



AGENDA | REGULAR TOWN COUNCIL MEETING

April 09, 2024 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Ed Gray

Council Members: Audra Killingsworth, Brett D. Gantt; Arno Zegerman; Terry Mahaffey

Interim Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 Annexation No. 777 - 2014 Lufkin Road - 2.208 acres

Allen Coleman, Town Clerk

CN2 Appointments - Housing Advisory Board (HAB)

Allen Coleman, Town Clerk

CN3 Appointments - Housing Advisory Board (HAB) - Chair/Vice-Chair

Allen Coleman, Town Clerk

CN4 Budget Ordinance Amendment No. 14 - Stormwater Fund Equity

Antwan Morrison, Director, Finance Department

CN5 Contract - Central Pines Regional Council of Governments - Grant Administration - April 1, 2024 through June 30, 2025

Amanda Grogan, Director, Budget and Performance Management Department

CN6 Contract - HR&A Advisors, Inc - Housing Data Dashboard - April 9, 2024 through April 8, 2027

Marla Newman, Director, Community Development and Neighborhood Connections Dept.

CN7 Contract Amendment No. 6 - Kimley-Horn and Associates Inc. - Beaver Creek Greenway Supplement No. 6

Angela Reincke, Parks Planning and Project Manager, Parks, Recreation, and Cult. Res. Dept.

CN8 Council Meeting Minutes - Various Meetings

Allen Coleman, Town Clerk

CN9 Fee-in-Lieu (FIL) of Land Dedication - Ashland Subdivision

Angela Reincke, Parks Planning and Project Manager, Parks, Recreation, and Cult. Res. Dept.

CN10 Interlocal Agreement - Town of Apex and the Capital Area Metropolitan Planning Organization (CAMPO) - Rail Relocation Study

Shannon Cox, Long-Range Planning Manager, Planning Department

CN11 Revisions to Town Standard Specifications & Standard Details

Adam Stephenson, Transportation Engineering Manager, Trans. and Infra Dev. Department

CN12 Tax Report - February 2024

Allen Coleman, Town Clerk

PRESENTATIONS

PR1 2023 Pavement Management Report

Adam Stephenson, Transportation Engineering Manager, Trans. and Infra Dev. Department

PR2 Proclamation - Child Abuse Prevention Month - April 2024

Mayor Jacques K. Gilbert

PR3 Proclamation - National Telecommunicator Week - April 14 through April 20, 2024

Mayor Jacques K. Gilbert

PR4 Proclamation - Nepal Day 2024 - Saturday, April 20, 2024

Mayor Jacques K. Gilbert

PR5 Proclamation - World Autism Acceptance Month - April 2024

Mayor Jacques K. Gilbert

PR6 Think Apex Awards - 2024

Barbara Belicic, Small Business Specialist, Economic Development Department

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 3427 Olive Chapel Road - Historic Landmark Designation - Goodwin House

Liz Loftin, Senior Planner, Planning Department

PH2 Annexation No. 771 - Castleberry Reserve - 13.52 acres

June Cowles, Senior Planner, Planning Department

AND

PH3 Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment

June Cowles, Senior Planner, Planning Department

PH4 Annexation No. 778 - Parc at Bradley Farm - 6.69 acres

Dianne Khin, Director, Planning Department

PH5 Rezoning Case No. 22CZ27 Center City Townhomes

Lauren Staudenmaier, Planner II, Planning Department

PH6 Rezoning Case No. 24CZ01 Veridea Expansion 2

Amanda Bunce, Current Planning Manager, Planning Department

NEW BUSINESS

NB1 Downtown Design Project - Saunders Street Lot - Parking Mitigation Strategy

Shannon Cox, Long-Range Planning Manager, Planning Department

UPDATES BY INTERIM TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a

contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

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 the Date of a Public Hearing for April 23, 2024, on the Question of Annexation - Apex Town Council's intent to annex 2.208 acres, located at 2014 Lufkin Road, Annexation No. 777 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- CN1-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN1-A2: Legal Description - Annexation No. 777
- CN1-A3: Aerial Map - Annexation No. 777
- CN1-A4: Plat Map - Annexation No. 777
- CN1-A5: Annexation Petition - Annexation No. 777





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

Annexation Petition No. 777
2014 Lufkin Road – 2.208 acres

WHEREAS, G.S. § 160A- 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 his investigation.

This the 9th day of April, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 777
2014 Lufkin Road – 2.208 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 9th day of April, 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



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

Annexation Petition No. 777
2014 Lufkin Road – 2.208 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 23rd day of April, 2024.

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

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

This the 9th day of April, 2024.

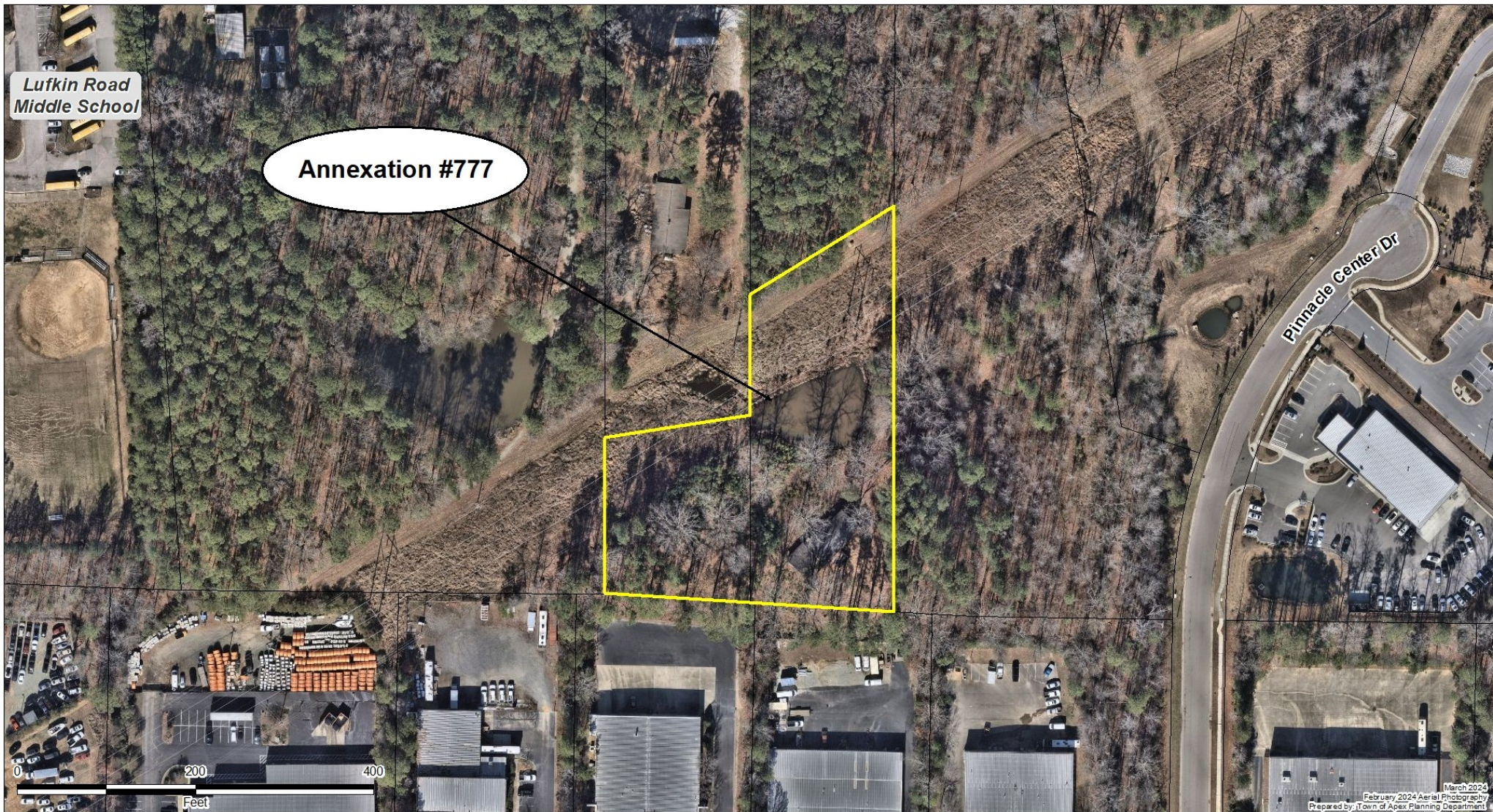
Jacques K. Gilbert, Mayor

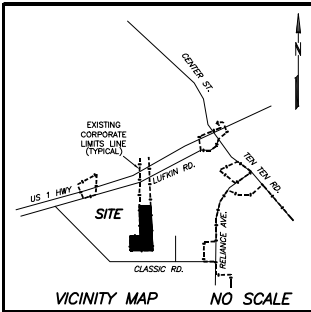
ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

Beginning at an Iron Stake Found at base of 24" Pine, being the southwest property corner of Lot 6 Pinnacle Park Center as recorded in Book of Maps 2017, Pages 2325-2328 Wake County Registry, thence from said Beginning Point North 86°22'40" West 325.44 feet to an existing iron pipe found, thence North 00°04'41" East 175.01 feet to an existing rebar found, thence North 81°19'05" East 165.18 feet to an existing rebar found in a pond, thence North 00°02'04" East 135.93 feet to an existing rebar found, thence North 58°40'01" East 189.44 feet to an existing iron pipe found, thence South 00°04'45" West 454.95 feet to the point and place of Beginning containing 2.208 Acres more or less.





ANNEXATION # _____
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____ BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____ DAY _____ MONTH _____ YEAR.

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK
-SEAL-

NO GRANTED ACCESS TO LUFKIN RD. THROUGH OLD DRIVEWAY (SEE NOTE 3)

LUFKIN ROAD PROPERTIES, LLC
D.B. 16719, PG. 2744
D.B. 16719, PG. 2744
LOT 1
B.M. 2018, PG. 2289
B.M. 2006, PG. 1815
PIN 0751.09-17-4098
INDUSTRIAL
ZONING: LI-CZ (SEE REF. 2)

PROPERTY LINE AS SHOWN ON B.M. 2018, PG. 2289

20' TOWN OF APEX UTILITY EASEMENT B.M. 1980, PG. 533

TIPPER TIE, INC.
D.B. 2955, PG. 820
B.M. 1972, PG. 21
PIN 0751.09-17-1063
INDUSTRIAL
ZONING: LI

TRACT 1
0.723 ACRES

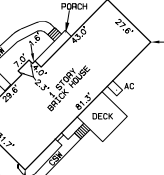
CLASSIC ROAD PARTNERS, LLC
TRACT 1
D.B. 17183, PG. 2775
PIN 0751.09-16-5409
VACANT
ZONING: TF-CZ (#18C216)

0 LUFKIN ROAD

TRACT 2
1.485 ACRES

CLASSIC ROAD PARTNERS, LLC
TRACT 2
D.B. 17183, PG. 2775
PIN 0751.09-16-6563
RESIDENTIAL
ZONING: TF-CZ (#18C216) (SEE REF. 2+3)

2014 LUFKIN ROAD



MERRITT COMMERCIAL PROPERTIES, LLC
D.B. 12987, PG. 1812
LOT 34
PINNACLE PARK-PHASE III
B.M. 1987, PG. 1734
PIN 0751.09-16-4285
INDUSTRIAL
ZONING: LI

25' TYPE 4A IMPROVED BUFFER
C.M. 1999, PG. 204

N/A
CLASSIC ROAD PROPERTIES, LLC, et al
D.B. 8273, PG. 251
D.B. 8253, PG. 2546
CLASSIC ROAD CONDOMINIUM LOT 33
B.M. 1998, PG. 920
C.M. 1999, PG. 204
PIN 0751.09-16-6254
CONDO COMPLEX
ZONING: LI

WHITLEY 1050 CLASSIC, LLC
D.B. 17501, PG. 2393
LOT 32
PINNACLE PARK III
B.M. 2003, PG. 741
PIN 0751.09-16-9201
INDUSTRIAL
ZONING: LI-CU

C. 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
NORTH CAROLINA
WAKE COUNTY
STUART E. PLANTE III, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DESCRIPTION RECORDED IN REFERENCES AS SHOWN (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 111,402; +; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 30th DAY OF JANUARY, 2024 A.D.,

PROFESSIONAL LAND SURVEYOR
LICENSE NO. L-4432

REFERENCES:
1. UNRECORDED MAP BY W.K. HARDIN, PLS ENTITLED "SURVEYED AND MAPPED FOR W. NELSON HARE", AND DATED 10/10/88.
2. UNRECORDED MAP BY SMITH & SMITH ENTITLED "PROPERTY OF HENDERSON HINTON AND ROBERT HINTON, JR.", AND DATED 5/29/1969.
3. B.M. 1981, PG. 476

THE SOLE PURPOSE OF THIS MAP IS FOR ANNEXATION.

ANNEXATION AREA

2.208 ACRES (TOTAL AREA TO BE ANNEXED)

OWNER:
CLASSIC ROAD PARTNERS, LLC
150 TOWERVIEW COURT
CARY, NC 27513

REVISIONS	CONTIGUOUS ANNEXATION MAP FOR
	THE TOWN OF APEX
TOWN	COUNTY: WAKE
STATE	- Page 11 -
ZONE: TF-CZ (#18C216)	P.I.N.: SEE ABOVE

ROBINSON & PLANTE, P.C.
LAND SURVEYING
C-2687
970 TRINITY ROAD
RALEIGH, NC 27607
PHONE: (919)859-6030

SURVEY DATE: 1-18-24	SURVEYED BY: RE
SCALE: 1"=40'	DRAWN BY: SEP
CHECKED & CLOSURE BY: SEP	FILE: HINTONANNEXR

NOTE: ENCLOSURE 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.



RECORDED IN BOOK OF MAPS _____ PAGE _____

LEGEND
(IPF)-IRON PIPE FOUND
(RBP)-REBAR FOUND
(ISF)-IRON STAKE FOUND
(RBS)-REBAR SET
(APF)-ANGLE IRON FOUND
(CP)-CALCULATED POINT
(CSW)-CONCRETE SIDEWALK
(AC)-AIR CONDITIONER
(DEP)-DUKE ENERGY PROGRESS
(RCA)-RESOURCE CONSERVATION AREA

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: Annexation #777
Fee Paid: \$ 200.00

Submittal Date: 1-30-2024
Check #: 1219

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Classic Road Partners, LLC

Owner Name (Please Print)

919-612-5245

Phone

0751166563

Property PIN or Deed Book & Page #

gfutrell@jlgcorp.com

E-mail Address

Classic Road Partners, LLC

Owner Name (Please Print)

919-612-5245

Phone

0751165409

Property PIN or Deed Book & Page #

gfutrell@jlgcorp.com

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Robinson and Plante, PC- Buddy Plante

Phone: 919-859-6030

Fax: _____

E-mail Address: buddy@robinsonplante.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>2.2</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction)	<input type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	<u>TF-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: Annexation #777

Submittal Date: 1-30-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: Annexation #777

Submittal Date: 1-30-2024

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Classic Road Partners, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 18th day of January, 2024.

Name of Limited Liability Company Classic Road Partners, LLC

By: _____

Glenn Futrell
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sonya L. Wheeler, a Notary Public for the above State and County, this the 18th day of January, 2024.



Sonya L. Wheeler
Notary Public

My Commission Expires: 2/15/2028

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

- A. Motion to reappoint the following Apex Housing Advisory Board members each for a (3) three-year term expiring December 31, 2026:
- HAB-004 - Paul Kane - reappointment for 2nd Term
 - HAB-006 - Jacob Roberts - reappointment for 2nd Term
- B. Motion to appoint Alaina Money to the Apex Housing Board for a (3) three-year term expiring December 31, 2026:
- HAB-005 - Alaina Money - appointed for 1st Term
- C. Motion to reappoint the following non-voting members to the Apex Housing Advisory Board for a term of one year expiring December 31, 2024.
- Audra Killingsworth, Non-Voting Town Councilmember - reappointment for 3rd Term
 - Tina Sherman, Non-Voting Planning Board Chair - Reappointment for 3rd Term

Approval Requested

Mayor Jacques K. Gilbert recommends Paul Kane and Jacob Roberts for reappointment consideration and recommends Alaina Money to fill the vacancy on the Apex Housing Advisory Board.

Mayor Jacques K. Gilbert recommends Audra Killingsworth and Tina Sherman for non-voting reappointment consideration on the Apex Housing Advisory Board.

Item Details

The Town Clerk's Office advertised the Apex Housing Advisory Board vacancies for two weeks beginning Thursday, December 21, 2023 and ending on Wednesday, January 3, 2024. A variety of platforms were used to recruit for these positions including: Facebook, Instagram, Nextdoor, and the Towns Website. A total of (8) eight **new** applications were received for appointment consideration to the Apex Housing Advisory Board. Attached, in alphabetical order, are their respective applications. Only (8) eight candidates are eligible for appointment; however, the Apex Housing Advisory Board only has (1) one vacant position.

On Tuesday March 5, 2024, the current Apex Housing Advisory Board nominated all (2) existing members for reappointment consideration. Immediately following, Board members discussed new applicants for the vacant position. A total of five (4) candidates were nominated. Each Board member ranked their top four (4) candidates on who they would like to see fill the vacant position.

The results of the rank choice ballot nomination process were:

- Aliana Money (received 5 votes)
- Dan Sargent (no votes)
- Jason Barron (no votes)
- Patricia Burch (received 1 vote)

The public is invited to re-watch the Apex Housing Advisory Board meeting from March 5, 2024, on the Town's Youtube Channel via the following link:

<https://www.youtube.com/watch?v=Wd9fbIMCW9s&t=1453s>

The nomination process begins at 45 minutes and 34 seconds.

Article II, Section 2.1.10B (Housing Advisory Board) of the Unified Development Ordinance (UDO) for the Town of Apex states:

- **Positions:** The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.
- **Terms:** At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.

- **Appointments:** Members shall be appointed as follows:
 - a) Regular members of the Housing Board from the Town shall be recommended by the Mayor and appointed by the Town Council.
 - b) The non-voting member of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.
 - c) The non-voting Town Council member shall be recommended by the Mayor and appointed by the Town Council.

Attachments

- CN2-A1: Applicants at a Glance - Appointments - Planning Board (PB)





TOWN OF APEX NORTH CAROLINA

HOUSING ADVISORY BOARD

Pursuant to the Town's Unified Development Ordinance (UDO), Article II, Section 2.1.10(B), states:

(B) Membership:

- 1. Number.** The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.
- 2. Appointment.** Members shall be recommended by the Mayor and appointed by the Town Council. Initial establishment. At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of one (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.
- 3. Removal.** Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.
- 4. Filling of vacancy.** Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Requested Action(s):

A. Recommendations needed on the Housing Advisory Board (HAB) to fill three (3) two-year terms expiring December 31, 2025. The following candidates are eligible for reappointment:

- Paul Kane
- Jacob Rogers

APPLICANTS AT A GLANCE - CURRENT

Position No.	Applicant(s)	Current Appointment Term	Status	Resident Status	Notes
HAB-004	Kane, Paul	1 st Term	Active Current Member	Neither Corporate Limits or ETJ	Eligible for Reappointment
HAB-006	Rogers, Jacob	1 st Term	Active Current Member	Neither Corporate Limits or ETJ	Eligible for Reappointment
HAB-005	Vacant				

APPLICANTS AT A GLANCE – NEW APPLICANTS

Applicant(s)	Status	Residency Status	Notes
Barron, Jason	NEW	Neither Corporate Limits or ETJ	Eligible for Appointment
Birch, Patricia	NEW	Neither Corporate Limits or ETJ	Eligible for Appointment
Copersito, Russell	NEW	Corporate Limits	Eligible for Appointment
Money, Alaina	NEW	Corporate Limits	Eligible for Appointment

(CONTINUE TO NEXT PAGE)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

APPLICANTS AT A GLANCE – NEW APPLICANTS CONTINUED

Applicant(s)	Status	Residency Status	Notes
Nance, Jessica	NEW	Corporate Limits	Eligible for Appointment
Rabb, Elizabeth	NEW	Corporate Limits	Eligible for Appointment
Rainey, Dorothy	NEW	Corporate Limits	Eligible for Appointment
Sargent, Daniel	NEW	Neither in Corporate Limits or ETJ	Eligible for Appointment
Stadiem, Alan	NEW	Corporate Limits	Eligible for Appointment

APPLICATIONS

ELIGIBLE FOR REAPPOINTMENT

- Paul Kane
- Jacob Rogers
- Vacancy

Entry #: 596 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/14/2023 2:23 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Employee / Elected Official

Candidate Contact Information

Legal Name

Paul Kane

Preferred First Name

Address

5580 Centerview Dr, Raleigh, North Carolina 27606

Pronouns

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Home Builders Association of Raleigh-Wake County

Current Job Title

CEO

Tell us why you would like to serve?

I have served on this board since its formation and believe there is still good work to be done. I also that the voice of the residential construction industry, which I can provide, is essential for a fair and balanced discussion.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

I served as co-chair of the Raleigh Affordable Housing Bond Advisory Committee and have retained that role in the continuing Executive Advisory Committee for the Housing Bond.

Entry #: 595 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/13/2023 1:11 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Employee / Elected Official

Candidate Contact Information

Legal Name

Jacob Rogers

Preferred First Name

Address

8801 Fast Park Drive, Suite 117, Raleigh, North Carolina 27617

Pronouns

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Triangle Community Coalition

Current Job Title

CEO

Tell us why you would like to serve?

As a representative of the region's real estate practitioners, I served on the Wake County Affordable Housing Steering Committee in 2016 & 2017, which developed the County's plan. I served on the Town of Apex's study committee and have served on the HAB the last 2 years. I also served on the Holly Springs Housing Affordability Study Committee in 2022. All of these positions were appointed by the Town Councils or County Commissioners.

I have extensive experience developing permanent affordable housing communities for farmworkers in North Carolina.

As CEO of the Triangle Community Coalition, I am able to use our membership as a resource by calling on their expert advice.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I have a Bachelors in Spanish from Samford University. I have been a HUD certified Housing Counselor since 2012.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

I currently serve on the Apex HAB. But I've also served on the committee in Holly Springs and Wake County.

I have served on the National Rural Housing Coalition, headquartered in Washington, DC, since 2020. I was the Chair of the Board for the Apex Chamber of Commerce in 2023. I am also the Chair of the Chamber's Government Affairs Committee.

APPLICATIONS

ELIGIBLE FOR APPOINTMENT

- Barron, Jason
- Birch, Patricia
- Copersito, Russell
- Money, Alaina
- Nance, Jessica
- Rabb, Elizabeth
- Rainey, Dorothy
- Sargent, Daniel
- Stadiem, Alan

Entry #: 593 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/7/2023 4:13 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Phil Welch

Candidate Contact Information

Legal Name

Jason Barron

Preferred First Name

Address

511 Fayetteville Street, 1408, Raleigh, North Carolina 27601

Pronouns

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Morningstar Law Group

Current Job Title

Founding Partner

Tell us why you would like to serve?

I have a deep interest in housing affordability. Candidly, I view housing as a critical part of the infrastructure necessary for any market to be sustainable, on par with roads and schools, and certainly more important than parks. Yet we, as a region, spend hundreds of millions on those three, yet grossly and consistently underfund to laughable and embarrassing degrees housing.

Please list any education, special skills, or experience you have that would be useful while considering this form.

Land use attorney working with market rate developers along with affordable housing developers

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

none

Entry #: 589 - Housing Advisory Board **Status:** Reviewed **Submitted:** 11/1/2023 3:22 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Friend / Neighbor

Candidate Contact Information

Legal Name

Patricia Burch

Preferred First Name

Address

2420 N Raleigh Blvd, Raleigh, North Carolina 27604

Pronouns

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Habitat for Humanity of Wake County

Current Job Title

CEO

Tell us why you would like to serve?

Habitat Wake has a strong interest in providing affordable homeownership opportunities for Apex residents, and working to address housing needs across the housing continuum. As an affordable housing provider, builder, and advocacy organization, we have subject matter expertise that will be invaluable to the Housing Advisory Board and the implementation of the affordable housing plan.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I have 17 years of experience in affordable housing. Before I became the CEO at Habitat Wake, I worked with Habitat Birmingham in almost every department. I have experience developing affordable housing from the fundraising and design stage through to infrastructure development, permitting, construction, all the way to closing. I currently sit on the Board for the Raleigh Chamber of Commerce and have developed relationships with key players in our community, including the Homebuilders Association, Wake County Government, and more.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

None.

Entry #: 635 - Housing Advisory Board **Status:** Submitted **Submitted:** 2/27/2024 7:23 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Employee / Elected Official, Town Website, Council Meeting

Candidate Contact Information

Legal Name

Russell Copersito

Preferred First Name

Russell

Address

1201 Dunn Ridge Ln, Apex, North Carolina 27502

Pronouns

Prefer not to say

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Salem Street Realty

Current Job Title

Broker

Tell us why you would like to serve?

As a former public servant (law enforcement) I aim to serve my local community in any way possible. Since my retirement from the police department I joined my family in Apex in property management and worked towards obtaining my real estate license. Our family has been in apex since 1995 (while I had some time away in holly springs as we started our family). My experience in real estate and property management gives me a large understanding of housing needs, housing requirements and housing laws. As a licensed broker I'm bound to follow and understand equal housing. On a personal level this is my home, the growth, development and prosperity of our community is important. Appropriate amount of housing and types of housing are important to that happening.

Please list any education, special skills, or experience you have that would be useful while considering this form.

Licensed real estate broker

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

N/a

Entry #: 608 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/31/2023 10:17 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Employee / Elected Official

Candidate Contact Information

Legal Name

Alaina Money

Preferred First Name

Alaina

Address

708 E Chatham St, Apex, North Carolina 27502

Pronouns

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Garman Homes

Current Job Title

Founder/CEO

Tell us why you would like to serve?

As a builder and a resident of Apex for more than 18 years, I bring a unique perspective to housing affordability and attainability. I know the costs of building, I know the obstacles builders face. I also know the general public has an oversimplified view of what it takes to build more affordable and attainable housing. I want to collaborate on solutions to move Apex forward and find ways to include more housing options for the broader homebuyer population.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I have a BS in Biology from Saint Mary's College at Notre Dame and a Masters in Healthcare Administration from UNC-Chapel Hill School of Public Health. My work experience in homebuilding spans 20 years. I served the Board of the HBA for many years. I've built numerous homes for charitable causes throughout the Triangle and was named to Raleigh Magazines 2023 list of Women Changing the Future of Raleigh. I also recently built my dream home in downtown Apex. I love living here and I want more people to have that same opportunity.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

None. This would be my first. Thanks for considering.

Entry #: 612 - Housing Advisory Board **Status:** Reviewed **Submitted:** 1/1/2024 8:02 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Friend / Neighbor

Candidate Contact Information

Legal Name

Jessica Nance

Preferred First Name

Jessica

Address

600 Bladestone Ct, Apex, North Carolina 27502

Pronouns

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

etailinsights

Current Job Title

Customer Success Manager

Tell us why you would like to serve?

Housing is essential to survival, and I believe our amazing town can be a place where citizens not only survive, but also thrive. I'm passionate about housing because it's very personal for me. My brother-in-law's livelihood was saved by affordable housing as he was entering back into the "real world" after rehab, and he's a changed man. My husband and I have opened up our home the past 2 years to a refugee family from Ukraine, and we have firsthand witnessed what housing has done for them. It's allowed them to save money to find a place on their own. It's allowed them to settle in Apex and have their kids at amazing Apex schools. It's helped them start over.

I'm on the "Missions" team at The Peak Church, and I saw how much our Habitat team did this year to help provide housing and set local families up for success in our area! Livelihood is truly deep rooted in one's housing situation, so if I can help discern ideas and plans for my town, I'd be beyond honored.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I serve on The Peak Church's Missions Team, which allows me to work with many local non-profits and ministries. Some of these ministries are focused on housing and citizens's livelihoods. I've learned the heartbeat of these ministries, and it's grown my passion to ensure people have housing. I have also worked directly with people/clients my entire career as an Account Manager and/or Customer Success Manager. I love people. I love getting to know people and staying curious about people, which gives me an empathetic heart to care for the masses.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

N/A

Entry #: 631 - Housing Advisory Board **Status:** Reviewed **Submitted:** 1/30/2024 6:11 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Facebook

Candidate Contact Information

Legal Name

Elizabeth S Rabb

Preferred First Name

Bettie

Address

1037 Kingsway Dr, Apex, North Carolina 27502

Pronouns

She/Her/Hers

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Wake County Public School System

Current Job Title

6th grade social studies teacher (Apex Friendship Middle)

Tell us why you would like to serve?

I have a renewed interest in local government and am so pleased with the direction that Apex is taking on so many issues, including affordable housing. With my background in public administration, I believe I have knowledge and experience to offer and would appreciate the change to serve my community.

Please list any education, special skills, or experience you have that would be useful while considering this form.

Masters of Public Administration, worked at the Triangle Transit Authority (now Go Triangle) as well as Town of Nags Head, served as Administrative Services Director (Assistant Town Manager) for the Town of Kill Devil Hills

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

No, I have not.

Entry #: 610 - Housing Advisory Board

Status: Reviewed

Submitted: 1/1/2024 3:55 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Email

Candidate Contact Information

Legal Name

Dorothy D Rainey

Preferred First Name

Address

3006 Parliament Pl, Apex, North Carolina 27502

Pronouns

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Self employed

Current Job Title

Founder DDR Realty

Tell us why you would like to serve?

I believe that everyone deserves a safe place to call home. My desire is to give back to my community by helping the Town of Apex to adequately provide housing for its residents at all income levels.

Please list any education, special skills, or experience you have that would be useful while considering this form.

MBA, BBA, Realtor (13 yrs), Senior Real Estate Specialist (SRES), Global International Property Specialist (CIPS), Raleigh Regional Association of Realtors Global Advisory Board member, Apex Chamber member, Apex Chamber Community Outreach Member, Apex resident 14 years

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

NA

Entry #: 594 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/12/2023 2:53 PM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Town Employee / Elected Official

Candidate Contact Information

Legal Name

Daniel t Sargent

Preferred First Name

Address

560 Goldston Glendon Road, Goldston, North Carolina 27252

Pronouns

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

Rebuilding Together of the Triangle, Inc.

Current Job Title

Executive Director

Tell us why you would like to serve?

RTT supports housing preservation in the town through the administration of the Apex Cares Program. I'm interested in supporting the Town's affordable housing work more broadly. Marla Newman asked if I would be interested in serving; I'm open to helping in any way I can.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I have a masters of public administration from the School of Government at UNC Chapel Hill and over 15 years of service leading Rebuilding Together of the Triangle, Inc. as Executive Director. I also lived in the Knollwood neighborhood of Apex for over 10 years, and have strong relationships in the community.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

N/A

Entry #: 602 - Housing Advisory Board **Status:** Reviewed **Submitted:** 12/22/2023 8:37 AM

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

Original Submittal

I'm interested in serving on...

Housing Advisory Board

How did you hear about this opportunity to serve?

Facebook

Candidate Contact Information

Legal Name

Alan Stadiem

Preferred First Name

Address

2005 Brandenton Way, Apex, North Carolina 27502

Pronouns

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

Mobile Phone

Alternate Phone (work/home)

Background Information

Current Employer

DRB Group

Current Job Title

Vice President of Purchasing

Tell us why you would like to serve?

I would like to serve to assist the town with matters related to overall housing, housing affordability, and developments. I feel my experiences in the housing industry would help the town grow smarter, reduce waste in our landfills, lessen stormwater runoff into our waterways, and most importantly save trees on development sites. It's important to hear all sides of an issue and what better way than to have a 20 year veteran of the housing industry as a voice on this board.

Please list any education, special skills, or experience you have that would be useful while considering this form.

B.S. Degree from ECU in Construction Science with a minor in Business Admin

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

N/a

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to confirm the following leadership positions on the Apex Housing Advisory Board (HAB) for calendar year 2024:

- Philip Welch, Chair of the Apex Housing Advisory Board (HAB)
- Rhett Fussell, Vice-Chair of the Apex Housing Advisory Board (HAB)

Approval Recommended?

Mayor Jacques K. Gilbert recommends both Philip Welch for Chair and Rhett Fussell for Vice-Chair on the Apex Housing Board (HAB)

Item Details

On Tuesday, March 5, 2024 the Apex Housing Advisory Board (HAB) unanimously (5-0) voted to nominate Philip Welch to the Chair position and Rhett Fussell to the Vice-Chair position for calendar year 2024.

Pursuant to the Town's Unified Development Ordinance (UDO) Section 2.1.3 (C)(1), the chair and vice-chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board of Adjustment. The term of the chair and vice-chair shall be one (1) year.

The current HAB members were reminded that the facilitated nomination process would be treated as a recommendation only and the final appointing authority rested solely with the Mayor for both leadership positions on this Board.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Antwan Morrison, Director

Department(s): Finance

Requested Motion

Motion to adopt Budget Ordinance Amendment No. 14 to transfer stormwater fund equity from the Water and Sewer Fund to newly established Stormwater Fund.

Approval Recommended?

Yes

Item Details

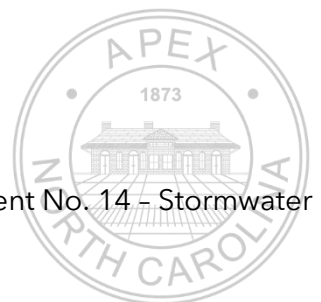
Historically, the town's state mandated stormwater utility program was funded through the property taxes. Beginning January 1, 2022, the town began collecting a separate stormwater utility fee, which our customers see on their utility bills. The funds collected for this new fee were deposited into the town's Water and Sewer Fund and used to offset the related stormwater expenses within the same fund.

Within the Fiscal Year 2024 budget a newly formed, separate Stormwater Fund was established. The new reporting fund provides management a better means of administering programs dollars, as well as stronger financial reporting for the program.

After completing the annual audit staff calculated the excess revenues over expenses from the inception of the new stormwater utility fee. These excess revenues are considered stormwater utility fund equity; however, they currently still reside in the Water and Sewer Fund. This amendment moves that equity for both Fiscal Year 2022 and Fiscal Year 2023 to the new Stormwater Fund, \$261,647 and \$1,308,453, respectively.

Attachments

- CN4-A1 - Budget Ordinance Amendment No. 14 - Stormwater Fund Equity
- CN4-A2 - Stormwater Fund Equity Calculation - Budget Ordinance Amendment No. 14 - Stormwater Fund Equity





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 2023-2024 Budget Ordinance be adopted:

32: Water & Sewer Fund

Section 1. Revenues:

32-0000-39902 - Appropriated Fund Balance	1,570,100
Total Revenues	\$1,570,100

Section 2. Expenditures:

32-9030-49699: Transfer to Stormwater Fund	1,570,100
Total Expenditures	\$1,570,100

35: Stormwater Fund

Section 3. Revenues:

35-0000-39732 - Transfer from Water & Sewer Fund	1,570,100
Total Revenues	\$1,570,100

Section 4. Expenditures:

35-9020-49800: Reserved for Future Expenditures	1,570,100
Total Expenditures	\$1,570,100

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

Adopted this the 9th day of April, 2024.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

NEW STORMWATER FUND - FUND EQUITY at June 30, 2023

Process Status	Posted
Organization Set.Organization	32 Water and Sewer Fund
Organization Set.Level 2	0000 Other

Actual Amount Row Labels	Column Labels			
	Fiscal Calendar 2024	Fiscal Calendar 2023	Fiscal Calendar 2022	Grand Total
Revenue				
35531 - Stormwater - Residential	0.00	(1,484,659.33)	(892,021.82)	(2,376,681.15)
35532 - Stormwater - Commercial	0.00	(988,453.90)	(460,212.10)	(1,448,666.00)
Revenue Total	0.00	(2,473,113.23)	(1,352,233.92)	(3,825,347.15)
Grand Total	0.00	(2,473,113.23)	(1,352,233.92)	(3,825,347.15)

Process Status	Posted
Organization Set.Organization	32 Water and Sewer Fund
Organization Set.Level 2	8020 Stormwater

Actual Amount Row Labels	Column Labels			
	Fiscal Calendar 2024	Fiscal Calendar 2023	Fiscal Calendar 2022	Grand Total
Expenses				
40200 - Salaries	0.00	630,332.60		630,332.60
40200 - Salaries - Year-End			20,822.77	20,822.77
40500 - FICA	0.00	45,062.45		45,062.45
40600 - Group Insurance	0.00	82,536.35		82,536.35
40701 - General Retirement	0.00	74,857.83		74,857.83
40705 - 401K General	0.00	30,914.92		30,914.92
40801 - Workers Comp	0.00	11,487.06		11,487.06
40899 - Reimb. Prsnl Svcs			340,439.77	340,439.77
41100 - Postage		316.80		316.80
41101 - Telephone & Communications	(80.57)	946.88	40.43	906.74
41200 - Printing	0.00	2,201.88		2,201.88
41400 - Travel and Training		9,370.87		9,370.87
41700 - Vehicle Maintenance and Repair		731.72		731.72
43100 - Automotive Supplies	0.00	743.75		743.75
43101 - Motor Fuel	0.00	6,533.26		6,533.26
43200 - Office Supplies		119.73		119.73
43300 - Departmental Supplies	0.00	3,828.29		3,828.29
43301 - Technology Hardware & Accessories		6,361.11		6,361.11
43310 - Meeting & Event Provisions	0.00	576.52		576.52
43311 - Community Outreach Materials		5,126.50		5,126.50
43600 - Uniforms		3,102.89		3,102.89
44500 - Contracted Services	0.00	175,849.95		175,849.95
44503 - Personal Protective Equipment (eq)		899.39		899.39
44509 - Software License & Maintenance	0.00	2,722.63		2,722.63
44600 - Professional Services	0.00	46,200.00		46,200.00
44604 - Prof Svc - Engineering/Surveying	0.00	16,273.75		16,273.75
45300 - Dues and Subscriptions		5,043.95		5,043.95
45301 - Operating Licenses & Permits	0.00	0.00		0.00
45999 - Reimb. Operations			243,997.57	243,997.57
47100 - Capital Outlay - Land		2,519.61	207,887.15	210,406.76
47300 - Capital Outlay - Improvements		0.00		0.00
47997 - Reimb. C/O			277,399.03	277,399.03
Expenses Total	(80.57)	1,164,660.69	1,090,586.72	2,255,166.84
Grand Total	(80.57)	1,164,660.69	1,090,586.72	2,255,166.84

Revenues over Expenses

(1,308,452.54)

(261,647.20)

(1,570,099.74)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management Department

Requested Motion

Motion to approve a Standard Services Agreement between the Town of Apex and Central Pines Regional Council of Governments, effective April 1, 2024 through June 30, 2025 for Grant Assistance, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The initial proposal indicated that the partnership would begin at the start of Fiscal Year 2025. After communicating the desire for a more immediate start, the Program Director Alana Keegan indicated that it would be possible to start as early as April 2024, with a pro-rated amount (\$6,250) included.

Currently the Fiscal Year 2025 Budget includes \$25,000 for the program. Public Works Managers and the Sustainability Coordinator have met with Central Pines staff to discuss possible uses of the service. The Town will evaluate the benefit and return that this Program provides on an annual basis.

Attachments

- CN5-A1 - Standard Services Agreement - Central Pines Regional Council of Governments - Grant Assistance
- CN5-A2 - Central Pines Regional Council of Governments Grant Assistance Proposal - Grant Assistance



**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**PURCHASE ORDER # [Click here to PO #](#)
STANDARD SERVICES AGREEMENT**

THIS STANDARD SERVICES AGREEMENT (hereinafter “Agreement”) is entered into this 28th day of March, 2024 by and between, Central Pines Regional Council, a North Carolina limited liability company with its principal business offices located at 4307 Emperor Blvd, Durham, NC 27703 (the “Contractor”), and the Town of Apex, a municipal corporation of the State of North Carolina, (the “Town”). Town and Contractor may collectively be referred to as “Parties” hereinafter.

WITNESSETH:

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following services: grant tracking, proposal development, grant writing and reporting, and funding agency engagement on the influx of federal and state funding opportunities as detailed in attached proposal dated . The Town of Apex will be able to request help with grant applications and will have regular meetings with assigned project leads to assist with internal collaboration between departments, discuss potential projects, and receive guidance on eligible funding sources as detailed in attached proposal dated . In the event of a conflict between the terms of the attached Scope of Services and this Agreement, this Agreement shall control.

2. SPECIFICATIONS.

Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, Contractor will provide plans and specifications prior to engaging in any services under this Agreement. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Agreement no more than 5 days after the date of execution of this Agreement, and the Contractor shall complete entire work no later than 6/30/2025. If a Scope of Services is provided Contractor shall also comply with all timelines and deadlines documented in the Scope of Services. If Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Agreement must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the total sum of \$ 31,250 to be paid according to the following schedule: 30 days from receipt of invoice. Town has the right to require the Contractor to produce for inspection all of Contractor’s records and charges to verify the accuracy of all

invoices. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. INDEMNIFICATION.

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the Town of Apex, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Apex, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

6. APPLICABILITY OF LAWS AND REGULATIONS.

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Apex in the performance of the services outlined in this Agreement and any attached specifications.

This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or nonperformance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Wake County, North Carolina, or the United States District Court sitting in Wake County, North Carolina, and it is agreed by the Parties that no other court shall have jurisdiction or venue with respect to such suits or actions.

7. E-VERIFY COMPLIANCE.

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

8. ANTI-HUMAN TRAFFICKING.

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

9. QUALITY AND WORKMANSHIP.

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

10. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of \$1,000,000, commercial automobile liability insurance in the minimum amount of \$2,000,000, and provide certificates of such insurance naming the Town of Apex as an additional insured by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, the contractor shall maintain and show proof of workers'

compensation and employer's liability insurance in the minimum amount of \$1,000,000. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

11. PRE-PROJECT SAFETY REVIEW MEETING.

When specified by the Safety and Risk Manager, the Contractor shall attend a pre-project safety review meeting with the contacting Department Head and Supervisors and Safety and Risk Manager prior to the start of work.

12. DEFAULT.

In the event of substantial failure by Contractor to perform in accordance with the terms of this Agreement, Town shall have the right to terminate Contractor upon seven (7) days written notice in which event Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

13. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

14. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CONTRACTOR:

Central Pines Regional Council Attn: Alana Keegan
4307 Emperor Blvd
Durham, NC 27703
akeegan@centralpinesnc.gov

TO TOWN: Town of Apex

Attention: Amanda Grogan
 PO Box 250
 Apex, NC 27502
amanda.grogan@apexnc.org

15. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town, having taken commercially reasonable precautions, shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by natural disaster, fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disobedience, or other event reasonably outside of the parties' control. Due to the ever-changing circumstances surrounding the COVID-19 pandemic, situations may arise during the performance of this Agreement that affect availability of resources and staff of Contractor or the Town. There could be changes in anticipated performance times and service costs. Contractor will exercise reasonable efforts to overcome the challenges presented by

current circumstances. In the event of changes in performance times or service costs caused by the COVID-19 pandemic the Town reserves the right to terminate this Agreement in accordance with its terms. The Parties agree that they shall not be liable to each other for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 pandemic.

16. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17. CONSTRUCTION.

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

18. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations; that they have fully read and understood this Agreement before signing their names; and that they act voluntarily and with full advice of counsel.

19. SEVERABILITY.

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

20. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

21. MODIFICATION.

This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

22. BINDING EFFECT.

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

23. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Contractor in the performance of services rendered.

24. INDEPENDENT CONTRACTOR.

Contractor is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an independent contractor. Contractor shall be wholly responsible for the methods, means and techniques of performance.

25. NON-APPROPRIATION.

Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

26. IRAN DIVESTMENT ACT CERTIFICATION.

N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

27. NONDISCRIMINATION.

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

28. ELECTRONIC SIGNATURE.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement 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 Agreement and any related documents. If


electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ^{28th} day of MARCH, 2024.

Contractor

Name: Central Pines Regional Council

Name of Contractor (type or print)

By: 
(Signature)

Title: Executive Director

Attest:



(Secretary, if a corporation)

Town of Apex

Shawn Purvis, Interim Town Manager

Attest:

Allen L. Coleman, CMC, NCCCC
Town Clerk

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

Antwan Morrison, Finance Director

2024-2025 Grant Assistance Program

Program Overview

Central Pines Regional Council will administer a comprehensive grant program that assists local governments with grant tracking, proposal development, grant writing and reporting, and funding agency engagement on the influx of federal and state funding opportunities. Participating communities will be able to request help for their own grant applications and will have regular meetings with assigned project leads to assist with internal collaboration between departments, discuss potential projects, and give guidance on eligible funding sources.

Program Contacts

Alana Keegan, akeegan@centralpinesnc.gov
Local Government Services Director

Lindsay Whitson, lwhitson@centralpinesnc.gov
Community & Economic Development Director

Tara Nattress, tnattress@centralpinesnc.gov
Senior Management Analyst

Central Pines Regional Council Responsibilities:

- Managing all program administration including hiring and oversight of program staff, coordination with contractual and external partners, and financial oversight.
- Communicating regularly with local government staff to discuss potential projects, additional funding opportunities, and opportunities for multi-jurisdictional applications.
- Tracking a wide range of funding sources to monitor and identify opportunities for program communities.
- Working with local government staff to move projects from ideation to submitted applications: develop competitive project ideas, and coordinate with partners or sub-recipients and associated funding sources.
- Overseeing project management for grant proposal writing, proposal development, stakeholder coordination, application submission, and grant evaluations.
- Establishing strong relationships with state/federal funding agencies identified as priorities and facilitating meetings with agencies to talk through project ideas and funding alignment.

Local Government Responsibilities:

- Providing up-to-date information on local funding goals, priorities, and project needs.
- Assisting with proposals and applications by providing internal documentation, resources, or plans in a timely manner.

- Assigning a program contact(s) to ensure continuity of operations that can work with the Central Pines staff on information dissemination and coordination internally.

Program Cost and Program Sustainability

The Town of Apex will pay \$31,250 and be provided with all the services listed above, with the following limitations on federal grant applications. These stipulations ensure that the CPRC team can provide the most effective and high-quality products.

- CPRC will write up to four (4) federal grant applications each year. Additional applications can be requested at a rate of \$80/hour.
- Federal grant applications requested less than 3 weeks before the deadline will include a \$2,500 fee.

Communities are also asked to prioritize utilizing CPRC for grant administration of successfully awarded proposals over other external agencies to support the longevity and growth of CPRC's grant services. Grant administration costs can be built into grant applications.

TERMS

The term of this agreement shall be entered into April 1, 2024, through June 30, 2025.

2024-2025 Grant Assistance Program

Proposal

Program Overview

Central Pines Regional Council will administer a comprehensive grant program that assists local governments with grant tracking, proposal development, grant writing and reporting, and funding agency engagement on the influx of federal and state funding opportunities. Participating communities will be able to request help for their own grant applications and will have regular meetings with assigned project leads to assist with internal collaboration between departments, discuss potential projects, and give guidance on eligible funding sources.

Program Contacts

Alana Keegan, akeegan@centralpinesnc.gov
Local Government Services Director

Lindsay Whitson, lwhitson@centralpinesnc.gov
Community & Economic Development Director

Tara Nattress, tnattress@centralpinesnc.gov
Senior Management Analyst

Central Pines Regional Council Responsibilities:

- Managing all program administration including hiring and oversight of program staff, coordination with contractual and external partners, and financial oversight.
- Communicating regularly with local government staff to discuss potential projects, additional funding opportunities, and opportunities for multi-jurisdictional applications.
- Tracking a wide range of funding sources to monitor and identify opportunities for program communities.
- Working with local government staff to move projects from ideation to submitted applications: develop competitive project ideas, and coordinate with partners or sub-recipients and associated funding sources.
- Overseeing project management for grant proposal writing, proposal development, stakeholder coordination, application submission, and grant evaluations.
- Establishing strong relationships with state/federal funding agencies identified as priorities and facilitating meetings with agencies to talk through project ideas and funding alignment.

Local Government Responsibilities:

- Providing up-to-date information on local funding goals, priorities, and project needs.
- Assisting with proposals and applications by providing internal documentation, resources, or plans in a timely manner.

- Assigning a program contact(s) to ensure continuity of operations that can work with the Central Pines staff on information dissemination and coordination internally.

Program Cost and Program Sustainability

The Town of Apex will pay a prorated amount for FY 24 of \$6,250 and \$25,000 beginning FY 25 and be provided with all the services listed above, with the following limitations on federal grant applications. These stipulations ensure that the CPRC team can provide the most effective and high-quality products.

- CPRC will write up to four (4) federal grant applications each year. Additional applications can be requested at a rate of \$80/hour.
- Federal grant applications requested less than 3 weeks before the deadline will include a \$2,500 fee.

Communities are also asked to prioritize utilizing CPRC for grant administration of successfully awarded proposals over other external agencies to support the longevity and growth of CPRC's grant services. Grant administration costs can be built into grant applications.

TERMS

The term of this agreement shall be entered into April 9, 2024, through June 30, 2025. If you agree with the terms of this service agreement, please indicate by signing below and returning a signed original to Central Pines Regional Council. This confirms your intention to accept the scope of work and you are confirming the encumbrance of funds sufficient to pay the fees for services rendered.

SIGNATURES

Town of Apex

By: _____

Signature: _____

Title: _____

Date: _____

Central Pines Regional Council

By: _____

Signature: _____

Title: _____

Date: _____

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

(Signature of Finance Director)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Marla Y. Newman, Director

Department(s): Community Development & Neighborhood Connections

Requested Motion

Motion to approve a three-year contract with HR&A Advisors, Inc, effective April 9, 2024 through April 8, 2027 to implement, host and maintain a data dashboard, and to authorize the Interim Town Manager, or their designee, to execute the contract on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Community Development and Neighborhood Connections Department is a newly formed team for the town. When fully developed, this department will support the following programs to ensure that Apex is a welcoming community with engaged residents, quality neighborhoods, and housing choice and affordability for anyone that wants to live in Apex.

Part of the newly formed CDNC department's current priority projects is to develop and maintain an online dashboard and produce an annual housing report to increase public accessibility to key affordable housing information. HR&A Advisors, Inc. (HR&A) was selected to assist with this project. Their organizations focus is to help create more equitable, resilient, and dynamic communities. Their work turns vision into action through rigorous analysis, strategy development, and implementation planning.

HR&A Advisors, Inc will perform the following Scope of Services:

- Implement the product options selected by Client from the HR&A Housing Dashboard Product Options Form set forth in Exhibit D (attached) and launch such customized version of the HR&A Housing Dashboard.
- Host the customized version of the HR&A Housing Dashboard for Client for three years following its launch, unless HR&A's services are sooner terminated as set forth under the termination provision of the Agreement.

- While hosting, perform basic annual maintenance services to maintain data connections with the most recently available data, functioning maps and charts, subject to the terms and conditions set forth in the Agreement.

Attachments

- CN6-A1: Contract - HR&A - Housing Data Dashboard
- CN6-A2: Exhibit D (portions highlighted were selected by Client) - HR&A - Housing Data Dashboard



**Apex Housing Dashboard, Town of Apex, NC
CONTRACT**

This agreement (together with any other documents incorporated herein by reference and related exhibits and schedules, the “**Agreement**”) is made and effective as of the __ day of _April_, 2024 (the “**Effective Date**”) by and between the Town of Apex, NC (“**Client**”), and HR&A Advisors, Inc., a corporation organized and existing under the laws of the State of New York (“**Consultant**”) (Client and Consultant each a “**Party**” and together and collectively, the “**Parties**”).

WITNESSETH THAT:

WHEREAS, Client desires to develop a public-facing housing dashboard (the “**Dashboard**”) to track housing challenges and key housing metrics in Apex (the “**Project**”), and

WHEREAS, Client desires to retain the Consultant to provide services and deliverables in connection with the Project;

NOW, THEREFORE, the Parties hereto mutually agree as follows:

1. Scope of Services. The Consultant agrees to perform services (the “**Services**”) for Client in connection with the Project as further described in “**Exhibit A**,” which is attached to and is a part of this Agreement, and in accordance with the terms and conditions set forth in this Agreement, including but not limited to the General Terms set forth in “**Exhibit B**,” which is attached to and is a part of this Agreement.

2. Schedule. Consultant anticipates that the Services set forth in Section 1 of Exhibit A will be completed within six (6) months following the date this Agreement is executed by the Parties, provided that Client fulfills its obligations herein, and subject to modification by mutual agreement by the Parties, with the Services set forth in Sections 2 and 3 of Exhibit A to be provided during the three-year period that immediately follows the launch referenced in Section 1 of Exhibit A.

3. Personnel. The Consultant represents that it has, or will secure, at its own expense, all personnel or subconsultants required to perform the Services. Such personnel shall not be employees of or have any contractual relationship with Client. All Services will be performed by the Consultant or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state, federal and local law to perform such Services.

4. Fees and Expenses; Payment Terms; Interest on Late Payments. The cost of Services will be invoiced by the Consultant on the basis and rates set forth in **Exhibit C**, which is attached to and is a part of this Agreement. Invoices will be transmitted monthly by the Consultant to Client and will include requests for reimbursement of reasonable expenses incurred by the Consultant in performance of the Scope of Services at cost, such as third party data costs that are discussed with the Client before purchase. Client shall remit payment within 30 days of receipt of the invoice.

(a) In consideration of the provision of the Services by Consultant and the rights granted to Client under this Agreement, Client shall pay the fees set forth in this Agreement. Invoices will be transmitted monthly by the Consultant to Client and will include requests for reimbursement of expenses incurred by the Consultant in performance of the Scope of Services at cost.

(b) Client agrees to reimburse Consultant for all reasonable travel and out-of-pocket expenses incurred by Consultant in connection with the performance of the Services, not to exceed \$2,000.00.

(c) Client shall pay all invoiced amounts due to Consultant within 30 days from the date of Consultant's invoice. Client shall make all payments hereunder in US dollars by Wire Transfer or ACH.

(d) In the event payments are not received by Consultant within 60 days after becoming due, Consultant may:

(i) charge interest on any such unpaid amounts at a rate of 1% per month or, if lower, the maximum amount permitted under applicable law, from the date such payment was due until the date paid;

(ii) upon written notice to Client, suspend performance for all Services until payment has been made in full.

5. Term, Termination, Suspension for Cause.

(a) This Agreement shall commence as of the Effective Date and shall continue thereafter through the expiration of the three-year term referenced in Section 2 of Exhibit A unless sooner terminated pursuant to the provisions of this Agreement.

(b) Either Party may terminate this Agreement, effective upon written notice to the other Party (the "**Defaulting Party**"), if the Defaulting Party:

(i) materially breaches this Agreement, and the Defaulting Party does not cure such breach or provide a plan of cure acceptable to the non-Defaulting Party within 30 days after receipt of written notice of such breach, or such material breach is incapable of cure;

(ii) becomes insolvent or admits its inability to pay its debts generally as they become due;

(iii) becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law, which is not fully stayed within seven business days or is not dismissed or vacated within 45 business days after filing;

(iv) is dissolved or liquidated or takes any corporate action for such purpose;

(v) makes a general assignment for the benefit of creditors; or

(vi) has a receiver, trustee, custodian, or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business.

(c) Notwithstanding anything to the contrary in Section 5(a), Consultant may immediately terminate this Agreement upon written notice to Client if Client fails to pay any amount when due hereunder: (i) and such failure continues for 15 days after Client's receipt of written notice of nonpayment.

(d) If Client fails to make payments to the Consultant in accordance with this Agreement, in addition to the right of termination of this Agreement as set forth herein, at the Consultant's option and upon written notice to Client, Consultant may suspend some or all performance of Services under this Agreement and retain all deliverables and other work product (including without limitation the intellectual property rights therein) for which payment is outstanding. In the event of a suspension of some or all Services, retention of deliverables and other work product and/or the termination of the Agreement by the Consultant, the Consultant shall have no liability to Client for delay or damage caused Client because of such suspension of Services. Before resuming Services, the Consultant shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Services. The decision by the Consultant not to cease or suspend Services or any portion thereof, or the decision by the Consultant to suspend certain but not all Services under this Agreement, shall not constitute a waiver of its right to suspend or terminate performance of any or all Services under this Agreement so long as payments of undisputed amounts remain outstanding.

6. Equal Employment Opportunity. The Consultant will not discriminate against any employee or applicant for employment with regard to race, religion, sex, sexual orientation, gender identity, color, national origin, age, or disability. The Consultant will act to ensure that applicants are employed, and that employees are treated during employment, without regard to race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability.

7. Retention of Records. Consultant shall maintain all records pertaining to this contract for three (3) years after Client makes final payment or longer as required by applicable law.

8. Indemnification

(a) Consultant shall indemnify, defend and hold harmless Client and its officers, employees, agents and permitted assigns from and against any and all suits, claims, losses, damages, charges, or expenses, whether direct or indirect, and liability of every name and nature to which they or any of them may be put or subjected by reason of any personal injury or damage to real or tangible property, including reasonable attorneys' fees (collectively, "**Losses**") arising from or in connection with any breach by Consultant under this Agreement.

In no event shall any officer, shareholder, member, employee or agent of Consultant or Client (or any of Consultant's or Client's affiliates) be personally liable for the performance of either Party's obligations hereunder.

9. Entire Agreement. This Agreement, together with any other documents incorporated herein by reference and related exhibits and schedules, including but not limited to the Scope of Services attached as Exhibit A, General Terms attached as Exhibit B, Fee Schedule attached as Exhibit C and Product Options Form attached as Exhibit D, constitute the sole and entire agreement of the Parties hereto with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, both written and oral, with respect to such subject matter.

10. Client's Obligations. Client shall:

(a) Reasonably cooperate with Consultant in all matters relating to the Services;

(b) respond promptly to any Consultant request to provide direction, information, approvals, authorizations, or decisions that are reasonably necessary for Consultant to perform Services in accordance with the requirements of this Agreement; and

(c) provide such Client materials or information as Consultant may reasonably request and Client considers reasonably necessary to carry out the Services in a timely manner and ensure that such Client materials or information are complete and accurate in all material respects.

11. Client's Acts or Omissions. If Consultant's performance of its obligations under this Agreement is prevented or delayed by any act or omission of Client or its agents, subcontractors, consultants, or employees, Consultant shall not be deemed in breach of its obligations under this Agreement or otherwise liable for any costs, charges, or losses sustained or incurred by Client, in each case, to the extent arising directly or indirectly from such prevention or delay. [Notwithstanding Section 12(b) and Section 12(c) below, if Consultant's performance of its obligations under this Agreement is prevented or delayed by any act or omission of Client or its agents, subcontractors, consultants, or employees, Consultant may, by giving notice to Client, change the Services with respect to: (i) the fees, to which Consultant may add a delay charge to recover from Client the costs incurred from such delay; (ii) performance dates, and (iii) the allocation of resources.]

12. Change Orders.

(a) If either Party wishes to change the scope or performance of the Services, it shall submit details of the requested change to the other Party in writing. Consultant shall, within a reasonable time after such request, provide a written estimate to Client of:

- (i) the likely time required to implement the change;
- (ii) any necessary variations to the fees and other charges for the Services arising from the change;
- (iii) the likely effect of the change on the Services; and
- (iv) any other impact the change might have on the performance of this Agreement.

(b) Promptly after receipt of the written estimate, the Parties shall negotiate and agree in writing on the terms of such change (a "**Change Order**"). Neither Party shall be bound by any Change Order unless mutually agreed upon in writing in accordance with Section 27.

(c) Notwithstanding the above, Consultant may, from time to time change the Services without the consent of Client provided that such changes do not materially affect the nature or scope of the Services, or the fees or any performance dates set forth in this Agreement.

(d) Consultant may charge for the time it spends assessing and documenting a change request from Client on a time and materials basis in accordance with this Agreement.

13. Taxes. Client shall be responsible for all sales, use and excise taxes, and any other similar taxes, duties and charges of any kind imposed by any federal, state, or local governmental entity on any amounts payable by Client hereunder.

