: 1'' = 20'VERT. SOALE: 1'' = 4'HORIZ. SCALE: $1^{"} = 20'$ VERT. SCALE: $1^{"} = 4'$ ø -----(2 MIDDLE CREEK REGIONAL PUMP STATION, FORCE MAIN, & INTERCEPTOR MFW INVESTMENTS, LLC APEX NORTH CARGINA 1A -1 No. 56.46 770 91 ЧЧ ЧЧ -EXI\$T. ___GRADE__ DRO STA. -----370 370 370 370 -370 ------APPROX. 100-YR. . FLOOD EL. 369.60 ≥ EXIST. APPROX. 100-YR. FLOOD EL. 368.50 GRADE 360 360 360 360 360 \mathcal{S} Ū

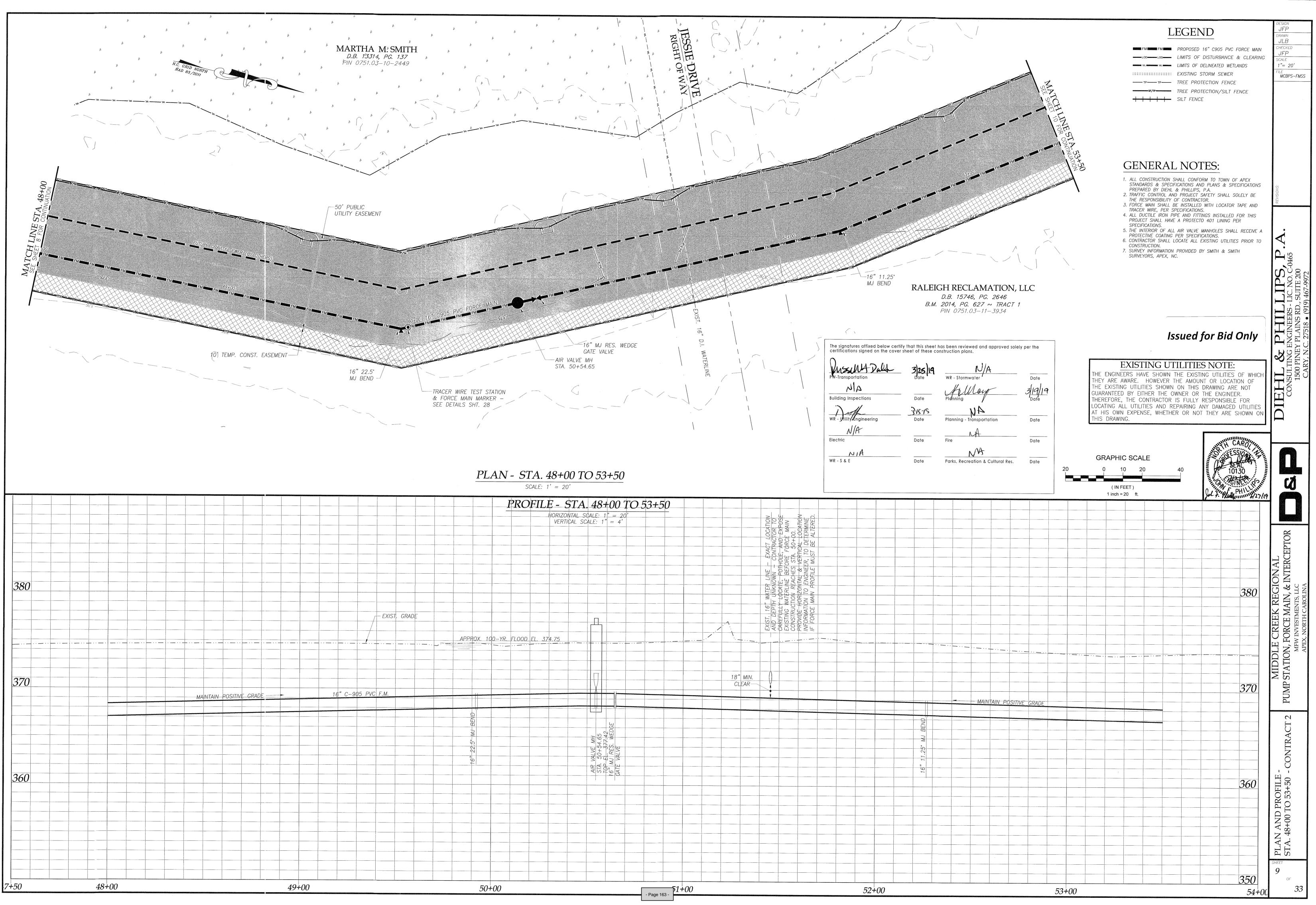
60.44 LF 8" C900 PVC @ 1.00% 56.46 LF 8" C900 PVC @ 1.00% PLAN AND PROFILE -STA. 32+00 TO 37+00, LINE LINE 'D' - CONTRACT 2 _____ 350 350 350 350 350 0+60.44 - 373.83 355.35 (PLUGGED) UT 355.15 _____ 0 M Z 16-10 16-16 NH NV: NV: NV: STA. 8 100 8 18 MH STA. 10P. 6 340 340 340 340 340 33 10+50 10+00 37+00 10+00 10+50

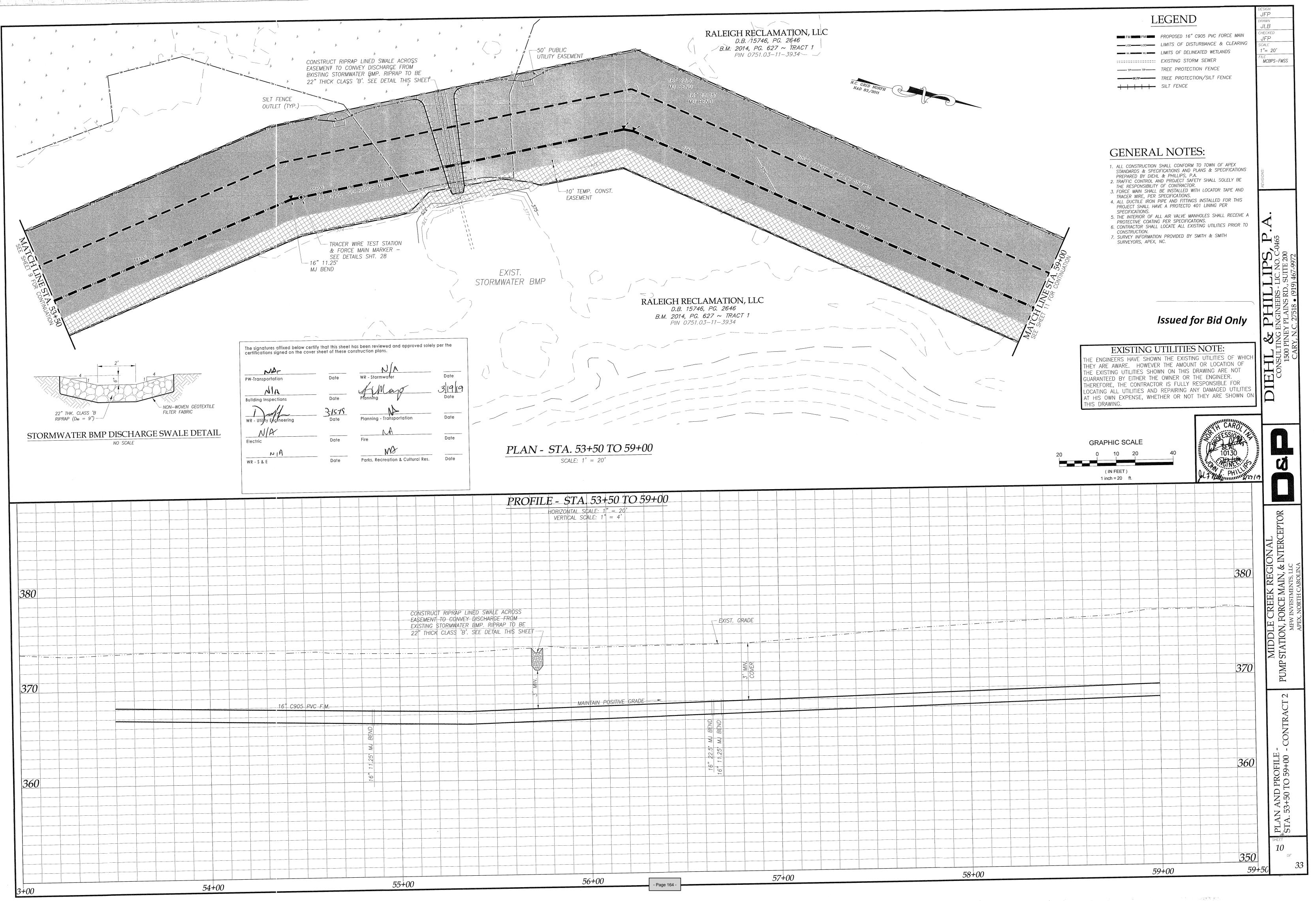


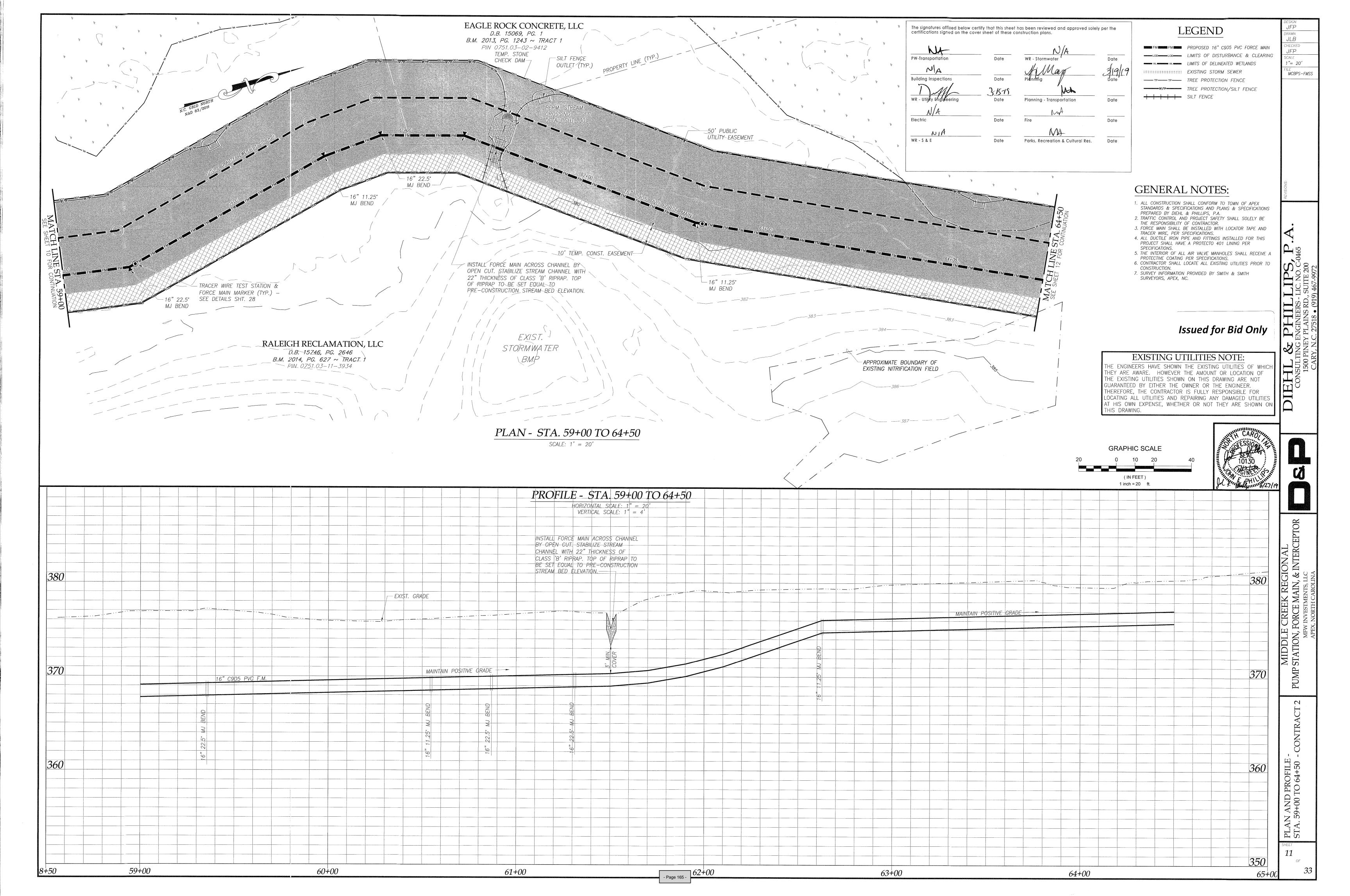
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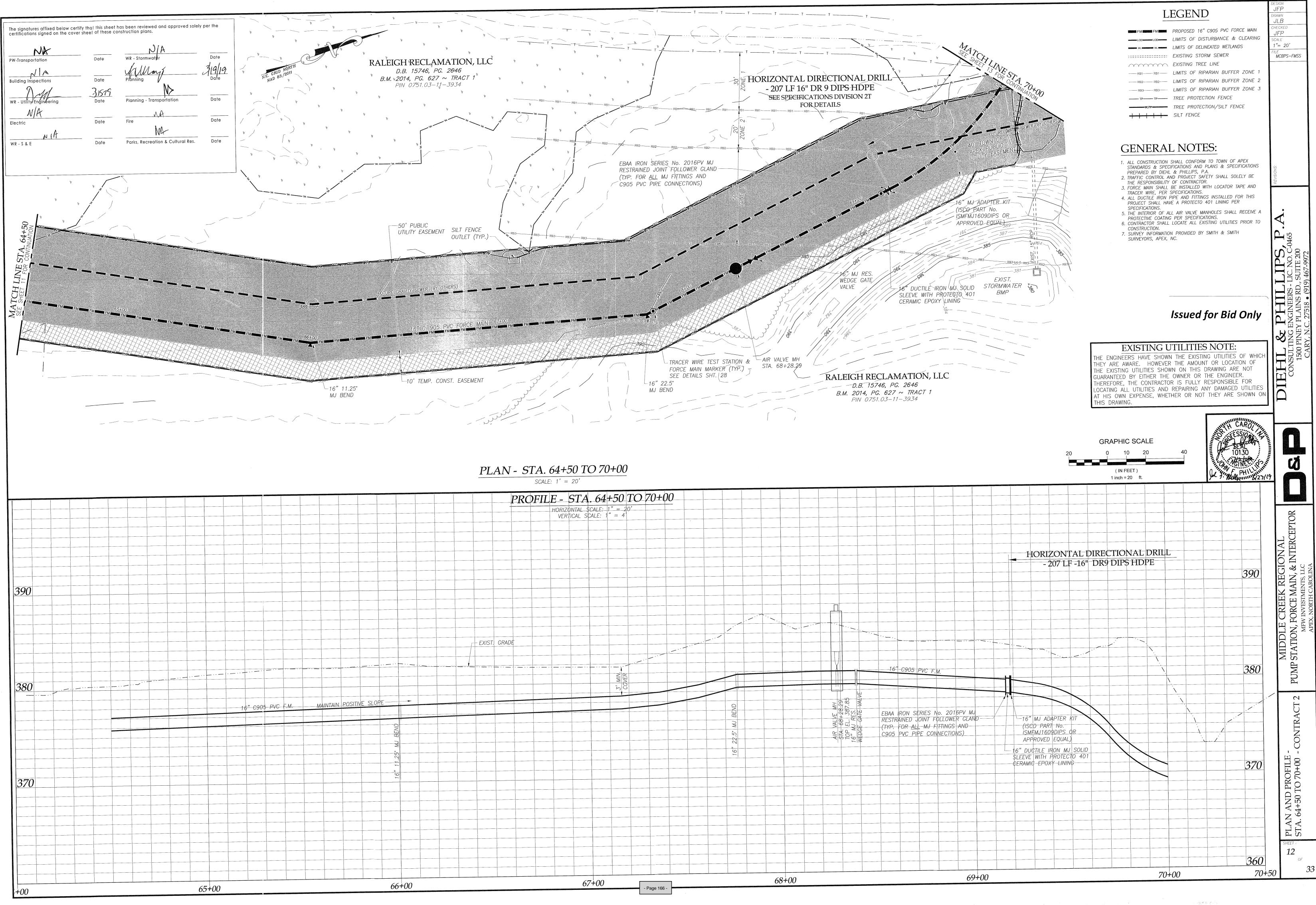


PROF	TLE - STA 4	2+50 TO 48+00			
	HORIZONTAL SCAL	$F \cdot 1'' = 20'$			
	HORIZONTAL SCAL VERTICAL SCALE	1'' = 4'			
 		EXIST. GRADE			
		EXIST. GRADE			
 			·····		·
		16" C905 PVÇ F.M.			
				0	
			BEN	BEND	
			W BEND	NC NC	
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			52.5	22	
			16"	16"	
	45+00	- Page 162 -	46+0	0	

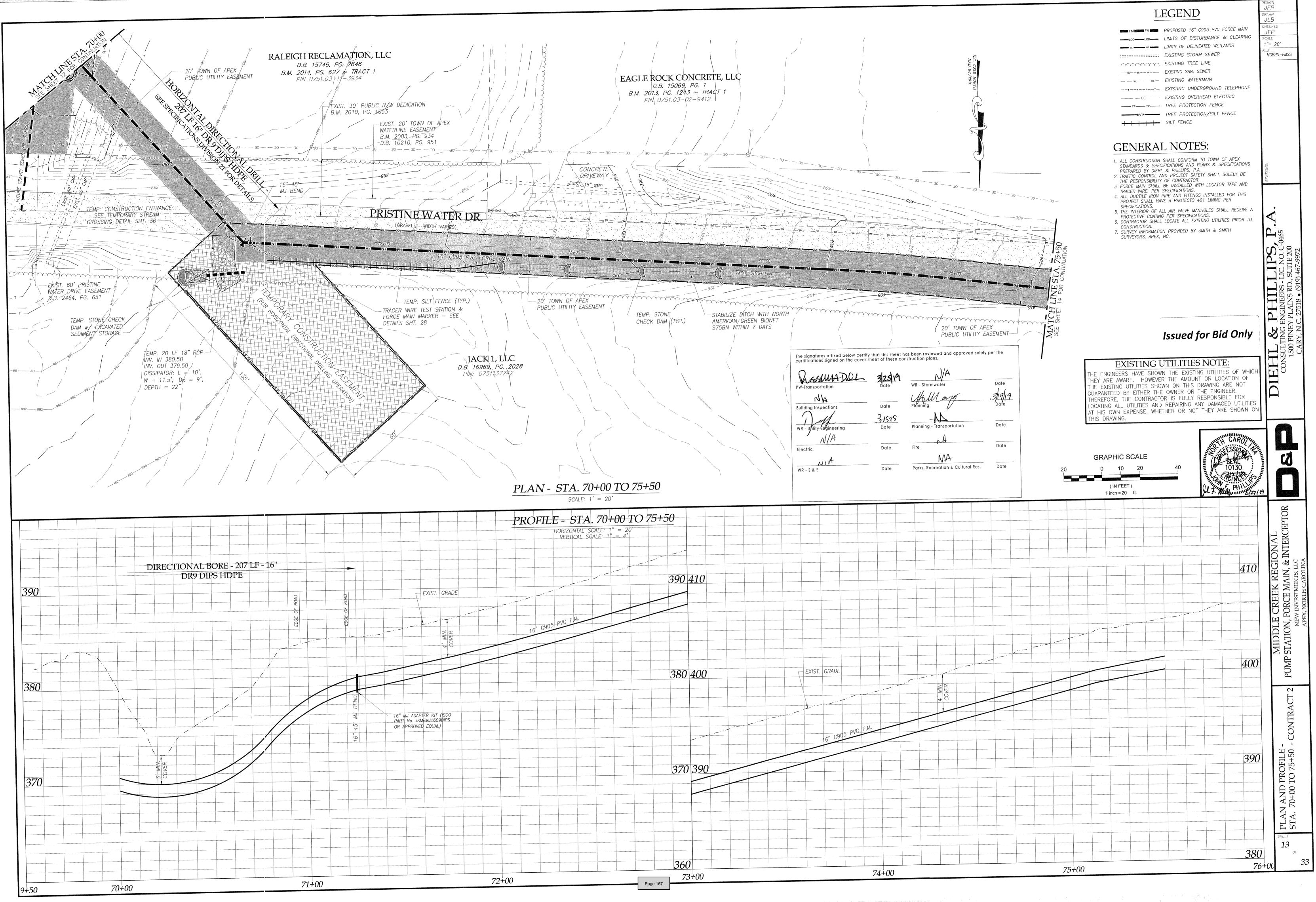


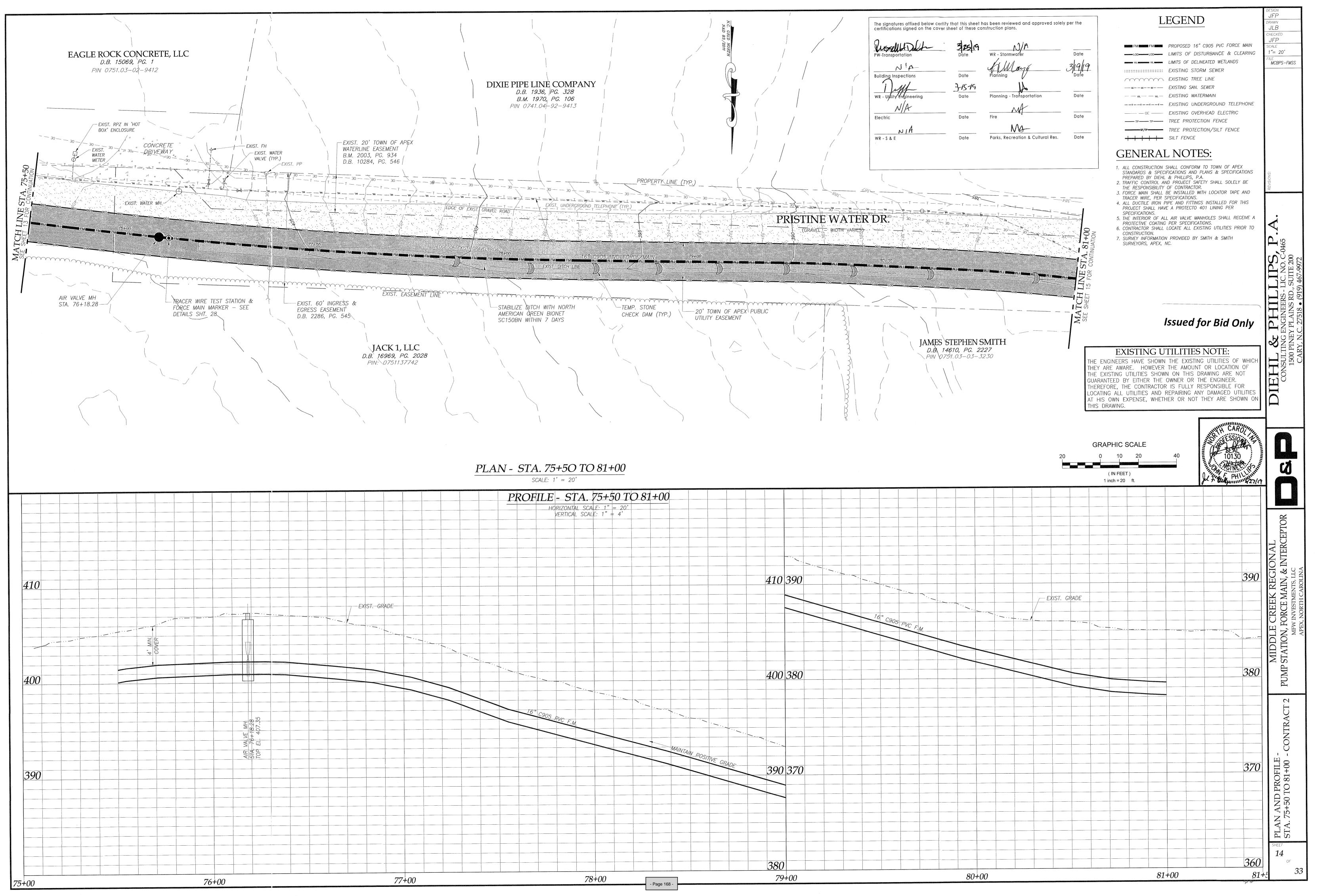


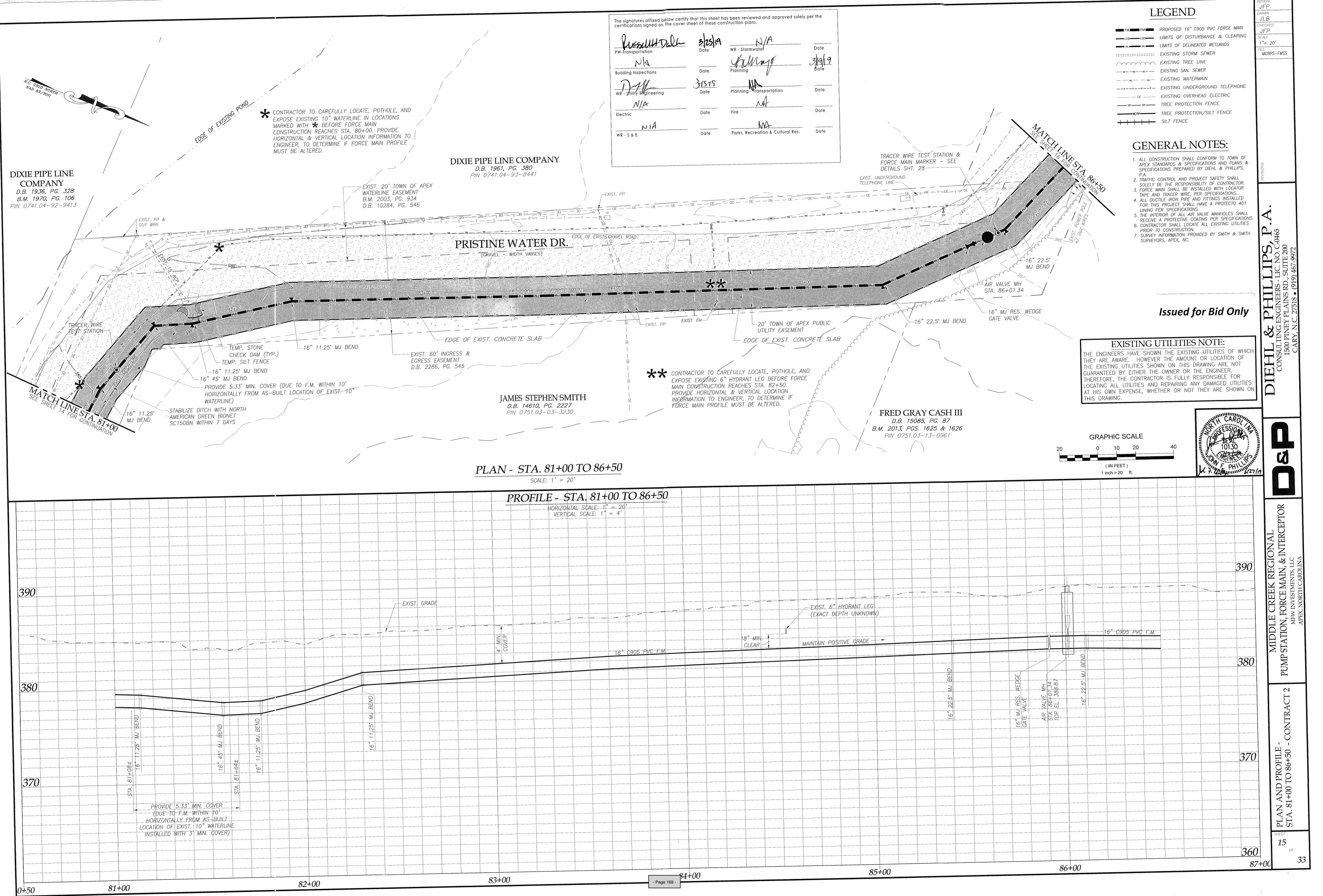




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SCALE:	1'	=	20'	

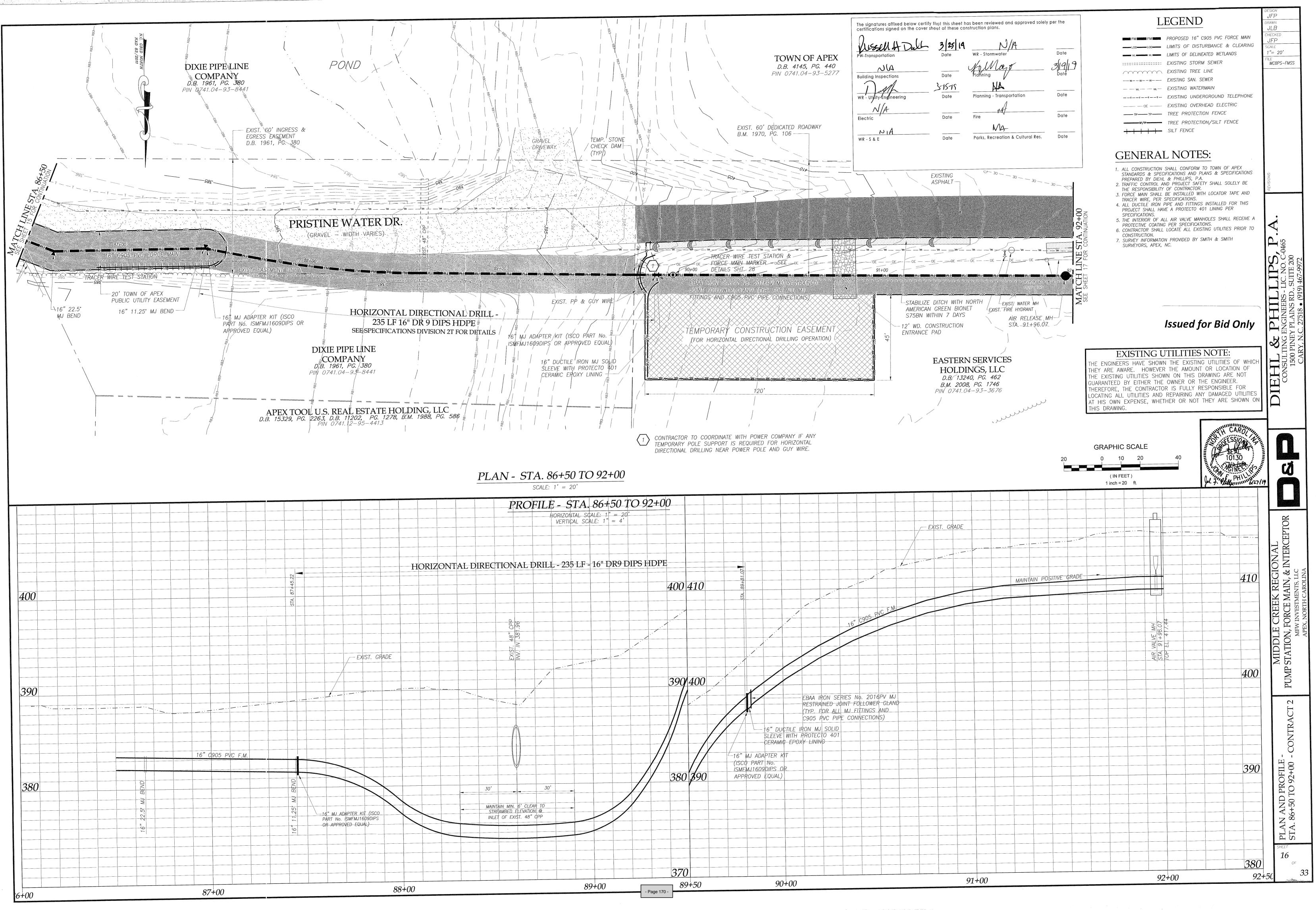


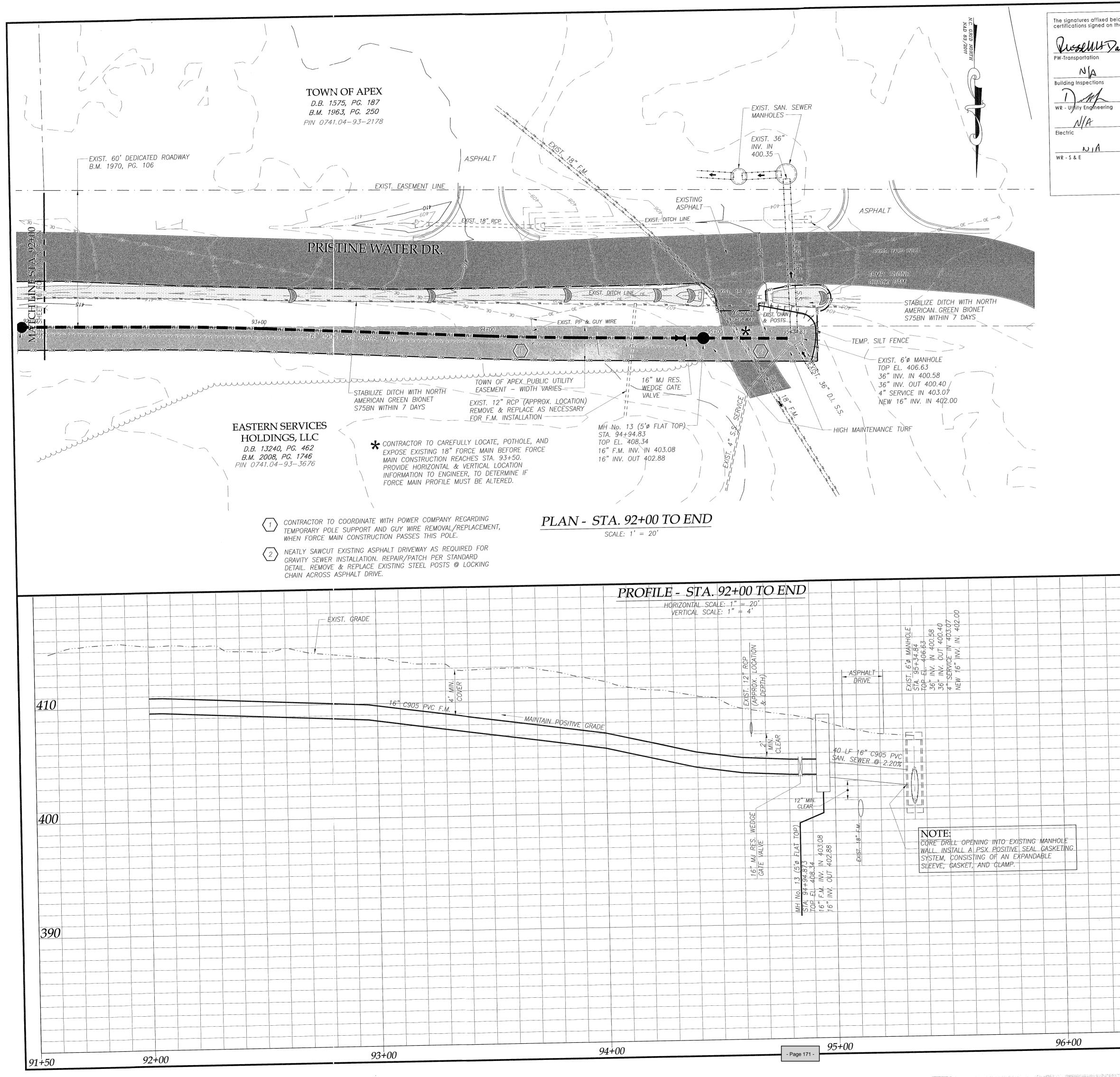






	1' = 20' F - STA 81+00 TO 8	6+50		
	E - STA. 81+00 TO 8 HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 4'			
			E) (E	IST. 6" HYDRANT LEG XACT DEPTH UNKNOWN)
4, MIN. COVER			18" MIN. CLEAR MAIN	AIN POSITIVE GRADE
	16" C905 F			
		· ·		
83+00		84+00		85+00
00 - 00		- Page 169 -		

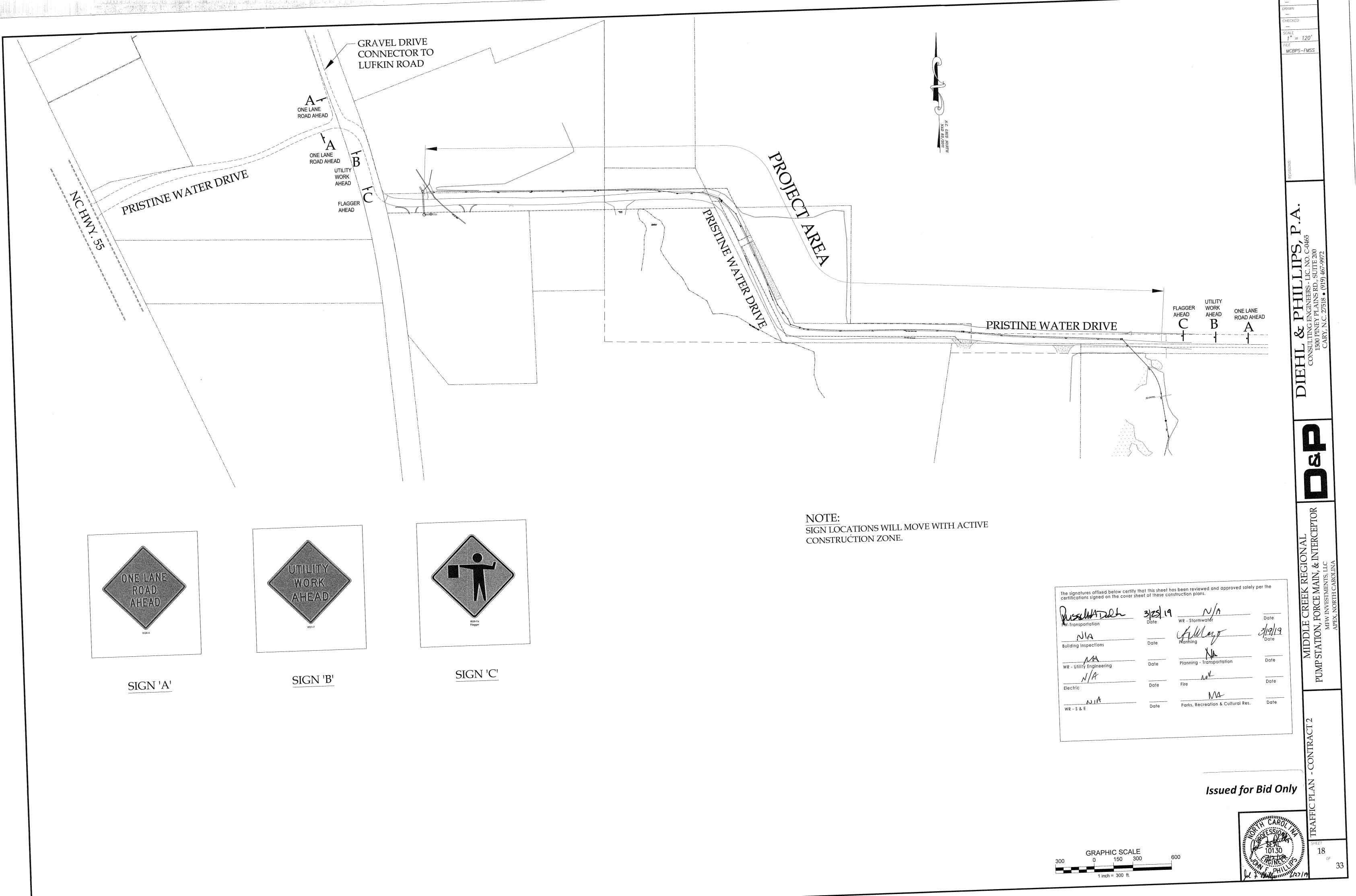


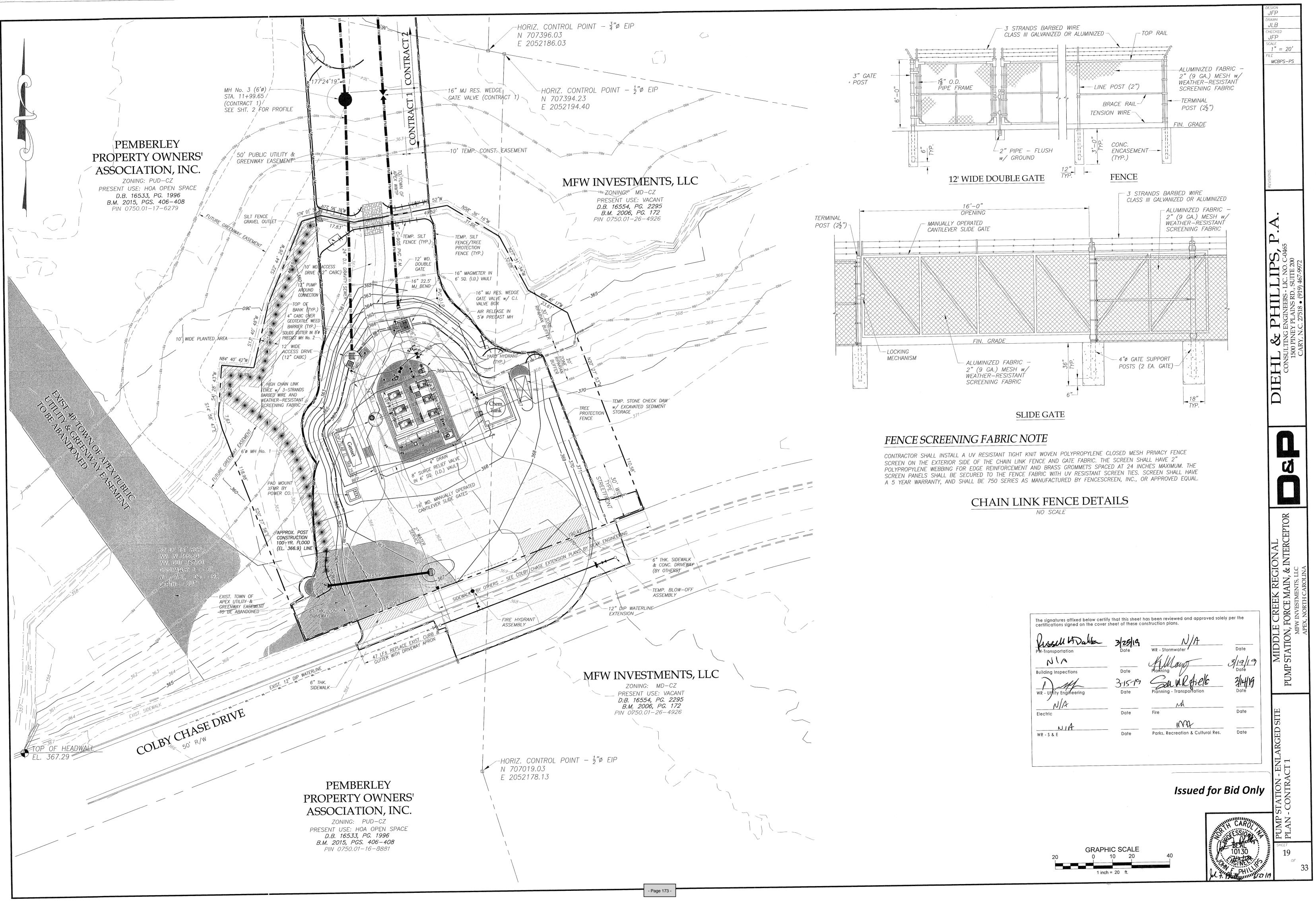


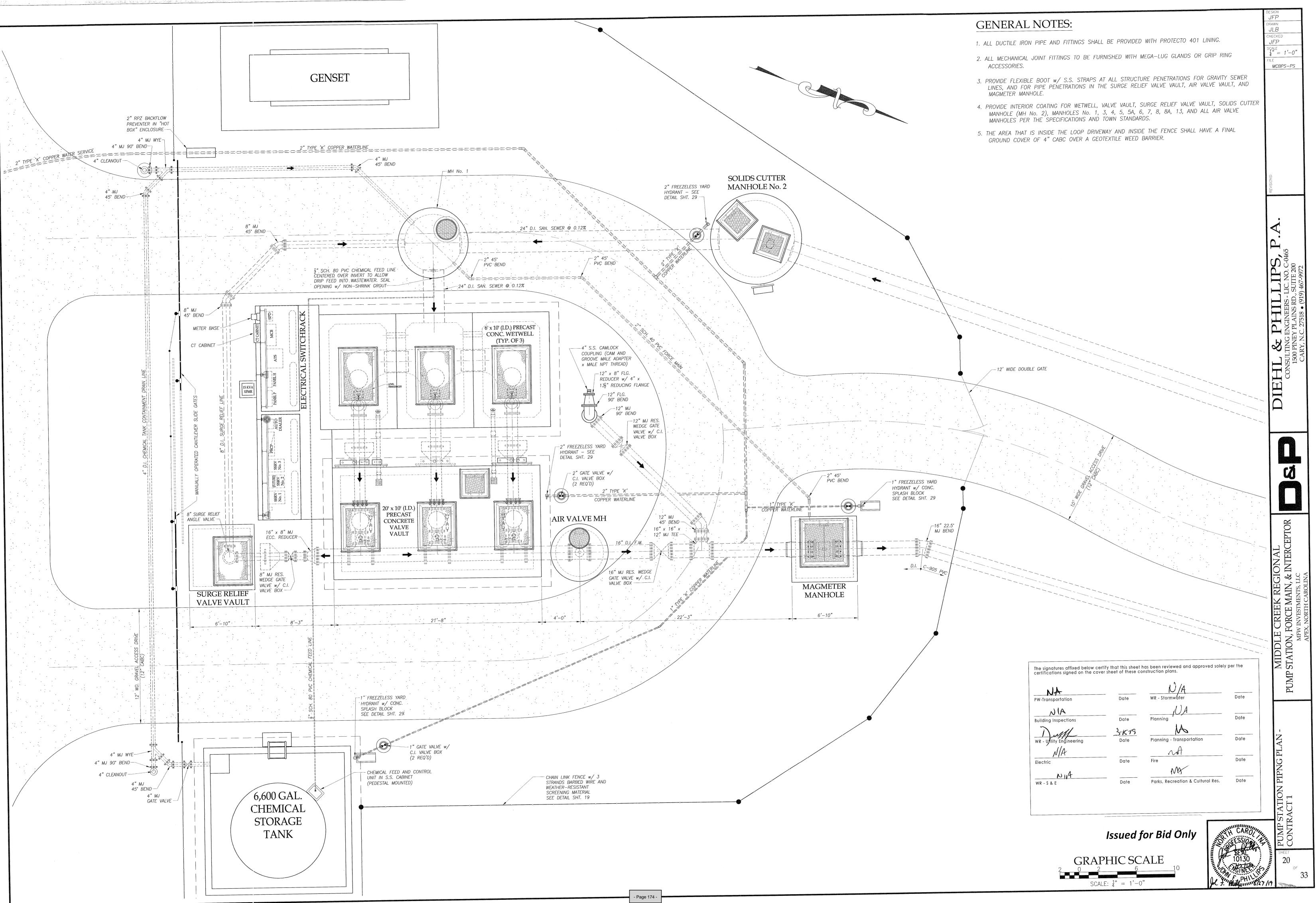
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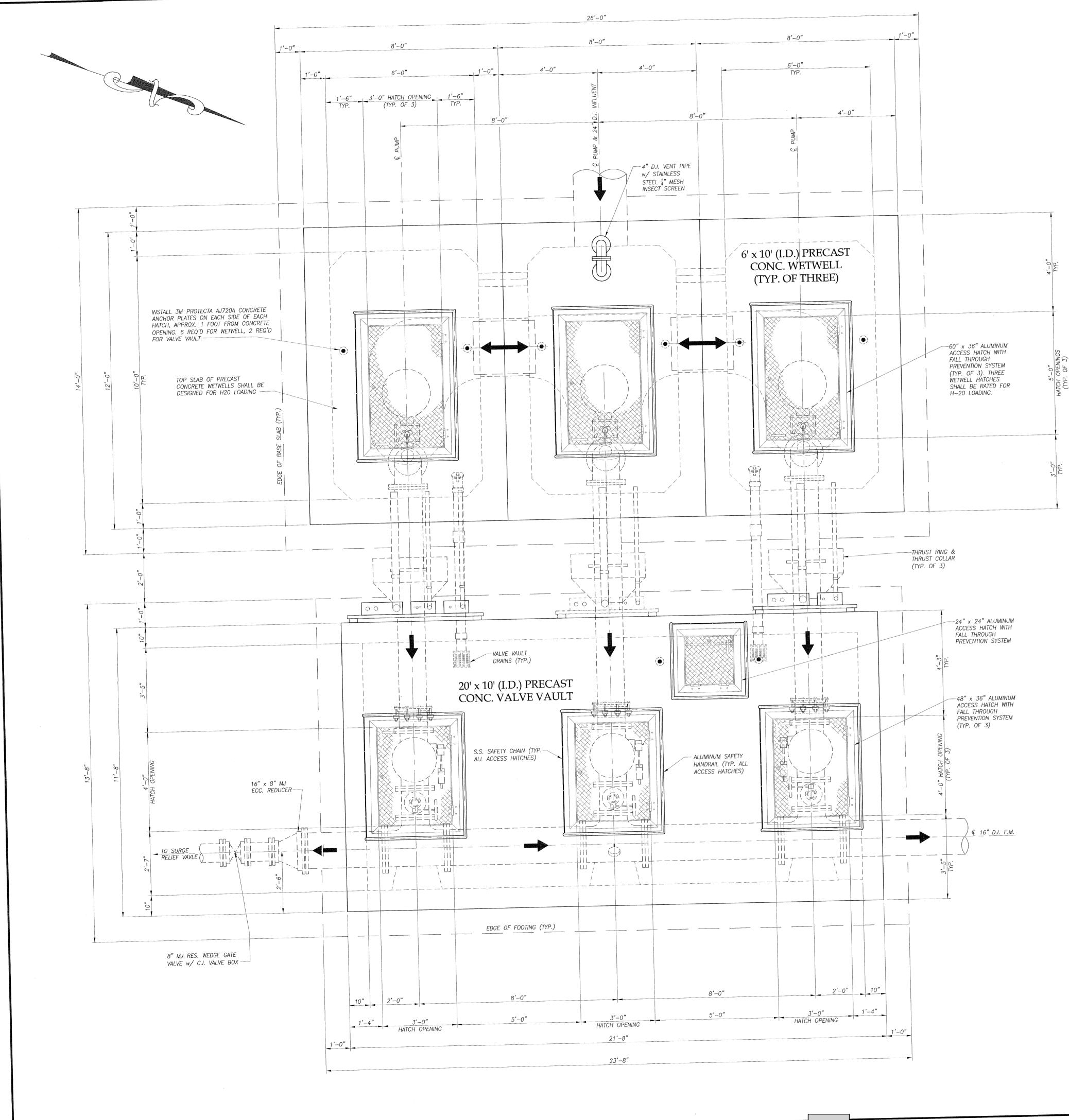
bw certify e cover sh	that this sheet have of these considered of the consid	WR - Stor WR - Stor Planning Planning Fire	M/A mwater Mayo NA - Transporto A	Date 3/19/19 Date Date Date	I. ALL CONS STANDARD PREPARED 2. TRAFFIC C THE RESP 3. FORCE MA TRACER W 4. ALL DUCT PROJECT SPECIFICA 5. THE INTER No. 13 SI SPECIFICA 6. CONTRACT CONSTRUC 7. SURVEY II	PROPOSEL INTS OF LIMITS OF LIMITS OF LIMITS OF LIMITS OF EXISTING STAIL AIR VAL AND PROPOSEL LIMITS OF EXISTING EXISTING TONS EXISTING TREE PF TREE PF SILT FER SILT FER STALL AND PROJECTIONS BY DIEHL & PHILLIN ONTROL AND PROJECTIONS IN SHALL BE INSTAL ICON OF ALL AIR VAL HALL RECEIVE A PROTIONS. OR SHALL LOCATE A	16" PVC GRAVITY SEWER 16" C905 PVC FORCE M DISTURBANCE & CLEAN DELINEATED WETLANDS STORM SEWER TREE LINE SAN. SEWER WATERMAIN UNDERGROUND TELEPH OVERHEAD ELECTRIC POTECTION FENCE POTECTION/SILT FENCE NEE DTES: IFORM TO TOWN OF APEX AND PLANS & SPECIFICATIONS, P.A. T SAFETY SHALL SOLELY E ACTOR. LED WITH LOCATOR TAPE A	AIN SCALE RING 1"= 20' FILE MCBPS-F	
				THEY GUAF THEF LOCA AT F THIS	ENGINEERS HAV ARE AWARE. EXISTING UTILITI RANTEED BY EITH REFORE, THE CO ATING ALL UTILITI HIS OWN EXPENS DRAWING. RAPHIC SCAL 0 10 20	NG UTILI SHOWN THE E HOWEVER THE AN ES SHOWN ON T HER THE OWNER NTRACTOR IS FU ES AND REPAIRIN SE, WHETHER OR	A for Bid Or TES NOTE: XISTING UTILITIES OF AOUNT OR LOCATION HIS DRAWING ARE NO OR THE ENGINEER. LLY RESPONSIBLE FO NG ANY DAMAGED UTI NOT THEY ARE SHOW ANY DAMAGED UTI NOT THEY ARE SHOW SEAL 10130		CARY, N.C. 27518 • (919) 467-9972
					(IN FEET) 1 inch = 20 ft.				PUMP STATION, FORCE MAIN, & INTERCEPTOR MFW INVESTMENTS, LLC APEX NORTH CAROLINA
								390 390 UN VN IO	STA. 92+00 TO END - CONTRACT 2