14. Intellectual Property. All intellectual property rights, including information, models, methodologies, technology, documentation, material, software (including reusable source code of general applicability), code, copyrights, patents, patent disclosures and inventions (whether patentable or not), trademarks, service marks, trade secrets, know-how, and other confidential information, trade dress, trade names, logos, corporate names and domain names, together with all of the goodwill associated therewith, improvements, derivative works and all other rights (collectively, "**Intellectual Property Rights**") in and to all documents, work product and other materials that are delivered to Client under this Agreement or are prepared by or on behalf of Consultant in the course of performing the Services, including any items identified as such in this Agreement (collectively, the "**Deliverables**") except for any Confidential Information of Client or Client materials shall be owned exclusively by Consultant. Consultant hereby grants Client a license to use all Intellectual Property Rights in the Deliverables free of additional charge and on a non-exclusive, worldwide, non-transferable, non-sublicensable, fully paid-up, royalty-free basis, solely to the extent necessary to enable Client to make reasonable noncommercial use of the Deliverables and the Services.

15. Confidential Information.

(a) All non-public, confidential or proprietary information of Consultant, including, but not limited to, trade secrets, technology, information pertaining to business operations and strategies, and information pertaining to customers, pricing, and marketing (collectively, "**Confidential Information**"), disclosed by Consultant to Client, whether disclosed orally or disclosed or accessed in written, electronic or other form or media, and whether or not marked, designated or otherwise identified as "confidential," in connection with the provision of the Services and this Agreement is confidential, and shall not be disclosed or copied by Client without the prior written consent of Consultant unless disclosure is required under North Carolina Public Records Act. Confidential Information does not include information that is:

(i) in the public domain;

(ii) known to Client at the time of disclosure; or

(iii) rightfully obtained by Client on a non-confidential basis from a third party.

(b) Client agrees to use the Confidential Information only to make use of the Services and Deliverables as provided under this Agreement.

(c) Consultant shall be entitled to injunctive relief for any violation of this Section.

16. Limitation of Liability.

(a) IN NO EVENT SHALL CONSULTANT BE LIABLE TO CLIENT OR TO ANY THIRD PARTY FOR ANY LOSS OF USE, REVENUE OR PROFIT OR LOSS OF DATA OR DIMINUTION IN VALUE, OR FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES WHETHER ARISING OUT OF BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE, REGARDLESS OF WHETHER SUCH DAMAGES WERE FORESEEABLE AND WHETHER OR NOT CONSULTANT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND NOTWITHSTANDING THE FAILURE OF ANY AGREED OR OTHER REMEDY OF ITS ESSENTIAL PURPOSE.

(b) IN NO EVENT SHALL CONSULTANT'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER ARISING OUT OF OR RELATED TO BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE, EXCEED THE AGGREGATE AMOUNTS PAID OR PAYABLE TO CONSULTANT IN THE SIX-MONTH PERIOD PRECEDING THE EVENT GIVING RISE TO THE CLAIM.

17. Waiver. No waiver by Consultant of any of the provisions of this Agreement is effective unless explicitly set forth in writing and signed by Consultant. No failure to exercise, or delay in exercising, any rights, remedy, power, or privilege arising from this Agreement operates or may be construed as a waiver thereof. No single or partial exercise of any right, remedy, power, or privilege hereunder precludes any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.

18. Force Majeure. Other than Client's payment obligations hereunder, no Party shall be liable or responsible to the other Party, or be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the impacted Party's ("Impacted Party") control, including, without limitation, the following force majeure events ("Force Majeure Event(s)": (a) acts of God; (b) flood, fire, earthquake, or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts,

riot or other civil unrest; (d) government order, law, or action; (e) embargoes or blockades in effect on or after the date of this Agreement; (f) national or regional emergency; (g) strikes, labor stoppages or slowdowns or other industrial disturbances; (h) telecommunication breakdowns, power outages or shortages, lack of warehouse or storage space, inadequate transportation services, or inability or delay in obtaining supplies of adequate or suitable materials; and (i) other events beyond the control of the Impacted Party. The Impacted Party shall promptly give notice to the other Party, stating the period of time the Force Majeure Event is expected to continue. The Impacted Party shall use diligent efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized. The Impacted Party shall resume the performance of its obligations as soon as reasonably practicable after the removal of the cause.

19. Assignment. Client shall not assign any of its rights or delegate any of its obligations under this Agreement without the prior written consent of Consultant. Any purported assignment or delegation in violation of this Section is null and void. No assignment or delegation relieves Client of any of its obligations under this Agreement. Notwithstanding the foregoing, claims for money may be assigned to a bank, trust company, or other financial institution without such approval, with notice of any such assignment or transfer to be furnished promptly to the non-assigning Party.

20. Relationship of the Parties. The relationship between the Parties is that of independent contractors. Nothing contained in this Agreement shall be construed as creating any agency, partnership, joint venture or other form of joint enterprise, employment, or fiduciary relationship between the Parties, and neither Party shall have authority to contract for or bind the other Party in any manner whatsoever.

21. No Third-Party Beneficiaries. This Agreement shall be binding upon and inure to the benefit of each Party hereto and their respective successors and assigns. This Agreement is for the sole benefit of the Parties hereto and their respective successors and permitted assigns and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of these terms.

22. Governing Law. All matters arising out of or relating to this Agreement are governed by and construed in accordance with the internal laws of the State of North Carolina without giving effect to any choice or conflict of law provision or rule.

23. Submission to Jurisdiction. Any legal suit, action, or proceeding arising out of or relating to this Agreement shall be instituted in the federal courts of the United States of America or the courts of the State of North Carolina in each case

located in Wake County, North Carolina, and each Party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, or proceeding.

24. Notices. All notices, requests, consents, claims, demands, waivers, and other communications hereunder (each, a "**Notice**") shall be in writing and addressed to the Parties at the addresses set forth in this Agreement or to such other address that may be designated by the receiving Party in writing. All Notices shall be delivered by personal delivery, nationally recognized overnight courier (with all fees pre-paid), facsimile (with confirmation of transmission) or email or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a Notice is effective only (a) upon receipt of the receiving Party, and (b) if the Party giving the Notice has complied with the requirements of this Section.

If to Client: Marla Newman
Director, Community Development and Neighborhood
Connections
Town of Apex, NC
Marla.newman@apexnc.org

If to Consultant: Phillip Kash
Partner, HR&A Advisors
99 Hudson Street, 3rd Floor, New York, NY 10013
pkash@hraadvisors.com

25. Severability. If any term or provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction.

26. Survival. Provisions of these terms, which by their nature should apply beyond the term of this Agreement, will remain in force after any termination or expiration of this Agreement including, but not limited to, the following provisions: Indemnification, Intellectual Property, Confidentiality, Governing Law, Submission to Jurisdiction, and Survival.

27. Amendment and Modification. This Agreement may only be amended or modified in a writing which specifically states that it amends this Agreement and is signed by an authorized representative of each Party.

28. Counterparts. This Agreement may be executed in multiple counterparts and by facsimile signature, each of which shall be deemed an original and all of which together shall constitute one instrument.

[REMAINDER OF PAGE DELIBERATELY BLANK.
SIGNATURE PAGE AND EXHIBITS FOLLOW.]

IN WITNESS WHEREOF, *Town of Apex* and the Consultant have executed this Agreement as of the date first written above.

HR&A Advisors, Inc.

Town of Apex

Phillip Kash, Partner

By: _____
Signature

Print Name, Title

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

Antwan Morrison, Finance Director

Exhibit A: Scope of Services

Consultant will perform the following Scope of Services:

1. Implement the product options selected by Client from the HR&A Housing Dashboard Product Options Form set forth in Exhibit D below and launch such customized version of the HR&A Housing Dashboard.
2. Host the customized version of the HR&A Housing Dashboard for Client for three years following its launch, unless HR&A's services are sooner terminated as set forth under the termination provision of the Agreement.
3. While hosting, perform basic annual maintenance services to maintain data connections with the most recently available data, functioning maps and charts, subject to the terms and conditions set forth in the Agreement.

Exhibit B: General Terms

1. Access; Use. HR&A authorizes Client to access and use the Dashboard, and to provide the public with access to and use of the Dashboard, strictly in accordance with this Agreement and any related documentation that HR&A provides Client. Client shall ensure that its employees and contractors comply with HR&A's instructions regarding Dashboard access, usage, and restrictions as described in this Agreement. Client agrees to immediately notify HR&A if Client learns or suspects that any of its employees or contractors have violated this Agreement or that any of Client's access credentials have been compromised or have been known to (or accessed by) an unauthorized person.

2. Restrictions. Except as may be expressly permitted by applicable law or expressly authorized by the Dashboard, Client shall not:

- (a) copy the Dashboard or develop a software product that competes with the Dashboard;
- (b) modify, translate, adapt, or otherwise create derivative works or improvements, whether or not patentable, of the Dashboard;
- (c) reverse engineer, disassemble, decompile, decode, or otherwise attempt to derive or gain access to the source code of the Dashboard or any part thereof;
- (d) remove, delete, alter, or obscure any trademarks or any copyright, trademark, patent, or other intellectual property or proprietary rights notices from the Dashboard, including any copy thereof;
- (e) rent, lease, lend, sell, sublicense, assign, distribute, publish, transfer, or otherwise make available the Dashboard, or any features or functionality of the Dashboard, to any third party for any reason, including by making the Dashboard available on a network where it is capable of being accessed by more than one device at any time; except for the limited purpose of making the Dashboard available to members of the general public;
- (f) use any robot, spider, scraper or other automatic device, process, or means to access the Dashboard for any purpose, including monitoring, extracting or copying any of the material on the Dashboard;
- (g) use any manual process to monitor or copy any of the material on the Dashboard, or for any other purpose not expressly authorized in this Agreement, without HR&A's prior written consent;

(h) frame, mirror, or otherwise incorporate the Dashboard or any portion of the Dashboard as part of any other mobile application, website, or service, without HR&A's prior written consent;

(i) use the Dashboard in any manner that could disable, overburden, damage, or impair the Dashboard or interfere with any other party's use of the Dashboard; or

(j) remove, disable, circumvent, or otherwise create or implement any workaround to any copy protection, rights management, or security features in or protecting the Dashboard.

HR&A may audit Client's use of the Dashboard to confirm that Client is complying with this Agreement. Client shall cooperate with HR&A in this audit, and make available all information and materials that HR&A requests to conduct the audit. HR&A may suspend Client's access to the Dashboard if HR&A believes that Client is violating this Agreement or that suspension is otherwise necessary to protect the security, integrity, or other users of the Dashboard.

3. **Reservation of Rights.** Client does not acquire any ownership interest in the Dashboard or license to any underlying software code or algorithms, or any other rights thereto other than to use the Dashboard in accordance with this Agreement. HR&A, and its licensors and service providers, if any, reserve and shall retain its or their entire right, title, and interest in and to the Dashboard, including all copyrights, trademarks, and other intellectual property rights therein or relating thereto, and all improvements thereto. If Client provides oral or written feedback ("**Feedback**") on the features, functionality, overall performance, and other characteristics of the Dashboard, Client agrees to hereby assign all its rights in Feedback and any intellectual property rights therein to HR&A, without compensation. Client will not acquire any rights in the Dashboard by providing Feedback.

4. **Collection and Use of Information.** Client acknowledges that when someone uses the Dashboard, automatic means (including, for example, cookies and web beacons) may be used to collect information about the user's computer or mobile device and about the user's use of the Dashboard. Users also may be required to provide certain information about themselves as a condition to using the Dashboard or certain of its features or functionality. All information collected by or on behalf of Client through or in connection with the Dashboard shall be subject to an appropriate Privacy Policy that Client shall cause to be disclosed to such users in accordance with applicable law.

5. End User Terms of Use. Third parties that access the Dashboard ("**End Users**") will need to agree to terms of use as HR&A may reasonably require, as a condition to such access and use by End Users.

6. Updates. HR&A may from time to time in its sole discretion develop and provide Dashboard updates, which may include upgrades, bug fixes, patches, other error corrections, and/or new features (collectively, including related documentation, "**Updates**"). Updates may also modify or delete in their entirety certain features and functionality. Client agrees that HR&A has no obligation to provide any Updates or to continue to provide or enable any particular features or functionality. Client further agrees that all Updates will be deemed part of the Dashboard and be subject to all terms and conditions of this Agreement.

7. Third-Party Materials; Capacity. The Dashboard may display, include, or make available third-party content (including data, information, applications, and other products, services, and/or materials) or provide links to third-party websites or services ("**Third-Party Materials**"). Client acknowledges and agrees that HR&A is not responsible for Third-Party Materials, including their accuracy, completeness, timeliness, validity, copyright compliance, legality, decency, quality, continued availability, or any other aspect thereof. HR&A does not assume and will not have any liability or responsibility to Client or any other person or entity for any Third-Party Materials. Third-Party Materials and links thereto are provided solely as a convenience to Client, and Client accesses and uses them entirely at Client's own risk and subject to such third parties' terms and conditions. Client further acknowledges that HR&A is neither a municipal advisor nor an appraiser and is not performing the services of a municipal advisor or providing appraisal services in performing services under this Agreement and making available through the Dashboard various third-party content and other information.

8. Term and Termination.

(a) HR&A may terminate this Agreement at any time with or without notice for any reason, including if HR&A ceases to support the Dashboard; if third-party data is no longer available, or access is restricted or the content is altered to the extent Client is unable to use said data for its intended purpose. HR&A may terminate this Agreement immediately upon notice if Client violates any of the terms and conditions of this Agreement.

(b) Upon termination:

(i) all rights granted to Client under this Agreement will also terminate;
and

(ii) Client must cease all use of the Dashboard.

(c) Termination will not limit any of HR&A's rights or remedies at law or in equity.

9. Disclaimer of Warranties. THE DASHBOARD ACCESS IS PROVIDED TO CLIENT "AS IS" AND WITH ALL FAULTS AND DEFECTS WITHOUT WARRANTY OF ANY KIND. TO THE MAXIMUM EXTENT PERMITTED UNDER APPLICABLE LAW, HR&A, ON ITS OWN BEHALF AND ON BEHALF OF ITS AFFILIATES AND ITS AND THEIR RESPECTIVE LICENSORS AND SERVICE PROVIDERS, EXPRESSLY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, WITH RESPECT TO THE APPLICATION, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, AND NON-INFRINGEMENT, AND WARRANTIES THAT MAY ARISE OUT OF COURSE OF DEALING, COURSE OF PERFORMANCE, USAGE, OR TRADE PRACTICE. WITHOUT LIMITATION TO THE FOREGOING, COMPANY PROVIDES NO WARRANTY OR UNDERTAKING, AND MAKES NO REPRESENTATION OF ANY KIND THAT THE APPLICATION WILL MEET CLIENT'S REQUIREMENTS, ACHIEVE ANY INTENDED RESULTS, BE COMPATIBLE, OR WORK WITH ANY OTHER SOFTWARE, APPLICATIONS, SYSTEMS, OR SERVICES, OPERATE WITHOUT INTERRUPTION, MEET ANY PERFORMANCE OR RELIABILITY STANDARDS, OR BE ERROR-FREE, OR THAT ANY ERRORS OR DEFECTS CAN OR WILL BE CORRECTED.

SOME JURISDICTIONS DO NOT ALLOW THE EXCLUSION OF OR LIMITATIONS ON IMPLIED WARRANTIES OR THE LIMITATIONS ON THE APPLICABLE STATUTORY RIGHTS OF A CONSUMER, SO SOME OR ALL OF THE ABOVE EXCLUSIONS AND LIMITATIONS MAY NOT APPLY TO CLIENT.

10. Waiver. No failure to exercise, and no delay in exercising, on the part of either party, any right or any power hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right or power hereunder preclude further exercise of that or any other right hereunder. In the event of a conflict between this Agreement and any applicable purchase or other terms, the terms of this Agreement shall govern.

Exhibit C: Fee Schedule

Customize and Launch Apex Housing Dashboard:	\$30k plus additional fees for custom features
Host Dashboard for Client and provide basic annual maintenance:	\$8k billed annually

Exhibit D:
HR&A Housing Dashboard
Product Description for Apex, NC

Options	Digital Housing Needs Assessment	Dashboard	Data Customization	Engagement/Feedback/Support	Price
Premium Product – customization and proprietary data and analysis.	<ul style="list-style-type: none"> • Premium housing needs assessment report, auto-updated • 5 comparison geographies 	<ul style="list-style-type: none"> • Select 8 basic and premium indicators for each category (demographics, housing supply, etc.) with ability to customize indicator categories. • Premium map layers 	<ul style="list-style-type: none"> • Up to 5 custom map layers • Up to 3 additional local data sources • 2 custom charts per local data source 	<ul style="list-style-type: none"> • 2 scoping meetings (select and iterate on indicators and map layers) • 1 facilitated stakeholder feedback work session • 2 rounds of client feedback • 10 annual support hours 	<ul style="list-style-type: none"> • \$30k launch • \$8k annual maintenance • Additional setup fee based on custom features (see below).

Price includes:

- 3-year platform hosting by HR&A
- Basic annual maintenance while platform is hosted by HR&A – maintaining data connections with most recently available data, functioning maps and charts

Feature Descriptions

Feature	Description
Basic Digital Housing Needs Assessment Report	<i>Standardized housing needs assessment exploring population, economic, housing supply and housing affordability trends using publicly-available data. Includes 3 comparison geographies for some charts.</i>
Premium Digital Housing Needs Assessment Report	<i>Premium housing needs assessment exploring population, economic, housing supply and housing affordability trends using publicly-available and third-party data and proprietary data analysis. Includes 5 comparison geographies for some charts.</i>
Basic Map Layers	<i>Standardized map layers for population, economic, housing supply and housing affordability indicators.</i>
Premium Map Layers	<i>Custom map layers using local data sources such as zoning data, custom geographic boundaries (e.g., council districts), or environmental data.</i>
Comparisons	<i>Geographic comparisons for specified charts at the place, county, city or state level.</i>

Data and Indicators

Explanation of Terms

Comparison	What	Definition	Visualization Options
Temporal	How the indicator has changed over time is important	Indicator is shown at multiple points in time, or the percent change is calculated between points in time.	Line Chart; Bar Chart (additional bars for each year or period)
Geographic	How the indicator compares across different places is important	Indicator is shown for multiple geographies of the same or different level.	Choropleth Map; Line or Bar Chart (additional lines or bars for each geography)
Cross-Sectional	How the indicator compares across different categories is important	Categories of the indicator are compared to one another or to their share of the total.	Bar Chart; Stacked Bar Chart; Pie Chart; Stacked Line Chart (additional lines for each category)
Benchmark	How the indicator compares to an external benchmark is important	Indicator is compared to an agreed-upon benchmark metric.	Line or Bar Chart with Benchmark Line

Indicators

Population				
Indicator	Format	Data Source(s)	Time Period	Comparison
Population Over Time	Line Chart	ACS 5-Year	10 years	Temporal
Comparative Population Change	Line Chart	ACS 5-Year	10 years of change relative to Y0	Temporal/Geographic
Population by Age	Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional
Households Over Time	Line Chart	ACS 5-Year	10 years	Temporal
Share of Households That Have Children by Number of Adults	Pie Chart	ACS 5-Year	1 year	Cross-Sectional
Households by Size	Bar Chart	ACS 5-Year	10 years	Temporal/Geographic
Share of Family Households by Age of Children	Stacked Bar Chart	ACS 5-Year/PUMS	Y0, Y5, Y10	Temporal/Cross-Sectional

Households by Tenure	Stacked Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional
Tenure of Households with Children	Stacked Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional
Homelessness Over Time	Line Chart	HUD Point In Time	10 years	Temporal/Geographic
Youth Homelessness Over Time	Line Chart	HUD Point In Time	10 years	Temporal/Geographic
Household Racial Composition	Pie Chart	ACS 5-Year	1 year	Cross-Sectional
Change in Households by Race/Ethnicity	Bar Chart	ACS 5-Year	5-year and 10-year change	Temporal/Cross-Sectional
Household Income Distribution	Pie Chart	ACS 5-Year	1 year	Cross-Sectional
Household Income Distribution for Children	Pie Chart	ACS 5-Year	1 year	Cross-Section
Change in Households by Income Group	Bar Chart	ACS 5-Year	5-year and 10-year change	Temporal/Cross-Sectional
Comparative Median Income	Line Chart	ACS 5-Year	10 years	Geographic
Median Earnings by Educational Attainment	Bar Chart	ACS 5-Year	1 year	Cross-Sectional
Median Income by Race/Ethnicity	Line Chart	ACS 5-Year	10 years	Temporal/Cross-Sectional
Median Household Income by Tenure	Line Chart	ACS 5-Year	10 years	Temporal
Child Poverty Rate Over Time	Line Chart	ACS 5-Year	10 years	Temporal
Family Poverty Rate	Choropleth Map	ACS 5-Year	1 year	Geographic
Child Poverty Rate	Choropleth Map	ACS 5-Year	1 year	Geographic
10-Year Change in	Choropleth Map	ACS 5-Year	10-year change	

Child Poverty Rate				
Median Income	Choropleth Map	ACS 5-Year	1 year	Geographic
10-Year Population Change	Choropleth Map	ACS 5-Year	10-year change	Temporal/Geographic
Population Density	Choropleth Map	ACS 5-Year	1 year	Geographic
Predominant Racial/Ethnic Group	Choropleth Map	ACS 5-Year	1 year	Cross-Sectional/ Geographic

Jobs/Economics				
Indicator	Format	Data Source(s)	Time Period	Comparison
Total Jobs	Line Chart	BLS	10 years	Temporal
Comparative Unemployment Rate	Line Chart	BLS	10 years	Temporal/Geographic
Comparative Labor Force Participation Rate	Line Chart	BLS	10 years	Temporal/Geographic
Top 5 Occupations	Bar Chart	BLS	1 year	Cross-Sectional
Median Wage for Top 5 Occupations	Bar Chart	BLS	1 year	Cross-Sectional
5 Fastest Growing Occupations	Bar Chart	BLS	5-year change	Temporal/Cross-Sectional
Median Wage for 5 Fastest Growing Occupations	Bar Chart	BLS	1 year	Cross-Sectional
Median Income	Choropleth Map	ACS 5-Year	1 year	Geographic

Housing Supply				
Indicator	Format	Data Source(s)	Time Period	Comparison
Housing Starts by Year (Buildings and Units)	Line Chart	Building Permit Survey	10 years	Temporal
Units Permitted Per 1,000 Jobs Created Over Time	Line Chart	BLS; Building Permit Survey	10 years	Temporal/Geographic
Cumulative Change in Units by Building Typology	Line Chart	ACS 5-Year	10 years of change relative to Y0	Temporal/Cross-Sectional
Units by Decade Built	Bar Chart	ACS 5-Year	1 year	Cross-Sectional
Vacancy Status	Pie Chart	ACS 5-Year	1 year	Cross-Sectional

Share of Units Vacant and Available	Line Chart	ACS 5-Year	10 years	Temporal
Renter-Occupied Units by Typology	Pie Chart	ACS 5-Year	1 year	Cross-Sectional
Owner-Occupied Units by Typology	Pie Chart	ACS 5-Year	1 year	Cross-Sectional
Median Rent Over Time	Line Chart	Zillow	10 years	Temporal
Zillow Home Value Index	Line Chart	Zillow	10 years	Temporal
Deed Restricted Affordable Units Per 1,000 Households Over Time	Line Chart	NHPD	10 years	Temporal/Geographic
Deed Restricted Share of Units Affordable Under 60% AMI	Pie Chart	PUMS, NHPD	1 year	Cross-Sectional
Share of Units Vacant and Available	Choropleth Map	ACS 5-Year	1 year	Geographic
Share Multifamily	Choropleth Map	ACS 5-Year	1 year	Geographic
10-Year Change in Median Rent	Choropleth Map	Zillow	10-year change	Temporal/Geographic
10-Year Change in Median Home Value	Choropleth Map	ACS 5-Year	10-year change	Temporal/Geographic

Housing Affordability				
Indicator	Format	Data Source(s)	Time Period	Comparison
Income Required to Afford Median Rent vs. Median Income by Educational Attainment	Line Chart + Bar Chart	Zillow; PUMS	10 years	Temporal
Income Required to Afford Median Rent vs. Median Income by Top 5 Occupations	Bar Chart	BLS; PUMS	1 year	Cross-Sectional
Income Required to Afford Median Rent vs. Median Income by 5 Fastest Growing Occupations	Bar Chart	BLS; PUMS	5 years	Temporal/Cross-Sectional
Renter Cost Burden Rates	Bar Chart	PUMS	10 years	Temporal
Renter Cost Burden Rates by Presence of Children	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional

Renter Cost Burden Rates by Income	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional
Renter Cost Burden by Race/Ethnicity	Bar Chart	PUMS	1 year	Cross-Sectional
Renter Cost Burden for Older Adults	Bar Chart	PUMS	1 year	Cross-Sectional
Home Supportable at Median Income vs. Typical Home Price	Line Chart + Bar Chart	Zillow; PUMS	10 years	Temporal/Cross-Sectional
Owner Cost Burden Rates by Presence of Children	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional
Owner Cost Burden Rates by Income	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional
Owner Cost Burden by Race/Ethnicity	Bar Chart	PUMS	1 year	Cross-Sectional
Owner Cost Burden for Older Adults	Bar Chart	PUMS	1 year	Cross-Sectional
Comparative Homeownership Rate	Line Chart	ACS 5-Year	10 years	Temporal/Geographic
Homeownership Rate by Race/Ethnicity	Bar Chart	ACS 5-Year	1 year	Cross-Sectional
Homeownership Rate	Choropleth Map	ACS 5-Year	1 year	Geographic

Health and Wellbeing				
Indicator	Format	Data Source(s)	Time Period	Comparison
Disability Status by Age	Bar Chart	ACS 5-Year	1 year	Cross-Sectional
Health Outcomes	Bar Chart	ACS 5-Year	1 year	Cross-Sectional
Share of All Households without Internet Access Over Time	Line Chart	ACS 5-Year	10 years	Temporal
Share of Population Experiencing Asthma	Choropleth Map	ACS 5-Year	1 year	Geographic
Share of Population that is Physically Inactive	Choropleth Map	ACS 5-Year	1 year	Geographic
Share of Population in Poor or Fair Health	Choropleth Map	ACS 5-Year	1 year	Geographic

Exhibit D:
HR&A Housing Dashboard
Product Options Form for Apex, NC

Check Box Below to Select Option:	Options	Digital Housing Needs Assessment	Dashboard	Data Customization	Engagement/Feedback/Support	Price
	Premium – customization and proprietary data and analysis.	<ul style="list-style-type: none"> Premium housing needs assessment report, auto-updated 5 comparison geographies 	<ul style="list-style-type: none"> Select 8 basic and premium indicators for each category (demographics, housing supply, etc.) with ability to customize indicator categories. Premium map layers 	<ul style="list-style-type: none"> Up to 5 custom map layers Up to 3 additional local data sources 2 custom charts per local data source 	<ul style="list-style-type: none"> 2 scoping meetings (select and iterate on indicators and map layers) 1 facilitated stakeholder feedback work session 2 rounds of client feedback 10 annual support hours 	<ul style="list-style-type: none"> \$30k launch \$8k annual maintenance Additional setup fee based on custom features (see below).
	Additional Custom Features *See Feature Descriptions	<ul style="list-style-type: none"> Policy calculators, including Inclusionary Zoning, local Gap Funding and others (TBD – Custom – not included) <p><i>Custom modules, features and analytical tools are priced based on specific scope.</i></p>				

Each option includes:

- 3-year platform hosting by HR&A
- Basic annual maintenance – maintaining data connections with most recently available data, functioning maps and charts

Feature Descriptions

Feature	Description	Versions
Basic Digital Housing Needs Assessment Report	<i>Standardized housing needs assessment exploring population, economic, housing supply and housing affordability trends using publicly-available data. Includes 3 comparison geographies for some charts.</i>	<i>Basic</i>
Premium Digital Housing Needs Assessment Report	<i>Premium housing needs assessment exploring population, economic, housing supply and housing affordability trends using publicly-available and third-party data and proprietary data analysis. Includes 5 comparison geographies for some charts.</i>	<i>Premium, Custom</i>
Basic Map Layers	<i>Standardized map layers for population, economic, housing supply and housing affordability indicators.</i>	<i>Basic</i>
Premium Map Layers	<i>Custom map layers using local data sources such as zoning data, custom geographic boundaries (e.g., council districts), or environmental data.</i>	<i>Premium, Custom</i>
Comparisons	<i>Geographic comparisons for specified charts at the place, county, city or state level.</i>	<i>Basic, Premium, Custom</i>
Data Uploads	<i>Data upload feature that allows users to upload local data using a standardized format created by HR&A.</i>	<i>Premium, Custom</i>
Development Pipeline Tracking Module	<i>Dashboard and report module of charts and maps to display development pipeline data, including a standardized format for gathering and uploading data, and a breakdown of development pipeline by type and affordability level.</i>	<i>Premium, Custom</i>
Local Tool/Program Library	<i>Digital library of housing programs and policies at the local, county, state and or federal level, organized by type (land use, subsidy and tenants' rights) and by local housing priority (e.g. increasing housing supply, preventing displacement, increasing homeownership access).</i>	<i>Custom</i>
Data-Informed Priorities Module	<i>Dashboard module including charts and supporting narrative to display and explain indicators to help communities track progress against specific local priorities.</i>	<i>Custom</i>
Resources Library	<i>Digital library of external resources (websites, PDFs), customized by geography.</i>	<i>Custom</i>

Data and Indicator Options

Explanation of Terms

Comparison	What	Definition	Visualization Options
Temporal	How the indicator has changed over time is important	Indicator is shown at multiple points in time, or the percent change is calculated between points in time.	Line Chart; Bar Chart (additional bars for each year or period)
Geographic	How the indicator compares across different places is important	Indicator is shown for multiple geographies of the same or different level.	Choropleth Map; Line or Bar Chart (additional lines or bars for each geography)
Cross-Sectional	How the indicator compares across different categories is important	Categories of the indicator are compared to one another or to their share of the total.	Bar Chart; Stacked Bar Chart; Pie Chart; Stacked Line Chart (additional lines for each category)
Benchmark	How the indicator compares to an external benchmark is important	Indicator is compared to an agreed-upon benchmark metric.	Line or Bar Chart with Benchmark Line

Indicators

Population					
Indicator	Format	Data Source(s)	Time Period	Comparison	Version Available
Population Over Time	Line Chart	ACS 5-Year	10 years	Temporal	Basic
Comparative Population Change	Line Chart	ACS 5-Year	10 years of change relative to Y0	Temporal/Geographic	Basic
Population by Age	Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional	Basic
Households Over Time	Line Chart	ACS 5-Year	10 years	Temporal	Basic
Share of Households That Have Children by Number of Adults	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Households by Size	Bar Chart	ACS 5-Year	10 years	Temporal/Geographic	Basic
Share of Family Households by Age of Children	Stacked Bar Chart	ACS 5-Year/PUMS	Y0, Y5, Y10	Temporal/Cross-Sectional	Premium
Households by Tenure	Stacked Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional	Basic

Tenure of Households with Children	Stacked Bar Chart	ACS 5-Year	Y0, Y5, Y10	Temporal/Cross-Sectional	Basic
Homelessness Over Time	Line Chart	HUD Point In Time	10 years	Temporal/Geographic	Premium
Youth Homelessness Over Time	Line Chart	HUD Point In Time	10 years	Temporal/Geographic	Premium
Household Racial Composition	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Change in Households by Race/Ethnicity	Bar Chart	ACS 5-Year	5-year and 10-year change	Temporal/Cross-Sectional	Basic
Household Income Distribution	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Household Income Distribution for Children	Pie Chart	ACS 5-Year	1 year	Cross-Section	Basic
Change in Households by Income Group	Bar Chart	ACS 5-Year	5-year and 10-year change	Temporal/Cross-Sectional	Basic
Comparative Median Income	Line Chart	ACS 5-Year	10 years	Geographic	Basic
Median Earnings by Educational Attainment	Bar Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Median Income by Race/Ethnicity	Line Chart	ACS 5-Year	10 years	Temporal/Cross-Sectional	Basic
Median Household Income by Tenure	Line Chart	ACS 5-Year	10 years	Temporal	Basic
Child Poverty Rate Over Time	Line Chart	ACS 5-Year	10 years	Temporal	Basic
Family Poverty Rate	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
Child Poverty Rate	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
10-Year Change in Child Poverty Rate	Choropleth Map	ACS 5-Year	10-year change		Basic
Median Income	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
10-Year Population Change	Choropleth Map	ACS 5-Year	10-year change	Temporal/Geographic	Basic

Population Density	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
Predominant Racial/Ethnic Group	Choropleth Map	ACS 5-Year	1 year	Cross-Sectional/Geographic	Basic

Jobs/Economics					
Indicator	Format	Data Source(s)	Time Period	Comparison	Version Available
Total Jobs	Line Chart	BLS	10 years	Temporal	Basic
Comparative Unemployment Rate	Line Chart	BLS	10 years	Temporal/Geographic	Basic
Comparative Labor Force Participation Rate	Line Chart	BLS	10 years	Temporal/Geographic	Basic
Top 5 Occupations	Bar Chart	BLS	1 year	Cross-Sectional	Basic
Median Wage for Top 5 Occupations	Bar Chart	BLS	1 year	Cross-Sectional	Premium
5 Fastest Growing Occupations	Bar Chart	BLS	5-year change	Temporal/Cross-Sectional	Premium
Median Wage for 5 Fastest Growing Occupations	Bar Chart	BLS	1 year	Cross-Sectional	Premium
Median Income	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic

Housing Supply					
Indicator	Format	Data Source(s)	Time Period	Comparison	Version Available
Housing Starts by Year (Buildings and Units)	Line Chart	Building Permit Survey	10 years	Temporal	Premium
Units Permitted Per 1,000 Jobs Created Over Time	Line Chart	BLS; Building Permit Survey	10 years	Temporal/Geographic	Premium
Cumulative Change in Units by Building Typology	Line Chart	ACS 5-Year	10 years of change relative to Y0	Temporal/Cross-Sectional	Basic
Units by Decade Built	Bar Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Vacancy Status	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Share of Units Vacant and Available	Line Chart	ACS 5-Year	10 years	Temporal	Premium
Renter-Occupied Units by Typology	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Owner-Occupied Units by Typology	Pie Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Median Rent Over Time	Line Chart	Zillow	10 years	Temporal	Premium

Zillow Home Value Index	Line Chart	Zillow	10 years	Temporal	Premium
Deed Restricted Affordable Units Per 1,000 Households Over Time	Line Chart	NHPD	10 years	Temporal/Geographic	Premium
Deed Restricted Share of Units Affordable Under 60% AMI	Pie Chart	PUMS, NHPD	1 year	Cross-Sectional	Premium
Share of Units Vacant and Available	Choropleth Map	ACS 5-Year	1 year	Geographic	Premium
Share Multifamily	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
10-Year Change in Median Rent	Choropleth Map	Zillow	10-year change	Temporal/Geographic	Premium
10-Year Change in Median Home Value	Choropleth Map	ACS 5-Year	10-year change	Temporal/Geographic	Basic

Housing Affordability					
Indicator	Format	Data Source(s)	Time Period	Comparison	Version Available
Income Required to Afford Median Rent vs. Median Income by Educational Attainment	Line Chart + Bar Chart	Zillow; PUMS	10 years	Temporal	Premium
Income Required to Afford Median Rent vs. Median Income by Top 5 Occupations	Bar Chart	BLS; PUMS	1 year	Cross-Sectional	Premium
Income Required to Afford Median Rent vs. Median Income by 5 Fastest Growing Occupations	Bar Chart	BLS; PUMS	5 years	Temporal/Cross-Sectional	Premium
Renter Cost Burden Rates	Bar Chart	PUMS	10 years	Temporal	Basic
Renter Cost Burden Rates by Presence of Children	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional	Basic
Renter Cost Burden Rates by Income	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional	Basic
Renter Cost Burden by Race/Ethnicity	Bar Chart	PUMS	1 year	Cross-Sectional	Basic
Renter Cost Burden for Older Adults	Bar Chart	PUMS	1 year	Cross-Sectional	Basic
Home Supportable at Median Income	Line Chart + Bar Chart	Zillow; PUMS	10 years	Temporal/Cross-Sectional	Premium

vs. Typical Home Price					
Owner Cost Burden Rates by Presence of Children	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional	Basic
Owner Cost Burden Rates by Income	Bar Chart	PUMS	10 years	Temporal/Cross-Sectional	Basic
Owner Cost Burden by Race/Ethnicity	Bar Chart	PUMS	1 year	Cross-Sectional	Basic
Owner Cost Burden for Older Adults	Bar Chart	PUMS	1 year	Cross-Sectional	Basic
Comparative Homeownership Rate	Line Chart	ACS 5-Year	10 years	Temporal/Geographic	Basic
Homeownership Rate by Race/Ethnicity	Bar Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Homeownership Rate	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic

Health and Wellbeing					
Indicator	Format	Data Source(s)	Time Period	Comparison	Version Available
Disability Status by Age	Bar Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Health Outcomes	Bar Chart	ACS 5-Year	1 year	Cross-Sectional	Basic
Share of All Households without Internet Access Over Time	Line Chart	ACS 5-Year	10 years	Temporal	Basic
Share of Population Experiencing Asthma	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
Share of Population that is Physically Inactive	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic
Share of Population in Poor or Fair Health	Choropleth Map	ACS 5-Year	1 year	Geographic	Basic

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Angela Reincke, Parks Planning and Project Manager

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to approve Contract Amendment No. 6 between the Town of Apex and Kimley-Horn and Associates, Inc, for the Beaver Creek Greenway Extension, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

Additional engineering services are required for the Beaver Creek Greenway Extension to renew multiple Environmental permits for the project. Amendment No. 6 includes these services:

- Apply for renewal of 401 Water Qualification Certification from USACE
- Apply for renewal of 404 Nationwide Permit from NCDWR
- Apply for renewal of No Practical Alternatives Permit from Town of Apex
- Apply for renewal of Letter and Certificate of Approvals from DEMLR

Attachments

- CN7-A1 - Contract Amendment No. 6 – Kimley-Horn and Associates Inc. – Beaver Creek Greenway Supplement No. 6



**AMENDMENT NUMBER 6 TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN
AND ASSOCIATES, INC.**

This is Amendment Number 6 dated March 15, 2024, to the Agreement between Town of Apex ("Client") and Kimley-Horn and Associates, Inc. ("Consultant") dated January 20, 2016 ("the Agreement") concerning Beaver Creek Greenway Extension (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Scope of Services

Consultant will provide the services specifically set forth below.

Task 2 – Environmental Services

Consultant will perform the following:

- Apply for renewal of 401 Water Qualification Certification from USACE
- Apply for renewal of 404 Nationwide Permit from NCDWR
- Apply for renewal of No Practical Alternatives Permit from Town of Apex
- Apply for renewal of Letter and Certificate of Approvals from DEMLR

Fee and Billing

For the services set forth above, Client shall pay Consultant the following compensation:

Task	Task Fee
Environmental Services	\$ 7,872.00
Total Lump Sum Fee	\$ 7,872.00


CLIENT:
TOWN OF APEX

CONSULTANT:
KIMLEY-HORN AND ASSOCIATES, INC.

By: _____
(signature)

(Print Name and Title)

Date: _____

By:  _____
(signature)

Jeffrey W. Moore, P.E./Senior Vice President
(Print Name and Title)

Date: March 15, 2024

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerks Office

Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- February 15, 2024 - Town Council Retreat Minutes
- February 16, 2024 - Town Council Retreat Minutes
- February 27, 2024 - Regular Town Council Meeting Minutes
- March 12, 2024 - Regular Town Council Meeting Minutes
- March 19, 2024 - Town Council Work Session Minutes

Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachments

- CN8-A1: **DRAFT** Minutes - February 15, 2024 - Town Council Retreat Minutes
- CN8-A2: **DRAFT** Minutes - February 16, 2024 - Town Council Retreat Minutes
- CN8-A3: **DRAFT** Minutes - February 27, 2024 - Regular Town Council Meeting Minutes
- CN8-A4: **DRAFT** Minutes - March 12, 2024 - Regular Town Council Meeting Minutes
- CN8-A5: **DRAFT** Minutes - March 19, 2024 - Town Council Work Session Minutes



DRAFT MINUTES
TOWN OF APEX
TOWN COUNCIL RETREAT
THURSDAY, FEBRUARY 15, 2024
8:30 A.M.

The Apex Town Council met for a work session on Thursday, February 15, 2024 at 8:30 a.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

<https://www.youtube.com/watch?v=MH9L4G59i8k&t=22669s>

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Audra Killingsworth

Town Staff

Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
DEI Director Linda Graham Jones
Parks, Recreation, and Cultural Resources Director Craig Setzer
Public Works Director John Mullis
Electric Utilities Manager Eric Neumann
Planning Director Dianne Khin (attended via Teams)
Budget and Performance Management Director Amanda Grogan
Water Resources Director Michael Deaton
Finance Director Antwan Morrison

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert welcomed everyone and introduced Glenis Redmond, City of Greenville S.C. Poet Laureate, Motivation Coach.

1 **[MOTIVATION COACH]**

2
3 **Glenis Redmond, City of Greenville S.C. Poet Laureate**, said the first thing people
4 say is, "what is a Poet Laureate". She said all it means is that she takes poetry to the masses.
5 She said she has been doing this work for 30 years. She said she was born in South Carolina
6 but raised her family in Asheville, North Carolina for 7 years. She thanked Allen Coleman and
7 Mayor Gilbert. She gave a shout out to Linda Jones and Celeste Sherer.

8 **Ms. Redmond** said the way she looks into story telling is there are individual stories
9 and familial stores and also collective stories. She asked Council to write down three things
10 about themselves that make them who they are today. She asked Council to write down one
11 thing from the list about who you were before, what led you to now, and a person that you
12 want to give a shout out to. She then started with Interim Town Manager Purvis to start.

13 **Interim Town Manager Purvis** said his faith, his grandparents, and that ties it all back
14 to where he is now in a sense of service above self.

15 **Councilmember Zegerman** said the person who got him here is his mother, and said
16 it was her birthday yesterday. He said his parents weren't inspiring they were demanding,
17 which helped him get to where he is today. He said the value his parents saw in him was to
18 achieve great things. He said that ties back into where he is today where ultimately his
19 decision to go from being a techie to giving back to the community.

20 **Councilmember Gantt** said his dad affected him by having similar traits as him. He
21 said his main traits are big into science and a lover of the outdoors. He said today, he thinks
22 about the long-lasting possible benefits to the community that he gets to be a part of.

23 **Mayor Gilbert** said his parents gave him the example of how to stick with things and
24 never give up. He said he's a very tenacious individual. He said his dad had limited education
25 but was still able to pursue what he wanted in life and was the Water Superintendent in Cary.
26 He said he also loved to serve people.

27 **Mayor Pro-Tempore Gray** said he will go with who he is today and that's a social
28 engineer. He said a large part of that is based on his parents. He said his civic instructor back
29 in 10th grade was really instrumental because of saying, "you can do anything you want to do"
30 and that stuck. He said the traits he has is the ability to laugh at himself and laugh at others,
31 ability to relate to others, and the ability to make reason analysis in a very quick way.

32 **Councilmember Mahaffey** said the person who he is today is a programmer by
33 profession. He said is father is a big part of his life. He said traits he considers about himself is
34 a relatively chill person. He said his wife, Lindsey, has been with him a long time through this
35 journey to get where he is today. He also mentions his parents as well and Bill Gates, who
36 helped get his first job right out of college.

37 **Councilmember Killingsworth** said she is a mother, partner, and a giver. She said it's
38 hard not to be a giver when you're a woman and giving to the point when there's nothing left.
39 She said she likes to listen more than she likes to talk. She said she loves Justice, Peace, and
40 Nature because that brings peace. She said the people that have guided her are her mother.
41 She said she was very hardworking. She said her seventh and eighth grade English teacher,
42 who encouraged her to work really hard. She said finally, the State of Louisiana, because of

1 scholarship opportunities. She said because of that opportunity allowed her to go to college.
2 She said that opportunity gave her the chance to have a great career as a occupational
3 therapist.

4 **Town Attorney Hohe** said she will start with her mom and dad. She said she grew up
5 in the 70's and her mom instilled in her that she is a strong, independent woman.

6 **Ms. Redmond** thanked everyone for sharing. She said this is part of storytelling,
7 building community, and giving back. She said it was about understanding about service on
8 the individual level, familial level, and collective legal.

9 **Ms. Redmond** shared who inspires her and she said her mother. She said her mother
10 is 87 years old and growing up they were poor. She said to look at the cover of her first book
11 called "Backbone", she said there's a picture of her and her mother in the 60s. She said it's
12 because of her backbone in which she stands today. She read a poem she wrote called
13 "Momma's Magic" -

14 "My Momma is Magic always was always will be, there was one phrase that constantly
15 bubbled from the lips of her body children, my mama can do it, we thought my mama knew
16 everything, believe she did as if she were born full-blown from the encyclopedia Britannica. I
17 can tell you stories how she transformed a rundown paint pill Shack, into a home, how she
18 heated us with tin-tin tub bath, from a kettle on the stove poured over in their life in Elixir. My
19 mama is from those that protection she tucked Us in with cut out history all around us and we
20 found we could walk anywhere in this world and not feel alone. My mama never whispered
21 the shame of poverty in our ears she talk us to dance to our own Shadows pay no attention to
22 those grand parties on the other side of the track, make your own music, she sa,y as she
23 walked and cleaned the sagging doors of that place, you'll get there, you'll get there her
24 broom seemed to say with every wish we were my mom's favorite recipe she wed us up with
25 her big brown and a big brown Bowl, supported by her big brown arms we were homemade
26 Children, stitched together with homemade love. We didn't get everything we ever wanted
27 but we laughed for nothing, we looked at the stars of my mama's eyes and they told us we
28 own the world, we walk like kings and queens, even on midnight trips to the outhouse we
29 were under her spell. My mama didn't study at no Harvard or yell with the things she knew
30 you couldn't learn an old book like how to make your life sing like sweet potato pie
31 sweetness inside an open window, how to make anybody, anybody feel at home how at just
32 the right moment be silent and with those eyes say everything's going to be all right child
33 everything's going to be all right. How she tended to our sickness, how she raised our Spirits,
34 how she kept flowers living on our dilapidated porch in the midst of family chaos my mama
35 raised children like it was her business in life, put us on her hip and kept on moving keeping
36 that house Pine Sol clean yeah my mom's magic always was always will be. Her magic how to
37 stay steady and short in this fast paced world now when people see me with my head held
38 high in my back and look at me with that who does she think she is I keep on walking with
39 Assurance inside: I'm Black magic, and I'm Janette Redmond's child". She said when we
40 know our gifts we know who we are that sets an example.

1 **Ms. Redmond** said she wants to do a poem that nods to her grandmother, her
2 mothers, mother. She was from Waterlou, South Carolina and lived to be 109 years old. She
3 said even though she didn't grow up with her grandmother, her grandmother is one of the
4 biggest parts of who she is. She wrote a poem for her grandmother called, "Afro Carolinian" -
5 With Carolina on my lips I sing a quilt, a Crooked Stitch that weaves its way around my pie
6 shaped state that conjures food, too sweet like Amber iced tea or cake red velvet Rich two
7 sweets like the words I was raised on, words that say if you don't have nothing nice to say,
8 lace it with sugar. There's always more in the South like the twos and threes coming out of
9 my grandma's mouth, hush your mouth child. These words are not a command for
10 silence but a signal for the teller to keep on spinning because their words hit
11 bone, Grandma's words were cold, lit lanterns we wind down yonder in the
12 Merin not a pronouncement to a destination but a place where she'd teach a lesson at her
13 favorite fishing spot by her foot a coffee can full of nightcrawlers, in her mouth a cigarette she
14 barely puffed, in her hands a homemade fishing rod lying steep in the
15 water waiting for hook tub. She never said words like patience she just stood
16 there, Oak-like, rounded in her own wisdom a Baptist Buddha woman teaching
17 be here now. her uncanny ways taught me how to wait on the spirit hunched in her
18 favorite recliner King James Bible on the left, her eyes forward soaking and
19 wrestling her faith rooted in the Lord and Ricky Steamboat. I was wrapped in how
20 she would contort herself as if she was head locking demons choke holding them in Jesus
21 name. Simultaneously burning tufts of hair in a glass ashtray break from her cone so no one
22 would work a root. Grandma taught me the truth was a complex helix rising from her
23 I learned to watch as well as pray, and how the shackles speak in a double
24 tongue as a second daughter of a second daughter I began Life as a shamefaced
25 girl, too shy to string together words I did not open my mouth until I had
26 something to say. I was busy looking at grown folk's mouth collecting the old
27 ways and placing them on my tongue. My first language was scratched from the land, sweet
28 potatoes, collards, and black-eyed peas. As a second daughter of a second daughter, I
29 straddled the abyss of the diaspora and the church pew, where I speak Afro-Carolinian
30 fluently. Some call it a backwards tongue, I call it a knowing, a spiritual, that will carry you
31 forward if you listen and learn how to sing."

32 **Ms. Redmond** said she wants to tell two more stories about when she moved back to
33 South Carolina with her mom. She said she wants to talk about a man name David Drake. He
34 was an enslaved potter poet from Edgeville, South Carolina. She said he wrote his most
35 famous couplet on his pots. It said, "I wonder where is all my relation, friendship to all in every
36 nation". She said she now calls David Drake, her literary forefather. She said, this is what Dave
37 would say, "First time I see a jar rise up, I be midwife into life, see how theses pots and I be
38 kin, dismissed to what's under foot. I learned to turn and turn people the world with pots,
39 until 40,000 around me crowd but everything I love, I lose, so I want what I mold, to hold,
40 even my empty pots be full. One say, I wonder where is all my relations, friendship, to all in
41 every nation, there are lanterns in my words, every story, got another story, some call me
42 Dave the slave and that's all they got, I say leave the rhymes to me, when people look at me

1 as slave, be the first excuse they use not to see me, I say praise me, it won't fall on deaf ears. I
2 catch praise like most people catch naps, I'm a six-foot vessel of anything but ordinary, a one
3 of a kind with a Carolina Shine. I step out of the rolls of cotton the master the potters will I
4 take the wind out a can with my mark, I make a mark, I sign my name daily, I don't write slave,
5 see if my pots not spin history, if we hold, hold." She said it wasn't until her father passed
6 away that she started writing in men's voices and telling stories. She said the next poem is by
7 the name of Clayton Bates, one-legged tap dancer from Fountain Inn, South Carolina. He was
8 12 years old and begged his mom to work in the factory to make money for his family. Third
9 day of work, he gets his leg caught in the cotton gin. She said long story short, he gets a peg
10 leg, and becomes the most famous tap dancer. She said she wrote a poem for him called,
11 "I'm Fly", because he was always matched his tuxedo to his peg leg, and he also had a move
12 that he called "American Jet Plane". She reads the poem she wrote, "I'm flying some people
13 got too good feet and still don't know what to do, my smoothness makes the argument for
14 just one my other leg be long gone sacrifice to the cotton gin god. They pin my mango mess
15 down to the kitchen table, made me suffer more under the hand of a unsterilized knife with
16 only a cotton bit to bear the pain I got up spit out that terrible Taste of Jim Crow and pity, saw
17 my mama's burning guilt into a dance that twist Pastor David's prayers, how he going to
18 make do on just one leg huh. I strap up my drinks with tuck tails and flare I turn can't into can
19 without losing time not even in my mind this fountain in Sun done good I knock beats on,
20 wood I'm a worldwide show stopper, I shout rings around all those other two-footers I'm the
21 master of my own faith and when the world cut me at the thigh, I don't shuffle off in misery, I
22 get up on my one good leg and fly".

23 **Ms. Raymond** said in close with a poem that will point outward. She said what that
24 means, is she's going in as a poet to tell her own story and go out underneath the stories of
25 others and look as a collective. She said she does a lot of Civic projects, and bringing poets
26 like Joy Harjo to us, and North Carolina Poet Laureate to Greenville through a grant. She said
27 she also works with the Metropolitan Arts Council to get artists and Poets together to tell their
28 stories. She said her last civic duty is that she has installed seven little free libraries around,
29 and her goal is to install little free libraries everywhere she has ever lived. She said since its
30 Black History Month, and just celebrated Martin Luther King's birthday, she left with a poem
31 called, "Pieces of the Dream" -

32 "There's no I in y'all no matter how you spell it no matter how much you claim to be an
33 island y'all means all a whole unit each and every one of us has had goodness poured into us
34 there's always been someone who's walked with you along the way someone who gave you
35 gifts of how to be or how not to be, no matter who you are if you are here with breath and
36 love in your lungs, you took heed you are an extension of King's dream, you began to rise
37 from your singular eye to become a wondrous we, dreams come from the highest rung, a
38 golden thread not to be dismissed as a visitation of fog but held onto with
39 Fist and heart dreams boom from our deepest selves - anything we have worth using, seeing,
40 believing, hearing, or reading started out in a dream. Rough drafts of our imagination,
41 dreams are kites connected to the heart they beg to be secured, firmly held by hand and
42 hope to take to the sky, listen to the say so of your dreams and act accordingly, no matter

1 how small or how huge keep giving wind to your dreams, give no never mind to your fears or
2 the naysayers or the haters, no matter which way the World Turns stand confidently on the
3 shoulders of the ones who place you here, remember all those who filled you with courage.
4 You do not walk this road alone, your ancestors applaud you now, those who help you stay in
5 your tallest to walk firmly on the pathway to Build a Better World, follow the mile markers in
6 your dreams pointing this way to leave the world better than you found it how do you
7 become a mayor how did you become a civil servant with hard work and never losing the
8 dream in your eye, assisting the town to be the freshest and so clean green and green, make
9 this a place to reside a sought after destination, remember many hands make light work and
10 in that lifting with all hands and All Hearts we are creating a giant quilt sewing the seams of
11 our dreams to make us better than we were before, a crafted peace that does not work
12 without all, Y'all. Thank you"

13
14 **Mayor Gilbert** thanked Ms. Redmond and said she can build her little free library in
15 Apex.

16 17 [TEAM BUILDING ACTIVITY]

18
19 **Mayor Gilbert** introduced Steven Maye, Sr. Consultant of Maxwell Leadership for the
20 next activity.

21 **Mr. Maye** said he moved from New Jersey to Apex. He moved to Apex in 1990 and
22 said fell in love immediately. He said he tries to accomplish three things, he loves to solve
23 problems, add value, and service. He asked Council, what was their interpretation of
24 teamwork.

25 **Councilmember Killingsworth** said, there is no I in team.

26 **Councilmember Zegerman** said a higher purpose, which transcends what one
27 person does to another.

28 **Mayor Gilbert** said stronger in the difference.

29 **Mr. Maye** then led Council in a team building activity that required them to work
30 together. He said this game is called, "the marshmallow game". He said the purpose of this
31 exercise is to build the tallest structure with the marshmallow on top.

32
33 There were two teams, the first team was Mayor Gilbert, Councilmember Mahaffey and
34 Councilmember Killingsworth.

35
36 The second team was Mayor Pro-Tempore Gray, Councilmember Gantt, and Councilmember
37 Zegerman.

38
39 All councilmembers worked together in their teams to build their structure.

40
41 **Mr. Maye** said that was a small exercise to simulate what we face in team activities,
42 but he said what you do goes beyond the range of activity. He said this is real life. He asked,

1 what would you do if it's not easy. He said rule number one, communication. He said how you
2 communicate makes a difference on how you operate as a team.

3 **Mr. Maye** then led the transitioned of Council to the "fun table" for another exercise.
4 After all councilmembers were seated at the table, he said what they are about to do is called
5 a Leadership Game and explained the rules.
6

7 **Mayor Gilbert** started the game and Councilmembers followed in discussion within
8 the table. (This discussion can be found at time markers 1:34:33 to 2:31:43 on YouTube)

9 **Mr. Maye** said he would like to do one more exercise. He asked the whole table,
10 "What do we expect our position to face in the next 12 months". He instructed everyone to
11 write their answer on a sticky note.
12

13 **Councilmember Killingsworth** started with her point of view and the Mayor and the
14 other Councilmembers followed with their answers. (This discussion can be found at time
15 markers 2:31:48 to 2:38:02)
16

17 **Mr. Maye** closed in thanking for what Council has done thus far and is continuing
18 doing. He said sometimes appreciation may not be in monetary value but a simple thank you
19 for what you do goes a long way.
20

21 **Mayor Gilbert** declared the meeting in recess until 11:00 a.m. [10:50 a.m.]
22

23 **Mayor Gilbert** declared the meeting back in session [11:02 a.m.] and introduced
24 Angela Reincke, Parks Planning Project Manager to start the next agenda item.
25

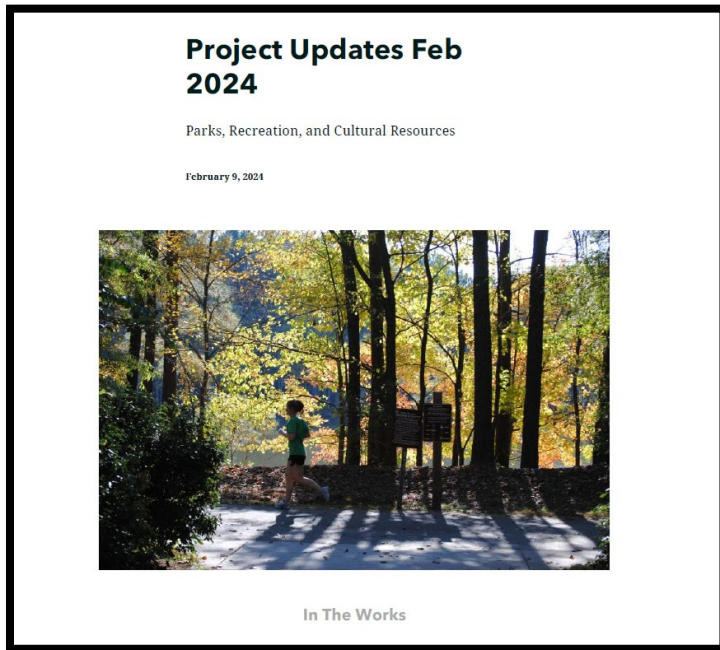
26 **[Parks, Recreation, and Cultural Resources Projects and Programming Updates]**

27

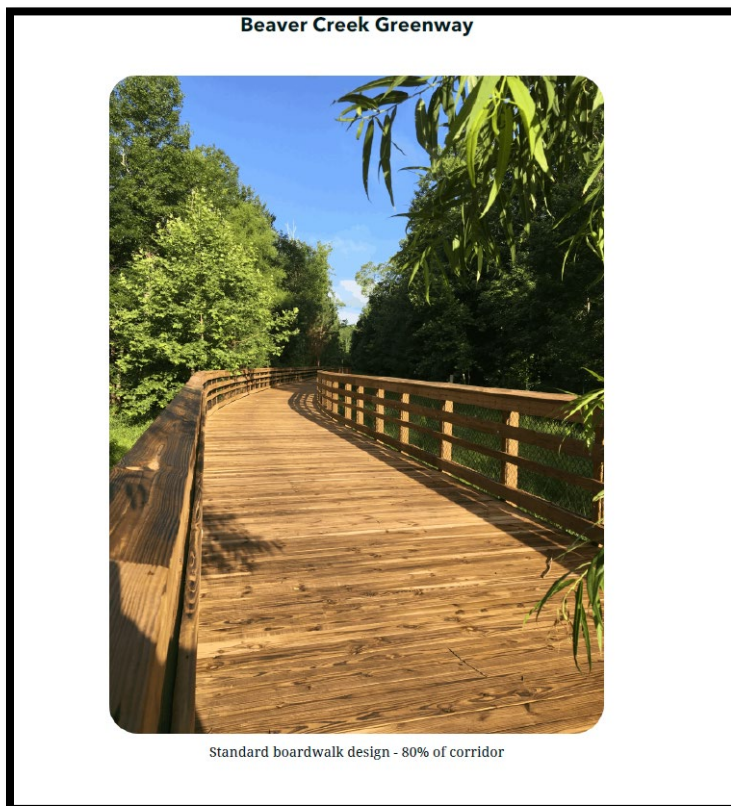
28 **Angela Reincke, Parks Planning Project Manager** introduced herself and
29 introduced the team with her; Patrick Fitzsimons, Pleasant Park Manager, and Elizabeth
30 Shoaf, Recreation Program Supervisor.