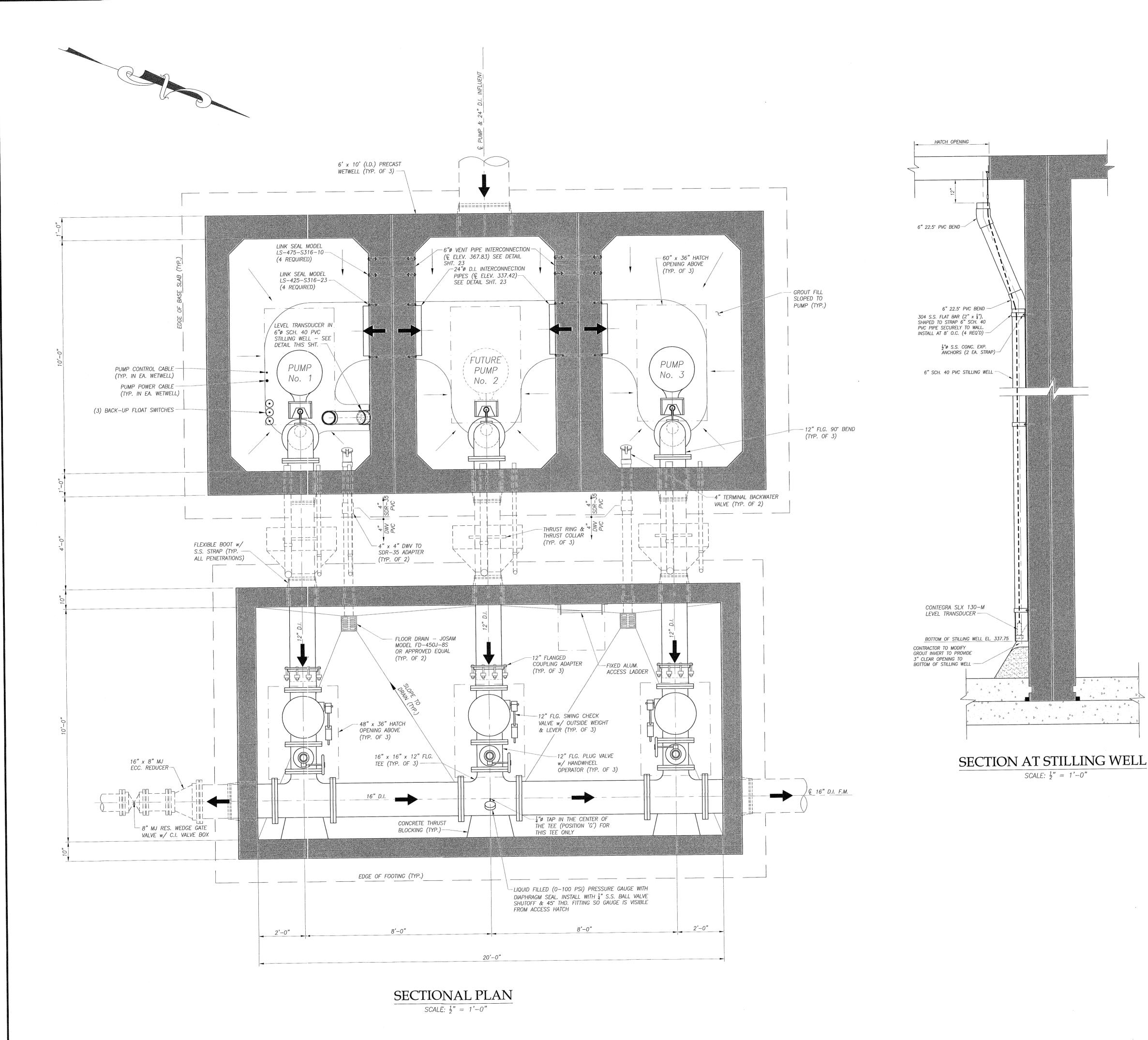


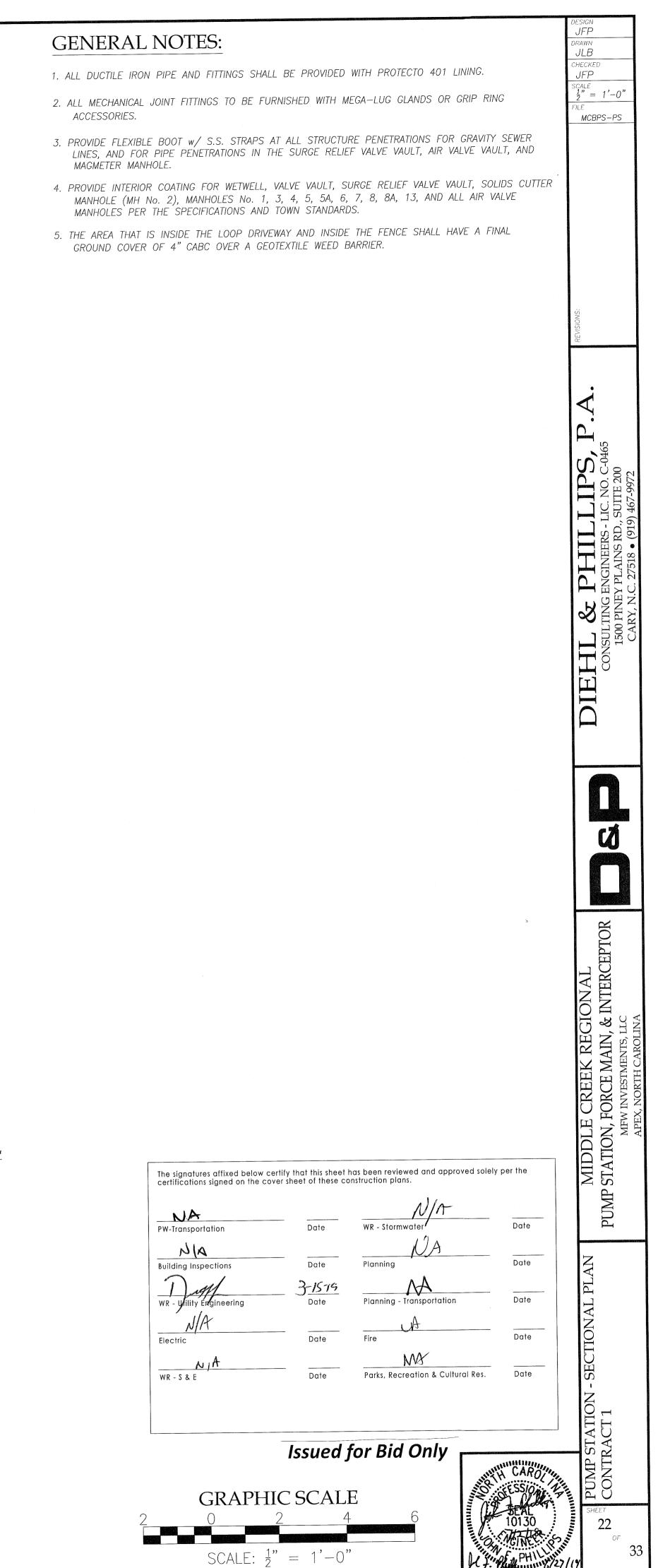


GENERAL NOTES:	design JFP drawn
. ALL DUCTILE IRON PIPE AND FITTINGS SHALL BE PROVIDED WITH PROTECTO 401 LINING.	JLB checked JFP
2. ALL MECHANICAL JOINT FITTINGS TO BE FURNISHED WITH MEGA-LUG GLANDS OR GRIP RING ACCESSORIES.	$\frac{SCALE}{2} = 1'-0''$ FILE $MCBPS-PS$
3. PROVIDE FLEXIBLE BOOT w/ S.S. STRAPS AT ALL STRUCTURE PENETRATIONS FOR GRAVITY SEWER LINES, AND FOR PIPE PENETRATIONS IN THE SURGE RELIEF VALVE VAULT, AIR VALVE VAULT, AND MAGMETER MANHOLE.	
4. PROVIDE INTERIOR COATING FOR WETWELL, VALVE VAULT, SURGE RELIEF VALVE VAULT, SOLIDS CU MANHOLE (MH No. 2), MANHOLES No. 1, 3, 4, 5, 5A, 6, 7, 8, 8A, 13, AND ALL AIR VALVE MANHOLES PER THE SPECIFICATIONS AND TOWN STANDARDS.	TTER
5. THE AREA THAT IS INSIDE THE LOOP DRIVEWAY AND INSIDE THE FENCE SHALL HAVE A FINAL GROUND COVER OF 4" CABC OVER A GEOTEXTILE WEED BARRIER.	
	REVISIONS:
	RE
	Ý.
	C.
	HL & PHILLIPS, consulting engineers - LIC. No. C-0465 1500 PINEY PLAINS RD., SUITE 200 CARY, N.C. 27518 • (919) 467-9972
	, SUITE 9) 467-9
	HIT NEERS - INS RD 18•(91
	L & PHILLIPS SULTING ENGINEERS - LIC. NO. C 1500 PINEY PLAINS RD., SUITE 200 CARY, N.C. 27518 • (919) 467-9972
	L & 1500 PINE) LITING FINE) CARY, N.(
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	REGI AIN, & NTS, LLC
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	LE CREEK REGI N, FORCE MAIN, & mew investments, llc apex, north carolina
The signatures affixed below certify that this sheet has been reviewed and approved solely per certifications signed on the cover sheet of these construction plans.	the HIDIN
PW-Transportation Date WK - Stormward	Date D
Building Inspections Date Flamming	Date
WR - Utility Engineering Date Planning - Transportation	Date
Electric Date Fire	Date NVTI dOL -
WR - S & E Date Parks, Recreation & Cultural Res.	
	STATION RACT 1
Issued for Bid Only	ATRAC

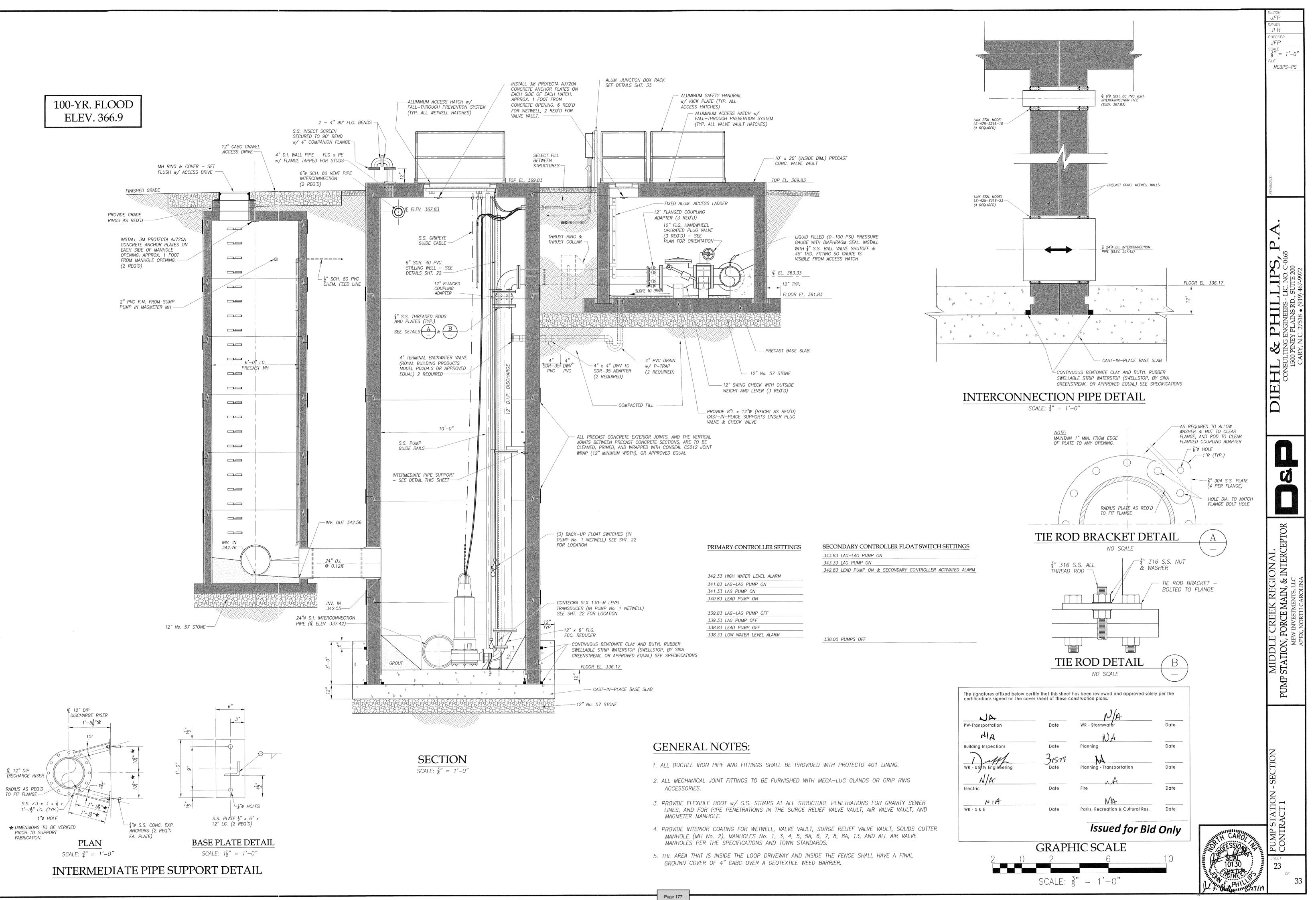
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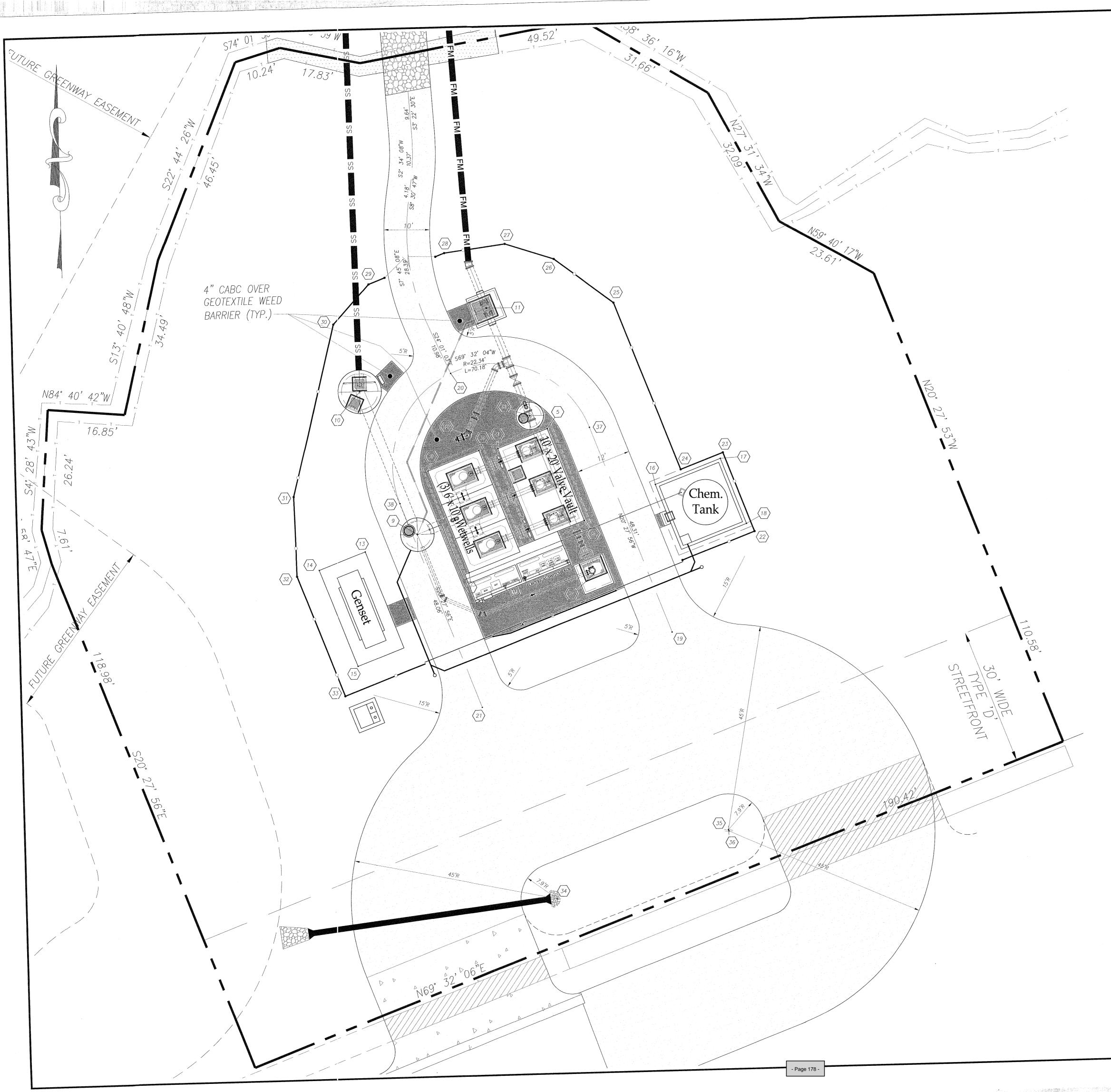
GRAPHIC SCALE





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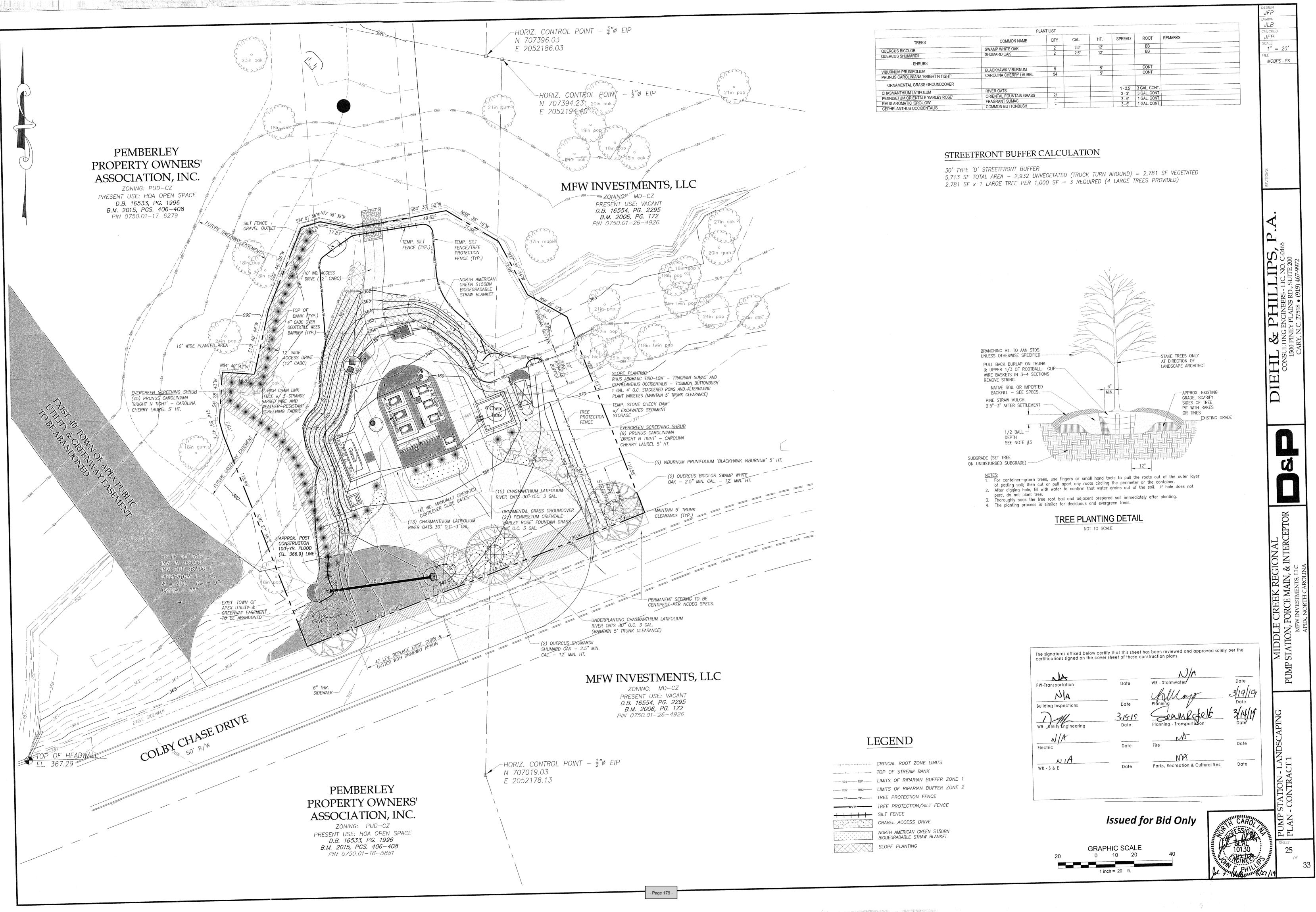


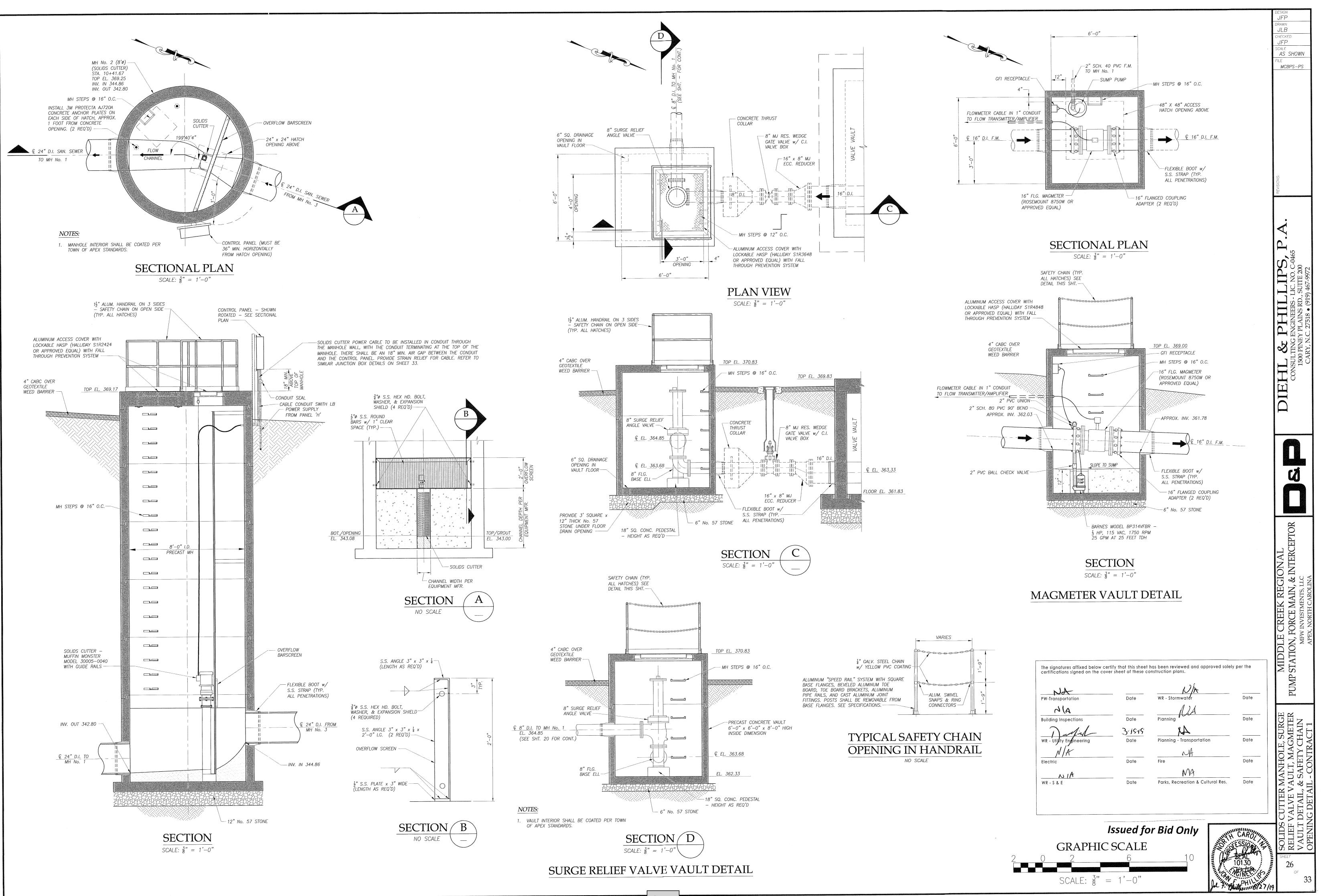


	STA	KING C	OORDINATES	JLB checked JFP
NT No.	NORTHING		DESCRIPTION	$\frac{\text{SCALE}}{1^{"}} = 10'$
1	N707195.25	E2052135.63	SW CORNER OF WETWELL	FILE MCBPS-PS
2	N707217.74	E2052127.24	NW CORNER OF WETWELL	
3	N707221.93	E2052138.48	NE CORNER OF WETWELL	
4	N707222.24	E2052142.64	NW CORNER OF VALVE VAULT	-
5	N707226.32	E2052153.57	NE CORNER OF VALVE VAULT SE CORNER OF VALVE VAULT	
6	N707206.02	E2052161.15 E2052162.88	CENTER OF SURGE RELIEF VAULT	
7	N707194.21 N707229.20	E2052102.00	CENTER OF AIR VALVE MANHOLE	
$\binom{8}{9}$	N707203.93	E2052124.57	CENTER OF MH No. 1	
10	N707235.48	E2052112.79	CENTER OF SOLIDS CUTTER MH No. 2	
11	N707238.99	E2052132.79	CENTER OF MAGMETER MANHOLE	REVISIONS
12	N707225.34	E2052135.98	PUMP BYPASS CONNECTION	
$\langle 13 \rangle$	N707200.45	E2052113.06	NE CORNER OF GENERATOR SLAB \star NW CORNER OF GENERATOR SLAB \star	
$\langle 14 \rangle$	N707196.66	E2052102.91 E2052110.83	SW CORNER OF GENERATOR SLAB	
$\left< 15 \right>$	N707175.42 N707213.49	E2052176.87	NW CORNER OF CHEM. TANK CONTAINMENT STRUCTURE	
$\langle 16 \rangle$ $\langle 17 \rangle$	N707218.85	E2052191.24	NE CORNER OF CHEM. TANK CONTAINMENT STRUCTURE	65
(18)	N707204.49	E2052196.60	SE CORNER OF CHEM. TANK CONTAINMENT STRUCTURE	S C-0465
(19)	N707181.13	E2052179.70	€ OF 12' WIDE GRAVEL ACCESS DRIVE	LIDS JIC. NO. C- SUITE 200
20	N707238.99	E2052132.79	INT. OF 12' WIDE & 10' WIDE GRAVEL ACCESS DRIVES	LIC. NC SUITE :
$\langle 21 \rangle$	N707181.13	E2052179.70	& OF 12' WIDE GRAVEL ACCESS DRIVE	IL] IRS - L RD., 5
22	N707202.74	E2052198.32	FENCE CORNER	DHIL NGINEERS - PLAINS RD
$\langle 23 \rangle$	N707213.49	E2052176.87 E2052182.51	FENCE CORNER	A PLA
(24)	N707216.66 N707253.54	N2052168.75	FENCE CORNER	いの思え
$\left< 25 \right>$ $\left< 26 \right>$	N707263.42	E2052155.94	FENCE CORNER	SULTIN SULTIN
$\langle 27 \rangle$	N707266.99	E2052145.29	FENCE CORNER	
$\langle 28 \rangle$	N707265.30	E2052132.05	FENCE CORNER	
29	N707258.91	E2052115.30	FENCE CORNER	
$\langle 30 \rangle$	N707250.29	E2052107.40	FENCE CORNER	
$\langle 31 \rangle$	N707212.86	E2052097.75		
$\langle 32 \rangle$	N707195.42 N707168.99	E2052098.04 E2052107.90		
$\langle 33 \rangle$ $\langle 34 \rangle$	N707123.41	E2052153.02	TOUCK THEN APOLIND	
$\left< 35 \right>$	N707137.54	E2052190.88	RADIUS PT. – TRUCK TURN AROUND	
$\langle 36 \rangle$	N707137.26	E2052190.99	RADIUS PT. – TRUCK TURN AROUND	
37	N707226.39	E2052162.81	RADIUS PT. – 12' WD. GRAVEL ACCESS DR.	
$\langle 38 \rangle$	N707210.77		RADIUS PT. – 12' WD. GRAVEL ACCESS DR. ON DIMENSIONS OF SUBMITTED GENERATOR	
	ET 19 FOR HOP		/ERTICAL CONTROL POINTS. t this sheet has been reviewed and approved solely per the of these construction plans.	MIDDLE CREEK REGIONAL PUMP STATION, FORCE MAIN, & INTERCEPTOR
	WR - S & E	3	Date WR - Stormwafer Date 3/4/19 MA Date Planning 15-15 Date Date Planning - Transportation Date Fire Date MA Date Planning - Transportation Date Planning - Transportation Date Fire Date Fire Date Parks, Recreation & Cultural Res.	TAKING PLAN
		lssu	ued for Bid Only	UIMP ST

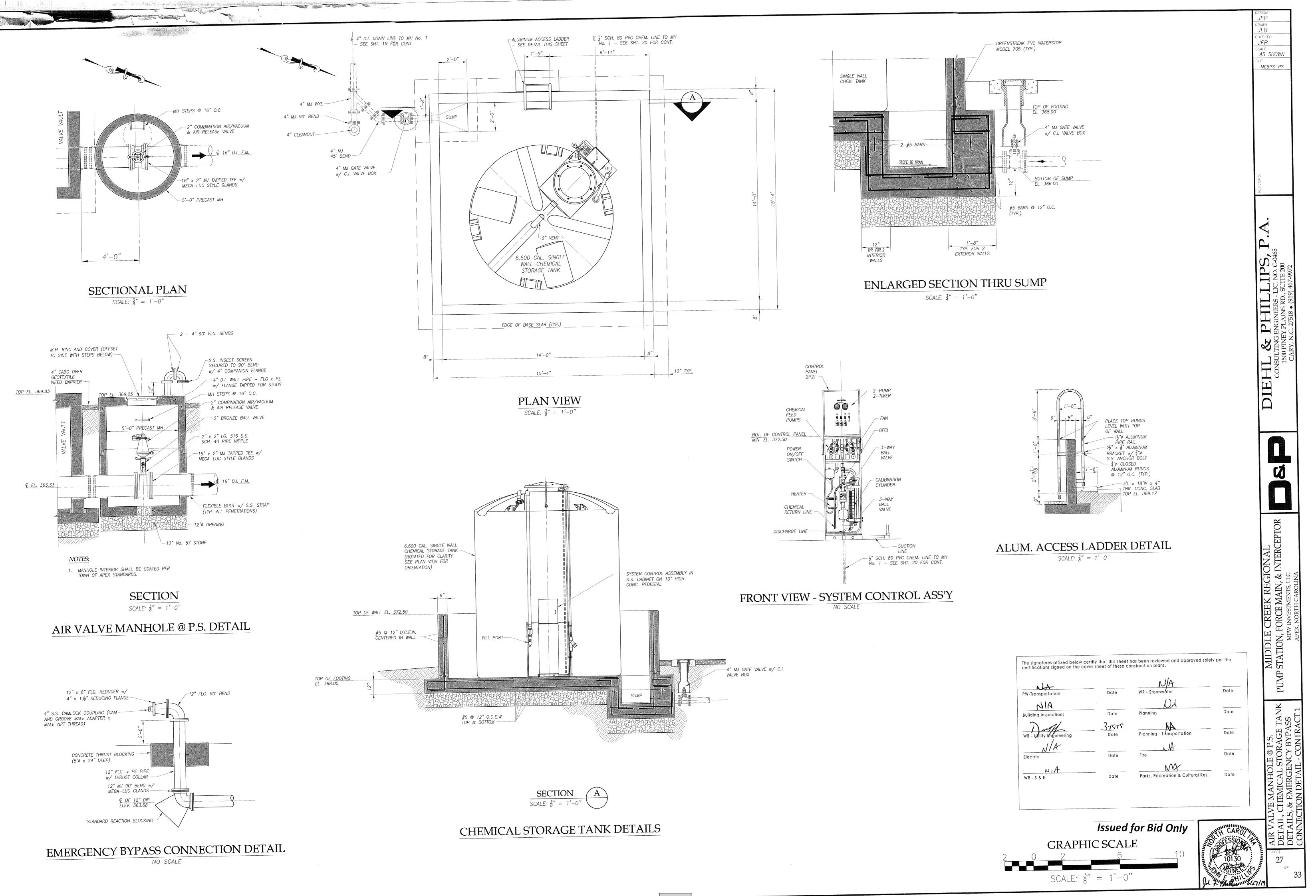
1 inch = 20 ft.

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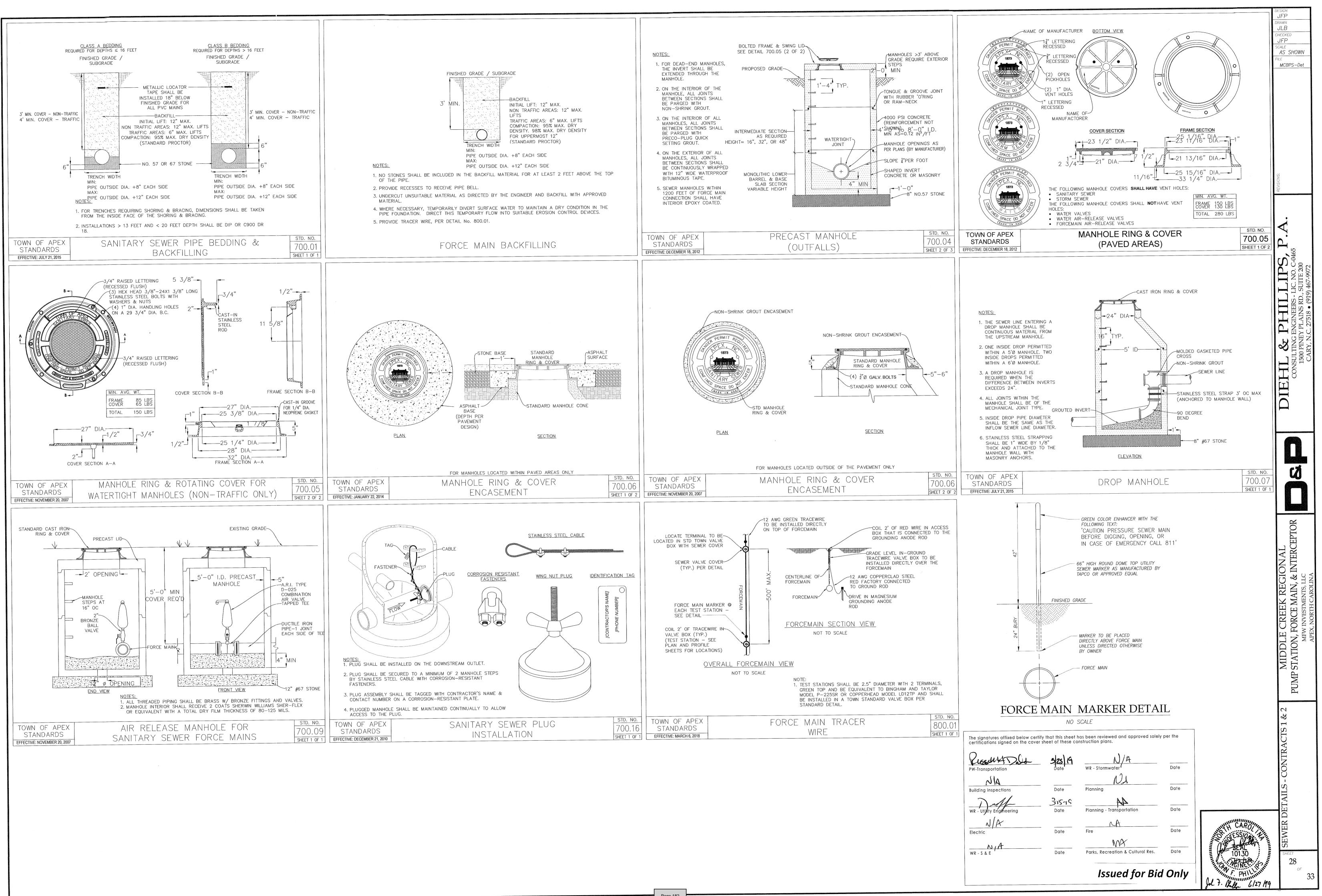


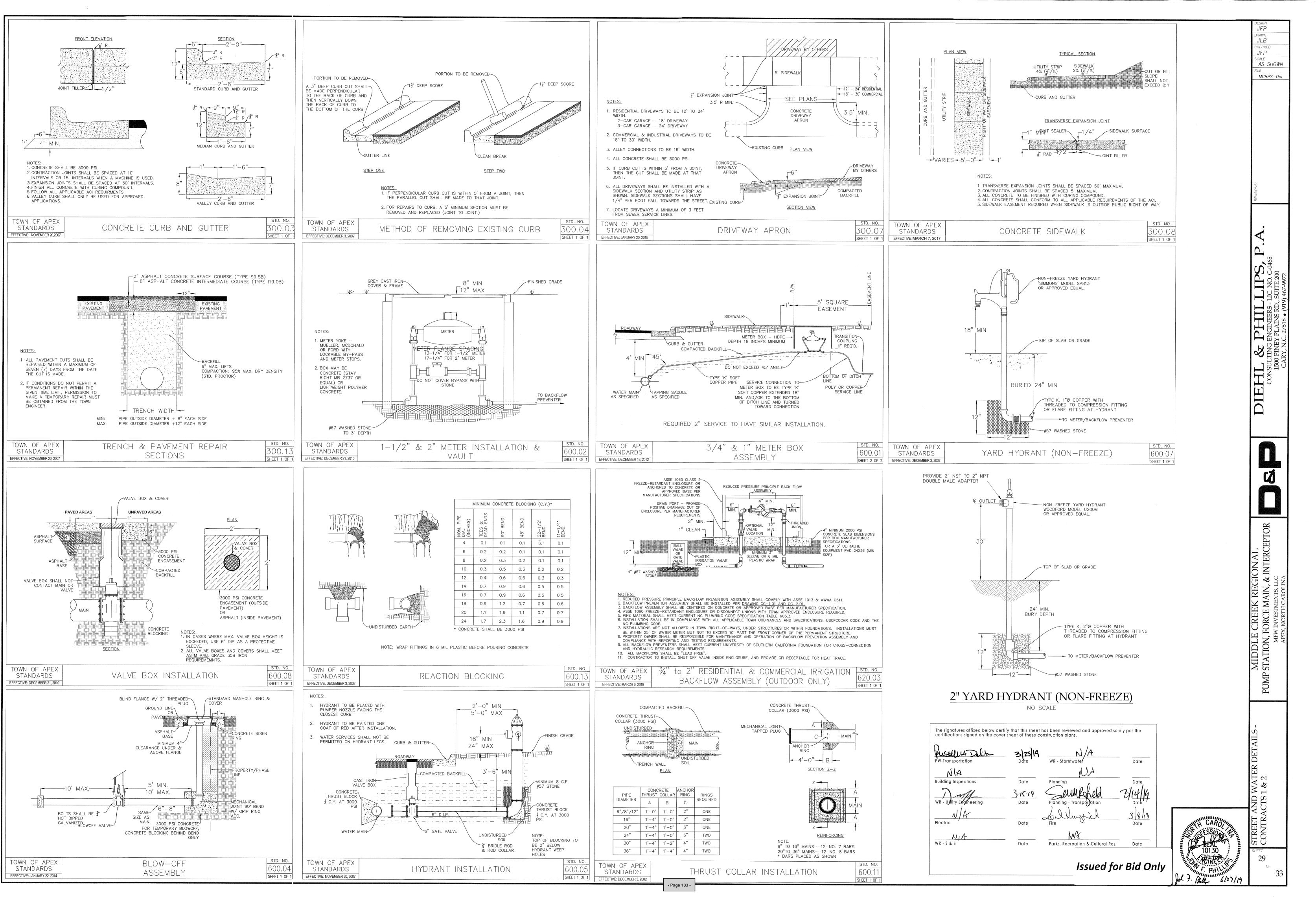


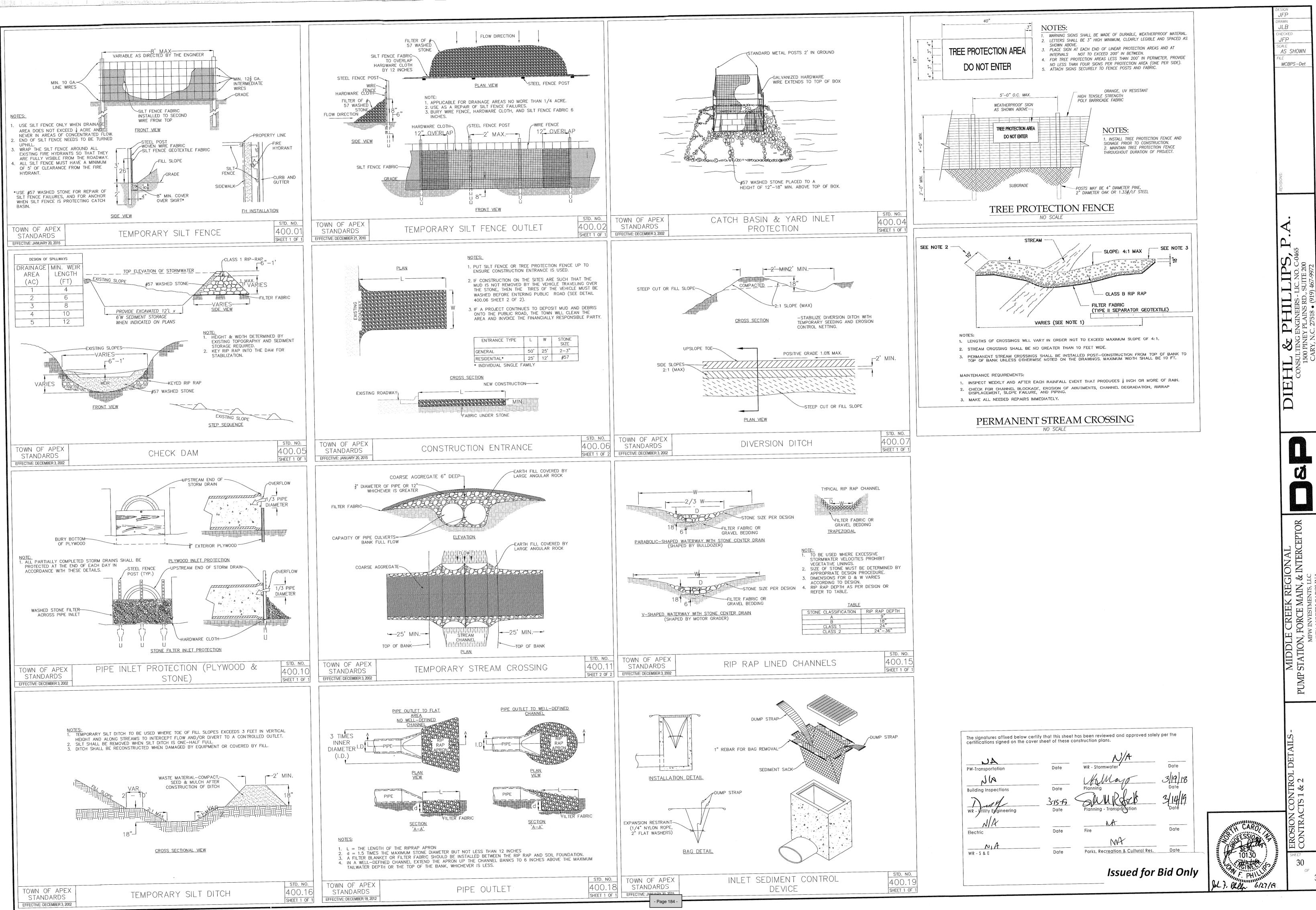
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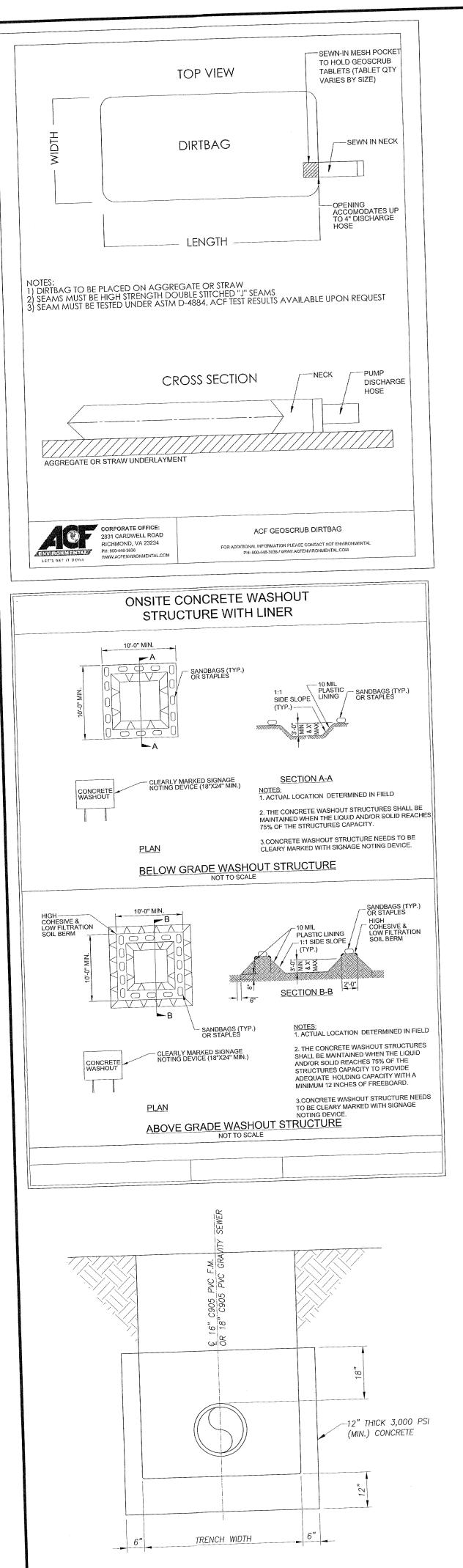






-33





		VEGETATIV		Seedbed	Seeding	Mulch	Mainte-
	Season	Fermanenc	Temporary (pounds/acre)	Prep.	Method	Muich	nance
Description	5643011	(pounds/dere/	(pounds/acre)	SP-1	CM 1		MA-1
	Spring or	Tall Fescue (120)			SM-1		11/1
	Fall	Kobe Lespedza (50)	Tall Fescue (120)				
Steep Slopes (2:1 to 3:1);	Summer		Browntop Millet (35)			MU-1	
low maintenance			Tall Fescue (120)	SP-2	SM-2		MA-4
IOW Inamechanice			Kobe Lespedza (50)				
	Winter		Abruzzi Rye (25)				
	Spring or						MA-3
High Maintenance Turf (north of Pristine Water Drive – see plans)	Fall	Tall Fescue Blend (200)		SP-3	SM-2	MU-2	MA-J
	Summer		German Millet (40)				MA-4
	Winter		Abruzzi Rye (120)				
	Spring or	Tall Fescue (120)					
	Fall	Abruzzi Rye (40)					
Grassed Channels with	Summer Winter	Tall Fescue (200)		SP-4	SM-2	MU-3	MA-2
side slopes (along Pristine		Browntop Millet (35)	(120)	SP-4	01112		
Water Dr. – see plans)			Tall Fescue (120)				
Willer Bit Gee party			Kobe Lespedza (50) Abruzzi Rye (25)				
		(200)	ADruzzi Rye (25)				MA-1
	Spring or	Tall Fescue (200)					MA-1
Low Maintenance Areas -	Fall		Tall Fescue (120)	SP-4	SM-2	MU-2	
All disturbed project areas except for the three	Summer		Browntop Millet (35)	SP-4	514-2	110 2	MA-4
categories listed above,		Tall Fescue (120)	Drottiteop 1	1			
and the pump station site.	Winter	Abruzzi Rye (40)					
	Fall	Mellow March Farms (or					
Wetlands – for all	Fall, Winter, or	approved equal) Wetland	t l	SP-5	SM-2	MU-2	MA-3
disturbed Wetland areas in	Spring	Seed Mix (25)			5=		
the project	Summer		German Millet (40)				
Pump Station Site	Soo detaile	d planting plant for pump s	tation site				

Refer to Attachment 1 for details of Seedbed preparation, seeding method, and mulch and maintenance requirements. Spring (Feb. 1 – April 15); Summer (April 15 – Aug. 20); Fall (Aug. 20 – October 25); Winter (October 25 – Feb1)

		ATTACHMENT 1
isk	Task Type	Description
edbed	SP-1	Permanent Seeding of fill slopes 3:1 or steeper to be seeded in accordance with the Stal
eparation		hydraulic seeder. 1. Leave the last 4-6 inches of fill loose and uncompacted, allowing rocks, roots, la
iP)		
		 Roughen slope faces by making grooves 2-3 litches deep, perpendicular to and Roughen slope faces by making grooves 2-3 litches deep, perpendicular to and
	00.0	
	SP-2	1 Leave a loose and uncompacted surface. Remove rockey, rockey and
		 Spread lime evenly over slopes at rates recommended by soil tests. Incorporate amendments by roughening or grooving soil surface on the contou Incorporate amendments by roughening or grooving soil surface on the contou
		 Incorporate amendments by roughening of grooms solution Timeframe Ta High maintenance turf, to be seeded in accordance with the Stabilization Timeframe Ta
	SP-3	High maintenance turf, to be seeded in accordance with tillage and the production of 1. Remove rocks and debris that could interfere with tillage and the production of and the production of the seeden accompany of the set of the
		2 Apply lime and fertilizer at rates recommended by som costs, spin
		 Appropriate and the second seco
		3. Loosen the subgrade immediately prior to spreading opportunity
		inches.4. Spread topsoil to a depth of 2-4 inches and cultipack.4. Spread topsoil to a depth of 2-4 inches a uniform and well pulverized surface.
		E Disc or harrow and rake to produce a uniform and weil purveilage entry
		 6. Loosen surface just prior to applying seed. Gentle or flat slopes where topsoil is not used, to be seeded in accordance with the State
	SP-4	Gentle or flat slopes where topsoil is not used, to be sected in determinant of the sected in dete
		2 Apply lime and fertilizer at rates recommended by soil tests, spread evening and
		the stars dick chical DIOW OF FOID VIIIE
		3. Break up large clods and rake into a loose, uniform secured.
		 Break up large close surface just prior to applying seed. Rake to loosen surface just prior to applying seed. Wetland areas, where wetland topsoil shall be stockpiled and then replaced; to be see
	SP-5	
		2 Apply lime and fertilizer at rates recommended by som tests, spread of each and
		 inches, with a farm disk or chisel plow. Loosen the subgrade immediately prior to spreading the stockpiled wetland to
		3. Loosen the subgrade immediately prior to spreading the scorp and
		depth of at least 2 inches.4. Spread topsoil to a depth of 2-4 inches and cultipack.
		4. Splead topson to a dependent
		5. Disc or harrow and rake to produce a uniform and well pulverized surface.
		6. Loosen surface just prior to appiying seed.
		Permanent Seedings, fill slopes steeper than 3:1 – use hydraulic seeding equipment
Seeding Methods	SM-	fiber mulch at 45 pounds/1,000 square feet, and mulch tackifier
(SM)		
	SM	a deast and at the recommended rate with a cyclone security and of the
		 Broadcast seed at the recommended rate matching and contact Rake seed into the soil and lightly pack to establish good contact
ZORBER MERRY		
Mulch	MU	-1 Slopes 3:1 or steeper – in mid-summer, late fall, or winter, apply 100 pounds/1,000 s
Methods		with netting and staple to the slope. In spring and carry range are
(MU)		hydroseeder slurry -2 High maintenance vegetation and temporary seedings – apply 90 pounds/1,000 squ
	MU	straw and tack with 11 gallons/1,000 square feet
	ML	
		J-3 Grass-lined channels and swales – Install North American creater of the manufacture channel banks to the depth shown, and secure in accordance with the manufacture shoulders, apply 100 pounds/1,000 square feet grain straw and anchor with 11 gall
		shoulders, apply 100 pounds/1,000 square reet grain draw are
		A-1 Refertilize in late winter or early spring the following year.
Maintena		1.2 Inspect and repair mulch and lining as needed. Relefulize in late white of the
	11/1	pounds/1,000 square feet) of 10-10-10 fertilizer.
	M	 pounds/1,000 square feet) of 10-10-10 retuineer. Topdress with 10-10-10 fertilizer if growth is not fully established over the disturbe Topdress with 50 pounds per acre (1 pound/1,000 square feet) of nitrogen in Marc
	M	A-4 Topdress with 50 pounds per acre (1 pound/1,000 square read)

WETLANDS ANTI-SEEP COLLAR NO SCALE

abilization Timeframe Table, with a

, large clods and other debris to slope.

tabilization Timeframe Table d other debris which might hold

of a uniform seedbed. and incorporate to a depth of 2 to 4

arifying to a depth of at least 2

Stabilization Timeframe Table

and incorporate into the top 6 inches,

seeded in accordance with the on of a uniform seedbed. r and incorporate to a depth of 2 to 4

I topsoil by disking or scarifying to a

-----to apply seed and fertilizer, a wood

eader, or cultipacker seeder

000 square feet of grain straw, cover 10 square feet of wood fiber in a

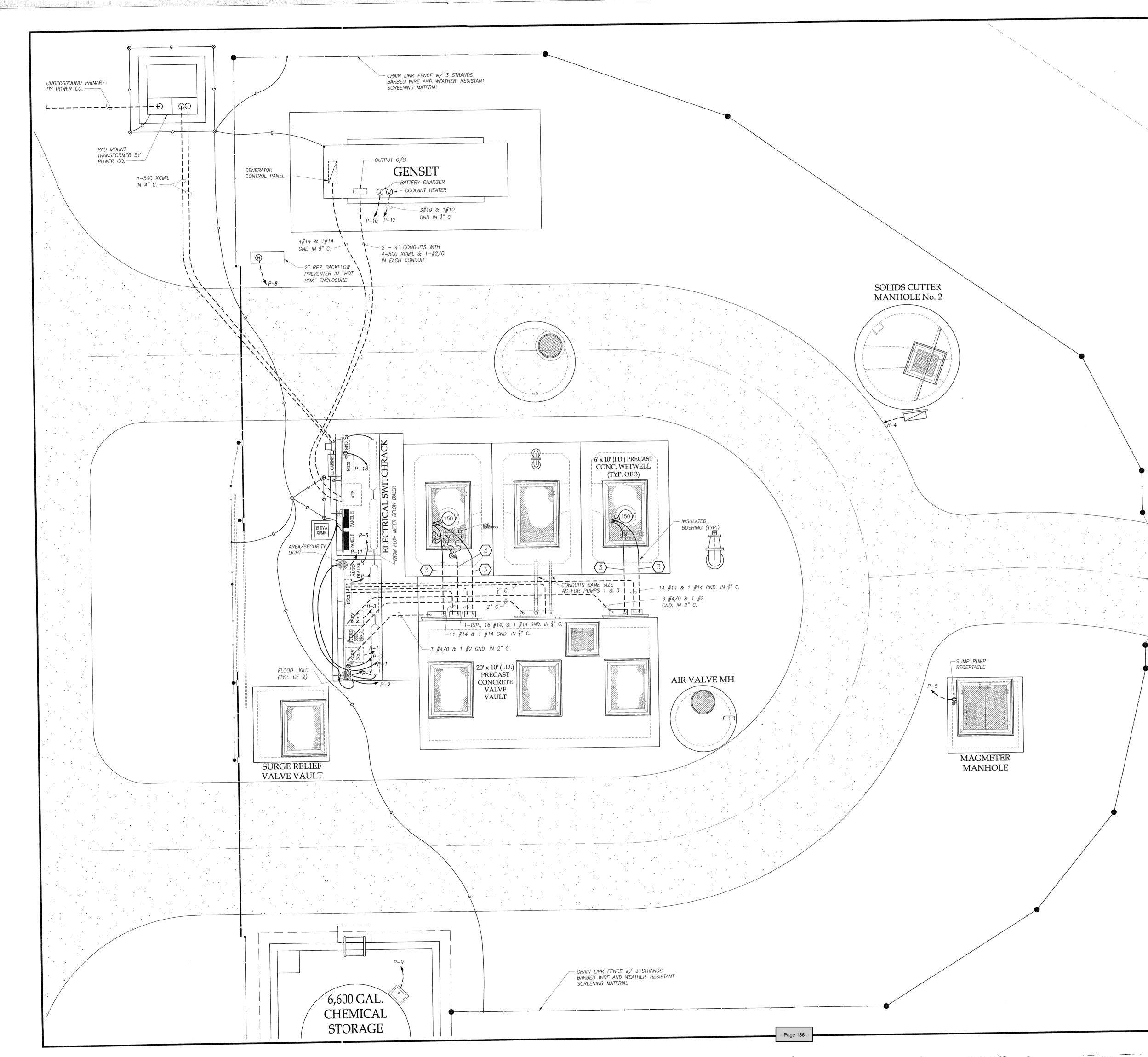
square feet (4,000 pounds/acre) grain

ans) in the channel, extend up the turer's specifications. On channel gallons asphalt/1,000 square feet

lowing year with 150 pounds/acre (3.5 ed areas.

> STABILIZATION TIMEFRAMES TIMEFRAME EXCEPTIONS **STABILIZATION** SITE AREA DESCRIPTION 7 days None Perimeter dikes, swales, ditches, slopes (\Box) None 7 days High Quality Water (HQW) Zones If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed. Slopes steeper than 3:1 7 days 7 days for slopes greater than 50' in length. 14 days Slopes 3:1 or flatter None, except for perimeters and HQW Zones. 14 days All other areas with slopes flatter than 4:1

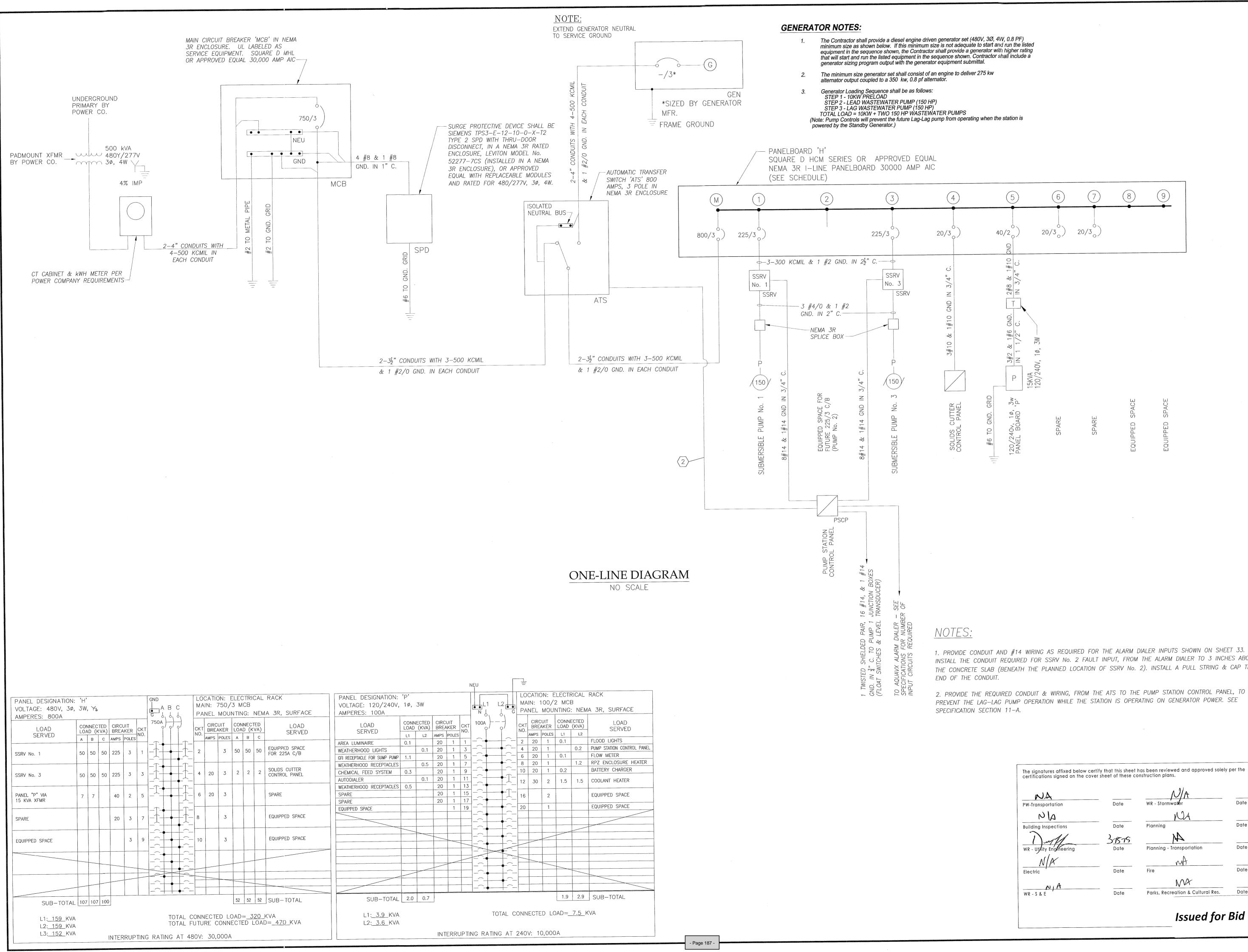
CONSTRUCTION SEQUENCE - CONTRACT 1 (PUMP STATION & UTILITIES	design JFP Drawn JLB
TO STA. 12+00)	checked JFP
measures and complete the following complete contractions (energy-	SCALE AS SHOWN FILE
mineral-land-resources/erosion-sediment-control/tornis/ completed with forms shall be kept on-site and available for inspection at all times. It is	MCBPS-Det
 Forms shall be kept on one and the permits box. recommended a copy be kept in the permits box. Contact NCDEQ-DEMLR at (919)791-4200 to provide notice of pre-construction meeting and project start-up at least 48 hours prior to commencement of demolition and construction 	
activities. 3 All equipment staging, lay down areas, spoils or waste areas must have perimeter measures	
installed and maintained until permanently stabilized 4. Sediment storage devices must be maintained until all upgrade areas have been permanently	
stabilized. 5. De-watering of sediment containment devices must be done through a silt bag. 6. Install tree protection fence, silt fence, and check dams as shown on plans.	
7. Call (919)791—4200 for inspection of installations. 8. Install temporary stream crossing.	
banks leaving root systems undisturbed. unaffected by utility installation undisturbed.	
unaffected by utility installation undisturbed. 10. Apply temporary seeding to areas unaffected by pump station excavation & stockpiling. 11. Begin pump station excavation. Stockpiling of excavated material must be limited to within the perimeter measures on the pump station site as shown on the plans. 12. Provide concrete wash-out structure at pump station site ensuring all setback requirements	REVISIONS:
are met.	
be brought to finished grade. Apply seeding within outsitive installation across drainageway. 14. Contractor to determine a period of dry weather for utility installation across drainageway. Construct cofferdam and provide pump to divert any upland flow around trenching operation.	P.A.
slope. Immediately stabilize balliks with follow crosses are f	
permanent seeding within seven (7) days. 15. Continue with construction of additional structures and installation of equipment. As areas are brought to final grades provide seeding within seven (7) days. 16. Contractor may elect to install permanent slope plantings and rolled erosion control product as 16. Contractor may elect to install permanent slope plantings and rolled erosion control product as	² ²⁰ ² ²
shown on plans to finished slopes if no function and construct truck turn around and install	LLIPS LIC. NO. C- SUITE 200) 467-9972
15" RCP and energy dissipator as shown on planting call (a1a)791-4200 for inspection.	· 」「 こう
 18. When construction is completed and site is stabilized call (310)/or rigor reason in the reason of temporary measures. 20. When permanent cover is established call (919)791-4200 for final inspection. 	PHII ENGINEERS IY PLAINS RD .C. 27518 • (9)
20. When permanent cover is established ean (every en	PF Engin C. 275 C. 275
TO END)	HL & P CONSULTING EN 1500 PINEY F CARY, N.C.
CONSTRUCTION SEQUENCE - CONTRACT 2 (UTILITIES STA. 12+00 TO END)	ISULT 15001 CAR
 The contractor shall conduct self-inspections of the erosion and sedimentation control measures and complete the following combined self-inspection form found on the DEMLR website: (http://deq.nc.gov/about/divisions/energy- 	CON
mineral-land-resources/erosion-sediment-control/torns) completed map is	
recommended a copy be kept in the permits box. 2 Contact NCDEQ-DEMLR at (919)791-4200 to provide notice of pre-construction meeting and projectivities.	
start—up at least 48 nours phon to commencement areas must have perimeter measures 3 All equipment staging, lay down areas, spoils or waste areas must have perimeter measures	
 Sediment storage devices must be maintained until on apgrade stabilized. 	
6 Install tree protection fence, shi fence, and encert dame	of
 Call (919)791-4200 for inspection of installations. Call (919)791-4200 for inspection of installations. Install temporary stream crossings. Contractor shall locate temporary crossings at same location permanent crossings where feasible. Contractor to utilize solid bottom timber mats with sides when necessary to avoid excessive rutting. 	
in wetland areas and at stream crossings.	nks
leaving root systems undisturbed. To the extern possible, by utility installation undisturbed.	
needed to install the utilities and remaining stamps within corridor is not permitted.	
12. Apply temporary seeding to cleared dicus. 13. Provide concrete wash—out structures as necessary ensuring all setback requirements are met.	DLG
14. Conduct trenching and pipe laying detivities. 15. Contractor to determine a period of dry weather for utility installation across drainageways.	ONAL INTERCEPTOR
16. After utility installation is completed reconstruct encounter product as shown on plans. Apply seeding Immediately stabilize banks with rolled erosion control product as shown on plans. Apply seeding	ation ation ation atoLINA AIN, & INTER(ANTER(AROLINA
within seven (7) days. 17. Trenches shall be backfilled as work progresses. There shall be no open trenches overnight. Stabilize trench surface as soon as possible following backfill. Stabilize trench surface is stabilized areas per plans and specifications and according to stabilize	K REGIC MAIN, & I MENTS, LLC CAROLINA
18. Stabilize shoulders and all disturbed dreas per plane and an (010)701-4200 for inspection.	${}^{\mathrm{H}}_{\mathrm{C}} \overset{\mathrm{H}}{\mathrm{M}} \overset{\mathrm{H}}{\mathrm{N}} \overset{\mathrm{H}}{\mathrm{N}} \overset{\mathrm{H}}{\mathrm{N}}$
20. If site is approved remove temporary encourary measures.	LE CREEK RE N, FORCE MAIN MFW INVESTMENTS, APEX, NORTH CAROI
areas resulting from the removal of temporary model of final inspection. 21. When permanent cover is established call (919)791–4200 for final inspection. EROSION CONTROL PLAN NOTES:	JE C J, FO AFW I AFW I
 Temporary and permanent erosion control measures shall be provided for all land disturbing activities in accordance with these plans and specifications and with NCDEQ-DEMLR approved erosion control plan. 	56
accordance with these plans and operative specification section 2–M. 2. Seed and stabilize all disturbed areas according to Stabilization Timeframes shown on this sheet. 3. Contractor shall adhere to erosion control self—monitoring program including all documentation.	MII
3. Contractor shall adhere to erosion control sell-monitoring programme s	UMP
and approved solely per the	် ကိ
The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.	DETAIL
NA Date WR - Stormwater Date	
PW-Transportation Durc NJA	ROL & 2
Building Inspections Date Planning Date	ONTR S 1 & S
WR - Utility Engineering Date Planning - Transportation Date	ACT
N/A Date Fire Date	DSIO
	ERC
WR-S&E Date Parks, Recreation & Cultural Res. Date 10130	SHEET 30A
Issued for Bid Only	CF OF 33
Jel 7. Philly.	6/27/19



	n an	na na sana na fananya kana kana na sana na sana na mana na mana na mana na kana kana		sign IFP
		LEGEND	CF	awn ILB IECKED IFP
		GROUND FAULT TYPE RECEPTACLE CIRCUIT BREAKER. NUMERALS INDICATE AMPS/F JUNCTION, CAST METAL WITH GASKETED COVER THREADED CONDUIT HUBS	POLES FIL	$x_{1}^{ALE} = 1' - 0''$
	S 5	SINGLE POLE LIGHT SWITCH MOTOR, HORSEPOWER INDICATED	0' 1000	
`	\bigotimes	COPPERWELD GROUND ROD, 3/4" DIAMETER, 1 CONNECTION TO GROUNDING ELECTRODE	0 LONG	
	G	AWG # 2/0 COPPER GROUND WIRE 30" BELOW WIRE IN CONDUIT, EXPOSED UNLESS OTHERWIS WIRE IN CONDUIT, 30" BELOW GRADE		
	P	HOME RUN TO PANELBOARD CIRCUIT BREAKER PANELBOARD	- STACK	
	AIC	RMS AMPERES INTERRRUPTING RATING	20	
	TSP HDBC	TWISTED, SHIELDED PAIR AWG #16 INSTRUMEN HARD DRAWN BARE COPPER	TATION CABLE	
	ATS NEU	AUTOMATIC TRANSFER SWITCH NEUTRAL		
	GND	GROUND		0465
	FT	FLOW TRANSMITTER CONTROL PANEL SUPPLIED BY EQUIP MANUFACTURER – SEE NOTE 2	MENT	. NO. C- TTE 200 57-9972
	SPD PSCP	SURGE PROTECTIVE DEVICE PUMP STATION CONTROL PANEL		LL RS - LIC RD., SU (919) 46
	SSRV	SOLID STATE REDUCED VOLTAGE CONTROLLER,		ICINEE ILAINS 27518 •
	—P	PORTABLE CABLE FURNISHED TERMINATED TO HEAT TRACE OUTLET	FUMF	NEY F
	$\langle 2 \rangle$	NOTE REFERENCE SYMBOL		HL & ONSULTIN 1500 PU CARY,
				EH
N	OTES:			DI
1. (CONDUIT SHALL BE AS I	FOLLOWS: ND CONDUIT SHALL BE PVC WITH 30" COVE	ER STURUPS SHALL RE	•
	PVC COVER CONDUIT BL	ED STEEL (ROBROY OR OCAL). CONVERT F ELOW GRADE. NO EXPOSED PVC CONDUIT S INDUIT OUTDOORS SHALL PVC COVERED ST	VC TO PVC COVERED SHALL BE INSTALLED.	n
2.	CABLE IN ACCORDANCE	PROVIDE ALL EXTERNAL POWER, CONTROL WITH THE EQUIPMENT MANUFACTURER'S M	., AND SIGNAL WIRE AND /IRING DIAGRAMS FOR	C2
	THE ASSOCIATED EQUIF	DUITS FOR THE CABLES FURNISHED WITH TI	HE PUMPS, FLOAT	
· /· 4.		EVEL TRANSDUCER SHALL PROVIDE A COND		EPTOR
				VAL TERCEP
				δIJ
				REGI(AIN, & NTS, LLC AROLINA
				REEK RCE N NVESTM
				LE CR) N, FOR(mew inv apex, no
				IOII
	The signatures affixed b certifications signed on	elow certify that this sheet has been reviewed and ap the cover sheet of these construction plans.	proved solely per the	MII MP STA
	PW-Transportation	Date WR - Stormwater	Date	PUI
	Samante ?	Evens 3/4/19 NA	Date	E
	Building Inspections	Date Planning 3-15-15 M		L SII
	WR - Utility Engineering	Date Planning - Transportati	on Date	UCA
		Date Fire	Date	ECTF
	WR-S&E	Date Parks, Recreation & Cu	ultural Res. Date	- ELI CT 1
				IRA
				NOX
		Issued for Bid Only	WHILL CARO	MP ST AN - C
			OF STESSION 1	SHEET
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		CALE: $\frac{1}{4}$ = 1'-0"	F DHILLINN	33

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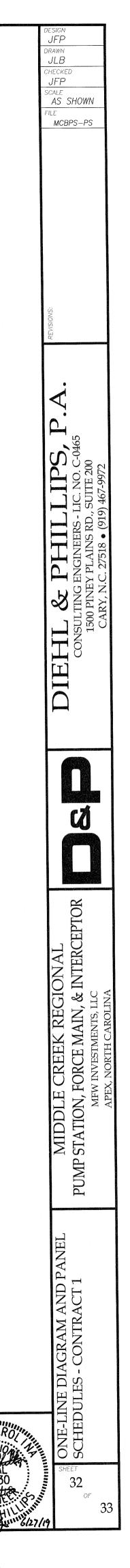
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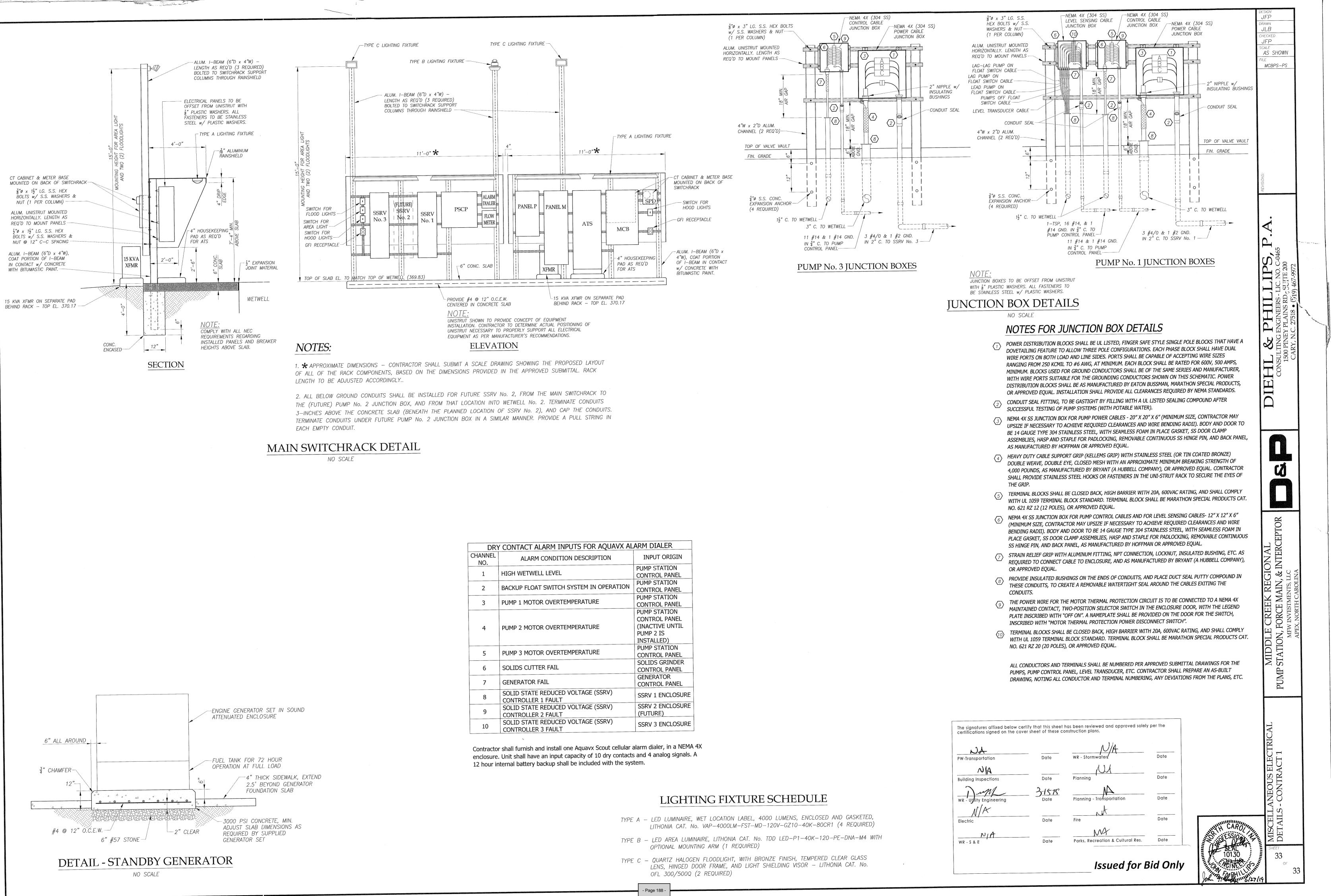


INSTALL THE CONDUIT REQUIRED FOR SSRV No. 2 FAULT INPUT, FROM THE ALARM DIALER TO 3 INCHES ABOVE THE CONCRETE SLAB (BENEATH THE PLANNED LOCATION OF SSRV No. 2). INSTALL A PULL STRING & CAP THE

2. PROVIDE THE REQUIRED CONDUIT & WIRING, FROM THE ATS TO THE PUMP STATION CONTROL PANEL, TO PREVENT THE LAG-LAG PUMP OPERATION WHILE THE STATION IS OPERATING ON GENERATOR POWER. SEE

NA		NA	
PW-Transportation	Date	WR - Stormwater	Date
NA		NA	
Building Inspections	Date	Planning	Date
Durth	3-15-15	M	
WR - Utility Engineering	Date	Planning - Transportation	Date
NIK		MA	
Electric	Date	Fire	Date
A: A		MA	
WR - S & E	Date	Parks, Recreation & Cultural Res.	Date





DRY CONTACT ALARM INPUTS FOR AQUAVX ALARM DIALER					
CHANNEL NO.	ALARM CONDITION DESCRIPTION	INPUT ORIGIN			
1	HIGH WETWELL LEVEL	PUMP STATION CONTROL PANEL			
2	BACKUP FLOAT SWITCH SYSTEM IN OPERATION	PUMP STATION CONTROL PANEL			
3	PUMP 1 MOTOR OVERTEMPERATURE	PUMP STATION CONTROL PANEL			
4	PUMP 2 MOTOR OVERTEMPERATURE	PUMP STATION CONTROL PANEL (INACTIVE UNTIL PUMP 2 IS INSTALLED)			
5	PUMP 3 MOTOR OVERTEMPERATURE	PUMP STATION CONTROL PANEL			
6	SOLIDS CUTTER FAIL	SOLIDS GRINDER CONTROL PANEL			
7	GENERATOR FAIL	GENERATOR CONTROL PANEL			
8	SOLID STATE REDUCED VOLTAGE (SSRV) CONTROLLER 1 FAULT	SSRV 1 ENCLOSURE			
9	SOLID STATE REDUCED VOLTAGE (SSRV) CONTROLLER 2 FAULT	SSRV 2 ENCLOSURE (FUTURE)			
10	SOLID STATE REDUCED VOLTAGE (SSRV) CONTROLLER 3 FAULT	SSRV 3 ENCLOSURE			

Exhibit C

Middle Creek #2 Regional Pump Station Town of Apex, North Carolina

CONTRACT 1 - MIDDLE CREEK REGIONAL WASTEWATER PUMP STATION

			OVERSIZED		ESTIMATED TOTAL	ESTIMATED TOTAL	ACTUAL PS TOTAL	FINAL APPROVED
	DESCRIPTION	UNITS	IMPROVEMENT %	QUANTITY	COST (3200 GPM)	COST (260 GPM)	COST (3200 GPM)	ACTUAL CONST. COSTS
1	Middle Creek Regional WW PS	LS	58.33%	1	\$1,800,000	\$750,000	\$2,043,887	TBD

Estimated Reimbursement Contract 1 \$1,050,000 Estimated from Bid Reimbursement Contract 1 \$1,192,267.42

Actual Rimbursement Contract 1 TBD

2/1/2021

CONTRACT 2 - MIDDLE CREEK REGIONAL FORCEMAIN AND INTERCEPTOR SEWER

Bid Item	DESCRIPTION	UNITS	APPROVED INCREMENTAL CONSTRUCTION COST	BID AMOUNT	ESTIMATED QUANTITY	ESTIMATED REIMBURSEMENT	ACTUAL QUANTITY	ACTUAL REIMBURSEMENT
1	16" C-905 PVC Force Main	LF	\$40.00	N/A	7,850	\$314,000	TBD	TBD
2	Guaranteed Horizontal Directional Drill-from Sta 69+18 to Sta 71+25 (approx.) and installation of 16" DR 9 HDPE DIP size pressure pipe	LS	\$47,363.67	N/A	1	\$47,364	TBD	TBD
	Guaranteed Horizontal Directional Drill-from Sta 87+45 to Sta 89+81 (approx.) and installation of 16" DR 9 HDPE DIP size pressure pipe	LS	\$53,999.16	N/A	1	\$53,999	TBD	TBD
	Compact Ductile Iron MJ x MJ Fittings (less accessories weight), with restrained joint follower glands	LB	\$5.00	N/A	9,860	\$49,300	TBD	TBD
5	16" MJ Resilient. Wedge Gate Valve, Valve Box, & Conc. Collar	EA	\$7,300.00	N/A	5	\$36,500	TBD	TBD
	Precast Concrete Manhole, complete with Combination Air Valve, tapped tee, shutchf ball valve, and one joint of Protecto 401 lined ductile iron pipe on each side of tapped tee (per Std. Detail 700.09)	EA	\$0.00	N/A	8	\$0	TBD	TBD
	16" C905 PVC Gravity Sewer 0'-6' cut (cut measured from existing ground surface to pipe invert - typical) (including Class A bedding stone)	LF	\$52.00	N/A	40	\$2,080	TBD	TBD
8	18" C905 PVC Gravity Sewer 12'-14' cut (including Class A bedding stone)	LF	\$95.00	N/A	396	\$37,620	TBD	TBD
	18" C905 PVC Gravity Sewer 14'-16' cut (including Class A bedding stone)	LF	\$95.00	N/A	1,228	\$116,660	TBD	TBD
	18" C905 PVC Gravity Sewer 16'-18' cut (including Class B bedding stone)	LF	\$95.00	N/A	372	\$35,340	TBD	TBD
	18" C905 PVC Gravity Sewer 18'-20' cut (including Class B bedding stone)	LF	\$95.00	N/A	443	\$42,085	TBD	TBD
	5 FT. Diameter Flat Top Precast Concrete Manhole 0'-6' cut, plus 0'-2' of MH projecting above ground	EA	\$2,800.00	N/A	1	\$2,800	TBD	TBD

Bid Item	DESCRIPTION	UNITS	PERCENT REIMBURSABLE	ESTIMATED BID AMOUNT	ESTIMATED QUANTITY	ESTIMATED REIMBURSEMENT	ACTUAL BID AMOUNT	ACTUAL QUANTITY	ACTUAL REIMBURSEMENT
	Stone for Trench Stabilization (as directed by Engineer's representative)	TN	35%	\$32.00	200	\$2,240	\$27.18	TBD	TBD
26	Concrete Reaction Blocking	CY	70%	\$220.00	27	\$4,158	\$274.00	TBD	TBD
	Pavement removal and repairs (2" S9.5B over 8" I19.0B)	SY	31%	\$65.00	35	\$705	\$200.00	TBD	TBD
37	Rock Excavation	CY	35%	\$85.00	1,400	\$41,650	\$85.00	TBD	TBD
40	Wetlands Anti-Seep Collars	EA	35%	\$500.00	8	\$1,400	\$2,780.00	TBD	TBD

Estimated Reimbursement Contract 2 \$787,901

ESTIMATED TOTAL REIMBURSEMENT for CONTRACTS 1 AND 2 \$1,980,168

TBD

ACTUAL TOTAL REIMBURSEMENT for CONTRACTS 1 AND 2 TBD

Actual Reimbursement Contract 2

- Page 189 -

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

<u>Item Details</u>

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator Department(s): Economic Development

Requested Motion

Motion to close up to 13 on-street parallel parking spaces along N. Salem Street from Center St. to Chatham St. to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through May 31, 2021.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

These parking spaces will be converted into private outdoor dining areas maintained and operated by various downtown eateries and restaurants. This motion is in line with the Town Council's adoption of the TOA Small Business Support Proposal.

<u>Attachments</u>

- Modification of Ordinances for sidewalk dining during COVID 19
- Map of Parking-to-Dining Project Area



ORDINANCE NO. 2021-0223-06

AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14 AND SECTION 18-11 AS TO A TEMPORARILY CLOSED PORTION OF SALEM STREET

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

Section 1. Under the authority of N.C.G.S Section 18B-300(c), Subsection (b) of Section 18-11 of the Apex Town Code of Ordinances is temporarily modified beginning March 29, 2021 and continuing through September 6, 2021, to read as follows with additions shown as bold underlined text and deletions as struck-through text:

Sec. 18-11. - Obstructions—Structures; vehicles.

. . .

(b) Notwithstanding the provisions of Town Code subsection 18-11(a) and section 18-12, downtown sidewalk food service tables may be placed and used on the sidewalks **and closed parking spaces** in the Central Business District of the Town of Apex as provided in this subsection 18-11(b) except when the street is temporarily closed to regular traffic for special events. A "downtown sidewalk food service table" is a table used for food service by a food service provider and located on a public sidewalk <u>or closed parking</u> <u>space</u> directly in front of the food service provider's place of business in the Central Business District. Downtown sidewalk food service tables are subject to the following requirements:

(1) No downtown sidewalk food service table nor any chairs or other items used in connection with one shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches. The width of the clear accessible travel path shall be measured from the street-side edge of the concrete sidewalk perpendicularly toward the building-side edge of the concrete sidewalk.

(2) Downtown sidewalk food service tables and all chairs and other items used in connection with them shall be situated, outfitted and used in a manner that does not constitute a hazard to persons using the sidewalks.

(3) No person shall place, use or operate a downtown sidewalk food service table except as authorized by a site specific development plan approved by the Apex Planning Department.

<u>Section 2.</u> Under the authority of N.C.G.S Section 18B-300(c), Subsection (d) of Section 14-14 of the Apex Town Code of Ordinances is temporarily modified beginning March 29, 2021 and continuing through September 6, 2021 to read as follows with additions shown as bold underlined text:

Sec. 14-14. - Consumption and possession of open containers of malt beverages and unfortified wine prohibited on public streets and municipal property.

• • •

(d) *Exemption for downtown sidewalk food service tables.* The consumption of malt beverage and unfortified wine and the possession of an open container of the same, at a "downtown sidewalk food service table," as defined in Town Code section 18-11, shall be exempt from subsections 14-14(b) and (c) if the service of such malt beverage or unfortified wine is pursuant to a valid ABC permit and in conformity with the ABC laws. The Town of Apex grants control over the area of public sidewalk **and closed parking space** upon which a downtown sidewalk food service table is located to the adjacent food service provider to the least extent necessary for the area to qualify as part of the premises of the adjacent food service provider for the purposes of the applicable ABC permit.

The ordinance shall be effective on March 29, 2021.

Introduced by Councilmember _____

Seconded by Councilmember _____

Attest:

TOWN OF APEX

Donna B. Hosch, MMC, NCCMC Town Clerk

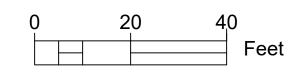
Jacques K. Gilbert Mayor

Approved As To Form:

Laurie L. Hohe Town Attorney \TOA\COVID 19 Response\Modification of Ordinances for sidewalk dining during COVID 19

PROPOSED CONDITION



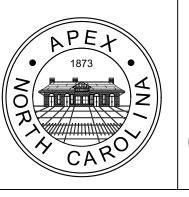




TOWN OF APEX PUBLIC WORKS & TRANSPORTATION ENGINEERING DIVISION 73 HUNTER STREET APEX, NC 27502 919-249-3417

PROJECT REFERENCE NO. SHEET NO.

2 of 2



PRELIMINARY DO NOTIES :\Users\a FOR CONSTRUCTION

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23, 2021

Item Details

Presenter(s):Steve Adams, Utility Acquisition SpecialistDepartment(s):Administration

Requested Motion

Motion to approve purchase of +/- 5 acres located at 736 Hunter Street for \$467,000, to grant authority to the Interim Town Manager to execute the contract and authority to the Interim Town Manager and Finance Director to execute all closing documents on behalf of the Town, and to approve Budget Ordinance Amendment 13.

Approval Recommended?

Yes

<u>Item Details</u>

Currently Apex Fire Station is located on land owned by Wake County. Purchasing the property would provide the Town with ability to expand public safety facilities and capacity at the site. Wake County Commissioners have approved the sale of the land (+/- 5 acres) to the Town. The associated budget amendment includes allocation of funds from the General Fund fund balance in the amount of \$475,850 to cover purchase and due diligence costs.

<u>Attachments</u>

- Purchase Contract
- Contract Exhibit A-Map
- Budget Amendment No. 13



NORTH CAROLINA

WAKE COUNTY

This Contract made and entered into this <u>day of</u>, 2021 by and between Wake County, a political subdivision of the State of North Carolina, "BUYER" and the Town of Apex, a municipal corporation of the State of North Carolina, "SELLER," collectively referred to herein as the "Parties." The Effective Date of this Contract shall be the date upon which the last party executes.

WITNESSETH:

That the said SELLER hereby agrees to sell, and BUYER hereby agree to purchase, at the price and upon the terms hereinafter set out, that certain tract or parcel of land lying and being in, Wake County, North Carolina, and being more particularly described as follows:

Approximately 5 acres located at 736 Hunter Street, Apex, NC, having Wake County REID #0102507 and is more particularly shown in redline highlight on Exhibit A, which is attached hereto and hereby incorporated by reference.

Now, therefore, the SELLER and the BUYER agree that the terms and conditions of this sale and purchase are as follows:

- 1. The purchase price of the Subject Parcel shall be Four Hundred Sixty Seven Thousand Dollars (\$467,000.00).
- 2. The Parties warrant that they have full authority to enter into this Contract and to execute all documents contemplated hereby, and their execution, delivery and performance of this Contract will not violate the provisions of any other contract or agreement to which either Party is bound. At Closing, SELLER shall deliver to BUYER such evidence of its authority as may be reasonably requested by BUYER.
- 3. Other than the 50 years Lease and Use Agreement with the Town of Apex dated September 18, 1995, the SELLER has not pledged the Property as collateral or otherwise encumbered the Property with any security contract, promissory note, Deed of Trust, or mortgage and as such, there are no known persons or entities other than County and Apex who have a right, claim, ownership or interest in the Property.
- 4. The Property will be conveyed in its present condition "as is", "where is", "with all faults," environmental or otherwise, including both latent and patent defects, and without any representations and warranties whatsoever from the SELLER. Except for the express warranties contained herein, the BUYER hereby waives all warranties, and accepts the Property and any improvements thereon "as is" without recourse against the SELLER.

- 5. Title to the property described in Exhibit A shall be delivered at closing by Special Warranty Deed, fee simple title.
- 6. SELLER acknowledges that it has preliminarily inspected the Property and if required has received due diligence documents and site inspection reports associated with the Property. The SELLER shall have the ability to perform due diligence to complete its final inspections, surveys, appraisals, environmental audits and other assessments any time before closing, but shall coordinate with the BUYER to obtain access to the Property for accomplishing the same.
- 7. This contract may not be assigned without the written agreement of all parties, but if the same assigned by agreement; the same shall be binding on the assignee and his heirs at that time. This contract shall be contingent on approval by the Wake County Board of Commissioners.
- 8. This contract shall be binding and shall inure to the benefit of the parties and their heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders as appropriate.
- 9. Any provision herein contained which by its nature and affect if required to be observed, kept or performed after the closing shall survive the closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.
- 10. BUYER shall pay for the recording fees associated with the Special Warranty Deed.
- 11. Subject to the satisfaction of all closing conditions and the terms and conditions of this contract, the parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title on or before _______, ("CLOSING DATE") unless a later closing date is agreed to in writing. Closing shall take place at the Wake County Attorney's Office, Wake County Office Building, 300 S. Salisbury Street, Suite 4900, Raleigh, North Carolina or other reasonable arrangement as consented to by both parties.
- 12. The Parties confirm they have not hired or engaged a broker or agent in this transaction. To the extent legally permissible, the Parties shall each indemnify and hold the other harmless from and against any claim made by any broker or other person or entity claiming a commission or fee as a result of having any Contract with the indemnifying party, in connection with this transaction.
- 13. This Contract contains the entire agreement of the Parties and there are no representations, inducements, or other provisions other than those expressed in writing. All changes, additions or deletions hereto must be in writing and signed by all Parties.

IN TESTIMONY WHEREOF, said Parties have executed this Contract in duplicate originals on the day and year provided in the signature block below.

SELLER - WAKE COUNTY

BY: ______ David Ellis, County Manager Date: _____

Approved as to Form:

Scott W. Warren, County Attorney

BUYER – TOWN OF APEX

BY: Ralph Clark, Interim Town Manager

Date: _____

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

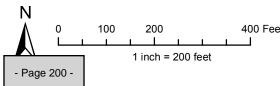
Finance Director

- Page 199 -

EXHIBIT A



736 Hunter Street, Apex PIN: 0742121986 Real Estate ID: 0102507



400 Feet Maps 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.



Town of Apex Budget Ordinance Amendment No. 13

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues:

	Total Expenditures	\$475,850		
	Fire-Capital Outlay-Land	\$475,850		
Section 2.	Expenditures:			
	Total Revenues	\$475,850		
	Appropriated Fund Balance	\$475,850		

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

Adopted this the 23rd day of February, 2021

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 9,2021

Item Details

Presenter(s):Megan Pendell, Sustainability CoordinatorDepartment(s):Water Resources

Requested Motion

Motion to approve amendments to Apex Town Code section 2-58 in regards to membership on the Environmental Advisory Board.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

2-58 (b): The purpose of the proposed amendment is to provide flexibility in the Environmental Advisory Board member role specifications. Specifically, to amend language of "shall" to "may" in regard to member role of the town's established extra-territorial jurisdiction and language of "shall" to "should" in regard to member role affiliated with the development community. It is highly recommended that a representative of the development community is a member on the Board. The full amendment is stated below:

"Membership shall be restricted to residents and citizens of the town except that one member shall **may** be a resident of the town's established extra-territorial jurisdiction. When practical, one member who is a citizen of the town shall should be affiliated with the development community (developer's engineer, developer, etc.)."

2-58 (d): The purpose of the proposed amendment is to omit language that contradicts current member term dates. Currently, terms begin January 1st and serve three years, concluding on December 31st. The full amendment is stated below:

"Terms shall end on June 30th."

<u>Attachments</u>

• Draft ordinance amendment



ORDINANCE NO. 2021-0223-07

AN ORDINANCE TO AMEND SECTION 2-58 OF THE APEX TOWN CODE RELATED TO MEMBERSHIP OF THE ENVIRONMENTAL ADVISORY BOARD

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

Section 1. That Section 2-58 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 2-58 – Apex Environmental Advisory Board – created; members.

(a) Created. There is hereby created an Apex Environmental Advisory Board for the town.

(b) Membership. The Apex Environmental Advisory Board shall consist of nine members all of whom shall be appointed at large by the Town Council. Membership shall be restricted to residents and citizens of the town except that one member shall <u>may</u> be a resident of the town's established extra-territorial jurisdiction. <u>When practical, one One member</u>, who is a citizen of the town, shall <u>should</u> be affiliated with the development community (developer's engineer, developer, etc.).

(c) Appointment. Initially, members of the Apex Environmental Advisory Board shall be recommended by the Mayor and appointed by the Town Council for terms of one, two, or three years as follows:

Three members: one-year terms Three members: two-year terms Three members: three-year terms

(d) Terms. Following their initial appointment term, members of the Apex Environmental Advisory Board shall serve three-year terms. Terms shall end on June 30th. Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

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

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

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

Introduced by Council Member:

Seconded by Council Member:

This the _____ day of _____, 2021.

Jacques K. Gilbert Mayor

ATTEST:

Donna B. Hosch Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe Town Attorney

for consideration by the Apex Town Council

Item Type:CONSENT AGENDAMeeting Date:February 23, 2021

<u>Item Details</u>

Presenter(s):Russell Dalton - Sr Transportation EngineerDepartment(s):Public Works & Transportation

<u>Requested Motion</u>

Motion to approve a 2nd supplemental reimbursement agreement between the Town and NCDOT for construction of U-5537, Lake Pine Drive Improvements, and authorize the Town Manager to execute the same.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

U-5537, Lake Pine Drive Improvements, has been approved in the NCDOT Locally Administered Projects Program (LAPP) to recieve supplemental federal funds toward reimbursement of construction activities. Construction is anticipated to begin spring 2021.

The project consists of improvements to Lake Pine Drive at Apex Community Park to include replacement of the culvert, a left turn lane, bike lanes, sidewalk, sidepath, and a crosswalk.

This 2nd supplemental reimbursement agreement provides up to an additional \$1,234,827 in federal funds toward eligible construction costs based on a Town request and subsequent approval by the Capital Area MPO to fund up to 50% of the projected funding shortfall identified upon bidding the project. Since construction funds have already been authorized as an 80% reimbursement under the 1st supplemental agreement, the 2nd supplemental agreement indicates 80% reimbursement up to \$1,234,827 with an additional 100% local contribution of \$926,120 to result in a 50/50 dollar match. NCDOT staff time for review and inspections will reduce the total amount of funding available under the agreement for reimbursement as typical for this type of agreement. However, contingencies were assumed in the project application intended to offset the impact of NCDOT staff time on eligible reimbursement.

<u>Attachments</u>

• NCDOT Agreement ID #9681



NORTH CAROLINA	2 ND SUPPLEMENTAL A	GREEME	NT
WAKE COUNTY			
	DAT	E: 2/03/2	021
NORTH CAROLINA DEPARTMENT OF			
TRANSPORTATION			
	TIP #:	U-5537	
AND	WBS ELEMENTS:	PE	44112.1.FD1
		ROW	44112.2.FD1
TOWN OF APEX		CON	44112.3.1
	OTHER FUNDING:		
	FEDERAL-AID #:	STPDA	-0501(34)
	CFDA #:	20.205	
TOTAL SUPPLEMENTAL FUNDS [N	ICDOT PARTICIPATION]	\$1,234,8	827

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

WITNESSETH:

WHEREAS, the Department and the Municipality on 1/30/2014, entered into a certain Project Agreement for the original scope: the preconstruction activites for the widening of Lake Pine Drive to 3 lanes, 10' wide asphalt multi-use path on east side, 5' wide concrete sidewalk on west side and hivisibility crosswalk with refuge area at Versailles Drive in Apex, programmed under Project U-5537; and,

WHEREAS, the Department and the Municipality on 2/17/2016, entered into a supplemental Project Agreement to include the construction phase and additional funds; and,

WHEREAS, CAMPO has allocated more funding to the Project and the Town has agreed to provide the non-federal match, plus additional funding; and,

WHEREAS, the Department will allow additional time to complete the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreements whereby the following provisions are amended:

Agreement II	D # 9681
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1 - Page 206 -

3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse seventy percent (70%) of eligible expenses incurred by the Municipality on preliminary engineering (PE) and right of way (ROW) and eighty percent of eligible expenses on construction (CON) costs up to a maximum amount of Two Million One Hundred Thousand Thirty-Three Thousand Eight Hundred Twenty-Seven Dollars (\$2,133,827). The Municipality shall provide the non-federal match as detailed in the FUNDING TABLE below, plus an additional contribution of funding, and all costs that exceed the total available funding.

Phase of	Federal	Federal	Non-	Non-Federal
Work	Funds	Participation	Federal	Participation
	Amount	Rate	Funds	Rate
PE and ROW	\$899,000	70%	\$385,286	30%
Construction	\$1,234,827	80%	\$308,707	20%
Subtotals	\$2,133,827		\$693,993	
Additional I	Local Contribution	N/A	\$926,120	100%
Total Available	e Funds	\$3,753,940	I	

FUNDING TABLE

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total available funds, or \$375,394, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rates.

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Agreement ID # 9681
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For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. TIME FRAME

The Municipality shall complete all work outlined in the Agreement by 12/31/2022. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

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

15. OTHER PROVISIONS

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

Except as hereinabove provided, the Agreements heretofore executed by the Department and the Municipality on 1/30/2014 and 2/17/2016 are ratified and affirmed as therein provided.

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

TOWN OF APEX

BY:						

DATE:

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization. No Change

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

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Apex

DEPARTMENT OF TRANSPORTATION

BY:_____

(CHIEF ENGINEER)

DATE:

APPROVED BY BOARD OF TRANSPORTATION ITEM O: <u>3-4-2021</u> (Date)



for consideration by the Apex Town Council

Item Type: CONSENT AGENDA Meeting Date: February 23,2021

Item Details

Presenter(s): Amanda Grogan, Budget & Management Analyst Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 14 to account for COVID expense reimbursements and distribution of those funds to department budgets and to allocate fund balance to cover additional onboarding and personnel costs

Approval Recommended?

Yes

<u>Item Details</u>

Fund balance (\$162,000) is allocated to Administration and Town Clerk department budgets. Administration funds will cover costs associated with vacation payout to the former Town Manager, Interim Town Manager, Town Manager recruitment, and new Diversity Officer position and onboarding costs (effective 2/23/21). Town Clerk funds are associated with personnel cost increases approved previously by Town Council.

The remaining \$1,681,078 are reimbursements from Wake County and CARES Act applications. The below chart details the type of reimbursement, amount and notates the purpose. FEMA reimbursements are still pending.

Type Amour		Purpose / Restrictions
Federal Grants - CARES Application (Police Personnel)	\$ 1,168,985	This funding was distributed to each municipality to cover police payroll costs. Financial reporting and compliance requires that CARES Act dollars offset police payroll expenses.
Federal Grants - CARES Application	\$ 437,909	This funding was provided to assist in covering personnel costs, supplies and materials and contracted services related to COVID.
Wake County Grants (Fire EPP)	\$ 74,184	This funding was provided directly for Fire Department Emergency Premium Pay related to COVID.

<u>Attachments</u>

Budget Ordinance Amendment No. 14



Town of Apex Budget Ordinance Amendment No. 14

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues:

Federal Grants - CARES Application (Police Personnel)	1,168,985
Federal Grants - CARES Application	437,909
Wake County Grants (Fire EPP)	74,184
Appropriated Fund Balance	162,000
Total Revenues	\$1,843,078

Section 2. Expenditures:

37,000 10,000 22,093
37,000
28,000
270,000
1,168,985
145,000
15,000
20,000
127,000

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

Adopted this the 23rd day of February, 2021

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk

Department	CARES Total	FIRE EPP		Total
4200	\$ 2,113.86		\$	2,113.86
4220	\$ 5,326.82		\$	5,326.82
4240	\$ 674.40		\$	674.40
4400	\$ 11,103.05		\$	11,103.05
4900	\$ 11,468.04		\$	11,468.04
5000	\$ 27,335.67		\$	27,335.67
5100	1,318,957.0		\$1	,318,956.97
5110	\$ 13,860.98		\$	13,860.98
5300	\$ 846.09	\$ 74,184.03	\$	75,030.12
5400	\$ 1,837.36		\$	1,837.36
5410	\$ 15,366.68		\$	15,366.68
5600	\$ 14,850.08		\$	14,850.08
5700	\$ 17,194.02		\$	17,194.02
5800	\$ 6,171.54		\$	6,171.54
5900	\$ 21,999.67		\$	21,999.67
6200	\$ 31,205.81		\$	31,205.81
6210	\$ 1,139.76		\$	1,139.76
8010	\$ 2,568.66		\$	2,568.66
8130	\$ 30,233.50		\$	30,233.50
8220	\$ 12,147.39		\$	12,147.39
8230	\$ 12,277.60		\$	12,277.60
8300	\$ 48,217.59		\$	48,217.59

0

-

for consideration by the Apex Town Council

Item Type: PUBLIC | Meeting Date: Februar

PUBLIC HEARING February 23, 2021

<u>Item Details</u>

Presenter(s):Shannon Cox, Long Range Planning ManagerDepartment(s):Planning and Community Development

<u>Requested Motion</u>

Possible motion to continue the public hearing for proposed Transportation Plan amendments associated with Rezoning Application #20CZ12 Felton Grove High School. Due to the Planning Board continuing their vote from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

Approval Recommended?

N/A

<u>Item Details</u>

N/A <u>Attachments</u>

• N/A



for consideration by the Apex Town Council

Item Type: PUI Meeting Date: Feb

PUBLIC HEARING February 23, 2021

Item Details

Presenter(s): Shelly Mayo, Planner II Department(s): Planning and Community Development

Requested Motion

Possible motion to continue the public hearing for Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres located at 8550 Stephenson Road from Medium Density Residential-Conditional Zoning (MD-CZ #12CZ14) to Medium Density Residential-Conditional Zoning (MD-CZ). Due to the Planning Board continuing their public hearing from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

Approval Recommended?

N/A

<u>Item Details</u>

N/A

<u>Attachments</u>

• Vicinity Map





for consideration by the Apex Town Council

Item Type: Meeting Date: PUBLIC HEARING February 23, 2021

Item Details

Presenter:Shelly Mayo, Planner IIDepartment:Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits. **The applicant requests this item be continued to the March 23, 2021 meeting.**

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

The Town Clerk certifies to the investigation of said annexation.

<u>Attachments</u>

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat



PETITION FOR VOLUNTARY ANNEX	ATION			
This document is a public record under the Nor	th Carolina Public Recor	ds Act and may be published on the To		
Application #: 700		Submittal Date:	11/2/2020	
Fee Paid <u>\$</u> N/A		Check # _	N/A	
TO THE TOWN COUNCIL APEX, NORTH C	AROLINA			
1. We, the undersigned owners of reto the Town of Apex, Wake County		tfully request that the area de	scribed in Part 4 below be annexed	
 The area to be annexed is □ cor boundaries are as contained in the 			vn of Apex, North Carolina and the	
3. If contiguous, this annexation will G.S. 160A-31(f), unless otherwise			ailroads and other areas as stated ir	
Owner Information				
The Wake County Board of Education	on	0750-54-5646, DB 16534	4/PG 545 and DB 16534/PG 550	
Owner Name (Please Print)		Property PIN or Deed Boo	k & Page #	
919-856-8290		bparker@wcpss.net		
Phone		E-mail Address		
Attn: Betty L. Parker, Sr. Director, R	eal Estate			
Owner Name (Please Print)		Property PIN or Deed Book & Page #		
Phone		E-mail Address		
Owner Name (Please Print)		Property PIN or Deed Boo	k & Page #	
Phone		E-mail Address		
Surveyor Information				
Surveyor: Dewberry Engineers, Ir	IC			
Phone: 919-424-3715		Fax: 919-881-9923		
E-mail Address: ahales@dewberry	/.com			
Annexation Summary Chart	a the tax		The second s	
Total Acreage to be annexed:	68.06	Reason for annexation: (se	elect one)	
Population of acreage to be annexed:	vacant parcel	Receive Town Services		
Existing # of housing units:	0	Other (please specify)		
Zoning District*: MD-CZ				

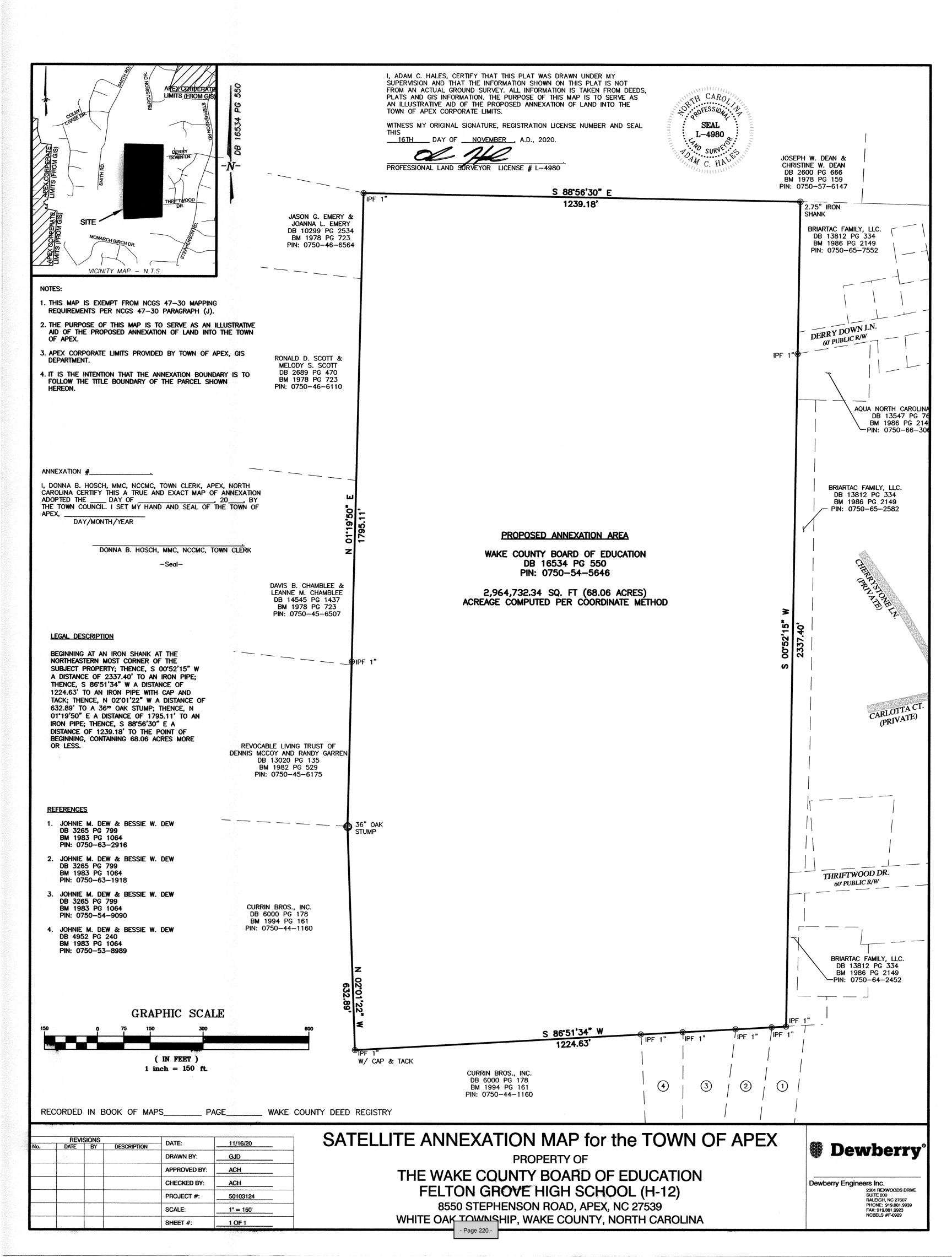
*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

Application #:	700	Submittal Date:	11/2/2020
COMPLETE IF SIGNE	D BY INDIVIDUALS:		
All individual owne	rs must sign. (If additional sig	gnatures are necessary, please atta	ach an additional sheet.)
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	Please Print		Signature
	Please Print	·····	Signature
STATE OF NORTH C	Please Print AROLINA		Signature
	oed before me,, 2 ay of,, 2		blic for the above State and County,
			N
SEAL		My Commission Expires	Notary Public
COMPLETE IF A COR	, said corporation has caused	My Commission Expires this instrument to be executed by the <u>15th</u> day of <u>October</u>	its President and attested by its
COMPLETE IF A COR In witness whereof Secretary by order	, said corporation has caused of its Board of Directors, this	this instrument to be executed by the <u>15th_</u> day of <u>October</u>	its President and attested by its
COMPLETE IF A COR	, said corporation has caused of its Board of Directors, this	this instrument to be executed by the <u>15th</u> day of <u>October</u> rate Name The Wake Cou	its President and attested by its , 2020 unty Board of Education
COMPLETE IF A COR In witness whereof Secretary by order	, said corporation has caused of its Board of Directors, this Corpo	this instrument to be executed by the <u>15th</u> day of <u>October</u> rate Name By: By: By: Betty L. Parker	its President and attested by its , 2020 unty Board of Education
COMPLETE IF A COR In witness whereof Secretary by order SEAL Attest:	said corporation has caused of its Board of Directors, this Corpo	this instrument to be executed by the <u>15th</u> day of <u>October</u> rate Name By: By: Betty L. Parker	its President and attested by its

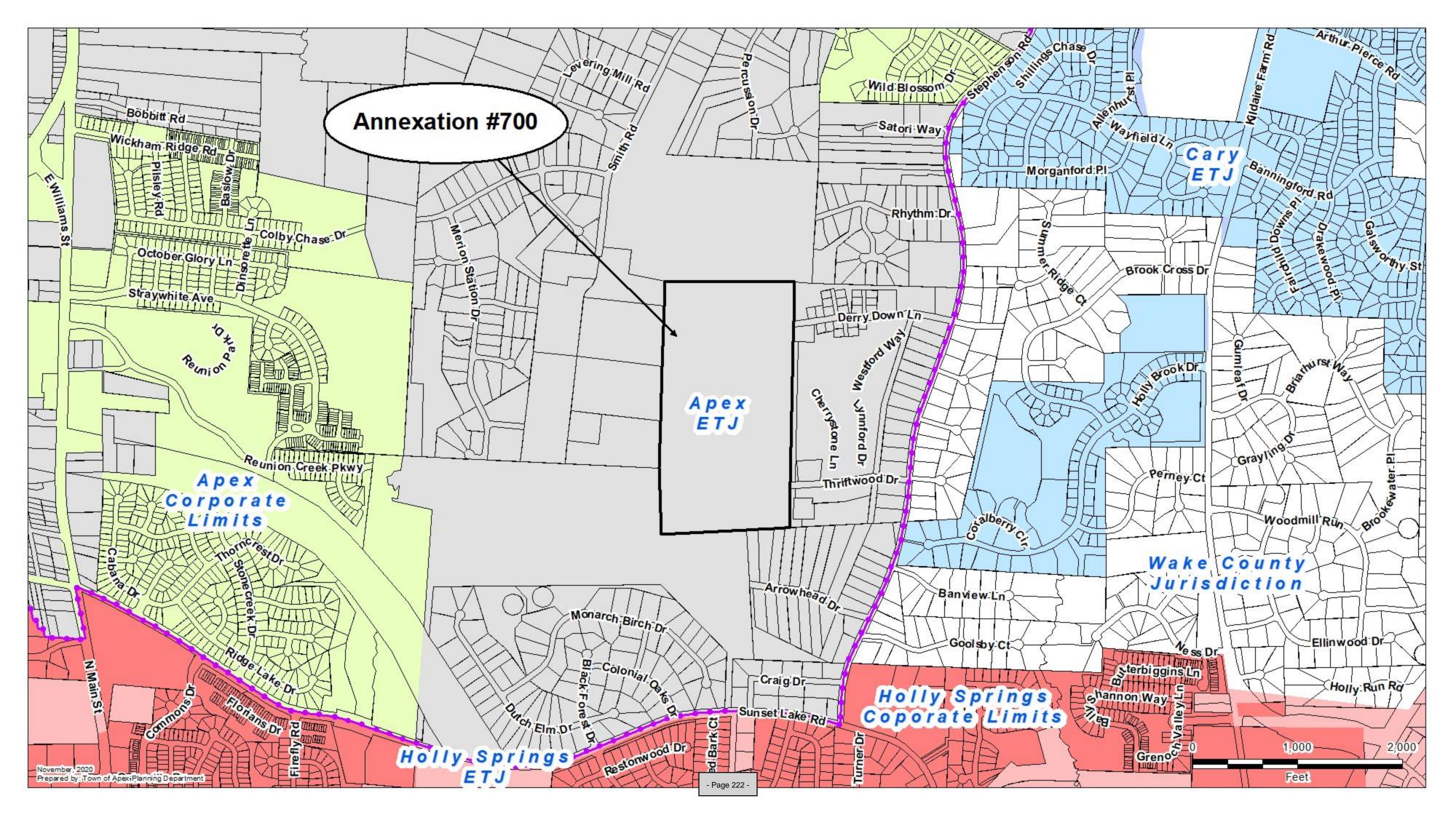
Town of Apex Satellite Annexation Legal Description: PIN 0750-54-5646 (WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

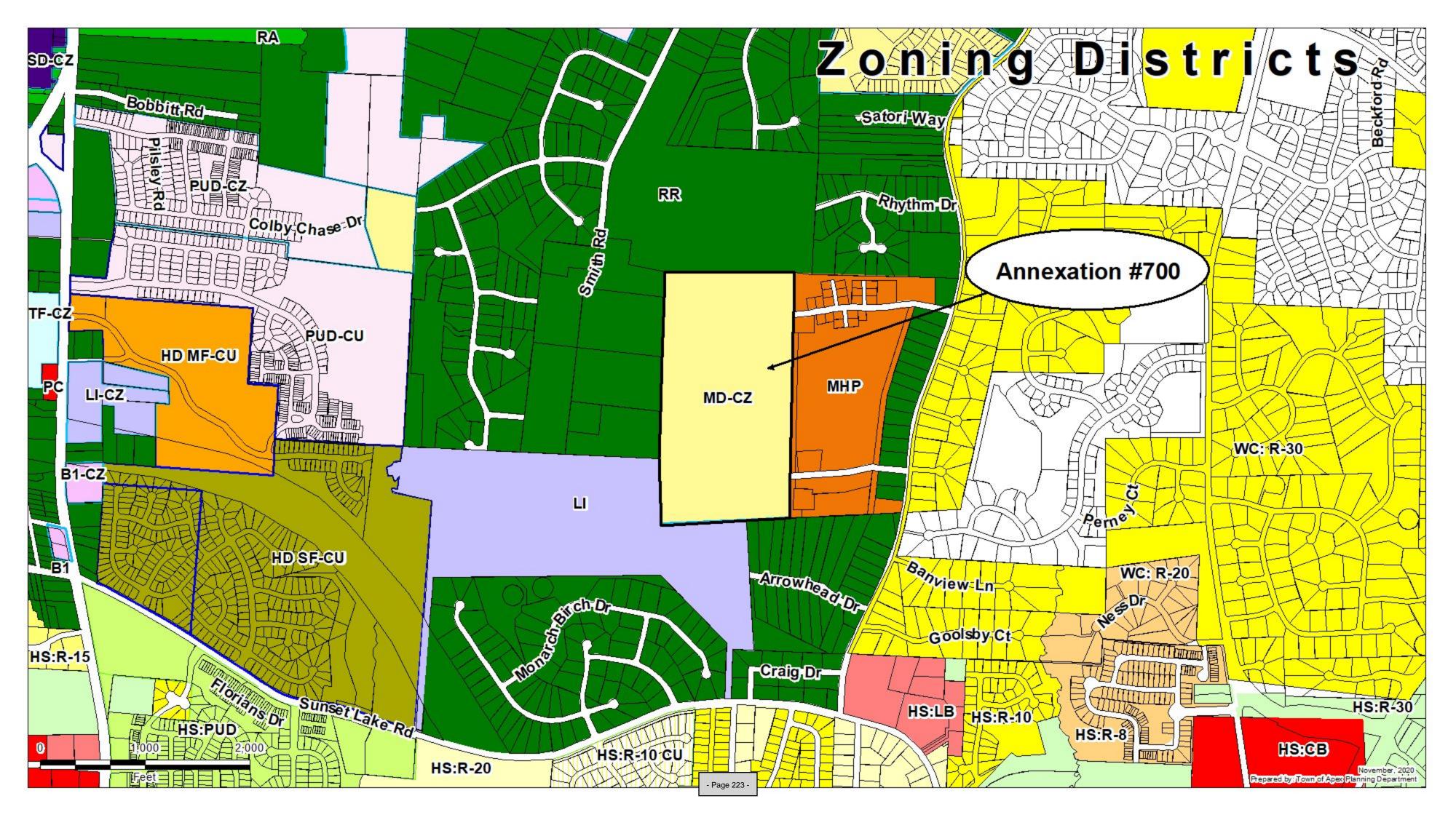
BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE **POINT OF BEGINNING**, CONTAINING 68.06 ACRES MORE OR LESS.











| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: Meeting Date: PUBLIC HEARING February 23, 2021

Item Details

Presenter: Lauren Staudenmaier, Planner I Department: Planning and Community Development

<u>Requested Motion</u>

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

The Town Clerk certifies to the investigation of said annexation.

<u>Attachments</u>

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA Municipality No. 333

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

ORDINANCE NO. 2021-0223-06 ANNEXATION PETITION NO. #705 Joseph D. Cusumano and Reagan L. Cusumano (2609 New Hill Olive Chapel Road)

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on February 23, 2021, after due notice by posting to the Town of Apex website, <u>http://www.apexnc.org/news/public-notices-legal-ads</u>; and

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

- Page 225 -

Page 2

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 23, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex Lands of Joseph Cusumano, MSS Land Consultants, dated December 22, 2020" and recorded in Book of Maps book number 2021 and page number , Wake County Registry.

<u>Section 2</u>. 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.

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

Adopted this the 23rd day of February 2021.