31 **Ms. Reincke** said she will present but imagine together walking down the path to
32 some of our current projects in the works. She then gave an overview on what current
33 projects she is working on and any upcoming projects and where they currently stand in the
34 works.
35
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41

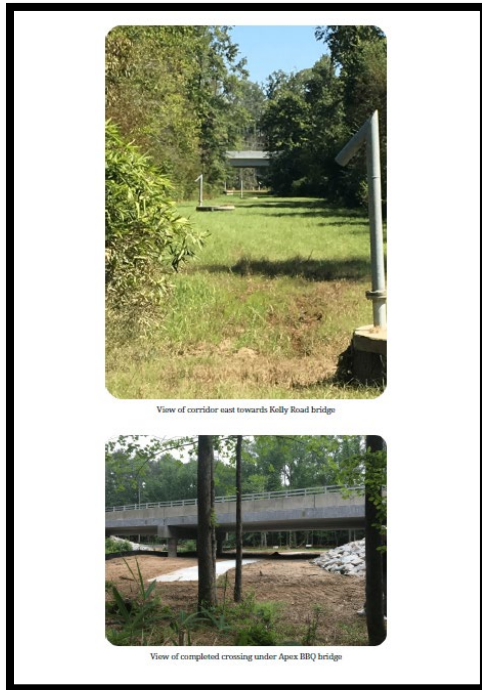
1 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-1]



3 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-2]

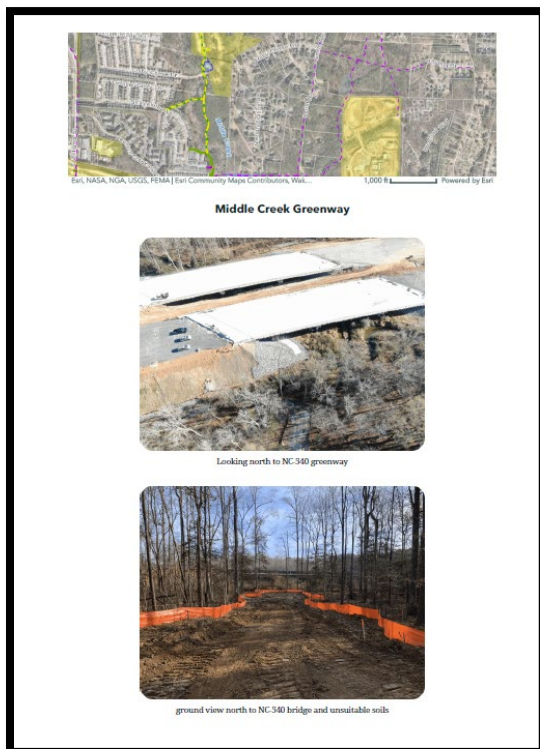


1 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-3]



2

3 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-4]



4

1 **Councilmember Gantt** asked about roots or the soil that they had to address the
2 underground issue.

3 **Ms. Reincke** said they cut down to subgrade and if that won't compact then a remedy
4 has to be done, which requires you to dig more or add other materials like fabric and gravel
5 or concrete, that's been recycled to stabilize the ground.

6 **Councilmember Zegerman** asked if a boardwalk is an option.

7 **Ms. Reincke** said a boardwalk is five times the cost.

8 **Councilmember Zegerman** said never mind.

9 **Councilmember Gantt** asked if she can discuss the crossing of Sunset Lake Road in
10 the interim and long term.

11 **Ms. Reincke** said when they do get to Sunset Lake Road project there will be a mid-
12 block pedestrian crossing with a median refuge. She said this is an NCDOT road and they
13 have already approved crossing.

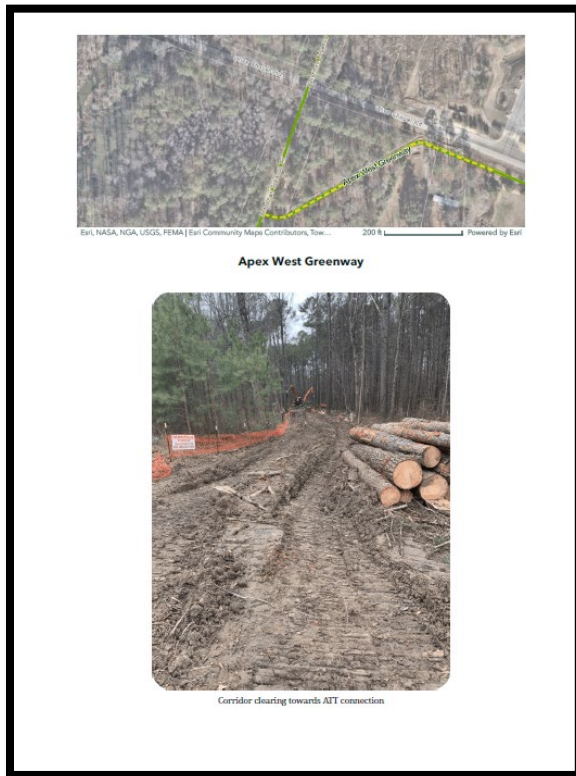
14 **Councilmember Gantt** said if there are concerns about someone getting his in the
15 week and causing havoc regarding what to do here.

16 **Ms. Reincke** said she doesn't think so, and they coordinate all of the plans inhouse
17 with the TID team. She said any information about what the town can do to either to promote
18 education or put up signage and said the whole section is being modified because of the NC
19 540 plans, she said she'll have to see how the finished plans go.

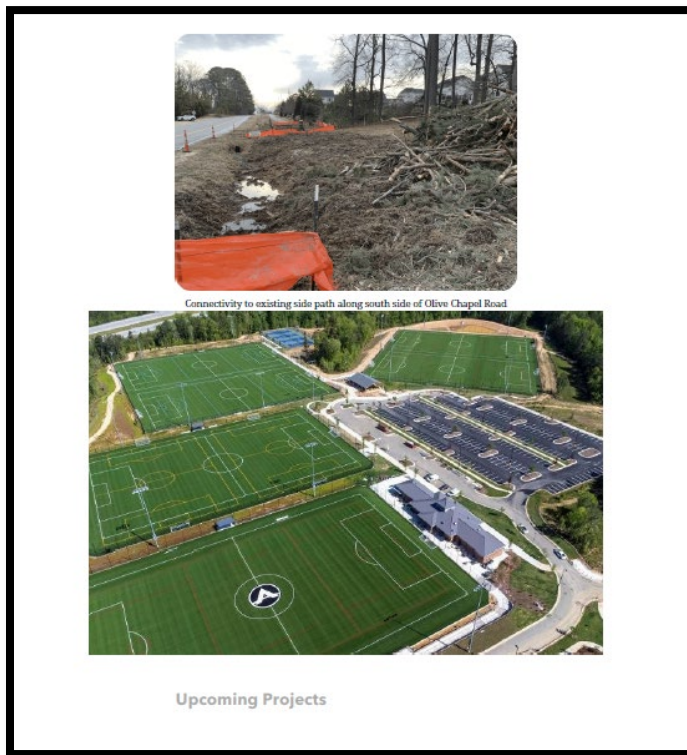
20 **Councilmember Gantt** asked if the flashing beacon would light up.

21 **Ms. Reincke** said she would have to check on that, she said sometimes the trails have
22 to be in place for it to be tested first. She said if they are able to it, they will.

1 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-5]



2
3 [PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-6]

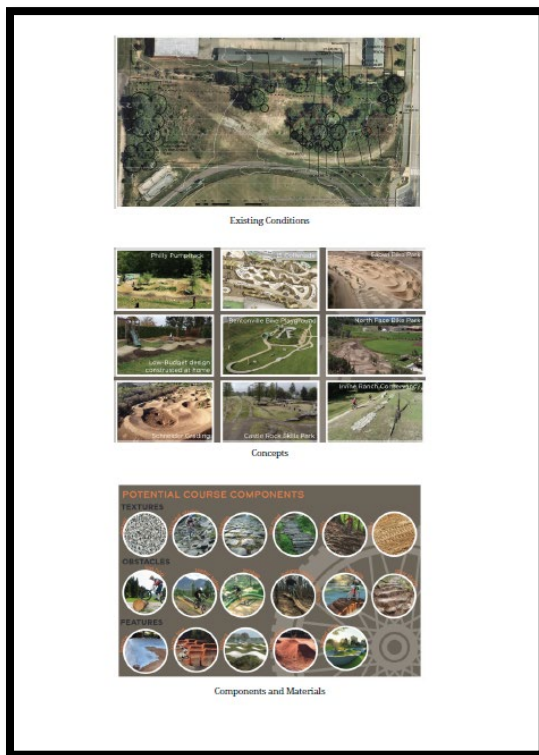


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5

1 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-7]**



2
3 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-8]**

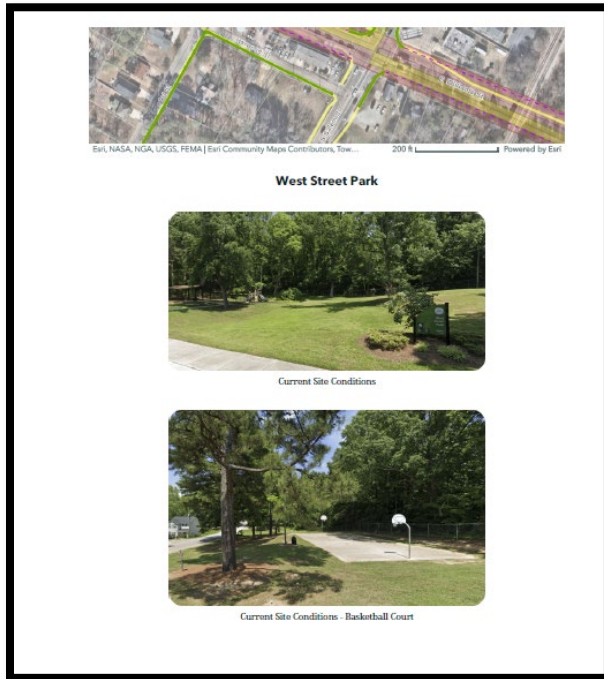


4

1 **Mayor Gilbert** asked if this project is going to be illuminated.

2 **Ms. Reincke** said through some public comment and meetings, there were some
3 neighborhoods expressed they did not desire the lights, then after the rezoning last year,
4 staff increased the buffer width and maintained the natural tree stand that's there.

5 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-9]**



6
7 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-10]**

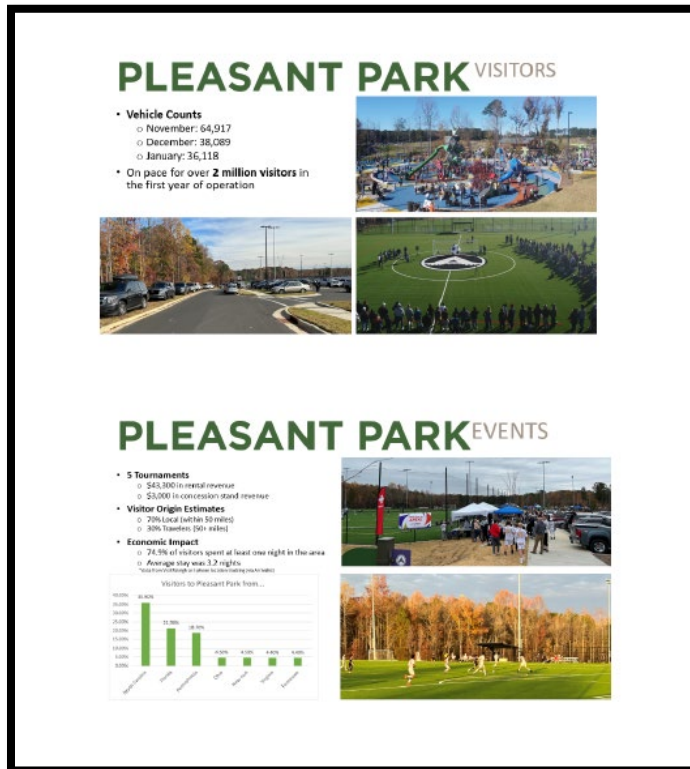


Councilmember Gantt asked if the town is on track with some of the goals that were presented from the Master Plan effort.

Ms. Reincke said she is tracking her strategic plan with align with the master plan and both are tracked annually.

Patrick Fitzsimons, Pleasant Park Manager, finished out the presentation with an overview of Pleasant Park since it has been opened.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-11]



Mayor Pro-Tempore Gray asked how the town is marketing this park that this is the place to come to.

Mr. Fitzsimons said so far most are local groups that the town has worked with. He said this hasn't been marketed anywhere since the word is spreading. He said he is getting calls from other organizations that want to bring their event to the town of apex, some with national organizations.

Director Setzer said we are also partnering up with Greater Raleigh Sports Alliance and they bring in lots of organizations to the fields like tournaments in from other areas. He said having a partnership with them will be huge for the town.

1 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-12]**



2
3 **Councilmember Zegerman** asks if the revenue will feed back into the operating
4 budget.

5 **Director Setzer** said it goes back into the General Fund.

6 **Councilmember Zegerman** said it would make sense if there was a reserve for some
7 of the funds so we can fund some of the projects.

8 **Interim Town Manager** said the last three years or so the town has been adjusting
9 the fee schedules and there is an opportunity to consider as this is a new process for the
10 town. He said there is an opportunity to consider that because the town is still not able to
11 meet demand.

12 **Director Setzer** said they've seen a spike in revenue in the past year or two.

13 **Councilmember Gantt** asked about separating the funds to include outside grants.

14 **Director Setzer** said they have two grants now for Pleasant Park and it requires you to
15 send a lot of data to Wake County. He said everything is being tracked.

16 **Mayor Gilbert** asked if cricket is only for youth and if the town is converting Jaycee
17 Park to a Cricket pitch.

18 **Mr. Fitzsimons** said the town is very excited about the opportunity of a Cricket Pitch
19 at Jaycee Park. He said Cricket Pitch is a different surface in that it requires a special service to
20 play because the ball has to bounce on the turf.

21 **Director Setzer** said the goal for construction is to start the cricket pitch at the end of
22 February. He said that will be more for youth purposes because of the side of the field.

23 **Councilmember Mahaffey** asked what's going on with the dirt pile at Pleasant Park.

Assistant Town Manager Stone said the dirt is supposed to be used for the Peakway Project, and it will be relocated with that.

Councilmember Mahaffey asked about the cross-country track.

Mr. Fitzsimons said there is a short-term solution even with the dirt pile there to make a cross country course usable in a 5K capacity, but he said it would not yet be able to host cross-country meets.

Councilmember Mahaffey asked if the town has been contacted by high schools that have cross country meets.

Mr. Fitzsimons said yes, all cross-country coaches from all different schools are excited to use the track.

Councilmember Gantt asked if the trail is already built.

Ms. Reincke said one area is finishing up.

Councilmember Mahaffey said he knows there was an issue with the water play area with permitting last year, he asked is the town all good to go for spring opening.

Director Setzer said there have been some pretty good frustrations about it and there had been meetings last week regarding the concern. He said the goal is the splash pad to be operational by spring time.

Councilmember Mahaffey asked what is still getting in the way.

Director Setzer said there are some issues where the water nozzles have been covered by the concrete, but he said the company is confident they will be able to find them and fix the issue. He said the County still needs to approve the splash pad. He promised they are doing everything they can to make sure it gets open by Spring.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-13]

Happening Now

Day Camps

TRACK OUT WHAT'S NEW

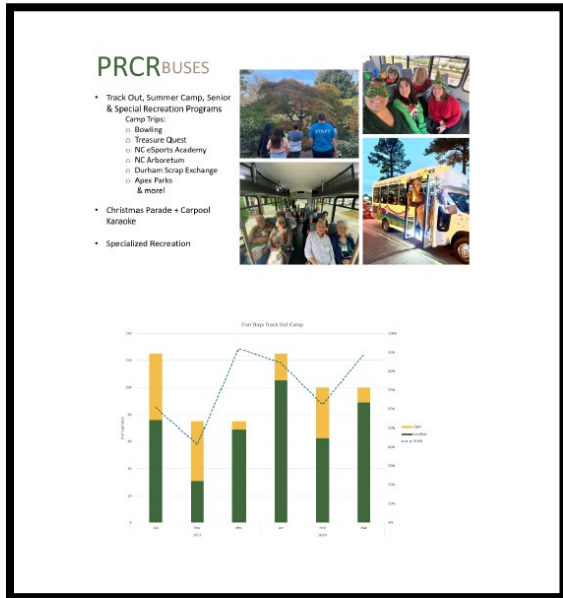
- 25 campers weekly
- 10.5 hours daily (7:30am – 6pm)
- Full-Time dedicated team
- Field trips on buses & on foot
- Standardized curriculum

1 **Elizabeth Shoaf, Recreation Program Supervisor**, said she oversees the fun day
2 camp program and all programs in the town from preschool to adults.

3 **Councilmember Gantt** asked if the town manages the buses.

4 **Ms. Shoaf** said yes.

5 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-14]**



6 **Councilmember Zegerman** asked why the capacity wasn't fixed.
7 **Ms. Shoaf** said different months have different numbers of Mondays, which changes
8 the calculations, and sometimes tracks overlap.
9

1 **[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-15]**

ENROLLMENT BY THE NUMBERS

- Late to advertise in 2023 due to budget approval process
 - Wake County Community Fliers
 - APNCR Facebook
 - Yard Signs at Parks
 - Fliers
 - Mass Emails
- Steadily and consistently increasing in registrations
 - 5 weeks in Spring on waitlists
- Tracks 1, 3 and 4 are largest Tracks
 - November and February largely Track 2 = decrease in enrollments

APEX YOUTH COUNCIL

2021-2022 School Year	2022-2023 School Year	2023-2024 Current School Year
88 Members	136 Applications	283 Applications
Total Hours Served: 379	120 Paid Members	No Membership Fee Required
	All Members = 25 Hour Goal	140 Members - Lottery System
	14 High Schools	High School: 20 Hour Requirement
	10 Middle Schools	Middle School: 15 Hour Requirement
	Total Hours Served: 2,413.75	13 High Schools & 11 Middle Schools
		Total Hours Served (to date): 1,206

APEX
PARKS, RECREATION & CULTURAL RESOURCES

2
3 **Councilmember Gantt** asked if the town needed people or facilities to help.

4 **Ms. Shoaf** said staffing would need to go up because the ratios would increase.

5 **Mayor Pro-Tempore Gray** asked what is the majority age and grades that the town is
6 seeing the majority of.

7 **Ms. Shoaf** said from what she sees right now it's advertised as six to eleven-year olds.
8 She said the town will accept five-year olds if the parents can show the school enrollment
9 within a school system.

10 **Councilmember Zegerman** asked if she saw any repeat customers.

11 **Ms. Shoaf** said yes, there are a lot of returning families in the part-time program and
12 new families that are now in our full-time program.

13 **Councilmember Zegerman** said aside from festivals what other volunteer
14 opportunities is the town giving the youth council.

15 **Ms. Shoaf** said there are some donation drives and the youth council has donated
16 600 articles of clothing. She said now they are actually donating for a book drive. She said
17 there are some internal opportunities if help is needed with Family Bingo night. She said
18 there are opportunities for them to sign up for the cultural arts program in theater production
19 at the Halle.

20 **Councilmember Zegerman** asked if the youth council are included in Think Apex
21 Day.

22 **Ms. Shoaf** said the program has not gotten to that point yet but it's on the list. The
23 youth council will help at Pig Fest.

1 **Councilmember Killingsworth** said she wanted to give a big thanks to Director
2 Setzer and his team for adding the full-time position with the Parks and Recreation for kids
3 and she said this was exactly what she had envisioned.

4 **Ms. Shoaf** said there had been a lot of changes in the past year and a half, and she
5 thanked Council for their support.

6 **Councilmember Zegerman** asked what kind of feedback is the town getting from the
7 community on the expansion of programs.

8 **Ms. Shoaf** said there has been a lot of appreciation for the full-time care. She said the
9 price did increase due to what was being offered but parents see that there is more being
10 offered.

11 **Director Setzer** said his team has revamped all of their surveys and the town will start
12 seeing more feedback about the programs related to future or any improvements that are
13 related.

14 **Councilmember Gantt** asked is there a need for budget considerations for volunteer
15 opportunities.

16 **Ms. Shoaf** said youth council has a budget of \$5,000 a year to buy T-shirts for the kids
17 and supplies.

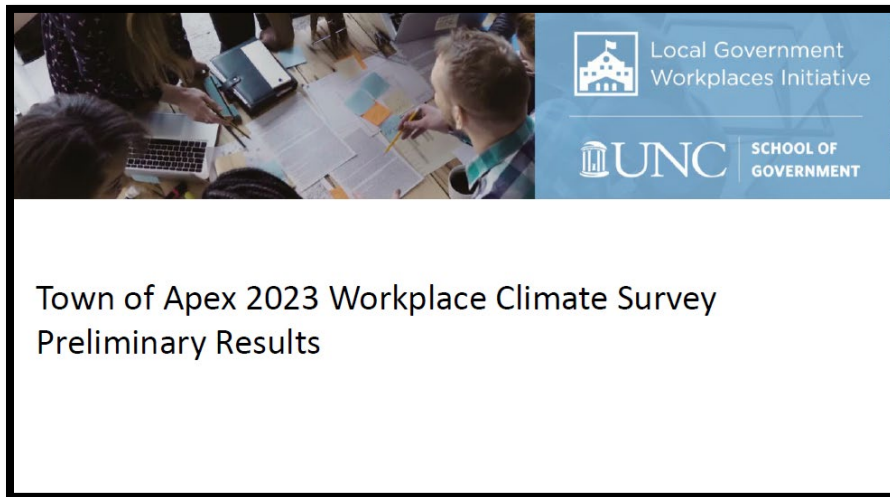
18 **Councilmember Zegerman** said to maybe look into some partnerships, especially for
19 kids 16 and up.

20
21 **Mayor Gilbert** called a recess for lunch and asked for the meeting to and to return at
22 1:00p.m.

23
24
25
26
27
28
29
30
31
32 **[WORKPLACE CHECK UP HIGH-LEVEL OVERVIEW]**

33 **Leisha DeHart-Davis**, from the UNC School of Government, gave a presentation
34 regarding the workplace climate survey high-level overview and results.

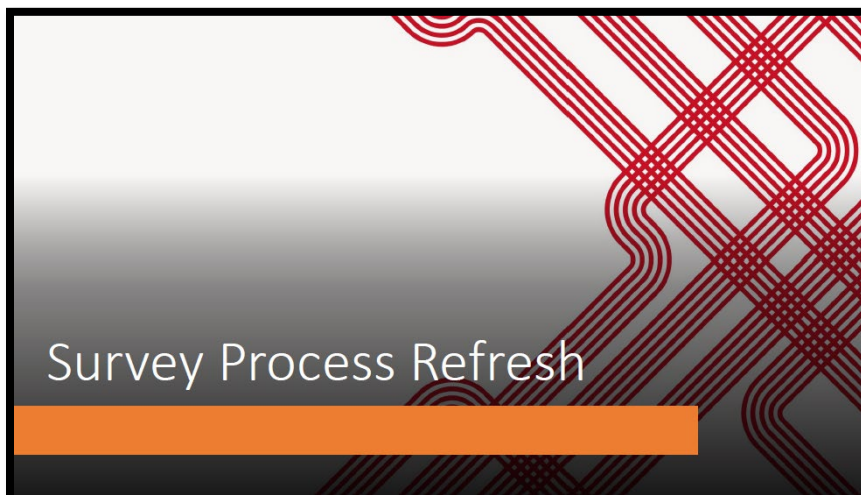
1 **[WORKPLACE SURVEY - SLIDE 1]**



2
3 **[WORKPLACE SURVEY - SLIDE 2]**



4
5 **[WORKPLACE SURVEY - SLIDE 3]**



1 **[WORKPLACE SURVEY - SLIDE 4]**

Survey Process Refresh

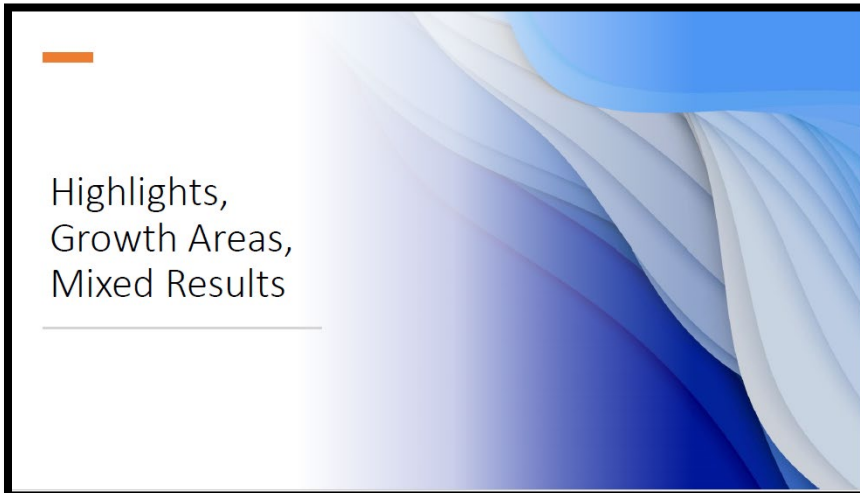
- Survey ran from three weeks, 10/30 to 11/17
- Eight* meetings with employees, including police, electric, online and in-person
- 150 randomly selected survey participants received \$50 gift card
- 70% response rate



2
3 **[WORKPLACE SURVEY - SLIDE 5]**

2023 Town of Apex Workplace Checkup	Response Rate
Administration	96%
Electric	73%
Finance	86%
Fire & Rescue	51%
Inspections	89%
Internal Services (HR, IT)	81%
Parks, Recreation, & Cultural Resources	78%
Planning	100%
Police	76%
Public Works	49%
Transportation & Infrastructure	70%
Water Resources	53%
Grand Total	70%

4
5 **[WORKPLACE SURVEY - SLIDE 6]**



Highlights, Growth Areas, Mixed Results

6

1 **[WORKPLACE SURVEY - SLIDE 7]**



2
3 **Councilmember Gantt** asked if they did these surveys in other areas of North
4 Carolina, and if she would be sharing areas in which Apex is unique compared to those
5 municipalities. He said if exhaustion is common across almost all workplaces, it probably isn't
6 as important as factors where Apex is uniquely good or bad in.

7 **Ms. DeHart-Davis** said they would be getting comparisons between themselves and
8 other local governments on things like exhaustion, and if Apex is at the top, that is a data
9 point for them to look at.

10 **Councilmember Zegerman** asked if they would be getting detailed reports.

11 **Ms. DeHart-Davis** said they would be receiving a dashboard reported that allowed to
12 see distributions of all survey responses.

13 **Councilmember Zegerman** asked if there would be a recommendation included.

14 **Ms. DeHart-Davis** said yes, but it takes a while to get there. She said they would be
15 working with the town to interpret the data.

16 **Councilmember Zegerman** asked what the timeline would be. He said surveys would
17 only be meaningful close to the time they were taking.

18 **Ms. DeHart-Davis** said a lot of that depends on the town. She said it depends on the
19 back and forth and conversation between the town and the School of Government in order to
20 interpret the data.

1 [WORKPLACE SURVEY - SLIDE 8]

How do we figure out excellent/good or room for improvement?

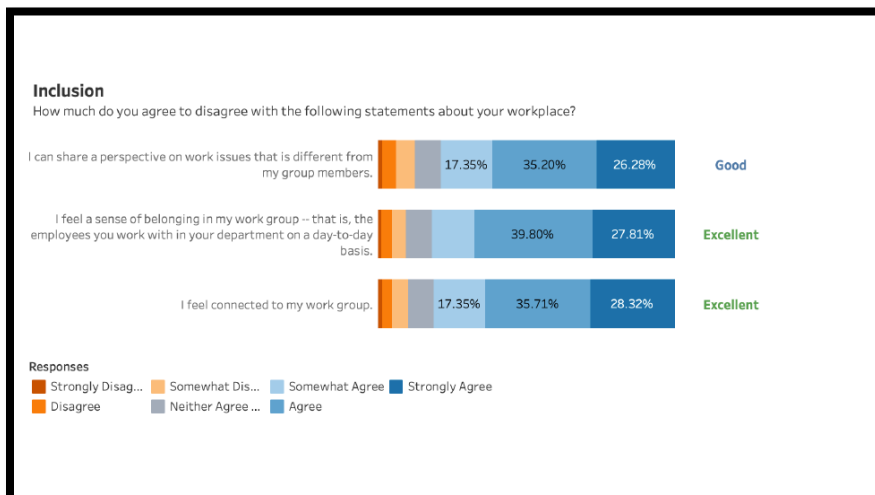
- Excellent/good: high percentage of positive responses and/or low percentage of negative responses
- Room for improvement: Lower percentage of positive responses and higher percentage of negative responses
- High percentage: 80%
- Low percentage: 20%
- Note: Room for improvement just means we didn't see as many positive responses or saw more negative responses than we would like

2
3 [WORKPLACE SURVEY - SLIDE 9]

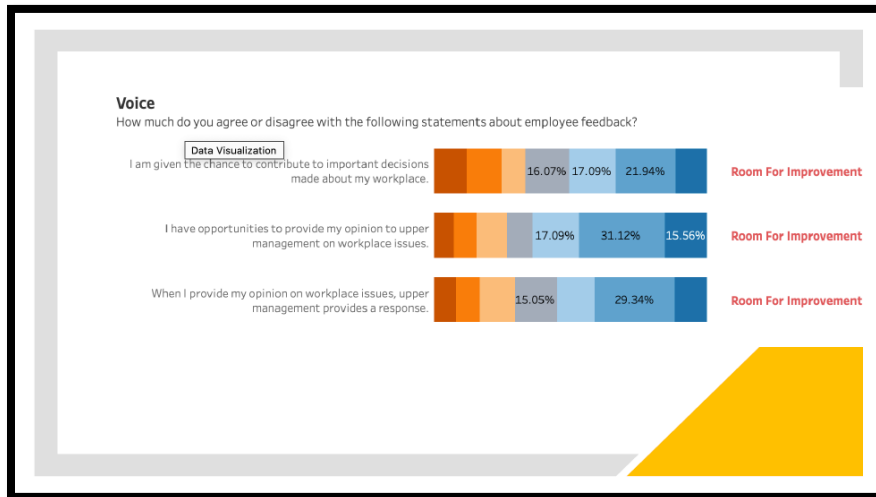
2023 Town of Apex Workplace Climate Survey Results

Highlights	Growth Areas	Mixed Results (# Positive Items/All Items)
Attitudes Towards Apex Diversity Climate Inclusion Self-Efficacy Supervision	Citizen Incivility Exhaustion Silence Top-Down Decision Making Voice Workplace Incivility	Autonomy (2/4) Commitment (1/3) Communications (2/5) Psychological Safety (1/3) Resources (2/4) Rules (5/6) Satisfaction with Job Rewards (5/6) Social Support (2/3) Teamwork (7/9) Autonomy (2/4) Training (1/3) Work-Life Balance (2/3)

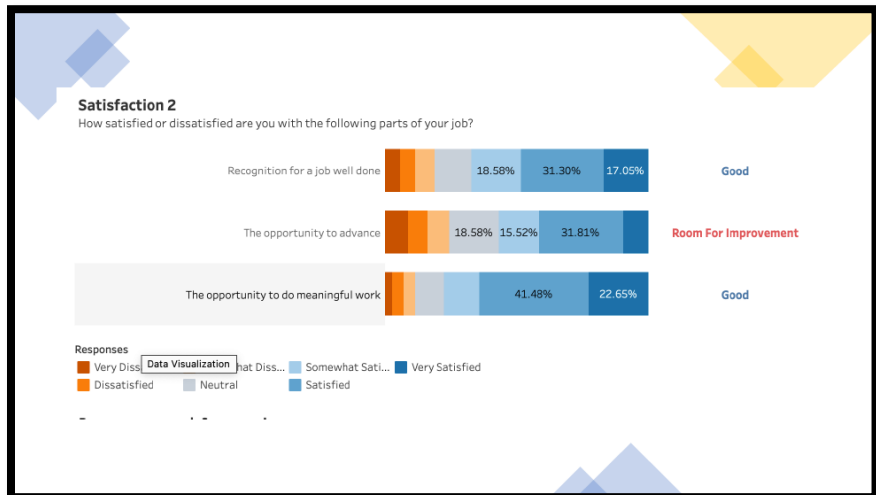
4
5 [WORKPLACE SURVEY - SLIDE 10]



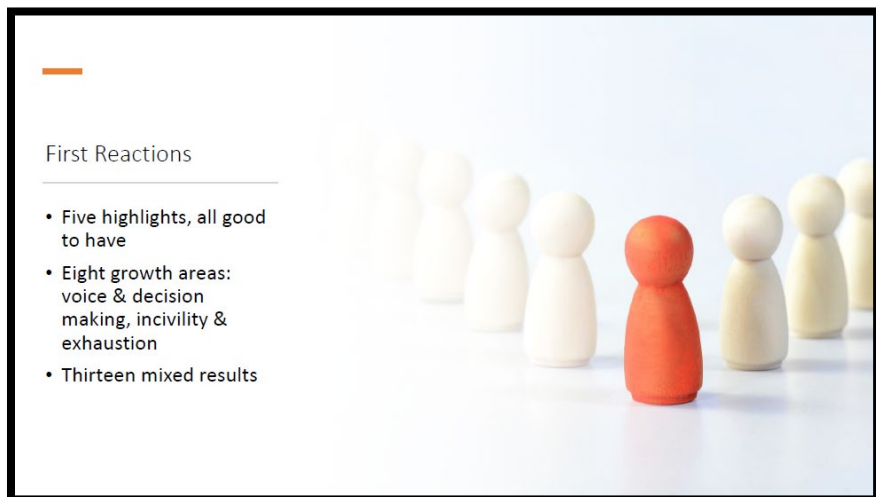
1 [WORKPLACE SURVEY - SLIDE 11]



2 [WORKPLACE SURVEY - SLIDE 12]

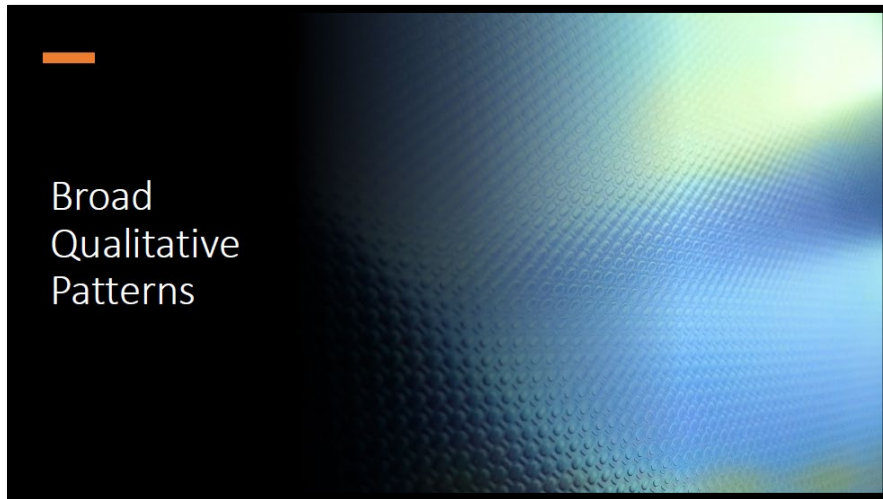


4 [WORKPLACE SURVEY - SLIDE 13]

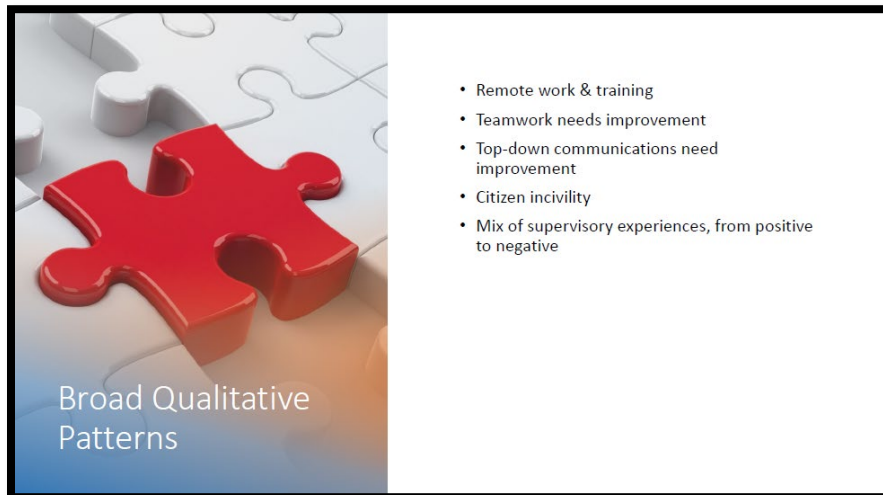


6

1 [WORKPLACE SURVEY - SLIDE 14]



2
3 [WORKPLACE SURVEY - SLIDE 15]



4
5 **Councilmember Gantt** asked if these questions were based around a "moment in
6 time", or something like "in the past 6 months", or another larger timeframe.

7 **Ms. DeHart-Davis** said for these questions, they are meant to be about whatever their
8 perspective was, which would typically encompass whatever timeframe they felt was relevant
9 to answer the question. She said in some cases, how an employee felt on the day of taking
10 the survey could influence their responses, but they assume that cancels out.

1 **[WORKPLACE SURVEY - SLIDE 16]**



2
3 **Councilmember Gantt** asked if the departments with a higher response rate were
4 typically the ones that were “happier”, or did a correlation not exist there.

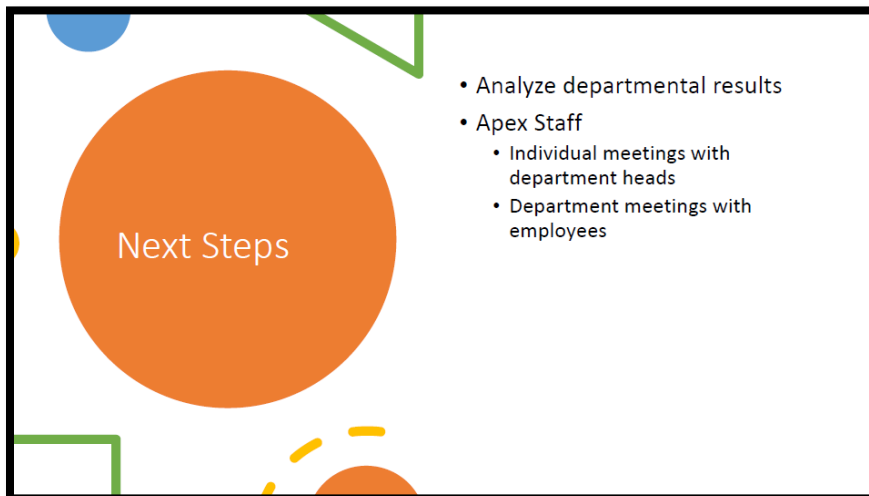
5 **Ms. DeHart-Davis** said there was not a correlation that she has seen.

6 **Councilmember Zegerman** said from what he could tell, it looked like the
7 departments with lower response rates were the ones with less time spent in the office.

8 **Councilmember Zegerman** said it was hard to tell anything specific from this without
9 more in-depth data.

10 **Ms. DeHart-Davis** agreed, and said that is why these results were preliminary. She
11 said they won’t know the full picture until they dive in deeper.

12 **[WORKPLACE SURVEY - SLIDE 17]**



13
14 **Councilmember Mahaffey** asked if the dashboard they got have would have the raw
15 data.

16 **Ms. DeHart-Davis** said it would be more refined data, and that there would be graphs
17 like the ones presented earlier would be available for every category.

1 **Councilmember Zegerman** said he feels like 4 months to compile results is a really
2 long time. He said by the time these results come out fully it will be so far removed from
3 when staff actually took the survey, and they will lose a lot of their meaning.

4 **Ms. DeHart-Davis** said that would be the case if there have been lots of changes
5 within a department. She said generally, surveying people shortly after having already doing
6 it does not tend to change their responses.

7 **Councilmember Zegerman** said he was concerned employees would feel like
8 nothing was happening with this survey because it has been so long.

9 **Ms. DeHart-Davis** said employees were told the timeline, and it was reiterated that it
10 would take a while. She asked if they wanted to talk about employee communications.

11 **Interim Town Manager Purvis** said they sent this information out to all staff recently,
12 and have asked Directors to meet with their staff regarding these initial results. He said they
13 are working on determining a timeline to meet with directors regarding these results, and
14 then after that meeting with departments in a tight timeline. He said the plan is for those
15 things to happen in the next two weeks.

16 **Councilmember Zegerman** said in his company, they do these types of survey twice
17 a year, and have an action plan developed shortly after results come in. He said this timeline
18 has felt like a very long time to even get results. He said by the time an action plan is
19 developed from these results, so many things may have changed, such as a new town
20 manager having started. He said he wished the timeline would be more compact, and he isn't
21 sure how this timeline has been so long compared to what he is used to in the business
22 environment.

23 **Ms. DeHart-Davis** said they have been in contact with HR Director Manville and
24 Interim Town Manager Purvis regarding results, so they haven't been radio silent.

25 **Councilmember Zegerman** said he isn't trying to lay blame anywhere, but is just
26 commenting on how this has felt like a long process. He said he wanted to try to do whatever
27 they could to get this finished as quick as possible, and asked her to let Council know if there
28 was anything they could do to help.

29 **Interim Town Manager Purvis** asked that Council recognize the sensitivities that they
30 were approaching this with, and the contracted timeline that has occurred from that. He said
31 normally that may not be the case, but there were concerns expressed to them from staff and
32 from Council that needed to be addressed. He said that takes time in how it is address and
33 delivered. He said there will be analysis and plan developed for each department. He said a
34 new town manager coming in would not change this process. He asked for leniency and
35 patience, and to understand where they started with this.

36 **Councilmember Gantt** said as someone who also works in government, this timeline
37 seems normal to him. He asked if management would be putting together a response to the
38 survey that would be going to Council and/or staff.

39 **Interim Town Manager Purvis** said there would be general responses overall, but
40 there will also be things handled at department-level. He said meetings with departments
41 with also help inform them on the specifics of the concerns.

1 **Councilmember Gantt** asked if there was a report made comparing cities who have
2 done this, and recommendation given.

3 **Ms. DeHart-Davis** said there would be a PowerPoint created with recommendations,
4 but they wouldn't be super specific. She said they could create an infographic as well.

5 **Mayor Gilbert** said it was important employees felt they were able to remain
6 anonymous in this survey. He asked how they planned to get feedback in regards to concerns
7 like "voice", and employees feeling they won't be heard.

8 **Ms. DeHart-Davis** said they will be looking at the comments left on those questions
9 throughout the surveys. She said the two most common examples across local government in
10 general for reasons why people don't speak up is because they have in the past and feel that
11 it is futile to do so, or they fear being retaliated against. She said she expects those two
12 themes to come through from those comments.

13 **Mayor Gilbert** asked how they would go about getting additional feedback from
14 department members, and how do they establish the environment where they can safely
15 gather that information.

16 **Ms. DeHart-Davis** said there could be things like service groups within or across
17 departments, but she said there were problems with those too.

18 **Mayor Gilbert** not everyone would feel comfortable speaking up in focus groups.

19 **Ms. DeHart-Davis** agreed.

20 **Mayor Pro Tempore Gray** asked if there would be an opportunity for department
21 heads to work together to discuss lessons learned and ways to respond to this information.

22 **Interim Town Manager Purvis** said there would be opportunities for that. He said
23 admin would be able to talk to departments and do that. He said there would also be
24 opportunities for directors to organically talk to one another about these results and way to
25 improve.

26 **Councilmember Mahaffey** asked to what extent the questions of this survey overlap
27 with previous surveys. He said he wants to be able to look at the year over year changes and
28 make sure staff is driving things in the right direction. He said he wants to focus on things that
29 have not been improving, and to find that out there needs to be a regular cadence of these
30 kinds of surveys.

31 **Interim Town Manager Purvis** said they did want to increase the consistency of these
32 things, and the pandemic disrupted what they used to do. He said there are some
33 comparisons between the last survey they did and now, and they will present those. He said
34 sometimes things are cultural changes that take time, and there's multiple levels solutions
35 need to be trickled through. He said he does agree that these surveys need to become a
36 common thing, and many other staff and directors also feel that way.

37 **Councilmember Gantt** asked how often they perform this survey in other
38 municipalities.

39 **Ms. DeHart-Davis** said it depends on how many local governments come to them
40 and say that they need it. She said they do anywhere from 6 to 10 of these in a year, and the
41 questions change slightly each year. She said they currently have good data going back to
42 2020 that they can look at comparatively.

1 **Interim Town Manager Purvis** said there are benchmarks within the sector. She said
2 that is the study they do.

3 **Councilmember Zegerman** asked what the recommended cadence was. He said in
4 his work experience, doing them every 6 months doesn't show big changes, but does allow
5 them to compile data to see trend lines and when things improve or get worse. He said they
6 haven't done one of these since 2018-2019, and asked what the recommended frequency
7 would be after this going forward.

8 **Ms. DeHart-Davis** said every 2 years. She said the town needs time to implement any
9 changes they take away from the results, and it takes about that long for those changes to set
10 in. She said potentially 18 months at a minimum, but the town would have to be really
11 moving quickly for that.

12 **Mayor Pro Tempore Gray** said he also recognizes that there is fatigue with things like
13 this. He said in surveys that are done on a frequent basis, like every 6 months, participation
14 rates drop over time. He said employees don't end up prioritizing completing it because they
15 have jobs to get done. He said there is also the issue of certain departments having to come
16 into the office to get access to a computer during the day, like Public Works, and that may
17 create a self-selecting group who end up participating.

18 **Ms. DeHart-Davis** said those are good points, and people would be less likely to
19 participate if they are done closer together and the town hasn't shown any changes from the
20 last time they did one.

21 **Councilmember Zegerman** said he takes issue with the idea that it would take 18
22 months to demonstrate change, and he thinks the town can move faster than that. He said
23 there is a balance here somewhere, but he thinks they need to be moving a lot faster here.
24 He said a 2-year cadence seems entirely too long to assess progress.

25 **Mayor Pro Tempore Gray** asked if there were other ways to assess things like this
26 that weren't as intensive, which could be done in smaller intervals, in order to figure out
27 progress along the way. He said he understands Councilmember Zegerman's desire to move
28 quickly and not lose momentum, and they want to make sure Apex is the best place to work
29 in the state.

30 **Councilmember Killingsworth** said she understands how slow government moves.
31 She said it takes to whole 2-year cycle for the whole process to be completed. She said if it
32 was on a yearly basis, there wouldn't be time to address issues that come up.

33 **Councilmember Mahaffey** said the intensity of the survey is going to be proportional
34 to how often it can be done. He said there could be a much smaller survey done more often,
35 but they have to adjust their expectations for what that survey produces.

36 **Mayor Pro Tempore Gray** said there may be recommendations that Council can
37 keep an eye on and address in the short term.

38 **Ms. DeHart-Davis** said there were things staff could help address easier, such as
39 giving employees space and time after they deal with citizen incivility. She said some of these
40 instances can be very traumatic.

41 **Mayor Gilbert** thanked Ms. DeHart Davis for her presentation.
42

1 **[LANGUAGE ACCESS PLAN UPDATES]**

2
3 **Linda Jones**, DEI Director, gave the following presentation regarding the Language
4 Access Collaborative.

5 **[LANGUAGE ACCESS - SLIDE 1]**



6
7 **[LANGUAGE ACCESS - SLIDE 2]**



1 [LANGUAGE ACCESS - SLIDE 3]

Mission

"The Town of Apex is committed to its mission of delivering exceptional public service that fosters opportunities for individuals and the community to live, thrive, and reach their full potential."

To accomplish this mission and achieve the Town's goals of fostering a:



A Welcoming Community



High Performing Government



Environmental Leadership



Responsible Development



Economic Vitality

2
3 [LANGUAGE ACCESS - SLIDE 4]

Language Access Collaborative Overview:

UNC-Chapel Hill's Institute for the Study of the Americas & the Building Integrated Communities initiative brought together teams of NC local governments & community-based organizations to form the Language Access Collaborative & build bridges of communication.

Collaborative Teams:

- Discuss inclusive practices & policies
- Learn from immigrant leaders & language access practitioners
- Collect community data & conduct agency assessments
- Create language access plans




4
5 [LANGUAGE ACCESS - SLIDE 5]

Inaugural Class of Language Access Collaborative 2023-2024:


Nine local governments partnered with community-based organizations to form teams of Collaborative participants in:

- Apex
- Buncombe
- Concord
- High Point
- Morrisville
- New Hanover
- Raleigh
- Wilmington
- Winston-Salem



Language Access Collaborative Teams

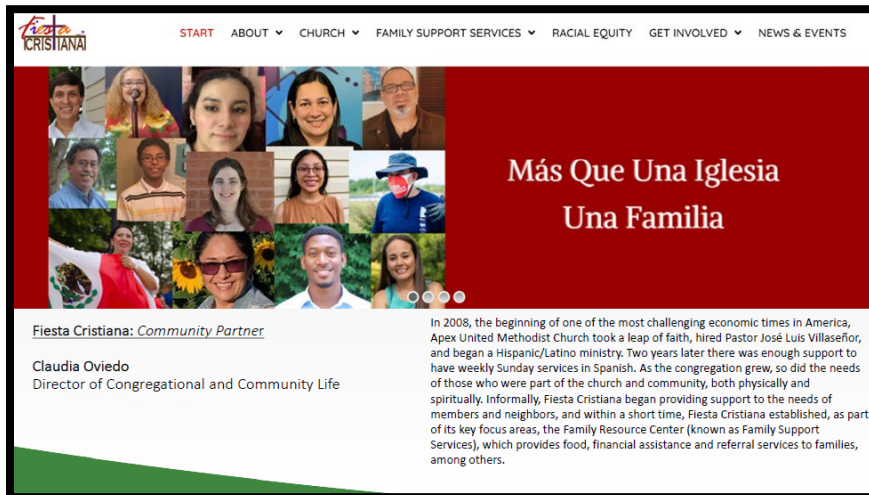
Buncombe County and PODEREnnas
City of Concord and El Puente Hispano
City of Raleigh and U.S. Committee for Refugees and Immigrants
City of Wilmington and Coastal Horizons Chino Latino
New Hanover County and Cape Fear Latinos
Town of Morrisville and Hindi Vilas Mandali
Town of Apex and Fiesta Cristiana Centro de Recursos Familiar
City of High Point and TWCA of High Point
City of Winston-Salem and World Relief of the Triad



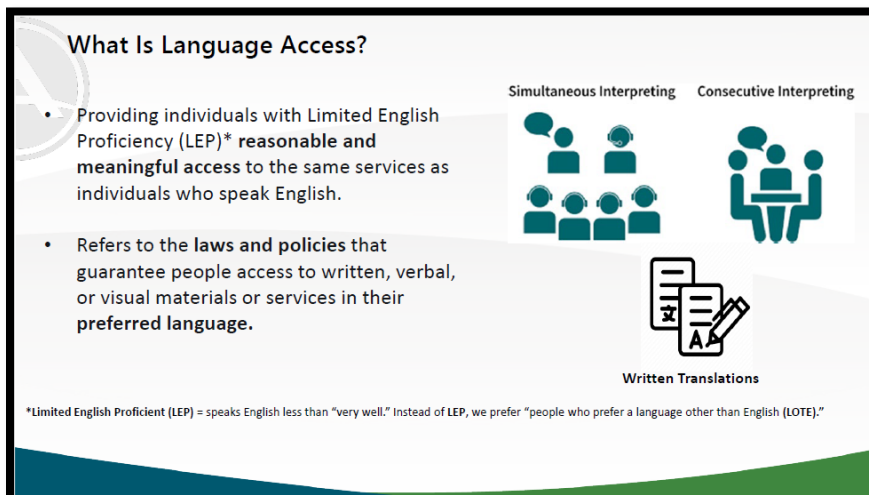
1 [LANGUAGE ACCESS - SLIDE 6]



2
3 [LANGUAGE ACCESS - SLIDE 7]



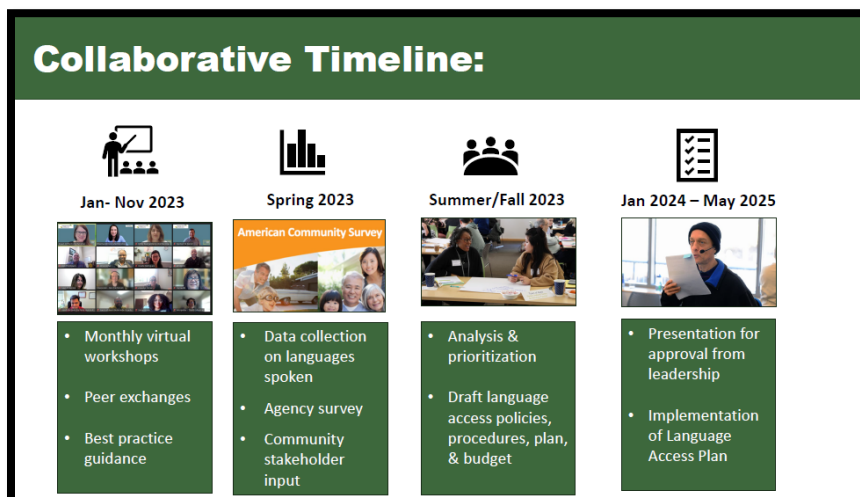
4
5 [LANGUAGE ACCESS - SLIDE 8]



1 [LANGUAGE ACCESS - SLIDE 9]

Legal Requirements:	
Federal Requirement	Summary of Language Access-related Requirements
Title VI of Civil Rights Act of 1964 and Executive Order 13166 (2000)	Recipients of federal funding: Failure to provide meaningful access to LEP persons can constitute national origin discrimination.
Affordable Care Act (2010) Section 1557	Covered health entities: Must post taglines informing LEP public of availability of free language services in top 15 languages spoken by LEP individuals in the state.
Stafford Act	Emergency management: Administrator of FEMA required to lead efforts to prevent discrimination against LEP individuals in emergency management and assistance.
Americans with Disabilities Act	All federal, state, and local government programs: Requires reasonable steps be taken to offer comparable access for members of public with disabilities to a public entity's services, programs, and activities.
Section 504 of Rehabilitation Act of 1973	Recipients of federal funding: Requires those programs to provide accommodations to people with disabilities when necessary to ensure effective communication.

2 3 [LANGUAGE ACCESS - SLIDE 10]



4 5 [LANGUAGE ACCESS - SLIDE 11]

Workshops – COMPLETED:

Presentation Topics:

- ✓ Core concepts & planning resources
- ✓ Title VI & legal requirements
- ✓ Community leader perspectives
- ✓ Data collection & assessment
- ✓ Bilingual staff & interpretation
- ✓ Translation & digital content
- ✓ Relationships
- ✓ Accountability & Sustainability

Supplementary Materials:

- ✓ Tip sheets on language access planning & best practices
- ✓ Survey, interview, & plan templates
- ✓ Analysis & prioritization tools

Special Presentation:
Michael Mulé, Attorney with the Dept of Justice, Civil Rights Division, Federal Coordination and Compliance Section





1 [LANGUAGE ACCESS - SLIDE 12]

Apex Progress To Date:	
Actions:	Status:
Internal Language Capacity Assessment Survey for All Departments	Developed: April 17, 2023 Deployed: April 18, 2023
First Report and Survey Results Due to BIC	May 16, 2023
Team Meetings with Community Partner	Occurred Monthly
Collaborative Meetings with BIC	Occurred Monthly
Webpage Launched	May 2023
Second Progress Report Due to BIC	August 15, 2023
BIC Visit with Town of Apex and Fiesta Cristiana	October 18, 2023
Draft Plan and Budget Due to BIC	November 17, 2023
Municipal Language Access Network (MLAN) Facilitated from Governor Cooper's Office	Occurs Monthly

2
3 [LANGUAGE ACCESS - SLIDE 13]

Next Steps: Approval and Implementation:

- Language Access Summit – January 19, 2024
- Town Council Meeting – April 23, 2024 (formal presentation and request for approval)
- Implementation Plan – Begin July 2024
- Additional Support:
 - Municipal Language Access Network (MLAN)
 - Welcoming America – Labs, Workshops, Conferences
- Additional Resources:
 - Applying to The Lead for NC Fellow Program thru UNC School of Government
 - Department of Justice (www.usdoj.org)



4
5 [LANGUAGE ACCESS - SLIDE 14]





спасибо 谢谢
GRACIAS
THANK YOU
ありがとうございます MERCI
DANKE धन्यवाद
شُكراً OBRIGADO





COMUNIDADES
BILINGÜES
INTEGRADAS

THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Language Access
Collaborative

Más Que Una Iglesia
Una Familia

1 **Councilmember Gantt** asked about how much they have discussed the town
2 embracing and investing in technology that can help with translations and information in
3 different languages.

4 **Director Jones** is one of the findings they determined needs to be worked on. She
5 said through this grant, they would be receiving \$20,000 to go towards technology and
6 digital signage. She said they would be continuing to look at the technology components.

7
8 **Mayor Gilbert** declared the meeting in recess at **2:04 p.m.**

9
10 **Mayor Gilbert** reconvened the meeting at **2:20 p.m.**

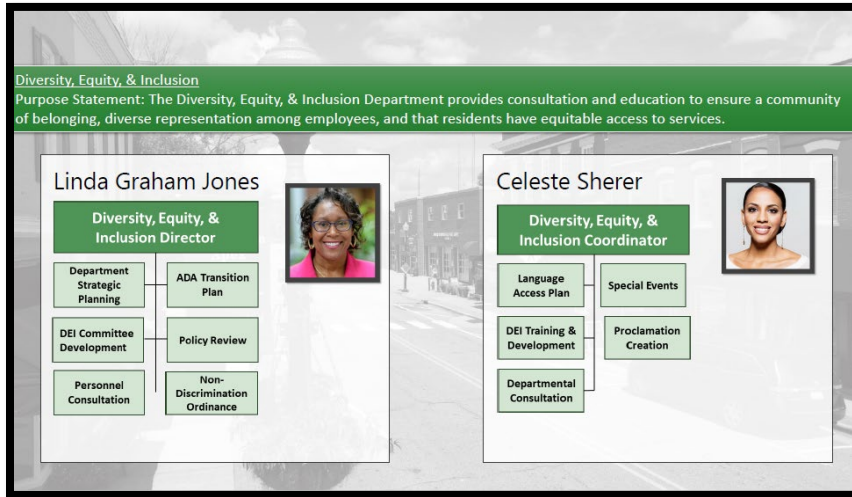
11
12 **[INCLUSIVE LEADERSHIP]**

13
14 **Celeste Sherer**, DEI Coordinator, gave the following presentation regarding inclusive
15 leadership in the town.

16 **[INCLUSIVE LEADERSHIP - SLIDE 1]**



1 [INCLUSIVE LEADERSHIP - SLIDE 2]



2
3 [INCLUSIVE LEADERSHIP - SLIDE 3]



4
5 [INCLUSIVE LEADERSHIP - SLIDE 4]


Diversity Paradox

- **Labels**
 - Divisive or Creating a Shared Language?
- **Inclusive vs. Intrusive**
 - Inviting someone into to the conversation or is it intrusive curiosity?
- **Calling Out vs. Cancelling Out**
 - Accountability or Humiliation?
 - Psychological Safety
- **Representation or Quotas?**
 - Performative or Transformative
- **Curiosity and Boundary Setting**
 - What are the resources?