Jacques K. Gilbert Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe Town Attorney

- Page 226 -

Page 3

Legal Description

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

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

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

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-0223-06, adopted at a meeting of the Town Council, on the 23rd day of February, 2021, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 24th day of February 2021.

Donna B. Hosch, MMC, NCCMC Town Clerk

(SEAL)

PETITION FOR V					
This document is a pub Application #: Fee Paid	lic record under the N 705 \$ 200	orth Carolina Public Records A	t and may be published on th Submittal Date: Check #	te Town's website or disclosed to third 11/16/2020 1816	parties.
TO THE TOWN COUN	ICIL APEX, NORTH	CAROLINA			
 to the Town of a The area to be boundaries are If contiguous, the 	Apex, Wake Coun annexed is <u>a cc</u> as contained in th nis annexation wil	ty, North Carolina. ntiguous,	<u>ious</u> (satellite) to the T cription attached heret ights-of-way for streets	described in Part 4 below be a own of Apex, North Carolina o. , railroads and other areas as s	and the
Owner Informatio	on				
Owner Name (Pleas <u>919</u> , 90 Phone Owner Name (Please <u>919</u> , 219 Phone Owner Name (Please Phone Surveyor Informat Surveyor: <u>M5</u> Phone: <u>91</u>	a . 5782 . Cusum e Print) . 38 31 e Print) ion S Land (9. 510.440	ano Ionsultants, 7 04 ext. 22 Fa	ARcustomhor E-mail Address Property PIN or Deed Bo <u>the cusum ar</u> E-mail Address E-mail Address	$\frac{18}{016242}$	n
E-mail Address:	lukeme	nssland con			
Annexation Summar	and the second se				
Property Info	ormation		Reason(s) for a	annexation (select all that app	ly)
Total Acreage to be a	nnexed:	1,914	Need water service	due to well failure	
Population of acreage	e to be annexed:	4	Need sewer service	due to septic system failure	
Existing # of housing a	units:	Ø	Water service (new	construction)	X
Proposed # of housing	g units:		Sewer service (new	construction)	X
Zoning District*:		Ryow / R30	Receive Town Servi	ces	×
*If the property to be	annexed is not w	vithin the Town of Apex's	Extraterritorial Jurisdic	tion, the applicant must also su	ubmit

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

Petition - Page 228 - exation

pplication #:	705		Submittal Date:	11/16/2020
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IMPLETE IF SIGNED I	BY INDIVIDUALS:			
individual owners	must sign. (If add	itional signatures	are necessary, please attach a	an additional sheet.)
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TE OF NORTH CAR	OLINA			9.425
UNTY OF WAKE				
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the A	ST. NOVENTO	2020.	(
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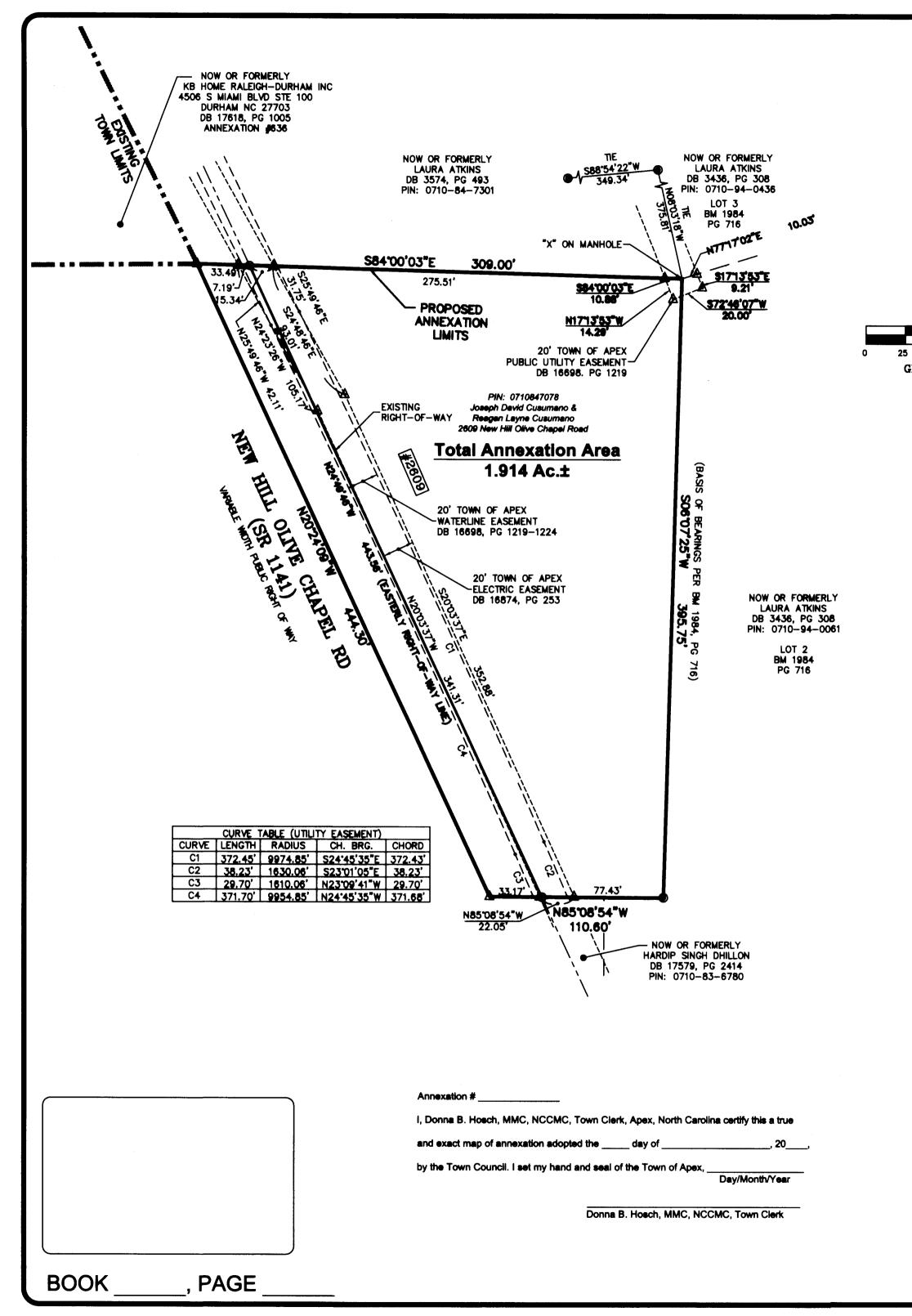
2609 New Hill Olive Chapel Road Annexation

LEGAL DESCRIPTION

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

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

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





GENERAL NOTES:

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

I, Mark I. Luke, PLS (L-5269), certify that this survey is of an existing parcel or parcels of land and do not create a street or change an existing street;

I also certify that this plat was drawn under my supervision from an actual survey performed under supervision (deed description(s) shown hereon under "References"); that the boundaries not surveyed clearly indicated as drawn from information shown hereon; that the ratio of precision or positic accuracy is 1:10,000+

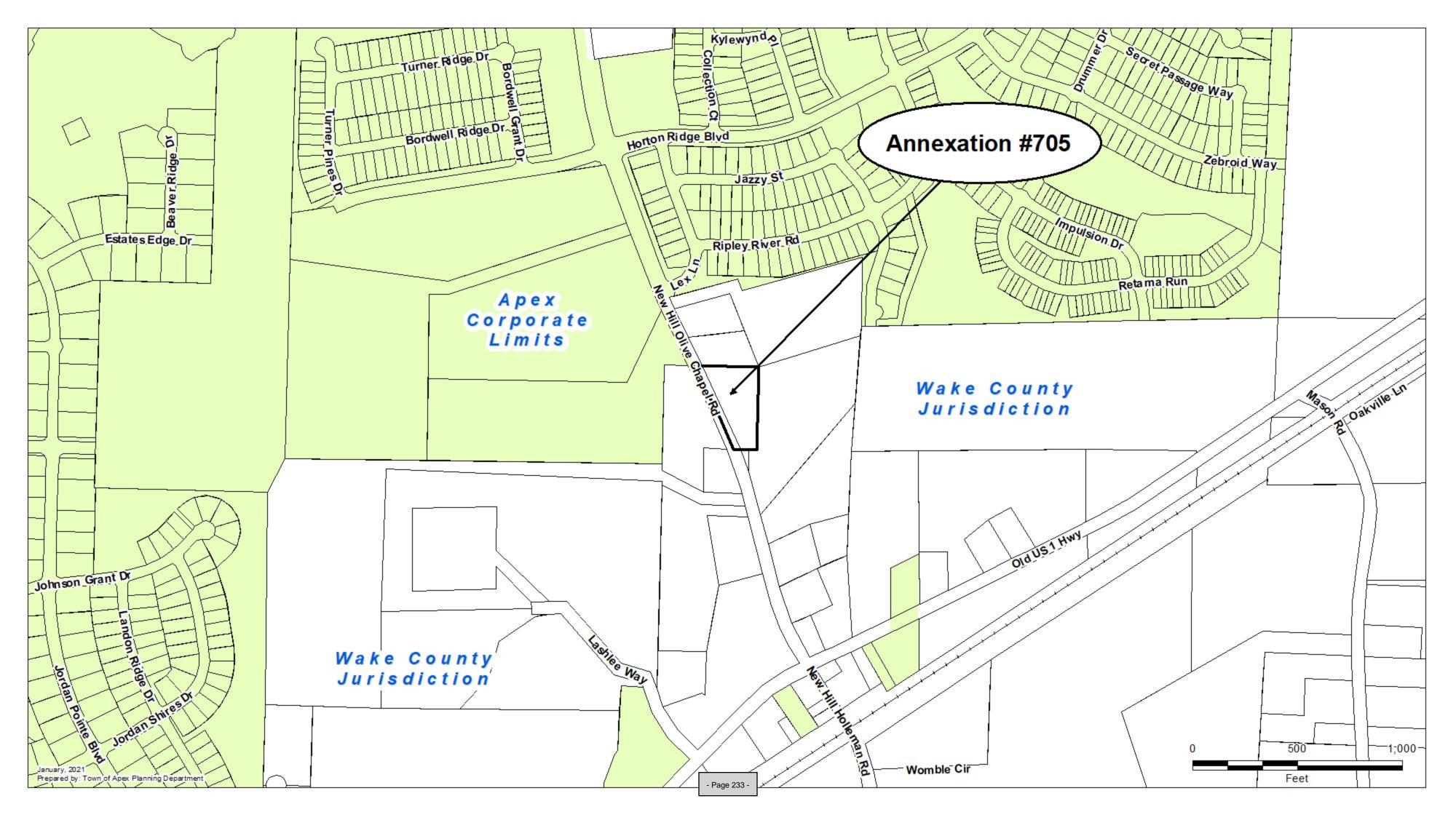
Witness my original signature, license number and seal.

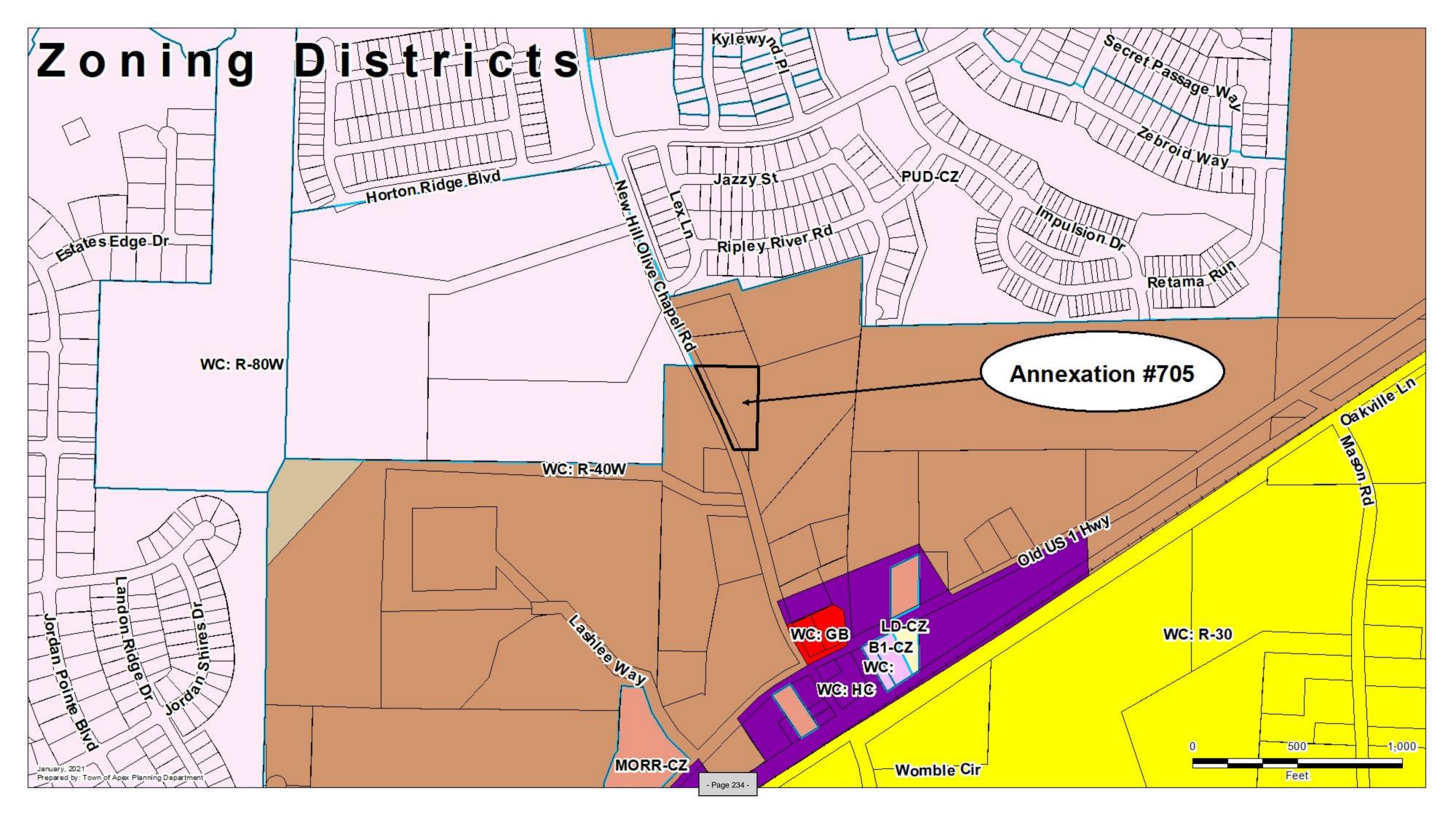
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- Page 231 -







| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING Meeting Date: February 23, 2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner I Department(s): Planning and Community Development

<u>Requested Motion</u>

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on February 8, 2021 and voted on February 10, 2021 to recommend approval of the rezoning with the conditions as offered by the applicant, by a vote of 9-0.

<u>Item Details</u>

<u>Attachments</u>

- Staff Report
- Vicinity Map
- Application



A PE + 1873 Z A PE + 1873 V A PE + V A

February 23, 2021 Town Council Meeting

All property owners within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location:	2609 New Hill Olive Chapel Road
Applicant/Owner:	Joseph D. Cusumano/ Joseph D. & Reagan L. Cusumano

PROJECT DESCRIPTION:

Acreage:	<u>+</u> 1.90
PIN:	0710847078
Current Zoning:	Wake County Residential-40W (R-40W)
Proposed Zoning:	Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map:	Medium Density Residential
Town Limits:	Outside ETJ (annexation is required at time of rezoning)

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-40W (R-40W)	Vacant
South:	Wake County Residential-40W (R-40W)	Single-family Residential
East:	Wake County Residential-40W (R-40W)	Vacant; horse barn
West:	Wake County Residential-40W (R-40W)	New Hill Olive Chapel Road; Single-family Residential

Existing Conditions:

The subject property is a total of +/- 1.90 acres and is located east of New Hill Olive Chapel Road and south of the Woodbury Subdivision. The property is vacant and cleared.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on November 23, 2020 and January 25, 2021. The neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

February 23, 2021 Town Council Meeting

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- 1. Single-family (P)
- 2. Accessory apartment (P)

Conditions:

- 1. The exterior materials include a combination of the following building materials. The primary front façade of the main house to include:
 - a. Parged and painted block crawlspace foundation
 - b. Trex (or similar) front porch
 - c. James Hardie (or similar) vertical board and batten cement board siding
 - d. James Hardie (or similar) horizontal cement board siding
 - e. PVC porch columns
 - f. Decorative gable brackets
 - g. Decorative porch column brackets
 - h. Metal roofing
 - i. Asphalt shingles
- 2. The main entrance of the home shall be emphasized.
- 3. The garage entrance of the home is side entry.
- The main home shall have vertical proportions. Expanses of blank walls shall not exceed forty-three (43) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade, window or door.
- 5. Vinyl siding will not be used, however vinyl windows and decorative elements and trim are permitted.
- 6. Eaves shall project at least 12 inches from the wall of the structure.
- 7. Each side of the main home shall contain at least 3 decorative elements such as but not limited to, the following elements:
 - Windows
 - Bay Windows
 - Recessed or Decorative window
 - Trim around window
 - Doors
 - Wrap around porch or side porch
 - Two or more building materials
 - Two or more siding styles
 - Decorative brick/stone

- Decorative trim
- Decorative shake
- Decorative gable
- Decorative air vents on gable
- Decorative cornice
- Columns
- Portico
- Balcony
- Dormer
- 8. A varied color palette shall be utilized on the homes to include a minimum of three (3) color families including roof color, siding color and front door accent color.
- 9. Garages may protrude up to 5 feet from the front façade or porch.





- 10. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- 11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
- 12. Front porches shall be a minimum of 6 feet deep.
- 13. The existing parcel is served by two driveways accessing New Hill Olive Chapel Road. Subdivision of the parcel into two or more lots shall not increase the total number of existing driveways.
- 14. The minimum front building setback shall be 40 feet from the current right-of-way.
- 15. All single-family homes are to be pre-configured with conduit for a solar energy system.

ENVIRONMENTAL ADVISORY BOARD REVIEW:

The Environmental Advisory Board reviewed this rezoning at their November 19, 2020 meeting and did not offer any suggested zoning conditions.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning #20CZ16 with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on February 8, 2021 and voted on February 10, 2021 to unanimously recommend approval of the rezoning with the conditions offered by the applicant, by a vote of 9-0.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning (MD-CZ) district is consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Medium Density Residential which includes the MD-CZ district.

The proposed rezoning is reasonable and in the public interest because it will permit single-family residential development consistent and compatible with the surrounding area. In addition, the proposed rezoning will allow the property to connect to Town water and sewer services.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

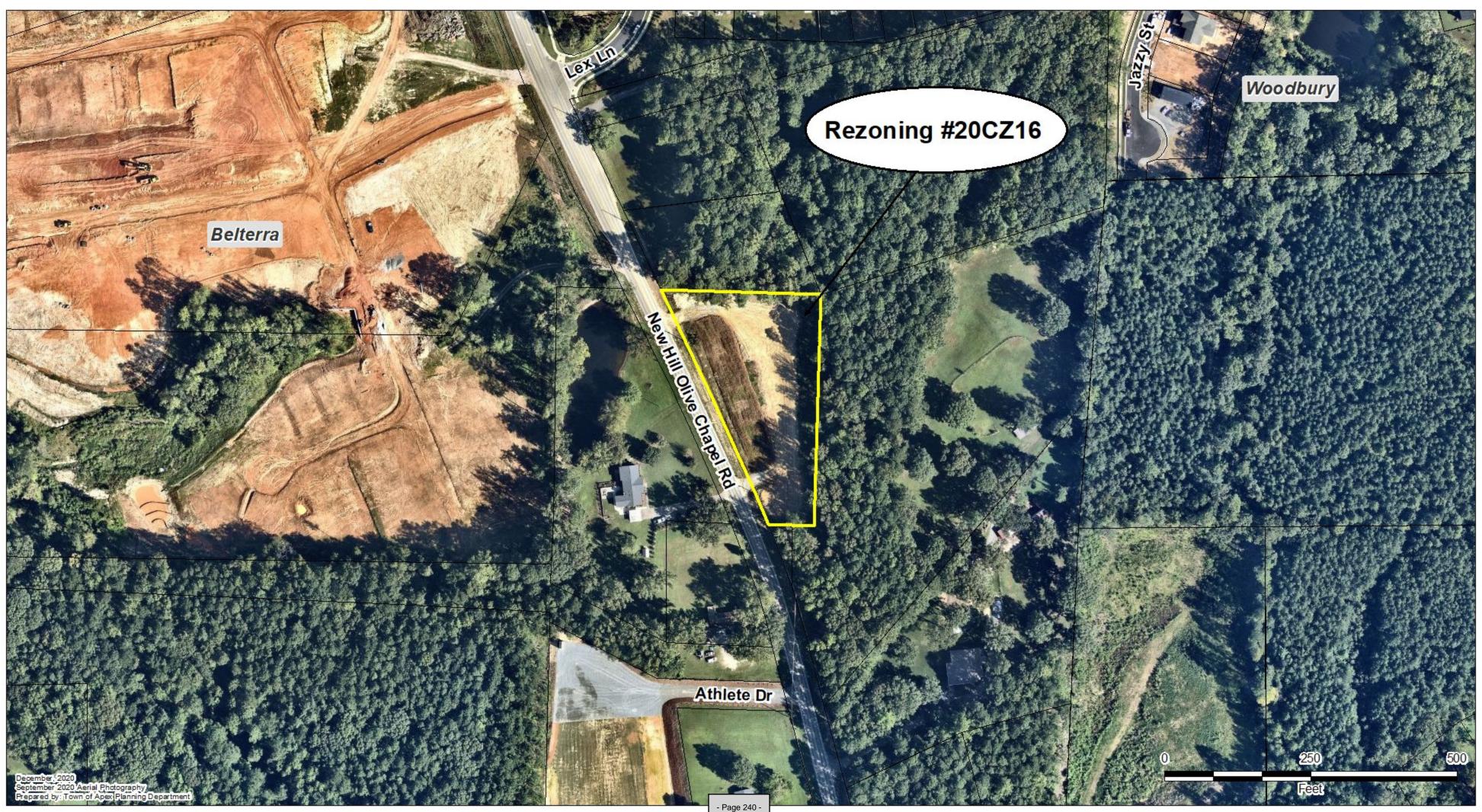
Legislative Considerations

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

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



- February 23, 2021 Town Council Meeting
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards,* if applicable.
- 4) Design minimizes adverse impact. The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) Not constitute nuisance or hazard. Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) Other relevant standards of this Ordinance. Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



third parties Application 2045 LUM		Submittal Date: Fee Paid:	-11/14/20
Project in	formation		
Project Na	me: Cusumane Resu	lence.	
Address(es	· · · · · · · · · · · · · · · · · · ·	live Chopel Rd.	New Hill NC 275
PIN(s):	0110247018		New Hill, NC 275
-			Acreage: 1.9
Current Zo	ning: 3-40W Residential 40	Proposed Zoning:	AD-CZ
Current 20	WELLINA Designation Wester	m Densin Recident	
Proposed 2	045 LUM Designation:	In Lansier Contraction	16.1
	next page for LUM Amendment.		
	on of the project is shown as mixed us	e (3 or more stripes on the 2	045 Land Use Map) provide the follo
	a classified as mixed use:		Acreage:
	a proposed as non-residential developr		Acreage:
Perc	ent of mixed use area proposed as non	-residential:	Percent:
Applicant h	formation		
Name:	Joseph D. Cusum	une	
Address:	959 Tender Dr.		
City:	Apex	State: NC	Zip: 3750
Phone:	919.909.5782	E-mail: ABC	stemplemes e outlook.
Owner Info	mation		
Name:	Joseph D. Cusuma	- •	
Address:	159 Tender Dr.		
City:	ADEX	State: NC.	Zip: 37570
Phone:	919.909.5782	A . A	stom homes & outlook.
Agent Inton		It m	PICINICINAS & CALTOBE .
Name:			
Address:			
City:		Charles.	
Phone:		State: E-mail:	Zip:
Other contac	ts:		
LUNCH LUNCH			

PETITION TO A	MEND THE OFFICIAL ZONING	s MAP & 2045 LAND Use MAP	
Application #;	20(216	Submittal Date:	
2045 LAND USE	MAP AMENDMENT (IF APP	PLICABLE)	
The applicant do request, the folio	es hereby respectfully reques owing facts are shown:	st the Town Council amend the 2045 Land Use Map. In support	of this
The area sought to	be amended on the 2045 La	ind Use Map is located at:	
Current 2045 Land	Use Classification:		
Proposed 2045 Lar	nd Use Classification:		
What condition(s) classifications of th	justifies the passage of the ar e subject area in addition to	mendment to the 2045 Land Use Map? Discuss the existing use the adjacent land use classifications. Use additional pages as n	eeded.
			-

PETITION INFORMATION		
Application #:	200216	Submittal Date:

An application has been duly filed requesting that the property described in this application be rezoned from **R40N** to <u>MD-CZ</u>. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	single-family residential	21	
2	accessiony apartment	22	
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9		29	
10		30	
11		31	
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13		33	
14		34	
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17		37	
18		38	
19		39	
20		40	



PROPOSED Conditions (Addendum)

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

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

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

3. The garage entrance of the home is side entry

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

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

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

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

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

At a 12/18/20 page 1 of 2

- Page 244 -



- Balcony
- Dormer

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

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

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

11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.

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

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

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

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

Aff- 12/18/20 page 10E2

PET	ITION	INFO	RMAN	TION
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Application #:

20CZ16

Submittal Date:

PROPOSED CONDITIONS:

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

See previous adderdum.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed use is compatible with the 2045 land use map. 2) Compatibility. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses. the proposed use is consistent w/ sunounding areas

PETITION INFORMATION			
Application #:	20CZ16	Submittal Date:	

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

proposed use will meet the required Supplemental Standards to th Desocord USO(5)

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.

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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.

- design will not have an inorat on th

single tamily homes will be pre-configured with conduit for a

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

The	proposed land use will not he	ANR II	An	n Aslesses	1 - 00000-
	forementioned items.	- to be a feat	-	and and an and a star of the	- tragana
<u>ca</u> une	Folementioned very				

7) Health, safety, and welfare. The proposed Conditional Zoning (C2) District use's effect on the health, safety, or welfare of the residents of the Town or Its ETJ.

use will not have an offer on DNODES

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Rezoning & 2045 Lani - Page 247 -

PETITION INFORMATION		
Application #:	200216	Submittal Date:

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

The proposed yoning will not be advingental to adjacent properlys

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.

- proposed young will not knowtitute a nusance on hangend

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

The proposed development will meet the standards within Various Sections of the Town of apex UDD,

- Page 248 -

NAMES AND ADDRESS OF

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZI6

Submittal Date:

10/30/20

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

	Owner's Name	PIN
1.	Atkins, Laura B	0710847301
2.	Atkins, Laura B	07109 40436
3.	Atkins, Laura B	0710940061
4.	Dhillon, Hardin Singh	0710836780
5.	Hicks, Michael N	0710835932
6.	KB Homes	0710831979
7.	KB Homes	0110747480
8.	Atkins, Laura B	0710846444
9.	Hudson, Claude Lee Jr	0710931641
10.	Martin, Andrew T	0710835242
11.	·	
12.		
13.		
14.		
15.		

I, <u>Joseph D. Custimenc</u>, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 11/6/20 By: Street

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed be	efore me, Marta T. Me	a Notary Public for the above State and
County, on this the	6 day of November	<u>, 20 20</u> .
SEAL	NOTARL R	Marta T. Monder Notary Public Marta T. Moneyer Print Name
	AUBLIO OUNT	My Commission Expires: October 26,2025

AGENT	AUTHORIZATI	ON FORM		
Applica	tion #:	20CZ16	Submittal Date:	10/30/20
	ion is being su	bmitted:	is the owner* of the prop	erty for which the attached
	а	nendment or Conditional Zoning and Plan uthorization includes express gent which will apply if the ap	consent to zoning conditions t	•
Q'	Site Plan			
	Subdivision			
	Variance			
	Other:			1
The proj	perty address i	s: 2409 Newt	fill Olive Chapel Bd.	New Hill NC 27562
The age	nt for this proj	ect is: Joseph D. (Cusumana	
	🛛 I am the o	wner of the property and will	be acting as my own agent	
Agent N	ame:	Joseph D. Cu	sumano	
Address	:	959 Tender D	In Apen NG 275	45
Telepho	ne Number:	919-909-578		
E-Mail A	ddress:	thecusumanos	@gmail.com	
		B-L.C.	<i>แทลฟอ</i> Type or print nar <u>CusumaNo</u> Type or print nar	10/20/20

Attach additional sheets if there are additional owners.

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

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

- Page 250 -

Rezoning & 2045 La

AFFIDAVIT OF OW	NERSHIP			
Application #:	200216	Submittal Date:	11/14/30	and the second se
			1 1.	

The undersigned, Jcseph D. Cersumane (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2009 New Hill Olive Chan I P. and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with 2. the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/6/2020, and recorded in the Wake County Register of Deeds Office on 11/6/3000, in Book 018174 Page 3. 501-507
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5. 11/0/2020 Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on in/ colecce, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the // day of Le (seal) losedy D. CLOUMANO Type or print name

STATE OF NORTH CAROLINA COUNTY OF ULACE

I, the undersigned, a Notary Public in and for the County of Wate , hereby certify that Josnah David CH Sum Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's driver's lic-ase personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing wifidavit. NOTARL [NOTARY SEAL]

Last Updated: August 30, 2019 Rezoning & 2045 Lar nent Application - Page 251 -

Notary Public MAY TA State of North Carolina

Mata T. Monyer Notary Public Marta T. Monayer

My Commission Expires: Outper 26, 2025

A REIDAVAT OF A	AUNICOCLUDE EVIDIDIT	I – LEGAL DESCRIPTION
「「町町」のしている日間の「一般の」	VVINERSSTREES BARASTELISTER	APPEND of State of Sector (1518) (51)

200214

Application #:

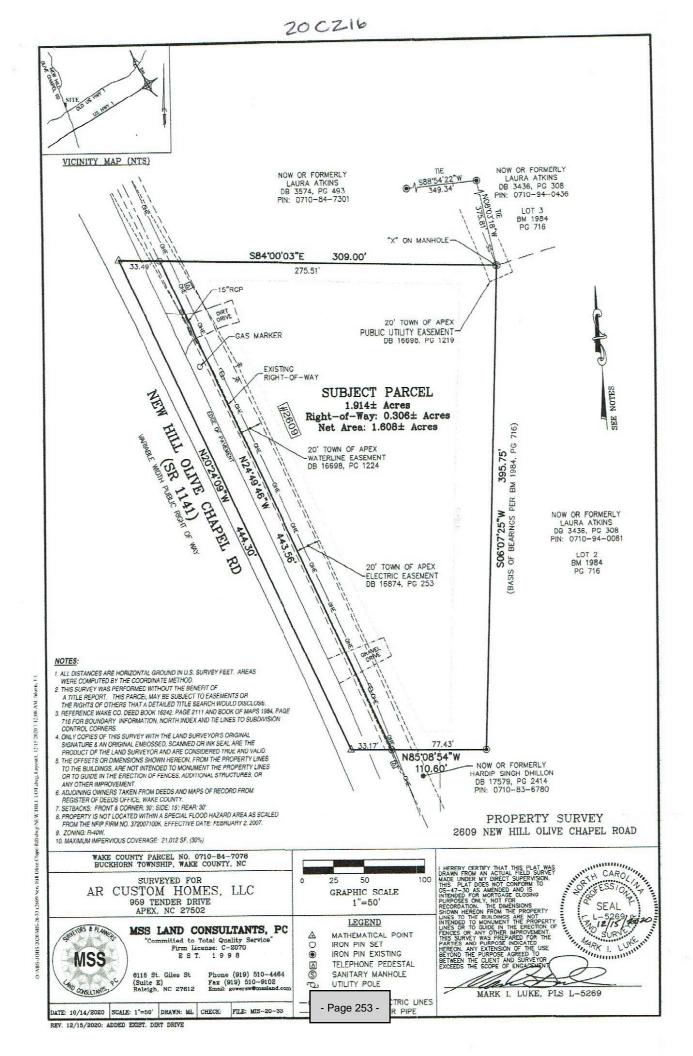
Submittal Date:

Insert legal description below.

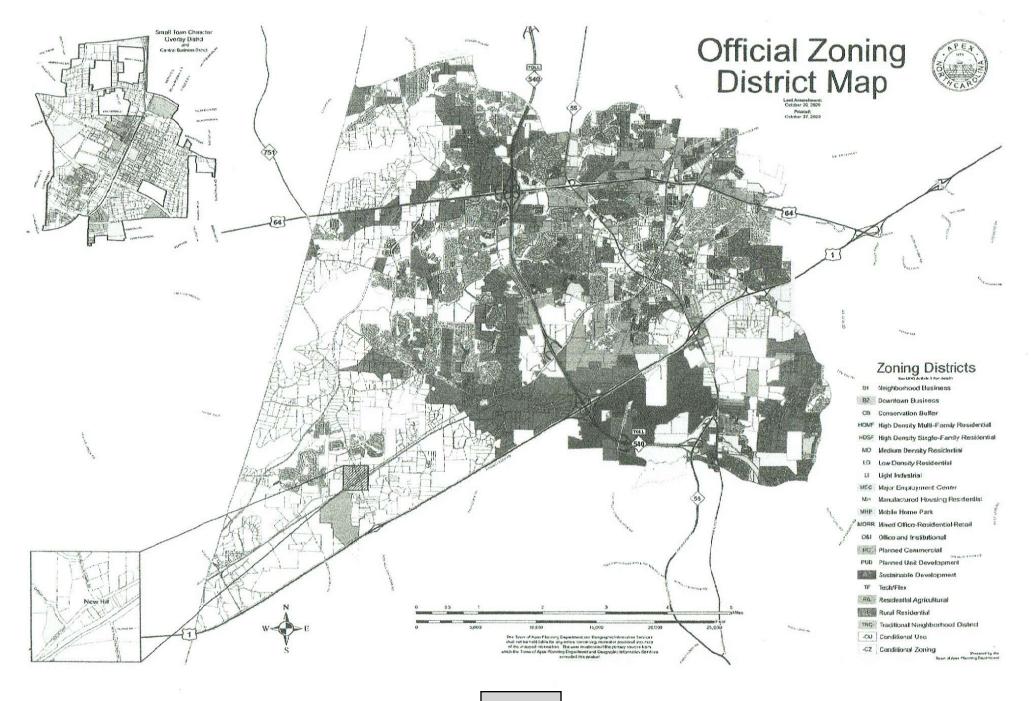
EXHIBIT A LEGAL DESCRIPTION

BEGINNING at a bolt in the center line of the paved SR 1141, the New Hill-Olive Chapel Road, said bolt also being in Pauline Lashlee's line and runs thence with her line South \$4 degrees 30 minutes East 309 feet to a railroad rail stake, said Lashlee's corner; thence another line with said Lashlee South 5 degrees 30 minutes West 396 feet to an iron shaft; thence another line with said Lashlee and past her corner with E.C. Olive's line North \$4 degrees 30 minutes West 110.6 feet to an iron in the center line of said paved road; thence along the center line of said road North 21 degrees 15 minutes West 444.3 feet to the point of BEGINNING, containing 1.9 acres, more or less, according to survey of E.C. Smith, RLS, dated September 23, 1970 and being a part of the land described in a deed from Mrs. L.T. Holt, et al to E.C. Olive and wife, dated January 2, 1938 and recorded in Book 769, Page 403, Wake County Registry.

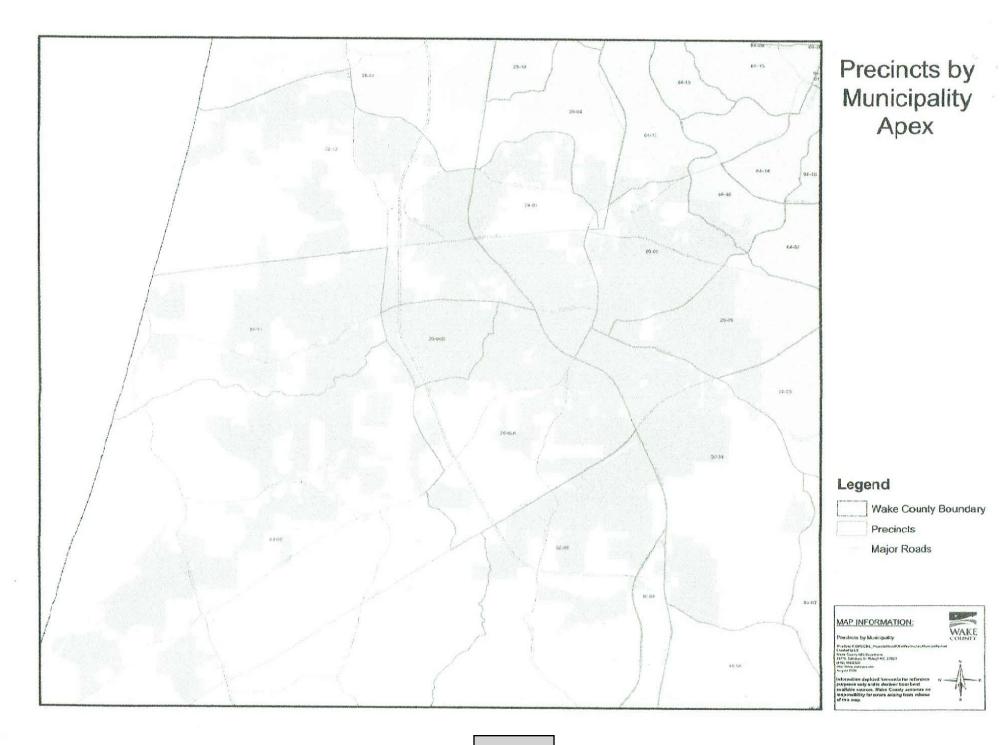
Page 12 of 12



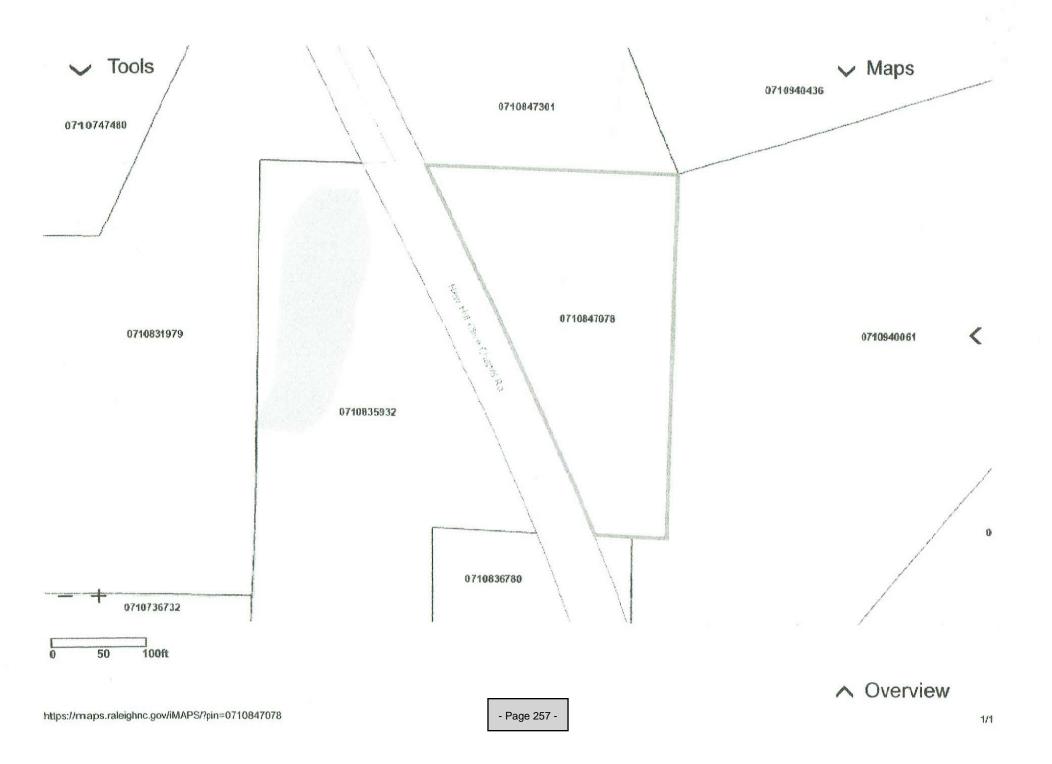




- Page 255 -



- Page 256 -



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

11/14/20

Date

Dear Neighbor:

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

2609 New Hill Ooive Chapel Rd. New Hill, NC 27562

0710847078

Address(es)

064/078

PIN(s)

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

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

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

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

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

apartment on the first and in the future a single family-residential on the second.

Estimated submittal date:	
MEETING INFORMATION:	
Property Owner(s) name(s):	Joseph D. and Reagan L. Cusumano
Applicant(s):	Joseph D. Cusumano
Contact information (email/phone):	919-909-5782 / ARcustomhomes@outlook.com
Meeting Address:	2609 New Hill Olive Chapel Rd. New Hill, NC 27562
Date of meeting**:	Monday Nov. 23rd 2020
Time of meeting**:	5:00pm
MEETING AGENDA TIMES: Welcome: 5:00pm Project P	resentation: 5:10pm Question & Answer: 5:30pm

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

Instruction Packet and Affidavit for Neighborhood Meetings

- Page 258 -

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 7601 New Hill Olive Ch	cal Rd.
Date of meeting: 11/23/20	Time of meeting:SPM-7pm
Property Owner(s) name(s): Joseph & Reaga	
Applicant(s): byt & Peagan Cusumme	4 Susans
, , , , , , , , , , , , , , , , , , , ,	

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
1.	Judy Hudson	2701 Nego Hill plive			& UPDATES
2.	Mandoudan	2701 New Hill of Rd 2701 Xlew Hill Of, 2701 Xlew Hill Of, 5875 da 45161			
3.	DHILLONILAN -	STOT RIEW HIMOI,			
4.	- CHON MAR	5315064561			- Cas
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14.					
	dditional sheets, if necessary.				

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Instruction Packet and Affidavit for Neighborhood Meetings

- Page 259 -

Last Updated: December 20, 2019

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):	seph & Readon Cusu	Meno
	usumana	
Contact information (email/phone):		ARcuston bones e outlook con
Meeting Address: _2609 New	Will Olive Chasel P.R.	New Hill NC 27562
Date of meeting: 11/23/20		eting: 5pm

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

Question/Concern #1:

Questioned what the accessory apartment was.

Applicant's Response:

two car garage if a loft above for my personal affice

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Instruction Packet and Affidavit for Neighborhood Meetings

- Page 260 -

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.

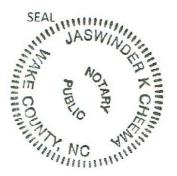
D. Cusamano, do hereby declare as follows:

- 1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 Neighborhood Meeting.
- 2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
- 3. The meeting was conducted at _2609 New Will Olive Chapel Pd (location/address) on ______ (location/address) (location/address) (location/address) (location/address)
- 4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
- 5. I have prepared these materials in good faith and to the best of my ability.

11/24/2020

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me, Jaswinderk Cheeng, a Notary Public for the above State and County, on this the 24 day of Nov 2020.



Jagur udir C Cherry JASWINDER K CHEEMIT

My Commission Expires: Nov 9, 2021

PROJECT CONTACT INFORMATION

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

Development Contacts:			
Project Name: Cusumano Res			Zoning:
Location: 2609 New Hill Olive			
Property PIN(s): 0710847078	Acreag	e/Square Feet:	1.914 / 83,373.84
Property Owner: Joseph D. an	nd Reagan L.	Cusumano	טיירוע איז
Address: 959 Tender Dr.			
City: Apex		State: NC	Zip: 27502
Phone: 919-909-5782	Email: ARC		@outlook.com
Developer:	an an an an an tha tha an		
Address:			
City:			Zip:
Phone:		Em	
Engineer:	and a first free design of 2000 to the theory	en de la de ser de la comptense part	a lagunda su di memore poli okere watan bi wasan bawa na akeen ka akeen ka sakeen na sakeen mada waxaa ka
Address:			
City:		State:	Zip:
Phone: F		Ema	
Builder (if known): AR Custom	Homes, LLC	and a set of the second because a second	n men an an an an ann an an an an an an an a
Address: 959 Tender Dr.			
city: Apex		State: NC	Zip: 27502
Phone: 919-909-5782 F	ax:	Ema	ail: ARcustomhomes@outlook.com

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

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

- Page 262 -

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.

1/13/21 Date

Dear Neighbor:

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

2609 New Hill O live Chapel Rd. New Hill, NC 27562

0710847078

Address(es)

04/010

PIN(s)

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

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

Ap	plication Type	Annual Ant
Ø	Rezoning (including Planned Unit Development)	Approving Authority
	Major Site Plan	Town Council
	Special Use Permit	Town Council (QJPH*)
~		Town Council (QJPH*)
*	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

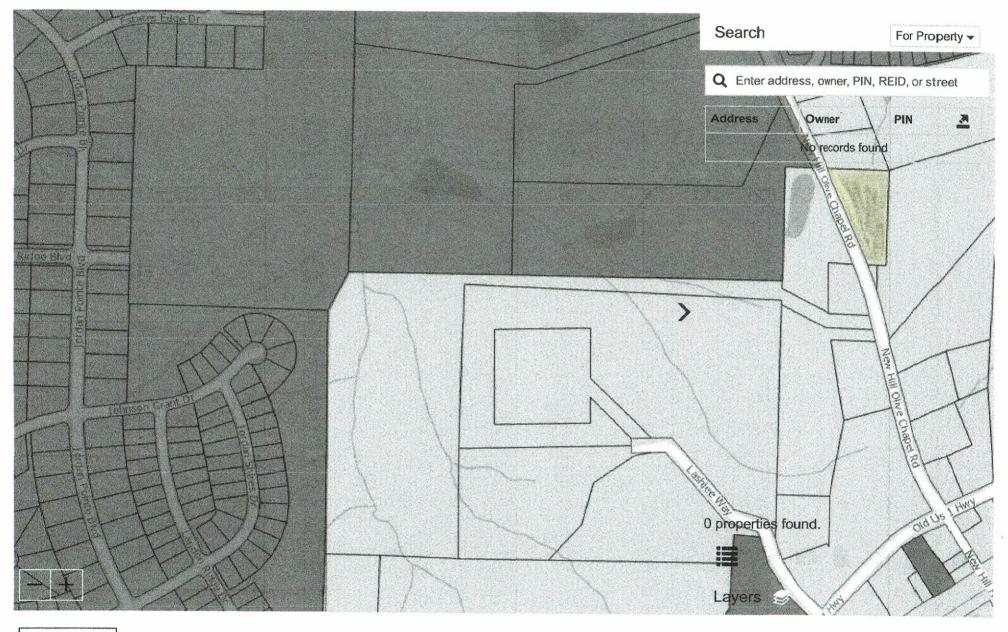
apartment on the first and in the future a single family-residential on the second.

Estimated submittal date:			
MEETING INFORMATION:			
Property Owner(s) name(s):	Joseph D. and Reagan L. Cusumano		
Applicant(s):	Joseph D. Cusumano		
Contact information (email/phone):	919-909-5782 / ARcustomhomes@outlook.com		
Meeting Address:	2609 New Hill Olive Chapel Rd. New Hill, NC 27562		
Date of meeting**:	Monday Jan. 25 2021		
Time of meeting**:	5:00pm - 7:00 pm		
Velcome: 5:00pm Project P	resentation: 5:10pm Question & Answer: 5:30pm		

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

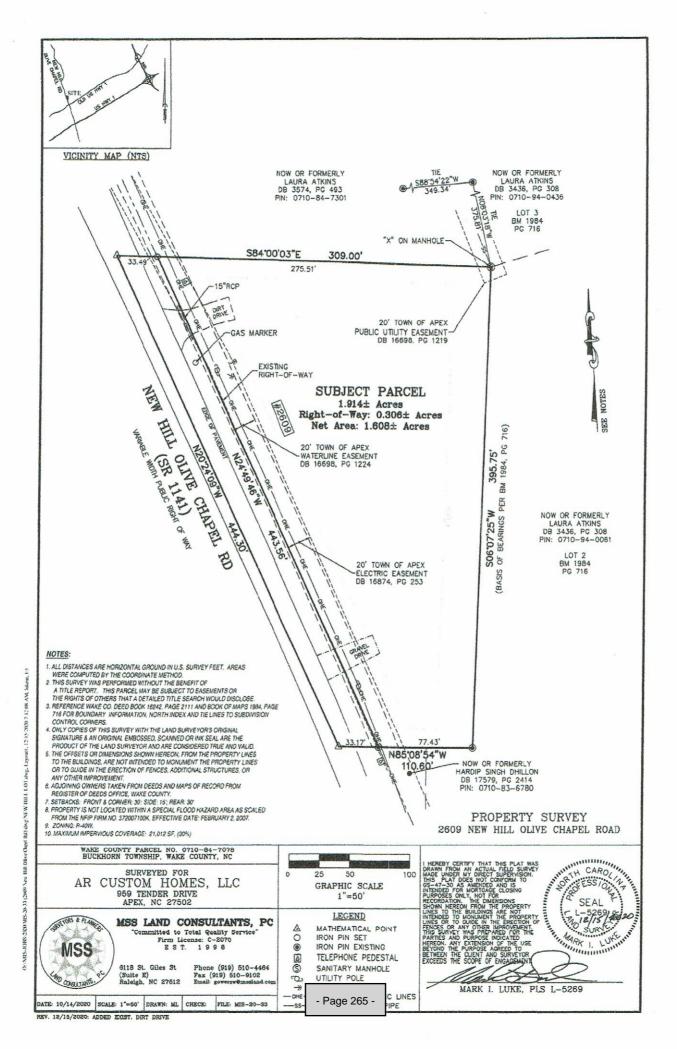
Instruction Packet and Affidavit for Neighborhood Meetings

2

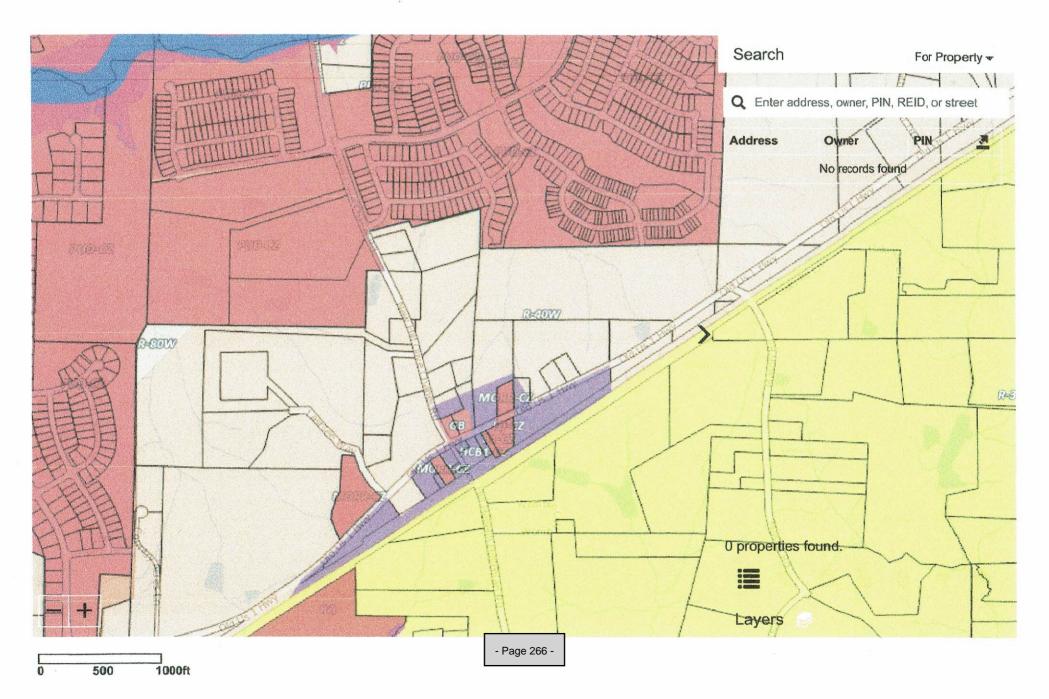




- Page 264 -



1/12/2021



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: <u>Cusumano Residence</u> Zoning:
Location: 2009 New Hill Olive Chopel Rd. New Hill, NC 27562
Property PIN(s): 07108470-18 Acreage/Square Feet: 1.914
Property Owner: Joseph D. Cusumano
Address: 959 Tender Dr.
City: Apex State: NC Zip: 27502
Phone: 919,909-5782 Email: Af custombornes Coutlock.com
Developer: Joseph D. Cusumano
Address: <u>959</u> Tender Dr.
City: Apen State: NE Zip: 27502
Phone: <u>919.909.5782</u> Fax: Email: <u>All custom homose outlook com</u>
Engineer: Tyndall Engineering
Address. 200 Ship wash Dr.
City: Garner State: NC Zip: 27529
Phone: 919,773,1200 Fax: Email: tyndalletyndallengineering com
Builder (if known): AB Custom Homes LLC.
Address: 959 Tender Dr.
City:ApexState: NC Zip: 27502
Phone: 919.909. 5782 Fax: - Email: ARcuston homes & outlook com

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

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

- Page 267 -Page 4 of 9

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:	2009 New Hill	Olive Chopel Rd New Hill, NG 27542		
Date of meeting: _	1/25/21	Time of meeting: 5:00pm - 7:00pn		
Property Owner(s)	name(s): Joseph D.C			
Applicant(s): Deeph D. Cusumano				

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

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

Use additional sheets, if necessary.

- Page 268 -

Instruction Packet and Affidavit for Neighborhood Meetings

Page 7 of 9 Last Up

Last Updated: December 20, 2019

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s)	name(s):	Joseph I	, Cusumano		
Applicant(s):	Joseph	D. Cusu	mano		
Contact information	n (email/phone): ARCU	stomhomese outlook	 0119 909.5	782
Meeting Address:			Olive Chapel Rd.		
Date of meeting:	1/25/21			00pm -7:00	

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:

no attendees - 1	10	new	questions

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Instruction Packet and Affidavit for Neighborhood Meetings

- Page 269 -

Page 8 of 9

CERTIFIED LIST	OF NEIGHBORING PROPERTY OWNERS			
Application #:	200216	Submittal Date:	1/24/2021	

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

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

I, <u>Joseph D. Cusumparis</u>, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 1/20/2021

By: the

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, <u>Tostwa</u> <u>K</u> <u>Seace</u>, a Notary Public for the above State and County, on this the <u>26th</u> day of <u>January</u>, 2021. **JOSHUA M SEALE** Notary Public Notary Public Wake Co., North Carolina My Commission Expires Dec. 19, 2024 My Commission Expires Dec. 19, 2024

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

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

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

- 1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
- 2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
- 3. The meeting was conducted at <u>2409</u> New Hill Olive Chapel Re (location/address) on <u>1/25/2031</u> (date) from <u>5:00 pm</u> (start time) to <u>7:00 pm</u> (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.