1 [INCLUSIVE LEADERSHIP - SLIDE 5]

Origin Story

1. Welcomed vs. Belonging
2. Acknowledging and Recognizing Difference
 - Experiencing the world differently- Identity and Lived experiences
3. My Continued Why



2
3 [INCLUSIVE LEADERSHIP - SLIDE 6]

Approach

Strategy: People Centric and Empathy Anchored


Method:

Empowerment Model:

- Centers individuals as the primary drivers of their own process
- Focused on working "with" people
- Places importance on people's preexisting: values, motivations, social connections, and their lived experiences
- Enhancing people's existing knowledge and experiences


Deficit Model : DEI Information deficit

- Place of lack and or corrective action
- Alludes that something is "wrong" with the participant
- Accusatory Language: blame and guilt



4
5 [INCLUSIVE LEADERSHIP - SLIDE 7]


DIVERSITY, EQUITY, AND INCLUSION CONCEPTS: Training



Diversity Concept:

Quantifiable representation of difference


- **Dimensions of diversity** : there are over 26 characteristics



Equity Concept:

Resources provided so that everyone is successful

- Equity vs. Equality

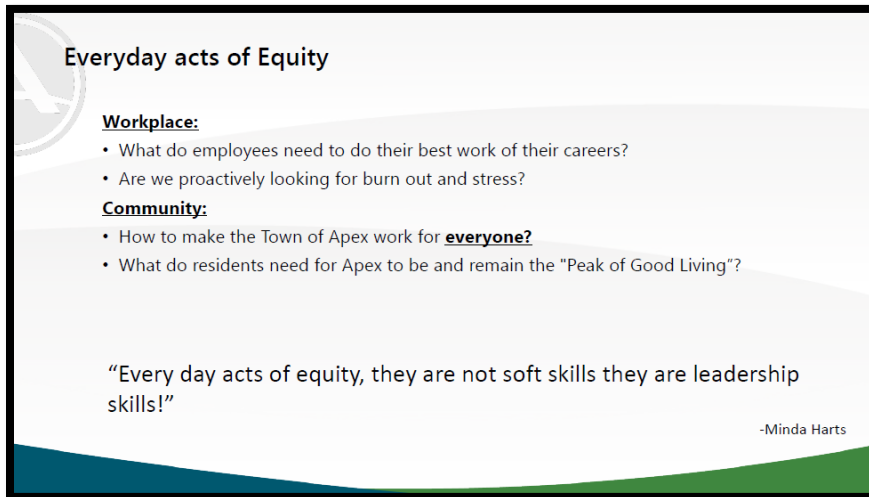


Inclusion Concept:

Qualitative experience of difference

6

1 [INCLUSIVE LEADERSHIP - SLIDE 8]



Everyday acts of Equity

Workplace:

- What do employees need to do their best work of their careers?
- Are we proactively looking for burn out and stress?

Community:

- How to make the Town of Apex work for **everyone**?
- What do residents need for Apex to be and remain the "Peak of Good Living"?

"Every day acts of equity, they are not soft skills they are leadership skills!"

-Minda Harts

2
3 [INCLUSIVE LEADERSHIP - SLIDE 9]



Practical Strategies to Cultivate an Inclusive Culture

1. Confront Individual Bias

- Self Awareness is needed:
- You have to understand yourself before you can coach and lead others

2. Authenticity

- Modeling the Behavior

4
5 [INCLUSIVE LEADERSHIP - SLIDE 10]

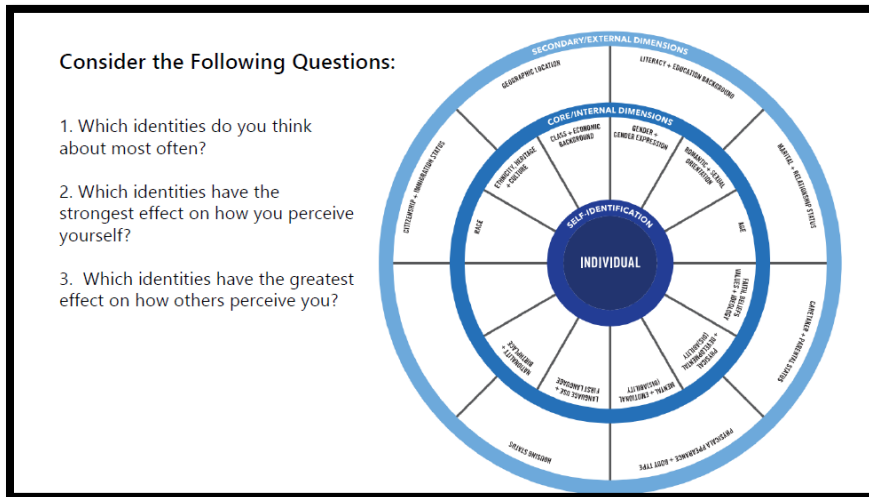


Defining Your Lens

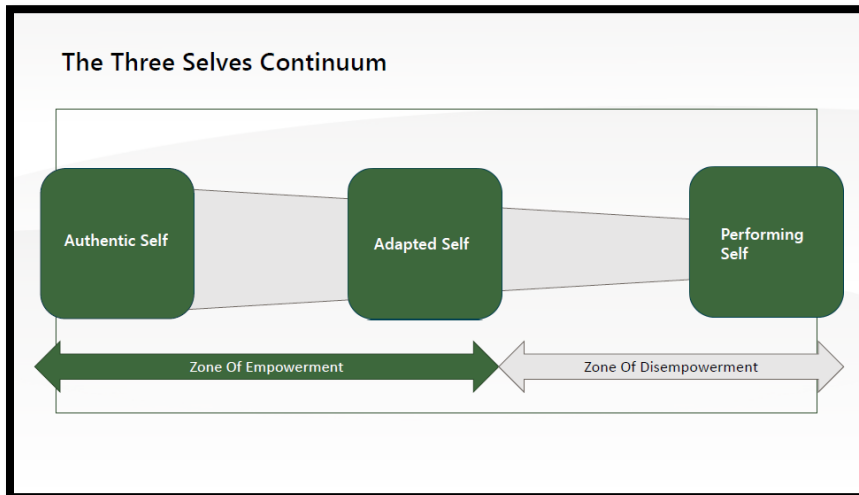
A black and white photograph of a busy outdoor event, likely a farmers market or community fair. In the background, there are several tents, including one for the 'TOWN COUNCIL' and another for 'TOWN OF APEX'. A large crowd of people is walking through the market area. The slide has a green header with the title 'Defining Your Lens'.

6

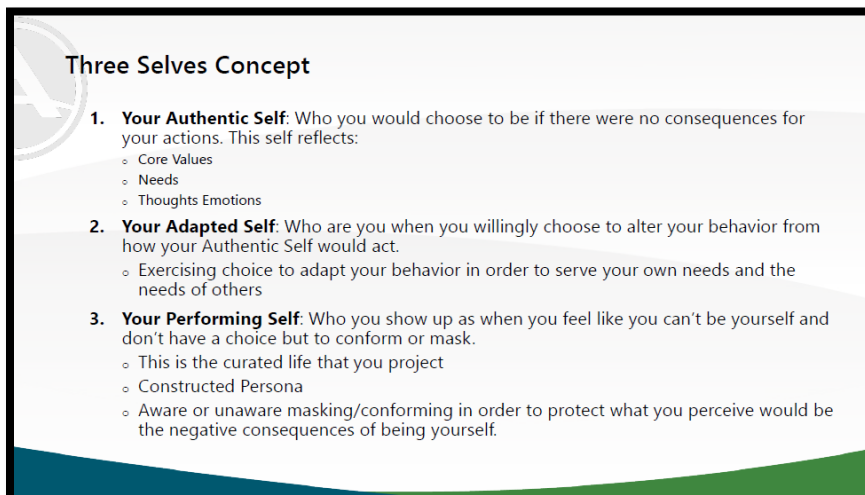
1 [INCLUSIVE LEADERSHIP - SLIDE 11]



2 3 [INCLUSIVE LEADERSHIP - SLIDE 12]



4 5 [INCLUSIVE LEADERSHIP - SLIDE 13]




1 [INCLUSIVE LEADERSHIP - SLIDE 14]

When Do Unconscious Biases Occur?

"If you have a brain, you have a bias!"

At any given moment, our brains process a staggering 11,000,000 bits of information, yet our conscious mind can only handle 50 bits per second. The gap between these two figures is the realm where unconscious bias resides.

Our brains utilize bias as a protective mechanism, serving to keep us safe from physical harm and manage the overwhelming influx of information processed at any given moment. But, what if the very mechanism that safeguards us also has the potential to foster social stereotypes, laying the groundwork for detrimental institutional culture and decisions?



2 3 [INCLUSIVE LEADERSHIP - SLIDE 15]

How Bias Can Show up

Explicit Bias: attitudes and beliefs we have about a person on a conscious level

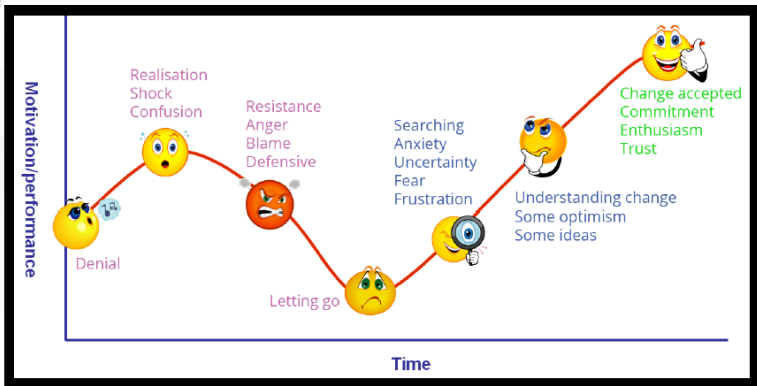
Unconscious/ Implicit Bias: unintended, subtle and subconscious thoughts that happen to all of us, all of the time.

Unconscious Bias: happens automatically and are triggered by our brain making quick judgments and opinions of people and or situations . They occur when your preferences towards or against something impacts your actions.

1. Similarity: The tendency to view people who look or think like us more favorably than people who are different
2. Expedience: The tendency to rush to conclusions in an effort to minimize cognitive effort. The need for speed
3. Experience: The tendency to believe that how we see the world is inherently truer than someone else's perspective
4. Distance: The tendency to assign greater value to those things that we perceive to be closer to us, rather than further away
5. Safety: The tendency to over-account for negative outcomes instead of positive ones

4 5 [INCLUSIVE LEADERSHIP - SLIDE 16]

Grant Yourself Grace



Motivation/performance

Time

Denial

Realisation
Shock
Confusion

Resistance
Anger
Blame
Defensive

Letting go

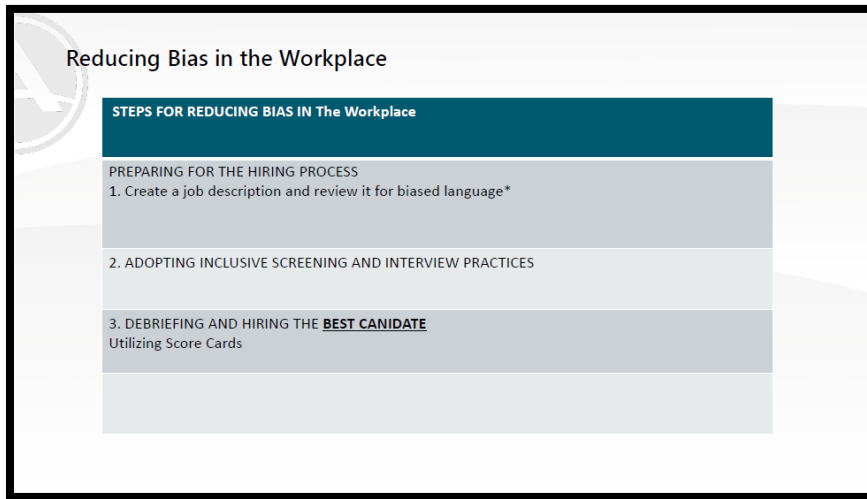
Searching
Anxiety
Uncertainty
Fear
Frustration

Understanding change
Some optimism
Some ideas

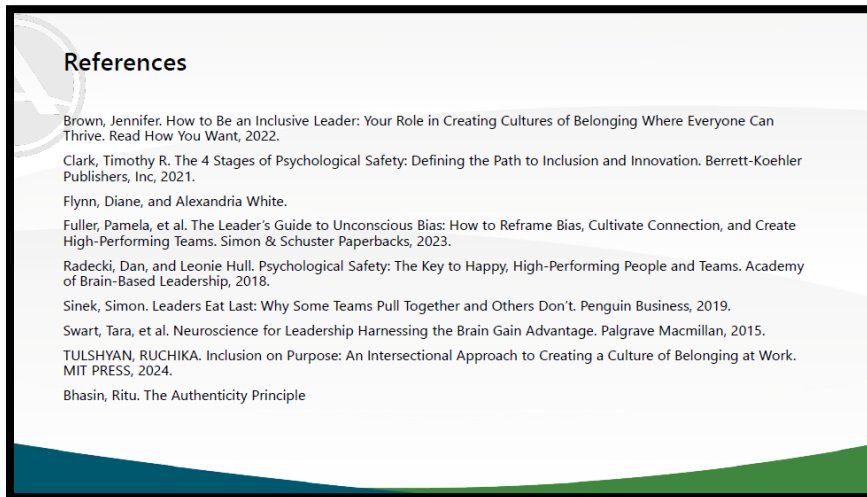
Change accepted
Commitment
Enthusiasm
Trust

6

1 **[INCLUSIVE LEADERSHIP - SLIDE 17]**



2
3 **[INCLUSIVE LEADERSHIP - SLIDE 18]**



4
5 **Ms. Sherer** discussed what belonging meant with Councilmembers, and how they
6 understand and experience it in their lives. She led the Council in a discussion training
7 regarding inclusion, belonging, and boundaries.

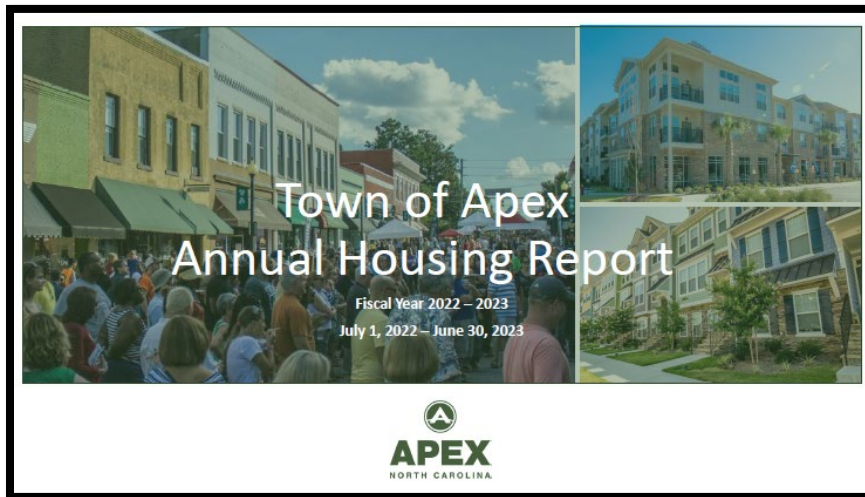
8 **Councilmember Gantt** asked if the department's work was more internal or external.

9 **Ms. Sherer** said it was some of both, as their work requires working with employees
10 as well as external stakeholders.

11 **[TOWN OF APEX ANNUAL HOUSING REPORT]**

12 **Michael Linsenmeyer**, Senior Housing Specialist, gave the following presentation
13 regarding the Town of Apex Annual Housing Report.

1 [ANNUAL HOUSING REPORT - SLIDE 1]



2
3 [ANNUAL HOUSING REPORT - SLIDE 2]

Table of Contents	
Introduction	2
Community Profile	4
Action Plan Progress	9
Affordable Housing Fund	10
Affordable Housing Plan	11
Near-Term Recommendations	12
Mid-Term Recommendations	21
Long-Term Recommendations	29
Appendix	31
<small> Affordable Housing Costs 2023 Area Median Income Limits Home Sales Price Data Rent Cost Data </small>	

4
5 [ANNUAL HOUSING REPORT - SLIDE 3]

Introduction


The Town of Apex Community Development & Neighborhood Connections Department (CDNC) is pleased to issue the Fiscal Year 2022-23 (July 1, 2022 – June 30, 2023) Annual Housing Report (AHR). The Annual Housing Report provides a community profile that includes key housing affordability data collected from the American Community Survey (ACS), followed by the Town's progress report toward accomplishing the recommendations outlined in the 2021 adopted Apex Affordable Housing Plan (AHP).

The Affordable Housing Plan includes a total of 14 recommendations, one of which is establishing the Housing Advisory Board (HAB). The HAB was established on September 14, 2021, and one of its duties is to assist in the creation of the AHR. The AHR is designed to provide important information and data to Town Council, Town Boards and Committees, Town staff, outside organizations and interested members of the public.

It is in partnership with the HAB and the Apex Planning Department that this FY22-23 Annual Housing Report is submitted to the Town Council by CDNC staff.

Sincerely,

Maria Y. Newman, Director
Community Development & Neighborhood Connections



2

1 [ANNUAL HOUSING REPORT - SLIDE 4]

Introduction


I would like to thank the Housing Advisory Board (HAB) members for the time and effort they volunteered this year to help implement the recommendations of Apex's Affordable Housing Plan. The HAB received strong support in this work from Apex's new Assistant Town Manager Demetria John, the new Community Development and Neighborhood Connections Director Maria Newman, the new Senior Housing Specialist Michael Linsenmeyer and Apex's excellent Planning Department staff under Planning Director Dianne Khin.

Despite the turnover in Town staff, the HAB was able to advance affordable housing initiatives, including the creation of a reasonable starting point for the new Affordable Housing Incentive Zoning Policy. The Town Council unanimously passed the policy on June 27, 2023. I look forward to receiving regular updates on the staff's experience with implementing this policy and related procedures.

Apex has an increasing need for more housing choices, especially for our low-to-moderate income residents and workers. I sincerely appreciate the acute awareness of this need which is shared by Apex's Mayor and Council Members. Their leadership will be critical to acting in creative ways to address this crisis. Action is needed now to truly be The Peak of Good Living for every one of our neighbors and Apex's essential workers who deliver necessary services and would love the opportunity to live closer to their work.

In Service,

Phil Welch, Chair
Apex Housing Advisory Board



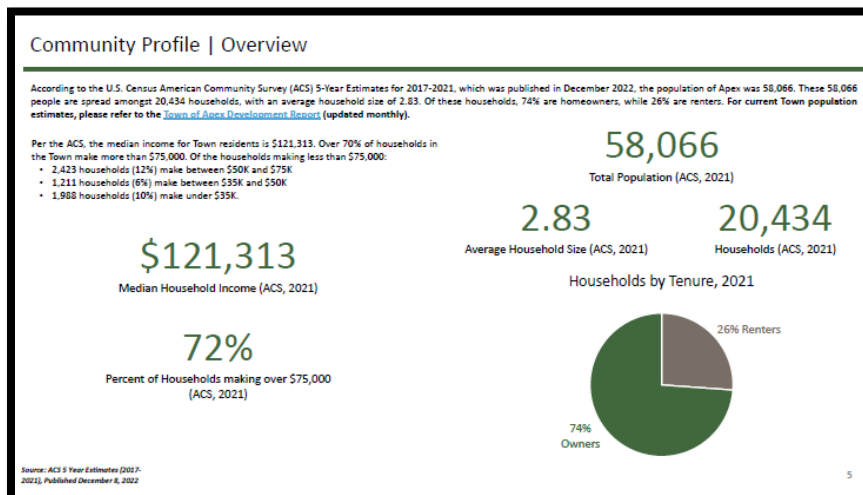
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3 [ANNUAL HOUSING REPORT - SLIDE 5]

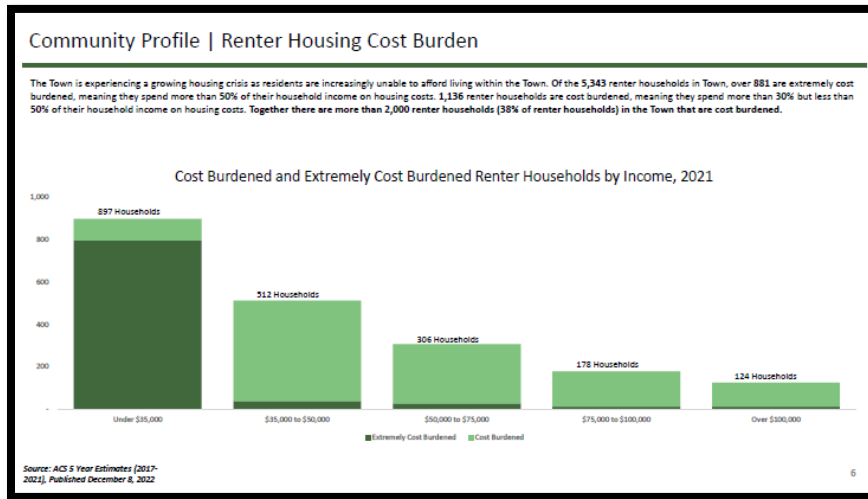
Community Profile

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4
5 [ANNUAL HOUSING REPORT - SLIDE 6]



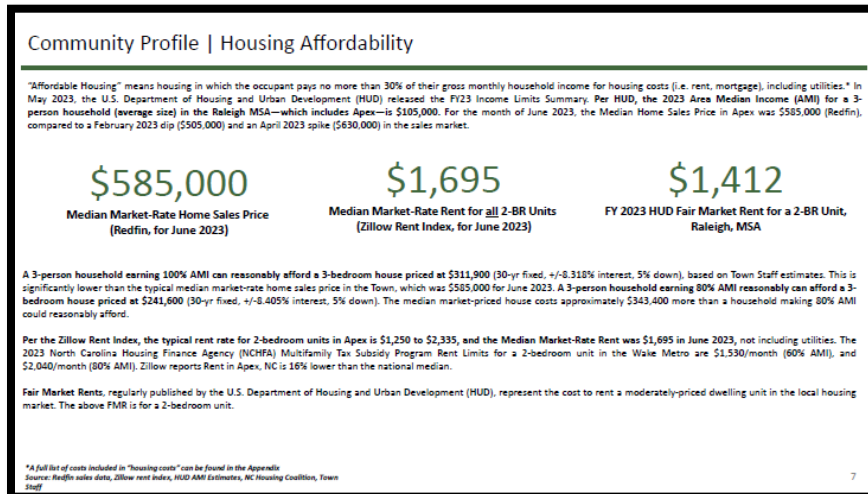
1 [ANNUAL HOUSING REPORT - SLIDE 7]



Councilmember Zegerman asked how it was possible that households making over 100 thousand or more a year would be cost burdened or extremely cost burdened. He said according to averages, the rents should not have them in this range.

Mr. Linsenmeyer said there may be large discrepancies in the income gap. He said he isn't specifically sure why this is the case. He said in the next report he can include a broader range of incomes.

9 [ANNUAL HOUSING REPORT - SLIDE 8]



1 [ANNUAL HOUSING REPORT - SLIDE 9]

Affordable Housing Plan | Overview

In 2020, the Town initiated a 9-month long planning effort to address the community's affordable housing needs. That effort resulted in the [Town's Affordable Housing Plan \(AHP\)](#), which was adopted by Town Council on February 1, 2021.

The AHP outlined actions the Town should take to achieve the plan's stated vision of:
"Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities"

The following 14 recommendations were adopted to help the Town achieve this vision.

Near-Term Recommendations (<2 Years)

1. Build Town Staff Capacity
2. Develop the Housing Advisory Board
3. Implement an Affordable Housing Incentive Zoning Policy
4. Create an Owner-Occupied Rehabilitation Assistance Program
5. Increase Low-Income Housing Tax Credit (LIHTC) Gap Financing

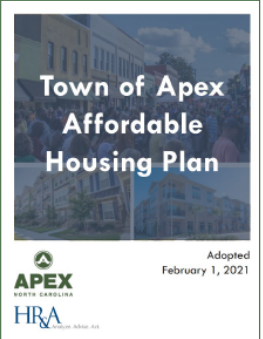
Mid-Term Recommendations (2 - 5 Years)

6. Publish an Annual Housing Report & Online Dashboard
7. Implement Diversity & Racial Equity Initiatives
8. Develop Affordable Housing Advocacy Partners
9. Increase Support for Homeownership
10. Implement Public Land Acquisition and Sale
11. Develop Transit-Oriented Development Density Practices

Long-Term Recommendations (5 - 10 Years)

12. Develop Emergency Rental Assistance and Support Services
13. Increase Accessory Apartments*
14. Develop "Soft Density" By-Right Policies*

*Activities that are not represented in this report.



**Town of Apex
Affordable
Housing Plan**

Adopted
February 1, 2021

APEX
NORTH CAROLINA

HRA
HOUSING RESOURCE ASSOCIATES

11

2 3 [ANNUAL HOUSING REPORT - SLIDE 10]

Action Plan Progress

9

4 5 [ANNUAL HOUSING REPORT - SLIDE 11]

Affordable Housing Fund

Beginning in FY21, the Town Council approved a special revenue fund called the Affordable Housing Fund (AHF) to assist with the creation and preservation of affordable housing within the Town.

The table below summarizes the Town's funding expenditures in FY23 that were dispersed from the AHF. There were no additional commitments for other projects made in FY23.

Affordable Housing Fund FY 2022-23 Expenditures				
Activity Name	Activity Type	Activity Goal	Commitment Type	Dollar Amount
Apex Cares Housing Rehabilitation Program	Owner-Occupied Rehabilitation	15 Households Served	Grant	\$200,000.00
Stone Glen Apartments	New Construction Affordable Rental Development	164 New Rental Units	Loan	\$1,665,000.00
Total Funds Expended in FY23				\$1,865,000.00
Total Funds Expended To-Date				\$2,246,963.03

10

1 [ANNUAL HOUSING REPORT - SLIDE 12]

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14. Develop "Soft Density" By-Right Policies*

*Activities that are not represented in this report.

**Town of Apex
Affordable
Housing Plan**

Adopted
February 1, 2021

APEX
NORTH CAROLINA

HRA
HOUSING RESEARCH ASSOCIATES

2 3 [ANNUAL HOUSING REPORT - SLIDE 13]



4 5 [ANNUAL HOUSING REPORT - SLIDE 14]

Near-Term | Build the Town's Staff Capacity

The Town will increase the capacity of staff to support the successful implementation of the Affordable Housing Plan.

Actions Taken

Demetria John
Assistant Town Manager
In January 2023, the Town hired Assistant Town Manager Demetria John. The Community Development & Neighborhood Connections (CDNC) Department falls within her leadership portfolio. Demetria managed the recruitment of the CDNC Director, as well as providing leadership and oversight to department staff until the position was filled.

Maria Newman
Community Development & Neighborhood Connections Director
In Spring/Summer 2023, the Town conducted a nationwide recruitment for its first-ever CDNC Director position. The newly created department will include Affordable Housing Programs, the 311 Community Connections Center, a Community Engagement division, and a Neighborhood Improvement division. Looking ahead to FY 23-24, Maria Newman was hired as the Town's first-ever CDNC Director to lead the new department.

Michael Linsenmeyer
Senior Housing Specialist
In October 2022, the Town hired Michael Linsenmeyer as its first-ever Senior Housing Specialist. Michael works alongside the Planning Department by participating on the Technical Review Committee (TRC) to implement the Affordable Housing Incentive Zoning Policy, provides staff support to the Housing Advisory Board (HAB), and provides program administration related to the various housing programs and outreach initiatives.

1 [ANNUAL HOUSING REPORT - SLIDE 15]

Near-Term | Housing Advisory Board

The Town will create a Housing Advisory Board (HAB) to provide input on the use of the Town's affordable housing funding and policy, as well as to be responsible for championing education and outreach around affordable housing.

Actions Taken

[HAB Unified Development Ordinance \(UDO\) Amendment](#)

On September 14, 2021, the Town Council adopted an amendment to the UDO to add Section 2.1.10 to include provisions for the new HAB. The HAB has the following powers and duties under the provisions of the UDO:

1. Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing;
2. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing; and
3. Assist in the creation of the annual housing report.

HAB Appointments

In FY23, the HAB nominated Chair Welch and Vice-Chair Fussell serve again in their respective roles as Chair and Vice-Chair. Mayor Jacques Gilbert recommended both for reappointment consideration and each were confirmed at the March 14, 2023, Town Council Meeting. Listed below are the HAB members that served during the reporting year.

1 Year Term (Oct 2022-2023)	2 Year Term (Oct 2021-2023)	3 Year Term (Oct 2021-2024)
<ol style="list-style-type: none"> 1. Audra Killingsworth, Non-Voting Member 2. Tina Sherman, Non-Voting Member 	<ol style="list-style-type: none"> 1. Paul Kane, Board Member 2. Seth Friedman, Board Member 3. Jacob Rogers, Board Member 	<ol style="list-style-type: none"> 1. Philip J. Welch, Chair 2. Rhett Fussell, Vice-Chair 3. Valeria Cesanelli, Board Member 4. Martha L. Rodgers, Board Member

2
3 [ANNUAL HOUSING REPORT - SLIDE 16]

Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the Rezoning and Planned Unit Development (PUD) approval processes.

Actions Taken

[2023 Adopted Affordable Housing Incentive Zoning Policy](#)

Town Council authorized direction through the adopted AHP to establish an Affordable Housing Incentive Zoning Policy that would set forth clear minimum recommendation criteria, applicability standards, and a variety of incentive options for applicants to consider in exchange for providing residential affordable housing units or lots within a development as part of the rezoning and PUD approval process. The policy encourages applicants to provide residential affordable housing units or lots as part of a proposed development in exchange for incentives. The summary below describes the actions that were accomplished in FY22-23 regarding the Policy.

FY23 Summary

- In December 2022, Aaron Sorrell of Community Planning Insights, LLC was contracted to facilitate policy development and provide technical support in completing the policy draft.
- In the Spring of 2023, staff worked with Sorrell to reframe the draft to incorporate the ongoing changes that resulted from HAB deliberations.
- At their June 16, 2023, Regular Meeting, the HAB voted to recommend policy adoption after nearly a year-and-a-half of HAB review.
- At the June 27, 2023, Town Council meeting, the Council voted unanimously to adopt the Affordable Housing Incentive Zoning Policy.

4
5 **Councilmember Gantt** asked if this policy has been used in development yet.
6 **Mr. Linsenmeyer** said he'll provide information for how it's being used. He said
7 components of it were being implemented when the policy was still in the draft phase.
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1 [ANNUAL HOUSING REPORT - SLIDE 17]

Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the rezoning and Planned Unit Development (PUD) approval processes.

Approved Market-Rate Developments With Affordable Units
 In FY23, Town Council approved (10) market-rate developments that included affordable housing units through the Rezoning and Planned Unit Development (PUD) process. A total of (66) affordable housing units were committed through zoning conditions in these developments, which included (31) affordable housing ownership units and (35) affordable housing rental units. The total on-site affordable housing unit percentage was 6.29% for ownership developments, and 4.32% for rental developments. These metrics are displayed below, and the following slide provides detailed information regarding each project.

Affordable Housing Committed through Rezoning/PUD, All Units			
Number of Developments	Total Units	Total Affordable Units	Total Affordable Unit Percentage
10	1,304	66	5.06

Affordable Housing Committed through Rezoning/PUD, Ownership Units		
Total Ownership Units	Affordable Ownership Units	Affordable Ownership Unit Percentage
493	31	6.29

Affordable Housing Committed through Rezoning/PUD, Rental Units		
Total Rental Units	Affordable Rental Units	Affordable Rental Unit Percentage
811	35	4.32

16

2 3 [ANNUAL HOUSING REPORT - SLIDE 18]

Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the rezoning and Planned Unit Development (PUD) approval processes.

FY 22-23 (July 1, 2022 - June 30, 2023) Incentive Zoning Projects									
Project Name	Approval Date	Housing Type	Tenure	Total # of Units	Total # of Affordable Units	Total % of Affordable Units	AMI Breakdown of Units	Affordability Period	Incentive Received
Morris Tract PUD	8/9/2022	Townhomes / Single Family	Ownership	110	2	1.82%	100% AMI	10 Years	
Yellowbridge PUD (Ennis Branch)	9/27/2022	Townhomes / Single Family	Ownership	156	2	1.28%	100% AMI	15 Years	
Chapel Ridge North PUD	10/25/2022	Multifamily	Rental	370	13	3.51%	60% AMI	10 Years	Parking Reduction
Utley Farms PUD	11/8/2022	Single Family	Ownership	95	2	2.10%	100% AMI	20 Years	Parking Reduction
The Townes at the Station PUD	1/10/2023	Townhomes	Ownership	72	4 (lots)	5.55%	100% AMI	20 Years	
Tingen Road Residential (Townes on Tingen-MSP)	1/10/2023	Townhomes	Ownership	16	16	100%	100% AMI	10 Years	
2021 N Salem Street PUD - aka Parc at Bradley Farm	1/24/2023	Townhomes	Ownership	40	1	2.50%	100% AMI	10 Years	
406 S. Salem Street PUD "The Heights PUD"	2/28/2023	Multifamily	Rental	49	2	4%	80% AMI	20 Years	
Elevate 64 West PUD	3/28/2023	Multifamily	Rental	392	20	5%	80% AMI	10 years	
940 Tingen Road (Townes on Tingen MSP)	6/27/2023	Townhomes	Ownership	4	4	100%	100% AMI	10 years	
10 Total Approved Rezonings				1,304	66	5.06	Median = 92% AMI	Median = 13.5 Years	

17

5 **Councilmember Gantt** said he thought there would be more tradeoffs with
 6 developers in this policy.

7 **Councilmember Killingsworth** said most of these were before the policy was
 8 approved, and so there would be more of those since then.

9 **Mr. Linsemeyer** said he had been showing applicants drafts of the policy before it
 10 was approved, and most of them went along with affordable improvements without asking
 11 for incentives.

12 **Councilmember Gantt** wondered if it was because the incentives weren't good
 13 enough.

14 **Councilmember Zegerman** said in lots of cases these were providing a lower
 15 number of affordable units than would qualify for incentives in the policy, with a minimum of
 16 5% of units.

1 **Councilmember Gantt** said he was expecting painful rezonings with the benefit of
2 higher affordability, but he said with the exception of a few of them he hasn't seen that. He
3 said it may happen later.

4 **Director Newman** said most of the ones who are at 100% affordable are non-profit,
5 mission-driven entities. She said it's the for-profit developers that they have intense
6 negotiations with during this process to try and get to 5% affordable. She said the idea of
7 passing this was to create a policy that established more concretely the practices that Council
8 have been looking to for a while. She said they are looking at ways they can improve the
9 policy and increase participation from for-profit developers. She said there's a lot of tools
10 they can use to invest in developers to help get them to the affordability levels they desire.
11 She said they are working on ideas for how the strengthen the policy and hope to present
12 some information to them in the next few months.

13 **Councilmember Zegerman** said they were essentially hitting the benchmark of the
14 policy without incentives even being used in 2023.

15 **Councilmember Mahaffey** talked about how in policies there's carrots and there's
16 sticks. He said currently the policy is all carrots. He said he wants the floor to be set at 5% for
17 affordability, and said the policy should mix in some "stick" measures.

18 **Director Newman** said they will be looking at raising this floor, as 5% is too low. She
19 said there is data that shows the majority of town staff does not live in Apex because of
20 affordability issues.

21 **Councilmember Killingsworth** said staff has done a great job researching this. She
22 said Durham has their own policy that has never been used. She said they need to learn from
23 their mistakes, and continue adjusting to make this the right policy.

24 **Councilmember Gantt** said he thinks cash would be the best incentive.

25 **Director Newman** said part of what they are looking at is ways to invest, and things
26 like cash investments come at a price.

27 **Councilmember Mahaffey** said there are also things like waiving fees. He said his
28 understanding is fee waiving is more statutorily usable.

29 **Director Newman** said there are many things they can use, like grants and loans, as
30 well as some federal funding which may help.

31 **Councilmember Mahaffey** said he thought there was requirements on affordability
32 before they were able to bring cash.

33 **Assistant Town Manager John** said he may be referring to a statute that says the
34 town has to do 20-25% for projects that are 60% or lower. She said the town can go higher
35 than that if they satisfy that first.

36 **Mr. Linsenmeyer** said providing money to a developer really lends itself to being a
37 rental project.

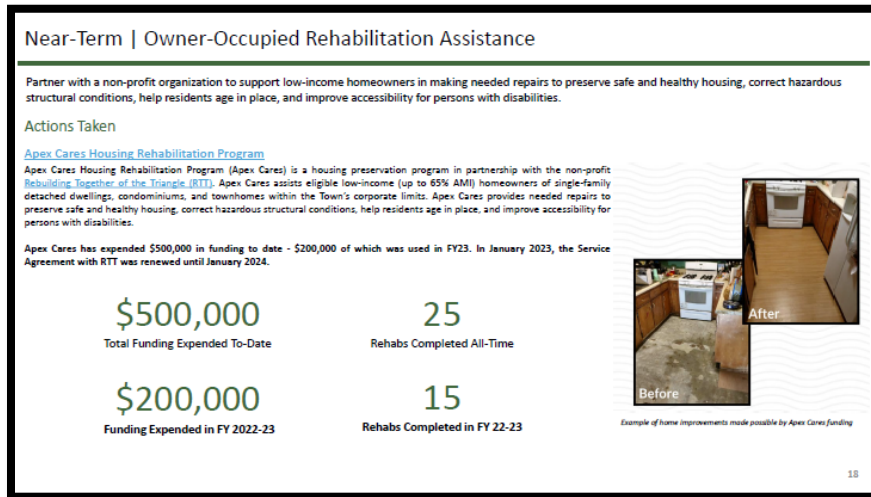
38 **Councilmember Mahaffey** said he thought waiving fees was more flexible.

39 **Mr. Linsenmeyer** said they can't waive fees directly, but they can provide
40 reimbursements. He said that wasn't treated the same as cash.

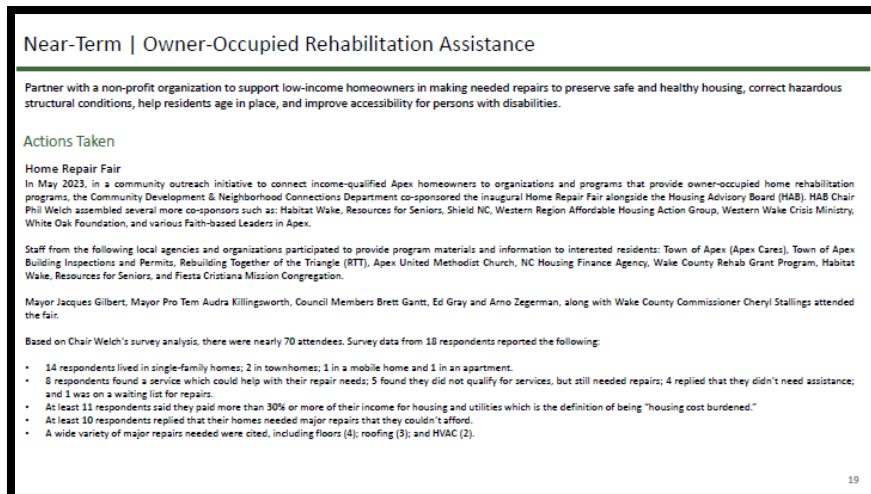
41 **Director Newman** said there is a lot of investment the town can do with federal
42 program dollars, and they'll discuss that further at the April Work Session.

Interim Town Manager Purvis said these types of mechanisms fit in differently to the requirements.

[ANNUAL HOUSING REPORT - SLIDE 19]



[ANNUAL HOUSING REPORT - SLIDE 20]



1 [ANNUAL HOUSING REPORT - SLIDE 21]

Near-Term | Low-Income Housing Tax Credit Gap Financing

Provide gap financing to increase the production of Low-Income Housing Tax Credit (LIHTC) housing and to reduce the cost of local fees for affordable housing developments. Town Council approved funding commitments for two LIHTC projects in prior years; below is a summary of each project and a FY23 update.

Actions Taken

Town Council Approved Funding Commitments for Two LIHTC Projects

Project #1: Stone Glen Apartments (DHIC, Inc.) – 4% LIHTC Project
 Stone Glen will include a total of 164 rental housing units, affordable to households earning up to 70% AMI, adjusted for family size, as published by HUD. The development will also include 36 permanent supportive housing units and will be the largest 100% affordable rental development in Town history. In FY23, the Town Council approved a Development Agreement to help DHIC address a funding gap and allow DHIC to shift some units back to the 70% AMI range. The new proposed weighted average affordability is 60% AMI. The project completed development review in the fiscal year and is currently under construction. DHIC expects to complete construction in Summer 2024 and is accepting names to the project [interest list](#).

Project #2: Abbey Spring (Evergreen Construction Company) – 9% LIHTC Project
 Abbey Spring will include a total of 84 rental housing units for seniors*. 10% of the units within the development will be set-aside for targeted populations such as the disabled and the unhoused. An additional 10% of the units will be set-aside for Wake County Rental Assistance Housing Program (RAHP) voucher holders. The units will be offered to households earning up to 60% AMI, adjusted for family size, as published by HUD. Abbey Spring is poised to be the largest 100% affordable senior rental development in Town history. In FY23, Abbey Spring received Site Plan approval.

*Individuals that are 55 years of age or older

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2 **Councilmember Zegerman** asked what the status of the project was.

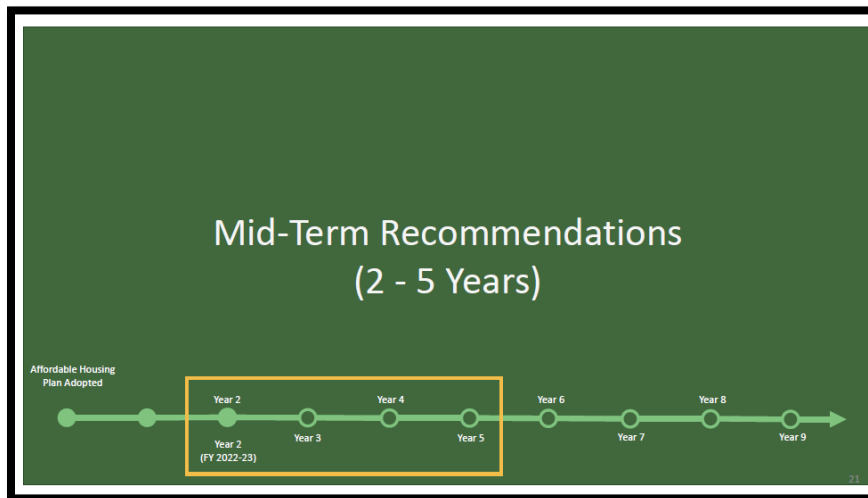
3 **Mr. Linsemeyer** said there is a large financing gap.

4 **Director Newman** said they are looking at potential options, and staff is looking into whether the area still qualifies for USDA money since it's 100% affordable and for seniors.

5 **Assistant Town Manager John** said Wake County has also emphasized that the development needs to exhaust all their options before coming to the table. She said there are things they need to do to progress this.

6 **Director Newman** said the developer is still very committed to the project. She said the current gap is around \$4 Million.

7 [ANNUAL HOUSING REPORT - SLIDE 22]



1 [ANNUAL HOUSING REPORT - SLIDE 23]

Mid-Term | Annual Housing Report & Dashboard

Provide the public with transparency on data, progress, and performance on the Affordable Housing Plan recommendations. Provide an Online Housing Dashboard to track efforts and convey important data.

Actions Taken

Annual Housing Report

This version of the Annual Housing Report is the second edition and covers the program's accomplishments during FY23. The Annual Housing Report is built using a similar framework as the Affordable Housing Plan, to allow Town Council, HAB members, community members, and staff to track the ongoing progress of the Town each fiscal year with respect to each of the 14 recommendations identified in the Affordable Housing Plan.

The inaugural Annual Housing Report was issued for [FY2021-22](#) and presented to the HAB on July 7, 2022.

Online Housing Dashboard


Town staff is in the process of designing an Online Housing Dashboard (OHD) to provide data that informs the community of affordable housing progress and accomplishments. In FY23 internal work on the report was conducted between the GIS team in the Town's Planning Department and Housing Program staff. The Dashboard will include key metrics and performance indicators to help track and report on housing development activities. The OHD is anticipated to be made available to the public in FY24.

2 3 [ANNUAL HOUSING REPORT - SLIDE 24]

Mid-Term | Diversity & Racial Equity Initiatives

Ensure the Town's commitment to being a welcoming community of all backgrounds is met. Apply a racial equity lens to understand housing policies, programs, and investments.

Actions Taken




Linda Jones

Town Diversity, Equity, and Inclusion (DEI) Office

In 2022, the Town hired Linda Jones as [Diversity, Equity, and Inclusion](#) Director for Town-wide diversity and racial equity initiatives. This position allows for the Town to understand the potential barriers of entry for a diverse population and the ability to analyze housing policies and programs in relation to diversity and racial equity.

DEI updates for FY23 include:

- DEI Coordinator, Celeste Sherer was hired in March 2023.
- In June 2023, the [Western Regional Community Advocacy Committee](#) (WRCAC) invited the Town of Apex and the Town of Morrisville to present their [Language Access Plan](#) efforts.



Celeste Sherer

Looking ahead to FY24:

- As each new department continues to grow, programs and policies will become more integrated particularly as it relates to Community Engagement initiatives.
- A designee from the Community Development & Neighborhood Connections will replace Director Jones as the Town Liaison to the WRCAC. The mission of the WRCAC is to ensure residents of Western Wake County have equal access to Health and Human Services and to engage the community, so it is evident to everyone that addressing the basic human needs of the Western region will improve the quality of life for everyone, not just the recipients of the services.

4 5 [ANNUAL HOUSING REPORT - SLIDE 25]

Mid-Term | Diversity & Racial Equity Initiatives

Ensure the Town's commitment to being a welcoming community of all backgrounds is met. Apply a racial equity lens to understand housing policies, programs, and investments.

Actions Taken

Accessible Marketing Strategy

Town staff ensured that housing information was easily accessible to all members of the public. Town staff employed a variety of methods to spread awareness of housing initiatives; including but not limited to the following:

FY23 Summary

- Created a dedicated webpage for the [Community Development & Neighborhood Connections Department](#), which includes subpages for all [affordable housing](#) programs and policies;
- Created multilingual marketing materials for the 2023 Home Repair Fair and Apex Cares Housing Rehabilitation Program;
- Engaged with the public at the Home Repair Fair in May 2023;
- Engaged with the public at [PeakFest](#) in May 2023;
- Attended Western Regional Affordable Housing Action Group (WRAHAG) meetings and provided Housing Program updates to the group's organizers;
- Engaged with Planning Department staff to make progress towards implementing the Housing Dashboard.

1 **[ANNUAL HOUSING REPORT - SLIDE 26]**

Mid-Term | Affordable Housing Advocacy Partners

The Town has a need for additional education and communication about the need for affordable housing. Partnering with organizations and groups can help the Town work to address affordable housing needs.

Actions Taken

Developing Affordable Housing Advocacy Partnerships

The Town participates and partners with the organizations below. These partnerships are spread across more than one year and are considered on-going:

- Western Wake Crisis Ministry (WWCM) – The Town set-aside \$509,000 to start a Utility Customer Assistance Program (UCAP), which provides financial assistance to qualified applicants that are delinquent on their utility bills. The Town partners with the non-profit WWCM to help administer the UCAP.
- Rebuilding Together of the Triangle (RTT) – The Town partners with the non-profit RTT to help administer the Apex Cares Housing Rehabilitation Program.
- Western Regional Affordable Housing Action Group (WRAHAG) – HAB Chair Phil Welch attends monthly, and staff attend periodically, the WRAHAG meetings which include participation from other municipalities such as Wake County, Town of Cary, Town of Morrisville and other community stakeholders and advocates to share progress on affordable housing initiatives and goals.
- Habitat for Humanity of Wake County – Habitat for Humanity developed 9 new affordable single-family detached homes for first-time homebuyers on Kissena Lane, the Town partnered with Habitat to provide funding.
- Wake County – The Town is in a Cooperation Agreement until the end of FY24 with Wake County, who administers HUD entitlement funding for the Community Development Block Grant (CDBG) Program, Home Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG) Program and Housing Opportunities for Persons with Aids (HOPWA) programs. No funds were distributed to the Town in FY23.

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3 **Councilmember Gantt** asked about what other nearby areas are doing.

4 **Mr. Linsenmeyer** said Morrisville has an incentive policy, and he has been working
5 with nearby municipalities on developing things like this. He said Cary hasn't done anything
6 around this yet, but there are opportunities for collaboration as they are an entitlement
7 community. He said Holly Springs and Fuquay haven't been doing much with it either.

8 **Councilmember Gantt** said he wants the region to be more aligned on this, but he
9 isn't sure they would want to do this policy.

10 **[ANNUAL HOUSING REPORT - SLIDE 27]**

Mid-Term | Support for Homeownership

The Town of Apex desires to increase homeownership for first-time homebuyers by providing financial assistance and counseling services through partnerships with area nonprofits.

Actions Taken

Habitat For Humanity of Wake County - Kissena Lane Project

In a prior year, the Town provided financial assistance from the AHF to Habitat for Humanity of Wake County for the affordable home ownership project known as Kissena Lane. Assistance came in the form of fee reimbursements for the water capital fee, sewer capital fee, and parks and recreation fee-in-lieu of dedication. Habitat for Humanity has now completed construction on 9 new affordable single-family detached homes on Kissena Lane for first-time homebuyers. Habitat for Humanity homeowners receive financial education, pay an affordable mortgage, and work alongside volunteers and other Habitat for Humanity homeowners by investing hours of labor, called "sweat equity" to help build their homes. The project began construction in August 2021, and in FY23, the final 3 homes were completed and sold between \$360K and \$390K to first-time homebuyers earning no more than 70% of the Area Median Income.

Homeownership Programs and Education

Town staff collaborated with multiple local lenders to establish relationships to be better prepared to expand homeownership programs and educational opportunities in the future, when the Town is prepared to expand programming. As part of these collaborations, Town staff asked mortgage professionals to review the Town's Deed Restrictions templates for any compatibility issues with their respective first-time homebuyer initiatives, etc. The lending institutions include:

- North State Bank
- Coastal Federal Credit Union
- Intercoastal Mortgage
- Pinnacle Financial Partners
- Towne Bank
- State Employees Credit Union

26

11
12 **Councilmember Mahaffey** asked if they confirmed with lenders that the deed
13 restriction was not problematic.

14 **Mr. Linsenmeyer** deed restrictions being problematic is not their experience.

15 **Director Newman** said they have a list of lenders for these types of situations. She
16 said some of these will be at the housing fair in April.

17 **Councilmember Gantt** asked if some of them had different mortgages for this
18 purpose.

1 **Director Newman** said yes, and Truist is one of them. She said they will a workshop
2 during the housing fair to talk about their products and programs. She said they can share
3 the full list with them. She said there are areas where the down payment assistance can go as
4 high as \$90,000. She said they are anxious to become an entitlement community to get an
5 allocation of HUD dollars and grant funding. She said this would give them more control, as
6 currently they have to go through Wake County for that kind of funding.

7 **Councilmember Mahaffey** said they've been using their general fund, while other
8 communities like Raleigh and Cary get to use direct federal funding.

9 **Councilmember Gantt** said he thought they were able to get the federal dollars
10 through Wake County.

11 **Director Newman** said it wasn't quite that simple, there was a competitive process
12 involved with it for the allocation from the county. She said they are pursuing becoming an
13 entitlement community.

14 **Councilmember Mahaffey** said he felt Wake County used the town using their own
15 dollars for affordable funding as a reason to move the federal funding to other communities.

16 **Councilmember Gantt** asked if federal money could be used for gap financing.

17 **Director Newman** said yes.

18 **Councilmember Killingsworth** said if they had their own entitlement, they would get
19 to determine where the money went instead of the county.

20 **Assistant Town Manager John** said the local government could also request the
21 money from Wake County, not just the developer.

22 **Councilmember Mahaffey** asked if they knew how much money the town would get.

23 **Director Newman** said they don't know yet. She said they are working on that part.

24 **Councilmember Gantt** asked when the next renewal was.

25 **Director Newman** said they need to look at that and the agreements they are in.

26 **Interim Town Manager Purvis** said they aren't going to do another three-year
27 agreement.

28 **Assistant Town Manager John** said they are in conversation with Wake County, and
29 being more intentional about sharing what they need.

30 **Councilmember Killingsworth** said she appreciates the direction the town is going
31 with this. She said they are expressing their needs better and communicating better.

32 **Councilmember Gantt** said it helps a lot that there's staff for this now.

[ANNUAL HOUSING REPORT - SLIDE 28]

Mid-Term | Public Land Acquisition & Sale

Adopt a Town-wide policy to evaluate publicly-owned land prior to development or disposition and evaluate any new potential purchases of property for affordable housing opportunities.

Actions Taken

American Rescue Plan Act (ARPA)

The Town was awarded one-time American Rescue Plan Act (ARPA) funding. A total of \$3,000,000 of ARPA funding has been set aside to acquire land for either affordable housing ownership or rental development. The site acquisition funding includes pre-development and post purchase costs for future affordable housing development. An additional \$1,000,000 of ARPA funding has also been set aside for other housing assistance activities. Planning activities regarding this funding are ongoing.

Affordable Housing Inventory and Site Analysis

In FY23, the Town engaged in discussions with the UNC School of Government's Development Finance Initiative (DFI) to provide pre-development activities to support the Town in identifying and prioritizing sites for affordable housing development.

27

Councilmember Zegerman asked if the School of Government analysis would be ready for the April Work Session.

Director Newman said that was the goal.

[ANNUAL HOUSING REPORT - SLIDE 29]

Mid-Term | Transit-Oriented Development Density

Amend the Future Land Use Map to show higher density multifamily development in areas adjacent to key transit infrastructure.

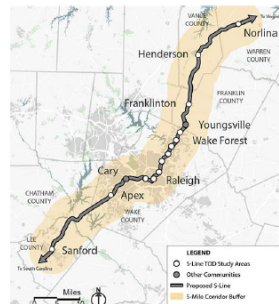
Actions Taken

The Town of Apex, along with seven other communities along the 95-mile CSX "S-Line" rail corridor, participated in a transit-oriented development (TOD) study led by the North Carolina Department of Transportation (NCDOT). The study is intended to help Apex prepare for the future of passenger rail along the S-Line and includes land use and transportation recommendations in areas adjacent to possible future mobility hub locations.

The two areas of focus are multiple blocks in the downtown core between Center Street and Hunter Street, and along the NC 55 corridor east and west of Salem Street. TOD recommendations include increased residential densities, new mixed-use areas along NC 55, additional pockets of urban open space, and new multi-modal connections between Town Campus and Salem Street and between Williams Street and the historic center of Salem Street.

In the next fiscal year, the Town will be working with NCDOT on a feasibility study for the future mobility hub.

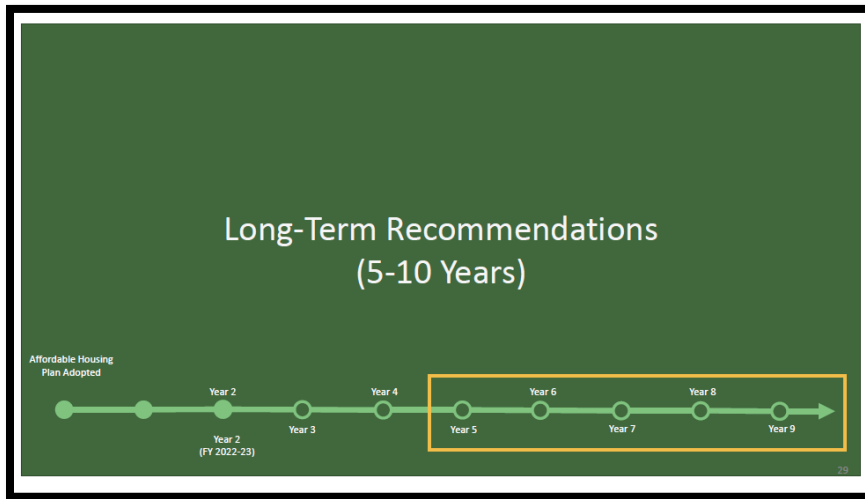
The report is available at: <https://www.ncdot.gov/divisions/integrated-mobility/innovation/s-line-study>.



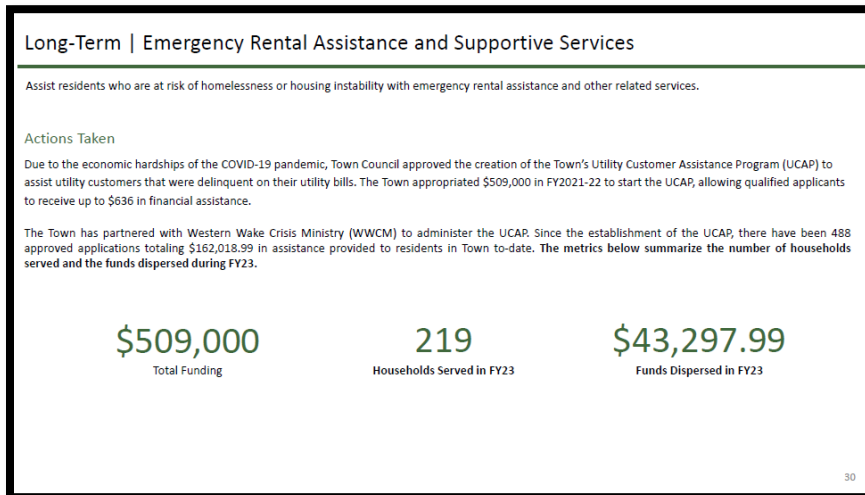
Source: <https://www.ncdot.gov/divisions/integrated-mobility/innovation/s-line-study/Pages/default.aspx>

28

1 [ANNUAL HOUSING REPORT - SLIDE 30]



2
3 [ANNUAL HOUSING REPORT - SLIDE 31]



- 4
5 **Councilmember Zegerman** asked how long the funding was good for.
6 **Mr. Linsenmeyer** said he was not completely sure.
7 **Interim Town Manager Purvis** said the initial amount was during Covid, then they
8 extended the program based on what they saw. He said since then, they have only used
9 about half of that money. He said they haven't asked for additional funding because there has
10 been enough based on averages. He said they have not yet gotten to the point to look at
11 adding additional allocation.
12 **Councilmember Mahaffey** asked if the initial half million dollars was reimbursable.
13 **Interim Town Manager Purvis** said that was the town's own money, and this was
14 before ARPA.
15 **Councilmember Mahaffey** asked if this is in the general fund.
16 **Interim Town Manager Purvis** said yes.
17 **Councilmember Zegerman** asked if they could make a yearly allocation.

Interim Town Manager Purvis said yes, if they wanted to. He said currently it is just a carryover.

[ANNUAL HOUSING REPORT - SLIDE 32]



[ANNUAL HOUSING REPORT - SLIDE 33]

Appendix Affordable Housing Costs	
Renter Household Housing Costs	Ownership Household Housing Costs
<ul style="list-style-type: none">• Rent• Utilities• Renters Insurance - <i>if applicable</i>	<ul style="list-style-type: none">• Mortgage Payment (Principal + Interest)• Utilities• Property Taxes• Homeowners Insurance• Mortgage Insurance – <i>if applicable</i>• Homeowners Association (HOA) Dues – <i>if applicable</i>• Other Property Assessments – <i>if applicable</i>

Source: U.S. Department of Housing and Urban Development (HUD), Apex Town Staff

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1 [ANNUAL HOUSING REPORT - SLIDE 34]

Appendix 2023 Area Median Income Limits					
Affordable AMI % & Income Category	Family Size 1 Person	Family Size 2 Person	Family Size 3 Person	Family Size 4 Person	Family Size 5 Person
30% AMI Extremely Low-Income	\$23,800	\$27,200	\$30,600	\$34,000	\$36,750
50% AMI Very Low-Income	\$39,700	\$45,350	\$51,000	\$56,650	\$61,200
65% AMI Low-Income (Apex Cares Program Income Limit)	\$53,235	\$60,840	\$68,445	\$76,050	\$82,134
80% AMI Low-Income	\$63,500	\$72,550	\$81,600	\$90,650	\$97,950
100% AMI Median-Income	\$81,900	\$93,600	\$105,300	\$117,000	\$126,360

Source: U.S. Department of Housing and Urban Development (HUD)

2 3 [ANNUAL HOUSING REPORT - SLIDE 35]

Appendix Sales Price Data		
Market-Rate Median Home Sales Price	Est. 3 Bedroom Maximum Affordable Initial Sales Price*	Market-Rate to Affordable Sales Price Dollar Difference
\$585,000** (June 2023)	\$256,200 80% AMI (Low-Income)	\$328,800
	\$334,200 100% AMI (Median-Income)	\$250,800

Affordable initial sales price assumptions include: 5.00% down payment, 95.00% Loan-To-Value (LTV), 30 yr. fully amortized fixed rate principal and interest loan.