By: Allo

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,	م لل <u>الحمرة</u> , a Notary Public for the above State and				
County, on this the 26th day of JANSARY, 2021.					
[
JOSHUA M SEALE	- Alban Bare				
Notary Public	Notary Public				
Wake Co., North Carolina	Jostus M SEALE				
My Commission Expires Dec. 19, 2024	Print Name				
	\sim				
	My Commission Expires: 19th 2024				



Wake County Residential Development Notification

Developer Company Information				
Company Name	AR Custom Homes, LLC			
Company Phone Number	919-909-5782			
Developer Representative Name	Joseph D. Cusumano			
Developer Representative Phone Number	919-909-5782			
Developer Representative Email	ARcustomhomes @outlook.com			

New Residential Subdivision Information						
Date of Application for Subdivision	1/191/21					
City, Town or Wake County Jurisdiction	Town of Apex					
Name of Subdivision						
Address of Subdivision (if unknown enter nearest cross streets)	2609 New Hill Olive Chapel Rd. New Hill, NC 27562					
REID(s)						
PIN(s)	071847078					

Projected Dates Information					
Subdivision Completion Date	12/23/2022				
Subdivision Projected First Occupancy Date	8/1/2021				

	Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	-	e Foot 1ge	Price	Range	,	Anticipate	ed Compl	etion Uni	ts & Dat	es
						1	1	Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	2							2500	5000	500k	750k	2021	1	2022	1		
Townhomes																	
Condos																	
Apartments																	
Other																	

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

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

Please send any questions about this form to:

studentassignment-gisgroup@wcpss.net

- Page 272 -

Revised 08/10/2018

PLANNING BOARD REPORT TO TOWN COUNCIL Rezoning Case: 20CZ16 Cusumano Property-2609 New Hill Olive Chapel Rd

Planning Board Meeting Date: February 8 and 10, 2021

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage:	+/- 1.90
PIN(s):	0710847078
Current Zoning:	Wake County Residential-40W (R-40W)
Proposed Zoning:	Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map:	Medium Density Residential
Town Limits:	Outside (annexation required with rezoning)

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

\checkmark	2045 Land Use Map ✓ Consistent	Inconsistent	Reason:
√	Apex Transportation Plan ✓ Consistent	Inconsistent	Reason:
V	Parks, Recreation, Open Space,	and Greenways Plan	Reason:

PF

Re	ANNING BOARD REPORT TO TOWN COUNCIL zoning Case: 20CZ16 Cusumano Property-2609 New Hill Olive Chapel Rd nning Board Meeting Date: February 8 and 10, 2021
The cons prop	islative Considerations: applicant shall propose site-specific standards and conditions that take into account the following siderations, which are considerations that are relevant to the legislative determination of whether or not the posed conditional zoning district rezoning request is in the public interest. These considerations do not exclude legislative consideration of any other factor that is relevant to the public interest.
1.	Consistency with 2045 Land Use Plan. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan. ✓ Consistent Inconsistent Reason:
2.	Compatibility. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses. Consistent Inconsistent Reason:
3.	Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 Supplemental Standards, if applicable. Image: Consistent Image: Consistent Reason:
4.	Design minimizes adverse impact. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance. Image: Imag
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. Image: Ima

Re	ANNING BOARD REPORT TO TOWN COUNCIL zoning Case: 20CZ16 Cusumano Property-2609 New Hill Olive Chapel Rd nning Board Meeting Date: February 8 and 10, 2021					
T TO	Hining Bourd Meeting Buter conducty of and 10/ 2022					
6.	Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities. Impact on public facilities and services including roads. Impact on public facilities and services. Impact on public 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. Image: Consistent inconsistent incons					
8.	Detrimental to adjacent properties. Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties. ✓ Consistent Reason:					
9.	Not constitute nuisance or hazard. Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use. ✓ Consistent Inconsistent Reason:					
10.	Other relevant standards of this Ordinance. Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics. Image: Consistent Inconsistent Reason:					

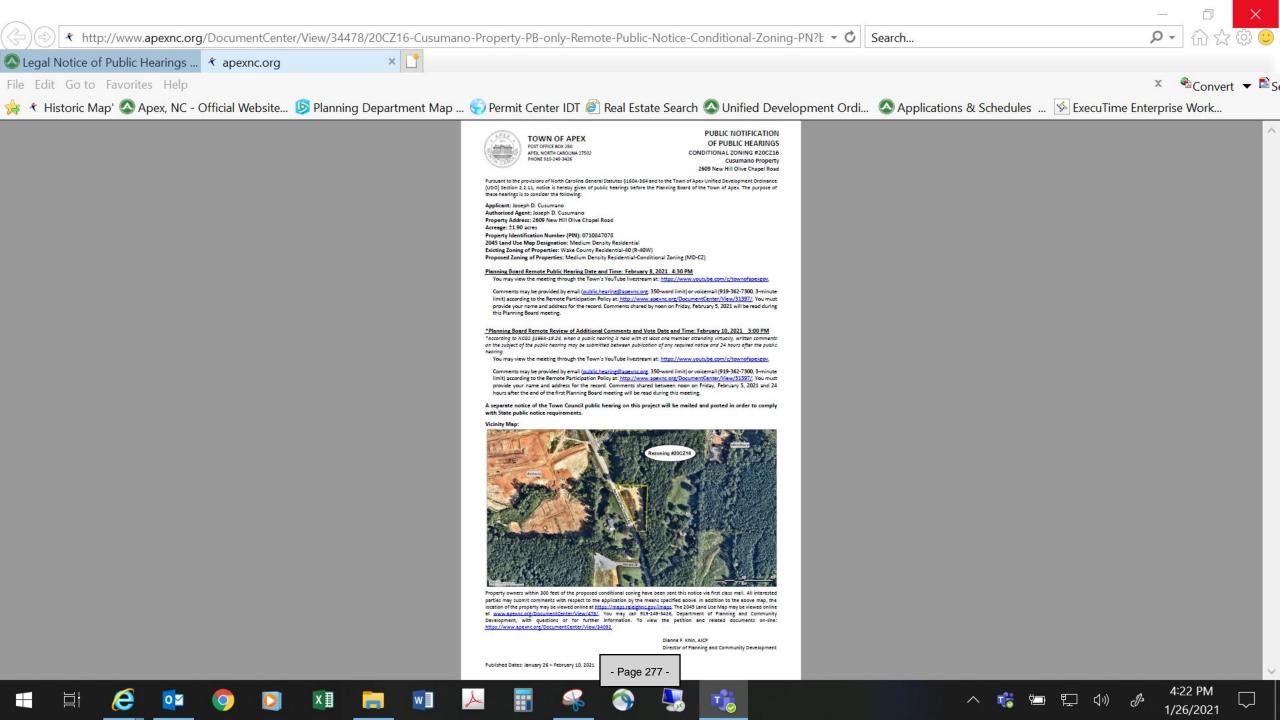
PLANNING BOARD REPORT TO TOWN COUNCIL Rezoning Case:20CZ16 Cusumano Property-2609 New Hill Olive Chapel Rd

Planning Board Meeting Date: February 8 and 10, 2021



Planning Board Recommendation:

	Motion:	<u>To re</u>	ecommend a	approval with conditions as offered by applican
I	Introduced by Planning Board member:	Marl	k Steele	
	Seconded by Planning Board member:	Ryan	Akers	
	<i>Approval</i> : the project is consistent wit considerations listed above.	h all a	pplicable offi	icially adopted plans and the applicable legislative
\checkmark		s note	ed above, so	th all applicable officially adopted plans and/or the the following conditions are recommended to be
Cond	litions as offered by applicant.			
	<i>Denial</i> : the project is not consistent legislative considerations as noted abo		all applicabl	e officially adopted plans and/or the applicable
		Witł	n 9 Planni	ng Board Member(s) voting "aye"
		Witł	n_0_Planni	ng Board Member(s) voting "no"
	Reasons for dissenting votes:			
This	report reflects the recommendation of t	the Pla	anning Board,	, this the <u>10th</u> day of <u>February</u> 2021.
Atte	st:			
Mic	chael Marks Digitally signed by Michael Date: 2021.02.10 17:35:1	el Marks I 1 -05'00	s)'	Dianne Khin Digitally signed by Dianne Khin Date: 2021.02.10 17:10:38 -05'00'
Mich	nael Marks, Planning Board Chair		_	Dianne Khin, Director of Planning and Community Development
Pag	ge 4		- Page 276 -	Planning Board Report to Town Council





POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ16 Cusumano Property 2609 New Hill Olive Chapel Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Joseph D. Cusumano
Authorized Agent: Joseph D. Cusumano
Property Address: 2609 New Hill Olive Chapel Road
Acreage: ±1.90 acres
Property Identification Number (PIN): 0710847078
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Wake County Residential-40 (R-40W)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Planning Board Remote Public Hearing Date and Time: February 8, 2021 4:30 PM

You may view the meeting through the Town's YouTube livestream at: <u>https://www.youtube.com/c/townofapexgov</u>.

Comments may be provided by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. Comments shared by noon on Friday, February 5, 2021 will be read during this Planning Board meeting.

*Planning Board Remote Review of Additional Comments and Vote Date and Time: February 10, 2021 5:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

You may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

Comments may be provided by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. Comments shared between noon on Friday, February 5, 2021 and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://www.apexnc.org/DocumentCenter/View/478/. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/478/.

Dianne F. Khin, AICP Director of Planning and Community Development

- Page 278 -



POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11 Town of Apex Unified Development Ordinance

Project Name:

CONDITIONAL ZONING #20CZ16 **Cusumano Property**

Project Location:

2609 New Hill Olive Chapel Road

Applicant or Authorized Agent:

Joseph D. Cusumano

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 26, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

1 - 26 - 2021

Director of Planning and Community Development

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,

Jeri Chastain Pederson , a Notary Public for the above 26 day of January , 202 [.

- Page 279 -

State and County, this the

Jui Chastan Pederson Notary Public

Mv Commission Expires: 03/10 2024

JERI CHASTAIN PEDERSON Notary Public Wake County, North Carolina My Commission Expires March 10, 2024

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🕞 🔄 ≹ http://www.apexnc.org/DocumentCer	enter/View/34478/20CZ16-Cusumano-Property-PB-only-Remote-Public-Notice-Conditional-Zoni 👻 🕻 Search	🔎 🛱 ☆ 🛱 🥲
🔕 Legal Notice of Public Hearing 🥀 apexnc.org	× 🗋	
File Edit Go to Favorites Help		🗴 🍕 Convert 👻 🛃 Select
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POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ16 Cusumano Property 2609 New Hill Olive Chapel Road

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Joseph D. Cusumano Authorized Agent: Joseph D. Cusumano Property Address: 2609 New Hill Olive Chapel Road Acreage: ±1.90 acres Property Identification Number (PIN): 0710847078 2045 Land Use Map Designation: Medium Density Residential Existing Zoning of Properties: Wake County Residential-40 (R-40W) Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: February 23, 2021 6:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

You may view the meeting through the Town's YouTube livestream at: <u>https://www.youtube.com/c/townofapexgov</u>.

You may provide comments no sooner than Wednesday, February 10, 2021 but no later than noon on Monday, February 22, 2021 by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

The vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will be then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

Vicinity Map:



All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478/. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/478/.

- Page 281 -



POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11 Town of Apex Unified Development Ordinance

Project Name:

CONDITIONAL ZONING #20CZ16 **Cusumano Property**

Project Location:

2609 New Hill Olive Chapel Road

Applicant or Authorized Agent:

Joseph D. Cusumano

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 29, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

|-29-202| Date

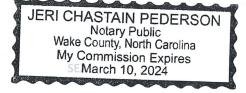
Jauren Standenmein for Diapne Khin Director of Planning and Community Development

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,

<u>Jeri Chastain Paderson</u>, a Notary Public for the above 29 day of <u>January</u>, 202 <u>1</u>.

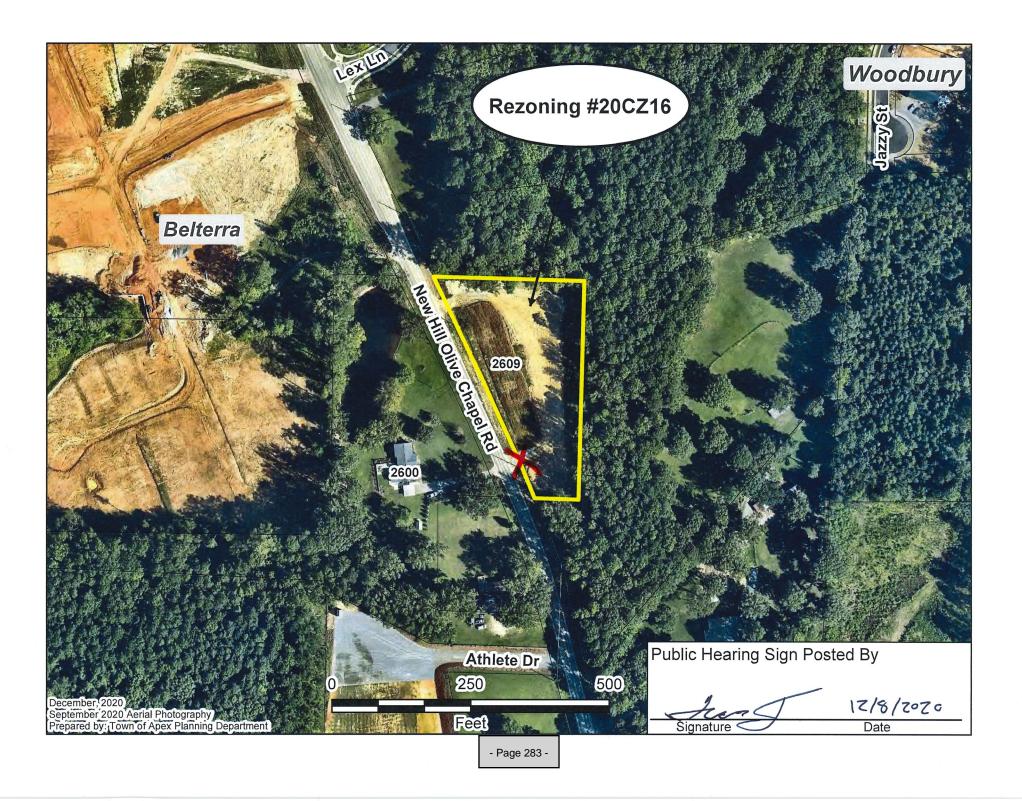
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Jeri Chastain Podelsn

- Page 282 -

Mv Commission Expires: 03 / 10 / 2024





Student Assignment Glenn Carrozza 5625 Dillard Dr. Cary, NC 919-431-7333 919-694-7753 (fax)

January 29, 2021

Dianne Khin, AICP Director, Department of Planning and Community Development Town of Apex <u>Dianne.Khin@apexnc.org</u>

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: November 16, 2020
- Name of development: 20CZ16 Cusumano Property
- Address of rezoning/development: 2609 New Hill Olive Chapel Rd
- Total number of proposed residential units: 2
- Type(s) of residential units proposed: Single-family

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at <u>all</u> grade levels within the current assignment area for the proposed rezoning/development are anticipated to have <u>sufficient</u> capacity for future students.
- □ Schools at <u>the following</u> grade levels within the current assignment area for the proposed rezoning/development are anticipated to have <u>insufficient</u> capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

□ Elementary □ Middle □ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- X Not applicable existing school capacity is anticipated to be sufficient.
- □ School expansion or construction within the next five years is not anticipated to address concerns.
- □ School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary
 Middle
 High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Glenn Carrozza Glenn Carrozza

Senior Director

- Page 284 -

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.90 ACRES LOCATED ON 2609 NEW HILL OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)

#20CZ16

WHEREAS, the application of Joseph D. Cusumano petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Director of Planning and Community Development and thereafter a public hearing was held hereon on the 8th day of February 2021 before the Planning Board and on the 10th day of February 2021 the Planning Board voted. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 23rd day of February 2021, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW**, **THEREFORE**,

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Wake County Residential-40W (R-40W) to Medium Density Residential-Conditional Zoning (MD-CZ) District, subject to the conditions stated herein.

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

Zoning Conditions:

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

- 1. Single-family (P)
- 2. Accessory apartment (P)

Conditions:

- 1. The exterior materials include a combination of the following building materials. The primary front façade of the main house to include:
 - a. Parged and painted block crawlspace foundation
 - b. Trex (or similar) front porch

- Page 285 -

Ordinance Amending the Official Zoning District Map #20CZ16 Page 2

- c. James Hardie (or similar) vertical board and batten cement board siding
- d. James Hardie (or similar) horizontal cement board siding
- e. PVC porch columns
- f. Decorative gable brackets
- g. Decorative porch column brackets
- h. Metal roofing
- i. Asphalt shingles
- 2. The main entrance of the home shall be emphasized.
- 3. The garage entrance of the home is side entry.
- The main home shall have vertical proportions. Expanses of blank walls shall not exceed forty-three (43) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade, window or door.
- 5. Vinyl siding will not be used, however vinyl windows and decorative elements and trim are permitted.
- 6. Eaves shall project at least 12 inches from the wall of the structure.
- 7. Each side of the main home shall contain at least 3 decorative elements such as but not limited to, the following elements:
 - Windows
 - Bay Windows
 - Recessed or Decorative window
 - Trim around window
 - Doors
 - Wrap around porch or side porch
 - Two or more building materials
 - Two or more siding styles
 - Decorative brick/stone

- Decorative trim
- Decorative shake
- Decorative gable
- Decorative air vents on gable
- Decorative cornice
- Columns
- Portico
- Balcony
- Dormer
- 8. A varied color palette shall be utilized on the homes to include a minimum of three (3) color families including roof color, siding color and front door accent color.
- 9. Garages may protrude up to 5 feet from the front façade or porch.
- 10. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- 11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
- 12. Front porches shall be a minimum of 6 feet deep.
- 13. The existing parcel is served by two driveways accessing New Hill Olive Chapel Road. Subdivision of the parcel into two or more lots shall not increase the total number of existing driveways.
- 14. The minimum front building setback shall be 40 feet from the current right-of-way.
- 15. All single-family homes are to be pre-configured with conduit for a solar energy system.

<u>Section 4:</u> The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

<u>Section 5:</u> 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

- Page 286 -

Ordinance Amending the Official Zoning District Map #20CZ16 Page 3

District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

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

Motion by Council Member_____

Seconded by Council Member

With _____ Council Member(s) voting "aye." With _____ Council Member(s) voting "no."

This the _____ day of ______ 2021.

TOWN OF APEX

ATTEST:

Mayor

Town Clerk

APPROVED AS TO FORM:

Town Attorney

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A REIDAVAT OF	WAIEDCLIDE EVIDIT	I – LEGAL DESCRIPTION
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200214

Application #:

Submittal Date:

Insert legal description below.

EXHIBIT A LEGAL DESCRIPTION

BEGINNING at a bolt in the center line of the paved SR 1141, the New Hill-Olive Chapel Road, said bolt also being in Pauline Lashlee's line and runs thence with her line South \$4 degrees 30 minutes East 309 feet to a railroad rail stake, said Lashlee's corner; thence another line with said Lashlee South 5 degrees 30 minutes West 396 feet to an iron shaft; thence another line with said Lashlee and past her corner with E.C. Olive's line North \$4 degrees 30 minutes West 110.6 feet to an iron in the center line of said paved road; thence along the center line of said road North 21 degrees 15 minutes West 444.3 feet to the point of BEGINNING, containing 1.9 acres, more or less, according to survey of E.C. Smith, RLS, dated September 23, 1970 and being a part of the land described in a deed from Mrs. L.T. Holt, et al to E.C. Olive and wife, dated January 2, 1938 and recorded in Book 769, Page 403, Wake County Registry.

Page 12 of 12

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING Meeting Date: February 23, 2021

Item Details

Presenter(s):Sarah Van Every, Senior PlannerDepartment(s):Planning & Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public hearing on February 8, 2021 and voted on February 10, 2021 to recommended approval, with the conditions as offered by the applicant, by a vote of 8-0.

<u>Item Details</u>

<u>Attachments</u>

- Staff Report
- Vicinity Map
- Application





All property owners within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location:	1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road					
Applicant/Owner:	Josh Swindell, Envision Homes, LLC/Tony Streeter & Timothy V. Karr, Billy Ray Wolfe					
	Sarah W. Ronk, Willie T. Jr and Donna G. Wolfe, William D. II and Gail E. Bunce, and					
	John Terry Paton.					

PROJECT DESCRIPTION:

Acreage:	
PINs:	0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654
Current Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Low Density Residential
Town Limits:	Inside

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County R-80W	Single-family Residential; Vacant; Future Town Park
South:	Wake County R-80W; Rural Residential (RR)	Wimberly Road; Single-family Residential; Cary/Apex Water Treatment Facility
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30)	Single-family Residential (The Preserve at White Oak Creek)
West:	Wake County R-80W	Wimberly Road and Single-family Residential

Existing Conditions:

The subject properties are located north and east of Wimberly Road. Several of the properties contain residential structures, but are otherwise wooded. Hickory Hill Lane and Double Helix Road (private drives) transverse the site north from Wimberly Road. A Colonial Pipeline easement bisects the property northwest to southeast.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on December 28, 2020 and February 5, 2021. The neighborhood meeting reports are attached.

WCPSS Coordination:

The original Wolfe Properties PUD was submitted prior to the agreement with WCPSS to provide a letter of impact on rezonings including residential development. Since the proposed PUD amendment does not include a change to the approved density, a letter of impact was not requested.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning is consistent with that land use classification.

PLANNED UNIT DEVELOPMENT:

The applicant is proposing the following changes (shown in **bold** for additions and in strikethrough for deletions) with this PUD amendment:

PROPOSED ZONING CONDITIONS:

Permitted Design Controls:

1. Minimum Building Setbacks

<u>Townhouses:</u> From Public Right-of-Way to Garage – 18' Minimum where no sidewalk is present

<u>Government uses:</u> From Buffer or RCA - 0' Where there is no Buffer or RCA – 10'

2. Perimeter Buffers

Current Language:

The PD plans show buffers around the site to provide visual breaks between uses and public roads. We are proposing a 30' Type B buffer along Wimberly Road assuming the buffer is undisturbed. If the buffer is disturbed it shall be increased to a 50' Type B buffer. The perimeter buffers have been shown to be a 20' Type B buffer with the exception of property that abuts Town property; this shall be 10' Type B buffer. If Government Services are proposed, the buffers shall be a Type A. A 100' no clear cut buffer is a deed restriction buffer along the property line that abuts property with PIN: 0723-51-7896. The only disturbance permitted within this buffer shall be a driveway to serve the referenced PIN and the installation of a fence within the buffer near the common property line. Such fence shall not be chain link.

Proposed Change:

The PD plans show buffers around the site to provide visual breaks between uses and public roads. We are proposing a 30' Type B buffer along Wimberly Road assuming the buffer is undisturbed. If the buffer is disturbed it shall be increased to a 50' Type B buffer. The perimeter buffers have been shown to be a 20' Type B buffer with the exception of property that abuts Town property; this shall be 10' Type B buffer. If Government Services are proposed, the buffers shall be a Type A. However, in no case shall a buffer be required between existing Town property and land dedicated to or planned for dedication to the Town. A 100' no clear cut buffer is a deed restriction buffer along the property line that abuts property with PIN: 0723-51-7896. The only disturbance permitted within this buffer shall be public infrastructure, a driveway to serve the referenced PIN, and the installation of a fence within the buffer near the common property line. Such fence shall not be chain link.

APE



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

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

Architectural Standards:

Single-Family Detached Residential Standards

- A minimum of 50% of all single family homes will be restricted to have a master bedroom located on the first floor of the building. However, up to 50% of the homes shall be permitted to have a master bedroom not on the first floor. These units shall be identified on the final plat.
- 2. House entrances may be placed at finished grade or a raised floor with crawl space.

Additional Residential Standards

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

Non-residential Use Standards

- 1. EIFS or synthetic stucco shall not be used in the first four feet above grade.
- 2. The building exterior shall have more than one (1) material color.
- 3. The building shall have more than one parapet height.

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

Land Use Notes

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

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

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

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

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



2. Zoning condition for land dedication:

Current Language:

If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, the land dedication will occur by January 31, 2021 or prior to construction plan approval of Public Safety Station #6 (PSS #6), whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed.

Proposed Change:

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

3. Zoning condition for road improvements:

Current Language:

If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, road improvements for the collector street will be completed from Wimberly Road to just past the planned public safety station driveway no later than February 28, 2022 or prior to the certificate of occupancy, whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed

Proposed Change:

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

4. Zoning Condition for CD approval timing:

Current Language:

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

Proposed Change:

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



PUBLIC FACILITIES:

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

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ01 Wolfe Properties PUD Amendment with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their February 8, 2021 meeting and voted on February 10, 2021 to recommend approval, with the conditions as offered by the applicant, by a vote of 8-0.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Planned Unit Development-Conditional Zoning district is consistent with the Low Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide flexibility necessary to ensure cohesive development plans for future Capital Projects.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1) Planned Unit Development (PUD-CZ) District

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

- a) Development parameters
 - (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table.*



- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) RCA. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:



- (i) A non-residential component; or
- (ii) An overall density of 7 residential units per acre or more; or
- (iii) Environmental measures including but not limited to the following:
 - (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
 - (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) Landscaping. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 Landscaping, Buffering and Screening, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) Signs. Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 Signs, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 Prohibited Signs.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision and* Article 14: *Parks, Recreation, Greenways, and Open Space.*
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently



integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.

- (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District,* Sec. 6.2 *Flood Damage Prevention Overlay District,* and Sec. 8.1 *Resource Conservation.*
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of onsite storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

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



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

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

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

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

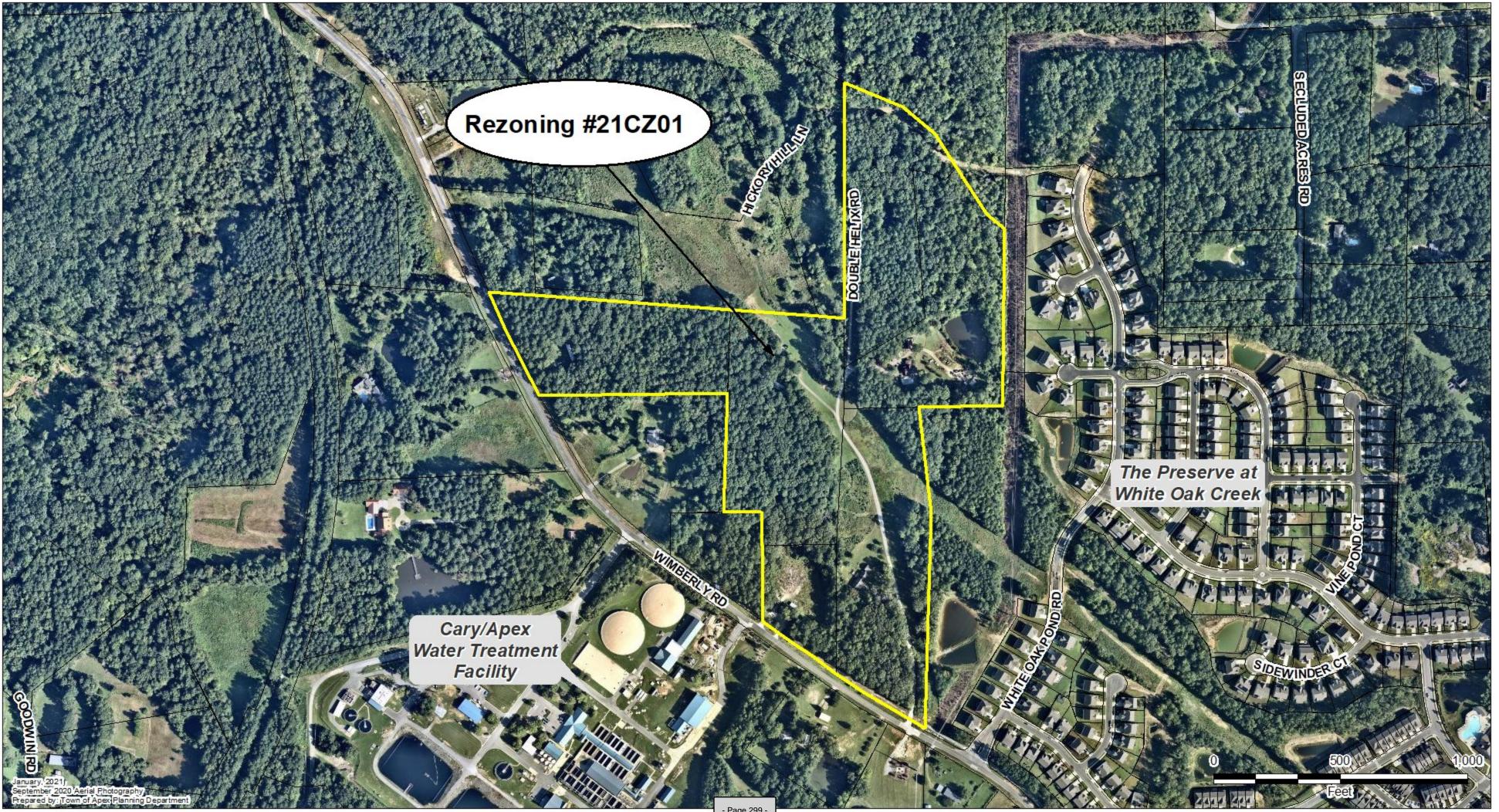
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

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

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

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

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.





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

PD PLAN/PUD-CZ PETITION FEES:

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

later than five (5) working days prior to the desired meeting day.

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

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no

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

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

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

an <u>annexation petition</u> is REQUIRED to be submitted on the	same day as this application.
Electronic Submittal Requirements (submit in IDT): Clic	k here to access IDT Plans Website
	sidential development to Wake County Public School System at nline <u>Residential Development Form</u>
 PUD-CZ Application PD Plan Text Colored Rendering of Building Elevations - 11"x17" Transportation Impact Analysis 	 Site Plan Set 24" x 36" size Scale not less than: 1" = 50' horizontal, 1" = 5' vertical Saved as pdf – no scanned plans
	 Two (2) bound copies of the Transportation Impact Analysis and 1 copy of the TIA & traffic analysis files on disk or FTP site at first submittal (if applicable) Envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the home owners associations of those properties within 300' of the
Page 1 of 18 Planned Unit Develo	- conarconal Zoning Application Last Updated: June 25, 2019

PETITION PROCESS INFORMATION

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

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

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

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

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

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

PLANNED UNIT DEVELOPMENT APPLICATION									
	ent is a public record under the North Carolina Public	c Records Ac	t and may be publish	hed on the Town's	websit	e or disclosed to			
third parties. Application			Submittal Date:						
Fee Paid	\$	_	Check #						
PETITION	PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP								
Project Name: Wolfe Properties PUD (The Park at Wimberly)									
Address(es): 1405, 1409, 1209, 1401 Wimberly Road and 1012 & 1000 Double Helix Road									
Acreage: 43.52 ac									
 Current Zo	ning- PUD-CZ	Prop	osed Zoning: P	UD-CZ	-				
	45 LUM Designation: Low Density Re								
	2045 LUM Designation:								
•	ee next page for LUM amendment								
If any port	ion of the project is shown as mixed use (3 c	or more str	ipes on the 2045	Land Use Map)	provid	e the following:			
Ar	rea classified as mixed use:		Acrea	age:					
Ar	rea proposed as non-residential developmer	nt:	Acrea	age:					
Pe	ercent of mixed use area proposed as non-re	sidential:	Perce	ent:					
Applicant I	Information								
Name:	Envision Homes, LLC - Josh Swindell								
Address:	441 Six Forks Road, Suite 106-117								
City:	Raleigh	State:	NC		Zip:	27609			
Phone:	919-389-7595	E-mail:	josh@envisionh	nomesnc.com	zιp.				
Flione.			<u></u>						
Owner Info									
Name:	See Attached								
Address:									
City:		State:	NC		Zip:				
Phone:		E-mail:							
Agent Info	rmation								
Name:	Envision Homes, LLC - Josh Swindell								
Address:	441 Six Forks Road, Suite 106-117								
City:	Raleigh	State:	NC		Zip:	27609			
Phone:	919-389-7595	– E-mail:	josh@envisionh	nomesnc.com					
Other cont	acts:	_							

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

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:

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

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

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #:

Submittal Date:

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

		Owner's Na	me			PIN
1. see	attached list					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15						
		300' of the subjec			accurate l	isting of all property owners and
Date:			Ву: _			
COUNTY	OF WAKE STATE	OF NORTH CARC	DLINA			
Sworn and	d subscribed be	fore me,			, a No	tary Public for the above State and
County, o	n this the	day of		, 20		
SEAL					No	otary Public
					Р	rint Name
				My Commis	sion Expir	es:

723605590 723606574 722592506 723508938 723606173 723604570 723604250 722595328 723606337 722681879 723614091 722683832 722498843	Owner ANKNEY, JOHN ANKNEY, CHRISTINA ARRANAGU, ESWAR BABU KONAPALLI, SANDHYA RANI BANDA, SANDEEP SINGIREDDY, SUSHMA BOWLES, WILLIAM S BUNCE, WILLIAM D II BUNCE, GAIL E CHANDA, SURAJ BODDULA, VINEELA ENGLISH, JON GUPTA, SANJEEV GUPTA, REKHA KARR, TONY STREETER, TIMOTHY V LAUB, KHRISTOPHER BERNARD LAUB, SARAH BETH LOFARO, ANDREW R LOFARO, WINTER MACK, RONALD WILLIAM MACK, JENNIFER OLIVIA MUDIVARTHY, SAINANDAN UPPALAPATI, NAGAMANI OTTAWAY, DANNY L OTTAWAY, JOAN M PATEL, ARJUNBHAI SURESH PATEL, REENABEN ARJUNBHAI	Mail Address 1 2600 SUNNYBROOK FARM DR 2605 SUNNYBROOK FARM DR 2601 SUNNYBROOK FARM DR 1325 WIMBERLY RD 7617 SNAFFLEBIT LN 604 WHITE OAK POND RD 2609 SUNNYBROOK FARM DR 2713 TUNSTALL GROVE DR 3800 SARATOGA DR 2704 TUNSTALL GROVE DR 728 WHITE OAK POND RD 550 WHITE OAK POND RD 2649 RAMBLING CREEK RD C/O TRUSS BUILDERS 712 WHITE OAK POND RD	Mail Address 2 APEX NC 27523-8037 APEX NC 27523-8037 APEX NC 27523-8037 APEX NC 27523-8037 APEX NC 27523-8037 APEX NC 27502-3975 APEX NC 27523-8036 APEX NC 27523-8038 RALEIGH NC 27604-3445 APEX NC 27523-8038 APEX NC 27523-8038 APEX NC 27523-8035 APEX NC 27523-7806 10401 CHAPEL HILL RD APEX NC 27523-8507	Mail Address 3 MORRISVILLE NC 27560-8710	Site Address 2600 SUNNYBROOK FARM DR 2605 SUNNYBROOK FARM DR 2601 SUNNYBROOK FARM DR 1325 WIMBERLY RD 1012 DOUBLE HELIX RD 604 WHITE OAK POND RD 2609 SUNNYBROOK FARM DR 2713 TUNSTALL GROVE DR 1405 WIMBERLY RD 2704 TUNSTALL GROVE DR 728 WHITE OAK POND RD 550 WHITE OAK POND RD 2649 RAMBLING CREEK RD 1309 WIMBERLY RD 712 WHITE OAK POND RD
723604640 722682925 723601654 722681610 723604881 723606076 723605348 723406397 723517896 723605145 723604780 722692098	PATEL, ANOMOLIAI SOLSH PATEL, KELIABEN ANOMOLIAI PATEL, GAURAVKUMAR PATEL, KRUPABEN PATEL, VRAJESH RAMESHBHAI PATEL, MEGHA VRAJESH PATON, JOHN TERRY POOLE, TERRY D POTYANDY, MICHAEL OONWALA, FARIDA RATHIE, SUNNY MEHTA, AMRITA MAHENDRA REYNA, ERIN MARIE REYNA, MIGUEL ELIAS RONK, SARAH W ROSS, JEFFREY A ROSS, LISA L SATPATHY, CHANDAN MUNIKRISHNA, ARUNA SCHROEDER, JEFFREY THOMAS GAUTAM, GEETANJALI SEFEIN, SABRY NAGUIB SEFEIN, MARIAN MAKRAM HANNA SHELL, JOHN SCOTT SHELL, SUSAN FINK	2608 SUNNYBROOK FARM DR 724 WHITE OAK POND RD 1000 DOUBLE HELIX RD 1440 WIMBERLY RD 558 WHITE OAK POND RD 608 WHITE OAK POND RD 2708 TUNSTALL GROVE DR 1209 WIMBERLY RD 1104 DOUBLE HELIX RD 2709 TUNSTALL GROVE DR 2604 SUNNYBROOK FARM DR 716 WHITE OAK POND RD 720 WHITE OAK POND RD	APEX NC 27523-8037 APEX NC 27523-8037 APEX NC 27523-8507 APEX NC 27523-8507 APEX NC 27523-6735 APEX NC 27523-8035 APEX NC 27523-8038 APEX NC 27523-8038 APEX NC 27523-6750 APEX NC 27523-8038 APEX NC 27523-8037 APEX NC 27523-8507 APEX NC 27523-8507		2608 SUNNYBROOK FARM DR 724 WHITE OAK POND RD 1000 DOUBLE HELIX RD 1440 WIMBERLY RD 558 WHITE OAK POND RD 608 WHITE OAK POND RD 2708 TUNSTALL GROVE DR 1209 WIMBERLY RD 1104 DOUBLE HELIX RD 2709 TUNSTALL GROVE DR 2604 SUNNYBROOK FARM DR 716 WHITE OAK POND RD 720 WHITE OAK POND RD
723318165 723403739 722692653 722689944 723607985 723406796 723416124 723514178 722484517 722585884 723400229 722693260 722598851 723504154 723606270	SMITH, JAMES M SMITH, LOUANN J SMITH, JAMES M SMITH, LOUANN J SMITH, JAMES M SMITH, LOUANN J TAYLOR MORRISON OF CAROLINAS INC TAYLOR MORRISON OF CAROLINAS INC THE PRESERVE AT WHITE OAK CREEK HOA THE PRESERVE AT WHITE OAK CREEK HOA TOWN OF APEX TOWN OF APEX TOWN OF APEX TOWN OF APEX TOWN OF APEX / TOWN OF CARY TOWN OF APEX / TOWN OF CARY VANDE, BERG BRUCE ALAN VANDE, AMY CARTER WADHWA, DEEPAK WADHWA, NEETU WOLFE, BILLY RAY WOLFE, WILLIE T JR WOLFE, DONNA G WONG, SAMUEL J WONG, ASHLEY FRANCES WOO, HYUN J LEE, DAVID W	120 WHITE OAK FOND RD 1124 WIMBERLY RD 1125 WIMBERLY RD 15501 WESTON PKWY STE 100 15502 WESTON PKWY STE 100 15502 WESTON PKWY STE 100 15502 WESTON PKWY STE 100 STEVEN ADAMS STEVEN ADAMS STEVEN ADAMS PO BOX 8005 1204 WIMBERLY RD 708 WHITE OAK POND RD 1409 WIMBERLY RD 1401 WIMBERLY RD 1	APEX NC 27523-6307 APEX NC 27523-9678 APEX NC 27523-9679 CARY NC 27513-8636 CARY NC 27513-8637 CARY NC 27513-8637 PO BOX 250 PO BOX 250 PO BOX 251 PO BOX 252 CARY NC 27512-8005 APEX NC 27523-6770 APEX NC 27523-6767 APEX NC 27523-6767 APEX NC 27523-8036 APEX NC 27523-8038	APEX NC 27502-0250 APEX NC 27502-0251 APEX NC 27502-0252	120 WHITE OAK POND RD 1116 WIMBERLY RD 1125 WIMBERLY RD 730 WHITE OAK POND RD 731 WHITE OAK POND RD 0 RAMBLING CREEK RD 0 WHITE OAK POND RD 1129 WIMBERLY RD 1200 HICKORY HILL LN 1400 WIMBERLY RD 1408 WIMBERLY RD 1204 WIMBERLY RD 1408 WIMBERLY RD 1409 WIMBERLY RD 1409 WIMBERLY RD 1401 WIMBERLY RD 1402 WIMBERLY RD 1403 WIMBERLY RD 1409 WIMBERLY RD 1400

- Page 306 -

DEVELOPMENT NAME APPROVAL APPLICATION

Application #:

Submittal Date:

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #:

Submittal Date:

Proposed Subdivision/Development Information

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

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

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

Fax number:

Township: White Oak

Contact Information (as appropriate)

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

Phone number: 919-552-0849 Fax number:

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

E-mail address: andy@curryeng.com

Owner: Josh Swindell - Envision Homes, LLC

Phone number: 919-389-7595

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

E-mail address: josh@envisionhomesnc.com

Proposed Subdivision/Development Name

1st Choice: The Park at Wimberly

2nd Choice (Optional):

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

		The Park at Jordan		
STREET	NAME APPROVAL APPLICAT	ION		
Applica	tion #: 7146	Subr	nittal Date:	August 14, 2020
Wake C	ounty Approval Date: 17 S	ep 2020		
State State				
Guidel			.	
•	No names duplicating or sou	nding similar to existing roa	d names	
	Avoid difficult to pronounce	names		
	No individuals' names			
	Avoid proper names of a bus	iness, e.g. Hannaford Drive		
	limit names to 14 characters			
	No directionals, e.g. North, S			
	No punctuation marks, e.g. p		les etc	
			103, 010.	
	Avoid using double suffixes,			
•	All names must have an acce	ptable suffix, e.g. Street, Co	ourt, Lane, Pat	h, etc.
•	Use only suffixes which are T	own of Apex approved		
	Town of Apex has the right to	deny any street name that	t is determine	d to be inappropriate

Information:

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

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

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

Township: White Oak

Contact information (as appropriate)

Contact person:	Andrew Petty, PE - The Curry	Engineering Group, PLLC
Phone number:	919-552-0849 x102	Fax number:
Address: 205 S	Fuquay Avenue, Fuquay Varina,	NC 27526
E-mail address:	andy@curryeng.com	
Owner: Josh S	Swindell - Envision Homes, LLC	
Phone number:	919-389-7585	Fax number:

Address: 4441 Six Forks Road	d, Ste 106-117, Raleigh, N	C 27609
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E-mail address: josh@envisionhomesnc.com

lication #:	Submittal Date:	August 14, 2020
roads to be named: 🗙 6	updated per email _ 17 Sep 2020	
e submit twice as many road names as needed, wit Id be written exactly as one would want them to ap oproved street names to the Wake County GIS Depa oproval. Upon approval Wake County GIS – Street A ople: <u>Road Name</u> <u>Suffix</u>	pear. Town of Apex Pla rtment for county app	anning Department staff will send roval. Please allow several weeks
Hunter Street		
Mirkwood Avenue	11	
Bullocks Place		
Starcourt Street	13	
Hawkins Post Road	14	
Kerley Circle	15	
Loch Nora Drive	16	
Mt. Moriah Road		
Scoop Street		
	20	
VN OF APEX STAFF APPROVAL		
T.A.	0126	12020
of Apex Staff Approval	Date	12020
se disregard all other names.	checkmark ☑ are zip code = 27523 €	
	17 Sep	0000

Residential waster supurvision Plan Application

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #:

Submittal Date:

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

Wolfe Properties PUD

(the "Premises")

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

Envision Homes, LLC

Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Envision Homes, LLC	TOWN OF APEX
BY: Zon 2 minul Authorized Agent	ВҮ:
Authorized Agent	Authorized Agent
DATE: 12.4.19	DATE:

Agent	AUTHORIZAT	ON FORM		
Applica	ation #:		Submittal Date:	
Tony Karr and Timothy V. Streeter is the owner* of the property for which the		r which the attached		
applicat	ion is being su			
	Land Use Ar	nendment		
~	Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.			
	Site Plan			
~	Subdivision			
	Variance			
	Other:			
The pro	perty address	s: 1405 Wimberly Road		
The age	nt for this proj	ect is:		
	\Box I am the o	owner of the property and will be a	cting as my own agent	
Agent N	ame:	Envision Homes, LLC		
Address	:	4441 Six Forks Road,	Suite 106-117, Rale:	igh, NC 27609
Telepho	ne Number:	919-389-7595		
E-Mail A	ddress:	josh@envisionhomesnc.	.com	
		Signature(s) of Owner(s)*		9/23/2019
		-	Type or print name	Date
		DocuSigned by:		
		Timothy V. Streeter		9/23/2019
			Type or print name	Date

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

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

AGENT	AUTHORIZAT	ON FORM
Applica	tion #:	Submittal Date:
Sarah	W. Ronk	is the owner* of the property for which the attached
applicat	ion is being su	
	Land Use Ar	nendment
~	a	or Conditional Zoning and Planned Development rezoning applications, this uthorization includes express consent to zoning conditions that are agreed to by the gent which will apply if the application is approved.
	Site Plan	
~	Subdivision	
	Variance	
	Other:	
The pro	perty address	is: 1209 Wimberly Road
The age	nt for this proj	ect is:
	□ I am the o	owner of the property and will be acting as my own agent
Agent N	ame:	Envision Homes, LLC
Address	:	4441 Six Forks Road, Suite 106-117, Raleigh, NC 2760
Telepho	one Number:	919-389-7595
E-Mail A	ddress:	josh@envisionhomesnc.com
		Signature(s) of Owner(s)* Sarah W. Ronk Type or print name Date
		Type or print name Date

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

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

- Page 313 -

Planned Unit Develo

I Zoning Application

AGENT	AUTHORIZATI	ON FORM	
Applica	ation #:	Submittal Date:	
John Terry Paton is the owner* of the property for which the attac		hich the attached	
applicat	tion is being su	bmitted:	
	Land Use An	nendment	
~	а	or Conditional Zoning and Planned Development rezoning applications uthorization includes express consent to zoning conditions that are ag gent which will apply if the application is approved.	
	Site Plan		
~	Subdivision		
	Variance		
	Other:		
The pro	perty address i	s: 1000 Double Helix Road	
The age	nt for this proj	ect is:	
	\Box I am the c	wner of the property and will be acting as my own agent	
Agent N	lame:	Envision Homes, LLC	
Address	5:	4441 Six Forks Road, Suite 106-117, Raleig	h, NC 27609
Telepho	one Number:	919-389-7595	
E-Mail A	Address:	josh@envisionhomesnc.com	
		Signature(s) of Owner(s)*	9/23/2019 Date
		Type or print name	Date

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

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

AGENT	AUTHORIZATIO	DN FORM
Applica	ation #:	Submittal Date:
Billy I	Ray Wolfe	is the owner* of the property for which the attached
applicat	ion is being sub	omitted:
	Land Use Am	endment
~	au	r Conditional Zoning and Planned Development rezoning applications, this uthorization includes express consent to zoning conditions that are agreed to by the gent which will apply if the application is approved.
	Site Plan	
~	Subdivision	
	Variance	
	Other:	
The pro	perty address is	1409 Wimberly Road
The age	nt for this proje	ect is:
	🗆 I am the o	wner of the property and will be acting as my own agent
Agent N	lame:	Envision Homes, LLC
Address		441 Six Forks Road, Suite 106-117, Raleigh, NC 27609
Telepho	one Number:	919-3897595
E-Mail	Address:	josh@envisionhomesnc.com
	¥	Signature(s) of Owner(s)* <u>July Ray Wolfe</u> Billy Ray Wolfe Type or print name Date
		Type or print name Date

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

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

- Page 315 -

Planned Unit Devel

al Zoning Application

AGEN	T AUTHORIZATI	ON FORM		
Applic	ation #:		Submittal Date:	
William D. Bunce II and Gail E. Bunce		is the owner* of the property for which the attached		
applica	tion is being sub	omitted:	_	
	Land Use Am	endment		
1	au		ed Development rezoning applic onsent to zoning conditions that lication is approved.	
	Site Plan			
~	Subdivision			
	Variance			
	Other:			
The pro	perty address is	: 1012 Double Helix	Road	
The age	ent for this proje	ect is:		
	🗆 I am the o	wner of the property and will b	e acting as my own agent	
Agent N	lame:			
Address	5:			
Telepho	one Number:			
E-Mail A	Address:			
	ć	Signature(s) of Owner(s)*	and the second	
		William D. Bunce II		25612019
		<i>n</i>	Type or print name	<u>25542/9</u> Date
		Mrd & Bure	-	
		Gail E. Bunce		ng/aclig
			Type or print name	Date

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

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

Planned Unit Develo

- Page 316 -

AGEN	T AUTHORIZATIC	DN FORM		
Applic	ation #:		Submittal Date:	
Willie T. Wolfe, Jr and Donna G. Wolfe		is the owner* of the property f	or which the attached	
applica	tion is being sub	mitted:		
	Land Use Am	endment		
⊻	au	r Conditional Zoning and Plan thorization includes express o gent which will apply if the ap	ned Development rezoning applicat consent to zoning conditions that an plication is approved.	tions, this re agreed to by the
	Site Plan			
~	Subdivision			
	Variance			
	Other:			
Agent Addres	Name:	wner of the property and will	be acting as my own agent	
	Address:			
		Signature(s) of Owner(s)* <u>Willie T. Walf</u> Willie T. Wolfe, Jr. <u>Donna G. Wolfe</u>	Type or print name	<u>9/25/2019</u> Dat

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

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

- Page 317 -

Planned Unit Devel

al Zoning Application

Application #:

Submittal Date:

The undersigned, ______Tony Karr and Timothy V. Streeter _____ (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1405 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on <u>1405 Wimberly Road</u>, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on <u>1405 Wimberly Road</u>, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22 day of NOVember (seal) Type or print name

STATE OF NORTH CAROLINA

I, the undersigned, a Notary Public in and for the County of \underline{Wate} , hereby certify that $\underline{T0y}$ <u>Kav</u>, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's $\underline{T0y}$ <u>Kav</u>, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

and voluntary execution of the foregoing Amidavi

AMARIS WATKINS			
NOTARY PUBLIC			
WAKE COUNTY, N.C.			
My Commission Expires	11-08-2024		

[NOTARY SEAL]

Notary Public State of North Carolina My Commission Expires: 1.06.2024

Residential Master Subdivision Plan Application

Application #:

Submittal Date:

The undersigned, <u>Sarah W. Ronk</u> (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1209 Wimberly Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated <u>5/30/1997</u> and recorded in the Wake County Register of Deeds Office on <u>5/30/1997</u>, in Book <u>007489</u> Page <u>00860</u>
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on <u>1209 Wimberly Road</u>, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on <u>1209 Wimberly Road</u>, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

day of NONMber This the (seal) Type or print name

STATE OF NORTH CAROLINA

I, the undersigned, a Notary Public in and for the County of <u>Wake</u>, hereby certify that S<u>arah Wolfe Ponk</u>, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's <u>NCID</u>, personally appeared before me this day and acknowledged the

due and voluntary execution of the foregoing Affidavit.

hi Gr V PUBLIC

Notary Public State of North Carolina My Commission Expires:

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP		
Application #:	Submittal Date:	

The undersigned, <u>Willie T. Wolfe, Jr and Donna G. Wolfe</u> (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at <u>1401 Wimberly Road</u> and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated <u>8/24/2001</u>, and recorded in the Wake County Register of Deeds Office on <u>9/14/2001</u>, in Book <u>009075</u> Page <u>02649</u>.
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on <u>1401 Wimberly Road</u>, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on <u>1401 Wimberly Road</u>, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 15 day of November (seal) Type or print name

STATE OF NORTH CAROLINA

I, the undersigned, a Notary Public in and for the County of <u>Wake</u> hereby certify that WillieT.Wolf.Jer Donne G. Wolf. Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's <u>MCDRIVER'S Licens</u>, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Notary Public

State of North Carolina My Commission Expires: D1/06/2024

Last Updated: August 30, 2019

- Page 320 -

Residential Master Subdivision Plan Application

A FFIDA\	IT OF	OWNE	RSHIP

Application #:

Submittal Date:

The undersigned, ______Tony Karr and Timothy V. Streeter _____ (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1405 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/15/2009 and recorded in the Wake County Register of Deeds Office on 12/14/2009, in Book 013792 Page 02642
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1405 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1405 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the <u>15</u> [#] day	of <u>Nov</u>	, 20 <u>_19</u> .	11/	
		_ will	Van	(seal)
		Traothy	V Streeta	
		/		Type or print name

STATE OF NORTH CAROLINA

I, the undersigned, a Notary Public in and for the County of <u>Wake</u>, hereby certify that <u>Timothy</u> V. Streeter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's <u>Timothy</u> V. Streeter, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Marin Manish Gamage Notary Public State of North Carolina 05.03.2021 My Commission Expires:

- Page 321 -

Application #:

Submittal Date:

John Terry Paton The undersigned, (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1000 Double Helix Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/29/2014 and recorded in the Wake County Register of Deeds Office on 5/29/2014 in Book 015672 Page 02496
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1000 Double Helix Rd, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1000 Double Helix Rd no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property. nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12th day of November 201 (seal) n Ferry

Type or print name

STATE OF NORTH CAROLINA COUNTY OF Walce I, the undersigned, a Notary Public in and for the County of Wake hereby certify that ___, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit. Notary Public State of North Carolina My Commission Expires: September 30th 2023 - Page 322 -

Residential Master Subdivision Plan Application

Application #:

Submittal Date:

The undersigned, _____Billy Ray Wolfe ______ (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at <u>1409 Wimberly Road</u> and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- 3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated <u>1/1/1997</u>, and recorded in the Wake County Register of Deeds Office on <u>1/10/1997</u>, in Book <u>007294</u> Page <u>00114</u>.
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1409 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1409 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the ______ day of ______ day of ______ day of ______ (seal) Type or print name

STATE OF NORTH CAROLINA COUNTY OF WARD

l, the u	indersigned,	a Notary	Public in	and for	the	County	of _	Wake	_, hereby	certify	that
								n to me by said A			
said Affia	ant's <u>N</u> u	? Drive	r's Licen	5e, pers	onally	appeare	ed be	fore me this day	and ackno	owledge	d the
due and	voluntary exe	ecution of t	he foregoir	ng Affidav	/it.						

[NOTARY SEAL]

Notary Public

State of North Carolina My Commission Expires:

Residential Master Subdivision Plan Application

Application #:

Submittal Date:

William D. Bunce II and Gail E. Bunce The undersigned, _ (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1012 Double Helix Road _____ and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- 2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 2/3/2003 3. and recorded in the Wake County Register of Deeds Office on 2/5/2003 , in Book 009896 Page 00658
- 4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- 5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1012 Double Helix Rd_, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1012 Double Helix Rd, no one has guestioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property. nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 18th day of November 2019. (seal) William D BUNG TI GAIL E BUNCE Type or print name

STATE OF NORTH CAROLINA COUNTY OF LA LAKA

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

Jennifier W. Palermo Notary Public Wake County, North Carolina

usi in State of North Carolina

My Commission Expires:

[NOTARY SEAL]

Ictober 25, 2020

Application #:

Submittal Date:

Insert legal description below.

1209 Wimberly Road

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

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

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

Application #:

Submittal Date:

Insert legal description below.

1401 Wimberly Road

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

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

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

Application #:

Submittal Date:

Insert legal description below.

1405 Wimberly Road

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

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

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

Application #:

Submittal Date:

Insert legal description below.

1409 Wimberly Road

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

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

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

Application #:

Submittal Date:

Insert legal description below.

1000 Double Helix Road

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

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

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

Application #:

Submittal Date:

Insert legal description below.

1012 Double Helix Road

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

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

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



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

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

Instruction Packet and Affidavit for Electronic Neighborhood Meetings

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

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

INSTRUCTIONS

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

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

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

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use <u>their own return address</u> on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements be - Page 331 -

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

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

In addition to a vicinity map, the following documents shall be mailed with the meeting notice:

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

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

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

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

December 15, 2020

Date

Dear Neighbor:

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

1405, 1409, 1209 & 1401 Wimberly Rd and 1012 &	0722595328, 0722598851, 0723406397, 07235042		23406397, 0723504154,
1000 Double Helix Dr Address(es)	0723508938 &	PIN(s)	0723601654

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

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

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

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

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

120 units - 70 single family detached and 50 townhomes. Town of Apex owned land attached for future park is shown

for reference only. The park is NOT part of this Rezoning or Master Subdivision Plan

Estimated submittal date:		
MEETING INFORMATION: Property Owner(s) name(s):	Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton	
Applicant(s):	Curry Engineering - Andy Petty	
Contact information (email/phone):	andy@curryeng.com / 919-552-0849 ext 102	
Electronic Meeting invitation/call in info: Join Zoom Meeting (**SEE ATTACHED SHEET**)		
Date of meeting**:	Monday, December 28, 2020	
Time of meeting**:	5 pm to 7 pm	
MEETING AGENDA TIMES: Welcome: 5:00 pm Project Pre	esentation: 5:15 pm Question & Answer: 5:30 pm	

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

Page 3 of 9

- Page 333 -Instruction Packet & Afficiency of a construction Packet & Afficiency of a construction of the second s

PROJECT CONTACT INFORMATION

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

Development Contacts:	
Project Name: The Park at Jordan (previously Wolfe	Properties PUD)Zoning: PUD-CZ
Location: 1405, 1409, 1209 & 1401 Wimberly Rd a	nd 1012 & 1000 Double Helix Dr
0722595328, 0722598851, Property PIN(s): 0723406397, 0723504154, 0723508938 & 0723601654 0723508938 & 0723601654	/Square Feet: 43.39
	Volfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe
Address:1405, 1409, 1209 & 1401 Wimberly Rd ar	nd 1012 & 1000 Double Helix Dr and John Paton
City: Apex	State: NC Zip: 27523
Phone: Email:	
Developer: Envision Homes - Josh Swindoll	
Address: 4441 Six Forks Rd, Ste 106-117	
City: Raleigh State:	<u>NC</u> Zip: <u>27609</u>
Phone: <u>919-389-7595</u> Fax:	Email: josh@envisionhomesnc.com
Engineer: Curry Engineering - Andy Petty	
Address: 205 S Fuquay Avenue	
City: Fuquay-Varina	State: <u>NC</u> Zip: <u>27526</u>
Phone:919-552-0849 x102 Fax:	Email: andy@curryeng.com
Builder (if known):	
Address:	
City:	State: Zip:
Phone: Fax:	Email:

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

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.
Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
Noise from tree removal, grading,	excavating, paving, and building structure	es is a routine part of the
construction process. The Town gen	erally limits construction hours from 7:00 a.r	n. to 8:30 p.m. so that there
	onstruction process. Note that construction	-
	n the Town when it makes more sense to ha	
	In addition, the Town limits hours of blastir	
-		
	eport violations of construction hours and of	
Non-Emergency Police phone numb		040 070 7470
Construction Traffic:	James Misciagno	919-372-7470
	avy throughout the development process, i	
	lirt coming in and/or out of the site, construe	
and wood brought to the site, asp	halt and concrete trucks come in to pave,	, etc. The Town requires a
construction entrance that is gravele	ed to try to prevent as much dirt from leavin	g the site as possible. If dirt
does get into the road, the Town car	n require they clean the street (see "Dirt in the street (see "Dirt in the street (see "Dirt in the street stre	ne Road" below).
Road Damage & Traffic Control:	Water Resources – Infrastructure Insp	ections 919-362-8166
There can be issues with roadway	damage, roadway improvements, and traffi	c control. Potholes, rutting,
-	or traffic control, blocked sidewalks/paths are a	-
	astructure Inspections at 919-249-3427. The T	
if needed.		0
Parking Violations:	Non-Emergency Police	919-362-8661
	nere should be no construction parking in neight	
	it-of-way is allowed, but Town regulations prof	
	ingles. Trespassing and parking complaints sho	
Emergency Police phone number at 92		build be reported to the Non-
Dirt in the Road:	James Misciagno	919-372-7470
	e existing roads due to rain events and/or ve	
	o. He will coordinate the cleaning of the roady	
Dirt on Properties or in Streams:	James Misciagno	919-372-7470
bit on Properties of in Streams.	Danny Smith	Danny.Smith@ncdenr.gov
Sodimont (dirt) can loave the site and s	et onto adjacent properties or into streams and	
	nese incidents should be reported to James N	
	•	-
	te repairs with the developer. Impacts to the	streams and stream bullers
· · · ·	th (<u>danny.smith@ncdenr.gov</u>) with the State.	040 070 7470
Dust:	James Misciagno	919-372-7470
	mes a problem blowing into existing neighbo	-
-	es Misciagno at 919-372-7470 so that he can	coordinate the use of water
trucks onsite with the grading contrac		
Trash:	James Misciagno	919-372-7470
Excessive garbage and construction de	bris can blow around on a site or even off of th	e site. These incidents should
be reported to James Misciagno at 9	19-372-7470. He will coordinate the cleanup a	and trash collection with the
developer/home builder.		
Temporary Sediment Basins:	James Misciagno	919-372-7470
Temporary sediment basins during co	nstruction (prior to the conversion to the final	stormwater pond) are often
	e reported to James Misciagno at 919-372-74	
	pes and bottom of the pond with the develop	
Stormwater Control Measures:	Jessica Bolin	919-249-3537
	o Stormwater Control Measures (typically a	
	e should be reported to Mike Deaton at 919-2	
Electric Utility Installation:	Rodney Smith	919-249-3342
-	tion can be addressed by the Apex Electric L	
Rodney Smith at 919-249-3342.	tion can be addressed by the Apex Electric C	anties Department. Contact
Nouncy 5111111 at 515-245-5542.		
	- Page 336 -	
Page 6 of 9 Instruction	n Packet & Affi	Last Updated: March 25, 2020

Instruction Packet & Afficience - Neighborhood Meetings

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

	Join Zoom	Meeting - https://	us02web.zoom.u	s/j/89186143288?pv	vd=cE5aZUp	LZGxUQldjODFjO	XR6ZHNzdz09	
Meeting Forma	t: Meeting ID): 891 8614 3288	Passcode: 6358	21				
		December 28, 202		Time of meeting:				
Property Owner	r(s) name(s):	Tony Karr, Timothy	/ Streeter, Billy R	ay Wolfe, Sarah Roi	nk, William ai	nd Gail Bunce, Will	lie & Donna Wolfe and John Pato	วท
Applicant(s):	Envision Ho	mes, LLC						

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Andrew Petty / Curry Engineering	205 South Fuquay Avenue Fuquay-Varina, NC 27526			
2.	Jeffery & Lisa Ross	1104 Double Helix Road Apex, NC 27523			
3.	John Paton	1000 Double Helix Road Apex, NC 27523			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

 This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.
 Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce,

 Property Owner(s) name(s):
 Willie & Donna Wolfe and John Paton

 Applicant(s):
 Envision Homes LLC

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

 Meeting Format:
 Join Zoom Meeting - https://us02web.zoom.us/i/84009525815?pwd=VkRC0TBobjBIUU8zNkVPV2N3VDZ6UT09 Meeting ID: 840 0952 5815

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

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

Question/Concern #1:

What is in the Public Services Station #6?