**The Redfin Median Home Sales Price for June 2023 represents a temporary dip in Median Sale Prices compared to other months during the fiscal year.

Source: Redfin.com, Town Staff

4 5 [ANNUAL HOUSING REPORT - SLIDE 36]

Appendix Rent Data			
Bedroom Size	Average Monthly Market-Rate Rents (Apartments)	Affordable Monthly Maximum Rent Limits @ 60% AMI (including Utilities)	Monthly Market-Rate to Affordable Rent Dollar Difference
1 Bedroom	\$1,466	\$1,275	+\$191
2 Bedroom	\$1,695	\$1,530	+\$165
3 Bedroom	\$1,900	\$1,767	+\$133

Source: U.S. Department of Housing and Urban Development (HUD), NCHFA LHTC MTSP Rent Limits, Zillow, Town Staff

1 **Interim Town Manager Purvis** said this was a great Segway into tomorrow’s session,
2 and gave an overview of the agenda of goals of the Day 2 agenda.

3 **Mayor Gilbert** thanked the leadership team and the presenters for their hard work,
4 Council for their collaboration, and Town Clerk Coleman and his team for handling the
5 logistic.

6
7 **[ADJOURNEMENT]**
8

9 **Mayor Gilbert** adjourned the meeting at **4:53 p.m.**

10
11 Jacques K. Gilbert
12 Apex, Mayor
13

14 Allen Coleman, CMC, NCCCC
15 Town Clerk to the Apex Town Council
16

17 Submitted for approval by Apex Town Clerk Allen Coleman
18

19 Minutes approved on _____ of _____, 2024.
20
21

DRAFT MINUTES
TOWN OF APEX
TOWN COUNCIL RETREAT
FRIDAY, FEBRUARY 16, 2024
8:30 A.M.

The Apex Town Council met for a work session on Friday, February 16, 2024 at 8:30 a.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

<https://www.youtube.com/watch?v=q4ybg-RGgnc&t=15s> (Part 1, audio issues) –

<https://www.youtube.com/watch?v=99R5195BeOk>

Elected Body

Mayor Jacques K. Gilbert (presiding) (*arrived late, noted below*)

Mayor Pro-Tempore Ed Gray (*presiding initially*)

Councilmember Brett Gantt

Councilmember Terry Mahaffey

Councilmember Arno Zegerman

Councilmember Audra Killingsworth

Town Staff

Interim Town Manager Shawn Purvis

Assistant Town Manager Demetria John

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

Budget and Performance Management Director Amanda Grogan

Assistant Water Resources Director Jonathan Jacobs

Community Development and Neighborhood Connections Director Marla Newman

Fire Chief Tim Herman

Finance Director Antwan Morrison

Budget and Performance Analyst Mariah Canup

Lead Budget and Performance Analyst Jessica Hoffman

Communications Director Stacie Galloway (attended via teams)

Transportation and Infrastructure Director (attended via teams)

Parks, Planning, and Project Manager Angela Reincke (attended via teams)

1 **[COMMENCEMENT]**

2
3 **Mayor Pro Tempore Gray** called the meeting to order at **8:34 a.m.** He gave an
4 overview of the day's agenda.

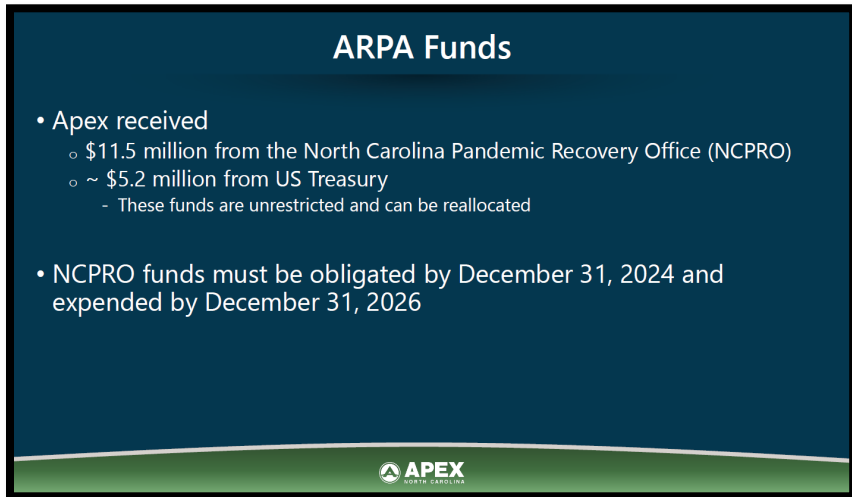
5
6 **[ARPA PROJECT STATUS]**

7 **Amanda Grogan, Budget and Performance Management Director,** gave an
8 overview of the ARPA Project status. She talks about various projects, including project
9 estimates, funding sources, and project timelines for each.

10
11 **[ARPA PROJECT STATUS-SLIDE 1]**



12
13 **[ARPA PROJECT STATUS-SLIDE 2]**




1 [ARPA PROJECT STATUS-SLIDE 3]

NCPRO Funded Projects

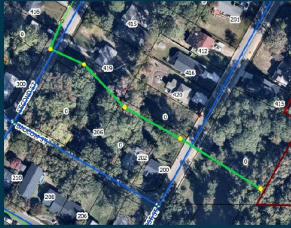
West Street Park

- Park upgrades include installation of a restroom, basketball court improvements, and a path between the parking lot and the basketball courts as identified in the Park Master Plan developed through community input.



Baucom Sewer Extension

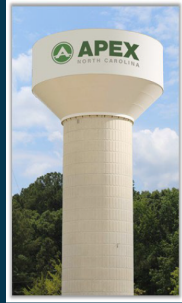
- The project will bring Town gravity sewer lines to six parcels in the Justice Heights Neighborhood as well as the Town's West Street Park project.




2
3 [ARPA PROJECT STATUS-SLIDE 4]

1.5 MG Elevated Storage Tank

- This project will construct a 1.5-million-gallon elevated water storage tank. Tank is required to meet North Carolina Department of Environmental Quality (NCDEQ) public water supply (PWS) storage requirements for water systems
- \$3.6M allocated from NCPRO.
- Project estimate is currently \$8.65 (1/15/24).
 - Increase tied to price of steel
- Land Acquisition activities for a potential alternative tank location are no longer in progress







4
5 [ARPA PROJECT STATUS-SLIDE 5]

Sunset Hills Pump Station

- This project will consist of relocating the existing pump station outside of the 100-year floodplain and constructing the wet well deeper to serve the entire sewer basin (including the Felton Grove High School)
- Expected to use \$3,150,000 in funding from NCPRO
- Contract amount is \$3,760,056





[ARPA PROJECT STATUS-SLIDE 6]

Project Estimates and Funding Sources						
Project Title	Project Estimate	ARPA (NCPRO)	ARPA (UST)	Town Funds	Funding Total	Anticipated Deficit/Overage
West Street Park	1,650,000	1,500,000		150,000	1,650,000	-
Baucom Sewer Extension	318,650	250,000			250,000	(68,650)
1.5 MG Elevated Water Tank	8,650,000	3,600,000	400,000		4,000,000	(4,650,000)
Sunset Hills Pump Station (Contract Signed)	3,760,056	3,150,000		1,250,000	4,400,000	639,944
Affordable Housing Site Acquisition	TBD	3,000,000			3,000,000	
Downtown Improvements	TBD		3,000,000		3,000,000	
Non-Profit Funding	TBD		800,000		800,000	
Housing Transition for Displaced Communities	TBD		1,000,000		1,000,000	
Total Funding By Source		11,500,000	5,200,000	1,400,000		

Councilmember Zegerman asks about the construction timeline and if the town will be paying for signage.

Director Grogan said yes, but it's a small fraction of the cost.

Councilmember Gantt suggest switching five million that the tank needs and just do general fund with west street so the town would have that money already obligated.

Councilmember Mahaffey said it didn't matter where the money came from as long as it gets done.

Director Grogan said they could move some money around.

Mayor Pro-Tempore Gray asked if this would be a recommendation from staff to make that adjustment for the timeline so ARPA funds could be used.

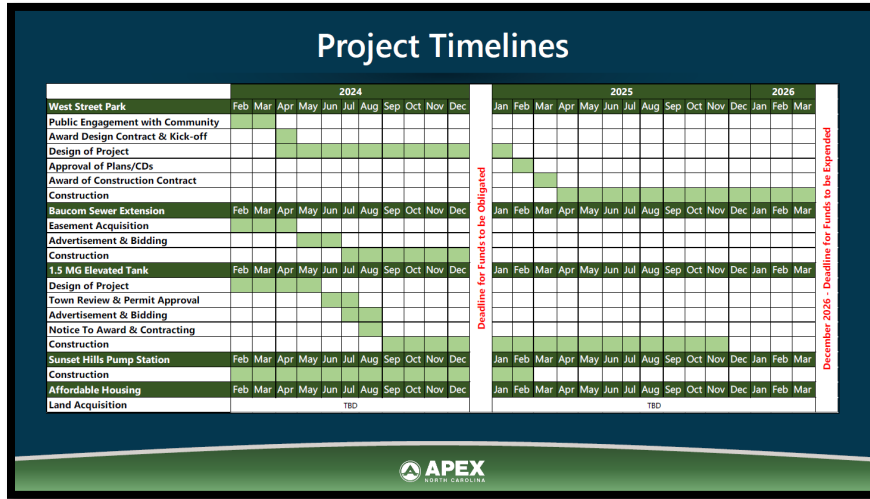
Director Grogan said yes, but it also means that the town will have to come up with five million for the tank.

Councilmember Killingsworth said if the town isn't going to spend the funds then it's being wasted. She said to use the funds on something the town knows it needs and then use the general fund to pay for the other one.

Councilmember Mahaffey asked when is the conversation on where to find five million dollars.

Director Grogan said she would think after the tank presentation and the affordable housing presentation, which would inform some of those decisions.

1 [ARPA PROJECT STATUS-SLIDE 7]



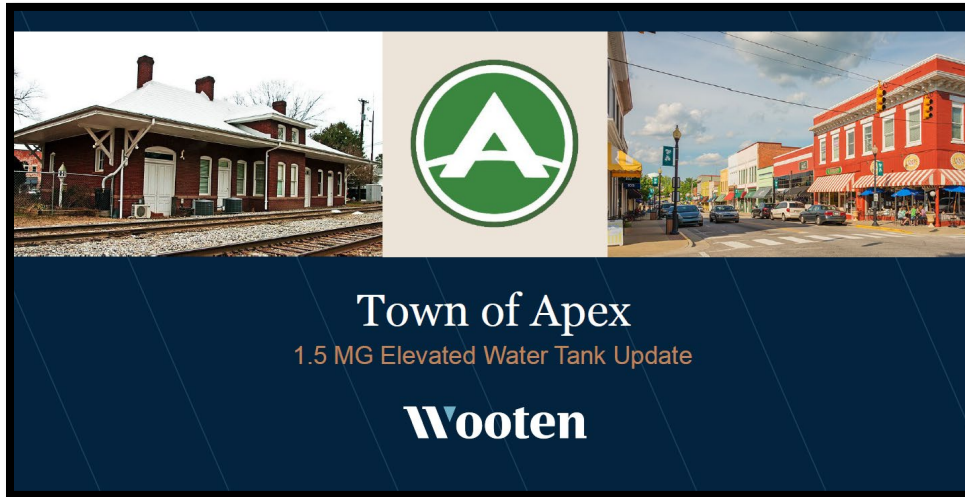
4 [WATER TANK LOCATION OPTIONS & DIRECTION]

Jonathan Jacobs, Assistant Water Resources Director, introduced Don Galloway, Wooten Company, to give an update on the proposed 1.5 million elevated storage tank that's currently being explored at Pleasant Park.


8 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 1]





1 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 2]



2
3 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 3]


Purpose & Criteria 

 The Town of Apex has determined that a new elevated water storage tank is needed to supplement the water distribution system.


 The Town staff has completed a water model of the existing water distribution system and has set design criteria for the proposed water tank :

- 1.5 MG Capacity
- Water Overflow Elevation - 616.8 ft above mean sea level


4
5 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 4]

Recent Updates 


Two sites were identified as preferred elevated water tank locations based on:



Proximity to Support Areas of Growth



Areas Identified for System Optimization in Water Model



Town Property Ownership Status or the Ability to Purchase

6

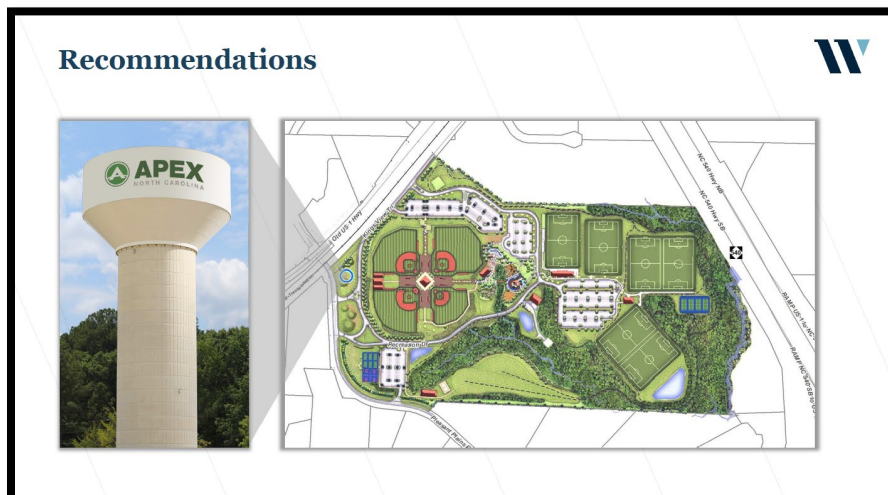
1 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 5]



2
3 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 6]

Site Comparison	
Site 4	Site 4A
<ul style="list-style-type: none"> - Located on town-owned property (no land acquisition) - All required utilities are nearby and accessible - Minimal grading and vegetation removal - Available nearby connection to a watermain to supply the tank - Minimal impact to Kings View Trail is expected - Limit park operation interruptions and temporary lane closures - Lower construction cost compared to Site 4A 	<ul style="list-style-type: none"> - Requires property acquisition and environmental site assessment (\$). - Property needs significant grading and clearing of mature trees and vegetation (\$) - Overhead power would need to be relocated and buried (\$) - Construction of 1,000 feet of watermain would be needed to supply tank requiring open cut of newly paved asphalt and closure of Kings View Trail through duration of the waterline construction (\$) - Interruptions and impacts to park operations and traffic flow due to road closure needs and construction equipment and vehicles using Kings View Trail for site access. - Higher construction cost compared to Site 4

4
5 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 7]



6

1 **[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 8]**

1.5MG Tank Comparison



Composite Style


- Concrete Pedestal and Steel Tank Bowl
- Single Column vs Multi-Leg
- Lower Maintenance Cost
- More Compact Footprint
- Aesthetically Pleasing

2 **Councilmember Killingsworth** asked if there was a different in the life cycle of them.

3 **Mr. Galloway** said a composite-style tank has a much lower maintenance cost than
4 the other. He said the roof on this one may need to be re-painted about every 20 years.

5 **[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 9]**

Construction and Park Operation Impacts



- Town-owned property with ample space for construction and close proximity to necessary utilities. Landscaping, grading, and tree removal will be necessary to construct the tank.
- Ingress and egress access for construction vehicles and equipment will limit access to pedestrian and vehicles on temporary basis. Flaggers, signage, and traffic control will be identified as critical needs due to continues activity at the park.
- Temporary lane closure along Kings View Trail near construction site may be necessary for equipment staging and laydown. Lane closures will not result in overnight or weekend shutdowns.

7 **Councilmember Zegerman** said the new road that's being proposed is used for
8 larger vehicles, he asked will the larger road carry the weight of those vehicles.

9 **Mr. Galloway** said he can't say 100 percent there would not be damage. He said
10 there will probably be minimal damage. He said as part of the contract, it states the Wooten
11 Company would bring in new payment back in to fix any damaged pavement.

12 **Assistant Town Manager Stone** said that road is a road. He said its not a drive to the
13 park. He said it's a state standard type road, but with those vehicles there may be some
14 damage to the edges. He said Wooten would have to come back to fix it as part of the
15 contract. He also noted how the construction of the tank would be done in segments and
16 very concentrated.
17

1 **Mayor Pro-Tempore Gray** asked about Site 4A having less impact on the operation
2 of the park than Site 4.

3 **Assistant Town Manager Stone** said he thinks it's more impact.

4 **Mr. Galloway** said the ability to access this site requires a water line. He said the
5 waterline does not run along Kings Trail. He said the impacts would be more interruptions
6 because CSX railroad has a gas line that crosses though the area as well as a conditional
7 sewer. He said there are a lot of utilities that are being used underneath the campus. He said
8 the town will have to provide water to this particular site and run a tight line along King View
9 Trail and navigate it though. It will also require for Kings View Trail to likely shut down during
10 construction.

11 **Assistant Town Manager Stone** said there were previous conversations of where to
12 place the water line and ended up having to place the water line on the railroad side.

13 **Mayor Pro Tempore Gray** wondered about placing it a site 4 would be better from a
14 park operation standpoint.

15 **Mr. Galloway** said Kings View Trail would remain open other than the intermittent
16 lane closure portion of the project. He said also with installing the water line on the other side
17 of the road and the depth of work it entails, which would not only limit the ability of the trail
18 but the adjacent property owners would not have access. He said the adjacent property is
19 vacant.

20 **Councilmember Zegerman** asked what the delta cost is

21 **Mr. Galloway** said that is largely tied into the water line and acquisition of the site. He
22 said the electric had to be rerouted, and there was extensive grading compared to site 4.

23 **Councilmember Zegerman** asked how many millions is it going to cost.

24 **Mr. Galloway** said he thinks it would be 2 millions plus the cost of the land.

25
26
27
28 **[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 10]**

Anticipated Construction Schedule	
MILESTONE	ESTIMATED DATE
Design	February – April 2024
Permitting	April – June 2024
Bidding/Contracting	July – September 2024
Construction	October 2024 – November 2025

Note – Final construction schedule will be provided upon advertisement.

29 **Councilmember Mahaffey** asked if the bidding and permitting process to go pretty
30 smooth on a project like this.

31 **Mr. Galloway** said yes. He said the water supply and the erosion control typically
32 takes about 90 days for permitting.
33

1 **Assistant Town Manager Stone** said this is a specialized manufacturing, so there will
2 be very concentrated bids. He said they may only get 2 initially, but they would readvertise
3 immediately.

4 **Mayor Pro-Tempore Gray** asked if the construction schedule is the same schedule.

5 **Mr. Galloway** said this is based on an estimate.

6 **Mayor Pro-Tempore Gray** asked which site this was based off of.

7 **Mr. Galloway** said site 4.

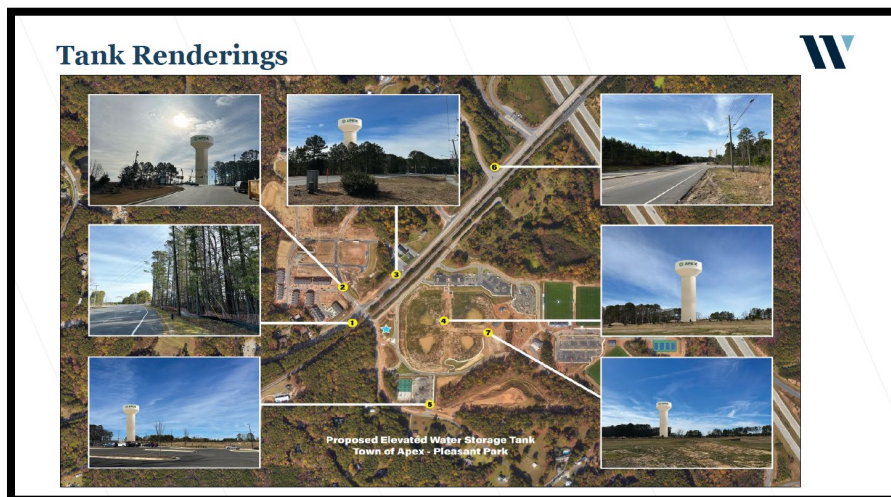
8 **Mayor Pro-Tempore** said he is trying to get a sense if this is based on site 4 or an
9 estimate based on assumptions that come with 4A.

10 **Mr. Galloway** said this is for site 4. He said for 4, there still is property acquisitions
11 that need to be done, and other things such as permitting and grading.

12 **Councilmember Mahaffey** said there have been conversations about 4A and it didn't
13 go very well.

14 **Councilmember Zegerman** said he didn't think 4A was a viable option.

15 **[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 11]**



16 **[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 12]**



1 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 13]



2 **Councilmember Mahaffey** asked if these are old renderings.

3 **Mr. Galloway** said all of them are new

4 **Assistant Town Manager Stone** said these are renderings of the tank in the same
5 location, looked at from different angles.

6
7
8 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 14]



1 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 15]



2
3 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 16]



4
5 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 17]



6

1 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 18]



2
3 **Councilmember Mahaffey** asked if the reason site 4 is being presented because its
4 higher.

5 **Mr. Galloway** said yes, it's about 5 feet higher. He said 4A was being considered
6 mainly because it was not at the park entrance.

7 **Assistant Town Manager Stone** said it was thought that it may be less impactful to
8 the park.

9
10 [WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 19]



11
12 **Councilmember Killingsworth** asked if they considered putting an art design on the
13 concrete base of the water tank.

14 **Assistant Town Manager Stone** said it's a very uneven surface and it's a lot of
15 maintenance, but it's possible.

16 **Councilmember Gantt** asked to add color the concrete.

17 **Assistant Town Manager Stone** said that was possible.

18 **Mayor Pro-Tempore Gray** asked about the reaction of others who live near the area.

1 **Councilmember Gantt** said they know the answer to that. He said they should also
2 start thinking about the West Village residents as they come in.

3 **Interim Town Manager Purvis** said before Council decides, there will be other
4 information to come and will circle back to this conversation.

5 **Assistant Town Manager Stone** said the town will also need another tank in the
6 future to continue matching the growth of the town.

7 **Councilmember Zegerman** asked why not make this tank bigger.

8 **Assistant Town Manager Stone** said it's about optimal performance. He said the
9 efficiency and hydraulic modeling of the tank. He said also it represents what tanks turn over
10 for water quality.

11 **Councilmember Gantt** asked if this tank is needed for the performance of the whole
12 water system and then suggest another one in year 2030 at another spot.

13 **Assistant Town Manager Stone** said the with the numbers today the tank in the
14 location now performs better hydraulically than putting a tank at Hunter Street at this point.
15 He discussed possible operational concerns for different tank locations.

16 **Interim Town Manager Purvis** said at some point it will be needed further south in
17 the New Hill area.

18 **Councilmember Killingsworth** said to confirm, the town can do one at Hunter Street
19 or done at the park.

20 **Interim Town Manager Purvis** said yes, they can choose one right now, but the town
21 will need something for the south.

22 **Councilmember Zegerman** asked can the town work with developers in that area
23 before it gets built up.

24 **Assistant Town Manager Stone** said it would be a good idea.

25 26 **[AFFORDABLE HOUSING SITE STUDY UPDATE]**

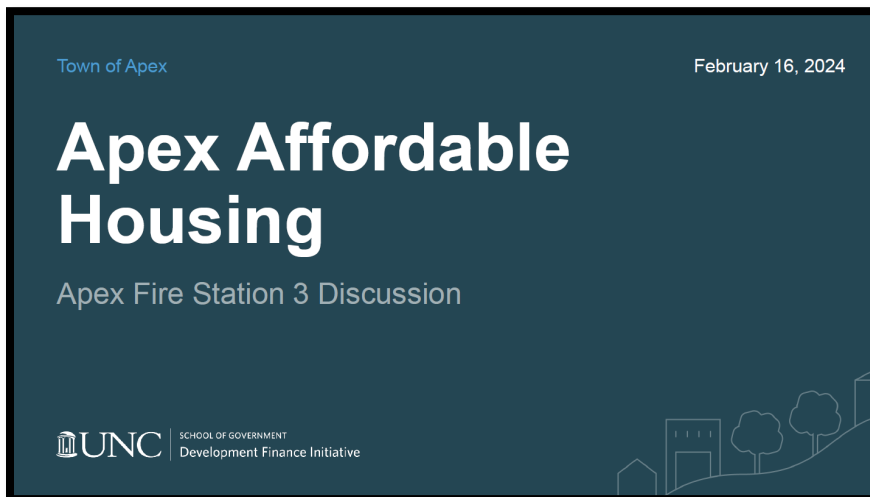
27 **Marla Newman, Community Development and Neighborhood Connections**

28 **Department Director** discussed the need for affordable housing. She said the affordable
29 housing plan was adopted in February of 2021. While identifying parcels the town engaged
30 in UNC School of Government's development finance initiative to help identify those parcels
31 and do an analysis to determine suitability for the Housing Department. Ms. Newman
32 introduced Sonya Turner with UNC School of Government discuss the preliminary analysis of
33 Apex Fire Station 3 and the next steps to prepare for a final analysis which will be presented
34 at the work session in April.


1 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 1]



2
3 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 2]



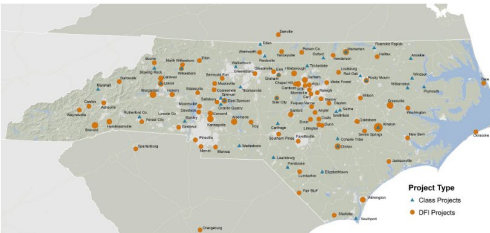
4
5 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 3]



DFI, a program of UNC Chapel Hill's School of Government (SOG), partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

SOG is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.

Values: Nonpartisan, policy-neutral, responsive.



Project Type
• Class Projects
• DFI Projects

Project Team
Sr. Project Manager: Sonyia Turner
Sr. Analyst: Frank Muraca
Asst. Director Housing: Sarah Odio

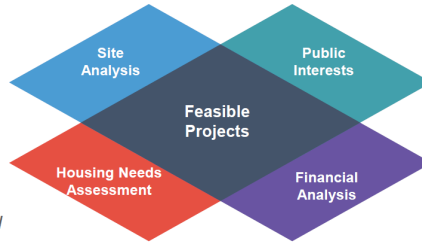
1 **[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 4]**

DFI Scope of Services

The Town of Apex engaged the Development Finance Initiative (DFI) to support the Town in identifying and prioritizing sites for affordable housing development. The scope of work includes:

1. DFI feasibility analysis to understand current market and development conditions, including an affordable housing needs assessment
2. Identification of up to six private development opportunities, and narrow to three based on feasibility analysis and affordable housing priorities
3. Recommendations related to the potential redevelopment of the top sites and advising the City on next steps

Pending outcome of analysis, potential for DFI engagement for phase 2 pre-development services and partner solicitation.



2 **Councilmember Gantt** asked is it only town properties that are being looked at.

3 **Ms. Turner** said no. She said she looked at all properties across Apex that intersect
4 with either town or privately owned.

5 **Councilmember Gantt** said private property gets zoned sometimes and suggested to
6 jump on the property for this purpose if interested.

7 **Ms. Turner** said she's aware of property often coming up for sale and find it's sold
8 pretty quickly. She said she will talk about that the next time she's back for discussion and
9 bring recommendations along.

10 **[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 5]**

Apex Fire station #3

Opportunities

- Likely 9% LIHTC competitive
- Town-owned
- 3.5 acres of developable land behind fire station
 - Can support up to 80 units
- Potential access from existing drive off Hunter St / Extend Chatham St
- Public Private Partnership



12 **Councilmember Killingsworth** asked what type of housing this was looking at.

13 **Ms. Turner** said apartments.

1 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 6]



Apex Fire station #3

Important Unanswered Questions

- Site access from Hunter St.?
- LIHTC road design guidelines?
- Fire department needs?
- Environmental hazards?
- Potential costs?
- Other unknowns?

2
3 **Assistant Town Manager John** said Council will also hear from Chief Herman who's
4 going to talk more about the fire station and departments needs in the afternoon.

5 **Councilmember Gantt** asked if there was a roundabout on Chad and Hunter, could
6 the fire trucks still get through.

7 **Chief Herman** said yes.

8 **Interim Town Manager Purvis** said it's the challenge of fire and housing.

9 **Director Newman** said there is a conflict as it one way in and one way out and will
10 need to be widened to accommodate traffic flow.

11 **Councilmember Gantt** said he was concerned about the potential crashed with 80
12 units here.

13 **Director Newman** said they could scale it back, and they have also discussed the
14 possibility of a signal.

15 **Mayor Pro-Tempore Gray** asked if there are examples of where to see this sort of
16 housing this close to emergency services. He asked what are the potential issues.

17 **Ms. Turner** said the Town of Chapel Hill is an example. She said they are looking at
18 doing a big fire station and affordable housing development. She said when she comes back
19 in a month, she will share some other studies.

20 **Councilmember Killingsworth** said she thinks the town should keep their options
21 open for affordable housing.

22 **Councilmember Zegerman** asked his colleagues should they wait to ask more
23 questions until they hear from Chief Herman.

24 **Councilmember Killingsworth** said there are a lot of options when you consider this
25 site. She said one thing the town should consider is the stub street being able to stub to that
26 parking lot is not going to work because it's private property.

27 **Councilmember Zegerman** said he would like to see the other options.

28 **Director Newman** said her team has looked at a number of sites. She said there is
29 another potential site but it's one that the town would have to acquire. She said the town has
30 nothing else that's not spoken for.

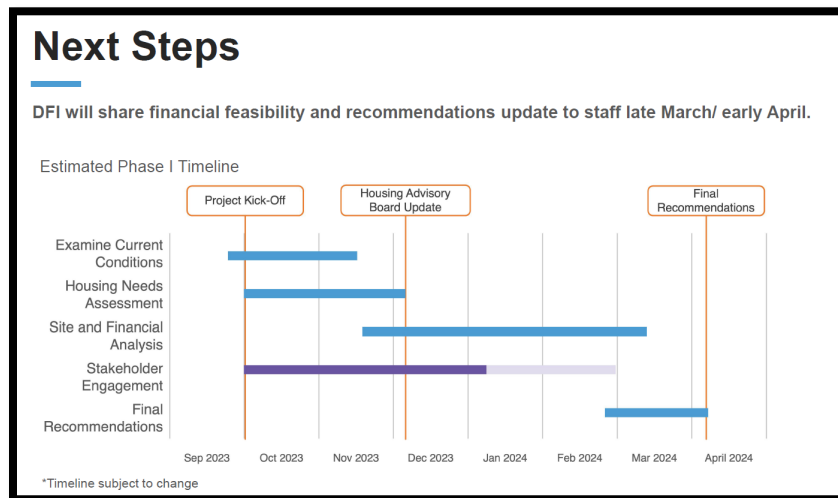
Councilmember Zegerman said about the current fund balance for affordable housing.

Director Newman said 3 million.

Interim Town Manager Purvis said 3.5 million.

Director Newman said although it shows there is a balance, she said some of the money has already been committed to for other projects, like Abby Springs.

[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 7]



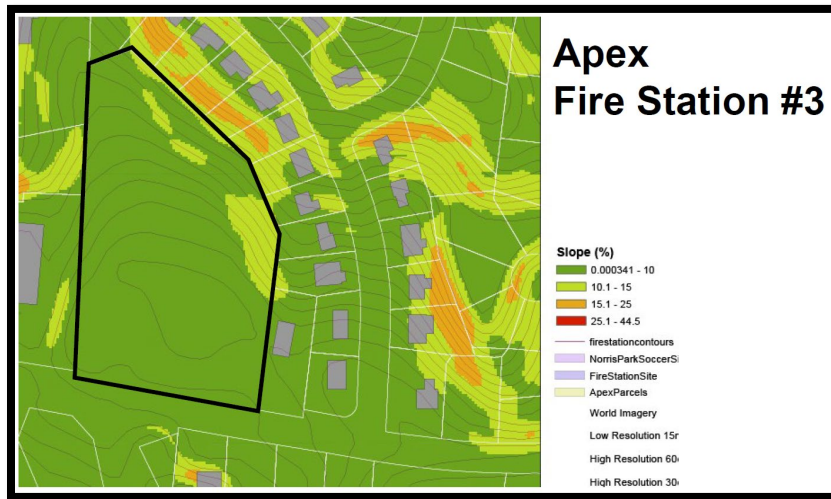
Councilmember Gantt asked if UNC School of Government works with other entities like real estate.

Ms. Turner said yes. She said they work with affordable housing and any real estate development question that any local government has. She's worked with Downtown Redevelopment Neighborhood Revitalization, Infield Development, and Historic Rehab Mills and other projects across the state.

Councilmember Gantt asked if she had any case studies on the map that can relate.

Ms. Turner said she can forward some examples from the school of government. She said there are some examples on the website.

1 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 8]



2
3 [AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 9]



4
5
6
7 **Mayor Pro-Tempore Gray** called for a break and to be back at 10:30am.

8
9
10 [FIRE STATION NEEDS, LOCATION, & DIRECTION]

11 **Tim Herman, Fire Chief**, gave a high-level overview of Fire Station Needs, Fire Admin
12 Building, and Stations 1 and 3. This includes a Town-Wide Master Facility Plan study on what
13 that looks like for the town. He said the study will be finalized and brought back to Council at
14 a Regular Town Council Meeting.

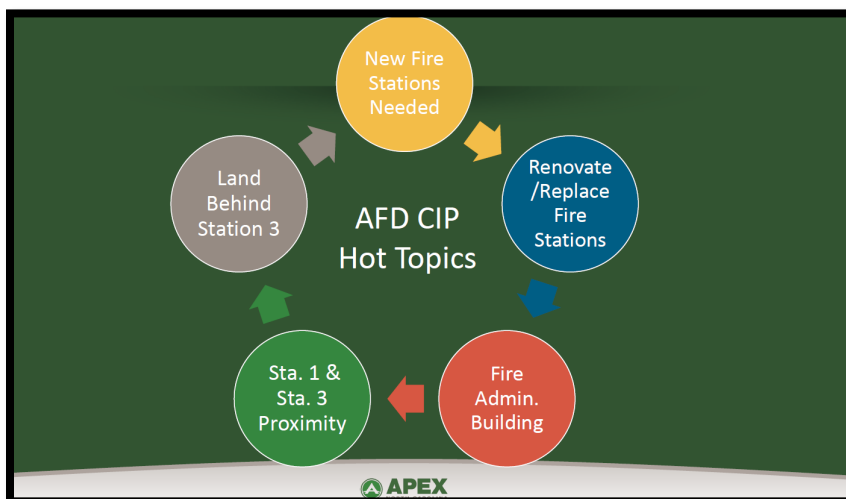
1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 1]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 2]




4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 3]




6

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 4]

Town-wide Master Facility Plan/Study Underway



- Evaluating all fire stations to determine the needs of each one for years to come (major systems, building conditions, infrastructure, etc.)
- Evaluate space needs (decon, storage, office space, workout space, etc.)
- Determine if a station is at “end of life”, no need to renovate, time to replace.



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 5]

Comprehensive Fire Station Location Study

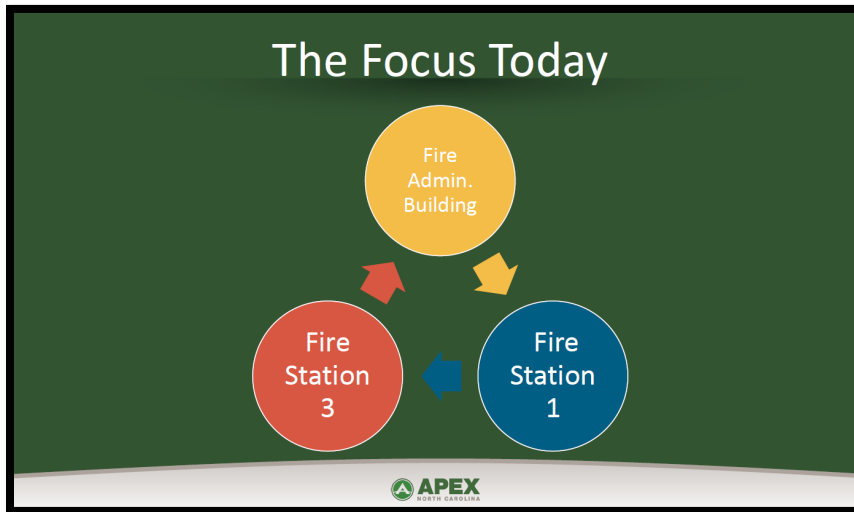


- Where and when will we need additional fire stations and resources.
- Recommendations on any re-locations of existing fire stations.
- This study will provide a roadmap for the next 10-15 years.



4
5 **Councilmember Gantt** asked if they knew the total number of stations.
6 **Chief Herman** said not yet.
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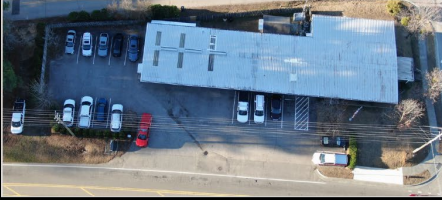

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 6]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 7]

Fire Administration (315 W. Williams St.)

- Scheduled to be removed with the Hwy 55 road improvement project (2031).
- Currently houses 13 AFD employees and out of space now (office/parking).
- Wake County EMS (1 ambulance crew)
- Houses the fire logistics division and stores uniforms, station supplies, medical supplies, and other spare equipment.
- 2,400 sqft office space.

4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 8]

Fire Station 1 "Downtown"

- Very poor conditions, not designed for current needs.
- Currently on town CIP to be replaced at current location.
 - Plans are for a "single" company fire station with a museum space.
 - Plan is an overall smaller footprint on existing land.
 - Public/private partnership
- 1 Engine Company is located there today (4 personnel per shift).
- Challenging location to operate a fire station.



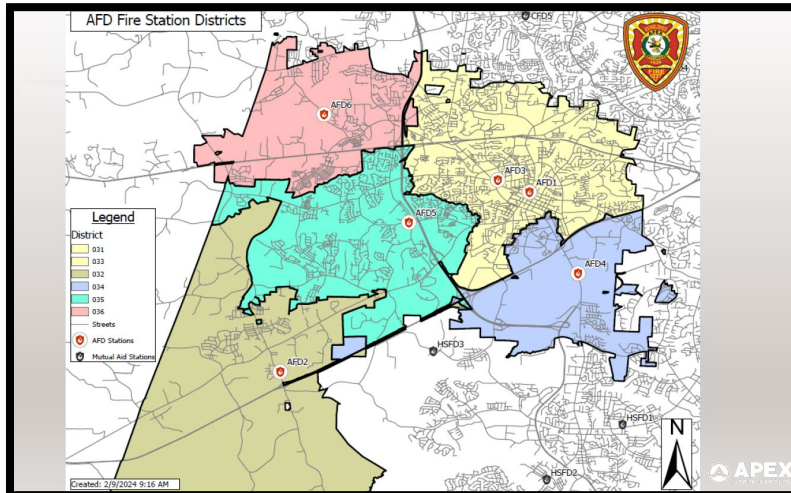
1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 9]

Fire Station 3 (736 Hunter St.)

- Located .7 miles from Station 1
- Houses a "Rescue" Company and a Battalion Chief (5 personnel per shift).
- No Fire Suppression apparatus there.
- Stations 1 & 3 are considered 1 fire station under 2 roofs.
- Currently not designed to house any additional personnel in the living spaces.



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 10]



4
5 **Councilmember Zegerman** asked where are the other mutual aid stations, asked if
6 they were the surrounding areas.

7 **Chief Herman** said all three Holly Springs stations, Cary Stations, North Chatham and
8 others that are not showing on the map.

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 11]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 12]

The Vision...A Concept

Vision 1

Remodel fire station 3 to make room for the engine and crew to move from station 1 to station 3.

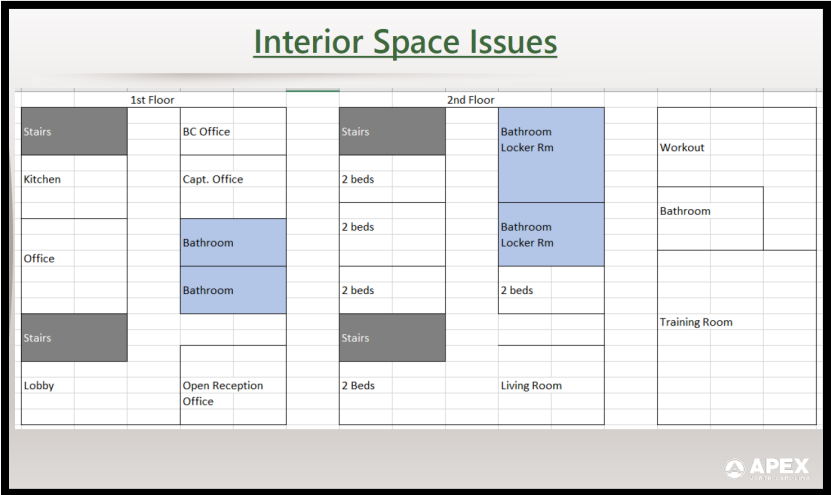
APEX

4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 13]



6

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 14]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 15]

Renovations/Addition to Sta. 3

- Larger Kitchen/Livingroom
- Additional Sleeping Quarters
- Firefighter decontamination areas
- Proper gear and storage areas
- Expanded physical fitness area
- Fire Suppression System

APEX

4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 16]



6

1 **[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 17]**

Possible Storage Solution

- What does this remodel look like to address the needs of the fire department without Station 1 and Fire Admin?
 - Additional apparatus and equipment from station 1
 - All logistical items and equipment from admin.
- Land behind station 3?



2
3 **Councilmember Zegerman** asked if the design show a two-floor design like the 2014
4 plan.

5 **Chief Herman** said it would be a two story.

6 **Councilmember Zegerman** asked if there would be office spaces for the
7 administrative office.

8 **Chief Herman** said the current CIP plan is to put the Administration on the land
9 behind it because of rebuilding the fire station downtown. He said vision two will address
10 administration more.

11 **Councilmember Gantt** asked the difference of remodel and rebuild.

12 **Chief Herman** said the rebuild is to update the existing footprint, he said the bones of
13 the building are good.

14 **[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 18]**



1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 19]

Demolish station 1 and build a state-of-the-art fire administration building with an innovative educational public space, maintaining the "Apex Fire Department presence" downtown!

2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 20]

Fire Administration (Downtown)



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 21]



6

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 22]

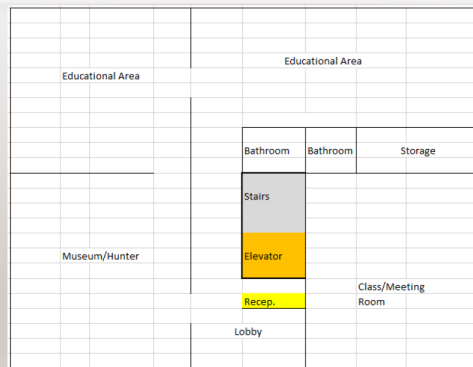
Public Comments

- The main reason cited by proponents of keeping the fire station on Salem Street were:
 - the history of the department
 - presence in this location
 - the opportunity for community interaction
 - special events, and the support/presence for special event
 - emergency response was a lower priority/need.
- Re-envision the fire station as a civic and mixed use development



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 23]

1st Floor Museum/Educational Space



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 24]

Lobby



1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 25]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 26]

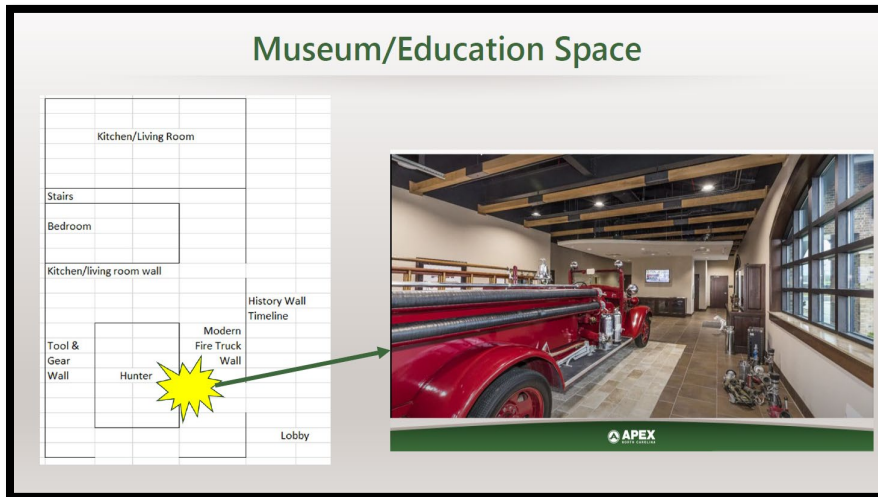


4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 27]



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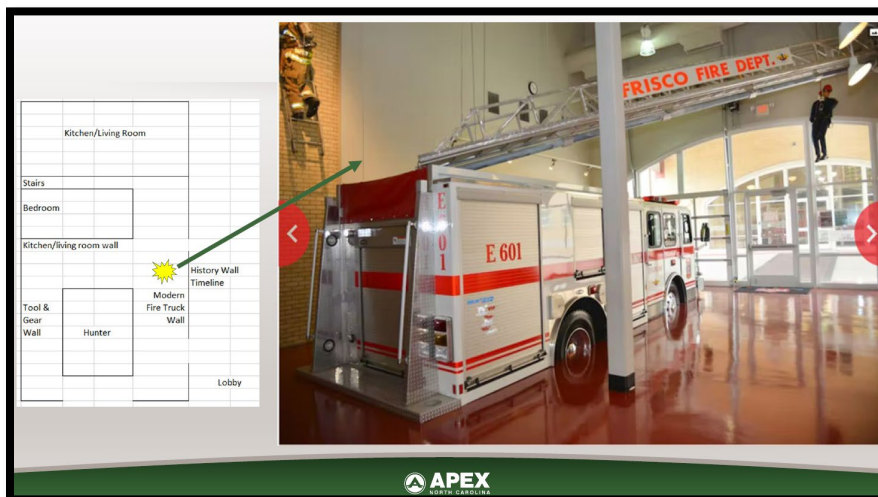
1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 28]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 29]



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 30]

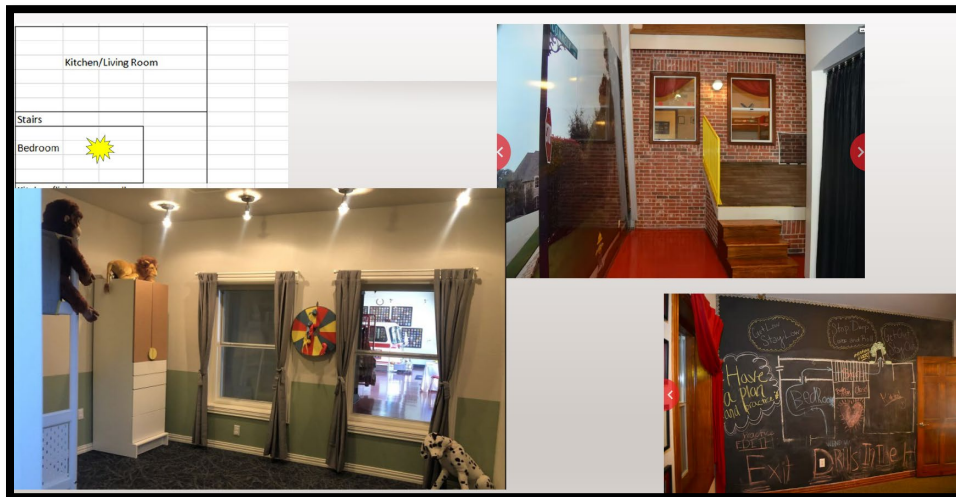


6

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 31]



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3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 32]



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 33]

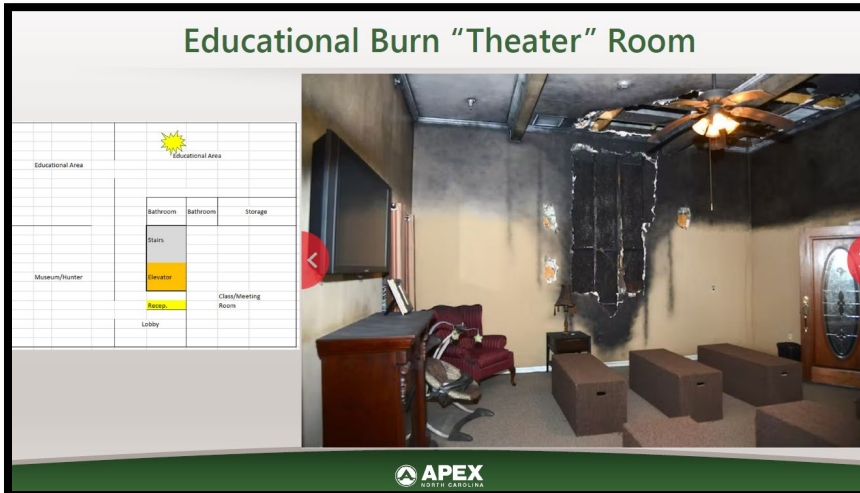


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1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 34]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 35]



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 36]





6

1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 37]

Classroom/Meeting Space

Educational Area		
	Bathroom	Bathroom
	Storage	
	Stairs	
	Elevator	
	Recap	
	Lobby	
Museum/History		
		Class/Meeting Room





2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 38]

Apex CERT

- Education
- Training
- Staffing Educational Center






4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 39]

Programs

- School groups/field trips
- Babysitter certification classes
- AFD Citizen Fire Academy
- Senior Citizens Safety Classes
- Activity nights/weekends/during festivals
- Downtown meeting space
- CERT training/meetings

- Fire Safety
- Fire extinguisher training
- Car seats/bike helmets
- Water/boater safety
- Weather safety
- Supply/preparedness Kits
- CPR/First-aid classes
- Much more...

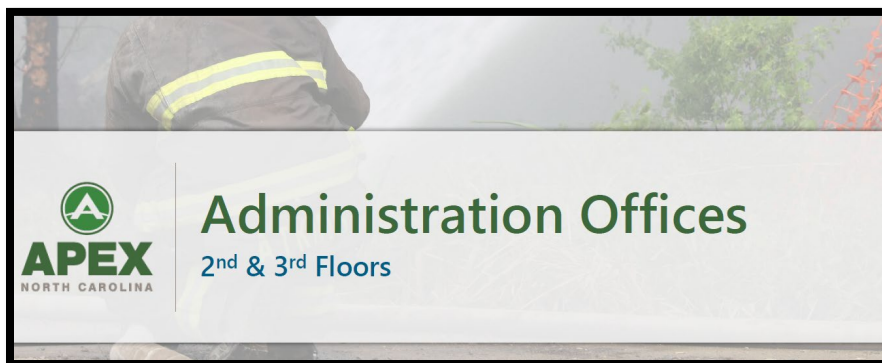
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1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 40]

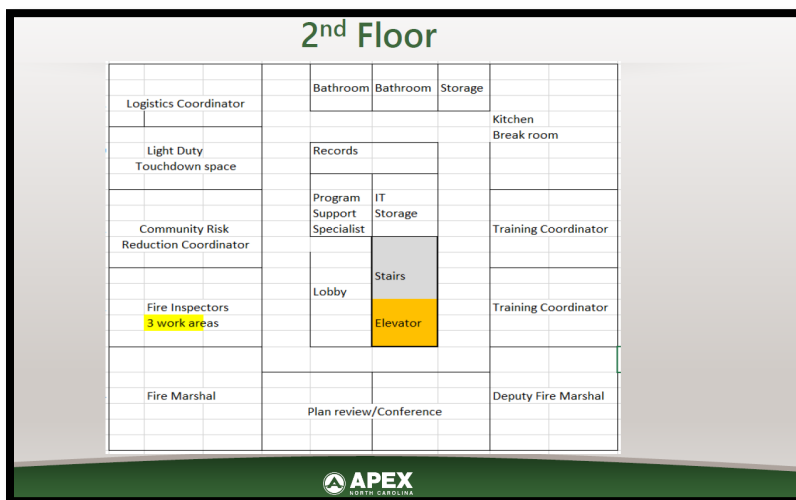


2
3 **Councilmember Gantt** asked about Frisco partnering with schools.
4 **Chief Herman** said Frisco run every third and fifth grader through different curriculum
5 for each grade.

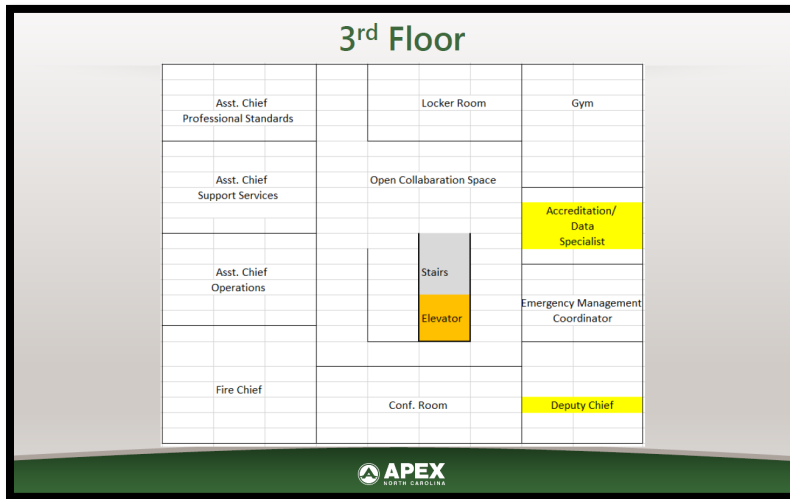
6 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 41]



7
8 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 42]



1 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 43]



2
3 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 44]

Big Picture Recap

- Remodel Fire Station 3 to accommodate the crew and equipment from Fire Station 1, combining the 2 stations.



4
5 [FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 45]

Big Picture Recap

- Build Fire Administration with educational space downtown on 1/2 of the current station 1 property, maintaining and enhancing the AFD "presence" in downtown.



6

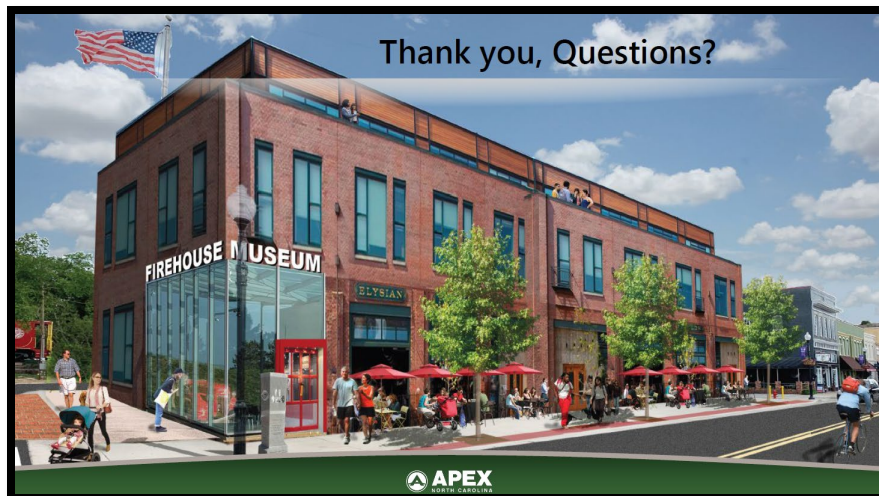
1 **Mayor Pro Tempore Gray** asked if this would not fully solve the storage issue.

2 **Chief Herman** said that was correct.

3 **[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 46]**

<u>Costs</u>	
<u>Current Plan</u>	<u>Proposed Plan</u>
<ul style="list-style-type: none">• Rebuild Station 1- \$5-6m.• Fire Admin - \$5-6m.• Storage/Logistics- \$1m.• Total - \$11-13m.	<ul style="list-style-type: none">• Station 3 remodel/addition - \$2-3m.• Fire Admin with Educational Space - \$6-7m.• Storage/Logistics - \$1m.• Total - \$9-11m.• Possible Savings – 2 Million
<i>*no land costs included</i>	

4
5 **[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 47]**



6
7 **Councilmember Zegerman** said half of the space is the building and asked what is
8 the other half.

9 **Chief Herman** said that will be a public private partnership.

10 **Interim Town Manager Purvis** said do not get attached to these designs that's its
11 only a concept. He said typically the town would do an analysis of the site to see what can go
12 there. He said working with RFP, a developer will come in and provide the town with
13 specifics.

14 **Mayor Pro-Tempore** said if there's an engine in the downtown station that its still not
15 optimal place for an engine.

16 **Chief Herman** said it's a challenging station. He said if that station stays then the plan
17 is to maintain station three.

1 **Councilmember Mahaffey** said there were previous conversations and public
2 support that was discussed regarding fire station downtown was specifically for an engine.

3 **Councilmember Killingsworth** said the biggest thing that sticks in her mind from
4 discussion is that it provides educational opportunities and interaction opportunities. She
5 said emergency response was not mentioned previously. She said this is what the desire of
6 the public wants and she agrees. She said there is a fire engine that's close to downtown that
7 needs to be expanded already, and it would be awkward place to have a fire engine
8 downtown.

9 **Councilmember Gantt** said it was discussed which is why the doors were narrowed
10 down from four doors to two doors.

11 **Mayor Pro-Tempore Gray** said he finds this option helpful because it helps him
12 understand the context but provides an option so that Council can figure out a direction.

13 **Councilmember Killingsworth** said if she was asked to vote on the previous decision
14 versus this option, she said she would go with this one.

15 **Councilmember Zegerman** said he likes the project. He said with any remodel that
16 the town is planning to do, it needs to have office space.

17 **Interim Town Manager Purvis** said the need for office space is the reason for the
18 spacing study. He said the plan is to accommodate where it's possible.

19 **Councilmember Mahaffey** said they all recognize having a fire engine downtown is
20 difficult from an operational perspective. He said the vision that's being proposed honors the
21 vision and the history of the park in the community. He proposed that some staff members
22 have had a hand in building that fire station and suggested using some of the brick and
23 incorporating it into the new building. He said he really likes the vision of the interacting
24 spaces and keeping the look of the fire station from the outside.

25 **Mayor Pro Tempore Gray** said it seems like there are a lot of options for which
26 departments could best use this land.

27 **Interim Town Manager Purvis** said it's now up to Council to decide which decision to
28 make and will have the most impact.

29 **Councilmember Killingsworth** asked if the land on Olive Farm, a potential future
30 park, has been evaluated for a site or a water tower.

31 **Interim Town Manager Purvis** said it wasn't considered as much due to the elevation

32 **Director Newman** said that site was also looked at for a possible housing site but it
33 had already been earmarked for a park space.

34 **Councilmember Mahaffey** said that location would be a great spot for housing
35 because it is close to schools.

36 **Director Khin** said in order to do that, that location would need expanded transit.

37 **Director Newman** said the DFI model is predicated on tax credits, but that's not the
38 only way to finance. She said what's more available is the 4 percent credit and they require
39 some other financing, but the 9% option is not the only one.

40 **Assistant Town Manager John** said even with low-income tax credits that takes care
41 of the 60 percent and below. She said she has an area still meeting income of 80 percent and
42 that doesn't require transit.

1 **Director Newman** said transit is important to people who may not have cars or need
2 other ways of transportation in the low-income housing community.

3 **Mayor Pro-Tempore Gray** asked if anyone else had questions for the chief.

4 **Councilmember Gantt** asked if its possible to design a site to have Fire Station 3,
5 some housing, and a water tower on the same site.

6 **Interim Town Manager Purvis** said the more you diminish the footprint for housing
7 the less viable the project.