Applicant's Response: I believe it is Fire and EMS only.

Question/Concern #2:

When do we expect roadway construction to start?

Applicant's Response:

Anticipated schedule would be late spring to early summer of 2021

Question/Concern #3:

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

Applicant's Response:

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

Question/Concern #4:

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

Applicant's Response:

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

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

I, Andrew Petty

____, do hereby declare as follows:

Print Name

- 1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
- 2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
- 3. The meeting was conducted via Zoom Call (indicate format of meeting) on December 28 (date) from 5 PM (start time) to 5:32 PM (end time).
- 4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
- 5. I have prepared these materials in good faith and to the best of my ability.

2/2/202

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,AMY 0. County, on this theday ofFU	60000000000000000000000000000000000000
SEAL	Amy Ogaunan
AMY D GORMAN Notary Public Johnston Co., North Carolina My Commission Expires Apr. 28, 2023	Motary Public Amy D. Goman Print Name My Commission Expires:

- Page 339 -



Instruction Packet and Affidavit for Electronic Neighborhood Meetings

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

T: 919-249-3426 F: 919-249-3338 This packet consists of instructions and templates for conducting a required Electronic Neighborhood Meeting during times when in-person gatherings are restricted. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

INSTRUCTIONS

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

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

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

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use <u>their own return address</u> on the envelopes as the meeting is a private meeting between the applicant and the neighbors.

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

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

In addition to a vicinity map, the following documents shall be mailed with the meeting notice:

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

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

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

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to r	eview and discuss the development proposal at
1405, 1409, 1209 & 1401 Wimberly Rd and	0722595328, 0722598851, 0723406397,
1012 & 1000 Double Helix Dr	0723504154, 0723508938 & 0723601654
Address(es)	PIN(s)

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

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

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

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

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

120 units - 70 single family detached and 50 townhomes. Town of Apex owned land attached

for reference only. The park is NOT part of this Rezoning or Master Subdivision plan.

Estimated submittal date:		
MEETING INFORMATION: Property Owner(s) name(s):	Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton	
Applicant(s):	Curry Engineering - Andy Petty	
Contact information (email/phone):	andy@curryeng.com / 919-552-0849 x102	
Electronic Meeting invitation/call in info:	Join Zoom Meeting (**SEE ATTACHED SHEET**)	
Date of meeting**:	Friday, February 5, 2021	
Time of meeting**: 1:00 pm pleas	se feel free to call or email if this time is not convenient fo	r you
MEETING AGENDA TIMES:		

Welcome: 1:00 pm

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

- Page 342 -

Project Presentation: 1:15 pm

1:30 pm

Question & Answer:

PROJECT CONTACT INFORMATION

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

Development Contacts:	
Project Name: The Park at Jordan (previously Wolf	e Properties PUD)Zoning: PUD-CZ
Location: <u>1405, 1409, 1209 & 1401 Wimberly Rd a</u> 0722595328, 0722598851,	and 1012 & 1000 Double Helix Dr
Property PIN(s): 072395326, 0722595851, 0723406397, 0723504154, 0723508938 & 0723601654	/Square Feet: 43.39
	Nolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe
Address: 1405, 1409, 1209 & 1401 Wimberly Rd a	nd 1012 & 1000 Double Helix Dr
City: Apex	State: NC Zip: 27523
Phone: Email:	
Developer: Envision Homes - Josh Swindoll	
Address: 4441 Six Forks Rd, Ste 106-117	
City: Raleigh State:	NC Zip: 27609
Phone: <u>919-389-7595</u> Fax:	Email: josh@envisionhomesnc.com
Engineer: Curry Engineering - Andy Petty	
Address: 205 S Fuquay Avenue	
City: Fuquay-Varina	State: NC Zip: 27526
Phone: <u>919-552-0849 x102</u> Fax:	Email: andy@curryeng.com
Builder (if known): TBD	
Address:	
City:	State: Zip:
Phone: Fax:	Email:

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

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

or disclosed to third parties.	
Noise & Hours of Construction:	Non-Emergency Police 919-362-86
	excavating, paving, and building structures is a routine part of t
construction process. The Town gene	rally limits construction hours from 7:00 a.m. to 8:30 p.m. so that the
are quiet times even during the con	nstruction process. Note that construction outside of these hours
allowed with special permission from	the Town when it makes more sense to have the construction occur
night, often to avoid traffic issues. Ir	n addition, the Town limits hours of blasting rock to Monday throu
-	port violations of construction hours and other noise complaints to t
Non-Emergency Police phone numbe	
Construction Traffic:	James Misciagno 919-372-74
	avy throughout the development process, including but not limited
	irt coming in and/or out of the site, construction materials such as br
	nalt and concrete trucks come in to pave, etc. The Town requires
-	d to try to prevent as much dirt from leaving the site as possible. If c
	require they clean the street (see "Dirt in the Road" below).
Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections 919-362-81
	damage, roadway improvements, and traffic control. Potholes, rutti
	r traffic control, blocked sidewalks/paths are all common issues that sho
	astructure Inspections at 919-249-3427. The Town will get NCDOT involv
if needed.	
Parking Violations:	Non-Emergency Police 919-362-86
	ere should be no construction parking in neighbors' driveways or on th
	t-of-way is allowed, but Town regulations prohibit parking within 15 feet
driveways so as not to block sight triar	ngles. Trespassing and parking complaints should be reported to the No
Emergency Police phone number at 919	9-362-8661.
Dirt in the Road:	James Misciagno 919-372-74
Sediment (dirt) and mud gets into the	e existing roads due to rain events and/or vehicle traffic. These incide
should be reported to James Misciagno	b. He will coordinate the cleaning of the roadways with the developer.
Dirt on Properties or in Streams:	James Misciagno 919-372-74
	Danny Smith <u>Danny.Smith@ncdenr.g</u>
Sediment (dirt) can leave the site and ge	et onto adjacent properties or into streams and stream buffers; it is typica
transported off-site by rain events. The	ese incidents should be reported to James Misciagno at 919-372-7470
that he can coordinate the appropriat	e repairs with the developer. Impacts to the streams and stream buff
ale available and a second sec	
should also be reported to Danny Smith	h (<u>danny.smith@ncdenr.gov</u>) with the State.
	h (<u>danny.smith@ncdenr.gov</u>) with the State.
Dust:	h (<u>danny.smith@ncdenr.gov</u>) with the State. James Misciagno 919-372-74
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PIN Owner	Mail Address 1	Mail Address 2	Mail Address 3	Site Address
723605783 ANKNEY, JOHN ANKNEY, CHRISTINA	2600 SUNNYBROOK FARM DR	APEX NC 27523-8037		2600 SUNNYBROOK FARM DR
723605590 ARRANAGU, ESWAR BABU KONAPALLI, SANDHYA RANI	2605 SUNNYBROOK FARM DR	APEX NC 27523-8037		2605 SUNNYBROOK FARM DR
723606574 BANDA, SANDEEP SINGIREDDY, SUSHMA	2601 SUNNYBROOK FARM DR	APEX NC 27523-8037		2601 SUNNYBROOK FARM DR
722592506 BOWLES, WILLIAM S	1325 WIMBERLY RD	APEX NC 27523-6773		1325 WIMBERLY RD
723508938 BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975		1012 DOUBLE HELIX RD
723606173 CHANDA, SURAJ BODDULA, VINEELA	604 WHITE OAK POND RD	APEX NC 27523-8036		604 WHITE OAK POND RD
723604570 ENGLISH, JON	2609 SUNNYBROOK FARM DR	APEX NC 27523-8037		2609 SUNNYBROOK FARM DR
723604250 GUPTA, SANJEEV GUPTA, REKHA	2713 TUNSTALL GROVE DR	APEX NC 27523-8038		2713 TUNSTALL GROVE DR
722595328 KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445		1405 WIMBERLY RD
723606337 LAUB, KHRISTOPHER BERNARD LAUB, SARAH BETH	2704 TUNSTALL GROVE DR	APEX NC 27523-8038		2704 TUNSTALL GROVE DR
722681879 LOFARO, ANDREW R LOFARO, WINTER	728 WHITE OAK POND RD	APEX NC 27523-8507		728 WHITE OAK POND RD
723614091 MACK, RONALD WILLIAM MACK, JENNIFER OLIVIA	550 WHITE OAK POND RD	APEX NC 27523-8035		550 WHITE OAK POND RD
722683832 MUDIVARTHY, SAINANDAN UPPALAPATI, NAGAMANI	2649 RAMBLING CREEK RD	APEX NC 27523-7806		2649 RAMBLING CREEK RD
722498843 OTTAWAY, DANNY L OTTAWAY, JOAN M	C/O TRUSS BUILDERS	10401 CHAPEL HILL RD	MORRISVILLE NC 27560-8710	1309 WIMBERLY RD
722693134 PATEL, ARJUNBHAI SURESH PATEL, REENABEN ARJUNBHAI	712 WHITE OAK POND RD	APEX NC 27523-8507		712 WHITE OAK POND RD
723604640 PATEL, GAURAVKUMAR PATEL, KRUPABEN	2608 SUNNYBROOK FARM DR	APEX NC 27523-8037		2608 SUNNYBROOK FARM DR
722682925 PATEL, VRAJESH RAMESHBHAI PATEL, MEGHA VRAJESH	724 WHITE OAK POND RD	APEX NC 27523-8507		724 WHITE OAK POND RD
723601654 PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735		1000 DOUBLE HELIX RD
722681610 POOLE, TERRY D	1440 WIMBERLY RD	APEX NC 27523-9660		1440 WIMBERLY RD
723604881 POTYANDY, MICHAEL OONWALA, FARIDA	558 WHITE OAK POND RD	APEX NC 27523-8035		558 WHITE OAK POND RD
723606076 RATHIE, SUNNY MEHTA, AMRITA MAHENDRA	608 WHITE OAK POND RD	APEX NC 27523-8036		608 WHITE OAK POND RD
723605348 REYNA, ERIN MARIE REYNA, MIGUEL ELIAS	2708 TUNSTALL GROVE DR	APEX NC 27523-8038		2708 TUNSTALL GROVE DR
723406397 RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771		1209 WIMBERLY RD
723517896 ROSS, JEFFREY A ROSS, LISA L	1104 DOUBLE HELIX RD	APEX NC 27523-6750		1104 DOUBLE HELIX RD
723605145 SATPATHY, CHANDAN MUNIKRISHNA, ARUNA	2709 TUNSTALL GROVE DR	APEX NC 27523-8038		2709 TUNSTALL GROVE DR
723604780 SCHROEDER, JEFFREY THOMAS GAUTAM, GEETANJALI	2604 SUNNYBROOK FARM DR	APEX NC 27523-8037		2604 SUNNYBROOK FARM DR
722692098 SEFEIN, SABRY NAGUIB SEFEIN, MARIAN MAKRAM HANNA	716 WHITE OAK POND RD	APEX NC 27523-8507		716 WHITE OAK POND RD
722692062 SHELL, JOHN SCOTT SHELL, SUSAN FINK	720 WHITE OAK POND RD	APEX NC 27523-8507		720 WHITE OAK POND RD
723318165 SMITH, JAMES M SMITH, LOUANN J	1124 WIMBERLY RD	APEX NC 27523-9678		1116 WIMBERLY RD
723403739 SMITH, JAMES M SMITH, LOUANN J	1125 WIMBERLY RD	APEX NC 27523-9679		1125 WIMBERLY RD
722692653 TAYLOR MORRISON OF CAROLINAS INC	15501 WESTON PKWY STE 100	CARY NC 27513-8636		730 WHITE OAK POND RD
723616735 TAYLOR MORRISON OF CAROLINAS INC	15502 WESTON PKWY STE 100	CARY NC 27513-8637		731 WHITE OAK POND RD
722689944 THE PRESERVE AT WHITE OAK CREEK HOA	15501 WESTON PKWY STE 100	CARY NC 27513-8636		0 RAMBLING CREEK RD
723607985 THE PRESERVE AT WHITE OAK CREEK HOA	15502 WESTON PKWY STE 100	CARY NC 27513-8637		0 WHITE OAK POND RD
723406796 TOWN OF APEX	STEVEN ADAMS	PO BOX 250	APEX NC 27502-0250	1129 WIMBERLY RD
723416124 TOWN OF APEX	STEVEN ADAMS	PO BOX 251	APEX NC 27502-0251	1133 WIMBERLY RD
723514178 TOWN OF APEX	STEVEN ADAMS	PO BOX 252	APEX NC 27502-0252	1200 HICKORY HILL LN
722484517 TOWN OF APEX / TOWN OF CARY	0.27217.027.010			1400 WIMBERLY RD
722585884 TOWN OF CARY	PO BOX 8005	CARY NC 27512-8005		1408 WIMBERLY RD
723400229 VANDE, BERG BRUCE ALAN VANDE, AMY CARTER	1204 WIMBERLY RD	APEX NC 27523-6770		1204 WIMBERLY RD
722693260 WADHWA, DEEPAK WADHWA, NEETU	708 WHITE OAK POND RD	APEX NC 27523-8507		708 WHITE OAK POND RD
722598851 WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767		1409 WIMBERLY RD
723504154 WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767		1401 WIMBERLY RD
723606270 WONG, SAMUEL J WONG, ASHLEY FRANCES	600 WHITE OAK POND RD	APEX NC 27523-8036		600 WHITE OAK POND RD
723604354 WOO, HYUN J LEE, DAVID W	2712 TUNSTALL GROVE DR	APEX NC 27523-8038		2712 TUNSTALL GROVE DR
723604981 SEDDON, WENDY DAWN SEDDON, CRAIG ERIC	554 WHITE OAK POND RD	APEX NC 27523-8035		554 WHITE OAK POND RD
723616735 TOLL SOUTHEAST LP COMPANY INC	250 GIBRALTOR RD	HORSHAM PA 19044-2323	3	0 WHITE OAK POND RD

- Page 346 -

Join Zoom Meeting https://us02web.zoom.us/j/85191245929?pwd=c0FraUJzZ2FKemJkOHY0cG1vT09yUT09

Meeting ID: 851 9124 5929 Passcode: 386613 One tap mobile +16465588656,,85191245929#,,,,*386613# US (New York) +13017158592,,85191245929#,,,,*386613# US (Washington DC)

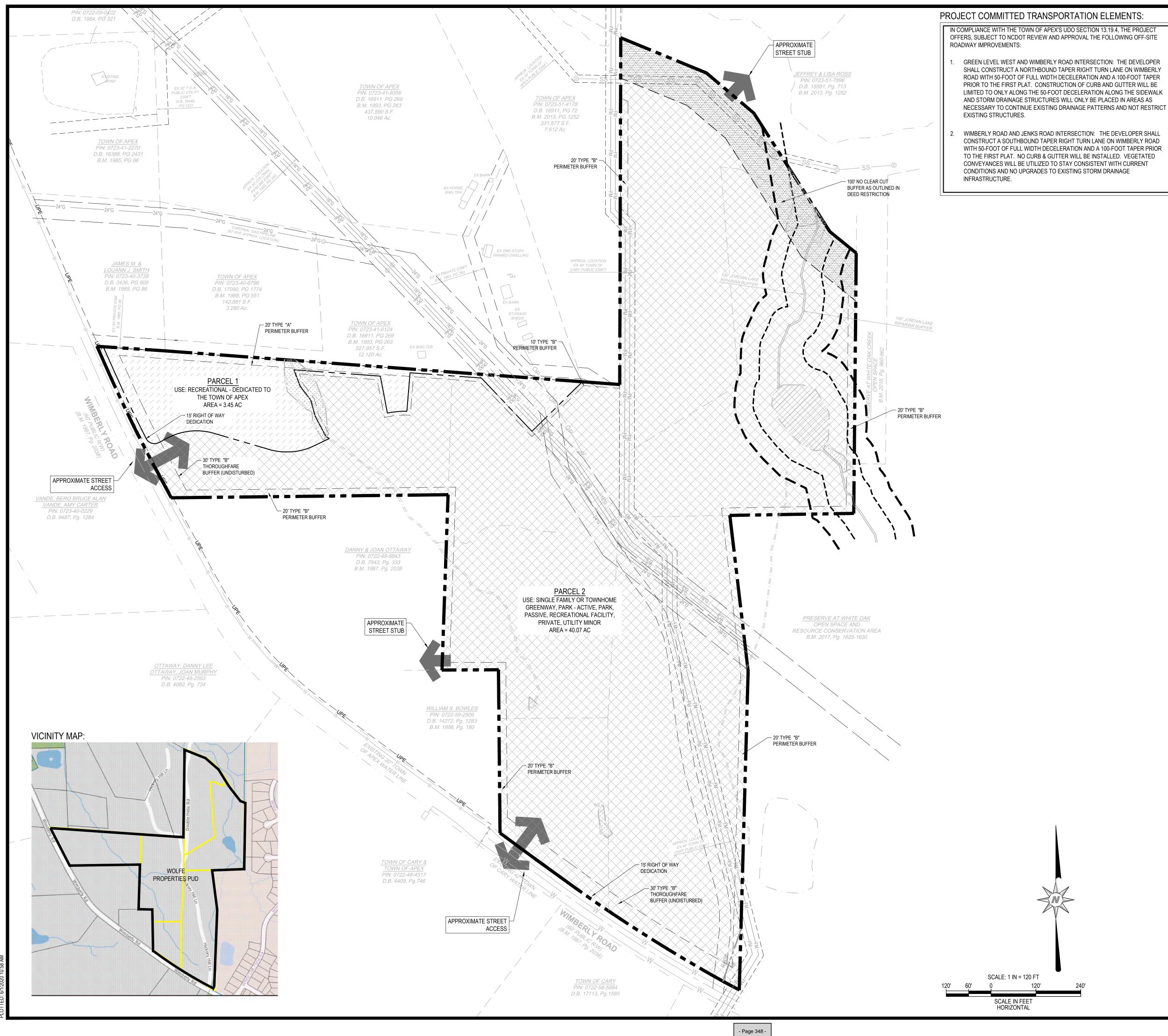
Dial by your location +1 646 558 8656 US (New York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) +1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) Meeting ID: 851 9124 5929 Passcode: 386613 Find your local number: <u>https://us02web.zoom.us/u/kco7kv50VO</u>

ANDREW PETTY, PE Vice President / Senior Engineer

Curryengineering

205 S. Fuquay Ave. Fuquay-Varina, NC 27526

wk (919) 552.0849 x102 dir (984) 225.4150 cell (910) 624.5215



GENERAL NOTES:

THIS PLAN IS NOT INTENDED FOR PLATTING OR RECORDATION. THE INTENT OF THIS PLAN IS TO ILLUSTRATE THE EXISTING FEATURES, STRUCTURES AND TOPOGRAPHY OF THE PROPERTY. TOPOGRAPHY SHOWN ON THIS IS PLAN IS PER WAKE COUNTY GIS - FOR PRELIMINARY USE ONLY.

THE INFORMATION SHOWN ON THIS PLAN WAS PROVIDED AND DEVELOPED BY OTHERS. CURRY ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION. THE INFORMATION SHOWN REPRESENTS A FIELD SURVEY CONDUCTED SEPTEMBER 2019. THE ENGINEER UNDERSTANDS THE SURVEY INFORMATION PROVIDED TO MEET THE FOLLOWING CRITERIA:

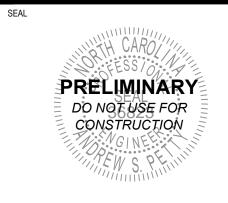
- MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
- THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EXISTING CONDITIONS SHOWN DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON SITE. CONTRACTOR TO FIELD VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION.
- PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.
- PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT NOR CONTAIN ANY HISTORIC STRUCTURES PER THE "WAKE COUNTY INVENTORY OF HISTORIC STRUCTURES - APEX JURISDICTION."

TOWN REQUIRED PUD NOTES:

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

SITE DATA:

DEVELOPMENT NAME	WOLFE PROPERTY PUD			
PROPERTY ADDRESS	SEE EXISTING CONDITIONS PLAN			
PUD TOTAL AREA	43.52 ACRES			
PUBLIC ROAD R/W DEDICATION (WIMBERLY ROAD)	0.42 AC			
WAKE COUNTY PINS	SEE EXISTING CONDITIONS PLAN			
CURRENT ZONING	R-80W (COUNTY) & RR (TOWN)			
PROPOSED ZONING	PLANNED UNIT DEVELOPMENT (PUD-CZ)			
RCA/BUFFER AREA				
REQUIRED	_10.88 AC (25%)			
RCA PROPOSED	_10.90 AC.(25%)			
CURRENT 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL			
PROPOSED 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL			
PROPOSED MAXIMUM BUILDING HEIGHT	42 FEET - SF			
	50 FEET - TH			
PROPOSED TOWNHOME NUMBER OF STORIES				
PROPOSED RESIDENTIAL DENSITY				
PROPOSED PARKING REQUIREMENTS	2 SPACES PER UNIT			
	PLUS GUEST PARKING AT 1SPACE/4 UNITS			
WATERSHED DISTRICT	PRIMARY WATERSHED PROTECTION			
	OVERLAY DISTRICT CAPE FEAR			
PROPOSED MINIMUM BUILDING SETBACKS				
SINGLE FAMILY DETACHED				
FROM BUFFER OR RCA - 10'				
FRONT YARD - 10' MINIMUM				
SIDE YARD - 5' MINIMUM (NO AGGREGATE)				
CORNER SIDE YARD - 10' MINIMUM				
REAR YARD - 10' MINIMUM				
DRIVEWAYS FROM BACK OF SIDEWALK TO GARAGE - 20)' MIN.			
TOWNHOMES				
FROM BUFFER OR RCA - 10'				
FRONT YARD - 5' MINIMUM				
SIDE YARD (END UNITS) - 5' MINIMUM				
REAR YARD - 5' MINIMUM				
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 18' MIN. WH				
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 20' MIN. WH	ERE SIDEWALK IS PRESENT			
BUILDING SIDE TO SIDE - 10'				
BUILDING SIDE TO REAR - 30'				
BUILDING REAR TO REAR - 40'				



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

S 0 Z S **D** O 0 MO M



C-03

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format:	Join Zoom	Meeting				
Date of meeting:					g:1:00 pm - 3:00 pm	
Property Owner(s) name(s): T	ony Karr,	Timothy Streeter, Billy R	ay Wolfe, Sarah Ro	Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Pate	on
Applicant(s):	Envision Hom	nes, LLC				

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
	NAME/ORGANIZATION		FIIONE #	LIVIAIL	& UPDATES
1.	Andrew Petty / Curry Engineering	205 South Fuquay Avenue Fuquay-Varina, NC 27526			
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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.					
Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Property Owner(s) name(s): Willie & Donna Wolfe and John Paton Applicant(s): Envision Homes LLC Contact information (email/phone): josh@envisionhomesnc.com / 919-389-7595 Join Zoom Meeting https://us02web.zoom.us/i/85191245929?pwd=c0FraUJz22FKemJkOHY0cG1vT09vUT09					
					Meeting Format: Meeting ID: 851 9124 5929 Passcode: 386613
					Date of meeting: February 5, 2021 Time of meeting:1:00 pm
Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.					
Question/Concern #1: No questions as no one attended outside of the consultant.					
Applicant's Response:					
Question/Concern #2:					
Applicant's Response:					
Question/Concern #3:					
Applicant's Response:					
Question/Concern #4:					
Applicant's Response:					

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

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

Andrew Petty Andrew Petty

Petty_____, do hereby declare as follows:

Print Name

- 1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
- The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting. Zoom Meeting
- 3. The meeting was 2007 ducted via Zoom Meeting 1 PM 3 PM (indicate format of meeting) on 2/5/2021 (date) from 1 PM (start time) to 3 PM (end time).
- 4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
- 5. I have prepared these materials in good faith and to the best of my ability.

2/8/2021

Date

By: _____

STATE OF NORTH CAROLINA	
COUNTY OF WAKE	

Sworn and subscribed before me, County, on this theday of	601100, a Notary Public for the above State and any 20_21.
SEAL	Notary Public
AMY D GORMAN Notary Public	Print Name
Johnston Co., North Carolina My Commission Expires Apr. 28, 2023	My Commission Expires: April 2023

Prepared for:

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

PD PLAN Wolfe Properties PUD A PLANNED UNIT DEVELOPMENT Town of Apex, North Carolina

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





Prepared by:

Andrew Petty, PE The Curry Engineering Group, PLLC PO Box 2018 205 S. Fuquay Avenue Fuquay-Varina, Normal Page 352 -(919)552-0849



TABLE OF CONTENTS

		Page
1.0	Table of Contents	2
2.0	Vicinity Map	3
3.0	Project Data	4
4.0	Purpose Statement.	5
5.0	Permitted Uses	6
6.0	Design Controls	7
7.0	Architectural Standards	8
8.0	Parking and Loading	10
9.0	Signs	10
10.0	Natural Resources and Environment Data	10
11.0	Stormwater Management	10
12.0	Parks and Recreation	10
13.0	Public Facilities	11
14.0	Phasing	11
15.0	Consistency	11
16.0	Compliance with the UDO	11
17.0	Land Use Notes	11



205 S. Fuquay Avenue Fuquay-Varina, NC 27526



2.0 Vicinity Map

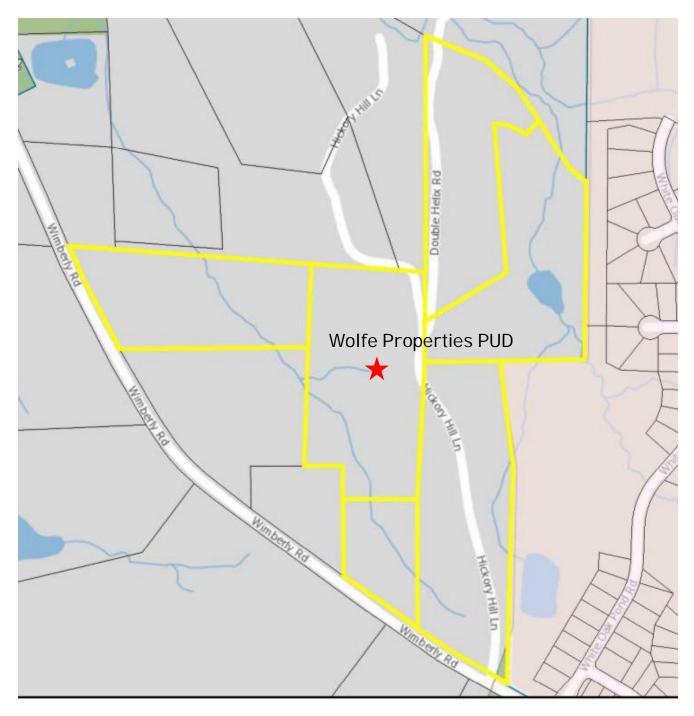


Figure 1 - Vicinity Map - Courtesy of Wake County iMaps 2019

- 3.0 Project Data
- 3.1 Project Name: Wolfe Properties PUD
- 3.2 Owner/Developer: Envision Homes, LLC 4441 Six Forks Road, Suite 106-117 Raleigh, NC 27609 (919) 389-7595
- 3.3 Prepared By: The Curry Engineering Group, PLLC 205 S Fuquay Avenue Fuquay-Varina, NC 27526 (919) 552-0849
- 3.4 Designated Single Point of Contact:
 Andrew Petty, PE

 The Curry Engineering Group, PLLC

3.5 Current and Proposed Zoning of the Property:

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

3.6 Current and Proposed Land Uses:

Current:	Residential, Vacant
Proposed:	Residential

3.7 Current and Proposed 2045 Land Use Designation:

Current:	Low Density Residential
Proposed:	Low Density Residential

4.0 Purpose Statement

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

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

5.0 Permitted Uses

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

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

<u>Utilities</u> Utility, minor

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

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

6.0 Design Controls

6.1 <u>Maximum Densities</u>

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

6.2 Proposed Maximum Height of the Buildings and Number of Stories

Single Family Maximum Height – 42'	Single Family Maximum Stories – 2
Townhouses – Maximum Height – 50'	Townhouses Maximum Stories – 3

6.3 Proposed Minimum Building Setbacks

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

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

<u>Government Service</u> From Buffer or RCA – 0' Where there is no Buffer or RCA – 10'

6.4 <u>Percentage of Built upon Area</u>

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

6.5 <u>Perimeter Buffers</u>

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

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

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

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

6.6 Economy Housing Condition

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

7.0 Architectural Standards

7.1 Single Family Detached Residential Standards

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. Garage doors must contain windows, decorative details or carriage-style adornments.
- 3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
- 4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
- 5. The visible side of a home on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements.
 - Windows
 - Bay Window
 - Recessed Window
 - Decorative Window
 - Trim around the Windows
 - Wrap around porch or Side Porch

- Two or More Building Materials
- Decorative Brick/Stone
- Decorative Trim
- Decorative Shake
- Decorative Air Vents on Gable
- Decorative Gable
- Decorative Cornice
- Column
- Portico
- Balcony
- Dormer
- 6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
- 7. Front porches, when provided, shall be at least six-feet (6') deep.
- 8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
- 9. Eaves shall project at least 12 inches from the wall of the structure.
- 10. The roof shall be pitched at 5:12 or greater for 75% of the building designs. These lots will be identified on the plat.

7.2 <u>Residential Townhome Standards</u>

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. There shall be one roof element such as a gable or dormer on each unit.
- 3. Garage doors must contain windows, decorative details or carriage-style adornments.
- 4. House entrances for units with front facing single-car garages must have a covered porch/stoop area leading to the front door.
- 5. The garage cannot protrude more than one foot out from the front façade or front porch.
- 6. All exterior windows shall have decorative trim on all four sides.
- 7. On corner lots, the side elevation facing the public street shall contain at least two decorative elements such as but not limited to:
 - Trim around windows
 - Two or more building materials
 - Decorative brick/stone
 - Side Entry

7.3 Additional Residential Standards

- 1. All homes shall provide conduit for the future installation of roof top solar panels, including townhomes and economy housing units.
- 2. Conducting a solar site orientation analysis to provide for at least six (6) homes in the development built with 3KW active solar systems on the roof, which is approximately 5-6% of the overall units. These units will be identified on the plat.
- 3. All homes shall have an "Energy Star" Certification offered as a buyer selected option during or prior to construction.
- 4. All homes with garages shall have the option if a buyer selects to add an electric vehicle charging station installed in the garage.

7.4 Non-Residential Use Standards

- 1. EIFS or synthetic stucco shall not be used in the first four feet above grade.
- 2. The building exterior shall have more than one (1) material color.
- 3. The building shall have more than one parapet height.
- 4. The following exterior materials shall not be permitted: vinyl siding, painted, smooth-faced concrete block (decorative blocks are acceptable).

8.0 Parking and Loading

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

9.0 Signs

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

10.0 Natural Resource and Environmental Data

- **10.1** This project is located in the Jordan Lake drainage basin which is in the Cape Fear Basin. This project currently falls just outside the primary watershed protection overlay district as shown on the Town of Apex watershed maps; however once annexed it will be in the primary watershed protection overlay district.
- **10.2** The is no FEMA mapped floodplain on the site as shown on FEMA FIRM Map Number 3720072300 or 3720072201, dated May 2, 2006.
- **10.3** There are no known historic structures on this project.
- **10.4** The PUD is required to provide at least 25% of the total area for Resource Conservation Area and landscape buffers. If the residential single family lots are mass graded, then the project shall dedicate an additional 5% RCA. For this project that will equate to 10.88 acres of required RCA area. This project proposes to dedicate 10.90 acres and will increase that area if mass graded.
- **10.5** Existing deciduous trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative site location approved by Town Planning Staff.

11.0 Stormwater Management

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

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

12.0 Parks and Recreation

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

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

- 1. Zoning condition for environmental assessment: A Phase I environmental assessment will be completed on the property to be dedicated to the Town and provided to the Town prior to construction plan approval.
- 2. Zoning condition for land dedication: Since the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, the land dedication will occur by April 30, 2021.
- 3. Zoning condition for road improvements: Since the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, road construction for Mirkwood Avenue from Wimberly Road to just past the easternmost planned public safety station driveway for access only no later than July 31, 2021. Final construction and acceptance of the roadway shall be determined in a developer's agreement between the Town of Apex and the developer.
- 4. Zoning condition for timing of CD approval: Because the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, a temporary driveway permit signed by NCDOT will suffice for Construction Drawing approval, provided the final driveway permit application has been submitted to NCDOT; any changes from the temporary driveway permit to the final driveway permit will be the responsibility of the developer, and this shall in no way release the developer from all other applicable requirements prior to Construction Drawing approval.

13.0 Public Facilities

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

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

- Green Level West and Wimberly Road Intersection: The developer shall construct a northbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. Construction of curb and gutter will be limited to only along the 50-foot deceleration along the sidewalk and storm drainage structures will only be placed in areas as necessary to continue existing drainage patterns and not restrict existing structures.
- 2. Wimberly Road and Jenks Road Intersection: The developer shall construct a southbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. No curb & gutter will be installed. Vegetated conveyances will be utilized to stay consistent with current conditions and no upgrades to existing storm drainage infrastructure.
- 3. Pay fee in lieu for 450 linear feet of sidewalk so that connectivity can be made in the future from our northern property line to the park entrance along Wimberly Road. Area in blue on map as presented to Town Council.

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

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

14.0 Phasing

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

15.0 Consistency with Land Use Plan

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

16.0 Compliance with the UDO

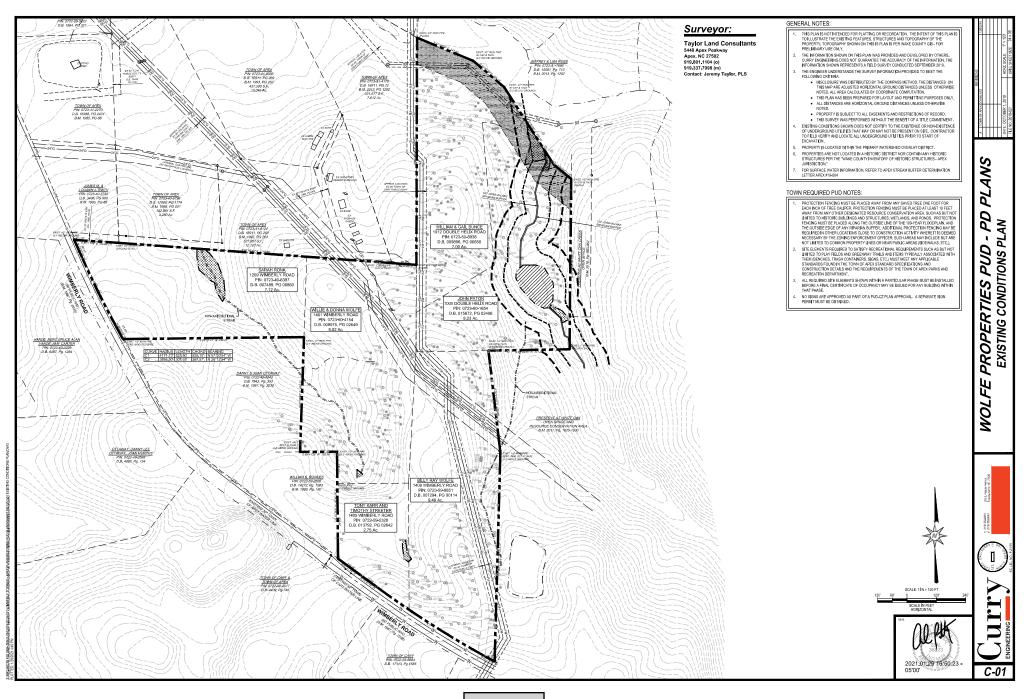
The proposed plans for Wolfe Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

17.0 Land Use Notes

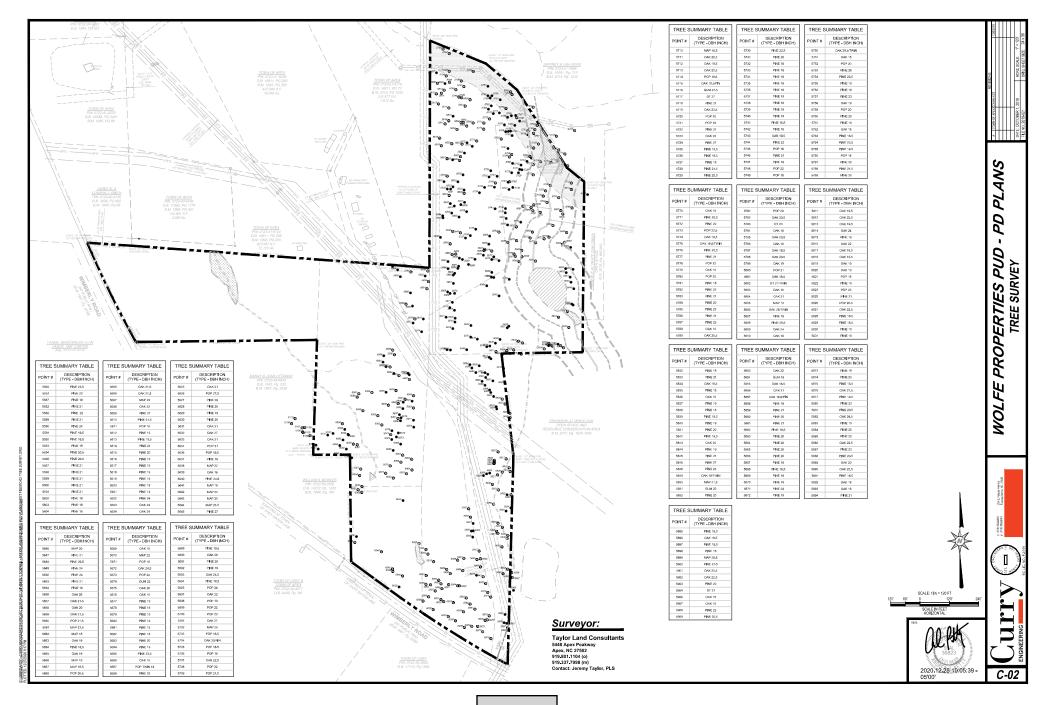
17.1 This project will require the formation of a Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

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

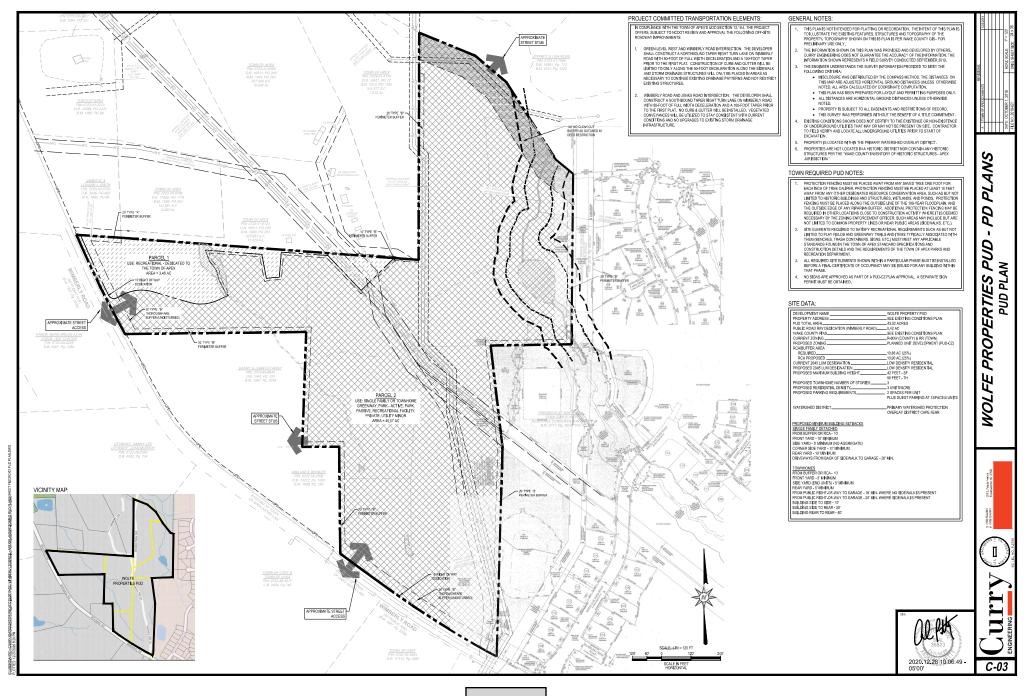
END OF REPORT



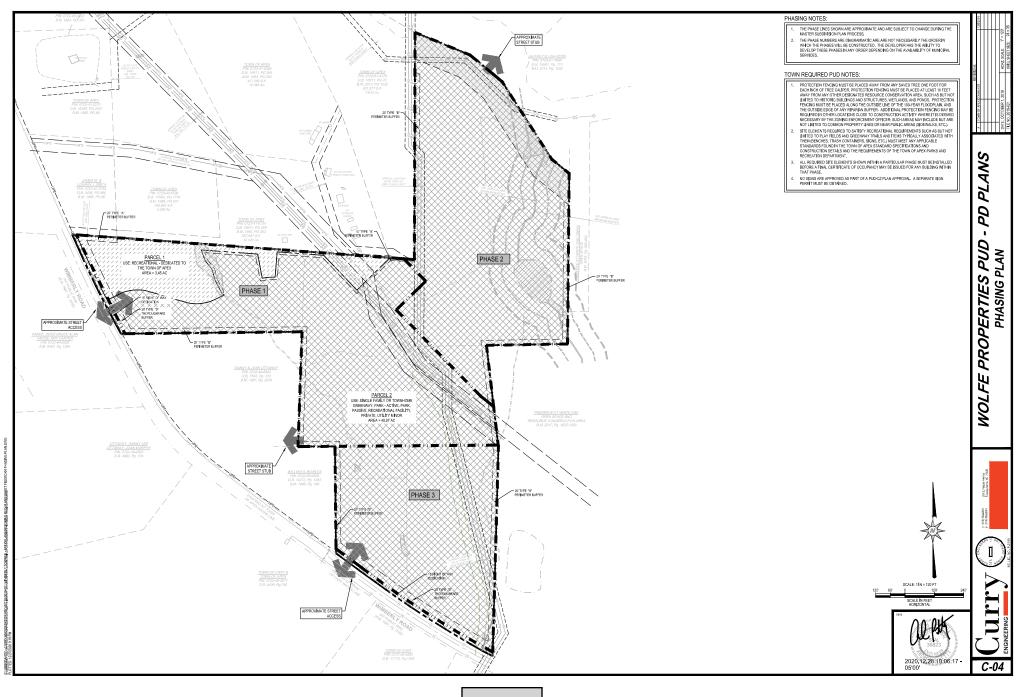
- Page 366 -



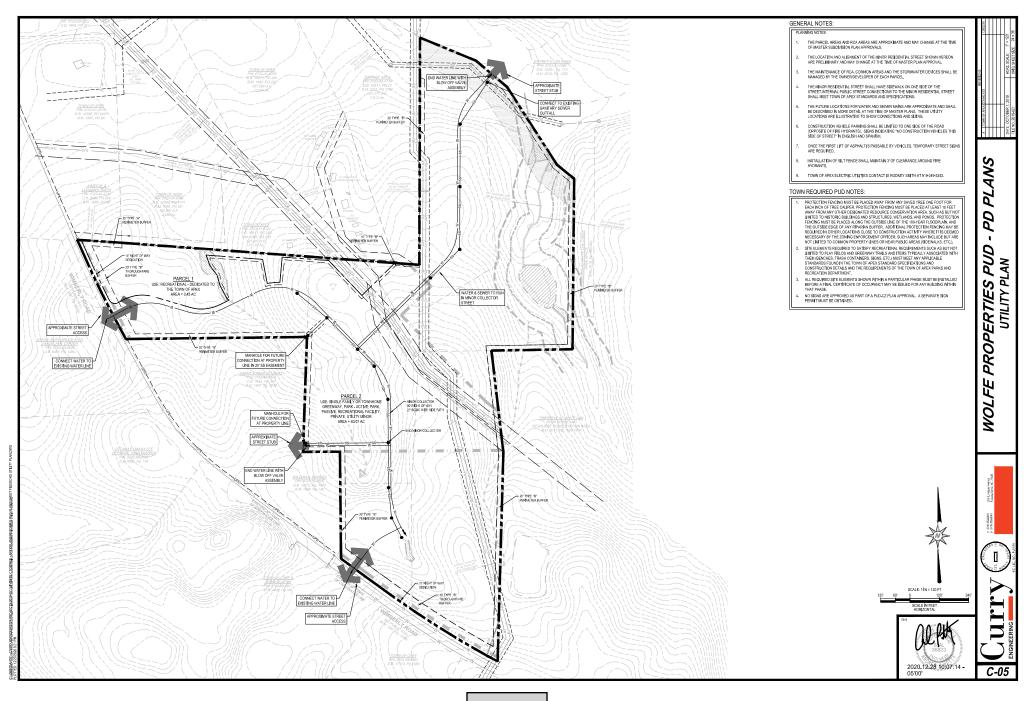
- Page 367 -



- Page 368 -



- Page 369 -



- Page 370 -



Wake County Residential Development Notification

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

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

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

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

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

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

	Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Squar Rar	e Foot 1ge	Price	Range	ļ	Anticipate	ed Compl	etion Uni	ts & Date	25
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	55						55	2000	3500	475k	575k	2022	24	2023	31		
Townhomes	74					45	29	1400	2600	285k	450k	2022	30	2023	36	2024	8
Condos																	
Apartments																	
Other																	

PLANNING BOARD REPORT TO TOWN COUNCIL Rezoning Case: 21CZ01 Wolfe Properties PUD

Planning Board Meeting Date: February 8 and 10, 2021

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: PIN(s):	43.52 ± acres 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654
Current Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Low Density Residential
Town Limits:	Inside

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

\checkmark	2045 Land Use Map ✓ Consistent	Inconsistent	Reason:
V	Apex Transportation Plan Image: Consistent	Inconsistent	Reason:
\checkmark	Parks, Recreation, Open Space	, and Greenways Plan	Reason:

PE

Re	ANNING BOARD REPORT TO TOV zoning Case: 21CZ01 Wolfe Propertie nning Board Meeting Date: February 8 and	es PUD	A PET
The cons prop	iderations, which are considerations th	at are relevant to the grequest is in the pub	ditions that take into account the following elegislative determination of whether or not the plic interest. These considerations do not exclude to the public interest.
1.	its proposed location and consistency v Plan.		onal Zoning (CZ) District use's appropriateness for bals, objectives, and policies of the 2045 Land Use Reason:
2.	and compatibility with the character c	- · ·	et use's appropriateness for its proposed location ses. Reason:
3.	Sec. 4.4 Supplemental Standards, if ap		litional Zoning (CZ) District use's compliance with Reason:
4.	minimization of adverse effects, inc avoidance of significant adverse imp parking and loading, odors, noise, glar	luding visual impact bacts on surrounding	roposed Conditional Zoning (CZ) District use's of the proposed use on adjacent lands; and lands regarding trash, traffic, service delivery, not create a nuisance. Reason:
5.	environmental impacts and protection habitat, scenic resources, and other n	on from significant de	onditional Zoning District use's minimization of eterioration of water and air resources, wildlife Reason:

Rez	ANNING BOARD REPORT TO TOWN COUNCIL oning Case: 21CZ01 Wolfe Properties PUD ning Board Meeting Date: February 8 and 10, 2021
6.	Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities. Impact on public facilities and services including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities. Impact on public facilities and services including roads including r
7.	<i>Health, safety, and welfare.</i> The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ. ✓ Consistent Inconsistent Reason:
8.	Detrimental to adjacent properties. Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties. Image: Consistent inconsistent inconsinconsistent inconsinconsistent inconsistent inconsistent inconsis
9.	Not constitute nuisance or hazard. Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use. ✓ Consistent
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. Image: Ima

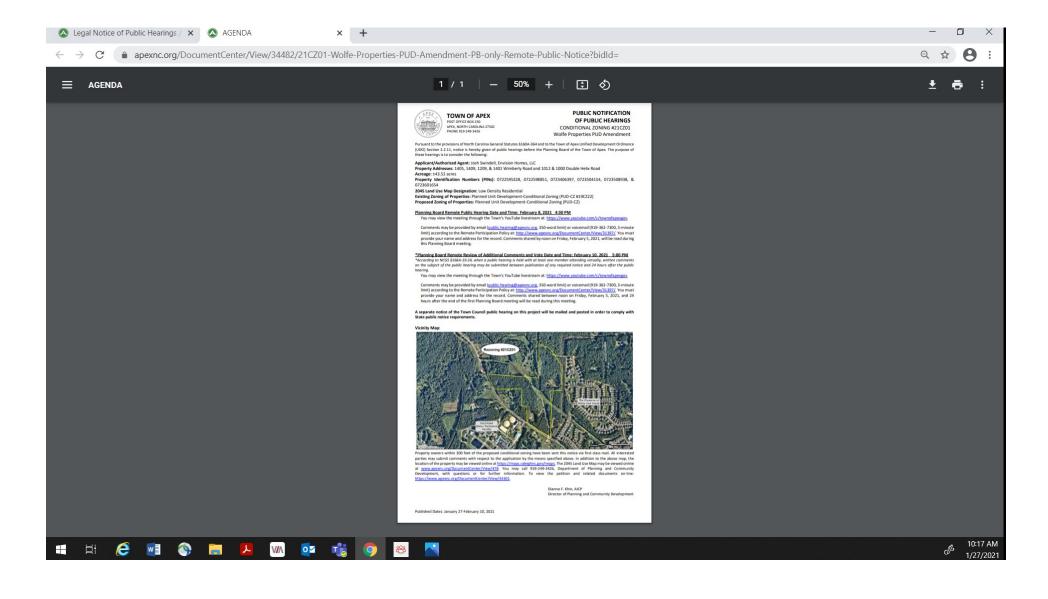
PLANNING BOARD REPORT TO TOWN COUNCIL Rezoning Case: 21CZ01 Wolfe Properties PUD

Planning Board Meeting Date: February 8 and 10, 2021



Planning Board Recommendation:

	Motion: <u>Tc</u>	recommend a	pproval with conditions as offered by applican
I	Introduced by Planning Board member: <u>Re</u>	ginald Skinner	
	Seconded by Planning Board member: <u>Ti</u>	m Royal	
	<i>Approval</i> : the project is consistent with a considerations listed above.	ll applicable offi	cially adopted plans and the applicable legislative
\checkmark		oted above, so	h all applicable officially adopted plans and/or the the following conditions are recommended to be t
Cond	litions as offered by applicant.		
	<i>Denial</i> : the project is not consistent wi legislative considerations as noted above.	•••	e officially adopted plans and/or the applicable
	W	/ith <u>8*</u> Planni	ng Board Member(s) voting "aye"
	W	/ith_0_Planni	ng Board Member(s) voting "no"
	Reasons for dissenting votes:		
	* Tommy Pate was recused from this it	em.	
This	report reflects the recommendation of the	Planning Board,	this the <u>10th</u> day of <u>February</u> 2021.
Atte	st:		
Mic	Chael Marks Digitally signed by Michael Ma Date: 2021.02.10 17:36:21 -0.	arks 5'00'	Dianne Khin Digitally signed by Dianne Khin Date: 2021.02.10 17:31:18 -05'00'
Mich	nael Marks, Planning Board Chair	_	Dianne Khin, Director of Planning and Community Development
Pag	ge 4	- Page 375 -	Planning Board Report to Town Council





POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ01 Wolfe Properties PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Josh Swindell, Envision Homes, LLC

Property Addresses: 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road Acreage: ±43.52 acres

Property Identification Numbers (PINs): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Planning Board Remote Public Hearing Date and Time: February 8, 2021 4:30 PM

You may view the meeting through the Town's YouTube livestream at: <u>https://www.youtube.com/c/townofapexgov</u>.

Comments may be provided by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. Comments shared by noon on Friday, February 5, 2021, will be read during this Planning Board meeting.

*Planning Board Remote Review of Additional Comments and Vote Date and Time: February 10, 2021 5:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

You may view the meeting through the Town's YouTube livestream at: <u>https://www.youtube.com/c/townofapexgov</u>.

Comments may be provided by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. Comments shared between noon on Friday, February 5, 2021, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

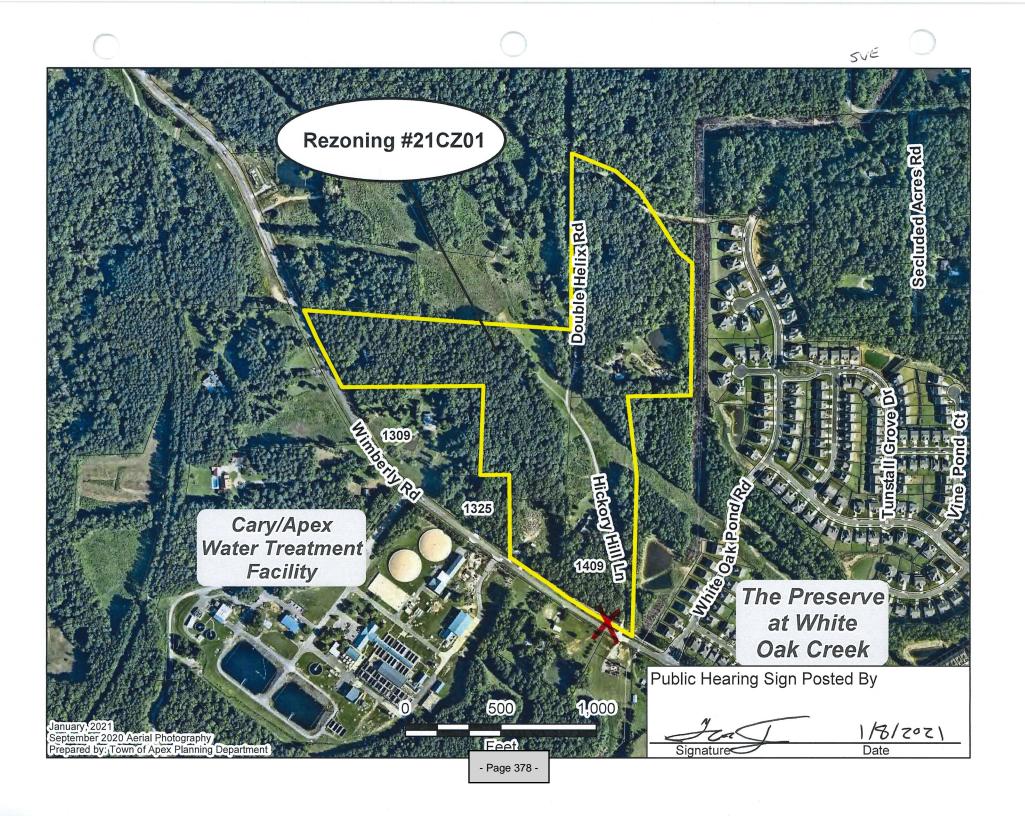
A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <u>https://maps.raleighnc.gov/imaps</u>. The 2045 Land Use Map may be viewed online at <u>www.apexnc.org/DocumentCenter/View/478</u>. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <u>https://www.apexnc.org/DocumentCenter/View/34301</u>.

- Page 377 -





POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11 Town of Apex Unified Development Ordinance

Project Name:

Project Location:

Applicant or Authorized Agent:

Conditional Zoning #21CZ01 Wolfe Properties PUD Amendment 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 **Double Helix Road** Josh Swindell

Firm:

Envision Homes, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 27, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

<u>|-27-202|</u> Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,

Jeri Chastain Rederson a Notary Public for the above 27 day of January , 202 / .

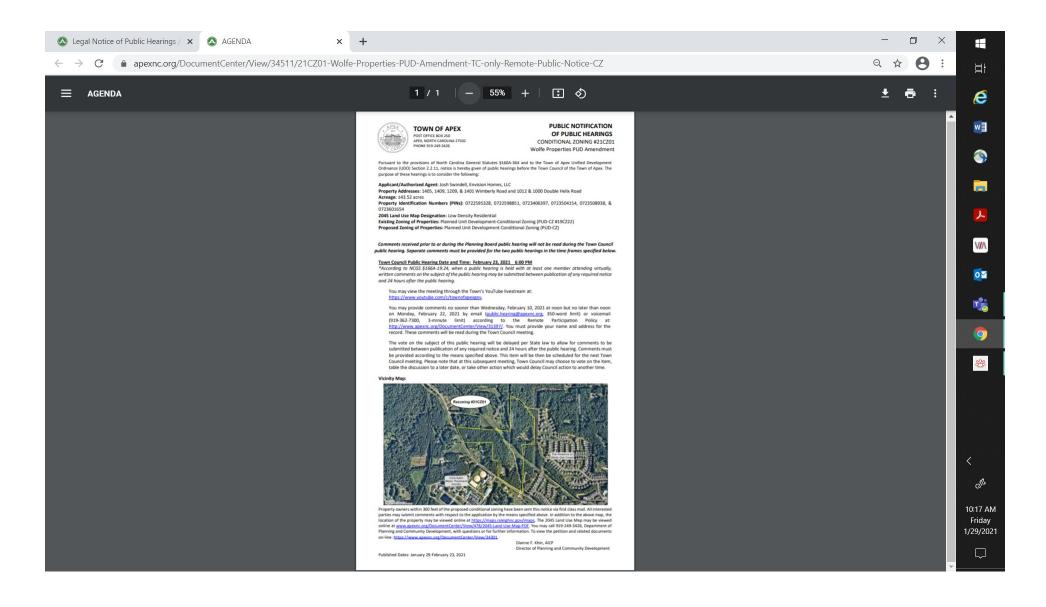
State and County, this the

JERI CHASTAIN PEDERSON Notary Public Wake County, North Carolina My Commission Expires March 10, 2024

Jui Chastain Aderson Notary Public

My Commission Expires: 03 /10 / 2024

- Page 379 -





POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

CONDITIONAL ZONING #21CZ01 Wolfe Properties PUD Amendment

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Property Addresses: 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road **Acreage:** ±43.52 acres

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Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: February 23, 2021 6:00 PM

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

You may view the meeting through the Town's YouTube livestream at: <u>https://www.youtube.com/c/townofapexgov</u>.

You may provide comments no sooner than Wednesday, February 10, 2021 at noon but no later than noon on Monday, February 22, 2021 by email (<u>public.hearing@apexnc.org</u>, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <u>http://www.apexnc.org/DocumentCenter/View/31397/</u>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

The vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will be then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at https://www.apexnc.org/DocumentCenter/View/478/2045-Land-Use-Map-PDF. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/478/2045-Land-Use-Map-PDF.



Dianne F. Khin, AICP Director of Planning and Community Development



POST OFFICE BOX 250 APEX, NORTH CAROLINA 27502 PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name:

Project Location:

Applicant or Authorized Agent:

Conditional Zoning #21CZ01 Wolfe Properties PUD Amendment 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road Josh Swindell

Firm:

Envision Homes, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 29, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

-29-202

Lauren Staudenmaion for Dianne Khin

Director of Planning and Community Development

STATE OF NORTH CAROLINA COUNTY OF WAKE

Sworn and subscribed before me,

<u>Jeri Chastain Pederson</u>, a Notary Public for the above 29 day of <u>January</u>, 202 <u>.</u>

State and County, this the

JERI CHASTAIN PEDERSON Notary Public Wake County, North Carolina My Commission Expires March 10, 2024

Jeri Chastan Pederson Notary Public

My Commission Expires: 03/10/2024

- Page 382 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING Meeting Date: February 23, 2021

Item Details

Presenter(s):Shannon Cox, Long Range Planning ManagerDepartment(s):Planning and Community Development

<u>Requested Motion</u>

Public hearing and possible motion regarding proposed amendments to the 2045 Land Use Map related to transit-oriented development.

Approval Recommended?

Planning staff recommends adoption of the proposed amendments to the 2045 Land Use Map, with changes to the amendments presented to the public as described in the staff report.

The Planning Board held a public hearing on February 8, 2021 and voted on February 10, 2021. The Planning Board unanimously recommends adoption of the amendments to the 2045 Land Use Map as recommended by Planning staff.

<u>Item Details</u>

The proposed amendments are intended to promote transit-oriented development (TOD) around existing and planned transit routes. The purposes of TOD are both to ensure that public transit investments are successful and to encourage higher-density development patterns in areas where it can be supported by the transportation network.

Proposed amendments in the Chapel Ridge area were presented to that neighborhood on Monday, November 16, 2020 during a meeting of the Planning Committee of Town Council. Based on this initial input, revisions were made to the proposed amendments in the Chapel Ridge neighborhood. All proposed amendments were then presented to the public in a virtual workshop held on January 19, 2021. Comments were collected through a comment form. Based on feedback received, staff recommended additional changes. Attachment 2 includes the amendments as-presented to the public on January 19, 2021 along with additional staffrecommended changes.

<u>Attachments</u>

- Attachment 1 Staff report
- Attachment 2 Summary of proposed amendments
- Attachment 3 Full report of public comments



STAFF REPORT

2045 Land Use Map Amendments

February 23, 2021 Town Council Meeting



The 2045 Land Use Map (2045 LUM) establishes the Town's long range vision for land use. It is not regulatory, but serves as guidance as the Town considers new development. The 2045 LUM was adopted in February, 2019 and last amended on July 21, 2020. The 2045 LUM is available for viewing online at: www.apexnc.org/DocumentCenter/View/478. The Town Council will consider proposed amendments to the 2045 LUM, hear comments from the public, and formulate a decision regarding potential adoption of the amendments.

The proposed amendments are intended to promote transit-oriented development (TOD) around existing and planned transit routes. The purposes of TOD are both to ensure that public transit investments are successful and to encourage higher-density development patterns in areas where it can be supported by the transportation network. The proposed amendments originated with the Planning Committee of Town Council, which tasked staff with evaluating and proposing possible amendments for areas within 300 yards (less than .25 mile) around the following existing and proposed transit routes:

- GoTriangle Route 305 Apex to Raleigh (existing, with planned expansion)
- GoCary Apex-Cary Express (existing)
- GoApex Route 1 (planned)
- Future rail station areas (planned)

Proposed amendments in the Chapel Ridge area were presented to that neighborhood on Monday, November 16, 2020 during a meeting of the Planning Committee of Town Council. Based on this initial input, revisions were made to the initially-proposed amendments in the Chapel Ridge neighborhood. All proposed amendments were then presented to the public in a virtual workshop held on January 19, 2021. The amendments, as presented to the public, along with revisions proposed by staff based on feedback received are shown in Attachment 2.

Public Comments:

Public comments provided through a comment form were received through the Planning Board public hearing. The comments received through the comment form are documented in detail in Attachment 2. It was made clear that any comments provided during the Planning Board public hearing would also need to be provided for the Town Council public hearing. Generally, proposed amendments across all areas of change received the highest support compared to maintaining the adopted 2045 LUM or making other changes. Staff will summarize the specific comments received, and staff-recommended changes to the proposed amendments in response to public comments, during the public hearing presentation.

Staff Recommendation:

Planning staff requests that the Town Council adopt the proposed amendments to the 2045 LUM, with changes as recommended by staff shown in Attachment 2. These changes will also be summarized during the presentation.

Planning Board Recommendation:

The Planning Board held a public hearing on February 8, 2021 and voted on February 10, 2021. The Planning Board unanimously recommended adoption of the amendments to the 2045 Land Use Map as recommended by Planning staff.

Attachments:

Attachment 2: Proposed amendments to the 2045 Land Use Map to support Transit-Oriented Development

STAFF REPORT

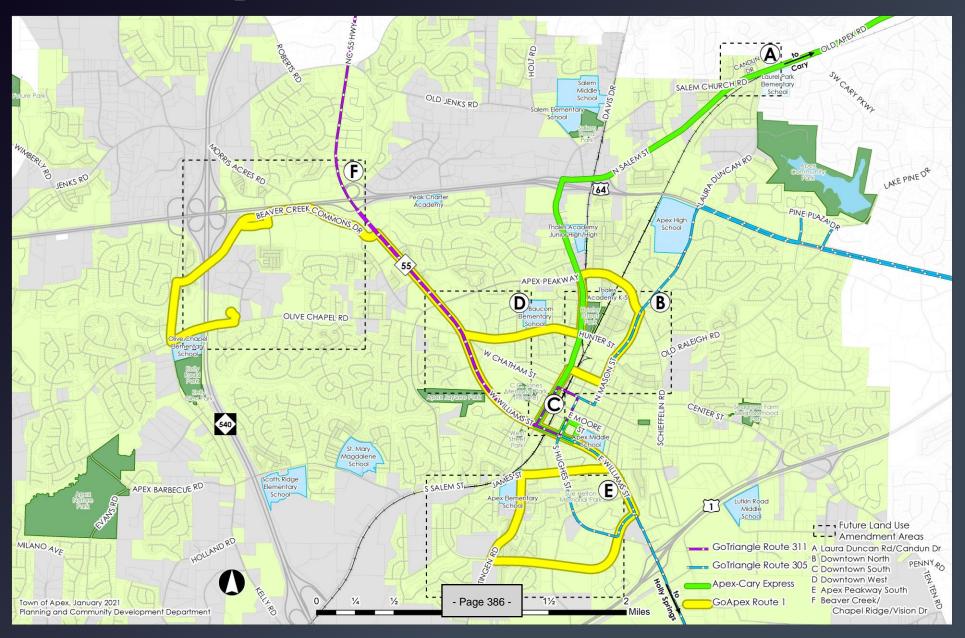
2045 Land Use Map Amendments

February 23, 2021 Town Council Meeting



Attachment 3: Public Comments received through the comment form

Land Use Map Amendment Areas and Transit Routes



Land Use Types Explanation

	CATEGORY	INTENT	EXAMPLE GRAPHIC				
	High Density >14 units/acre	Provide housing options near major commercial areas and transportation corridors; Townhomes, triplexes, quadplexes, and apartments					
a	" A "	SPECIAL DESIGNATION OF HIGH DENSITY WHERE ONLY APARTMENTS WOULD BE ALLOWED.					
Residenti	Medium/High Density 7-14 units/acre	Provide variety of housing options near major transportation corridors; Single- family, duplexes, triplexes, quadplexes and townhomes					
	Medium Density 3-7 units/acre	Transition from more urban areas to low density neighborhoods; Single-family, duplexes and townhomes					

Residential

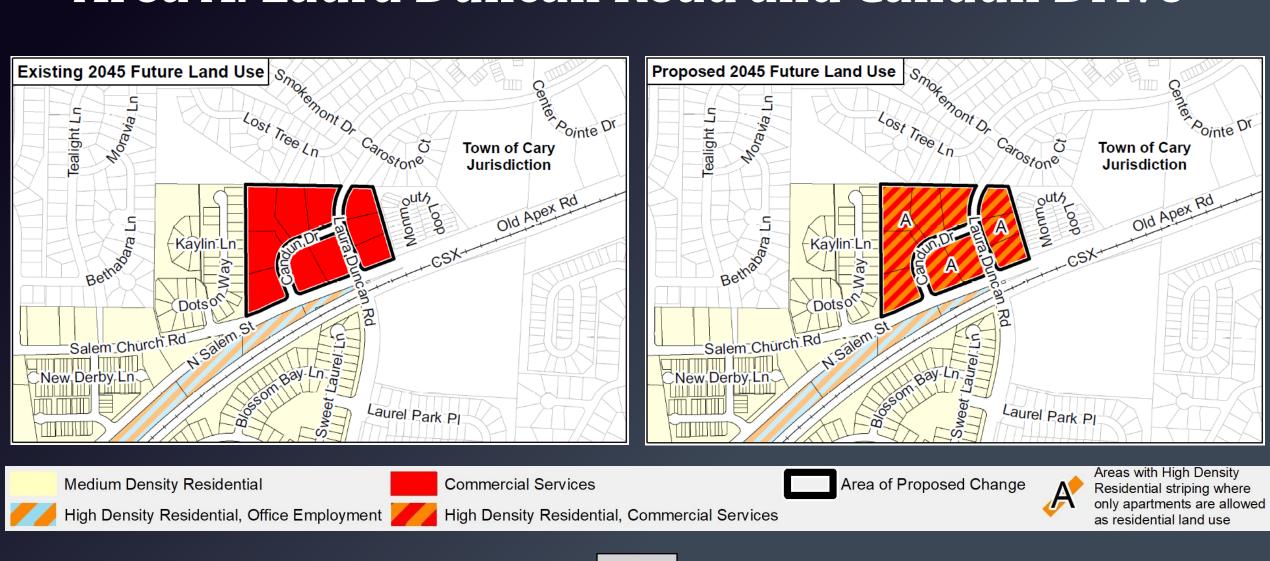
- Page 387 -

Area A. Laura Duncan Road and Candun Drive



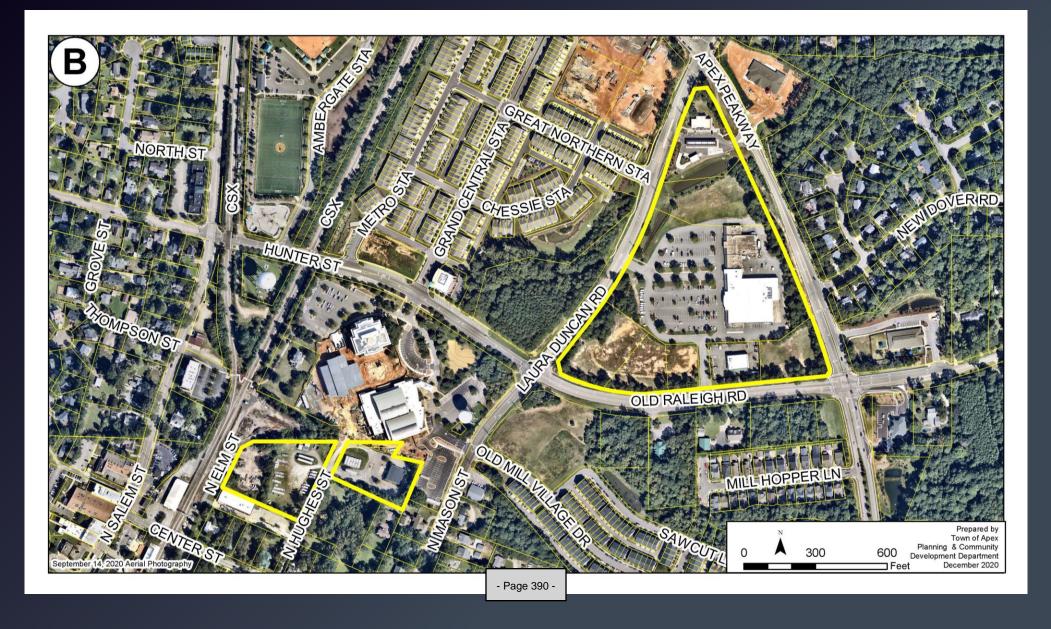
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Area A. Laura Duncan Road and Candun Drive

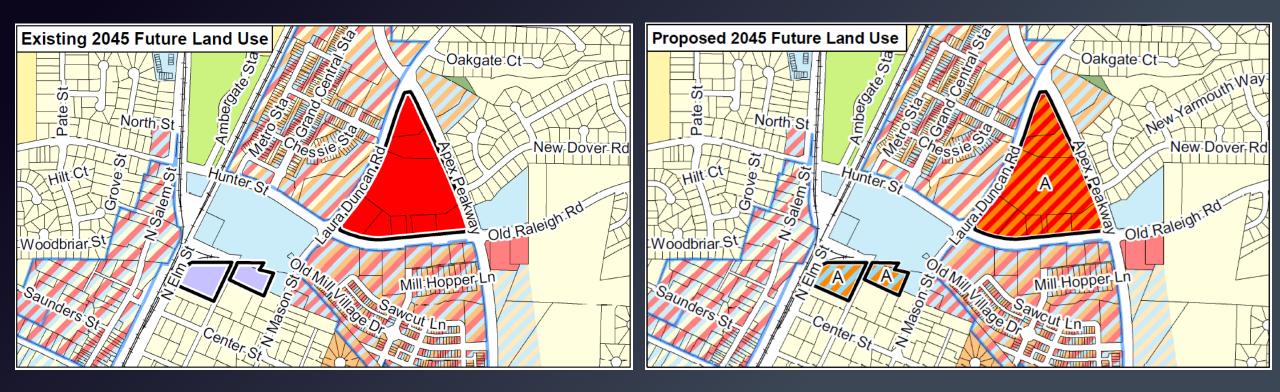


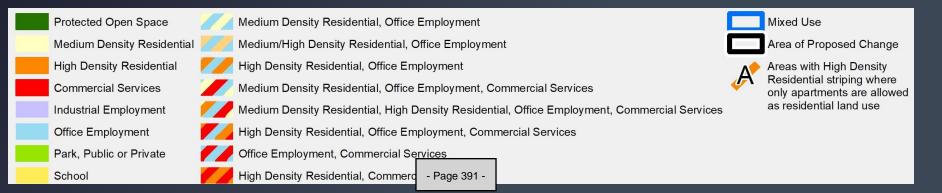
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Area B. Downtown North



Area B. Downtown North



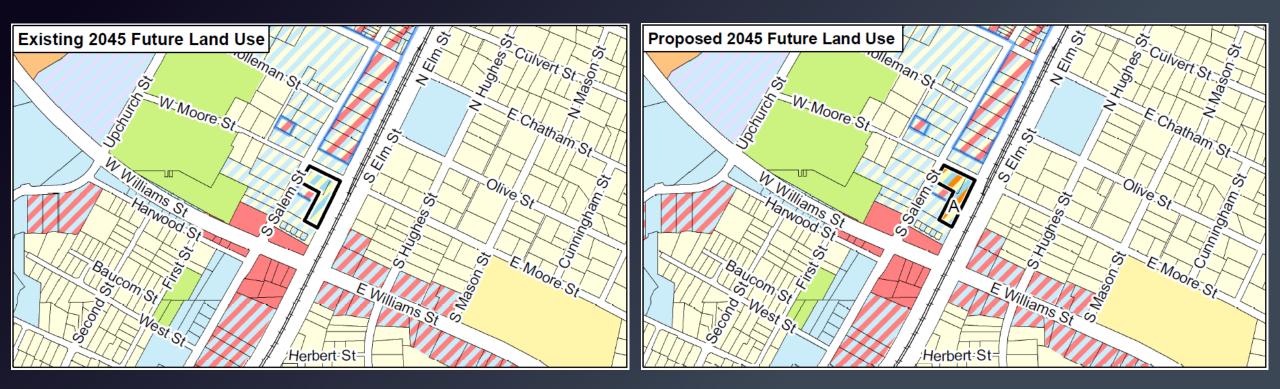


Area C. Downtown South



- Page 392 -

Area C. Downtown South





School

- Medium Density Residential, Office Employment
- Medium Density Residential, Office Employment, Commercial Services

ployment

Industrial Employment, Office Employment



Office Employment, Commercial Services

Medium Density, High [- Page 393 -

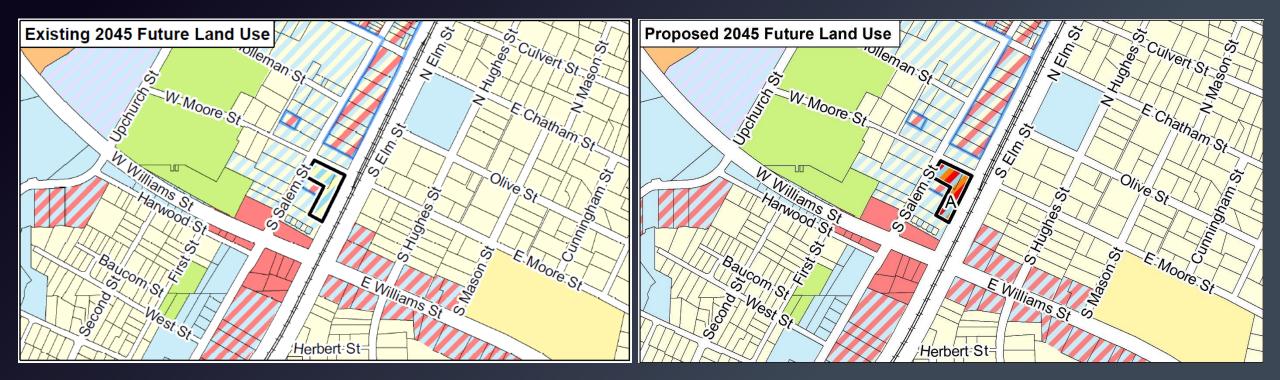


A

Area of Proposed Change Areas with High Density

Residential striping where only apartments are allowed as residential land use

Area C. Downtown South - Revised



 Medium Density Residential

 High Density Residential

 Commercial Services

 Office Employment

 Park, Public or Private

School

- Medium Density Residential, Office Employment
- Medium Density Residential, Office Employment, Commercial Services

- Page 394 -

- Industrial Employment, Office Employment
- Office Employment, Commercial Services

High Density Residential,

yment, Commercial Services



Area of Proposed Change



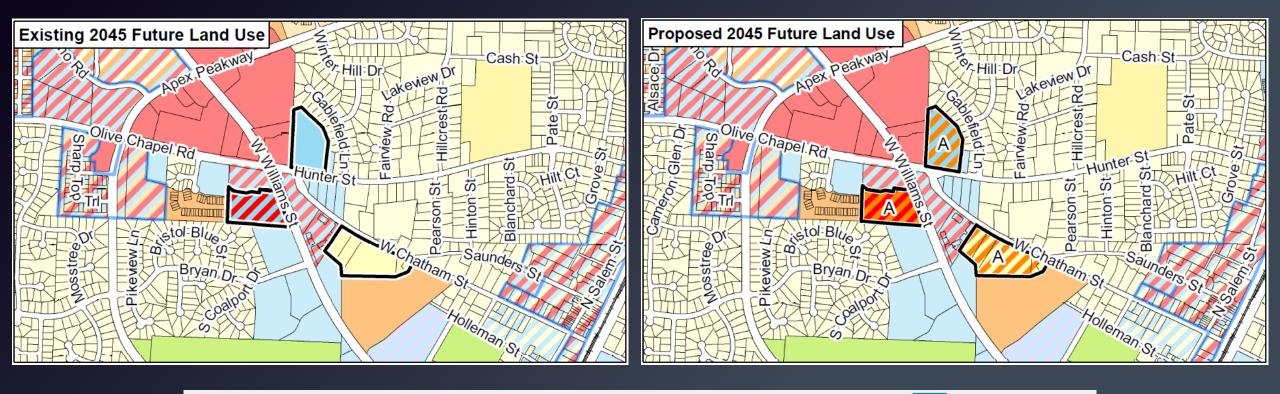
Areas with High Density Residential striping where only apartments are allowed as residential land use

Area D. Downtown West



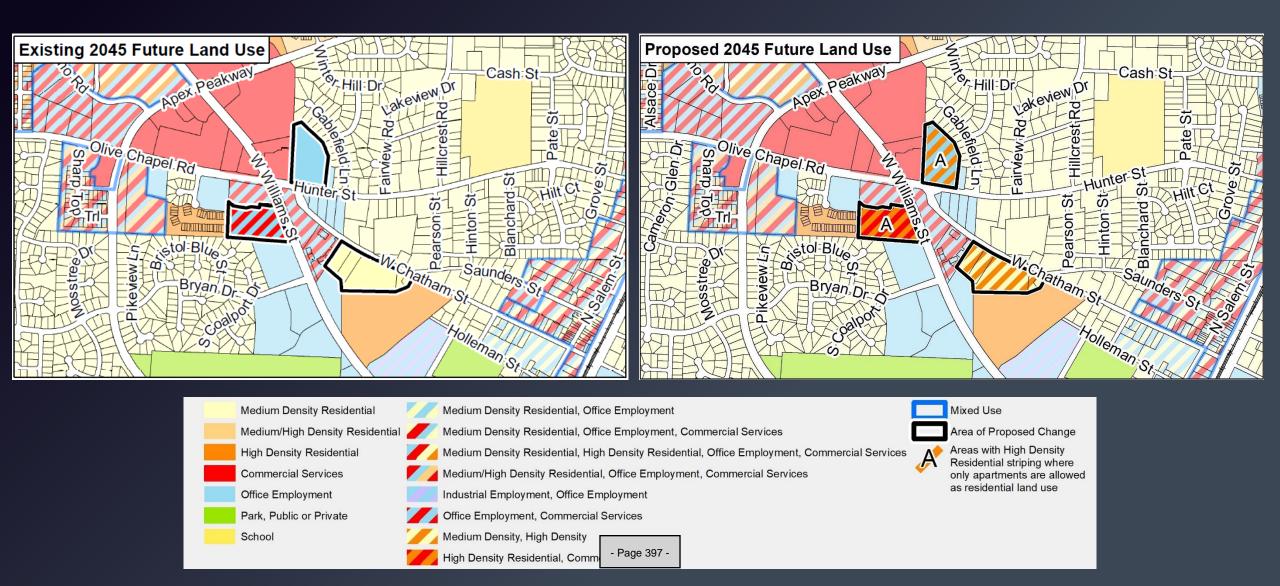
- Page 395 -

Area D. Downtown West



Medium Density Residential Medium Density Residential, Office Employment Mixed Use Medium/High Density Residential Medium Density Residential, Office Employment, Commercial Services Area of Proposed Change Medium Density Residential, High Density Residential, Office Employment, Commercial Services Areas with High Density High Density Residential Residential striping where Medium/High Density Residential, Office Employment, Commercial Services **Commercial Services** only apartments are allowed as residential land use Industrial Employment, Office Employment Office Employment Office Employment, Commercial Services Park, Public or Private Medium Density, High Density School - Page 396 -High Density Residential, Comm

Area D. Downtown West - Revised

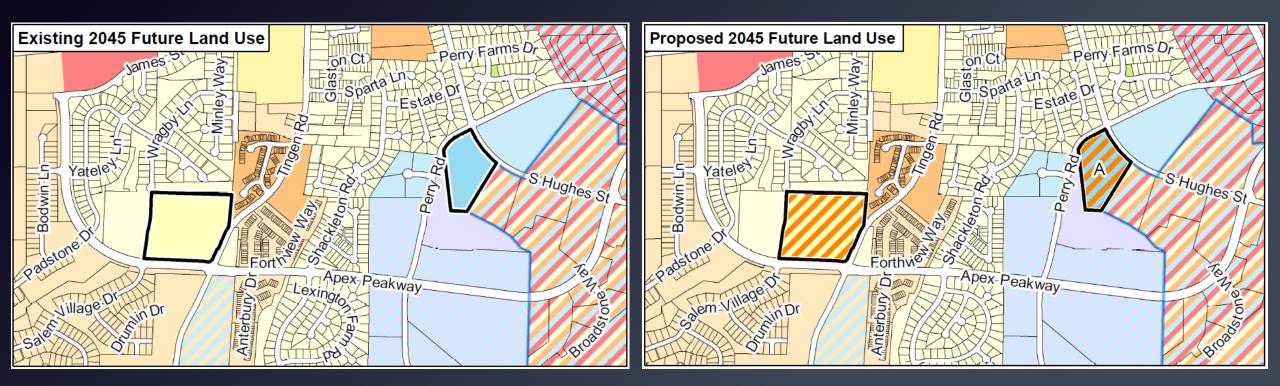


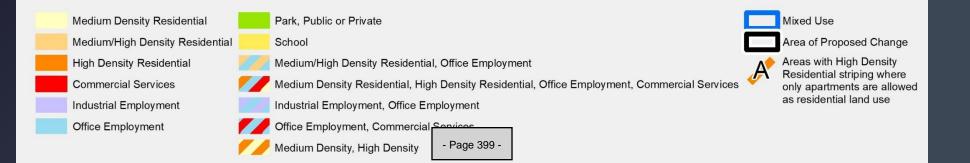
Area E. Apex Peakway South



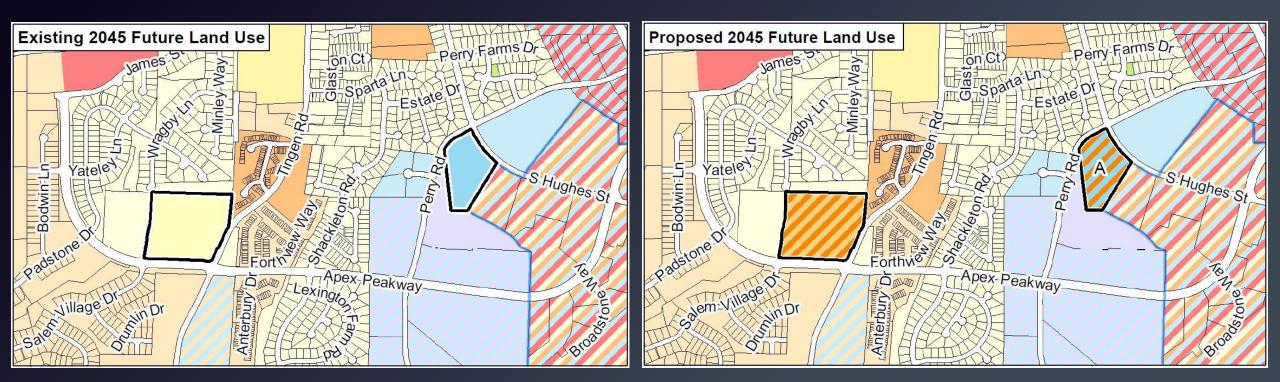
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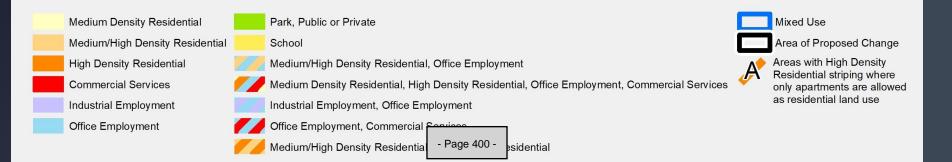
Area E. Apex Peakway South



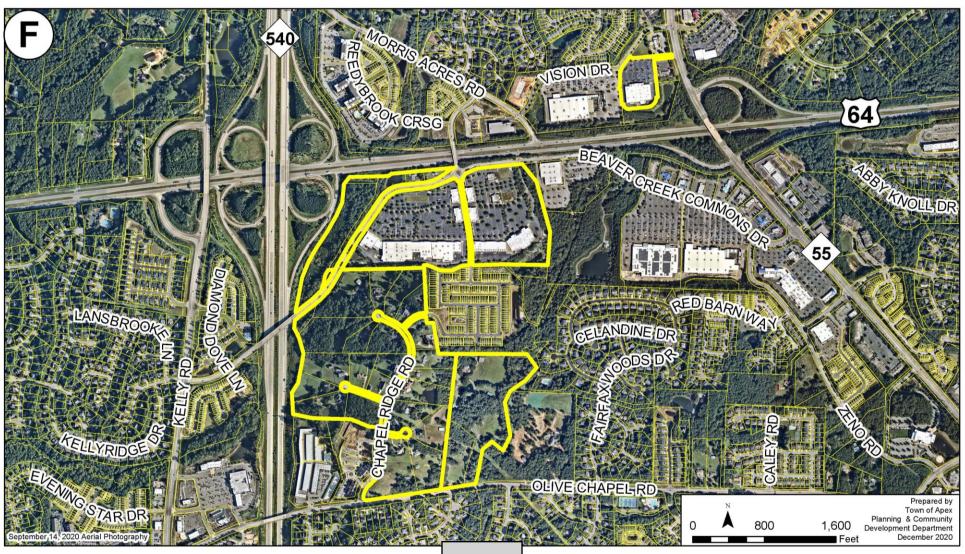


Area E. Apex Peakway South - Revised



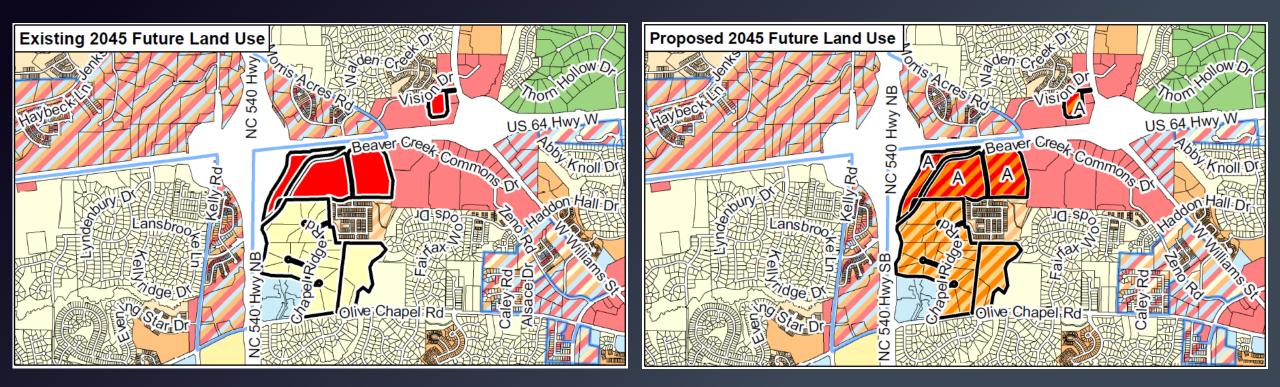


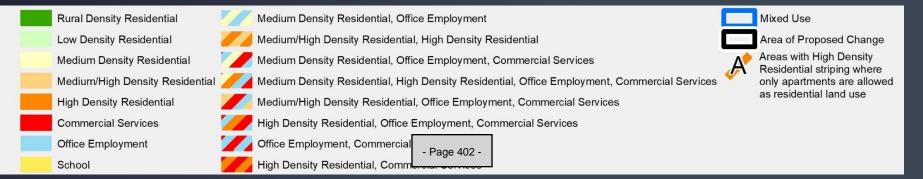
Area F. Beaver Creek/Chapel Ridge/Vision Dr



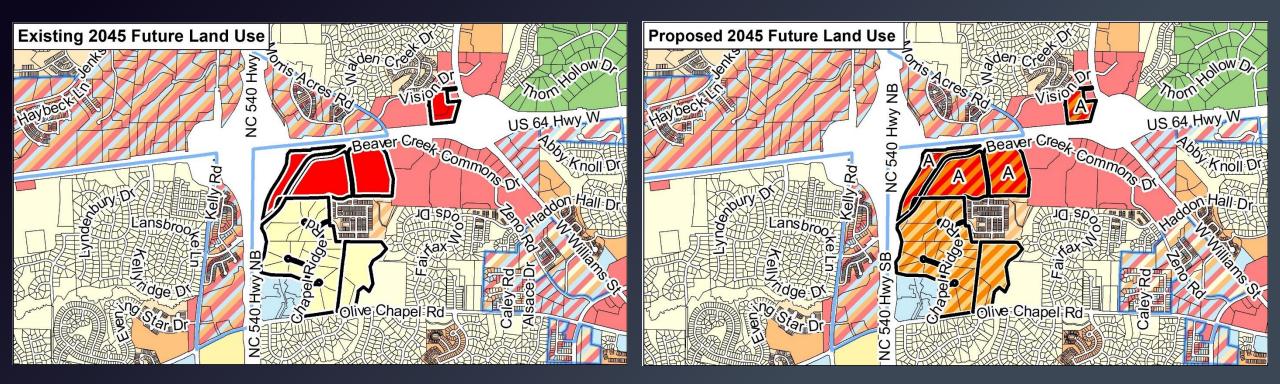
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Area F. Beaver Creek/Chapel Ridge/Vision Dr





Area F. Beaver Creek/Chapel Ridge/Vision Dr - Revised

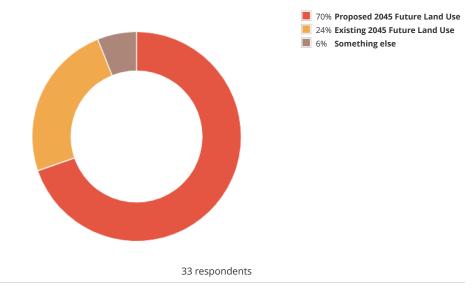




Town of Apex Future Land Use Map Amendments Workshop

	Project Engagement	
views 651		participants 172
responses 173		comments 105
subscribers 19		

For **Area A: Laura Duncan Road and Candun Drive**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



Probably past saving.

7 days ago

This is a gateway to Apex. We keep missing on this with car dealerships and now apartments. We should hint at what's inside our borders. Nothing against apartments, but we are not the apartment complex for Cary. And this looks like Cary property until the Cary snow plows stop at the intersection. Let's encourage local business. An outdoor market. Outdoor cafes. Live music. Perfect for food trucks and a history of Christmas trees and pumpkins and fireworks. Apex! You are in Apex! The Peak of good living! Where history and tomorrow meet, now!

27 days ago

I support the increase of mixed use areas within the community that can utilize existing road infrastructure and create new points of interested/activity in an existing community that reduce the number of car trips required by local residents. The proposed future land use with mixed zoning and increased density accomplishes this. I think we should pay special attention to light pollution and noise pollution bylaws in mixed use areas as I have noticed that commercial zoned areas have a tendency to shine bright lights all through the night which impacts neighbors quality of life.

27 days ago

Non-permeable surfaces at a minimum. To correct the earlier comment.

27 days ago

Test

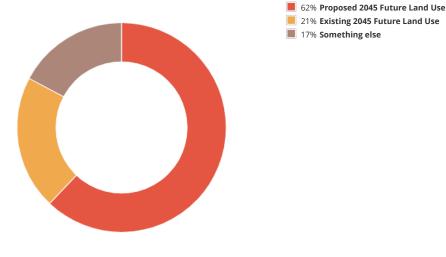
one month ago 🛛 📾

Undeveloped. More trees, soil, wildlife habitat. Permeable surfaces at a minimum.

one month ago

Still concerned about parking and traffic, especially given the steep grade at the railroad crossing. Are there plans to widen Salem Church Rd and improve the Laura Duncan intersection? Consider making Candun right-in, right out.

For **Area B: Downtown North**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



29 respondents

7 days ago

Too far gone.

7 days ago

Be sure and maintain green space as appropriate and plan for bike lanes and electric vehicles.

21 days ago

I do like the change to the Jordan Oil property. Offices with parking and a bit of residential seem to work. Some way to cut over to Town Hall.

27 days ago

Friends call this shopping center sketchy. I think the Food Lion is great. Enjoy the thrift shop. Other than that, the parking lot is way too much asphalt. The gas station is barely accessible in that you have to drive around to enter depending on your direction of travel. The strip layout is old and doesn't take advantage of Peakway road frontage. Competition for groceries is about to increase, and I suspect it will impact business. The whole area on the Town Hall side is high density, or at least gives that feel. Then single family homes on big lots. This needs to be opened up and a transition between these areas. It is the only real retail that side of downtown away from 55. Make it an appealing destination. Link sidewalks to nearby greenway trails. Provide amenities for existing residents. A grocery store still works. Maybe medium density housing and offices with a Raleigh Oakwood feel. Walkable. Lights and a coffee shop and an interactive artistic fountain in an outdoor space where you can hang out evenings kind of like the Bond Brothers patio. Music and gift stores. Lights. A destination for Transit. A place people can visit and ride into or out of the nearby downtown.

27 days ago

I support the introduction of mixed use zoning provided that it supports walkable, livable public spaces that the community can utilize. For this area I see the giant parking lot as a key deterrent for the surrounding community to be able to walk to the amenities as the commercial facilities are essentially cut off from the existing or newly built community. I propose that this large area of land be zoned with the minimum possible parking requirement and with requirements for public non-commercial space to allow the surrounding neighborhoods to use this area as a hub.

27 days ago

Protected Open Space/Park/Restaurant

27 days ago

Senior apartments near downtown north, near the senior center.

Is there any way to prefer senior apartments here

27 days ago

Test

one month ago 😠

High density residential, commercial services makes sense here since it is already paved. Doesn't look like there will be much loss of soil or trees. Consider the traffic situation and road access onto N Elm St. one month ago

Park, public or private.

one month ago

Critical that a grocery store stays on this site to limit some cross-town traffic to other stores on 55 / 64.

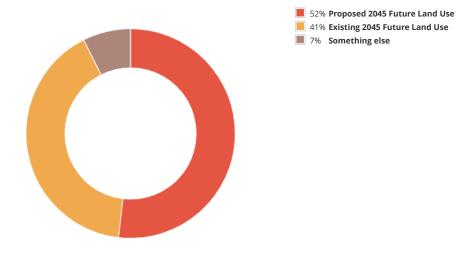
one month ago

There has been SO MUCH residential housing built around this little plot of land. I think this area should be devoted entirely to commercial businesses to help meet the higher demand for goods and services that has arisen because of the recent increase in residential housing. You cannot incorporate more and more residential housing without also increasing commercial services and shared public spaces such as parks, playgrounds and greenways.

one month ago

There has been SO MUCH residential housing built around this plot of land in the past few years. The downtown areas are becoming more congested, parking is hard to find and restaurants and stores are super busy. I think this area should be developed for purely commercial businesses to help address the increased demands for goods and services that has been driven by the recent explosion of residential housing in this area.

For **Area C: Downtown South**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



27 respondents

The plot at 0 W. Williams St. ought to keep its current zoning status and NOT become available to highdensity housing. I sincerely hope all of the current members of the Town of Apex Board have taken the time to observe the unique topography of this piece of land in person to better understand the concerns of residents in the Amherst neighborhood including environmental impact (particularly to the stream), the direct impact to adjacent property owners, and traffic increases to an already congested area. The significant restrictions in place under the existing Future Land Use document are necessary to remain fair and respectful to established homeowners already invested in the Apex community. Regards, Dr. Shelley Glimcher, 705 Bristol Blue St.

7 days ago

Be very careful here. It can/could be an invitation to visit downtown or a reason to get through as fast as possible. This area needs to look inviting which it doesn't. Why not mention that Salem was Old US 1? Some historical context would be nice for existing and new residents.

7 days ago

Unfortunately, the church property and residential/offices cut off this part of town. People don't walk that far as there is no draw. No reward. Didn't even know which businesses were there until I had to meet someone at one. Quickly forgotten... Really wish something was made of the space to expand the downtown. I remember a brewery was planned for Holt with a transit center across the street. People might take transit to a destination with a brewery and a walkable area with food and shops. People hanging out at a brewery need places to get food. Even if a food truck rodeo. I get density is needed to support transit. Just a shame the transit is so far from a nice walk through shops and restaurants. I'd encourage restaurants with outdoor seating, shops, art, and such. Park at Beaver Creek or near the Town Hall and ride in to shops and fun. A bit of historical flare like how Cary is turning traditional homes into art galleries and places to meet.

27 days ago

As long as it helps to keep the charm of downtown

27 days ago

Test one month ago 👦

Park, public or private.

one month ago

Require at least as much existing parking.

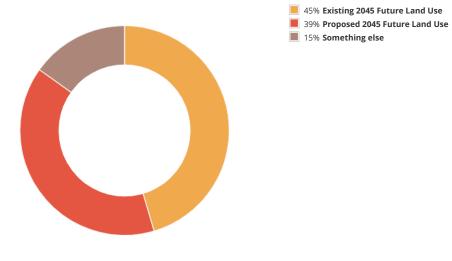
If Moore St railroad crossing is to remain closed, consider removing the street between Salem and the RR for slightly more land / higher density here.

one month ago

- Page 408 -

- Page 409 -

For **Area D: Downtown West**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



33 respondents

I support the idea of affordable housing, especially for our seniors who have been pushed out of being able to afford the sky rocketing housing prices in Apex. This location would be a welcome addition and serves as an ideal location for seniors as it provides easy access to the downtown areas.

7 days ago

The plot at 0 W. Williams St. ought to keep its current zoning status and NOT become available to highdensity housing. I sincerely hope all of the current members of the Town of Apex Board have taken the time to observe the unique topography of this piece of land in person to better understand the concerns of residents in the Amherst neighborhood including environmental impact (particularly to the stream), the direct impact to adjacent property owners, and traffic increases to an already congested area. The significant restrictions in place under the Existing Future Land Use document are necessary to remain fair and respectful to established homeowners already invested in the Apex Community. Regards, Dr. Shelley Glimcher, 705 Bristol Blue St.

7 days ago

We are highly concerned regarding the rezoning for 0 W. Williams Street Parcel, as there are several issues that have not been properly addressed. For instance, the restrictions in place within the current PUD CU are unique to the topography of the parcel of land, its surrounding infrastructure and housing, and it is protective of the existing stream on the property. Because of this, the rezoning may cause serious environmental damages that will negatively affect not only the property values but also the lives of people living in Amherst neighborhood, particularly those whose houses are located by the creek that flows through the neighborhood. The Amherst neighborhood is located at a lower elevation and down stream of the proposed land for rezoning. Furthermore, the proposed rezoning will allow the construction of large buildings many feet above the existing grade. The presence of a large impervious surface that is located at such higher elevation will drastically increase the water flow of the creek, increasing the probability of flash floods occurring during high precipitation events. Therefore, there is a real possibility of water overflows damaging properties. For this and other reasons (including reductions in water quality in the creek and its consequences on human health), we oppose the rezoning.

Diana Londono and Andres Vina 601 Longton Hall Ct, Apex, NC 27502 7 days ago My name is Kenneth Muzzillo and I live with my wife at 602 Longton Hall Ct. My property would be directly affected in a negative by changing the existing future land use. It would remove all the protections in place that had been carefully designed to limit development on this 0 W. Williams street in order to allow existing home owners to continue to enjoy their property and their homes that we are so deeply invested in. To allow development of this site in the way that is being proposed is a breech of trust that had been agreed upon when the original PUD was designed, and that was in place when we purchased our home. To degrade our quality of life, for the purpose of creating a highly congested development, is an act that really goes against the public trust that we have in people and institutions fulfilling their commitments, and just plain keeping their promises to those that it was given to. This site is directly adjacent to 2 long established neighborhoods, and to allow such high density development and vertical construction does not fit with the surrounding area, and is detrimental to our lifestyles and investments. We hope that you will all honor the agreements that have been made to us in the past, and supported by pervious councils, and not surrender them to favor this large corporation.

7 days ago

Need a sidewalk between Walgreens and the Post Office. I would prefer no development, but suppose that is out of the question.

7 days ago

This is from Sarah Sleight & Peter K. Muecke, 920 Bryan Drive. Please consider voting for the existing land use map. The restrictions in place within the current PUD CU are unique to the topography of the parcel of land and its surrounding infrastructure and housing. It protects the existing stream on the property which is such an important element to this part of Apex. Please oppose rezoning this parcel to PUD CZ.

7 days ago

I own one of the properties that is proposed for changes along W Chatham Street. I would prefer that this area change from Medium Density Residential to High Density Residential and Commercial Services. My main goal is for a hotel to be constructed on this property. If Office Employment allows a hotel, that would work well too.

7 days ago 🛛 🥿

Our family lives at 607 North Coalport Drive since 1999. Over these many years, we have experienced greater and greater erosion of the swale bordering our property line due to the increase in storm water flowing from outside of Amherst. We have spent considerable funds on plantings and rock to stem the erosion. A couple years ago the Town removed a dozen trees that were deemed beyond their lifespan or dangerous to the sewer line. We had already begun the process to remove these trees; so we were grateful the Town removed the old trees but also concerned about the increase in erosion. At some point our fence will fall into the swale. Please consider the impact of changing the use of land upstream of the Amherst neighborhood. It's not just impactful to the residents along the border (noise, light, privacy) but to those of us just downstream, such as storm water. Thomas & Leticia Harmon

8 days ago

Regarding the parcel at 0 W. Williams Street, the restrictions contained within the current PUD CU are unique to the topography of this parcel of land, it's surrounding infrastructure and housing, and protective of the existing stream on the property. Please oppose the rezoning of this parcel to PUD-CZ. The parcel should remain as PUD-CU. A significant portion of the land on this parcel should remain undeveloped. Regards, Terry Wyman 206 Pikeview Lane, Apex, NC 27502, Amherst Neighborhood

8 days ago

Traffic up and down 55 here is the worst. Have waited quite awhile for someone to let me in. Seems the last thing we need is high density bringing so many cars. But, if we can improve the traffic, it is not a bad location for density. Would be great if we could open another lane.

27 days ago

test one month ago 👩 Keep as is from the 2020 photo. Looks like there are plenty of trees.

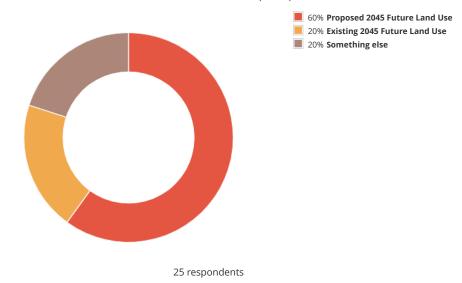
one month ago

Traffic concerns!

Between Chatham and 55 - Town needs to take over maintenance of the street S of the funeral home between Chatham and 55. Right in, right out only from Chatham to Hunter. NO ADDITIONAL entrances on 55.

W of 55 - Needs a entrance / exit onto Olive Chapel. Possible to make a new connector road across 55 to connect with Chatham past the funeral home? This would allow a light here.

For **Area E: Apex Peakway South**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



For the parcel at the intersection of Apex Peakway and Tingen Road, I would prefer that the "A" designation be added or that the yellow stripe be changed to the light orange stripe.

7 days ago

Either - doubtful these people will see themselves as part of Apex. Too much density.

7 days ago

test

one month ago 👦

Keep as in 2020 photo. Nearly undeveloped. Looks great!

one month ago

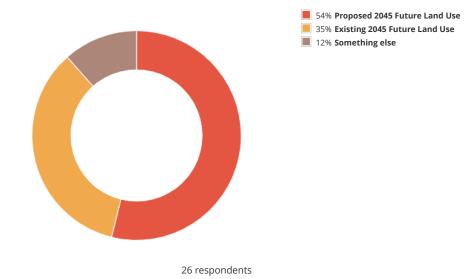
The 2045 proposal changes the parcel at the corner of South Hughes and Perry Road (Soccer Field) from Office to Office Employment and Commercial Services. The adjoining property on South Hughes Street (going toward the WalMart is shown as Medium Density Residential, High Density Residential, Office Employment and Commercial Services.

As owners of both parcels, we would like to have them both shown as the same potential uses, which would be Medium Density Residential, High Density Residential, Office Employment and Commercial Services. This would provide consistency from Perry Road to the Apex Peakway.

one month ago

Only if the property at Tingen and the Peakway will continue to have the entire strip to the north, between Salem Village, undeveloped at a buffer. As much as possible, higher density should also be closer to the Peakway

For **Area F: Beaver Creek / Chapel Ridge / Vision Dr**, which vision for future land use do you prefer? Please leave detailed comments in the space provided.



Do you not want any rural places? Can't you save something? 7 days ago

Having lived in Apex approximately 45 years, 30 of those in Chapel Ridge, I have seen a great deal of growth in Apex. Some of it good and some not. It breaks my heart to see the increase in higher density residential development. Green spaces are quickly disappearing. I do not wish to see the neighborhood where I now live become another high density neighborhood. One Hempstead is more than enough. I love Chapel Ridge's individuality and so should Apex. After listening to the meeting on the 19th I learned that it is not only my neighborhood Apex wants to change but other areas as well to medium high residential, high density residential. More cookie cutter neighborhoods packed together. With the growth of Apex our roads should be of more importance. We need wider roads and Apex Peakway needs to be completed. The bus route may be nice one day for in town transportation but with our growing population the need to be able to quickly and safely evacuate Apex in case of a disaster is more important. Higher density housing will not help that situation.

I also think it is much too dangerous to have the bus stop for Flex 540/WWCM be on Olive Chapel Road. WWCM needs a safe stop and the current plan isn't one. Is WWCM aware of this plan? Has an even smaller bus been considered for this particular route?

Apex will do want it thinks best - it always has - but please consider quality of life, citizens and community when making some of these decisions. Thank you.

26 days ago

This is one of our biggest retail areas. There is residential all around, and most of us drive to this destination, one reason being it is easy to park. I don't go downtown as much because of the parking and because everything closes up. A park and ride from here would be good. Add a transit hub. Easy to get to it and ride somewhere else. I don't get adding more homes. Maybe if there were shared outdoor areas, so you can pick up food and hang out in open space. The parking lot near the homeowner who wouldn't sell is wasted. And a shame some of the retail has not made a go of it. But it is not bad, now. One of the first places I go to buy gifts.

27 days ago

The area is currently surrounded by commercial, high-density and 540. Updating the land use map to high-density to accommodate public transit would address the present and future needs for more, less expensive housing in the area.

27 days ago

Test one month ago Leave low density residential (yellow) as is. Looks great! Converting the commercial services zone to high density residential, commercial services makes sense. Leave the far left patch in the commercial services zone alone. That should remain forested and remain as in the 2020 photo.

one month ago

I don't see how denser development here doesn't cause major traffic issues.

Areas C and D - part of old Apex. Need careful consideration of what goes here including height restrictions. (Input from the Appearance Committee?) I would think this could make or break Apex as a "community" and put it in the "commuter" category with residents not seeing a connection to their town.

7 days ago

Too much high density development near downtown which will be a deterrent to the small town community feel that citizens love about Apex. Do we really need to be a town of apartments?

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Apex needs to become more pedestrian friendly. We need more sidewalks, greenways, etc. Existing greenways need to be connected, lengthened so you can use them as a destination

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It is important that the high density developments finally built in these areas are tasteful and not just make do. Maintain some green space, plan for walkability and parking. Add bike lanes.

21 days ago

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27 days ago

This sounds like far too much high density. Traffic is bad now. I don't believe that enough people will use the transit system to put all of these residences along the routes. I don't personally know one soul that uses transit. You can't get into a restaurant in Apex or Cary on the weekend without an extremely long wait. Also, where will all of the children go to school? We have no parking and the amount that is planned to be added will be nothing compared to the number of people moving in. I feel this is all very short sighted and a huge disservice to our community. It is very sad to see this happening

27 days ago

Let's be careful filling in all open space with higher density. Preserve as much green space as possible inside the town limits

27 days ago

Test

one month ago 🛛 📾

I encourage the Town to obtain/develope some free community gardens for residents to use. This could be a learing experience for school trips as well.

one month ago

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one month ago

Will Apex advocate for increased teacher wages to improve retention? The more residents that move in the more teachers that will be needed. The current Wake County school system is ill equipped for the influx of residents it has seen and proposed developments such as these will only aggravate that problem. Per student spending is abysmal and needs to be greatly increased. Taxes should mostly come from the developer not just from residents. Tax the developers enough to pay for all the infrastructure needed to support their buildings. They'll still make a profit just less.

one month ago

- Page 416 -

As more people move in infrastructure needs to keep up. Higher density means even more robust infrastructure will be needed to keep up with demand. Waste treatment, sewage, fresh water availability, power demands, internet access. Consider creating a municipal internet service rather than rely on third parties like ATT or Verizon who will fail to provide for residents equally. What will Apex do to maintain air quality and soil quality as more and more trees are cut down? What will Apex do for wildlife habitat loss? What will Apex do to ensure that it can supply its own clean water for all its residents? What will Apex do to move its energy demands away from non-renewable resources to sources like solar and wind? New buildings should all have solar panels. It will be tough for apartments to provide the necessary power just from solar due to density. It will be easier to meet energy demands with solar using medium density residential.

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There are several areas within the 2045 Land Use Plan that need to be changed which are currently proposed as too stringent a zoning for the area in which the properties exist. I met with two council members and the Mayor before the Covid lockdown and proposed several areas that needed to be reviewed based upon the 2045 Plan proposal. I was told that these areas would be addressed but obviously they have not. The areas were for more conforming uses for Industrial/Flex and for medium density residential. It seems that where we have some medium density residential development on the east side of the American tobacco trail but have the lowest density residential which is adjacent to it. Like that at Smith Farms on Olive Chapel and just to the west of the ATT we have extremely low density residential. Yet we have town water and sewer running thru that area and the plan proposes 1 unit per 5 acres. That doesn't make any sense. You have the same thing on Hwy #64 where it shows low density beside high density and mixed use just on the north side of #64 across from the Haddan Hall entrance. This is but 2 examples. There are several more I would like to show you.

If there were a chance for me to come and speak with a planner and show on the map where we have these inconsistencies, I would love the opportunity.

Just let me know. Tom Colhoun (919)-924-4085 tom@colhounrealestate.com

one month ago

While I believe the town of Apex should focus on building affordable housing and expanding walkability and public transportation options, I think they need to balance that with the current increase in need for goods, services and shared public spaces that has arisen from the flood of newly built residential areas. Also, I would like to see green spaces and TREES preserved. Not all heavily green spaces need to be converted into residential or commercial spaces - why can't they be turned into shared green spaces and recreational areas? Places like Lake Pine are SO busy - we need more green space, not less.

I support the idea of affordable housing, especially for our seniors who have been pushed out of being able to afford the sky rocketing housing prices in Apex. This location would be a welcome addition and serves as an ideal location for seniors as it provides easy access to the downtown areas.

7 days ago

7 days ago

The plot at 0 W. Williams St. ought to keep its current zoning status and NOT become available to highdensity housing. I sincerely hope all of the current members of the Town of Apex Board have taken the time to observe the unique topography of this piece of land in person to better understand the concerns of residents in the Amherst neighborhood including environmental impact (particularly to the stream), the direct impact to adjacent property owners, and traffic increases to an already congested area. The significant restrictions in place under the Existing Future Land Use document are necessary to remain fair and respectful to established homeowners already invested in the Apex Community. Regards, Dr. Shelley Glimcher, 705 Bristol Blue St.

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7 days ago

We are highly concerned regarding the rezoning for 0 W. Williams Street Parcel, as there are several issues that have not been properly addressed. For instance, the restrictions in place within the current PUD CU are unique to the topography of the parcel of land, its surrounding infrastructure and housing, and it is protective of the existing stream on the property. Because of this, the rezoning may cause serious environmental damages that will negatively affect not only the property values but also the lives of people living in Amherst neighborhood, particularly those whose houses are located by the creek that flows through the neighborhood. The Amherst neighborhood is located at a lower elevation and down stream of the proposed land for rezoning. Furthermore, the proposed rezoning will allow the construction of large buildings many feet above the existing grade. The presence of a large impervious surface that is located at such higher elevation will drastically increase the water flow of the creek, increasing the probability of flash floods occurring during high precipitation events. Therefore, there is a real possibility of water overflows damaging properties. For this and other reasons (including reductions in water quality in the creek and its consequences on human health), we oppose the rezoning.

Diana Londono and Andres Vina 601 Longton Hall Ct, Apex, NC 27502

My name is Kenneth Muzzillo and I live with my wife at 602 Longton Hall Ct. My property would be directly affected in a negative by changing the existing future land use. It would remove all the protections in place that had been carefully designed to limit development on this 0 W. Williams street in order to allow existing home owners to continue to enjoy their property and their homes that we are so deeply invested in. To allow development of this site in the way that is being proposed is a breech of trust that had been agreed upon when the original PUD was designed, and that was in place when we purchased our home. To degrade our quality of life, for the purpose of creating a highly congested development, is an act that really goes against the public trust that we have in people and institutions fulfilling their commitments, and just plain keeping their promises to those that it was given to. This site is directly adjacent to 2 long established neighborhoods, and to allow such high density development and vertical construction does not fit with the surrounding area, and is detrimental to our lifestyles and investments. We hope that you will all honor the agreements that have been made to us in the past, and supported by pervious councils, and not surrender them to favor this large corporation.