8 **Councilmember Killingsworth** asked if they want Council to decide now.

9 **Interim Town Manager** said yes, staff needs direction.

10 **Councilmember Killingsworth** said her preference is Pleasant Park for the water tank
11 as site 4. She said the Fire presence downtown in renovating station three and adding
12 storage space.

13 **Chief Herman** said the study supports building in the next three to five years. He said
14 he would recommend station one and three and admin first, and then building seven.

15 **Councilmember Gantt** asked if we discussed the Wake County site near there.

16 **Chief Herman** said he'd love to know where that was and he could talk to them.

17 **Director Khin** said they haven't shown anything of that to them.

18 **Councilmember Mahaffey** said it is good to have a fire station near schools.

19 **Mayor Pro-Tempore Gray** said Councilmember Killingsworth gave a
20 recommendation, and asked if everyone is on board in terms of consensus and someone to
21 make a motion.

22 **Councilmember Zegerman** supported her position.

23 **Councilmember Killingsworth** restated her position, which was to do the site 4
24 Pleasant Park water tower, have more of a fire presence downtown, renovate station 3 to be a
25 full firehouse with emergency response, and continue affordable housing conversations.

26 **Councilmember Mahaffey** said he would like to honor and preserve any aesthetics
27 the town can to the building and use it on the new one. He said he's not a big fan of a three-
28 story building in downtown. He said it seems affordable housing may not be the most viable
29 option here, and a fire department has needs to best serve the community.

30 **Councilmember Zegerman** is in consensus. He suggested he'd like to see a second
31 water tower in another location and options for that.

32 **Councilmember Mahaffey** asked if there was any efficiency of scale for doing two
33 towers at once.

34 **Assistant Town Manager Stone** said not currently.

35 **Councilmember Gantt** is in consensus. He said the public art could somehow be an
36 asset more. He suggested the three-story admin building have their own administrative floor
37 on the second floor.

38 **Interim Town Manager Purvis** said there will be lots of discussion on that moving
39 forward. He said the Station 7 timeline still has to be set, so there isn't as much information on
40 that right now. He said station 3 would be the main fire priority.

41 **Councilmember Killingsworth** asked how many floors the potential apartments near
42 station 3 would be.

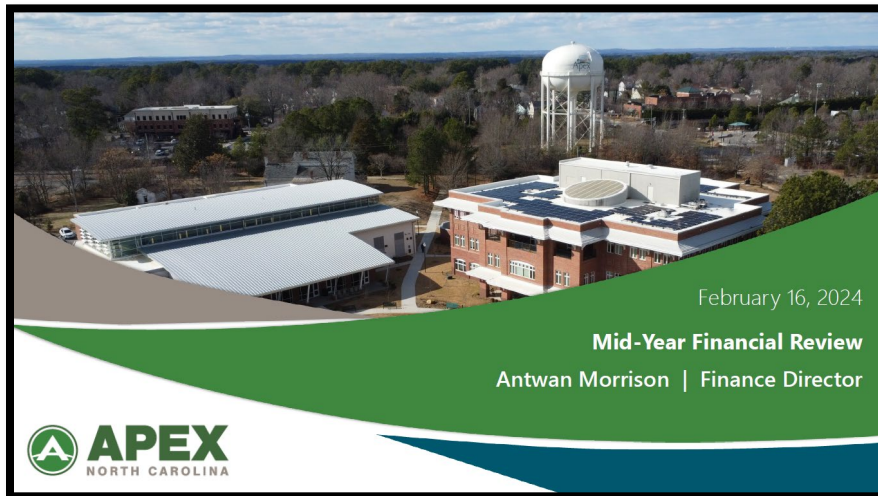
1 **Director Khin** said it would be whatever they like.
2 **Councilmember Mahaffey** asked if a water tower could be placed on a building.
3 **Assistant Town Manager Stone** said it would be a monumental task, but it could
4 solve some sprinkler problems.

5
6
7 **[FINANCIAL CONDITION REVIEW]**
8
9

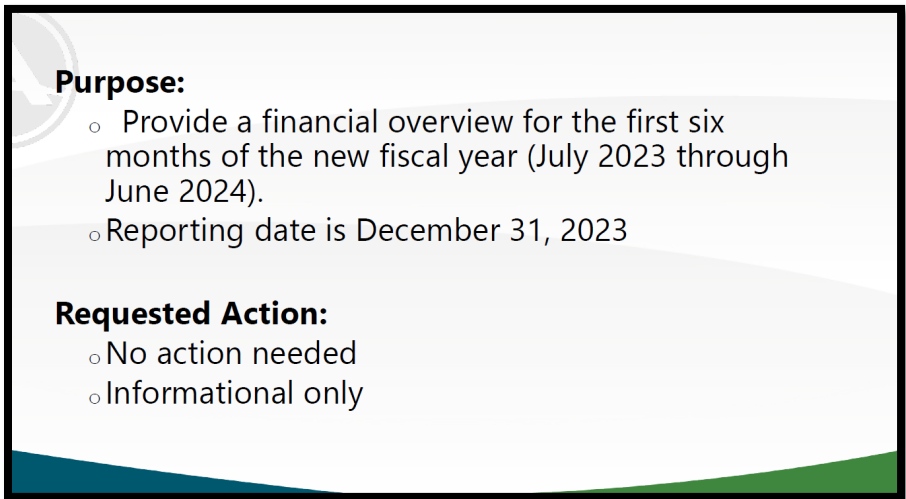
10 **[FINANCIAL CONDITION REVIEW-SLIDE 1]**



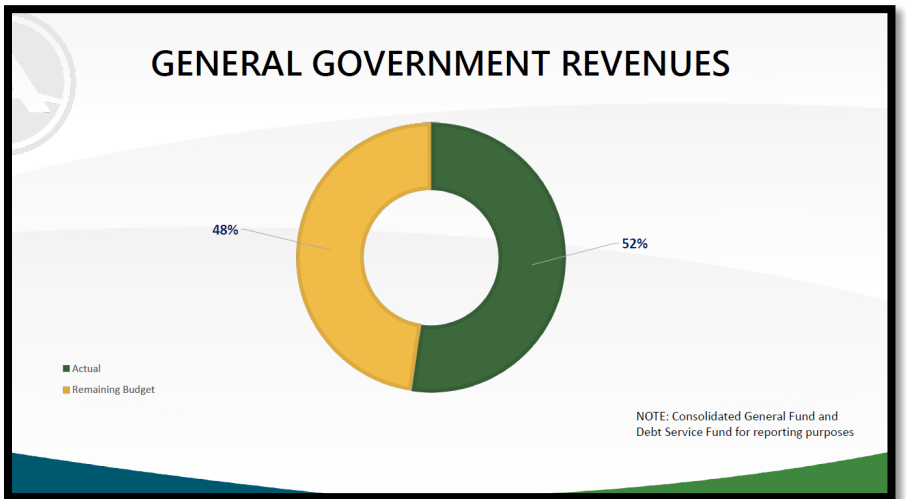
11
12 **[FINANCIAL CONDITION REVIEW-SLIDE 2]**



1 [FINANCIAL CONDITION REVIEW-SLIDE 3]



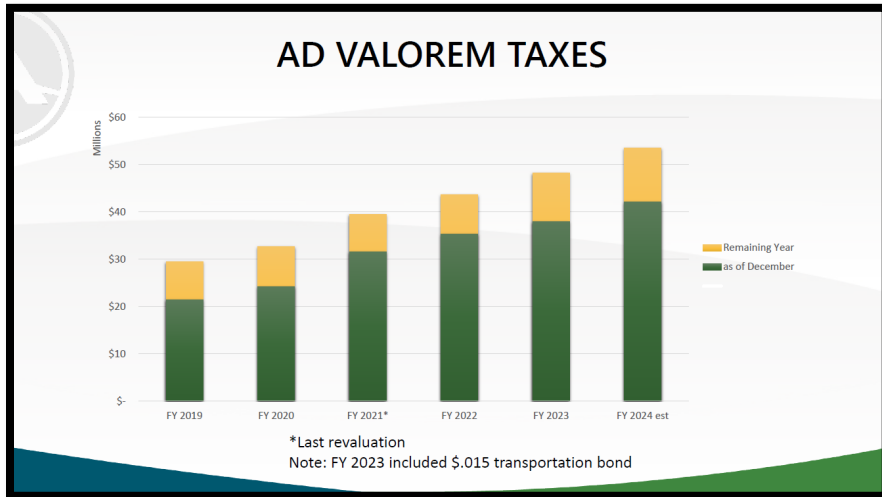
2
3 [FINANCIAL CONDITION REVIEW-SLIDE 4]



4
5 **Councilmember Zegerman** asked if they assume that revenues and expenses are
6 equal throughout the year.

7 **Director Morrison** said no, because of when revenues come in.
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[FINANCIAL CONDITION REVIEW-SLIDE 5]



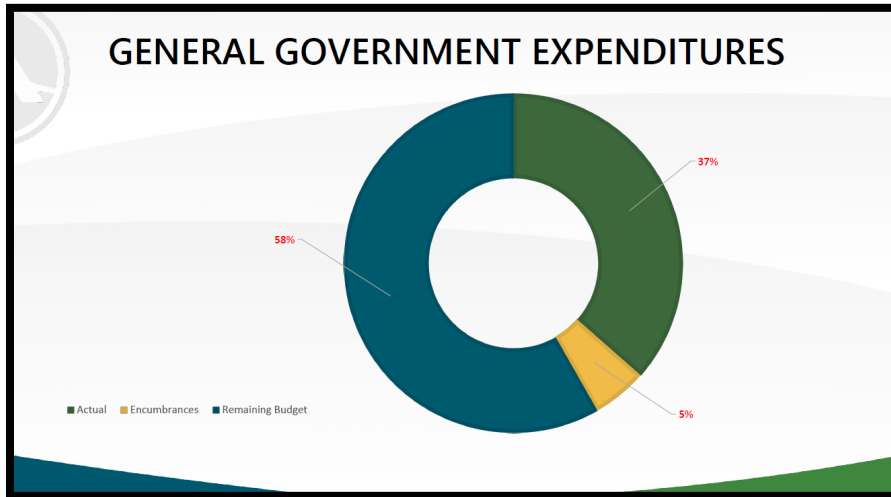
[FINANCIAL CONDITION REVIEW-SLIDE 6]



Councilmember Gantt asked if this considered population.

Interim Town Manager Purvis said the funds are distributed based on population.

[FINANCIAL CONDITION REVIEW-SLIDE 7]



Councilmember Zegerman asked if things had gotten delayed, and why the remaining budget was so much high than expenditures.

Director Morrison said not every month would spend a twelfth of the budget, and some months would have higher spending than others depending on when things occurred.

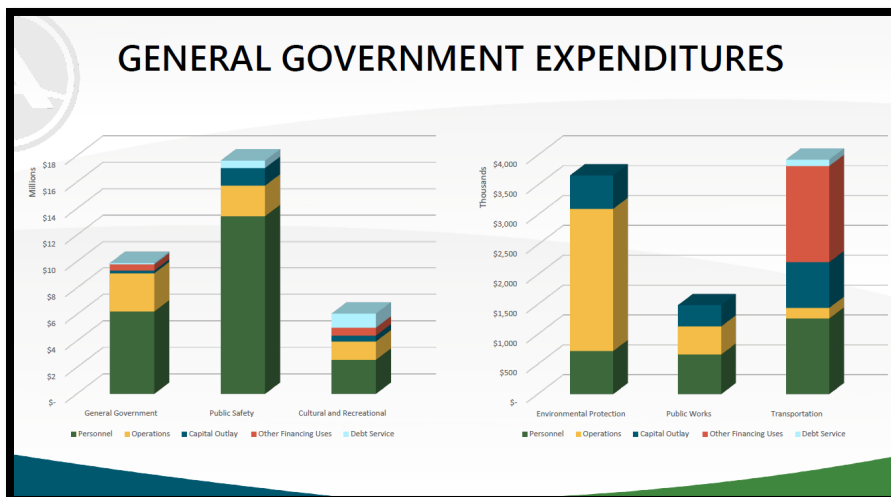
Councilmember Zegerman said he's having a hard time understanding if this is good or bad.

Director Grogan said they're on track to underspend. She said there a 3-million-dollar contract that is not included on this.

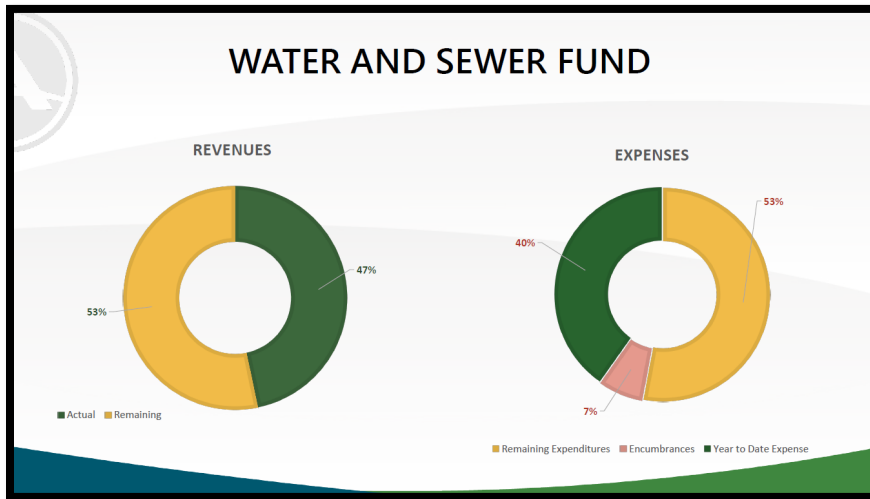
Councilmember Zegerman said coming in 1 or 2 points under budget is good, but he wants to make sure there aren't things they want to get done on the table.

Interim Town Manager Purvis said they recognize that, and they can move up projects if there ends up being space in this current year's budget. He said they have done that before.

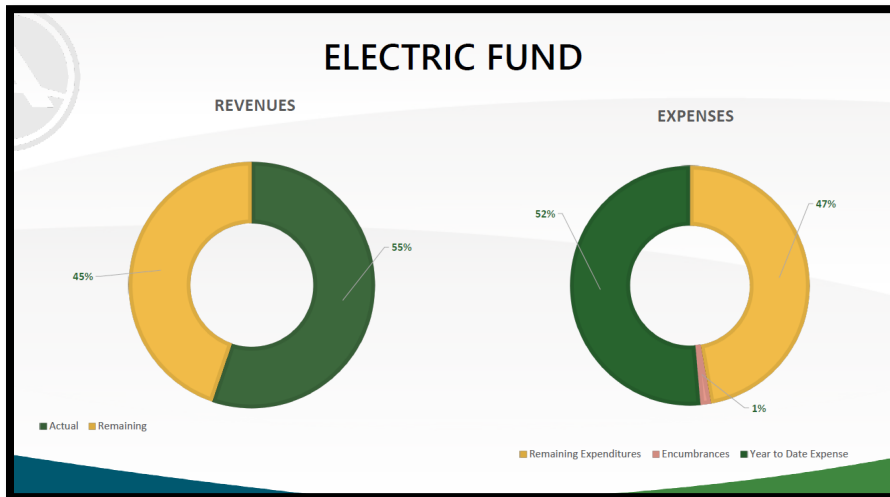
[FINANCIAL CONDITION REVIEW-SLIDE 8]



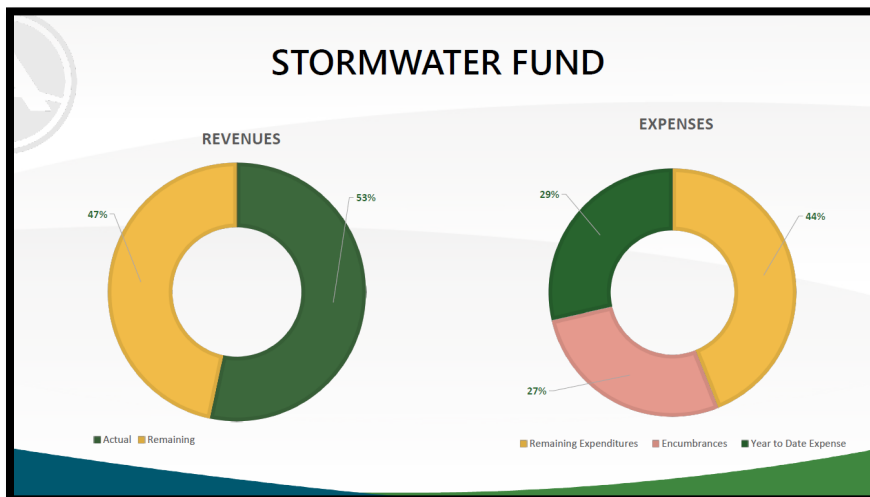
1 [FINANCIAL CONDITION REVIEW-SLIDE 9]



2
3 [FINANCIAL CONDITION REVIEW-SLIDE 10]



4
5 [FINANCIAL CONDITION REVIEW-SLIDE 11]



6

[FINANCIAL CONDITION REVIEW-SLIDE 12]

Affordable Housing Fund			Other Commitments:
Description	Amount	Total	
REVENUES:			<ul style="list-style-type: none"> Broadstone Walk LLC - \$365,000 Evergreen Construction - \$1,171,000 Rebuilding Together - \$200,000
General Government	\$ 4,391,000		
Developer Reimbursement	19,300		
Interest Earnings	90,992		
FY 2024 – Budgeted Transfer	<u>1,233,000</u>		
Total Revenues		\$ 5,734,292	
EXPENDITURES:			
Broadstone Walk LLC*	1,665,000		
Rebuilding Together of the Triangle	550,000		
Habitat for Humanity	79,683		
UNC School of Government	29,000		
Other	<u>2,280</u>		
Total Expenditures		\$ <u>2,325,963</u>	
Net Revenues over Expenditures		\$ <u>3,408,329</u>	*affordable housing loan

Councilmember Zegerman asked if this was essentially a \$1.7 million available balance, not counting the ARPA funding.

Director Morrison said that was correct.

Councilmember Mahaffey said the penny they allocated for this in the last tax rate would be worth more with a lower tax rate.

Interim Town Manager Purvis said yes, it would be a significant jump, and that fund would be worth close to \$2 million now.

Councilmember Mahaffey suggested that it may be better to set the policy as a percentage, rather than having a penny of the tax rate contribute to that fund.

Councilmember Killingsworth said she thinks it will level out over the next few years as more money is able to go to assisting in affordable housing.

Mayor Pro Tempore Gray said they had discussed rather this was easier than a percentage.

Councilmember Mahaffey said at the time it was tied to stormwater.

Councilmember Gantt said the drop was because of the ARPA funds.

Councilmember Zegerman said they've been allocating some of that money, and he would love to see the results of the study in April. He said they may want to look at what they want to accomplish in the next few years and then go fund it. He said his objective in this is to start putting the money to work.

Councilmember Killingsworth said it's always a challenge, since they can't predict these types of projects coming up. She said they need to be able to have funds on hand to help them when they do come up. She said land purchase would also be very expensive, and she said they will need all the funds they can. She suggested keeping it at the penny rate, and keep it as a savings account for those possible projects ahead.

Councilmember Gantt said Phil Welch said there was a possible issue with mobile homes and these funds.

Councilmember Zegerman said yes, that would be something they be looking to accommodate. He said they need to be mindful of the optics. He wondered if putting money in an account without a plan to use it would be the best way to use tax dollars.

Councilmember Mahaffey said they have put a lot of it to work, much of it coming from Broadstone Walk. He said bigger scale projects wouldn't be viable for this.

Councilmember Zegerman said land acquisition for public-private partnerships would be a good idea, as they could donate it for affordable developments.

Councilmember Mahaffey said his frustration is that he feels the County has leaned more on them because they contribute so much of their own funding to affordable housing, and so they don't see them as a high priority for GAAP funding.

Councilmember Zegerman said they want to protect themselves by spending this money for land acquisition.

Councilmember Mahaffey said the answer is to ultimately become their own entitlement community. He said they haven't had a situation like Broadstone Walk in a while, but that's what he would like to do.

Interim Town Manager Purvis said their next steps are likely to be site acquisition. He said a lot of the information they get in April will be regarding that. He said to keep in mind that land is expensive. He said Director Newman's team is working through all of the aspects of affordable housing as well, and all of the funding options.

Councilmember Killingsworth said that is why she wants to keep the rate that way.

[FINANCIAL CONDITION REVIEW-SLIDE 13]

Fund Balance / Fund Equity - Snapshot					
Fund	Fund Balance/Equity Balance at June 30, 2023	Revenues over (under) Expense – December 2023	Fund Balance/Equity Balance at December 31, 2023	Cash Balances	Estimated Excess Available Cash On Hand
General Fund*	\$ 57,425,399	\$ 18,567,861	\$ 75,993,260	\$73,142,325	N/A
Water and Sewer Fund	295,553,424	2,069,754	297,623,178	43,529,357	33,444,728
Electric Fund	58,661,006	2,020,438	60,681,444	6,317,623	(4,516,884)
Stormwater Fund	-	2,293,678	2,293,678	2,610,852	TBD
Affordable Housing Fund**	2,213,638	(38,308)	2,175,330	2,175,330	N/A

*General Fund and Debt Service Fund – consolidated for reporting
**Annual ad valorem tax allocation has not been transferred - \$1.23M

1 **[FINANCIAL CONDITION REVIEW-SLIDE 14]**



2
3 **Councilmember Mahaffey** asked if the water tower would go under the system
4 development fee at this point.

5 **Interim Town Manager Purvis** said potentially it could, since it was system
6 expansion.

7 **Councilmember Mahaffey** asked how system development fees compared to towns
8 around them.

9 **Assistant Town Manager Stone** said they are comparable to Cary, but he thinks Holly
10 Springs is higher.

11 **Director Morrison** said Holly Springs will also be raising their rates.

12 **Councilmember Gantt** asked if this was just studied.

13 **Town Attorney Hohe** said a system development fee analysis is required at least
14 every 5 years, but they can do it more frequently than that.

15 **Assistant Town Manager Stone** said they did one last year.

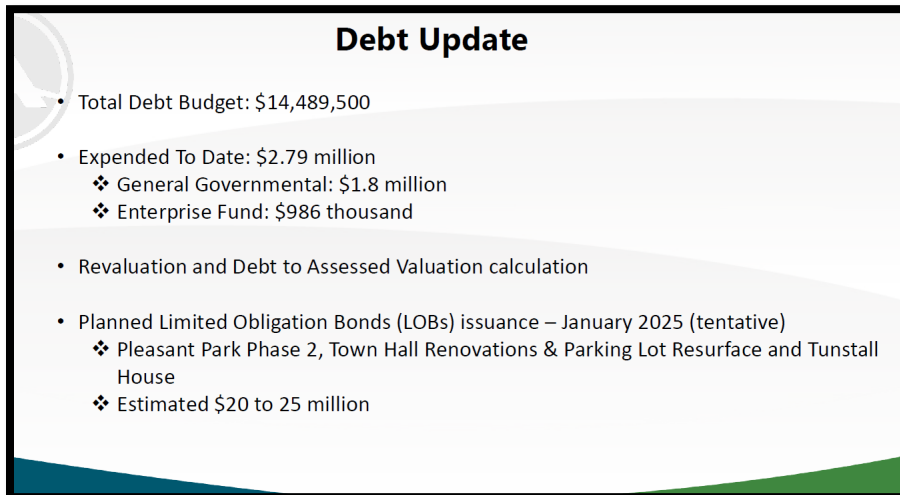
16 **Director Morrison** said they do not want to have a lot of idle cash sitting around.

17 **Director Grogan** said there are a lot of expensive water projects coming in the future
18 as well.

1 [FINANCIAL CONDITION REVIEW-SLIDE 15]



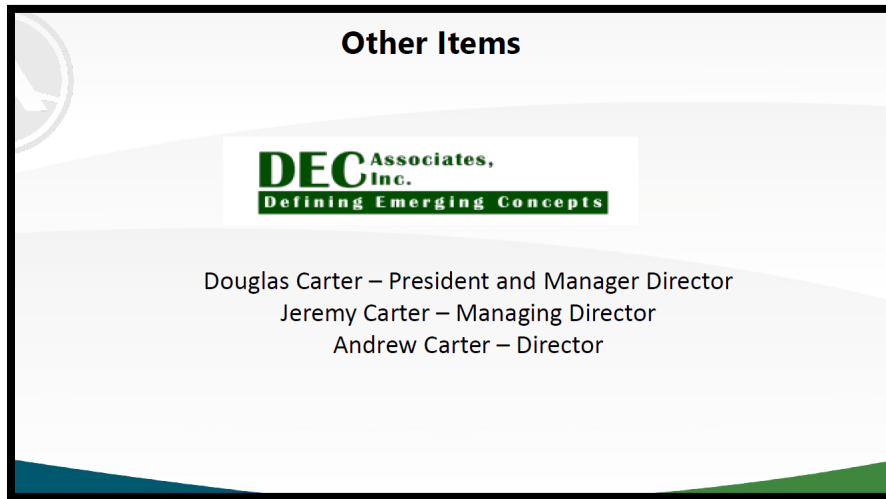
2
3 [FINANCIAL CONDITION REVIEW-SLIDE 16]



4
5 **Councilmember Zegerman** said this was the combination of 2.5% of tax value and
6 12% of debt ceiling expenditures, he said they seem to be out of line. He wondered if there
7 was more room to maneuver, and asked what the right balance would be.

8 **Director Morrison** said the town's financial advisors will have some ideas on that
9 based on history and the experiences of governments across the state.

1 [FINANCIAL CONDITION REVIEW-SLIDE 17]



2
3 [FINANCIAL CONDITION REVIEW-SLIDE 18]



4
5 **Councilmember Zegerman** asked what were the things that gave Director Morrison
6 worry about the town's finances.

7 **Director Morrison** said the scale of the projects the town wants to accomplish. He
8 said there is a lot going on, and wondering about if the town has the staffing capacity for it.

9
10 **Mayor Pro Tempore Gray** declared a recess on the meeting for lunch at **12:13 p.m.**

11 **Mayor Gilbert** arrived at **12:54 p.m.**

12
13
14 **Mayor Gilbert** reconvened the meeting at **1:00 p.m.**

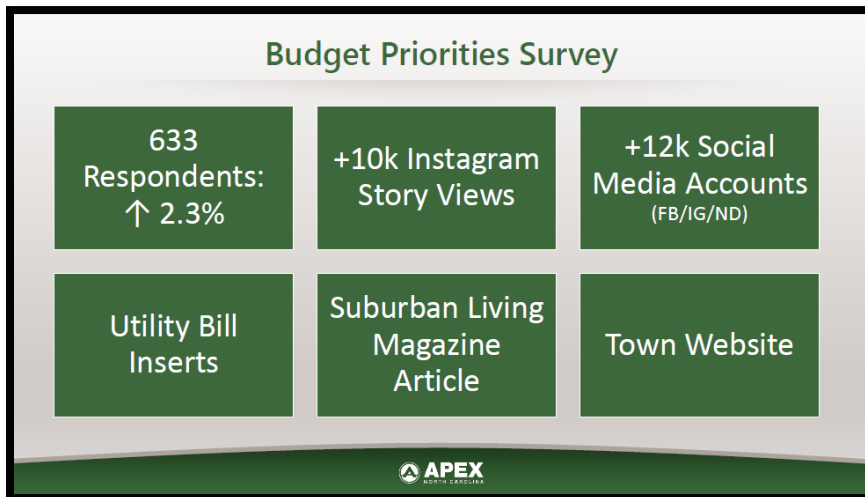
1

2 [BUDGET SURVEY - SLIDE 1]



3

4 [BUDGET SURVEY - SLIDE 2]



5

6 [BUDGET SURVEY - SLIDE 3]



Councilmember Zegerman asked if they were able to track where respondents accessed the survey to see which outreach methods were most effective.

Ms. Canup said she did not have that information, but it may be available.

Ms. Hoffman said they didn't have the data that says where people who finished the survey accessed it from, but they do have the data on how many times people clicked on the link from each source.

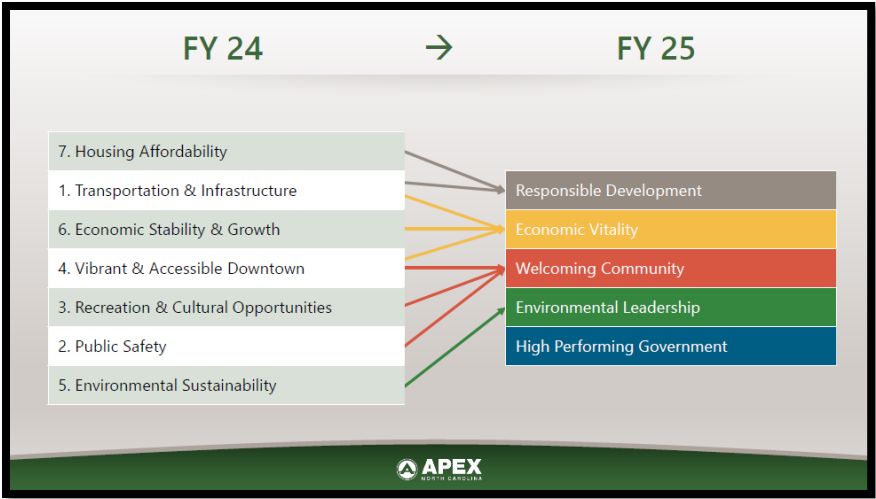
Councilmember Gantt asked if the goal was to get a higher rate of filling the survey compared to just clicking on it.

Ms. Hoffman said yes, and they had been working with Communications to put together a strategy. She said this year they were able to reach more areas effectively and the spread of responses was greater.

[BUDGET SURVEY - SLIDE 4]



[BUDGET SURVEY - SLIDE 5]



[BUDGET SURVEY - SLIDE 6]



[BUDGET SURVEY - SLIDE 7]

Step 2: Rank Focus Areas

* A Welcoming Community

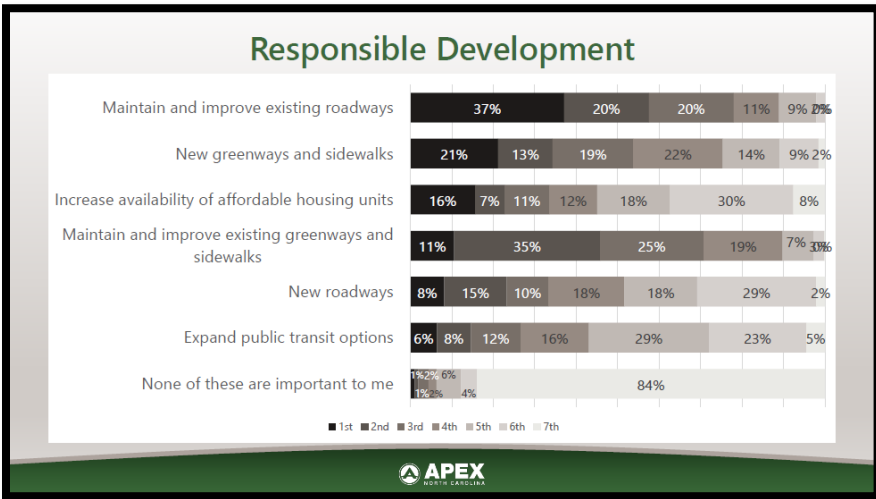
Please drag-and-drop the following focus areas for each strategic goal to rank your priorities, and then click "Confirm Priorities"

Create a safe and welcoming environment fostering community connections and high-quality recreational and cultural experiences supporting a sense of belonging.

Additional athletic programming	1st
Enhance cultural and arts programming	2nd
Improve existing parks and recreation facilities	3rd
New parks and recreation facilities	4th
Vibrant and accessible downtown community spaces	5th
None of these are important to me	6th

APEX NORTH CAROLINA

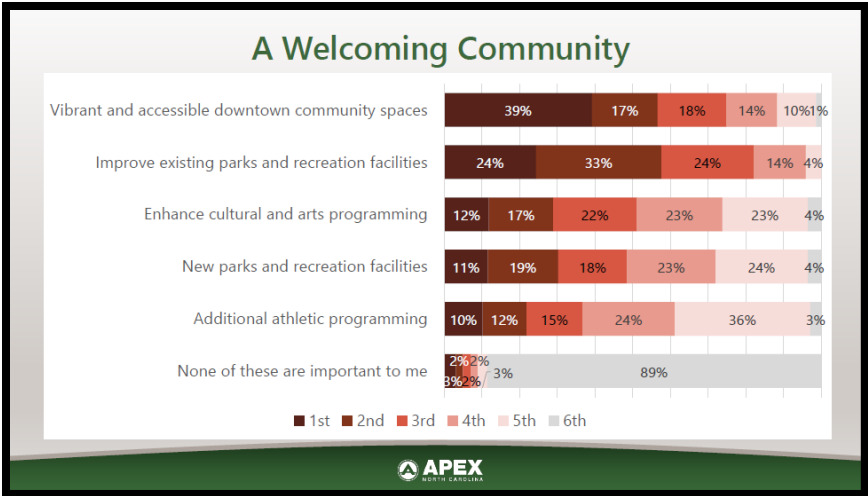
[BUDGET SURVEY - SLIDE 8]



[BUDGET SURVEY - SLIDE 9]



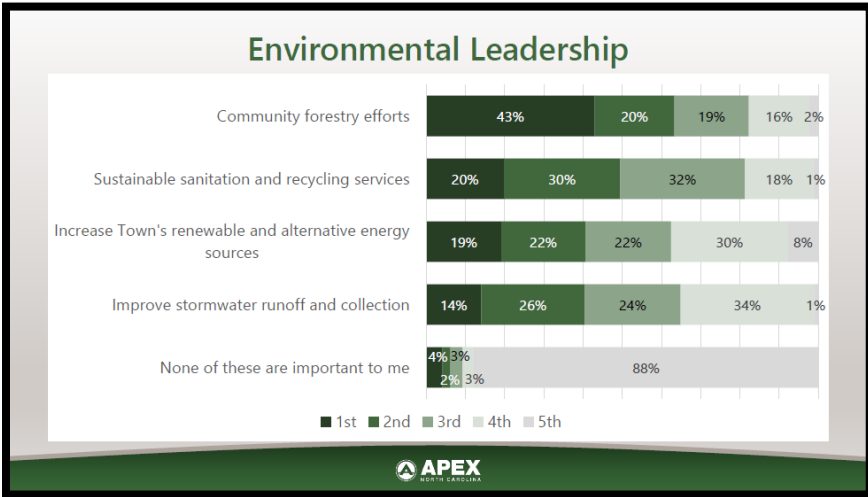
[BUDGET SURVEY - SLIDE 10]



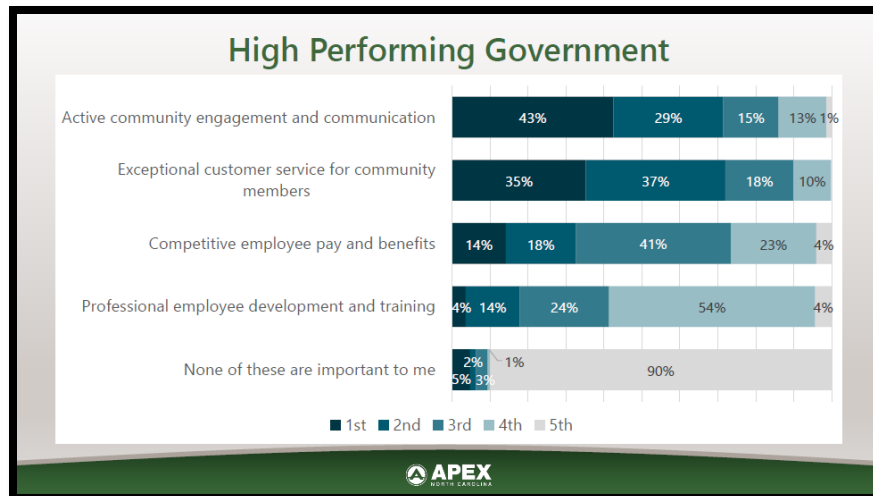
[BUDGET SURVEY - SLIDE 11]



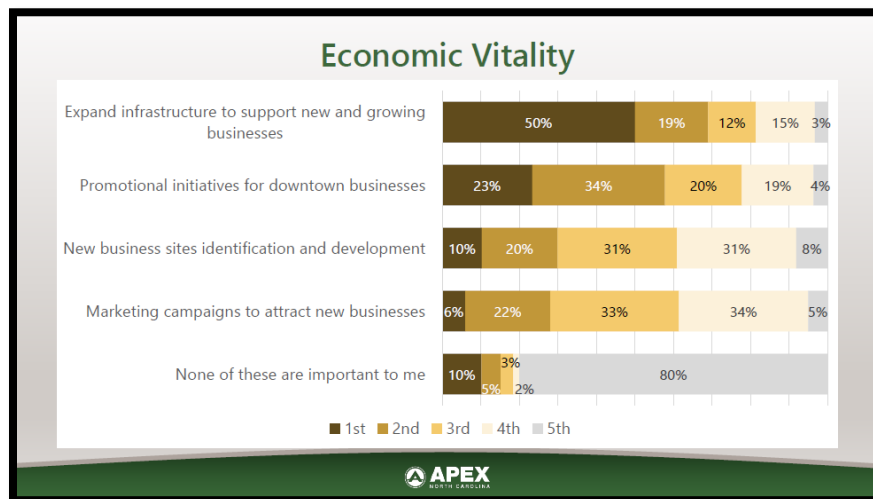
[BUDGET SURVEY - SLIDE 12]



[BUDGET SURVEY - SLIDE 13]



[BUDGET SURVEY - SLIDE 14]



Councilmember Mahaffey asked if they would get a report for the full thing.

Councilmember Gantt asked if they could also get comments.

Director Grogan said yes, they could put that together. She said they also have the memo with demographic information.

Councilmember Gantt asked if there was information on how the turnout of this survey compared to last year.

Ms. Hoffman said they didn't include that information because of how different the survey was this year. She said now that there is a baseline they will do that going forward.

[CIP PRIORITIZATION - SLIDE 1]



[CIP PRIORITIZATION - SLIDE 2]

CIP Overview

- Planning mechanism by which the Town Council allocates limited financial resources to implement long-term goals
- Utilizes adopted plans and factors to shape projects and needs
 - i.e. Downtown Master Plan, Transportation Plan, Parks and Recreation Master Plan, development reports, debt capacity & potential funding sources
- The Capital Improvement Plan is simply that – a *plan*
- The first year of the CIP is adopted with funding at the beginning of the fiscal year, while all future years are simply a plan and subject to change based on future priorities and financial constraints

Councilmember Zegerman asked how studies were included on this list, and why aren't those studies considered separately from actual construction projects.

Interim Town Manager Purvis said the studies are evaluated as part of the construction projects because they are the first step.

Director Grogan said projects are funded in different phases. She said they wouldn't allocate the full amount each year because some of the money wouldn't be used until later. She said they try to allocate appropriately.

[CIP PRIORITIZATION - SLIDE 3]






CIP – Major Objectives

- The purpose of the CIP is to forecast and match projected revenues and major capital needs over a five-year period.
- Links community infrastructure needs and the financial capacity of the Town
- Major capital expenditures that have an asset value of greater than \$100,000 and a useful life of greater than three years.
 - acquisition of land,
 - construction or significant renovation of public facilities (i.e. buildings/parks),
 - construction of new transportation infrastructure (i.e. roads, sidewalks, multi-use paths),
 - expansion or significant renovation of water, wastewater, electric, or stormwater infrastructure,
 - capital equipment to support operations



[CIP PRIORITIZATION - SLIDE 4]




General Fund CIP Project Summary

Element	Submittals	FY24-25	FY25-26	FY26-27	FY27-28	FY27-28	Future
 Transportation	33	15,711,000	26,852,330	26,018,560	14,056,270	26,984,710	37,720,500
 Parks, Recreation & Cultural Resources	17	17,400,000	14,698,000	27,247,000	65,025,000	51,910,000	52,800,000
 Public Facilities	15	6,185,000	7,900,000	1,400,000	430,000	125,000	31,380,000
 Public Safety	11	3,411,050	2,237,050	2,777,050	1,411,000	300,00	1,324,000
 Public Works	10	-	1,266,000	485,000	340,000	565,000	545,000
Total All General Fund	86	\$42,707,050	\$52,953,380	\$57,927,610	\$81,262,270	\$79,884,710	\$123,769,500



[CIP PRIORITIZATION - SLIDE 5]

Utility Fund CIP Project Summary


Element	Submittals	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	Future
 Water Sewer Utility	26	2,184,500	11,669,250	2,225,750	6,472,000	11,396,500	75,750,500
 Stormwater Utility	5	625,000	135,000	225,000	334,000	-	500,000
 Electric Utility	8	3,680,000	1,525,000	3,950,000	1,500,000	-	-



1 [CIP PRIORITIZATION - SLIDE 6]

How are Projects Selected to Rank?

- Projects excluded from ranking:
 - Projects that are ongoing
 - Projects that fall outside the 5-year funding purview
 - Projects required for operations (i.e. facility maintenance, equipment replacement)
- Projects within the CIP, outside of the above categories are selected for ranking
 - Each year the CIP is re-prioritized to align with initiatives and financial conditions as such it is possible that projects will be ranked during multiple years



2
3 **Councilmember Killingsworth** said she appreciated them including information
4 around maintenance and equipment, since Council would not be in a position to know
5 exactly when things need to be replaced or updated.

6 **Councilmember Zegerman** asked if departments put that in their budgets.

7 **Ms. Hoffman** said all fleet, vehicles, and equipment follow a replacement schedule.


8 **Director Grogan** said they also can adjust based on lead times for certain things, such
9 as fire trucks, which are currently on three-year lead times. She said just because something is
10 on the schedule for replacement review, it doesn't mean it would be replaced if it is still in
11 good shape. She said this comes out of the operating fund.

12
13
14
15
16
17 [CIP PRIORITIZATION - SLIDE 7]

Scoring Criteria - Staff

• 8 Categories

Public Health & Public Safety - Select ONE Response * <ul style="list-style-type: none"> <input type="radio"/> Prevents or corrects an imminent and significant health or safety hazard <input type="radio"/> Prevents or corrects a significant potential health or safety hazard <input type="radio"/> Project improves the feeling of safety <input type="radio"/> Not Applicable 	Legal Mandate - Select ALL that apply * <ul style="list-style-type: none"> <input type="checkbox"/> Project mandated by State and/or Federal Law <input type="checkbox"/> Project mandated by Town Council <input type="checkbox"/> Project mandated by legal settlement, contractual obligation or regulation <input type="checkbox"/> Project corrects a violation of Town or State code that would result in fines <input type="checkbox"/> Not Applicable 	Funding/Budget Impact - Select ONE Response * <ul style="list-style-type: none"> <input type="radio"/> Project produces an immediate significant reduction in operating costs <input type="radio"/> Project costs are 50% to 100% covered by non-Town funding sources <input type="radio"/> Project costs are up to 50% covered by non-Town funding sources OR will generate significant revenue to offset operating costs <input type="radio"/> Project has dedicated funding sources other than General Fund (i.e. User Fees) <input type="radio"/> Not Applicable 	Economic Development - Select ALL that apply * <ul style="list-style-type: none"> <input type="checkbox"/> Project directly and substantially increases Town revenues <input type="checkbox"/> Project increases community wealth (jobs, cultural attractions, business retention, etc.) <input type="checkbox"/> Expanded infrastructure to accommodate planned increase in capacity <input type="checkbox"/> Not Applicable
Deferred Maintenance or Existing Infrastructure/Facilities - Select ONE Response * <ul style="list-style-type: none"> <input type="radio"/> Major infrastructure repair and major financial, physical, or personnel consequences will result if not done <input type="radio"/> Major infrastructure repair, but minor financial, physical, or personnel consequences will result if not done <input type="radio"/> Not Applicable 	Business Plans/Existing Project - Select ALL that apply * <ul style="list-style-type: none"> <input type="checkbox"/> Project is prioritized in existing Business Plan <input type="checkbox"/> Project is required to complete an existing project <input type="checkbox"/> Not Applicable 	Extent of Primary Service Area - Select ONE Response * <ul style="list-style-type: none"> <input type="radio"/> Project serves the entire Town <input type="radio"/> Project primarily of interest to a specific population 	Governmental Services - Select ALL that apply * <ul style="list-style-type: none"> <input type="checkbox"/> Project is essential to maintaining the Town's current level of service for a core function to the public <input type="checkbox"/> Project will improve the Town's systems or facilities to enhance service delivery, increase productivity or improve access to information for the public <input type="checkbox"/> Project uses best practices to improve business processes <input type="checkbox"/> Not Applicable



1 [CIP PRIORITIZATION - SLIDE 8]

Scoring Criteria - Town Council

Step 1 Step 2 Step 3 Step 4

* Please drag and drop ALL projects into the empty slots at the top of the page. The projects should be ranked in order with your **highest priority at the top** of the list and **lowest at the bottom**.
CLICK THE GREEN CONFIRM PRIORITIES BOX ONCE COMPLETED BEFORE CLICKING CONTINUE AT THE BOTTOM OF THE PAGE

YOUR TOP PRIORITY

GoApex Transit Program (pg. 2)

Salem Street Downtown Streetscape and Resurfacing (pg. 2)

Dev's Drive at Salem Church Road Realignment (pg. 2)

South Salem Street Bicycle Connection (pg. 2)

Tingen Road Pedestrian Bridge (pg. 2)

Apex Parkway Southeast Connector (pg. 3)

Safe Routes to School (pg. 3)

Jessie Drive Phase II (pg. 3)

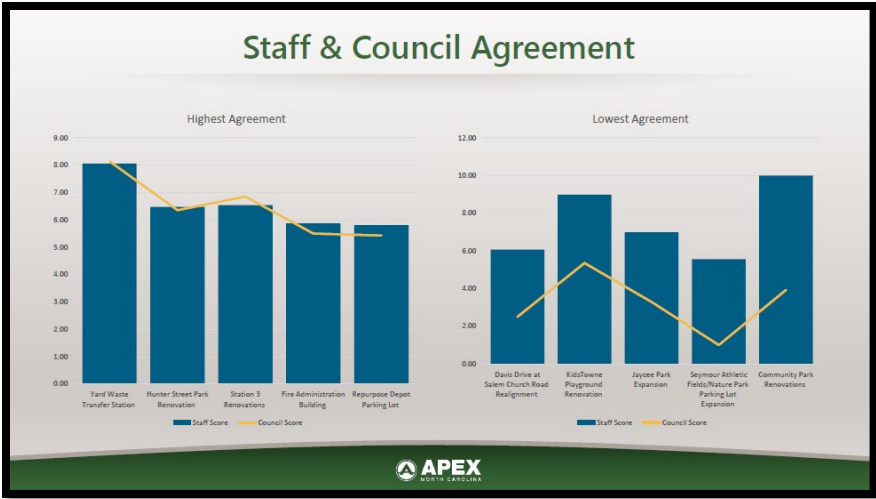
Olive Chapel Road Improvements (pg. 3)

APEX
NORTH CAROLINA

2
3 [CIP PRIORITIZATION - SLIDE 9]



4
5 **Councilmember Zegerman** asked how they compared these two scores.
6 **Ms. Hoffman** said they normalized the staff and Council scores so they would be able
7 to overlay and compare on the chart.
8 [CIP PRIORITIZATION - SLIDE 10]



[CIP PRIORITIZATION - SLIDE 11]



[CIP PRIORITIZATION - SLIDE 12]



1 [CIP PRIORITIZATION - SLIDE 13]

Capital Project Prioritization Results & Discussion	
1: Above Average Score, Above Average Agreement	2: Above Average Score, Below Average Agreement
GoApex Transit Program Hunter Street Park Renovation Olive Chapel Road Improvements Safe Routes to School Salem Street Downtown Streetscape and Resurfacing Station 3 Renovations Vision Zero - Intersection Upgrades Yard Waste Transfer Station	Jessie Drive Phase II Reedy Branch Greenway South Salem Street Bicycle Connection Tingen Road Pedestrian Bridge
3: Below Average Score, Below Average Agreement	4: Below Average Score, Above Average Agreement
Apex Parkway Southeast Connector Beaver Creek Greenway Extension Davis Drive at Salem Church Road Realignment Environmental Education Center Fire Administration Building Jaycee Park Expansion KidsTowne Playground Renovation Middle Creek Greenway Repurpose Depot Parking Lot	Apex Community Park Parking Lot Expansion Big Branch Greenway Community Park Renovations Seymour Athletic Fields/Nature Park Maintenance & Operations Building Seymour Athletic Fields/Nature Park Parking Lot Expansion Seymour Athletic Fields Renovation

2
3 [CIP PRIORITIZATION - SLIDE 14]

Capital Project Prioritization Results & Discussion

What priority changes would Council like to make?

- It'd be nice to have something like the sticker system used for initiatives so that we could place extra weight on the rankings. I felt as though I personally had three categories (high, medium, and low priority) that were roughly 1-6, 7-11, and 12-27.
- Projects do not get cheaper the longer we wait to start them. Prioritizing road improvements was my focus.

Councilmember Mahaffey asked what the status of the Environmental Education Center was. He said he feels like it's the new Tunstall House, where he has to keep fighting for it to get done every year.

Assistant Town Manager Stone said the RFP for it should go out in March, and they would select in March.

Councilmember Mahaffey asked if they would get a design for it this year and then budget for it.

Ms. Hoffman said they have an estimation of the cost based on the footprint and concept.

Councilmember Mahaffey said he could wait until the RFP came back and they got to see pricing estimates.

Councilmember Gantt said things depend on how much the Center costs. He said they should stick with the quadrants for the most part.

1 **Councilmember Mahaffey** said he wanted to talk about the Olive Chapel Road
2 Improvements. He said he's happy to see it ranked so high.

3 **Councilmember Gantt** asked how the intersection at Davis at Salem Church Road
4 was lower.

5 **Councilmember Mahaffey** said he thinks the Olive Chapel and Barbecue intersection
6 is the worst one in Apex. He said it would only get worse as more traffic came through that
7 area, and they need to get ahead of the problem better.

8 **Councilmember Gantt** said he wanted to make sure they weren't biasing themselves.

9 **Councilmember Mahaffey** said he didn't think he was being biased, it's just what he
10 knows. He said Olive Chapel and Barbecue is something that is within the town's scope, and
11 something DOT probably would never get to.

12 **Councilmember Zegerman** said he agreed the Davis Drive intersection is bad. He
13 said his criteria is how many residents are in an area and how is the area developing. He said
14 to Councilmember Mahaffey's point, there is more development in the western part where
15 the Olive Chapel and Barbecue intersection is.

16 **Councilmember Gantt** said it was on the edge of town, and 1/3 of those impacted
17 would be Cary Residents. He said they could maybe do a joint project.

18 **Councilmember Killingsworth** said Cary has already done their part on that road,
19 having widened it. She said they are waiting on Apex to do their part.

20 **Councilmember Mahaffey** said part of the problem was to make those
21 improvements at Davis, they would likely have to acquire a home. He said at Olive Chapel
22 they may have to acquire property, but not a home.

23 **Councilmember Killingsworth** said that was true. She said the home on the corner
24 knows their house would have to be taken to make those improvements, but they are
25 budgeting for it to happen five years down the road, not now.

26 **Councilmember Mahaffey** said they also have data on the number of crashes. He
27 said he thinks the Olive Chapel intersection has more. He said he thinks it was number 8 in
28 town.

29 **Director Johnson** said they may handle the Olive Chapel intersection in-house, but
30 would have to contract for Davis.

31 **Councilmember Gantt** said cost/benefit would really be important for it with that.

32 **Councilmember Killingsworth** said they all agree the Olive Chapel intersection
33 should be done because it ranked first.

34 **Councilmember Gantt** said he wanted to make sure they were thinking about
35 everybody in their analysis.

36 **Councilmember Killingsworth** said she used to drive on Davis every day, and so she
37 realizes how bad it can be.

38 **Mayor Pro Tempore Gray** said he was right to think about not being biased based on
39 what they typically drive. He said Davis Drive has a longer impact backing up into Cary, and
40 goes to Salem, Jenks and more. He said when that road is bad, it gets bad everywhere. He
41 said he ranked it as an area that needs to be focused on.

1 **Councilmember Gantt** said he did not, but he was looking at the road and thinking
2 about improvements. He said there are a lot of worthy projects, and he tries to think about his
3 perception of the situation if he lived there.

4 **Councilmember Killingsworth** said it would definitely be a more complicate fix.

5 **Councilmember Zegerman** said the Davis intersection is all sorts of terrible, but he
6 thinks it's a much larger project.

7 **Councilmember Gantt** asked if there was a long-term plan the intersection at 64. He
8 said it's a bad exit arrangement.

9 **Councilmember Killingsworth** said it was better once it was re-striped.

10 **Interim Town Manager Purvis** said he wasn't sure there was anything DOT would do.

11 **Councilmember Killingsworth** said the plan was to replace the railroad bridge at
12 some point, but she doesn't think it goes down to the next intersection yet.

13 **Councilmember Gantt** said he was good with the grid as-is.

14 **Councilmember Mahaffey** said they should focus on what they are going to do this
15 year.

16 **Interim Town Manager Purvis** said they want to order things based on priority to
17 determine where to put efforts into, even if they aren't all going to happen soon.

18 **Director Grogan** said the downtown project was an expensive one, so they continue
19 to try to prioritize and plan for the funding.

20 **Councilmember Gantt** asked if there were any disagreements among the rankings of
21 residents, staff, and Council that concerned them.

22 **Councilmember Mahaffey** said he thought it was interesting the Salem Downtown
23 Streetscape didn't score a 5 among residents. He said they also probably don't understand
24 the issues to town is facing with yard waste and transportation.

25 **Councilmember Killingsworth** said she would move the Davis Drive project higher.

26 **Councilmember Mahaffey** said the Nature Park parking lot is also a bad situation.

27 **Councilmember Gantt** said there was also disagreement among Council and staff for
28 Community Park.

29 **Councilmember Zegerman** said part of his rankings was to build new facilities rather
30 than do work on existing facilities. He said he wants to see Wimberly Road park get finishing
31 before investing more into parking lots of existing parks. He said that is also more in-line with
32 what the residents are asking for.

33 **Councilmember Gantt** said he thinks deferred maintenance often leads to worse
34 things in the future, but building new things can definitely help in some cases.

35 **Mayor Pro Tempore Gray** said he agrees with staff with viewing it as a safety issue.

36 **Councilmember Mahaffey** asked about what order the parks need to be looked at.

37 **Councilmember Zegerman** said they keep kicking the ball down the road, but things
38 like the turf fields with Pleasant Park can wait a little more since Pleasant Park will lighten the
39 load on them a bit. He said maintenance is important.

40 **Councilmember Gantt** said interest in the kid's town has gone down since Pleasant
41 Park opened. He said it's in the middle of his ranking, and every new park affects other parks
42 a little bit.

1 **Councilmember Mahaffey** said the problem with kid's town is that a kid could get
2 hurt. He doesn't want to get behind on that and have an injury, then they respond quickly.

3 **Councilmember Killingsworth** asked if it should be moved up in priority.

4 **Councilmember Mahaffey** said yes.

5 **Councilmember Gantt** said that would make it more even.

6 **Councilmember Mahaffey** said kid's town needs to get done, they can't keep waiting
7 for the next year on that.

8 **Councilmember Zegerman** said he thought staff had told them it would need to be
9 fully rebuilt.

10 **Mayor Pro Tempore Gray** said he recalls the reason for pushing back kid's town was
11 that Pleasant Park was going to be coming online. He said that would give another option. He
12 said they have a lot of options.

13 **Councilmember Mahaffey** said they're about to build a new bike track near Hunter
14 Street park, hopefully the Environmental Education Center, and they can distribute some of
15 the park dollars to kid's town.

16 **Mayor Pro Tempore Gray** said if they put the money in roads earlier, they can save
17 themselves costs over time.

18 **Interim Town Manager Purvis** said 4 of the top 8 are transportation focused.

19 **Director Grogan** asked if they would like to make any more changes other than
20 moving kid's town to box 2.

21
22 **Mayor Gilbert** declared the meeting in recess at **1:50 p.m.**

23
24 **Mayor Gilbert** reconvened the meeting at **2:15 p.m.**

25
26 **Director Grogan** gave the following presentation regarding impact of Wake County
27 Revaluation.

28
29 **[REVALUATION - SLIDE 1]**



[REVALUATION - SLIDE 2]

5-Year Tax Rate Assessment					
Forecasted Expenditures (Including CIP Projects)	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Operating Budget	\$83,862,777	\$90,571,799	\$97,817,543	\$105,642,947	\$114,094,382
Capital Outlay	\$8,525,000	\$13,536,300	\$14,850,500	\$17,363,000	\$16,600,000
Debt Service	\$9,733,823	\$10,472,048	\$10,033,635	\$13,115,630	\$12,314,215
Capital Reserve Coverage	-\$1,400,000	-\$1,970,000	-\$1,544,000	-\$1,605,000	-\$1,670,000
Transfers Out	\$1,211,000	\$1,305,458	\$1,407,284	\$1,517,052	\$1,635,382
Total Expenditures	\$101,932,600	\$113,915,605	\$122,564,962	\$136,033,628	\$142,973,979
Total Capital & Debt	\$16,858,823	\$22,038,348	\$23,340,135	\$28,873,630	\$27,244,215
Capital & Debt Expenditures %	16.54%	19.35%	19.04%	21.23%	19.06%
Forecasted Revenues					
Property Tax	\$49,769,400	\$59,136,451	\$65,125,205	\$71,306,936	\$75,646,427
Other Taxes, Fees, Charges	\$47,588,200	\$51,395,256	\$55,506,876	\$59,947,427	\$64,743,221
Available Capital Funds	\$4,575,000	\$0	\$0	\$0	\$0
Transfers In	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$101,932,600	\$110,531,707	\$120,632,081	\$131,254,363	\$140,389,648
Difference	(\$0)	(\$3,383,898)	(\$1,932,880)	(\$4,779,266)	(\$2,584,331)
Projected Fund Balance	\$36,499,101	\$33,115,203	\$31,182,322	\$26,403,057	\$23,818,725
Capital Impact on Fund Balance	(\$0)	(\$3,383,898)	(\$1,932,880)	(\$4,779,266)	(\$2,584,331)
Fund Balance Impact Percentage	35.81%	29.07%	25.44%	19.41%	16.66%
Assessed Property Value	\$12,367,243,902	\$14,222,330,487	\$15,087,851,946	\$16,006,046,024	\$16,980,118,192
\$.01 Property Tax Increase =	\$1,224,357	\$1,408,011	\$1,493,697	\$1,584,599	\$1,681,032
Tax Rate	\$0.440	\$0.420	\$0.436	\$0.450	\$0.450
Change in Tax Rate Needed for Difference	\$0.000	\$0.024	\$0.013	\$0.030	\$0.015
Zero-Balance Tax Rate	\$0.440	\$0.444	\$0.449	\$0.480	\$0.465
Projected Fund Balance with Tax Rate Adjustment	\$36,499,101	\$29,731,305	\$29,249,442	\$21,623,791	\$21,234,394
Projected Fund Balance % with Tax Rate Adjustment	35.81%	26.10%	23.86%	15.90%	14.85%
Forecasted Revenues					

Councilmember Zegerman asked if completing projects would help make more funds available.

Director Grogan said if they came in under budget it would.

Councilmember Zegerman said there weren't any new projects added through this, and asked if there was any reserve money in this.

Director Grogan said a lot of projects were funding through the Capital Project Fund, and this is the operating fund.

Councilmember Gantt asked if the rate could change.

Interim Town Manager Purvis said yes, but they planned for revenue neutral to help control and be able to adjust. He said there can be appeals and values can change. He said they updated the cost for projects that have been approved, and included the revaluation numbers, to show the Council the impact. He said they will still go and update the CIP.

1 **Director Grogan** said she is asking some direction in that, which will help inform the
2 CIP. She said they will need to scale things back if certain funding is not going to be given for
3 projects in the future.

4 **Councilmember Mahaffey** said a lot of towns will raise taxes as soon as bonds are
5 approved by voters. He said this had an advantage of extra revenue before the debt is
6 issued, and asked if they would support that model. He said if there's a tax raise several years
7 after approval, residents may not remember what it was for.