7 days ago

For the parcel at the intersection of Apex Peakway and Tingen Road, I would prefer that the "A" designation be added or that the yellow stripe be changed to the light orange stripe.

7 days ago

Areas C and D - part of old Apex. Need careful consideration of what goes here including height restrictions. (Input from the Appearance Committee?) I would think this could make or break Apex as a "community" and put it in the "commuter" category with residents not seeing a connection to their town.

7 days ago

Too much high density development near downtown which will be a deterrent to the small town community feel that citizens love about Apex. Do we really need to be a town of apartments? 7 days ago

/ uays ago

Do you not want any rural places? Can't you save something?

7 days ago

Either - doubtful these people will see themselves as part of Apex. Too much density.

7 days ago

Need a sidewalk between Walgreens and the Post Office. I would prefer no development, but suppose that is out of the question.

7 days ago

Be very careful here. It can/could be an invitation to visit downtown or a reason to get through as fast as possible. This area needs to look inviting which it doesn't. Why not mention that Salem was Old US 1? Some historical context would be nice for existing and new residents.

7 days ago

Too far gone.

7 days ago

Probably past saving.

7 days ago

Apex needs to become more pedestrian friendly. We need more sidewalks, greenways, etc. Existing greenways need to be connected, lengthened so you can use them as a destination

7 days ago

This is from Sarah Sleight & Peter K. Muecke, 920 Bryan Drive. Please consider voting for the existing land use map. The restrictions in place within the current PUD CU are unique to the topography of the parcel of land and its surrounding infrastructure and housing. It protects the existing stream on the property which is such an important element to this part of Apex. Please oppose rezoning this parcel to PUD CZ.

Our family lives at 607 North Coalport Drive since 1999. Over these many years, we have experienced greater and greater erosion of the swale bordering our property line due to the increase in storm water flowing from outside of Amherst. We have spent considerable funds on plantings and rock to stem the erosion. A couple years ago the Town removed a dozen trees that were deemed beyond their lifespan or dangerous to the sewer line. We had already begun the process to remove these trees; so we were grateful the Town removed the old trees but also concerned about the increase in erosion. At some point our fence will fall into the swale. Please consider the impact of changing the use of land upstream of the Amherst neighborhood. It's not just impactful to the residents along the border (noise, light, privacy) but to those of us just downstream, such as storm water. Thomas & Leticia Harmon

8 days ago

Regarding the parcel at 0 W. Williams Street, the restrictions contained within the current PUD CU are unique to the topography of this parcel of land, it's surrounding infrastructure and housing, and protective of the existing stream on the property. Please oppose the rezoning of this parcel to PUD-CZ. The parcel should remain as PUD-CU. A significant portion of the land on this parcel should remain undeveloped. Regards, Terry Wyman 206 Pikeview Lane, Apex, NC 27502, Amherst Neighborhood

8 days ago

It is important that the high density developments finally built in these areas are tasteful and not just make do. Maintain some green space, plan for walkability and parking. Add bike lanes.

21 days ago

Be sure and maintain green space as appropriate and plan for bike lanes and electric vehicles.

21 days ago

Having lived in Apex approximately 45 years, 30 of those in Chapel Ridge, I have seen a great deal of growth in Apex. Some of it good and some not. It breaks my heart to see the increase in higher density residential development. Green spaces are quickly disappearing. I do not wish to see the neighborhood where I now live become another high density neighborhood. One Hempstead is more than enough. I love Chapel Ridge's individuality and so should Apex. After listening to the meeting on the 19th I learned that it is not only my neighborhood Apex wants to change but other areas as well to medium high residential, high density residential. More cookie cutter neighborhoods packed together. With the growth of Apex our roads should be of more importance. We need wider roads and Apex Peakway needs to be completed. The bus route may be nice one day for in town transportation but with our growing population the need to be able to quickly and safely evacuate Apex in case of a disaster is more important. Higher density housing will not help that situation.

I also think it is much too dangerous to have the bus stop for Flex 540/WWCM be on Olive Chapel Road. WWCM needs a safe stop and the current plan isn't one. Is WWCM aware of this plan? Has an even smaller bus been considered for this particular route?

Apex will do want it thinks best - it always has - but please consider quality of life, citizens and community when making some of these decisions. Thank you.

26 days ago

Please don't let us become an afterthought of Cary. We don't need to increase density to support transit. If too dense, and sorry, they will come with cars, nobody will want to drive in from outside. Build destinations. Experiences. Short hops from destination to destination so people can safely and hassle free tour our little town and have a big time.

27 days ago

This is one of our biggest retail areas. There is residential all around, and most of us drive to this destination, one reason being it is easy to park. I don't go downtown as much because of the parking and because everything closes up. A park and ride from here would be good. Add a transit hub. Easy to get to it and ride somewhere else. I don't get adding more homes. Maybe if there were shared outdoor areas, so you can pick up food and hang out in open space. The parking lot near the homeowner who wouldn't sell is wasted. And a shame some of the retail has not made a go of it. But it is not bad, now. One of the first places I go to buy gifts.

Traffic up and down 55 here is the worst. Have waited quite awhile for someone to let me in. Seems the last thing we need is high density bringing so many cars. But, if we can improve the traffic, it is not a bad location for density. Would be great if we could open another lane.

27 days ago

Unfortunately, the church property and residential/offices cut off this part of town. People don't walk that far as there is no draw. No reward. Didn't even know which businesses were there until I had to meet someone at one. Quickly forgotten... Really wish something was made of the space to expand the downtown. I remember a brewery was planned for Holt with a transit center across the street. People might take transit to a destination with a brewery and a walkable area with food and shops. People hanging out at a brewery need places to get food. Even if a food truck rodeo. I get density is needed to support transit. Just a shame the transit is so far from a nice walk through shops and restaurants. I'd encourage restaurants with outdoor seating, shops, art, and such. Park at Beaver Creek or near the Town Hall and ride in to shops and fun. A bit of historical flare like how Cary is turning traditional homes into art galleries and places to meet.

27 days ago

I do like the change to the Jordan Oil property. Offices with parking and a bit of residential seem to work. Some way to cut over to Town Hall.

27 days ago

Friends call this shopping center sketchy. I think the Food Lion is great. Enjoy the thrift shop. Other than that, the parking lot is way too much asphalt. The gas station is barely accessible in that you have to drive around to enter depending on your direction of travel. The strip layout is old and doesn't take advantage of Peakway road frontage. Competition for groceries is about to increase, and I suspect it will impact business. The whole area on the Town Hall side is high density, or at least gives that feel. Then single family homes on big lots. This needs to be opened up and a transition between these areas. It is the only real retail that side of downtown away from 55. Make it an appealing destination. Link sidewalks to nearby greenway trails. Provide amenities for existing residents. A grocery store still works. Maybe medium density housing and offices with a Raleigh Oakwood feel. Walkable. Lights and a coffee shop and an interactive artistic fountain in an outdoor space where you can hang out evenings kind of like the Bond Brothers patio. Music and gift stores. Lights. A destination for Transit. A place people can visit and ride into or out of the nearby downtown.

27 days ago

This is a gateway to Apex. We keep missing on this with car dealerships and now apartments. We should hint at what's inside our borders. Nothing against apartments, but we are not the apartment complex for Cary. And this looks like Cary property until the Cary snow plows stop at the intersection. Let's encourage local business. An outdoor market. Outdoor cafes. Live music. Perfect for food trucks and a history of Christmas trees and pumpkins and fireworks. Apex! You are in Apex! The Peak of good living! Where history and tomorrow meet, now!

27 days ago

This sounds like far too much high density. Traffic is bad now. I don't believe that enough people will use the transit system to put all of these residences along the routes. I don't personally know one soul that uses transit. You can't get into a restaurant in Apex or Cary on the weekend without an extremely long wait. Also, where will all of the children go to school? We have no parking and the amount that is planned to be added will be nothing compared to the number of people moving in. I feel this is all very short sighted and a huge disservice to our community. It is very sad to see this happening

27 days ago

As long as it helps to keep the charm of downtown

27 days ago

I support the introduction of mixed use zoning provided that it supports walkable, livable public spaces that the community can utilize. For this area I see the giant parking lot as a key deterrent for the surrounding community to be able to walk to the amenities as the commercial facilities are essentially cut off from the existing or newly built community. I propose that this large area of land be zoned with the minimum possible parking requirement and with requirements for public non-commercial space to allow the surrounding neighborhoods to use this area as a hub.

I think the town of Apex is losing properties that could be a future park or retirement center by rezoning Chapel Ridge to medium/high density residential. You should be looking towards finding parks, walking trails, and relaxing areas now, because they will be lost in the future. You must look for green space now, to avoid losing it forever.

27 days ago

Protected Open Space/Park/Restaurant

27 days ago

I support the increase of mixed use areas within the community that can utilize existing road infrastructure and create new points of interested/activity in an existing community that reduce the number of car trips required by local residents. The proposed future land use with mixed zoning and increased density accomplishes this. I think we should pay special attention to light pollution and noise pollution bylaws in mixed use areas as I have noticed that commercial zoned areas have a tendency to shine bright lights all through the night which impacts neighbors quality of life.

27 days ago

Thank you and well done!

27 days ago

Can someone speak to why high density is preferred by the town? Most people don't seem to want it but maybe if you could explain why it is preferred it would sway some minds.

27 days ago

I would like to ditto other comments about the high density and the lack of green spaces

27 days ago

Apartments or condos? Condos might be nice as a future option rather than only rental apartments 27 days ago

Thank you for qualifying the Flex 540 question.

27 days ago

Oh, how times have changed since the last Town Council. "No more roofs" yet here we are going from rural residential to high density. Changing times - what made Apex so special seems to be becoming high density housing. What a shame.

27 days ago

Let's be careful filling in all open space with higher density. Preserve as much green space as possible inside the town limits

27 days ago

Just a comment. You don't have to share it now but... It is very sad to hear all of this. It all sounds horribly congested. Very little green space in the downtown area and the chance for tons of apartments.

27 days ago

It looks like most of these changes are to limit residential growth to apartments only. As long as the density is dense enough, isn't it a little short sighted to limit to apartments only? What if the affordable housing plan allows for more options which can still accommodate home ownership?

27 days ago

Area F is currently surrounded by commercial, office, high-density and I-540. Updating the Future land use map to high-density to accommodate public transit would address the present and future needs for more, less-expensive housing in the area and will reduce traffic congestion in the area.

Will the proposed residential changes for Chapel Ridge area also require 30% of the area be designated for non-residential uses?

27 days ago

Senior apartments near downtown north, near the senior center.

27 days ago

For the Downtown area behind Salem St. if it was mixed use, would that mean apartments or condos over retail/restaurants? Can you speak to what that would look like?

27 days ago

I can't stay for the entire meeting but I will put my recommendations here: Area A: High Density Residential / Commercial Services. Area B: High Density Residential / Commercial Services. consider traffic entering or exiting N Elm St. Traffic circles instead of stop signs/stop lights is recommended. Area C: Low Density Residential / Office Employment / Commercial Services Area D: leave as in 2020 photos or at least leave all trees alone. Area E: leave as in 2020 photos or at least leave all trees alone. Unforested area could be medium density residential / commercial / office employment. Area F: leave forested areas untouched. Currently paved areas can be used for high density residential / commercial.

27 days ago

Are you suggesting that Jordan Oil find a new location?

27 days ago

Is there any way to prefer senior apartments here

27 days ago

This has to do again with the bus route bus stops. From what I could understand there will not be a bus stop at Flex 540. Is this correct? I just wanted a yes or no answer. you can email me back if you so wish.

27 days ago

I would like to see Chapel Ridge remain medium density residential as opposed to the proposed medium/high density residential high density especially high density.

I have no desire to see high density development like there is at Hempstead which is a maze of closely built townhomes, very little green space and narrow streets. It's practically claustrophobic.

Many if those townhomes were bought for speculation/rental property not what I consider true home ownership.

Jenna mentioned that there were some changes to the proposed I2045 and use based on the previous meeting with the TC and planning committee. What are those changes?

27 days ago

Is there a map of land use that can be reviewed?

27 days ago

Will any of the land use for residential areas address affordable housing?

27 days ago

Is there a category for undeveloped? 0 units/acre?

27 days ago

You're doing a great job, Jenna! -Brett Gantt

27 days ago

i could not understand you. Will there be a stop at Flex 540 and if so if a bus can get in there and get out then a stop at OCPP would not be needed. If there is not a stop at Flex 540 then that is an issue as WWCM would greatly benefit from a stop at Flex 540.

Will buses have overhead or under seat storage for back packs, luggage etc..

27 days ago

Why did you not include Apex High in the free route. Seems that would increase ridership. Also Apex Park off Laura Duncan

27 days ago

Will buses have bike racks?

27 days ago

How is it funded then?

27 days ago

Is there a fee to ride the Go Apex bus?

27 days ago

How is the Apex bus service funded?

27 days ago

Will the buses be electric?

27 days ago

Are there plans for a bus stop at Flex 540?

Why is there a need for a bus stop at OCPP? Their second building out of five was just finished last year since the development began 4 years ago and neither building is fully rented - especially this second building.

Has a study been done or data collected on the need for this bus stop?

Looks like you are proposing a change to the 2045 Land Use at Chapel Ridge to justify a bus stop at OCPP.

27 days ago

I didn't hear - is there a fee for Go APex

27 days ago

Can you say again where bus goes to in Holly Springs.

27 days ago

Will the Bus stops be covered?

27 days ago

FYI, the google invite you emailed seemed to have the incorrect link for the video

27 days ago

The echo is gone.

27 days ago

The area is currently surrounded by commercial, high-density and 540. Updating the land use map to high-density to accommodate public transit would address the present and future needs for more, less expensive housing in the area.

27 days ago

There is definitely an echo on the publicinput site.

27 days ago

Non-permeable surfaces at a minimum. To correct the earlier comment.

Testing

27 days ago

I encourage the Town to obtain/develope some free community gardens for residents to use. This could be a learing experience for school trips as well.

one month ago

I know we are only looking at changes to the Plan, but it looks like there are thousands of additional housing units planned and no additional parks or open spaces. These need to be incorporated into these plans whenever possible. Of course, at the Developer's expense and for the use of ALL Apex residents.

one month ago

Will Apex advocate for increased teacher wages to improve retention? The more residents that move in the more teachers that will be needed. The current Wake County school system is ill equipped for the influx of residents it has seen and proposed developments such as these will only aggravate that problem. Per student spending is abysmal and needs to be greatly increased. Taxes should mostly come from the developer not just from residents. Tax the developers enough to pay for all the infrastructure needed to support their buildings. They'll still make a profit just less.

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one month ago

Leave low density residential (yellow) as is. Looks great! Converting the commercial services zone to high density residential, commercial services makes sense. Leave the far left patch in the commercial services zone alone. That should remain forested and remain as in the 2020 photo.

one month ago

High density residential, commercial services makes sense here since it is already paved. Doesn't look like there will be much loss of soil or trees. Consider the traffic situation and road access onto N Elm St.

one month ago

Keep as in 2020 photo. Nearly undeveloped. Looks great!

one month ago

Keep as is from the 2020 photo. Looks like there are plenty of trees.

one month ago

Park, public or private.

one month ago

Park, public or private.

one month ago

Undeveloped. More trees, soil, wildlife habitat. Permeable surfaces at a minimum.

The 2045 proposal changes the parcel at the corner of South Hughes and Perry Road (Soccer Field) from Office to Office Employment and Commercial Services. The adjoining property on South Hughes Street (going toward the WalMart is shown as Medium Density Residential, High Density Residential, Office Employment and Commercial Services.

As owners of both parcels, we would like to have them both shown as the same potential uses, which would be Medium Density Residential, High Density Residential, Office Employment and Commercial Services. This would provide consistency from Perry Road to the Apex Peakway.

one month ago

There are several areas within the 2045 Land Use Plan that need to be changed which are currently proposed as too stringent a zoning for the area in which the properties exist. I met with two council members and the Mayor before the Covid lockdown and proposed several areas that needed to be reviewed based upon the 2045 Plan proposal. I was told that these areas would be addressed but obviously they have not. The areas were for more conforming uses for Industrial/Flex and for medium density residential. It seems that where we have some medium density residential development on the east side of the American tobacco trail but have the lowest density residential which is adjacent to it. Like that at Smith Farms on Olive Chapel and just to the west of the ATT we have extremely low density residential. Yet we have town water and sewer running thru that area and the plan proposes 1 unit per 5 acres. That doesn't make any sense. You have the same thing on Hwy #64 where it shows low density beside high density and mixed use just on the north side of #64 across from the Haddan Hall entrance. This is but 2 examples. There are several more I would like to show you.

If there were a chance for me to come and speak with a planner and show on the map where we have these inconsistencies, I would love the opportunity.

Just let me know. Tom Colhoun (919)-924-4085 tom@colhounrealestate.com

one month ago

Still concerned about parking and traffic, especially given the steep grade at the railroad crossing. Are there plans to widen Salem Church Rd and improve the Laura Duncan intersection? Consider making Candun right-in, right out.

one month ago

I don't see how denser development here doesn't cause major traffic issues.

one month ago

Require at least as much existing parking.

If Moore St railroad crossing is to remain closed, consider removing the street between Salem and the RR for slightly more land / higher density here.

one month ago

Only if the property at Tingen and the Peakway will continue to have the entire strip to the north, between Salem Village, undeveloped at a buffer. As much as possible, higher density should also be closer to the Peakway

one month ago

Traffic concerns!

Between Chatham and 55 - Town needs to take over maintenance of the street S of the funeral home between Chatham and 55. Right in, right out only from Chatham to Hunter. NO ADDITIONAL entrances on 55.

W of 55 - Needs a entrance / exit onto Olive Chapel. Possible to make a new connector road across 55 to connect with Chatham past the funeral home? This would allow a light here.

one month ago

Critical that a grocery store stays on this site to limit some cross-town traffic to other stores on 55 / 64.

one month ago

- Page 426 -

While I believe the town of Apex should focus on building affordable housing and expanding walkability and public transportation options, I think they need to balance that with the current increase in need for goods, services and shared public spaces that has arisen from the flood of newly built residential areas. Also, I would like to see green spaces and TREES preserved. Not all heavily green spaces need to be converted into residential or commercial spaces - why can't they be turned into shared green spaces and recreational areas? Places like Lake Pine are SO busy - we need more green space, not less.

one month ago

There has been SO MUCH residential housing built around this little plot of land. I think this area should be devoted entirely to commercial businesses to help meet the higher demand for goods and services that has arisen because of the recent increase in residential housing. You cannot incorporate more and more residential housing without also increasing commercial services and shared public spaces such as parks, playgrounds and greenways.

one month ago

There has been SO MUCH residential housing built around this plot of land in the past few years. The downtown areas are becoming more congested, parking is hard to find and restaurants and stores are super busy. I think this area should be developed for purely commercial businesses to help address the increased demands for goods and services that has been driven by the recent explosion of residential housing in this area.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UNFINISHED BUSINESS Meeting Date: February 23, 2021

<u>Item Details</u>

Presenter(s):Russell Dalton, Sr. Transportation EngineerDepartment(s):Public Works & Transportation

Requested Motion

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

Approval Recommended?

Yes

<u>Item Details</u>

This a continuation of the Public Hearing item heard on February 9th. Details on that public hearing are repeated below. Additional public comments on this item received within 24 hours of the February 9th hearing will be provided at the meeting.

Apex Transportation and Long Range Planning staff have received public comments on the Jessie Drive Phase 1 final design plans in emails and through a survey that was distributed by mail and available online as well as at the public workshop held July 15, 2020. In response to public comments concerning changing Sweetgum Drive, an existing residential cul-de-sac, to right-in/right-out, the Town's consultant prepared alternatives for evaluation by staff for a new access route to Sweetgum Drive providing for left turn movements. During this time, plans have continued through both the NCDOT and Apex TRC review process, currently at 65% design plans as of December 2020. After NCDOT recommendations in December 2020, staff recommended including the new Sweetgum Drive in the final plans. This would remove the proposed western U-turn bulb-out, currently shown in 65% plans for access to Sweetgum Drive from westbound Jessie Drive.

In addition, Apex staff, NCDOT, and the development team for Horton Park have been coordinating closely on the design for Jessie Drive. Horton Park will provide for improvements and extension of Jessie Drive for approximately 1,700 feet to future Production Drive/Horton Park Drive, along with turn lanes and the commitment of a traffic signal when warranted at the

- Page 428 -

intersection of Ten Ten Road. The Town would later provide additional improvements at the Ten Ten Road intersection and improve existing Jessie Drive east of the Horton Park scope of work. The combination of both projects would provide contiguous 10' side path on the south side of Jessie Drive from Ten Ten Road to future Production Drive/Horton Park Drive. However, there would be a 1,700' gap in side path on the north side of Jessie Drive east of future Production Drive/Horton Park Drive. Staff recommend adding that side path to the Town's Phase 1 final design plans to ensure it will be completed in a timely manner.

<u>Attachments</u>

• February 9th presentation (for reference only): Jessie Drive Phase 1 Final Design and Sweetgum Access Alternative



Public Hearing

Jessie Drive Phase 1 Final Design and Sweetgum Access Alternative February 9, 2021

- Page 430 -

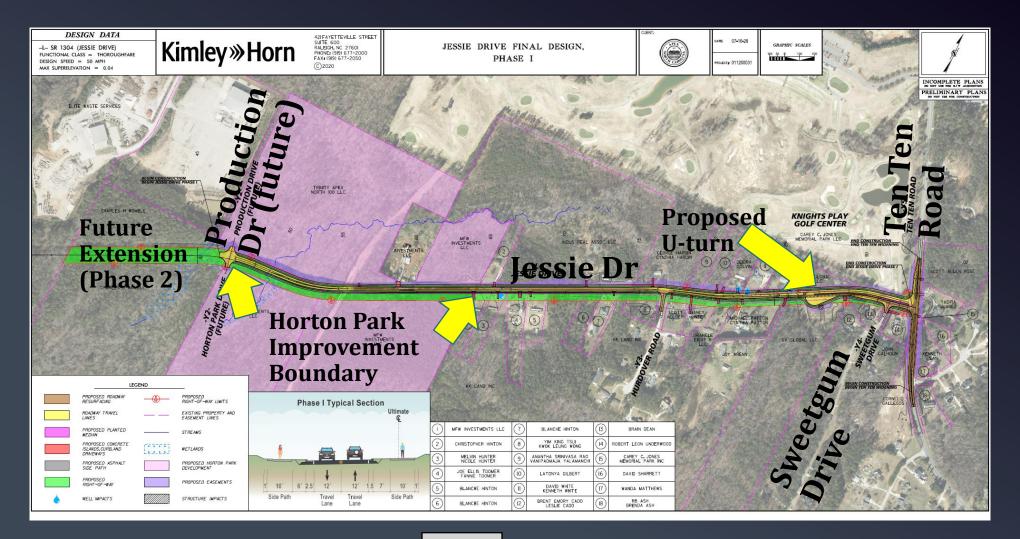
Presentation Highlights

- Review progress since the public meeting
- Highlight public feedback concerning access to Sweetgum Drive
- Discuss preliminary alternatives to address Sweetgum Drive comments
- Discuss preferred alternative and NCDOT recommendations
- Discuss proposed limits of 10-foot side paths and potential gap
- Request public input and Council action

Timeline

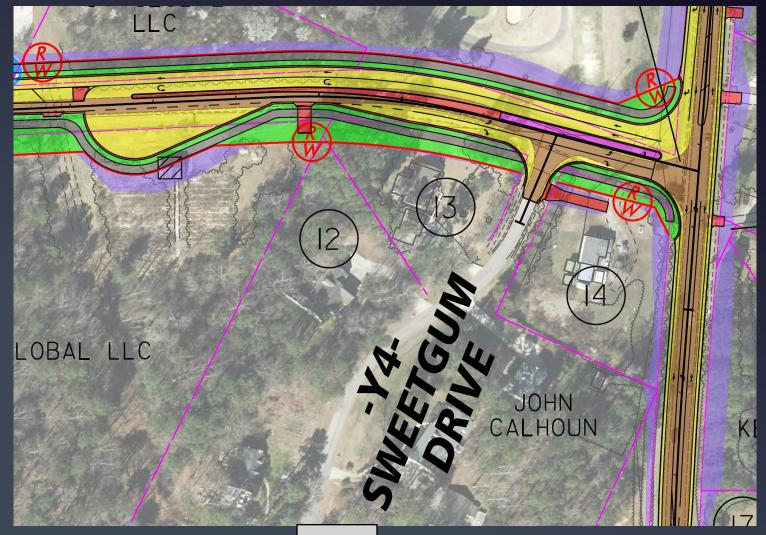
- May 6 & July 9 1st and 2nd Plan Review Submittals
- Jul 15 Public Workshop
- Jul 28 3rd Plan Review Submittal
- Sept 18 Apex staff & NCDOT discuss Sweetgum Dr options
- Oct 16 Town staff review Sweetgum Dr access alternatives
- Oct 29 Preferred alternative sent to NCDOT for input
- Dec 10 NCDOT comments received on the alternative
- Dec 14 4th Plan Review Submittal (65% plans)

Jessie Drive Phase 1 Public Meeting Map



- Page 433 -

Sweetgum Drive (RIRO + U-turns)



- Page 434 -

Resident comments & concerns

- No direct lefts in or out: Sweetgum Dr residents have to use the proposed U-turn bulb-out and U-turn at Ten Ten Rd
- Traffic waiting at Ten Ten Rd may be blocking Sweetgum Dr at peak times due to short distance and added traffic
- School bus operations and emergency access
- Sweetgum Drive has no other access (>1,700' cul-de-sac) so consider an alternative connection to Sweetgum Dr for left turn access
- Walking along & crossing Jessie Drive on foot

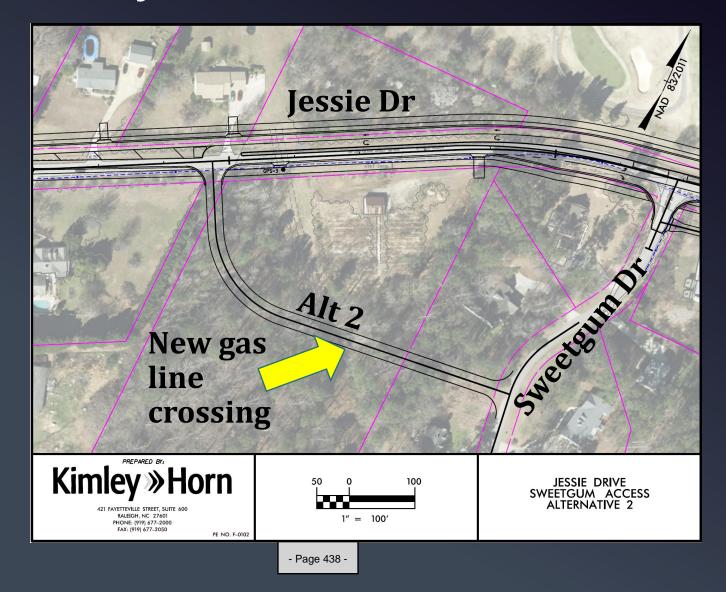
Preliminary Alternatives

- New access road from Sweetgum Dr to Jessie Dr: two versions, with and without additional crossing of gas line corridor
- New access road from Sweetgum Dr to Ten Ten Rd: requires additional improvements on Ten Ten Rd but would eventually become right-in/right-out, plus concerns with traffic congestion and no possibility of a traffic signal

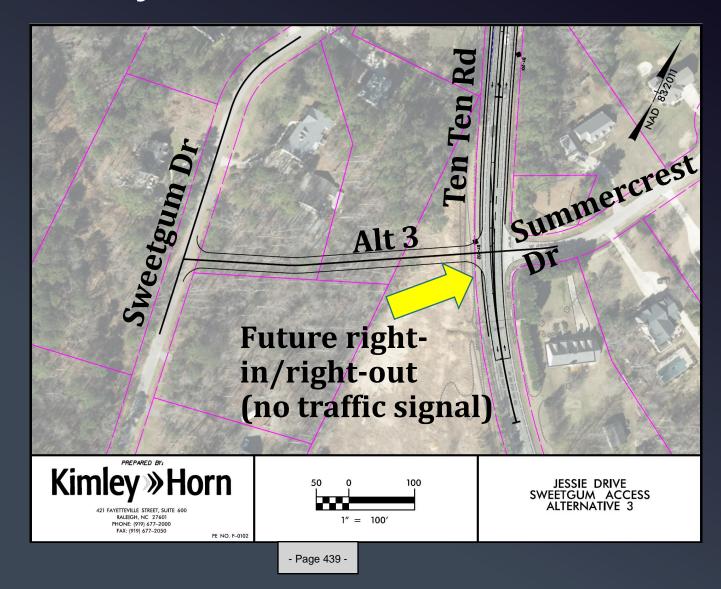
Preliminary Access Alternative 1



Preliminary Access Alternative 2



Preliminary Access Alternative 3



Preferred Access Alternative

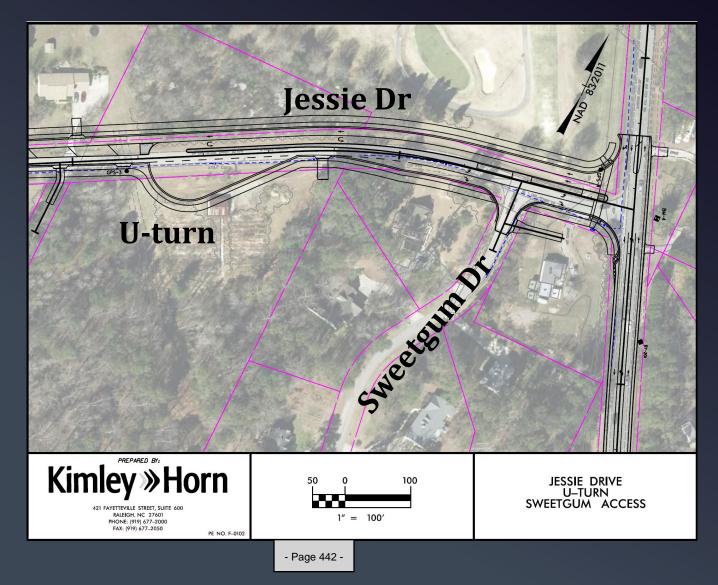
- Apex staff recommend Alternative 1, with a fullmovement intersection where it connects to Jessie Drive
- AFD recommends Alternative 1 (vs. U-turn) for emergency access to Sweetgum Drive
- Proposed modified Alternative 1 "Sweetgum Access Alternative" to NCDOT for consideration

NCDOT comments

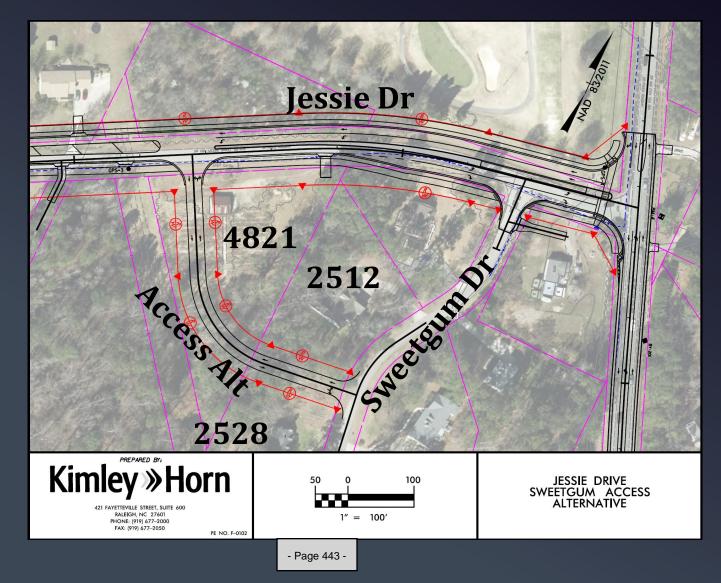
- NCDOT prefers the Sweetgum Access Alternative as presented compared to the U-turn
- Recommend a 90-degree tie-in of Sweetgum Access Alternative to Jessie Drive for improved alignment
- Recommend severing the connection of Sweetgum Drive at Jessie Drive, but <u>not required</u> for Phase 1 plan. Noted concerns about later extension to NC 55 increasing traffic volumes at Ten Ten Rd, potentially blocking Sweetgum Drive.



U-turn bulb-out (current plan)



Sweetgum Access Alternative (proposed)

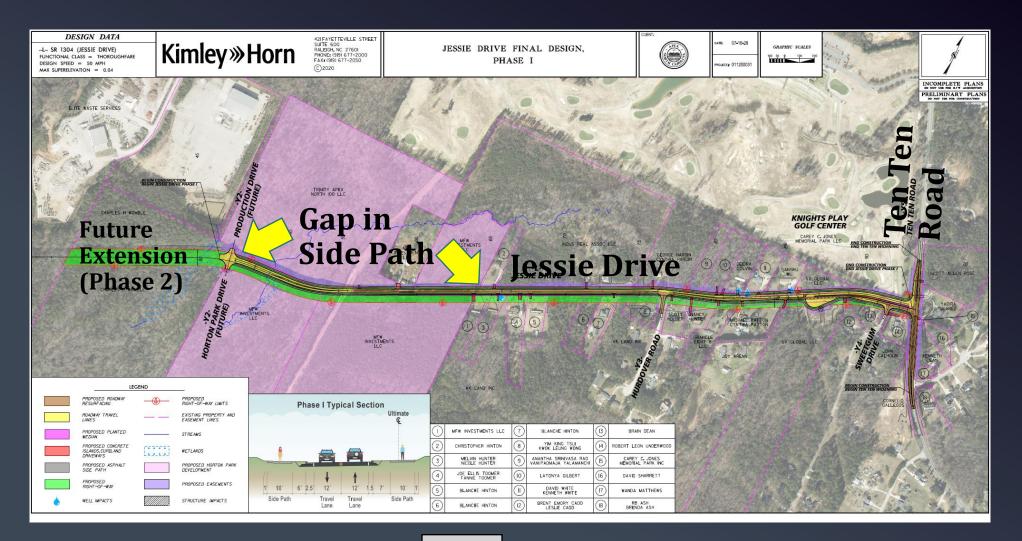




10-foot Side Paths

- Town's roadway plan includes 10-foot side paths on both sides of Jessie Dr
- Horton Park portion of Jessie Dr road improvements and extension includes 10-foot side path on south side of Jessie Dr only
- With the Town's roadway improvements ending at Horton park, it would leave a 1,700-foot gap in side path on the north side, while contiguous to Ten Ten Rd on south side

10-foot Side Path



- Page 445 -



Public Outreach

- Notices concerning Sweetgum Rd access were mailed/e-mailed the first week of January (from emails received, workshop attendees, survey respondents, and parcel owners along Sweetgum Drive and along the proposed access road)
- The summary and responses to public comments from earlier outreach efforts were published to the Town's website in January following the mailing/emailing of notices

Next Steps – Sweetgum Access Alternative

- Requesting public input and possible motion: Recommend modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a rightin/right-out access as presented
- Current estimated construction cost of Phase 1 with U-turn \$3.7M (new access adds \$300,000) plus right of way acquisition
- Alternatively, staff will move forward with the U-turn bulbout if no changes to are recommended by Council, or as otherwise directed



Next Steps – 10-foot Side Path

- Requesting public input and possible motion: Recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Dr/Horton Park Dr
- Current estimated construction cost of additional side path is \$500,000 plus right of way acquisition
- Alternatively, staff will not extend the current limits of side path in Jessie Drive Phase 1 and the gap will remain until constructed as future development occurs or as part of Jessie Drive Phase 2

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS Meeting Date: February 23, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert and the Apex Council Department(s): Governing Body

Requested Motion

Possible motion to consider renaming the Apex Community Center to the John M. Brown Community Center

Approval Recommended?

Yes

<u>Item Details</u>

The purpose of renaming the Apex Community Center is to recognize the contributions of retiring Parks and Recreation Director Mr. John M. Brown. He is retiring after 35 years of service to the Town of Apex. His contributions include:

- guiding the department through unprecedented growth from 2 town-owned parks and 1.5 staff members in 1986, to 12 town-owned parks, 16.6 miles of greenway, 617.5 acres of parkland, and 76,000 square feet of recreational building space as of today;
- overseeing the construction of the Apex Community Center, the Halle Cultural Arts Center, Rodgers Family Skate Park, and their respective programs;
- spearheading the community effort to create KidsTown Park; and
- serving in community organizations as a member and leader, including the Apex Rotary Club, the Apex Festival Commission, AAU Basketball, and the YMCA "We Build People Program".

<u>Attachments</u>

Resolution



RESOLUTION NO. 21-0223-06

RESOLUTION OF THE APEX TOWN COUNCIL TO RENAME THE APEX COMMUNITY CENTER AS THE JOHN M. BROWN COMMUNITY CENTER

WHEREAS, Mr. John M. Brown began working for the Town of Apex as the first fulltime Parks & Recreation Director for the Town of Apex on January 15, 1986; and

WHEREAS, during his years of service he has been instrumental in helping the Town Council achieve its goals to improve the quality of life for the residents of Apex; and

WHEREAS, the Parks, Recreation, & Cultural Resources Department has expanded significantly under his leadership to provide recreational, leisure, and cultural opportunities for residents and visitors alike; and

WHEREAS, under his guidance the Town of Apex has constructed multiple greenways, recreational and cultural venues, and athletic facilities, and expanded land dedicated to parks and preservation; and

WHEREAS, John has dedicated time and service to the Apex community by participating in and supporting service organizations such as Rotary International, AAU Basketball, YMCA, and the Apex Festival Commission; and

WHEREAS, as of February 28, 2021, Mr. John M. Brown will retire from the Town of Apex after 35 years of service;

NOW, THEREFORE, BE IT RESOLVED that in recognition of Mr. John M. Brown's service and contributions to the Town of Apex and the community at large, the Town Council of the Town of Apex does hereby approve renaming of the Apex Community Center to the John M. Brown Community Center.

Adopted this the 23rd day of February 2021.

By: _____

Jacques K. Gilbert Mayor

Attest: _

Donna B. Hosch, MMC, NCCMC Town Clerk

Motion made by Council Member _____

Motion Seconded by Council Member

- Page 450 -

Approved by a vote of _____ to _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:NEW BUSINESSMeeting Date:February 23,2021

Item Details

Presenter(s):Colleen Merays, Downtown & Small Business CoordinatorDepartment(s):Economic Development

Requested Motion

Motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2021 and 2022.

Approval Recommended?

Yes

<u>Item Details</u>

Name Of Event	Event Date(s)	Event Times
		4:00 PM – 10:00 PM - Recurring the
		2 nd Thursday of every month from
Apex Night Market	Thursday, March 11 – Oct. 14, 2021	March – October.
		7:30 AM - 1:00 PM – Recurring
		every Saturday from Mar. 20, 2021
		– December 4, 2021, then the 1 st
		Saturday of month (Jan., Feb.
Apex Farmers Market	Sat., March 20 - March 5, 2022	March 2022)
		Setup – Thurs. 12 PM (Depot &
		Gravel Lot)
		Fri., 5 PM - 11:00 PM
Bone Suckin' Sauce Peak City Pig	Setup - July 22, 2021	Sat., 9 AM - 8 PM (N. Salem closed
Fest	Event - Fri., July 23 to Sat., July 24	6 AM – 7 PM)
Apex July 4th Celebration	Sunday, July 4, 2021	8:30 AM - 12:00 PM
		9 AM - 5 PM – PeakFest
PeakFest & MusicFest	Saturday, September 11, 2021	2 PM – 10 PM - MusicFest

Estimated Town Expenditures \$80,794.23

These Co-Sponsored special event requests total \$80,794.23 and include such services as Police, Public Works, Electric and Park, Recreation and Cultural Services. These events include closure of public streets, parking lots and use of Halle Cultural Arts Center and Historic Union Depot as detailed in the attachment. Approval of Co-Sponsorship is contingent upon event coordinators adhering to all rules and regulations as details in the Town of Apex Special Events Guide and Special Event Permit Application.

<u>Attachments</u>

- Cosponsored Special Event TOA Cost Breakdown Spreadsheet
- Cosponsored Special Event Application Cover Sheet
- Photo/Map Location of event space



Town of Apex Proposed 2021 Cosponsored Special Events - Potential Town Expenses

		COSTS												
Name Of Event	Projected Attendance	Event Date(s)	Event Times	Event Organizer/Sponsor	Contact Person	Elec.	Fire	Parks	Parks (In-Kind)	Police	Police Equipment (In-Kind)	Public Works	PW Equipment (In-Kind)	2021 TOTA
Apex Farmers' Market & Apex Night Market	1,500	Apex Night Market - 03/11/21 to 10/14/21 Apex Farmers' Market - 3/20/2021 - 3/05/22	5	Apex Farmers Market	Alexis Jenssen	\$279.00							\$150.00 (In-Kind)	\$279.0
Apex July 4th Celebration	10,000+	Sunday, July 4, 2021	8:30 AM - 12:00 PM	Town of Apex	David Wood	\$279.00	\$0.00	\$3,408.96	\$763.84 (In-Kind)	\$3,442.50	\$706.05 (In-Kind)	\$4,335.54		\$11,466.0
Apex Music Fest	15,000	Saturday, September 11, 2021	2:00 PM - 10:00 PM	Apex Festival Commission	Jeff Hastings	\$372.00	\$0.00	\$3,278.64		\$7,633.00	\$407.94 (In-Kind)	\$0.00		\$11,283.6
Apex Peakfest	30,000			Apex Festival Commission	Jeff Hastings	\$1,450.68	\$0.00	\$5,168.64		\$16,373.33	\$706.05 (In-Kind)	\$6,120.00		\$29,112.6
Bone Suckin' Sauce Peak City Pig Fest	20,000		Fri., 5 PM - 11:00 PM & Sat., 9 AM - 8 PM	Apex Sunrise Rotary Foundation	Graham Wilson	\$4,277.94	\$0.00	\$0.00	\$4,200 (In-Kind)	\$11,520.00	\$706.05 (In-Kind)	\$12,855.00	\$9,690.00 (In-Kind)	\$28,652.9
														\$80,794.2

Town of Apex Proposed 2021 Cosponsored Special Events - Potential Town Expenses

						COSTS								
						1			Parks		Police Equipment		PW Equipment	
Name Of Event	Projected Attendance	Event Date(s)	Event Times	Event Organizer/Sponsor	Contact Person	Elec.	Fire	Parks	(In-Kind)	Police	(In-Kind)	Public Works	(In-Kind)	2021 TOTAI
Apex Farmers' Market & Apex Night		Apex Night Market - 03/11/21 to 10/14/21												
Market	1,500	Apex Farmers' Market - 3/20/2021 - 3/05/22	Farmers' Market - 9-12PM	Apex Farmers Market	Alexis Jenssen	\$279.00							\$150.00 (In-Kind)	\$279.0
									\$763.84				\$3,728.00)
Apex July 4th Celebration	10,000+	Sunday, July 4, 2021	8:30 AM - 12:00 PM	Town of Apex	David Wood	\$279.00	\$0.00	\$3,408.96	(In-Kind)	\$3,442.50	\$706.05 (In-Kind)	\$4,335.54	(In-Kind)	\$11,466.0
													\$3,135.00	
Apex Music Fest	15,000	Saturday, September 11, 2021	2:00 PM - 10:00 PM	Apex Festival Commission	Jeff Hastings	\$372.00	\$0.00	\$3,278.64		\$7,633.00	\$407.94 (In-Kind)	\$0.00	(In-Kind)	\$11,283.6
									\$1,193.44				\$5,168.00	
Apex Peakfest	30,000	Saturday, September 11, 2021		Apex Festival Commission	Jeff Hastings	\$1,450.68	\$0.00	\$5,168.64	(In-Kind)	\$16,373.33	\$706.05 (In-Kind)	\$6,120.00	· · · · · · · · · · · · · · · · · · ·	\$29,112.6
			Fri., 5 PM - 11:00 PM &						\$4,200	• · · · · · · · · ·		•··· ···	\$9,690.00	
Bone Suckin' Sauce Peak City Pig Fest	20,000	Fri., July 23 to Sat., July 240	Sat., 9 AM - 8 PM	Apex Sunrise Rotary Foundation	Graham Wilson	\$4,277.94	\$0.00	\$0.00	(In-Kind)	\$11,520.00	\$706.05 (In-Kind)	\$12,855.00	(In-Kind)	\$28,652.9
														\$80,794.2



Event Name: The Apex Farmers' Market & Apex Night Market

Event Date & Time:

- Apex Night Market (6 PM 9 PM):
 - Recurs the 2nd Thursday of the month
 - Event starts Thursday, March 11, 2021 Thursday, October 14, 2021
- Apex Farmers' Market (9-12pm):
 - Recurs weekly every Saturday
 - Event starts Saturday, March 20, 2021 March 5, 20210:00 PM

Roads & Parking Closed Date & Time: Saunders Street Public Parking Lot (Gravel Lot Area)

- Apex Night Market * Gravel Lot Closed (4 PM 10 PM)
- Apex Farmers' Market (9-12pm): * Gravel Lot Closed (7:30 AM 1 PM)

Rain Date: NA

Event Organizer: Apex Farmers' Market

2021 Co-Sposonsorship Request: (6) trash bins and liners, electric and water hookups, APD to close gravel parking lot weekly.

2021 Estimated Town of Apex Cost: \$279

Event Description:

- Apex Night Market Monthly Makers' Market with 50+ Artisan vendors, live music, and entertainment. Family-friendly event.
- Apex Farmers' Market Weekly outdoor market with 10x10 tents. We really need the gravel lot to allow for proper distancing for safe operations, and for the growth of our market.

We will need the gravel lot to be free of cars on Saturday morning by 7:00am. One Thursday evening a month we will need Seaboard cleared by 4:00pm. Also, we will need a few spaces left open for set up and take down in Chamber courtyard those days.

Questions to Consider: None

- Page 456 -



Event Name: Apex 4th of July Celebration

Event Date & Time: Sunday, July 04, 2021, 8:30 AM to 12:00 PM

Roads & Parking Closed Date & Time: Saturday, July 4, 2020 on N. Salem St. from (Center to Chatham) from 7:30 AM to 1:00 PM

Rain Date: NA

Event Organizer: Town of Apex

2021 Co-Sposonsorship Request: Hang banner, trash bins and liners, Parks & Rec. Staff, water barricades to block N. Salem St., and Town Public Works Staff

2021 Estimated Town of Apex Cost: \$11,466

Event Description: Annual Old Fashion 4th of July Parade on Salem Street



Event Name: Bone Suckin' Sauce Peak City Pig Fest

Event Date & Time:

- Thursday, July 22 Cook teams begin to arrive & setup
- Friday, July 23 Competion and beer garden begins 5 PM 11:00 PM
- Saturday, July 24 Festival 9 AM 8 PM

Roads & Parking Closed Date & Time:

- Thursday, July 22 24 Close the Depot Parking Lot & Saunders Streeet Gravel Parking (7 AM)
- Friday, July 23 24 Close Saunders small paved parking are for cook teams (6 AM)
- Saturday, July 24 N. Salem St. (6 AM 7 PM)

Rain Date: NA

Event Organizer: Apex Sunrise Rotary Foundation

2021 Co-Sposonsorship Request: Banner hanging, trash bins and liners, trash pickup by Town Public Works, water barricades to block Salem St., and (2) portable electric panels. As agreed in the past, Apex Rotary Foundation will rent trash dumpsters and the use of the Halle in exchange for the town covering the cost of Police staffing during the event. Town will provide electric and water hookups in cook team area.

2020 Estimated Town of Apex Cost: \$28,652.94

Event Description: Thursday, July 22 – Saturday, 24 – Saturday a street festival will take place on Salem Street between Center Street and Williams Street. Friday evening & Saturday a beer garden will be held in the parking lot of the Apex Depot. Thursday – Saturday BBQ cook teams will set up in the parking lot behind the Halle and across from Apex PD.

A stage will be set up at the corner of Center Street and Salem Street for entertainment. We will offer free remote parking all day Saturday. It will involve closing N. Salem Street from Center Street to Williams Street, Seaboard Street, Temple Street and Commerce Street.



Event Name: Apex Music Fest

Event Date & Time: Saturday, September 11, 2021 - 2:00 PM to 10:00 PM

Roads & Parking Closed Date & Time:

Rain Date: NA

Event Organizer: Apex Festival Commission

2021 Co-Sposonsorship Request: Block of parking lot and Templeton, and (2) electric boards setup

2021 Estimated Town of Apex Cost: \$11,283.64

Event Description: Continue the music festival started by the ADBA . This is a roughly 2-10 pm festival featuring local bands.



Event Name: Apex Peakfest

Event Date & Time: Saturday, September 11, 8:00 AM to 5:00 PM

- Friday, September 10, 2021 from 7:00 PM to 9:00 PM Depot Parking Lot and Plaza
- Saturday, September 11, 2021 from 9:00 AM to 5:00 PM N. Salem St.

Roads & Parking Closed Date & Time:

- Friday, September 10, 2021 from 6:00 PM to 10:00 PM Depot Parking Lot
- Saturday, September 11, 2021 on N. Salem St. (Hunter to Williams) from 6:00 AM to 7:00 PM

Rain Date: NA

Event Organizer: Apex Festival Commission

2020 Co-Sposonsorship Request: Banner hanging, trash bins and liners, trash pickup by Town Parks & Rec, water barricades to block Salem St. and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$29,112.65

Event Description: This is an annual one day arts and crafts festival celebrating it's 40th year.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS Meeting Date: February 23,2021

Item Details

Presenter(s): Vance Holloman, Finance Director Department(s): Finance

Requested Motion

Consider information and data presented by Finance staff to provide direction to finalize the development of a utility customer assistance program

Approval Recommended?

Yes

<u>Item Details</u>

In response to the COVID-19 pandemic, on March 17, 2020, Town Council approved suspending disconnection of utility services as well as all late fees and penalties that would normally be incurred. This suspension is set to expire on February 28, 2021. Since that time, nearly 2,000 accounts have accumulated past due bills and would be eligible for disconnection. To assist these customers in making their payments and avoiding disconnection, The Town has developed a payment plan program. To further assist, Town Council asked staff develop a customer assistance program and identify partners to assist in administering the partner. Staff is prepared to propose a draft assistance program to Council upon receiving final direction on several critical aspects of the plan. The staff memo provides background for these decisions.

<u>Attachments</u>

- CAP MEMO 2 17 21
- US Poverty Levels Jan. 2021
- Past Due Accounts 1 31 21





THE PEAK

February 17, 2021

Jown of Apex

P.O. BOX 250 APEX, NORTH CAROLINA 27502

TO: Shawn Purvis, Assistant Town Manager

FROM: Vance Holloman, Finance Officer

SUBJECT: **Customer Assistance Program**

The Staff has a spoken agreement with Western Wake Crisis Ministries (WWCM) to assist with the customer assistance program (CAP) by determining eligibility based upon criteria set by the Town. There are still some details to be worked out. We expect to have a final agreement and program guidelines for Council approval at its March 9 meeting.

We have discussed eligibility requirements with WWCM and how they would verify those requirements. We recommend the following eligibility requirements:

- 1. The applicant must be living at the account's address.
- 2. The applicant should be a US citizen or legally recognized alien.
- 3. The applicant should meet income eligibility requirements set as a percentage of the US poverty level.

The federal Low Income Energy Assistance program upon which Raleigh bases its CAP eligibility uses these three requirements as well as a requirement that the applicant have less than \$2,250 in cash assets. We have not included that final requirement because it would eliminate folks who have a very minimal level of savings.

We have attached a file that contains a calculation of the US poverty level for various household sizes and percentages based upon poverty levels updated by the US Government in January, 2021. We ask for Council's views on the appropriate level to set for the income requirement. WWCM also recommends we base eligibility requirements upon income levels for the last 2 months. This will permit recent changes in come levels to be taken into account. We agree with that recommendation.

WWCM has expressed concern about the potential number of applicants for the CAP. As of January 31 there were 1,992 accounts eligible for disconnection. We have no prior experience upon which to estimate how many of those accounts will apply for assistance. We have evidence that suggest the number of applicants could fall between 737 and 128. To address those concerns we have suggested that applicants have scheduled appointments with WWCM. Once an applicant has an appointment we will not disconnect that customer until the application is processed and a determination of eligibility has been made. If the applicant misses their appointment, we will extend this period for one additional appointment. We hope this will prevent WWCM from feeling overrun by applications and feel the pressure to take as many applications as possible each day and make determinations before the applicant's cutoff date.



We have also offered compensation for assistance. WWCM is exploring what amount of assistance might be needed.

Staff recommends that the Town keeps the current date of February 28th for ending the moratorium on disconnection of service. Staff will not disconnect customers in March in order to give customers time to sign up for payment plans and apply for aid through the CAP. The first billing cycle in which a customer could be disconnected would be the April bills which would be for services provided in March. The process of disconnection takes approximately 51 days. The earliest date that a cycle 1 customer could be disconnected would be the third week of May and the first week of June for cycle 2 customers.

Payment plans will allow a customers to pay their past due amount as of the date the plan is established over many months. Staff recommends customers be given up to 12 months to pay the past due amount. They will be expected to pay their currently monthly bill and the payment plan amount each month. If they fail to pay both, they are subject to disconnection. If disconnected they can be reconnected by paying current charges, fee and penalties associated with their current charges only and the payment plan amount. Customers will be permitted to not pay the payment plan amount and maintain service once during a 12 month period.

We also need establish the amount a customer would be eligible to receive, estimate the number of customers that will be eligible for assistance and budget an amount for the program. The average residential bill subject to disconnection at January 31st is \$555.21. If we set that as the eligible amount and use the estimate of 737 customers we would need to appropriate \$409,112 for the program. If we use the 128 customer estimate we would need to appropriate \$71,067. In addition some funding to WWCM may be needed.

2021 Federal Poverty Limits

	200%	25,760	34,840	43,920	53,000	62,080	51,160	80,240	89,320
	190%	24,472	33,098	41,724	50,350	58,976	48,602	76,228	84,854
	180%	23,184	31,356	39,528	47,700	55,872	46,044	72,216	80,388
	170%	21,896	29,614	37,332	45,050	52,768	43,486	68,204	75,922
	160%	20,608	27,872	35,136	42,400	49,664	40,928	64,192	71,456
(As of 1/13/21)	150%	19,320	26,130	32,940	39,750	46,560	38,370	60,180	66,990
(As c	140%	18,032	24,388	30,744	37,100	43,456	35,812	56,168	62,524
	130%	16,744	22,646	28,548	34,450	40,352	33,254	52,156	58,058
	120%	15,456	20,904	26,352	31,800	37,248	30,696	48,144	53,592
	110%	14,168	19,162	24,156	29,150	34,144	28,138	44,132	49,126
	100%	12,880	17,420	21,960	26,500	31,040	25,580	40,120	44,660
	# in Fmly	1	2	£	4	Ŋ	ی ۲	2	œ

Beyond 8 household memebrs, add \$4,540 per member.

- Page 464 -

Update-Past Due Utility Accounts

Date	June 30, 2020	August 31, 2020	November 30, 2020	January 31,2021
Total \$'s Past Due	\$629,503	\$869,506	\$1,490,082	\$2,021,695
No. of Accounts Past Due	2,520	2,808	3,783	5,022
% of Revenues				
Electric Fund	3.6%	2.9%	3.4%	3.72%
Water Sewer Fund	2.7%	2.2%	2.5%	2.84%
General Fund	2.5%	2.1%	2.2%	2.74%
Combined Funds	3.2%	2.6%	3.0%	3.37%

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: Meeting Date:

NEW BUSINESS February 23, 2021

Item Details

Presenter(s):	Terry Mahaffey, Council Member
Department(s):	Governing Body

<u>Requested Motion</u>

Discussion and the setting of municipal election filing fees for the Town <u>Approval Recommended?</u>

N/A

<u>Item Details</u>

Municipalities have the opportunity to evaluate and potentially update filing fees prior to the municipal elections. Currently Apex filing fees are set at 1% of compensation.

Below are the fees for surrounding municipalities. Post publication of this chart, Cary voted to set their fees at 1% of compensation – approximately \$110 for Council and a little more for Mayor. Raleigh's fees were reconsidered and set at \$250 for Mayor and \$200 for Council.

Municipality	Contest on Ballot	Filing Fee	Term Length
Angier	Mayor Commissioner Wards 2, 4	\$25.00	4 years
Apex	Mayor Council At-Large (2 seats)	Mayor: \$104.14 Council: \$81.08	4 years
Fuquay-Varina	Mayor Commissioner At-Large (3 seats)	\$10.00	Mayor: 2 years Commissioner: 4 years
Garner	Mayor Council At-Large (3 seats)	\$25.00	4 years
Holly Springs	Council At-Large (2 seats)	\$50.00	4 years
Knightdale	Mayor Council At-Large (2 seats)	\$50.00	4 years
Morrisville	Council At-Large (1 seat) Council Districts 1, 3 Council District 2 (unexpired term)	\$15.00	4 years
Rolesville	Mayor Commissioner At-Large (2 seats)	Mayor: \$25.00 Commissioner: \$15.00	4 years
Wake Forest	Commissioner At-Large (3 seats)	Commissioner: \$15,00	4 years
Wendell	Mayor Commissioner At-Large (2 seats)	\$25.00	4 years
Zebulon	Commissioner At-Large (3 seats)	\$5.00	4 years



<u>Attachments</u>

• None

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type:CLOSED SESSIONMeeting Date:February 23, 2021

Item Details

Presenter(s):	Laurie Hohe, Town Attorney
Department(s):	Legal Department

Requested Motion

Possible moti	on to go int	o closed se	ssion to consu	ult with the	e Town	Attorney	pursuant to	NCGS	143-
318.11(a)(3)	and discuss	a personne	I matter purs	uant to NG	CGS 143	3-318.11(0	a)(6).		

<u>Approval Recommended?</u>

N/A

<u>Item Details</u>

N/A

<u>Attachments</u>

• N/A