8 **Councilmember Gantt** said the counter-argument to that was the shock.

9 **Interim Town Manager Purvis** said they could follow either model. He said if it was a
10 larger number they could break it up. He said if taxes were raised ahead of time it would still
11 go into the debt service, and not other things.

12 **Director Grogan** said they will set up so that additional tax allocation will go directly
13 to debt service funds.

14 **Councilmember Killingsworth** said raising the tax earlier helps interest to accrue,
15 which overall reduces the tax burden for citizens.

16 **Interim Town Manager Purvis** said these things are all included in the models they
17 work with financial advisers on. He said he sees some cases where the tax rate may be
18 different if done immediately or in the future.

19 There was discussion regarding how the model worked and how the calculations were
20 made.

21 **Councilmember Gantt** said if they don't raise rates, they may have to push some
22 things they want to get done down the road. He said it's a balance of what they want to do
23 now, and what the willingness of the people to pay for those projects would be. He asked if
24 the range in revaluation was +/- 15%.

25 **Interim Town Manager Purvis** said it's a huge range.

26 **Councilmember Gantt** said it's important to think about the impact of what each rate
27 change may be. He asked what the standard deviation was of value changes.

28 **Councilmember Mahaffey** said he thought it would be pretty small, but had a large
29 tail.

30 **Councilmember Zegerman** said he thinks they can model it out. He said revaluation
31 disproportionally hits the older neighborhoods in town. He said even if the tax rate was
32 lowered, those people would still see an overall increase in what they have to pay. He said
33 they should look at what the impact would be for a fictional \$200,000 home.

34 **Councilmember Mahaffey** said he did some analysis, and it looks like it wasn't a
35 downward sloping line in tax increase from lower valued homes, but there was a sharp drop
36 off in net increase with the highest value properties.

37 **Councilmember Zegerman** said it looks like the most of the impact is in the middle
38 level of property values, and the impact on the lower end of the property values wasn't as
39 high as he thought.

40 **Councilmember Gantt** said the costs of things have gone up so much, if they want to
41 build all of what they want, they would need to raise taxes.

42 **Mayor Pro Tempore Gray** asked if staff had a recommendation on the tax rate.

1 **Interim Town Manager Purvis** said they will budget based on Council's decisions,
2 and give them the data they need to determine where it would have to be in order to fund a
3 certain level of projects at revenue-neutral. He advised to at least not go below revenue-
4 neutral. He said he understands there is a lot of considerations for Council around this. He
5 also mentioned how there are utility rate increases that are needed, especially for electric. He
6 said they will come up with separate models for those, and ask them to keep those impacts
7 in mind as well. He said they will be meeting internally soon to put those together.

8 **Councilmember Mahaffey** asked if there were other recommendations they have
9 given outside of capital projects that may necessitate rate increases, such as program
10 expansion.

11 **Interim Town Manager Purvis** said things like maintenance are already factored in,
12 but they have looked at the potential need for expansion to staffing to run the programs of
13 the town. He said last year there was more staff hired in order to run the parks programs, and
14 will need more in the future. He said there are lots of Planning things on the horizon, and
15 there may be considerations needed to expanding that department.

16 **Councilmember Mahaffey** asked if a tax increase offset the capital impact of the fund
17 balance.

18 **Director Grogan** said yes.

19 **Interim Town Manager Purvis** said you wouldn't want to carry more than the policy,
20 but they are a little lower on the policy now and may add more soon.

21 **Councilmember Killingsworth** said her suggestion was based on the 30.5 rate. She
22 said she would like to see a 32 and a 33 analysis as well.

23 **Councilmember Zegerman** said he would like to see that and a wider upper range as
24 well up to around 35. He said they could look at what projects become available at each
25 level.

26 **Mayor Pro Tempore Gray** said he has been considering the increased cost of the
27 projects as well, and would also like to see more flexibility in the modeling.

28 **Councilmember Gantt** said there is a number they would never really go to.

29 **Director Grogan** said they will get them a menu with different levels of the tax rate to
30 help them to decide what could be funded at each rate, up to 35.

31 **Councilmember Mahaffey** asked how the staffing considerations would impact the
32 possibilities,

33 **Interim Town Manager Purvis** said they are still evaluating that plan.

34 **Mayor Gilbert** thanked everybody for their work.

35 **Councilmember Zegerman** asked if the housing transition assistance was limited to
36 mobile home.

37 **Interim Town Manager Purvis** said if the need arises.

38 **Councilmember Killingsworth** said she likes the idea of doing West Street Park with
39 some of the funds, and keep the housing transition available as needed.

40 **Councilmember Gantt** asked if they still needed to follow rules regarding who they
41 partner with.

Director Grogan said there are still rules they need to follow for who they can work with and their non-profit status. She said these funds could be moved around to allocate to other things. She said she would need to bring a budget amendment to move things around if they wanted to fund West Street Park.

Councilmember Mahaffey said he was mostly concerned with just making sure all of the ARPA funds are able to be used.

Director Grogan said staff is continually checking to make sure they are closely sticking to schedules.

Interim Town Manager Purvis said the water tank could be a contingency plan if the funding needed to get used.

Mayor Gilbert thanked staff for all of their work over the past two days.

Councilmember Zegerman also expressed appreciation in all the work they have done for this.

Councilmember Gantt said one thing that really bothers him is resident incivility being a concern on the employee survey, but he said one thing he could be sure to impact was minimizing Town Council incivility, and making sure staff feels appreciated for all their hard work. He said it was nice to see everybody in one room together since that doesn't happen often.

Mayor Pro Tempore Gray said that everybody in the room has made a dedicated effort to make Apex better. He thanked them for everything that they do, it's a lot of hard work, and everyone appreciates what they do.

Councilmember Mahaffey echoed what Mayor Pro Tempore Gray said, and said this was one of his favorite meetings of the year. He said there are some tough conversations, but he enjoys speaking with everyone.

Councilmember Killingsworth said it's been an honor to be on Council for the past 6 years, and she appreciates the amount of talent and creativity among staff, and enjoys seeing them grow over the years.

Mayor Gilbert invited Council to join him in a round of applause for staff.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **3:15 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Apexa Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on _____ of _____, 2024.

DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 27, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 27, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=ENBRmHtoe5c>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

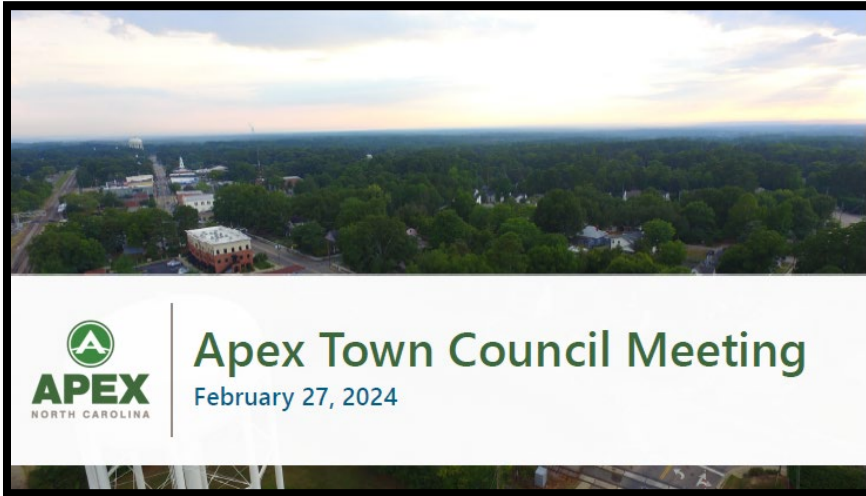
Town Staff

Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and led those in attendance in a Moment of Silence. He then led in a recitation of the Pledge of Allegiance.

1 [SLIDE 1]



2
3

4 [CONSENT AGENDA]

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8

Councilmember Gantt requested Consent Items 3 and 4 be removed from the Consent Agenda for further discussion.

9 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**
10 **Zegerman**, to approve the Consent Agenda, with the removal of Consent Items 3 and 4.

11
12
13

VOTE: UNANIMOUS (5-0)

14 **CN1 Agreement - North Carolina Department of Transportation (NCDOT) - EB-6021 Beaver**
15 **Creek Greenway Project - Supplemental Agreement (REF: CONT-2024-035)**

16 Council voted to approve a Supplemental Agreement with North Carolina Department of
17 Transportation (NCDOT) for \$3,442,629 in additional funding for the EB-6021 Beaver Creek
18 Greenway Project and authorize the Interim Town Manager, or their designee, to execute on behalf
19 of the Town.

20 **CN2 Appointments - Board of Adjustment (BOA) - Chair/Vice-Chair**

21 Council voted to confirm the following leadership positions on the Apex Board of Adjustment (BOA)
22 for calendar year 2024:

23 Robert Carmac, Chair of the Apex Board of Adjustment (BOA)

24 Tracy Taylor, Vice-Chair of the Apex Board of Adjustment (BOA)

25 ~~**CN3 Appointments - Planning Board (PB)**~~

26 This item was pulled from the Consent Agenda, per Council vote.

27 ~~**CN4 Appointments - Planning Board (PB) - Chair/Vice Chair**~~

28 This item was pulled from the Consent Agenda, per Council vote.

29 **CN5 Capital Project Ordinance Amendment No. 2024-12 - Middle Creek Greenway and**
30 **Appropriations Capital Project Funds (REF; ORD-2024-013)**

31 Council voted to adopt Capital Project Ordinance Amendment No. 2024-12 to cover additional cost
32 of existing deficit (\$508,500) and an amount equal to 10% of the contract costs, for the construction

of Middle Creek Greenway Phase I and Phase IIB, and to appropriate funds already received in the various Capital Project funds.

CN6 Capital Project Ordinance Amendment No. 2024-13 - Wimberly Road Property Acquisition (REF; ORD-2024-016)

Council voted to adopt Capital Project Ordinance Amendment 2024-13 appropriating recreation reserve funds for the purchase of Wimberly Road Property.

CN7 Construction Contract Award Amendment - Fred Smith Co. - Beaver Creek Greenway Extension Phase I, IA, and II - and, NCDOT Supplemental Agreement EB-6021 (REF: CONT-2024-036 AND CONT-2024-037)

Council voted to approve an amendment to the construction contract awarded with Fred Smith Co., previously approved on August 8, 2023 and September 9, 2023, for the extension of Beaver Creek Greenway Phase 1, 1A, and II and authorize Interim Town Manager, or their designee, to execute on behalf of the Town.

AND

Council voted to approve a Supplemental Agreement with Fred Smith Co. for a memorializing contract amendment, and to sign the recommendation of approval of North Carolina Department of Transportation (NCDOT) EB-6021 Supplemental Agreement No. 1, and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN8 Council Meeting Minutes - February 13, 2024

Council voted to approve Meeting Minutes from the following meeting:
February 13, 2024 - Regular Town Council Minutes

CN9 Encroachment Agreement - 2512 Canarywood Lane Lot 31(REF: CONT-2024-038)

Council voted to approve an Encroachment Agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 2512 Canarywood Lane, Apex, NC 27523, to install a sidewalk that will encroach 8 square feet (SF) and a driveway that will encroach 81 square feet (SF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute the same.

CN10 Encroachment Agreement - 2516 Canarywood Lane Lot 30 (REF: CONT-2024-039)

Council voted to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 2516 Canarywood Lane, Apex, NC 27523, to install a sidewalk that will encroach 11 square feet (SF) and a driveway that will encroach 12 square feet (SF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute the same.

CN11 North Chatham Volunteer Fire Department (VFD) - Annexation Debt One-Time Payment (REF: CONT-2024-040)

Council voted to approve a Voluntary Annexation Agreement (RE: Annexation No. 748 - Apex Gateway Phase II) with North Chatham Volunteer Fire Department and to authorize staff to proceed with payment of \$6,349.45, which is a pro-rata share of the department's debt pursuant to North Carolina General Statute 160A-31.1.

CN12 Reimbursement Resolution (2) - Municipal Building Projects and Parks & Recreation Projects (REF: RES-2024-012 AND RES-2024-013)

Council voted to adopt a Reimbursement Resolution for Municipal Building Projects authorizing a latter issuance of public funding to pay for these prior expenditures.

AND

Council voted to adopt a Reimbursement Resolution for Parks and Recreation Projects authorizing a latter issuance of public funding to pay for these prior expenditures.

CN13 Unified Development Ordinance (UDO) Amendments - January 2024 - Statement and Ordinance (REF: OTHER-2024-035)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 13, 2024.

Councilmember Gantt said he asked for this to be pulled for further discussion, and said he had watched a lot of Planning Board meetings in his time on the Council. He said he sees value in putting new people on the board, and he felt the Mayor's recommendation did not strike the right balance of new ideas versus experience.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore Gray**, to approve Consent Items 3 and 4 as presented.

Councilmember Gantt motioned to amend the motion to remove Tina Sherman and Tim Royal, as they have already served two terms.

Mayor Gilbert said he wanted to point out the process in place, and their colleagues have voted unanimously to have them back on the board. He also expressed concerns about not having the board reflect the demographics of the town.

Councilmember Gantt said it depends on who would be appointed in their place.

Mayor Gilbert said he was not changing his recommendation.

Councilmember Zegerman asked about the impact of striking two names from the appointments.

Town Clerk Coleman said it would remove them from consideration, and send the item back to the Mayor for consideration.

Mayor Gilbert asked Town Attorney Hohe if these names were struck, would he be prohibited from bringing them back at the next meeting.

Town Attorney Hohe said there wouldn't be anything prohibiting that except the same result occurring repeatedly.

Mayor Pro Tempore Gray noted that at the first Planning Board meeting in January, it took 5 hours. He said it was a vital service to the town and a big help to Council. He said it was a blessing to have folks that are willing to continue to serve in this capacity. He said having someone on the board for a third term would be a benefit. He thanked the Planning Board for their service.

Mayor Gilbert agreed, and thanked other boards for their service as well.

Councilmember Mahaffey asked for a point of order, saying Councilmember Gantt's amendment needs a second to be considered.

Councilmember Gantt's amendment to the motion did not receive a second, so his motion failed.

CLERK'S NOTE: The following motion was made previously, but restated below for clarity.

1 A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore**
2 **Gray**, to approve Consent Items 3 and 4 as presented.

3
4 **VOTE: 4-1, with Councilmember Gantt dissenting.**

5
6
7 **[PRESENTATIONS]**

8
9 **PR1 Proclamation - Bleeding Disorders Awareness Month - March 2024 (REF: PRO-2024-**
10 **004)**

11
12 **Mayor Gilbert**, and the rest of Council, read the Bleeding Disorders Awareness Month 2024
13 Proclamation in unity.

14
15 **Charlene Colwell and Karen Davis**, of the Bleeding Disorders Foundation of North
16 Carolina, accepted the proclamation.

17
18 **Ms. Colwell** thanked everyone for being here, and it's important to promote advocacy within
19 their communities. She thanked the Mayor and Council for bringing awareness to Bleeding
20 Disorders. She noted that many people don't know that have a bleeding disorder, and that can be
21 very impactful.

22
23 **PR2 Proclamation - Women's History Month - March 2024 (REF: PRO-2024-005)**

24
25 **Mayor Gilbert**, and the rest of Council, read the Women's History Month 2024 Proclamation
26 in unity.

27
28 Women who have positively impacted the Apex community were recognized and received
29 the proclamation. These women were: Tayon Dancy, Renee Pfeifer, Lisa Esterrich, Angela Reincke,
30 Eraina Ferguson, former Mayor Pro-Tempore Nicole Dozier, and Tina Sherman.

31
32 **Ms. Dancy** commended Apex for recognizing the women who have contributed to Apex.
33 She said they stand on the shoulders of the women who came before them. She said there are so
34 many women that could be recognized and celebrated. She mentioned Councilmember
35 Killingsworth, the only sitting woman on the Apex Town Council, Nicole Dozier, Tina Sherman, and
36 Karen Lee. She wanted to recognize the "unsung hero", the women who aren't mentioned, and
37 those who impact the town in ways that are not always called out. She recognized Betty Prince, the
38 lady who helps maintain the restrooms at the Halle Cultural Arts Center. She recognized Renee
39 Rains, who would have a play about her life at the Halle. She recognized Elizabeth Stitt, who
40 consistently comes to Council meeting to advocate for her community. She recognized Tine Weiss,
41 who brings her son to these meetings to learn about the work that goes on. She invited people to
42 remember the women who picked tobacco in Apex, the Women business owners in the area, and
43 her daughter Jadyah, who just graduated, and who she said would go on to be an advocate for

1 other women. She continued with recognizing women who work tirelessly for their family and
2 community, and called for the town to focus on female equality and inclusion throughout the town.

3
4 **Councilmember Killingsworth** said there was a primary going on, and invited everyone to
5 vote and let their voices be heard.

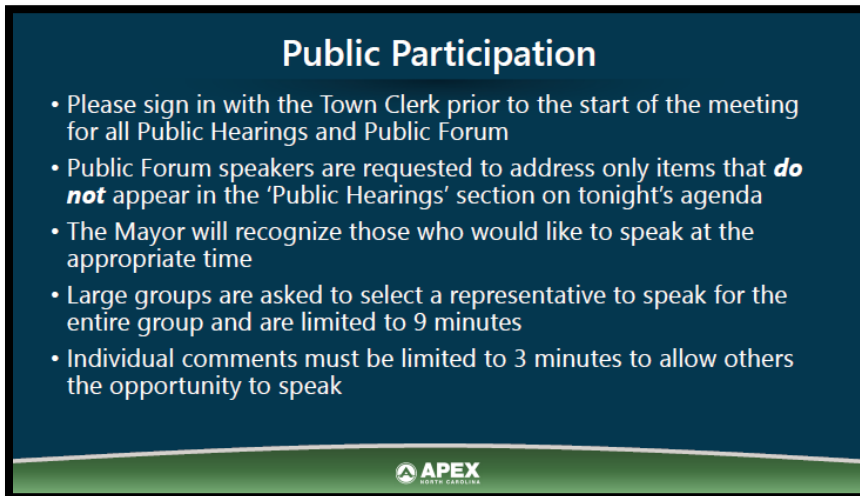
6
7 **[REGULAR MEETING AGENDA]**

8
9 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**,
10 to approve the Regular Meeting Agenda as presented.

11
12 **VOTE: UNANIMOUS (5-0)**

13
14
15 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing sign in sheets, see OTHER-**
16 **2024-036)**

17
18 **[SLIDE 2]**

A presentation slide titled "Public Participation" with a dark blue background and a green footer. The footer contains the Apex North Carolina logo. The slide lists five bullet points: "Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum", "Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's 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 and are limited to 9 minutes", and "Individual comments must be limited to 3 minutes to allow others the opportunity to speak".

Public Participation

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's 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 and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak

APEX
NORTH CAROLINA

19
20
21 First to speak was **Tina Sherman**:

22
23 "First of all, thank you Mayor for the honor, I very much appreciate it. I think you all know my
24 name by now, my name is Tina Sherman, proud resident, a mom of 4, an 18-year-old who is about to
25 graduate, two twins 15-year olds, and a 9-year-old. I'm a wife to this wonderful gentleman here, and
26 on my day job, the day hat I wear is I work in public policy. Specifically, in improving maternal health,
27 and given our disparities, specifically in improving Black maternal health. A few of my recent
28 accomplishments include rights for pregnant and pumping workers in Congress, recently signed
29 into law, celebrating its first year. I also recently spoke before the UN on improving breastfeeding
30 rates in the United States. Believably, the United States has the worst breastfeeding rates in the
31 world. But here in Apex, and why I am here tonight, is that I am an advocate in this community for
32 engagement, and have been for many, many years. I started the Apex Community Forum, many of

1 you all may be familiar with. I am not on Facebook anymore, but I did start it in an effort to inform the
2 community. I worked in partnership with the farmer's market to help secure the town's commitment
3 and partnership with the farmer's market. I pushed the previous Mayor, Mayor Olive to hold a Town
4 Hall, again, all for community engagement. I insisted for the establishment of Peak Academy,
5 alongside our former Town Clerk Donna. I'm very proud to say I was a part of the inaugural class and
6 know that many of you in here have been a part of Peak Academy. I was humbled and honored to
7 receive a Think Apex nomination in 2020, and I serve on a few boards, you may have heard of a few
8 of those. Including the Vision Zero Traffic Study and the Housing Advisory Board. My most proud
9 accomplishments here in the town was working with Mayor Pro-Tem Dozier to ensure that town
10 employees had access to paid leave, so that they could take care of their families when they needed.
11 And you have heard that I was asked to be re-appointed by the Mayor for my third term on the
12 Planning Board. Many of the folks on this Planning Board, again third term, have voted for me
13 before, last year I was nominated as Vice Chair, this year I was nominated unanimously as Chair, and
14 I just wanted to take a moment to play a clip. I'm going to read a few notes for you, because you've
15 heard that my tenure should be done. The previous Planning Board chair said "I know the town is in
16 good hands with you, I know where your heart is, take it easy." One of our members who is sitting on
17 Council, said "watching a Planning Board meeting, I don't have Tina's phone number, but please let
18 her know that I am standing up and applauding her right now." Another thing that I try to do is really
19 connect individuals in the community to governing. It's hard y'all, governing is hard, and
20 understanding the different nuances of governing is hard. So after a very strenuous, long 5-hour
21 meeting, I reached out to all of the Planning Board and staff and said from our conversation last
22 night, it appears that at least one of the neighbors had reached out to the town, and did not receive
23 the information he was asking for. So Dianne Khin, thank you Dianne, expressed we appreciate that
24 you assisted the neighbors in a better understanding of the issues last night. Y'all I have 4 kids. I'm
25 here for all of you, I want to make that clear. Again, I'm going to express my gratitude for the
26 proclamation, but I also want to shed some sunlight on some things that were happening over the
27 last week. There were some rumblings and rumors about what transpired here during the session.
28 The new addition, and the pulling of my name. Councilman Gantt, who you saw pulled, Councilman
29 Mahaffey, and Councilman Zegerman were threatening to pull my name. Which would mean that my
30 name would have been pulled tonight. Mr. Gantt and I have had one-on-one conversations. He
31 doesn't like my style. Some might call that tone policing. In the 20 minutes I was here, I was here with
32 my husband doing a little bit of work, I had several of you come up and express appreciation for my
33 comments on Monday at the last Planning Board Meeting. You're welcome. I will be there for you, as
34 long as that Mayor wants me to be there for you. I want you all to know that Monday after that
35 Planning Board Meeting I had just returned from California where we moved my mother-in-law into
36 assisted living care. It was a several hour meeting, that I was here for all of you, not for me. Mr.
37 Mahaffey and Mr. Zegerman, we had a disagreement during the election. You want to know about
38 that, see me outside of the 4 walls of this building. Because in this building, it's about all of you. It's
39 about governing. It's about ensuring your voice is heard as issues are moving through this town. So
40 how did I leave it? I said, Mr. Mahaffey, Mr. Zegerman, I hope, because there was a chance there was
41 going to be a chance they were sitting right here, and here they are, I hope that you make a choice,
42 I'm asking you that you make a commitment that you will make the choice that I will be working with
43 you. And they assured me that they would. So when I heard that the three of them gathered and
44 were discussing removing me, I was shocked. Because you see politics is politics, but governing is

1 about all of you. This feels a little bit like retaliation. There was no solid reason given. Did you hear a
2 solid reason from Mr. Gantt? It was term, right? They can write that into the UDO. They have the
3 power to change the UDO and write term limits into the UDO. And I am perfectly fine if it is time for
4 me to go, write it in the UDO, I will honor that. If you all decide that you've had enough of me, give
5 me a call, I'll go. There was no discussion with me and the Mayor. Last week these rumblings were
6 the first I had heard of this, there was no discussion about wanting me removed. Mr. Gantt and I have
7 had conversations, he didn't say Ms. Sherman, your time is up. So I want to shed light on this, again
8 I'm deeply appreciative of the recognition this evening, but the reality is there is work to do, so I want
9 to shed light on this process. Y'all I have a proven track record, I pride myself in advocating for the
10 citizens, whether it's developers or the town, and the fact that there's no transparency and trust, the
11 fact that there was no transparency around these actions, is appalling. So, with being unanimously
12 voted, I hope that this will not come again, I hope that if you have any problems or concerns with me,
13 that you will ensure that the residents, with me or anybody, because there was someone else on this
14 slate as well, if there is changes that you would like to make, there is an opportunity in this place. You
15 all have the power, don't go after someone personally. Thank you."

16
17 **Mayor Gilbert** thanked Ms. Sherman for her comments

18
19 Next to speak was **Manzoor Cheema**:

20
21 "Greeting, Apex City Council, thank you very much for giving me this opportunity this evening, my
22 name is Manzoor Cheema of Raleigh, North Carolina. I'm a member of People's Power Lab, and
23 Muslims for Social Justice. I'm here to present Zora Amas who is a resident of Apex, North Carolina
24 for the last 5 years. Sister Zora's son is a victim of injustice. He is incarcerated on allegedly trumped-
25 up charges for decades. She is also a victim of racism, Islamophobia, health disparities, and housing
26 unaffordability. Her son was also tortured in Raleigh prison, which was documented and complained
27 against. They are the victims of extreme racism, which is called Islamophobia, or Anti-Muslim bigotry.
28 Since Israel's war on Gaza, there is a spike, an increase in anti-Muslim bigotry, as well as
29 antisemitism. We are here, our organization, People's Power Lab and Muslims for Social Justice, to
30 demand that Apex should have a human relations commission or defend the human rights of the
31 people. This is beyond the corporate DEI language, it is about human rights of the people. We have
32 people who are discriminated against based on their race, ethnicity, gender, background, and it is
33 related to foreign policy too. When we are dropping bombs on innocent women and children, that
34 racism is going to trickle in our own country. And this is why many cities across the country are
35 establishing human relations commissions, so Apex should establish a human relations commission.
36 I also want to thank Councilmember Killingsworth and Councilmember Zegerman for signing the
37 letter for ceasefire, the city should pass a resolution, this is not a symbolic gesture, it puts pressure
38 on our government to pass a ceasefire. One other particular issue that I also wanted to add is the
39 mental health crisis. Since COVID-19 there is a spike in mental health crisis. There are suicides
40 happening among an increased number of people, and if you happen to be Muslim, or Black, or
41 brown, or poor, then there are even higher rates of mental health crisis. And guess what, when
42 people have a mental health crisis, who comes to protect you? The police. The police is not there to
43 serve people who have mental health crisis. They handcuff people and then they take them to the
44 mental health institute. Many cities across the county have passes non-police crisis response team

1 centers, including Durham and Raleigh, Apex should also have crisis response units so that people
2 are treated with respect and dignity, and this is a city mandate, so we request you work on both of
3 those, human relations commission and non-police crisis response team. Thank you so much.”
4

5 **Mayor Gilbert** thanked Mr. Shima for his comments
6

7 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:
8

9 “Good evening, I would like to tag onto Councilmember Killingsworth’s statement about early
10 voting. The polls are open until 7:30 right across the street, I voted before I came in, so wanted to
11 just add that, because the clock’s right there, you’ve got time to walk across the street. I do want to
12 mention I am a mom of 5 young adults, it’s a blended family. 3 I had the privilege of birthing, 2 I’ve
13 had the privilege of calling my own, they have 3 significant others. I am a mom to 2 horses and 5
14 cows, so when people talk about when we walk in the door, we do carry a lot, and sometimes it is
15 hard to come into this room, because it’s not always the friendliest. And I’ve tried to take the time to
16 introduce myself to people, get to know people, and I know that protocol is you sit back and you
17 listen, you don’t really nod, you really don’t engage, and it’s hard. It’s hard when someone comes in
18 here to say I’m worn out and tired, but I’m going to show up, I’m going to show up with what little I
19 have left to say here are my concerns, and then have it be a monologue, occasionally get a phone
20 call. The Mayor is really good at that. But you know I’m coming up on 2 years of standing up here
21 saying hey here’s what the problems are in our community, and it would be nice that we start
22 figuring out how we have more conversations, so Raleigh just put back in the Citizen Advisory
23 Council, where there are groups that aren’t appointed by any of you, that get to represent their
24 community, and have a say, and be a group that you can come to and talk with, and I think that
25 would be a huge benefit to Apex, because as you are growing into different communities, unless
26 you give us a chance to have a two-way conversation, a lot is left on the table. The other thing that
27 would be incredibly helpful during the public hearings, is we always talk about these projects, about
28 how this is in public interest. And there’s times where I sit in the audience and think well it’s not clear
29 to me, how certain projects are in the public interest. And I’ve asked some questions over the last
30 two years about how do you actually quantify that. And the reality is, you guys don’t. I think it would
31 be very helpful to quantify, this is the tax revenue we’re going to bring in, here are the costs we’re
32 going to incur adding fire, police, all these services, here is the cost for adding more cars to our cars,
33 here’s the cost to losing our trees. You know you do have the Apex tree canopy study that says
34 here’s what the economic value of your trees are. So, thank you for your time, I’ve run out as normal,
35 3 minutes is really hard. Thank you.”
36

37 **Mayor Gilbert** thanked Ms. Stitt for her comments.
38

39 Next to speak was **Julia Owen**:
40

41 “My name is Julia Owen, I’ve been a resident of Apex since 1998. 26 years, a lot has changed, but
42 one thing that hasn’t is our unbreakable goodwill towards all, both here in Apex and abroad. I’m
43 here to speak on behalf of Palestine. In over 140 days, more than 30,000 people are dead in Gaza.
44 Over 13,000 children are forever gone. Remind me who Israel is fighting this war against. 13,000

1 children in 4 months, forever gone. While Americans were distracted with the Super Bowl, Israel
2 aired a commercial and began bombing the last safe zone in Gaza, where nearly 2 million civilians
3 were taking refuge in an area about the size of Sanford. Let's acknowledge the dads, those grieving
4 fathers of those 13,000 dead children, those struggling to locate their dead children under the
5 rubble, bury their dead children in a warzone, struggling to find the necessities of life so the
6 remaining can live as bombs come down all around them. And yes, let's release all of the hostages,
7 including more than 200 children, some under the age of 13 years old, mainly for throwing rocks.
8 13-year-old children arrested by professional military soldiers with machine guns, tried by
9 professional military interrogators, with no parents, no lawyers, no advocates present, and what's
10 worse: those children are the lucky ones. Just last month, Tophik Abdel-Jabbar was murdered by the
11 IDF in the West Bank. He was an American citizen, teenager, killed by the IDF in the West Bank under
12 suspicion of throwing rocks. Not in Gaza, but in the West Bank where there is no Hamas. In what
13 world would any sane individual think that throwing rocks would constitute a death sentence? As a
14 long-standing citizen of Apex, I am demanding that you totally divest from Israel. I am appalled that
15 we spent \$750,000 dollars to support Israel, when those funds are absolutely, direly needed here at
16 home. Stop our complicity in funding genocide. I can't bear the thought of having the blood of
17 30,000 dead civilians, 13,000 of which are children, on my conscience or the conscience of my town.
18 One day, we are going to look back on this moment, and we are going to be appalled that we didn't
19 do more, your children, your grandchildren are going to look back on this moment and be appalled
20 that we didn't do more. I'm joining you to be on the right side of history by joining our sister cities in
21 Carrboro and Durham, and calling for an immediate and permanent ceasefire. Be leaders, show
22 Raleigh that we are better than them. Show them that we are not only the Peak of Good Living for
23 ourselves, but that we are also the Peak of Good Living for more, and that we stand for more. As
24 citizens, we need you to step up and represent what is right. Call for an end to the violence and an
25 end to our complicity in the war machine decimating the Palestinian people. Please vote for a
26 ceasefire, divest from Israel, save Gaza and its children. Free Palestine."

27
28 **Mayor Gilbert** thanked Ms. Owen for her comments.

29
30 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

31
32 "Good evening everyone. I ask tonight that there be follow-ups from the Town Councilmembers to
33 those that speak at this public forum. We, the people, do count. We need to be acknowledged for
34 our concerns, and have a dialogue which results in next steps and actions. To pursue a solution our
35 concerns. Our concerns are not minor, they have a great impact on our daily lives, because a lot of
36 these concerns are projects that are eminent domain, which is taking of our properties. Just because
37 we don't have elected officials representing us, that's the New Hill/Friendship community, it's not an
38 excuse to ignore us. Our community is strongly united. I hold up a petition opposing the partial
39 release of the Little Beaver Creek Conservation Easement. This was signed over by over 65 property
40 owners. While there has been acknowledgement of the Planning Board and Town Council of the
41 Land Use Map change, we still are moving forward with this petition. We know that behind the
42 scenes, there has been a lot done by the government of Apex working on this project and others.
43 And this is the question I bring to you tonight, it's really about the Western Big Branch and Force
44 Main, a similar project, and the question is, how can we be making this forum, open house, these

meetings available to others outside of our community. We're giving them a say about our homesteads. How can we allow people that don't know what a well or septic system even are to have a major say in eminent domain projects? I feel this is discriminatory and irresponsible, and definitely would lead to bias. I believe also that Apex has a desired outcome, and doesn't want to hear other beneficial proposals, and I hope that's not the case. Could you work with us when we reach out to you? It's a monologue here, it's very hard to come up here and not have a dialogue without very serious matters. I provided to Allen, my person email and phone number, and I look forward to talking with you. Please reach out, thank you."

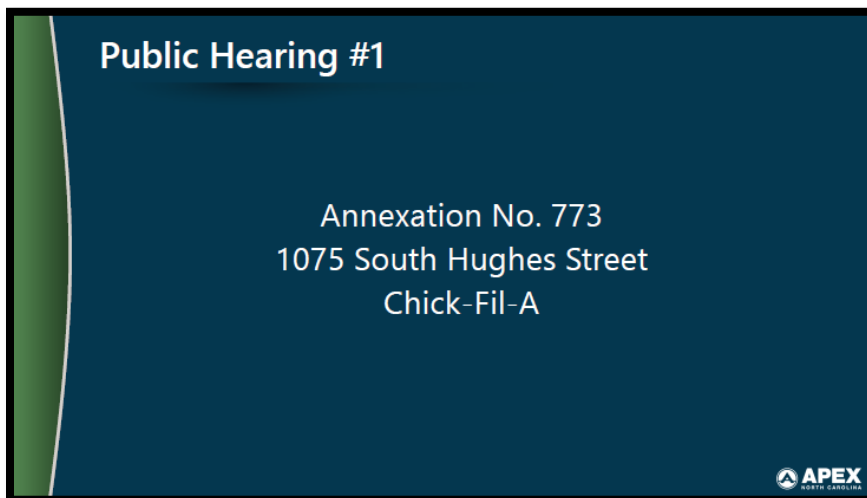
Mayor Gilbert thanked all who spoke at Public Forum. With no further sign ups, he moved the meeting to Public Hearings

[PUBLIC HEARINGS]

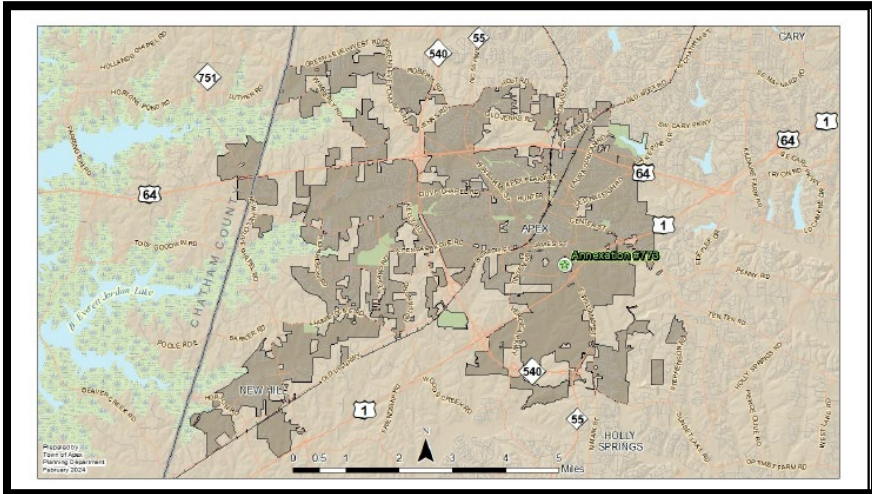
PH1 Annexation No. 773 - 1075 South Hughes Street - Chick-Fil-A - 3.431 acres (REF: ORD-2024-015)

Director Khin gave the following presentation regarding Annexation No. 773 - 1075 S Hughes Street - Chick Fil A - 3.431 Acres.

[SLIDE 3]



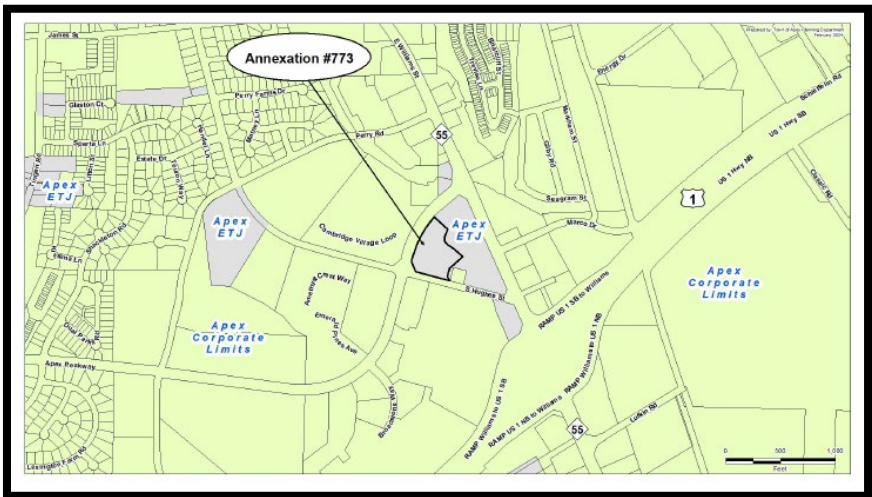
1 [SLIDE 4]



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3 [SLIDE 5]

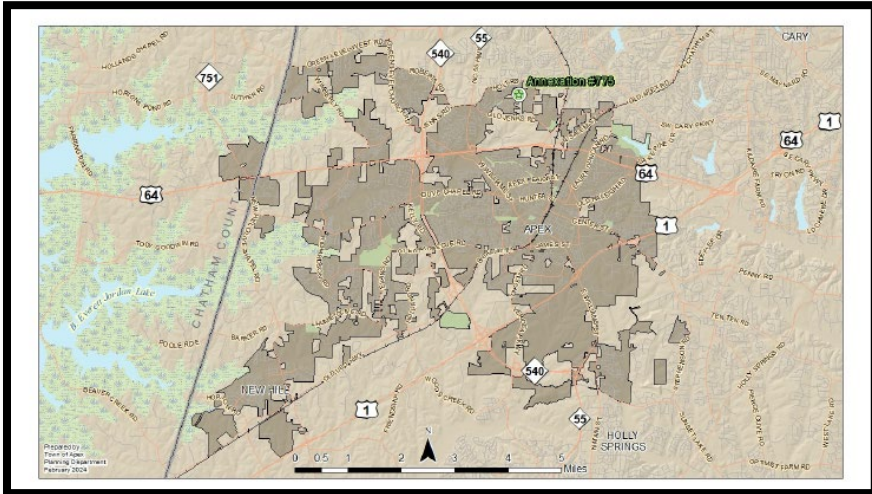


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5 [SLIDE 6]



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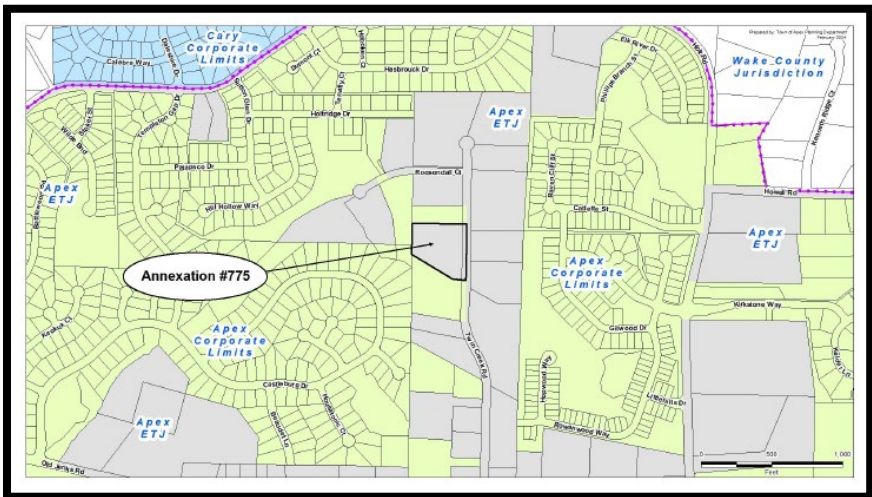
1 [SLIDE 9]



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3 [SLIDE 10]

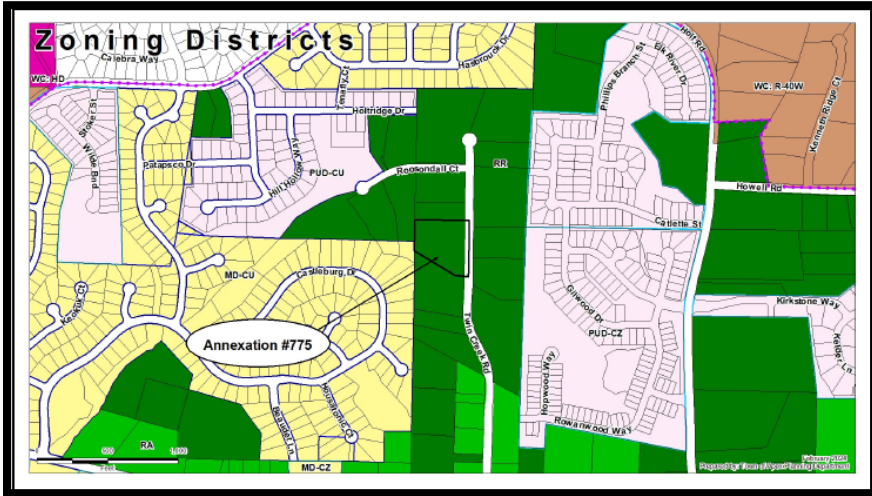


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5 [SLIDE 11]



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1 [SLIDE 12]



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Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

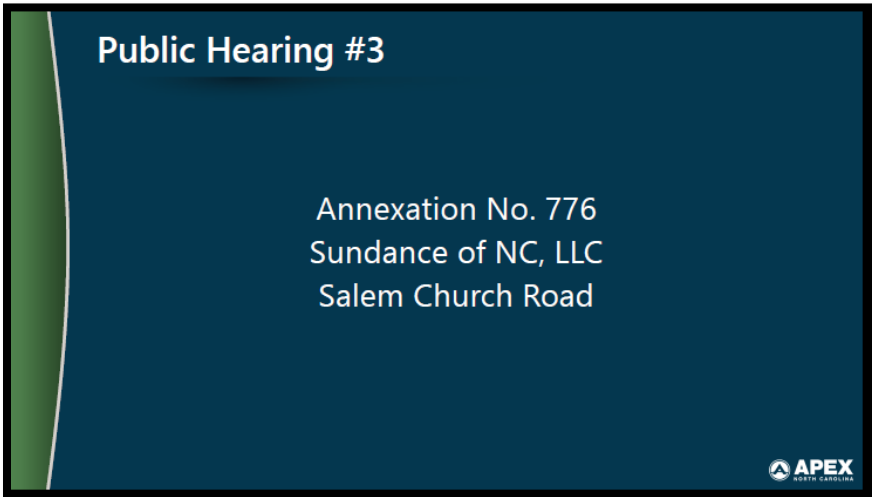
A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore Gray** to approve Annexation No. 775.

VOTE: UNANIMOUS (5-0)

PH3 Annexation No. 776 - Sundance of NC, LLC - Salem Church Road - 2.90 acres (REF: ORD-2024-017)

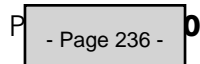
Director Khin gave the following presentation regarding Annexation No. 776 – Sundance of NC, LLC – Salem Church Road.

[SLIDE 13]

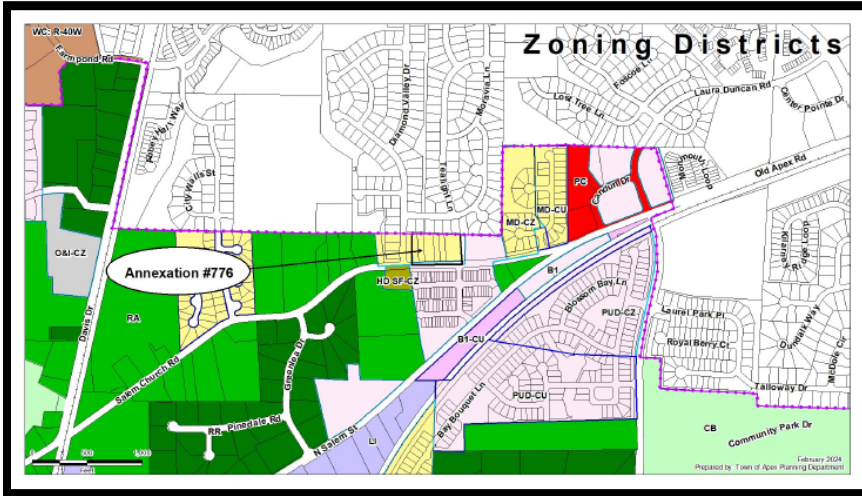


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3 [SLIDE 15]



1 [SLIDE 17]



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4 **Mayor Gilbert** opened up Public Hearing for this item. With no sign ups, he closed Public
5 Hearing and moved discussion back to Council.

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8 A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro Tempore**
9 **Gray**, to approve Annexation No. 776.

10
11

12 **VOTE: UNANIMOUS (5-0)**

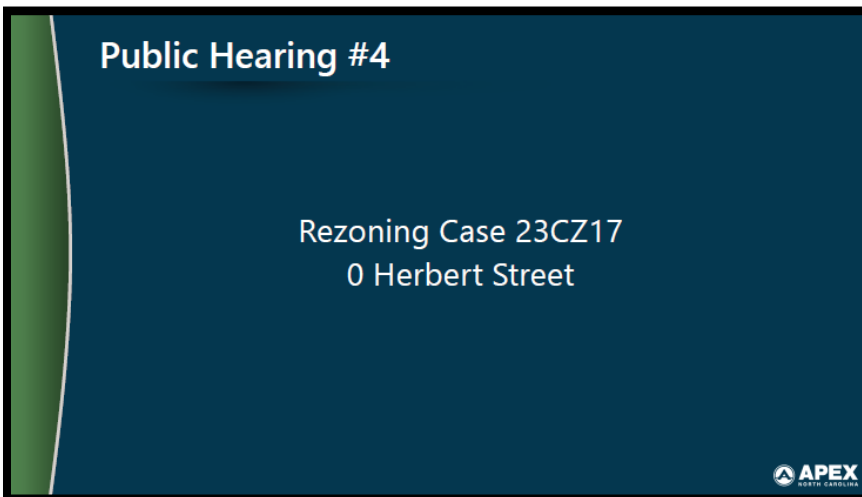
13
14

15 **PH4 Rezoning Case No. 23CZ17 - 0 Herbert Street**

16
17

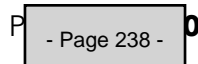
18 **Liz Loftin**, Senior Planner, gave the following presentation regarding Rezoning No. 23CZ17 -
19 0 Herbert Street.

20 [SLIDE 18]



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3 [SLIDE 20]



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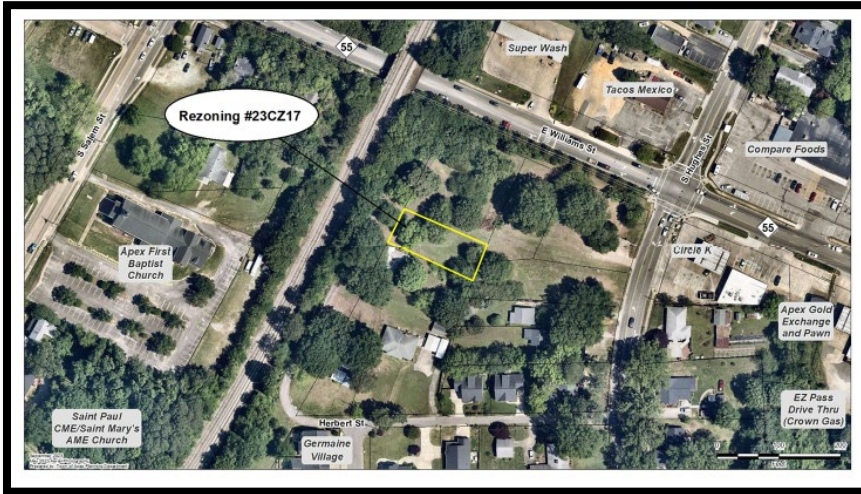
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1 [SLIDE 25]



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4 **Councilmember Zegerman** asked if traffic from Herbert Street was prohibited to access that
5 lot, would it still be allowed for the other lots closer to Williams Street.

6 **Ms. Loftin** said it would only be for the non-residential development.

7 **Councilmember Zegerman** asked if the only access point was the existing driveways off of
8 Hughes Street.

9 **Ms. Loftin** said it is currently the only access to the partial from Herbert Street.

10 **Councilmember Zegerman** asked if the driveway had enough space for a commercial
11 development.

12 **Russell Dalton**, Senior Transportation Engineer, said the town would be okay with a right-in-
13 right-out on Hughes Street, and there had been discussion about a right-in-right-out, or possibly
14 right in only, off of NC 55.

15 **Russell Copersito**, on behalf of the applicant, spoke about how the goal of the property was
16 to match the other parcels the owner has. He said they have met with neighbors to address their
17 concerns, including putting up a privacy fence, and develop the surrounding area.

18 **Councilmember Gantt** asked if there would be pedestrian access from Herbert.

19 **Mr. Copersito** said it wouldn't be walled off, but it would depend on how it was used later in
20 the site plans.

21 **Councilmember Gantt** asked if a sidewalk connection to Herbert would be an option.

22 **Mr. Copersito** said that would depend on the usage in the site plan. He said that isn't
23 something that has been turned down.

24
25 **Mayor Gilbert** opened up Public Hearing for this item. With no sign ups, he closed Public
26 Hearing and moved discussion back to Council.

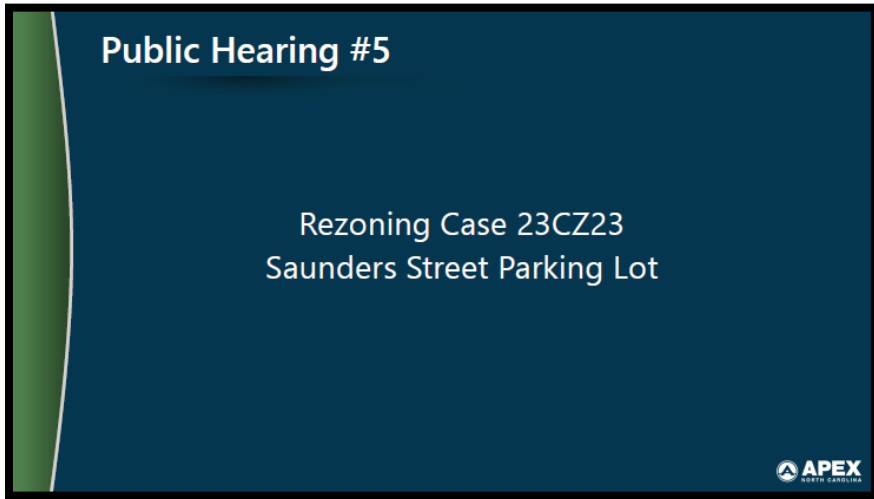
27
28 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
29 **Killingsworth**, to approve Rezoning No. 23CZ17.

30
31 **VOTE: UNANIMOUS (5-0)**
32

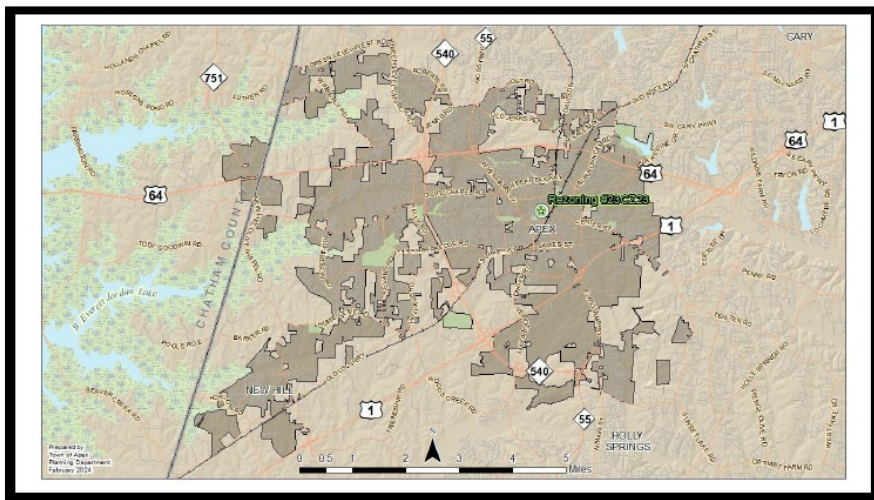
PH5 Rezoning Case No. 23CZ23 - Saunders Street Parking Lot

Ms. Loftin and **Mr. Dalton** gave the following presentation regarding Rezoning No. 23CZ23 - Saunders Street Parking Lot.

[SLIDE 26]



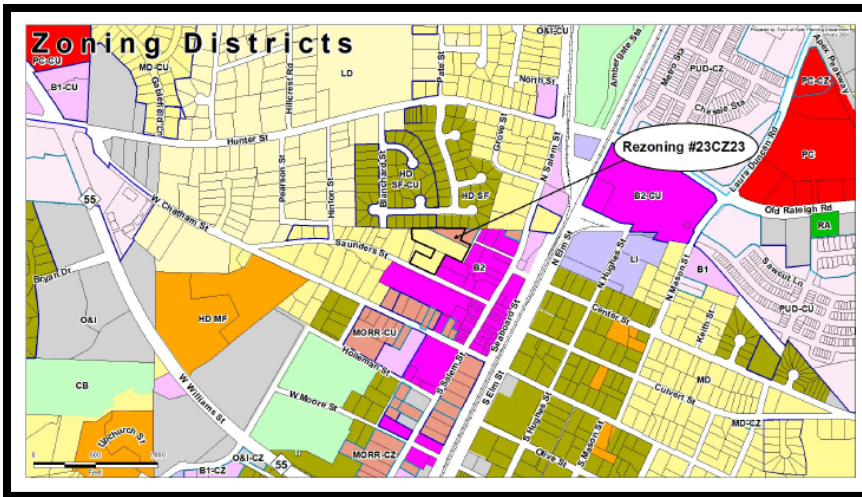
[SLIDE 27]



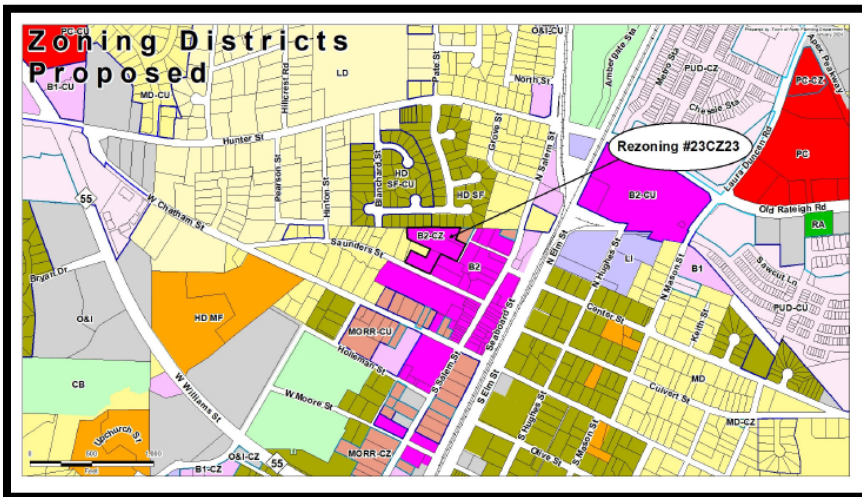
1 [SLIDE 28]



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3 [SLIDE 29]



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5 [SLIDE 30]



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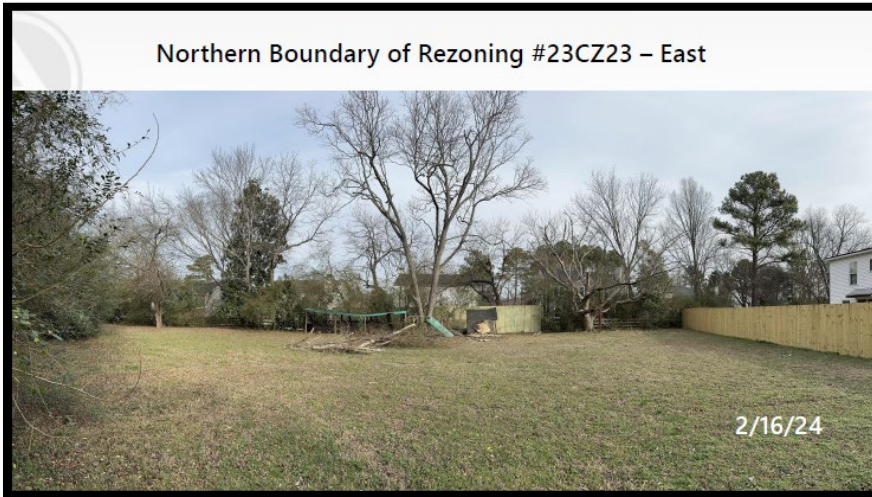
1 [SLIDE 34]



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3 [SLIDE 35]

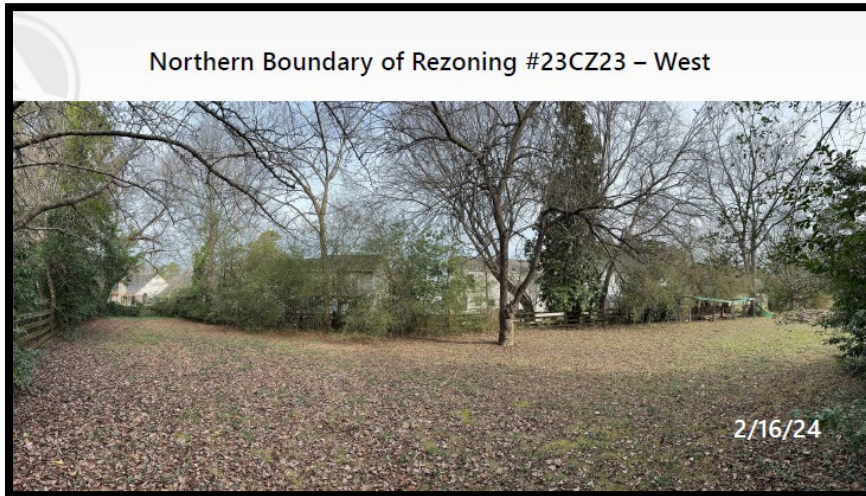


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5 [SLIDE 36]



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1 [SLIDE 37]



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3 [SLIDE 38]

Saunders Street Parking Lot Project Timeline

2019 → **4** Add a net gain of 200 parking spaces within a 5-minute walk, and 100 within a 3-minute walk

- December - Adoption of Downtown Master Plan & Parking Study; Top 10 Projects

2020

- November - Start of *Downtown Design Projects* Final Design Process (Projects 1, 2 & 4)

2021 →

- January - Focus Group Meetings
- March - Public Survey
- May - Public Workshop
- June - Town Council Work Session
- August - Town Council Special Meeting

DOWNTOWN DESIGN PROJECTS

The Town of Apex is working to make the vision of the Downtown Plan a reality! The Downtown Design Projects will result in construction plans for 3 of the top 10 Projects in the Downtown Plan.

ENERGIZE THE ALLEYS

TRANSFORM SALEM STREET

INCREASE PARKING

Learn more and sign up to receive updates!
www.publicinput.com/downtowndesign

Russell M. Dalbey, PE | Traffic Engineering Manager
Russell.Dalbey@apexnc.org | 919.460.3208

4
5 [SLIDE 39]

Saunders Street Parking Lot Project Timeline

2022

- October - Parking Mitigation Survey
- December - Final Design/Right of Way Meetings & Open House

- ✓ Station #1: Sign-in
- ✓ Station #2: Final Downtown Design Projects Exhibits and Visualizations
- ✓ Station #3: Parking Mitigation & GoApex
- ✓ Station #4: Transit Oriented Development Study
- ✓ Station #5: Wayfinding and Pedestrian Projects

Mitigation Strategies Underway

- GoApex Route 1 provides free hourly access to downtown six days per week.
- On-street spaces striped along Chatham Street, Saunders Street, and Center Street.
- Wayfinding signage installation underway – will provide direction to all permanent lots.
- Shared parking discussions with Apex United Methodist Church are ongoing.
- Opportunity to add parking at E Moore Street along the railroad in design.
- Time restrictions for premium spots to encourage turnover are under consideration.

From December 2022 open house at Apex Senior Center

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1 [SLIDE 40]



Saunders Street Parking Lot Project Timeline


2023

- November - 1st Neighborhood Rezoning Meeting for Saunders Lot

2024

- January - 2nd Neighborhood Rezoning Meeting for Saunders Lot
- February - Planning Board Rezoning Hearing for Saunders Lot
- February - Downtown Parking Mitigation Public Meeting
- Now - Town Council Rezoning Hearing for Saunders Lot
- Future - Construct Saunders St Parking Lot Expansion (est. Jun '24 – Feb '25)

2
3 [SLIDE 41]




4 Add a net gain of 200 parking spaces within a 5-minute walk, and 100 within a 3-minute walk

Parking Added & In Progress Since Downtown Master Plan and Parking Study

Location	Anticipated Schedule	# Non-HC Spaces Added (Net +/-)	# HC Spaces Added (Net +/-)
Seaboard Street Parking	Complete	48	0
Moore St Lot	Complete	72	1
West Chatham St marked on-street parking	Complete	31	0
Saunders St marked on-street parking	Complete	13	0
N Salem St, Center St to Hunter St marked on-street parking	Complete	11	0
Center St marked on-street parking	Complete	13	0
Saunders St Parking Lot Expansion Project	2024-25	145	7
Salem Streetscape & Saunders Gathering Space Project	2025-26	-23	-1
Seaboard St Improvements & The Peak Project	2026-27	-16	4
Commerce St Improvements Project	2026-27	0	2
Total to be Added		294	13

4
5 [SLIDE 42]



Construction Phasing & Parking Mitigation

- Saunders Lot parking will expand from 240 spaces to 392. Plans for construction period:
 - Keep 144 of 240 spaces available in Saunders Lot
 - 80 spaces in temporary expansion of gravel lot and phased construction to shift south in phase 2
 - 26 more spaces north of Templeton St and 38 more spaces along the easternmost row from Templeton St to Saunders St until final lift of asphalt
 - Create temporary gravel lot for construction worker parking
 - Weekly construction updates
 - Implement additional downtown parking mitigation plans

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1 **Councilmember Gantt** asked if there has been an estimation of how much additional time
2 the phasing would cause.

3 **Mr. Dalton** said it's a difficult question, he said his consultant estimated 8 months would be a
4 reasonable timeframe, and it may could be shortened if there was no phasing. He said phasing
5 would raise the cost of the bids, but setting too short of a timeframe may exclude some contractors
6 from wanting to bid.

7 **Councilmember Mahaffey** asked what the best way was to incentivize contractors to move
8 quickly. He said a late penalty may incentivize contractors to overestimate how long something
9 would take them on the front end.

10 **Mr. Dalton** said setting a reasonable construction timeframe is the first thing. He said they
11 are going to talk to some contractors about what they think. He said awards can be given to
12 contractors for completing the project ahead of schedule.

13 **Councilmember Gantt** said it seems most projects are behind schedule, though most have
14 reasonable delays. He said if this project is similar it may be 10 or 12 months instead.

15 **Mr. Dalton** said there are many things that can contribute to delay. He said sometimes utility
16 issues that can come up that slow things down, as well as other things.

17 **Mayor Pro Tempore Gray** asked if he could speak about Seaboard Street parking.

18 **Mr. Dalton** said in effect that was parking on private property. He said CSX tolerated that, but
19 they could have not allowed parking there.

20 **Mayor Pro Tempore Gray** asked if we are now in an agreement to maintain that parking
21 now.

22 **Mr. Dalton** said yes, it has been formalized and paved now.

23 **Councilmember Mahaffey** asked about the above-ground retention pond. He said the
24 original plans were underground, and asked about why that changed.

25 **Mr. Dalton** said he would look into that, but cannot provide an answer as he is not an expert
26 on that. He said they are also trying to mitigate runoff from the Williams lot as well.

27
28 **Mayor Gilbert** opened up the Public Hearing for this item.

29
30 First to speak was **Cynthia Mollenkopf** of 221 N Salem Street:

31
32 "I spoke on behalf of many downtown businesses at the Planning Board Meeting, the content of
33 which I sent to you along with the YouTube links. I detailed the destructive impact of having the
34 Saunders Lot under construction during the holiday season, no matter the number of parking
35 mitigation efforts, and then shared some mitigation suggestions. I am hopeful that you all have
36 found time to read it or watch it, so I won't repeat all that now, but I will say that it was a fact-based,
37 logical, and reasonable argument for the January 2025 start date for the construction that I don't
38 believe has swayed some of the member of the Council. So I'd like to add a few comments. Two
39 years ago, one of the public meetings that Russell mentioned, I expressed my concerns to some of
40 the Councilmembers about the expected length of construction time for the lot, and the need to
41 avoid holiday season. That concern has been ignored. Nowhere in the downtown plan does it say
42 sacrifice the future of the current retail businesses and the investments they have already made
43 downtown in the process of implementing this plan. Nor does it say sacrifice the livelihoods of
44 employers, employees, vendors, and landlords to implement this plan. Nor does it say the execution

1 of this plan is more important than the people, and the businesses, and the downtown it is meant to
2 improve. The downtown businesses were not the ones who held up the negotiation to acquire the
3 land. Nor were we the ones who chose not to take advantage of a public-private partnership to build
4 a parking deck. Nor were we the ones who made a deal with one developer at the expense of all the
5 other business owners. So, we shouldn't be the ones to pay the price for the town's delays. No
6 matter when you start construction, our businesses will face financial challenges. But we are willing
7 to do this for the long-term benefit of downtown Apex. But please don't put aside a business over a
8 small delay. There's plenty of things that town staff can be doing the rest of the year and during
9 construction to prepare for and implement other aspects of the plan. I don't want to believe that you
10 don't care about our businesses. So instead, I am left to assume you don't believe there will be a
11 negative impact from the lot construction. If that is the case, then bet on it financially. If you proceed
12 in June, with 8 months of construction in the Saunders lot, commit to the downtown businesses that
13 the town will make up the differences between our 2024 holiday sales, and those of 2023. Or,
14 amend the proposed zoning, to include a start date of January 2025. Thank you."

15
16 Next to speak was **Doug Meckes** of 1765 Town Home Lane:

17
18 "Thank you for the opportunity to speak this evening. I stand before you wearing two hats, the first
19 hat, that of a small business man in Apex since 1977, when I became a partner at the Apex veterinary
20 hospital on E Williams Street. During my 29 years here, my partners and I were privileged to serve
21 this community and surrounding counties to meet the needs of critters large and small. We
22 expanded our veterinary practice into other surrounding communities and at one time had over 75
23 employees. So I stand here knowing full well what is required to meet a payroll, to pay for products
24 and supplies necessary to operate a business, and to provide our services to the public. Even after
25 leaving the practice of veterinary medicine, I remained invested in the Apex business community.
26 Most importantly the Salem Street Corridor at 221-223 N Salem Street. The building which Georgia,
27 my wife, and I co-own with Stewart Jones and other members of Jones-Crossen engineering. In
28 preparing for this meeting I spent some time with tenants of our building and the other small
29 business owners up and down Salem Street. While all concerned look forward to what is likely the
30 first step in addressing parking issues downtown, there is significant concern about the project and
31 how it will unfold, and given my small business experience, I am fully empathetic to their concerns.
32 As I stated in a note to you all last week, Russell Dalton has done work laying out steps to ensure
33 additional parking during construction, and planning for a phased approach to constructing the
34 Saunders Street lot. However, there's considerable angst up and down the street about the timing of
35 the project. The impact and the effective loss of so much available parking during the Christmas
36 season is a great concern to the downtown business community. Now my second hat, that of a
37 former Apex Town Board member from 1995 to 2005, after almost 10 years serving in that role, I
38 stepped down in 2005 to begin a new adventure in Washington, DC. While Georgia and I were
39 excited about our future, we were saddened to leave behind this wonderful community, even
40 though we knew we would return, and we did 9 years later. As I prepared to leave, I submitted a
41 letter to the Apex Herald, no longer in publication obviously, and thanked the community for the
42 privilege to care for their various critters over the years, and the opportunity I'd had to serve on the
43 town Board for those years. I felt the decisions that we made during that time were always in the best
44 interest of Apex. Given that experience, I suggest to the Town Council this evening that it's not in the

1 best interest to begin the South Saunders Street construction this Springs, it's not in the best interest
2 to have empty businesses that fail because there's no access to their businesses over the Christmas
3 holidays, and it's certainly not in the best interest of Apex to be perceived as lacking in support for
4 the downtown business community. It is after all the downtown that contributes mightily to the
5 overall character of this community. Thank you."

6
7 **Mayor Gilbert** thanked Mr. Meckes for his comments.

8
9 Next to speak was **Andrew Werking** of 117 N Salem Street:

10
11 "Good evening, my name is Andrew Werking, my wife Heather and I own Werking Design and
12 Décor, 117 N Salem. As a downtown business owner, my wife and I have an obvious vested interest
13 in the goings on downtown, particularly as it related to commerce, transit, accessibility, and parking.
14 Our interest are Apex's interest. We want and work very hard to realize a downtown that's open for
15 business, offers a healthy mix of retail, restaurants, services businesses, activity venues, and public
16 art. Simply states, we want a vibrant, prosperous, and expanding downtown business district. It has
17 always been, and always will be, the heart of Apex. That said, we are currently deeply concerned.
18 While we commend the town for pushing forward with the downtown plan, it's clear that the current
19 plan to expand the Saunders Lot falls short of meeting the needs of parking in downtown Apex, let
20 alone our parking needs in the future. Over the past months, we have heard countless town staff and
21 countless Town Council members refer to a parking study that's more than 5 years old, and stating
22 that we currently have a parking surplus downtown, and that after completion of the Saunders Lot
23 Project before you tonight, we'll have a parking surplus downtown. Apex has exploded in growth
24 over the past 5 years. 45% based on the town's own numbers from your planning department in
25 terms of vehicles registered in town and the number of people that have come here in the 5 years
26 that have elapsed since the completion of that study. We hear every day, every day from our patrons,
27 the ones that do make it into our shop because they did manage to finds a spot. We hear from them
28 how difficult it is to find a place downtown. Just yesterday morning, just after 11 o'clock, I had to go
29 into the Mule Exchange building to do some business. It took me over 5 minutes riding around, and
30 I finally got a spot in the back edge of the gravel lot in the Saunders lot. On a Monday morning. So, I
31 would invite all of you to think about your experience in trying to go downtown, and trying to find a
32 place to park when you make your decision tonight. Others have mentioned an agreement that
33 recently came to light between certain members of this Council and town staff with the developer of
34 the High Line building, guaranteeing a certain number of spots in the Saunders lot. In light of that,
35 and then in light of the fact that many of you, and many of town staff, while knowing about this
36 agreement, told other small business owners downtown that spots couldn't be allocated for a
37 particular purpose or to a particular business because they belong to the taxpayers of Apex. In light
38 of that, I recommend the town not approve zoning on this lot tonight, such that we may consider a
39 solution that's more appropriate for current and future parking needs, and more fair for the small
40 business owners' downtown that make up the heart of this community. Thank you."

41
42 **Mayor Gilbert** thanked Mr. Werking for his comments.

43
44 Next to speak was **Michelle McHenry** of 1017 Woodbrier Street:

1
2 "Good evening, thank you, I am speaking as a resident of Brittany Trace, and I want to speak
3 specifically to the backyard, we're talking the former Williams property. So I'm not talking about the
4 parking lot in the parking study, but just this residential lot. So, as a resident of Brittany Trace, I
5 respectfully ask the Town Council at this time to not rezone the former Williams property. It is already
6 zoned government service, park active park passive, we ask it not be rezoned to be 2-CZ. We ask the
7 Town Council to separate the Williams property from the present plans from the other parcels, the
8 town can redo the present parking lot without rezoning the former Williams property. In fact, all site
9 plans to redo the present parking lot does not involve the former Williams property at all. The town
10 seeks to gain 152 parking spaces by redoing this present parking lot, the former Williams property
11 does not need to be rezoned to become a parking lot in the future. We were told it would only yield
12 about 30 parking spaces. I respectfully ask when did the town of Apex start buying people's
13 backyards to turn into parking lots? Parking lots with less than 30 parking spaces. Yes, we are only 5
14 or 6 property owners whose backyards will be affected, we are all the people here along that blue
15 line, how would you feel if the town turned your neighbor's backyard into a parking lot? A beautiful,
16 green backyard given up for maybe 30 parking spaces. We ask for this former Williams property to
17 remain park active park passive. It is already zoned, does not require any rezoning. Because it's
18 already rezoned, park active park passive, we ask for any development decision on this property to
19 be some type of park or green space. Apex would greatly benefit from a green space downtown.
20 This former backyard would be a lovely spot for a Rose garden, a sunflower field, a wildflower field, a
21 quiet space, with a walking labyrinth, a meditation spot, a community garden, a place for
22 photographs, or any or all of the above. It would be a nice gesture to make it a memorial to Steven
23 Errol Williams, since it was his former backyard. With all the mental health issues people are
24 experiencing in our day, a quiet downtown green space would be a wonderful addition to our town.
25 A privacy wall that would be built to buffer the Brittany Trace residents could be painted with a
26 lovely, thoughtful mural. The Williams house is the oldest residence in the Town of Apex. It is
27 presently surrounded by parking on three sides. How sad to have it completely surrounded by
28 parking lots. We are asking the former Williams property not to be turned into a parking lot in the
29 future, and at this time we specifically ask for it not to be rezoned. At what time it would be decided
30 to be developed we ask that all mature trees be preserved, we ask for a buffer between the former
31 Williams property and the Brittany Trace residents. We ask for screen plantings between the
32 Williams property and Brittany Trace residents. We ask for more than the 7-foot-tall privacy fence.
33 We are very thankful to the planning board who approved the fence now rather than later. If water
34 and sewer extensions would be necessary to make this former Williams property a park, we accept
35 that. Thank you."

36
37 **Mayor Gilbert** thanked Ms. McHenry for her comments.
38

39 Next to speak was **Jim Bishop** of 219 N Salem Street:
40

41 "Good evening Town Councilmember, my wife and I own Sawdust and Clay downtown, next to
42 Common Grounds, Cynthia pretty much said what I wanted to say, but I just wanted to add
43 something on a personal note. At least 5 times a week, I have customers to say this is a great place to
44 come buy gifts for Christmas. So, if there is limited parking, and they cannot shop in our shop for

1 Christmas time, that's revenue gone. And you guys have the power to help us succeed with many
2 challenges that small businesses face all of the time. Anything you guys can do to help us is so
3 appreciated. Thank you."

4
5 **Mayor Gilbert** thanked Mr. Bishop for his comments.

6
7 Next to speak was **Jack Otepka** of 116 and 118 N Salem Street:

8
9 "Good evening, my name is Jack Otepka, my wife and I own 621 productions at 118 N Salem, and
10 we also now own Alleyway Bookstore at 116 N Salem. Obviously, we are invested in Apex. Here to
11 support my fellow downtown businesses that have spoken, and my wife and I support everything
12 that was written to the Town Council by Cynthia Mollonkopf, it was very well said. We appreciate her
13 for doing that. We would ask for the Council to consider with heavy weight the mitigation measures
14 that the downtown businesses have presented. It's our livelihoods, our businesses, our lives. We're
15 asking that the construction of the Saunders Street lot be started in January 2025 not to interfere
16 with the businesses fourth quarters, the holiday season is everything to all of us, no matter what kind
17 of businesses we have. The opening of the bookstore, many positive social media comments came
18 in, we're very excited to be able to have it downtown, but one comments that did stand out to us in
19 all of the social media comments, a used bookstore back in Apex, that's amazing. Is parking in Apex
20 still a nightmare? True story. I have spoken before to the Council a few times about downtown
21 parking when the issue has arisen. As I have stated here before, my concerns are mostly with the
22 handicapped and the elderly. A lot of my clients are elderly, I just am always worried about what the
23 situation will be for them and the handicapped. So please consider the needs as you decide the final
24 plans, help make Apex more ADA accessible, and thank you all for your time."

25
26 **Mayor Gilbert** thanked Mr. Otepka for his comments.

27
28 Next to speak was **Mikki Kline** of 1013 Woodbriar Street

29
30 "My name is Mikki Kline, and I am a resident of Brittany Trace, and I definitely back everything that
31 Michelle said, I did want to add just a little bit of personal commentary to it, as we have lived in Apex
32 for over 19 years. When we bought our house, behind our house was the cornfields, and were not as
33 long, which Nicholas used to run and play with his dogs on when he was a baby. And we've asked to
34 buy that Williams Street property many times, I've sent letters to them, I've talked to them in the
35 street, and was completely surprised when we found out the town had purchased and wanted to pull
36 it down to put a parking lot. So I just wanted to share what the back of our house means to us. When
37 we looked outside during COVID, my husband and I sat there and we listened to the trees go back
38 and forth and crack, they talked to each other. We'd listen to the hawks as they were going after their
39 prey. We enjoy that beautiful, and I know it's a gravel parking lot now, but there's tons of trees and
40 livelihood back there, so just the thought that that's going to be pulled down to be a 7-foot wood
41 wall just breaks my heart. Even with the gravel parking lot there, we still have a ton of people come
42 in and out of our parking lots all the time. We hear the wheelies in the back of our yard, we hear
43 music playing, we hear car alarms, we hear people hanging out in the middle of the lot in the middle
44 of the night, we have the PigFest that comes in and they park back there for the whole weekend.

1 And none of that deters us, we are excited to live here in Apex, but the idea that at the very back of
2 our property is now going to be a wood fence with cars right there is just heartbreaking, and I would
3 urge Apex Town Council that there are many things that we can do back there, many that Michelle
4 listed off as well, such as our historical area, a garden, etc. So just please think about it being your
5 property, and we want Apex to thrive, but I am sure there are many opportunities we can work
6 together on. So thank you."

7
8 **Mayor Gilbert** thanked Ms. Kline for her comments.
9

10 Next to speak was **Kyle Denis** of 408 Grove Street:
11

12 "Mr. Mayor, Council, my name is Kyle Denis and I live at 408 Grove Street in downtown Apex. I also
13 own Apex Outfitter and Mission Market. I also own Peak City Properties and Investments that
14 manages 225 N Salem Street, which is the Tobacco Mule and Exchange building. Parking in
15 downtown Apex, more parking is great, we all know that. But what Cynthia said tonight, I back 100%.
16 Going into this season, we've waited 5 years for this plan to come out. A lot of us were on this board
17 in 2019, spent 100's of hours of work on this, and now, with very little communication, we're jumping
18 at this. But we're thinking about what are the repercussions. The repercussions are 35% of my
19 business happens in Q4. So I have ordered all of my inventory over a year in advance, I can't go
20 change that, and now Q4, all of a sudden I have to plan for this. I mean, it could be devastating to my
21 business, it could be devastating to most people's businesses, and that's why we're all here. I think
22 waiting until January '25 is not an incredibly insane idea. I'm asking you guys this because it's your
23 responsibility to look out for us, and not town staff. It's us. We elect you guys, and we need you guys
24 to look out for us, who made downtown Apex what it is today. That's all I have to say, thank you."
25

26 **Mayor Gilbert** thanked Mr. Denis for his comments.
27

28 With no further sign ups, **Mayor Gilbert** closed Public Hearing and moved discussion back to
29 Council.
30

31 **Mayor Gilbert** said he really appreciates everyone who came out to speak. He said he hears
32 how this would impact business, and he is concerned. He said this is a big discussion, and he
33 thanked staff for managing all the moving parts. He asked Council for their thoughts on the item.

34 **Councilmember Zegerman** said the intent of the Williams Property was for it not to be
35 paved, and he would be open to an amendment to the motion to exclude the Williams property
36 from the rezoning. He said it gives the necessary zoning that they want for this location already.

37 **Councilmember Mahaffey** said he doesn't think that is possible. He said the process would
38 have to be restarted, there would have to be another neighborhood meeting.

39 **Director Khin** said if the area is being reduced, the process can continue to move forward.
40 She said there would need to be a new ordinance drafted, but it could still be voted on tonight.

41 **Mr. Dalton** said he did include park active, park passive, and government service in the
42 rezoning for all parcels just for flexibility. He said they are currently not working on any plan for the
43 Williams lot at the moment.

1 **Councilmember Mahaffey** they have not discussed paving, but he said some public use in
2 the area had been discussed. He said as of now, nothing is planned for that property. He said he had
3 heard objections to the 7-foot fence, and they could possibly not put that up now, or leave it out of
4 the zoning conditions.

5 **Mr. Dalton** said the current zoning for the property also does not have any buffer or fencing
6 requirements. He said it is up to the town what goes in there or not.

7 **Councilmember Killingsworth** said that knowing that the rezoning does not preclude them
8 from creating a park there, she would like to keep that option open.
9

10 **Councilmember Mahaffey** said they have talked about mitigations for years. He said his
11 recollection was two years ago, a lot of people had reached out to say the project needed to be
12 phased. He said that was always the gold standard to make the plan better, and they listened to that
13 and heard. He said it may not be the best for everyone, but they are committing to keep over 60% of
14 the lot open. He said the other would be offset by the Moore Street lot, and the parking would be
15 temporary so that employees wouldn't park there. He said that's a lot better than the initial plan they
16 had. He said he understands the angst about this, but he is proud of the work that has been done.
17 He said there is still work to be done with the mitigation plan. He said staff will come back with
18 another round of mitigations in April. He urged everyone to see the phasing as a benefit, and
19 understand the town is still working to address the concerns that remain. He asked if anybody had
20 confidence in a government entities construction timeline. He asked that the minutes reflect nobody
21 raised their hand to that question. He said an 8-month project timeline, he hears 12 months from the
22 start. He said every project ends up going beyond the anticipated timeline and he hates it. He said
23 this project seeks to fit an initial 8-month estimation into a 10-month window to ensure it doesn't
24 impact the holiday season. He said they can't exactly choose the start date down to the day, and that
25 there are unknowns. He said history shows timelines change. He said the phasing plan adds
26 consistency. He said a contractor is not going to want to bid for a project now if they wouldn't start
27 until next year. He said if they then bid it in October, the bid may fail. He said he can't predict all of
28 the things out of their control. He said they are going to continue to look for steps to assist in their
29 concerns. He added that there has been discussion about an agreement the town had with a
30 business. He said what they saw had been a letter of intent to discuss an arrangement, and that no
31 agreement had been made. He said it fell through right after that letter was sent. He said the
32 company wanted it to be done for free, but the town said they couldn't do that. He said after that
33 discussion stopped. He said they are there whether there is an arrangement or not, and he said an
34 agreement where the town gets paid may be good. He said there is no parking deck, is because all
35 the deals that have come up are terrible deals. He said they are less parking at a higher cost. He said
36 he would want a parking deck, but he doesn't think the Saunders location is a good place for it. He
37 said he was not willing to put a tall parking deck in downtown, but he does want to explore those in
38 other areas.

39 **Councilmember Zegerman** added that there is no phasing if there was a parking deck, so
40 that would be a much worse solution to the current problem. He said this lot gets more spaces than
41 the decks in Holly Springs and Cary.

42 **Councilmember Mahaffey** said the Holly Springs lot has 300 spots, and the project for the
43 Saunders Lot has 400.

1 **Councilmember Zegerman** said this would be difficult no matter the timing. He said even
2 starting in January, there may not be a guarantee for it not to impact Christmas. He said he
3 understands the angst, but there are too many variables for them to control. He said his
4 recommendation would be to continue moving forward as fast as possible and continue the
5 dialogue to mitigate the issue as much as possible. He said the delay they've had has allowed them
6 to construct more parking in the area to allow more reprieve.

7 **Councilmember Gantt** said he has relentlessly pushed the downtown plan as much as he
8 can. He said he thinks it would take 12 months as well, but he wants this as soon as possible. He said
9 unfortunately, it would be likely impact Christmas no matter what they do.

10 **Mayor Pro Tempore Gray** said they have heard and recognize the concerns about Q4. He
11 said they all recognize the legitimacy of that. He said that concern has led to the phasing aspect of
12 the plan and other aspects of mitigation. He said he knows there are livelihoods depending on this.
13 He said with confidence the nobody on Council wants to see any business in Apex close. He said the
14 idea of a Q4 loss is one of the things that drive their decisions on this. He said this reminds him of the
15 lesson "you have to eat an elephant one bite at a time". He said the business before them tonight is
16 the first step in getting this going. He wanted to recognize that this was a joint effort, such as Apex
17 Baptist allowing people to park there. He said the downtown project is ambitious, and is not small in
18 any way. He said at the end of this, things would be better on the other side. He said they are
19 concerned about the impacts, and Council wants them to thrive. He said they will continue to
20 support downtown business, and be good custodians of taxpayer dollars.

21 **Councilmember Killingsworth** said she echoes the concerns her colleagues have shared.
22 She said the specifics for mitigation would be addressed at a different time, other than at the
23 rezoning tonight.

24
25 A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember**
26 **Gantt**, to Approve Rezoning No. 23CZ23

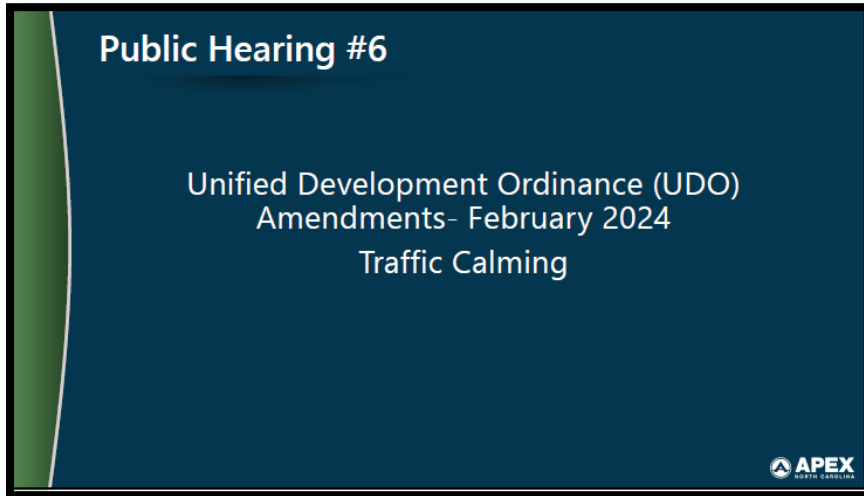
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28 **VOTE: UNANIMOUS (5-0)**

29
30 **Mayor Gilbert** called for a recess at **8:03pm** and to return at **8:15pm**.

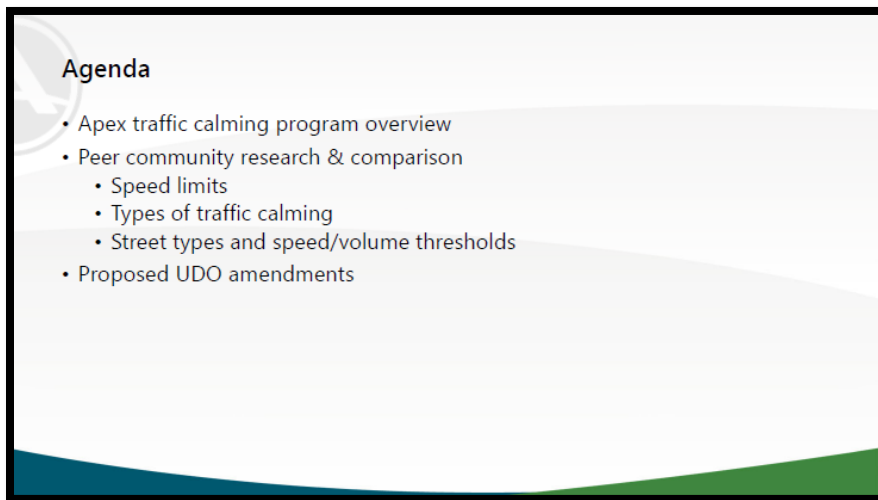
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32
33
34 **PH6 Unified Development Ordinance (UDO) Amendments - February 2024 - Traffic Calming**
35 **(REF: ORD-2024-018)**

36
37 **Sajid Hassan**, Traffic Safety Engineer, gave the following presentation regarding the UDO
38 Amendment of February 2024 for Traffic Calming.

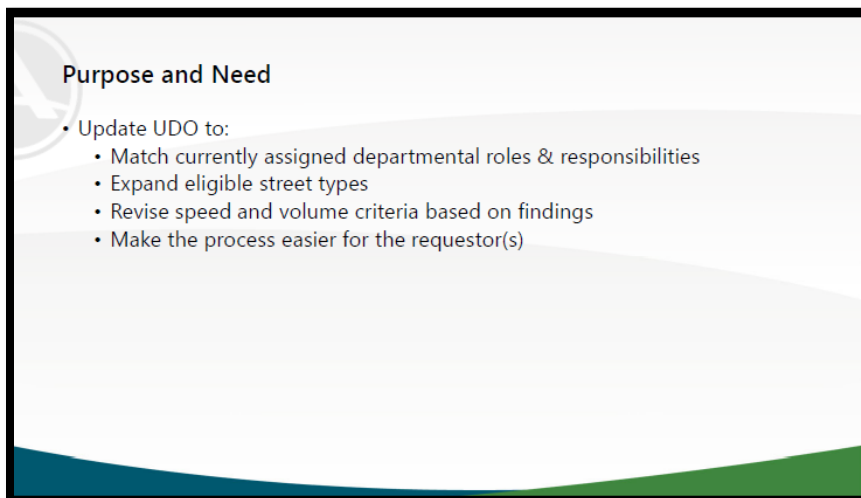
1 [SLIDE 43]



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3 [SLIDE 44]

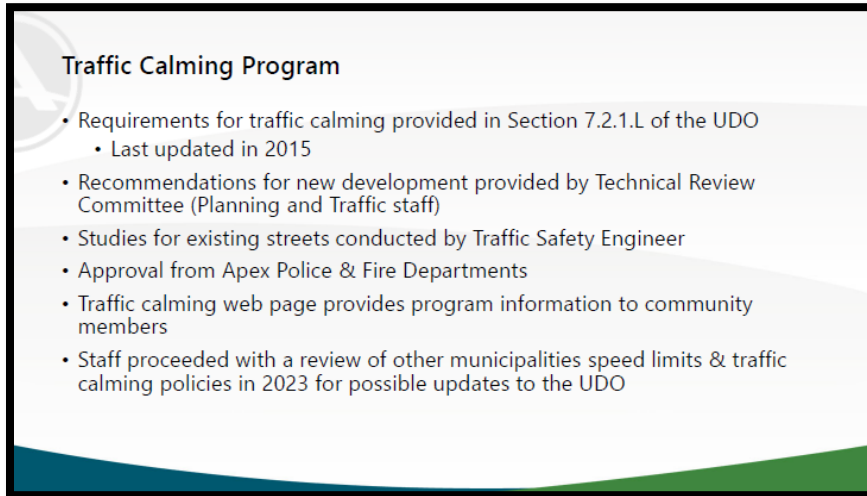


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5 [SLIDE 45]



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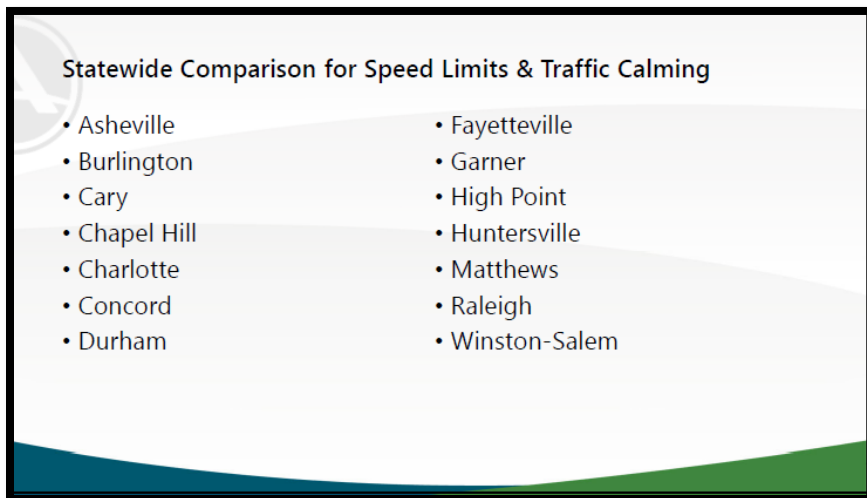
1 [SLIDE 46]



Traffic Calming Program

- Requirements for traffic calming provided in Section 7.2.1.L of the UDO
 - Last updated in 2015
- Recommendations for new development provided by Technical Review Committee (Planning and Traffic staff)
- Studies for existing streets conducted by Traffic Safety Engineer
- Approval from Apex Police & Fire Departments
- Traffic calming web page provides program information to community members
- Staff proceeded with a review of other municipalities speed limits & traffic calming policies in 2023 for possible updates to the UDO

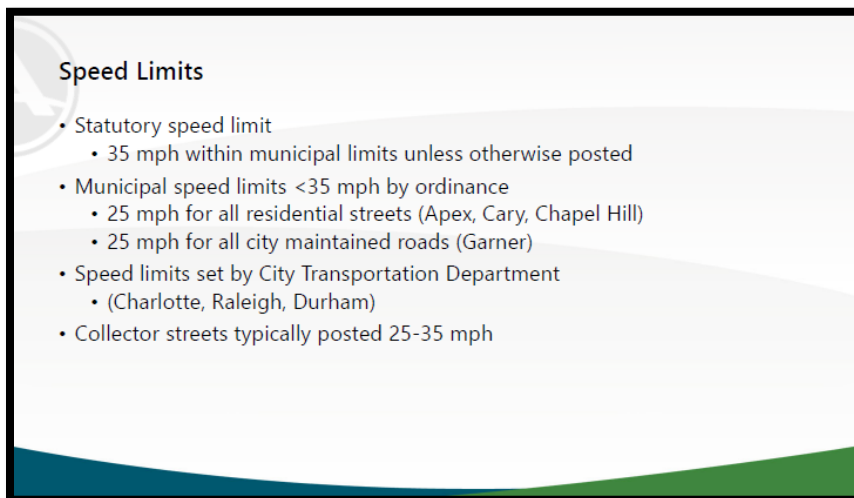
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3 [SLIDE 47]



Statewide Comparison for Speed Limits & Traffic Calming

• Asheville	• Fayetteville
• Burlington	• Garner
• Cary	• High Point
• Chapel Hill	• Huntersville
• Charlotte	• Matthews
• Concord	• Raleigh
• Durham	• Winston-Salem

4
5 [SLIDE 48]



Speed Limits

- Statutory speed limit
 - 35 mph within municipal limits unless otherwise posted
- Municipal speed limits <35 mph by ordinance
 - 25 mph for all residential streets (Apex, Cary, Chapel Hill)
 - 25 mph for all city maintained roads (Garner)
- Speed limits set by City Transportation Department
 - (Charlotte, Raleigh, Durham)
- Collector streets typically posted 25-35 mph

6
7
8

1 [SLIDE 49]

Traffic Calming Measures

Non-deflective

- Speed enforcement equipment (radar signs & speed cameras)
- Warning signs
- Pavement markings/markers
- On-street parking & streetscape



Apex Central Business District

2
3 [SLIDE 50]

Traffic Calming Measures

Vertical deflection

- Speed Humps
- Speed Cushions
- Speed Tables
- Raised Intersections
- Raised Crosswalks
- Rumble Strips



4
5 [SLIDE 51]

Traffic Calming Measures

Horizontal deflection

- Traffic circles / roundabouts
- Curb extensions
- Chicanes
- Lateral shifts
- Bulb-outs
- Neckdowns/chokers
- Realignment of intersections
- Center islands/medians

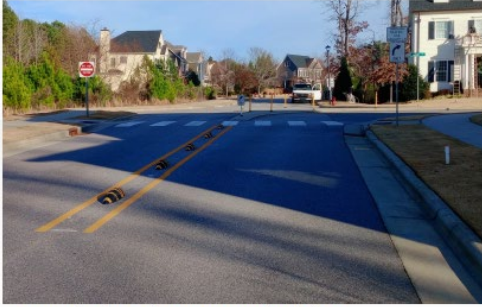


1 [SLIDE 52]

Traffic Calming Measures

Diversions

- Street closures
- Diagonal Diverters
- Turn/entry restrictions



Diverter Island at Timken Forest Dr and Goliath Ln

2
3 [SLIDE 53]



Typical Traffic Calming Application and Requirements

- Residential/neighborhood, local, & minor collector streets
- Adjacent streets may be included for potential traffic shift
- 25-mph maximum speed limit
- Two-lane roads only

4
5 [SLIDE 54]

Traffic Calming Thresholds

- Volume Criteria
 - Most use daily vehicle counts (not hourly counts)
 - Threshold ranges from 0 vehicles minimum to 6,000 vehicles max
- Speed Criteria
 - Most use 85th percentile speed, not average speed
 - 1-10 mph over posted speed limit
- Some municipalities include speed related crash history



Category	Value
Counting Traffic	COUNTS 6
Counting Traffic	COUNTS 0

1 [SLIDE 55]

Speed Limits and Traffic Calming Criteria Comparison						
	Apex current	Cary	Raleigh	Garner	Huntersville	Apex proposed
Residential Street speed limit (MPH)	25	25	25-30	25	20-30	25
Collector Street speed limit (MPH)	25-35	25-35	25-35	25	20-30	25-35
Eligible street type(s)	Residential Streets	25 MPH Local Streets and Collector Streets	Neighborhood Street/Local/ 2-lane Avenue/ Unsubdivided, Multi-family street, Main Street with parallel parking	Local or Minor Collector Residential Street, two-lane only	20-25 MPH Residential Local and Residential Collector (two-lane only)	Residential Streets and Minor Collector Streets (25 MPH)
Speed threshold	Average speed > 30 MPH	85th percentile posted speed	85th percentile exceeds posted speed by 5 MPH or 22 speed-related crashes in 2-year period	85th percentile exceeds posted speed by 9 MPH	85th percentile exceeds posted speed by 5 MPH	85th percentile > 32 MPH
Volume threshold	≥ 100/peak hour	None	500/day < Volume < 5,000/day	600/day (local), 900/day (collector)	None	≥ 800/day
Requires approval by Police and Fire	Yes	Review required	No	Review required	Review required	Yes
Requires HOA Board approval	Yes	No	No	No	Yes	Yes
Requires petition	70% of "affected owners" plus HOA involved if one exists	70% of "Direct Influence Area"	70% of on-street residents with ≥50% responding (<50% would require 60% of subdivision/immediacy residents)	2/3 of property owners in "project area" for physical devices	Petition threshold set by HOA	No petition required with HOA approval; if no HOA, requires 70% of "affected owners"
Requires installation cost-share	20%	25%	No, but allows private funding	No	No	No
Requires cost-share for removal	100% within first 5 years	25%	No	100%	No	No

2
3 [SLIDE 56]

Proposed UDO Amendments

- Current: Data collection assigned to Police
 - Recommended: Change to **Traffic Safety Engineer, Transportation & Infrastructure Development**
- Current: Plan/Recommendations assigned to Transportation Engineer, Construction Management
 - Recommended: **Change to Traffic Safety Engineer, Transportation & Infrastructure Development**
- Current: After Council approval in favor of traffic calming, construction prioritized & scheduled by Director of Construction Management
 - Recommended: **Change to Director of Transportation & Infrastructure Development**

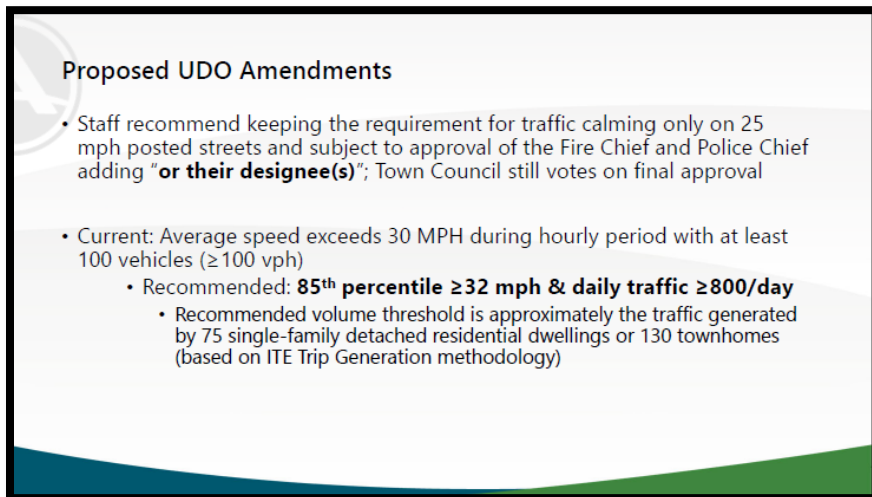
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5 [SLIDE 57]

Proposed UDO Amendments

- Current: Roadway is not a thoroughfare or collector street
 - Recommended: **Allow traffic calming on Minor Collector Streets, 25 MPH posted** (still prohibit on 25-35 MPH Major Collector Streets)
- Current: Speed humps are listed as a potential device for use only in existing neighborhoods
 - Recommended: **Add speed cushions as a possible option for existing neighborhoods and use the term "vertical deflection devices" to refer to such measures, and**
 - Recommended: **Signs, markings, warning devices, educational outreach, and enforcement measures may be recommended but not be subject to the requirements of Section 7.2.1 (L)(3)**

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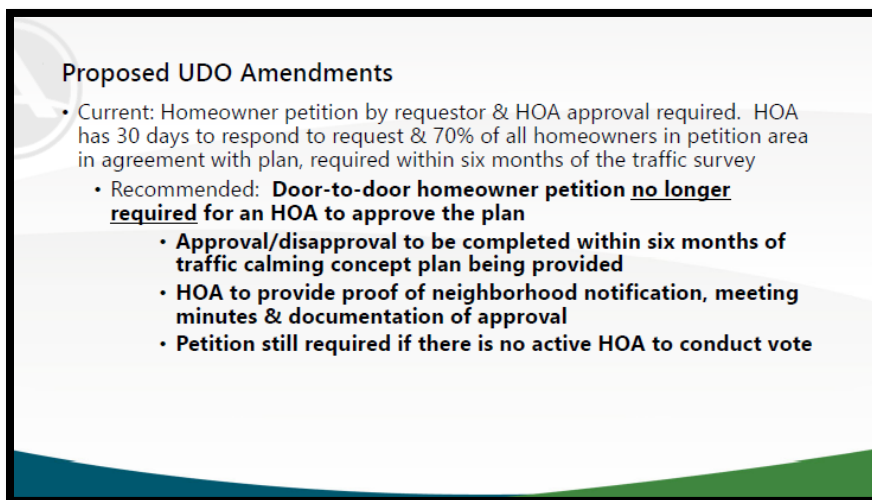
1 [SLIDE 58]



Proposed UDO Amendments

- Staff recommend keeping the requirement for traffic calming only on 25 mph posted streets and subject to approval of the Fire Chief and Police Chief adding "**or their designee(s)**"; Town Council still votes on final approval
- Current: Average speed exceeds 30 MPH during hourly period with at least 100 vehicles (≥ 100 vph)
 - Recommended: **85th percentile ≥ 32 mph & daily traffic ≥ 800 /day**
 - Recommended volume threshold is approximately the traffic generated by 75 single-family detached residential dwellings or 130 townhomes (based on ITE Trip Generation methodology)

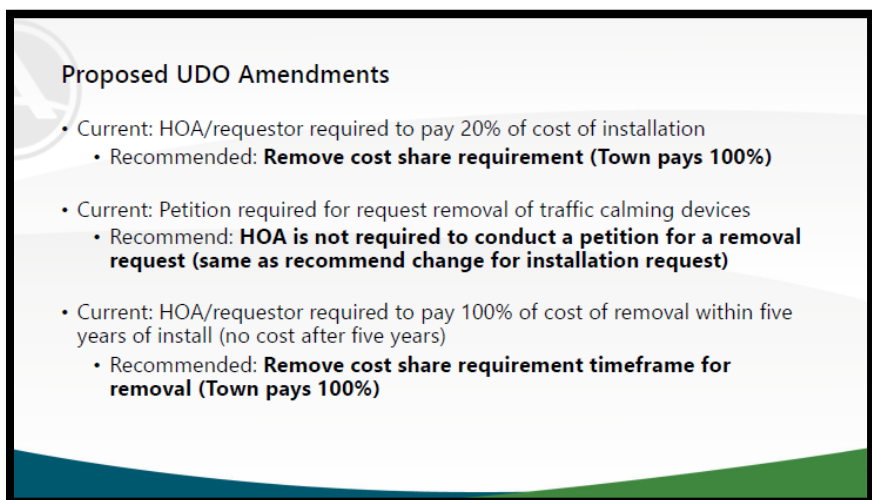
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3 [SLIDE 59]



Proposed UDO Amendments

- Current: Homeowner petition by requestor & HOA approval required. HOA has 30 days to respond to request & 70% of all homeowners in petition area in agreement with plan, required within six months of the traffic survey
 - Recommended: **Door-to-door homeowner petition no longer required for an HOA to approve the plan**
 - Approval/disapproval to be completed within six months of traffic calming concept plan being provided
 - HOA to provide proof of neighborhood notification, meeting minutes & documentation of approval
 - Petition still required if there is no active HOA to conduct vote

4
5 [SLIDE 60]

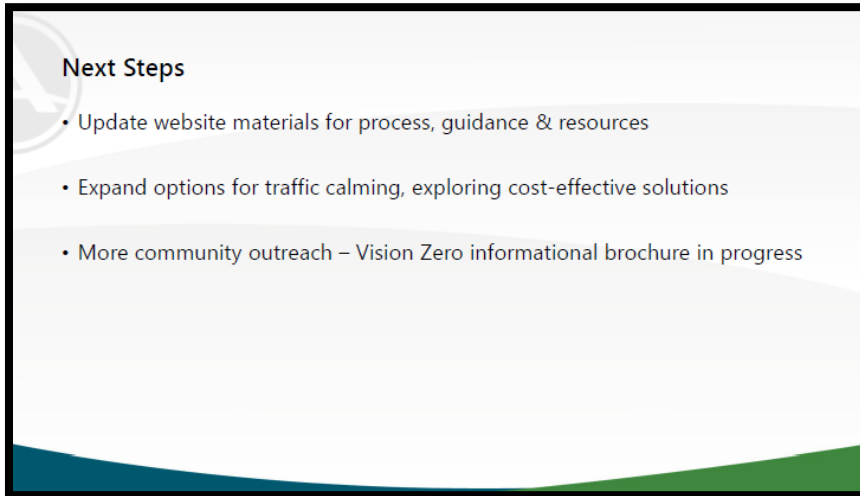


Proposed UDO Amendments

- Current: HOA/requestor required to pay 20% of cost of installation
 - Recommended: **Remove cost share requirement (Town pays 100%)**
- Current: Petition required for request removal of traffic calming devices
 - Recommend: **HOA is not required to conduct a petition for a removal request (same as recommend change for installation request)**
- Current: HOA/requestor required to pay 100% of cost of removal within five years of install (no cost after five years)
 - Recommended: **Remove cost share requirement timeframe for removal (Town pays 100%)**

6
7
8

1 [SLIDE 61]



Next Steps

- Update website materials for process, guidance & resources
- Expand options for traffic calming, exploring cost-effective solutions
- More community outreach – Vision Zero informational brochure in progress

2
3 [SLIDE 62]

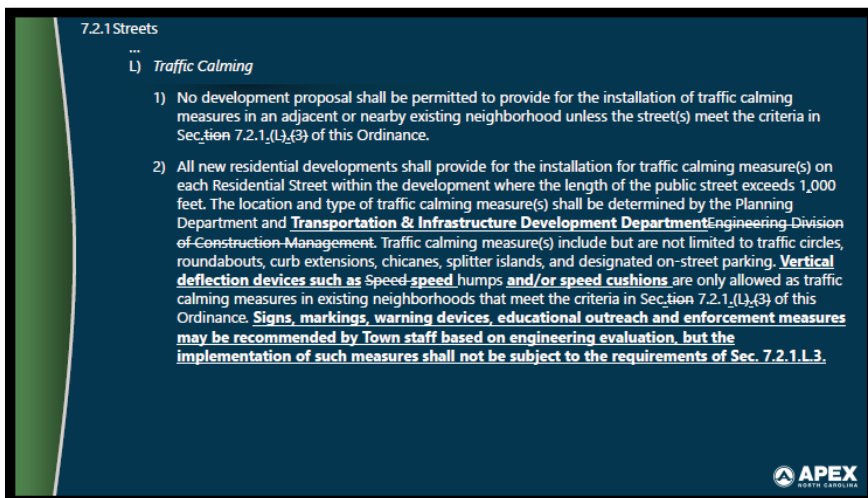


Amendment #1
Requested by Transportation & Infrastructure Development Staff

1. Amendments to Sec. 7.2.1.L *Traffic Calming* in order to update the criteria and process used for warranting and approving traffic calming devices as well as the roles and responsibilities within the Town for collecting traffic data and administering the traffic calming program.




4
5 [SLIDE 63]



7.2.1 Streets

...
L) *Traffic Calming*

- 1) No development proposal shall be permitted to provide for the installation of traffic calming measures in an adjacent or nearby existing neighborhood unless the street(s) meet the criteria in Section 7.2.1.(L)(3) of this Ordinance.
- 2) All new residential developments shall provide for the installation for traffic calming measure(s) on each Residential Street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and **Transportation & Infrastructure Development Department** Engineering Division of Construction Management. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, curb extensions, chicanes, splitter islands, and designated on-street parking. **Vertical deflection devices such as Speed speed humps and/or speed cushions** are only allowed as traffic calming measures in existing neighborhoods that meet the criteria in Section 7.2.1.(L)(3) of this Ordinance. **Signs, markings, warning devices, educational outreach and enforcement measures may be recommended by Town staff based on engineering evaluation, but the implementation of such measures shall not be subject to the requirements of Sec. 7.2.1.L.3.**



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1 [SLIDE 64]

- 3) This section replaces the Town of Apex Traffic Calming Device Policy and Guidelines. The Town may install and maintain traffic calming devices on Town-maintained streets directly serving residential driveways where speeding vehicles are the primary concern. The following procedures are meant to ensure that traffic calming devices are installed and used as intended for the appropriate and consistent treatment on Town-maintained streets and receive the support of the affected neighborhood. Traffic calming devices are limited to vertical and/or horizontal changes in the vehicular travelway that may or may not involve adjustments to existing curb. Stop and yield signs are defined as traffic control devices and are not appropriate for use as traffic calming devices. Stop and yield signs are however subject to engineering evaluation by the Town's Construction Management - Engineering **traffic engineering** staff according to the Manual on Uniform Traffic Control Devices. Traffic calming requests are subject to the following qualifying criteria:
- Streets on which traffic calming devices are requested must be residential and exhibit all of the following characteristics:
 - Posted speed is 25 miles per hour;
 - Roadway is not a **Major** Collector Street or Thoroughfare;
 - The average **85th percentile** speed **meets or exceeds 30-32** miles per hour during ~~any one-hour period in which the~~ **and the** number of vehicles **traveling on the street in a 24-hour period** meets or exceeds **100-800**. The data collected to determine average speed may be based on an average of 100 vehicles per hour or more over multiple days of data; and
 - Installation of traffic calming devices along the street is not anticipated to create unacceptable delays in emergency response times for residences served by the street in the judgment of the Town's Police Chief and Fire Chief **or their designee(s)**.



2
3 [SLIDE 65]

- The request must be initiated, accepted, and supported by the property owners within the affected residential neighborhood:
 - The requesting party must submit a request to the Transportation ~~Traffic Safety~~ **Engineer**. Requests for traffic calming devices at a particular location are limited to one request within a 24-month period. ~~Upon consultation with the Town's Police Department, the Transportation Engineer may request a study be conducted or inform the requesting party that the location is not a candidate for traffic calming measures based on the Town's criteria. If requested, the Town's Police Department will conduct a traffic speed and volume survey and provide the results to the Transportation Engineer who will determine whether all criteria in Section 7.2.1 (L)(3) are satisfied.~~

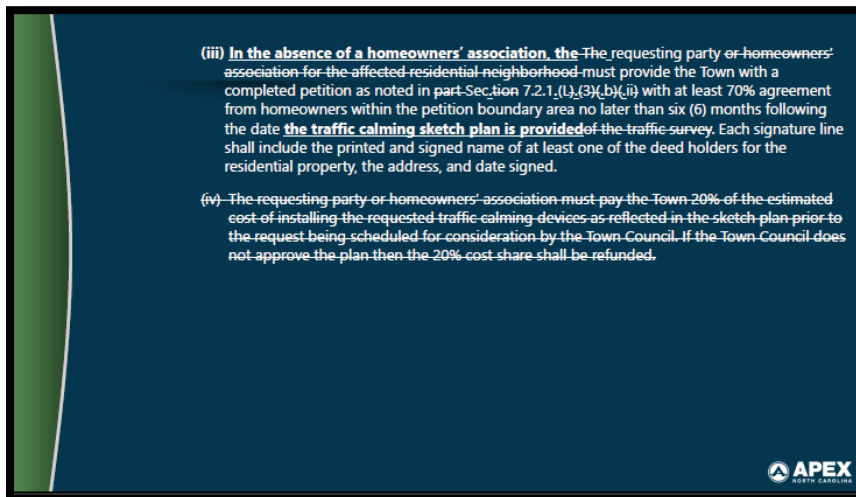


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5 [SLIDE 66]

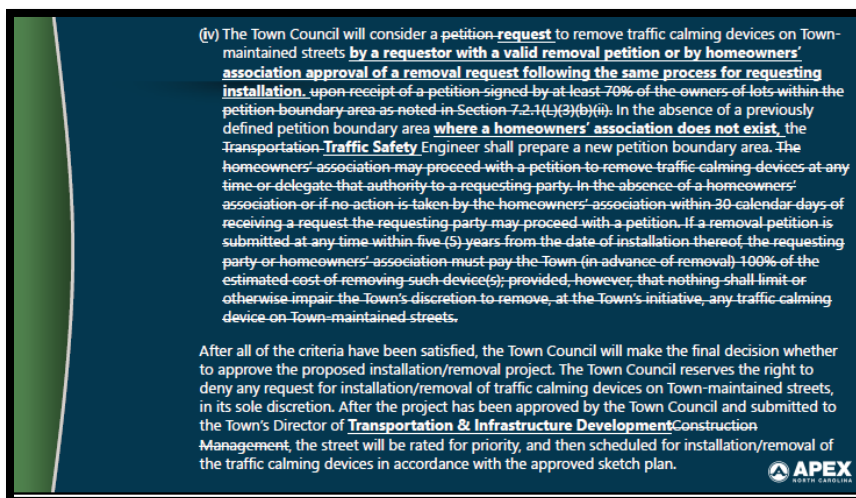
- If all the required criteria in Section 7.2.1.(L)(3) are met, the Transportation ~~Traffic Safety~~ **Engineer** will notify the requesting party and homeowners' association (if one exists), develop a sketch plan reflecting the types and locations of the proposed traffic calming devices, and **only in the absence of a homeowners' association, prepare a petition boundary area**. The petition boundary area shall include at a minimum all lots adjacent to the street within the subdivision where traffic calming devices are proposed along with all cul-de-sac streets and loop streets dependent on that street for connectivity. **Before the Town can proceed with implementation of the traffic calming plan, either the requesting party must return a valid petition in favor of the plan according to Sec. 7.2.1.L.3.b.iii, or** Once the homeowners' association **must provide (1) proof of neighborhood notification, (2) meeting minutes, and (3) documentation of association approval of the plan to the Traffic Safety Engineer within six (6) months**, ~~is provided the sketch plan and petition boundary area, the association shall have 30 calendar days to either vote against the plan in order to end the process or vote to proceed, either with the association voting to administer a petition to the Transportation Engineer or the association delegating that authority to the original requesting party. In either event the association shall notify the Transportation Engineer of the vote. If the homeowners' association takes no action or fails to notify the Transportation Engineer of the outcome of the vote within 30 calendar days of being provided the sketch plan and petition boundary area then the requesting party may proceed with the petition. The requesting party and homeowners' association may provide Town staff with input concerning the desired types and locations of the proposed traffic calming devices, but the final decision as to all elements of the sketch plan (including but not limited to the types and locations of the proposed traffic calming devices) shall be solely within the engineering judgment of Town staff.~~



1 [SLIDE 67]



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3 [SLIDE 68]



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5 **Councilmember Gantt** said he hates vertical traffic calming devices, and asked if the goal
6 was to steer people to the horizontal calming measures.

7 **Mr. Hassan** said they do not allow vertical measurement on new development. He said there
8 are other factors to consider in current developments, and sometimes vertical measures are the only
9 option. He said this can be if the grade of the road is such that it causes people to speed up.

10 **Councilmember Gantt** asked how to deal with neighborhoods who aren't familiar with
11 vertical measures.

12 **Mr. Hassan** said the first step is to work with the Apex PD for enforcement, then look at the
13 other options.

14 **Councilmember Gantt** asked if the other options would take precedent over speed humps
15 after that.

16 **Mr. Dalton** said there a lot things they can do for traffic calming, but they have to be cautious
17 of existing neighborhoods and the cost. He said a mini-circle could be used, but it would be higher
18 cost. He said it is up to the departments to create plans and present them to the HOA for approval.
19 He said there is currently no dedicated budget for traffic calming.

1 **Councilmember Zegerman** asked about the cost sharing component with new
2 development, and if the builder would still be responsible.

3 **Ms. Hassan** said yes.

4 **Councilmember Zegerman** asked if there were major collectors that were at 25 miles an
5 hour.

6 **Mr. Dalton** said there were some, yes.

7 **Councilmember Zegerman** asked if language describing a collector street with a 25 mph or
8 lower speed limit would be better than just minor collectors.

9 **Mr. Dalton** said they could, but the purpose of major collectors was used more for
10 emergency response routes, so they wouldn't want to use traffic calming measures as much in those
11 areas. He said that would be a more in-depth discussion with police and fire on a case-by-case basis.
12 He said major collectors also do not allow residential driveways.

13 **Councilmember Zegerman** asked about the data to determine traffic calming measures.

14 **Mr. Hassan** said if it exceeds 32 mph at the 85th percentile and has more than 800 vehicles
15 per day, than the road would qualify for traffic calming measures.

16 **Mayor Pro Tempore Gray** asked about why the cost is being shifted fully over to the town,
17 and taking the 20% cost share with HOA's away.

18 **Mr. Hassan** said some HOA's are not as well-organized or as well-funded as others, and
19 some neighborhoods do not have HOA's, making a 20% up-front cost share a prohibitive burden.

20 **Councilmember Zegerman** asked who ultimately determines what gets built and where.

21 **Mr. Hassan** said the town is the final arbiter of where calming measures go, and potentially
22 Council if something additional needs to be funded. He said there will be a process and engineering
23 review for everything.

24 **Councilmember Mahaffey** said these are citizen-friendly amendments that make it much
25 easier for people to use these measures.

26
27 **Mayor Gilbert** opened up Public Hearing for this item. With no sign ups, he closed Public
28 Hearing and moved discussion back to Council.

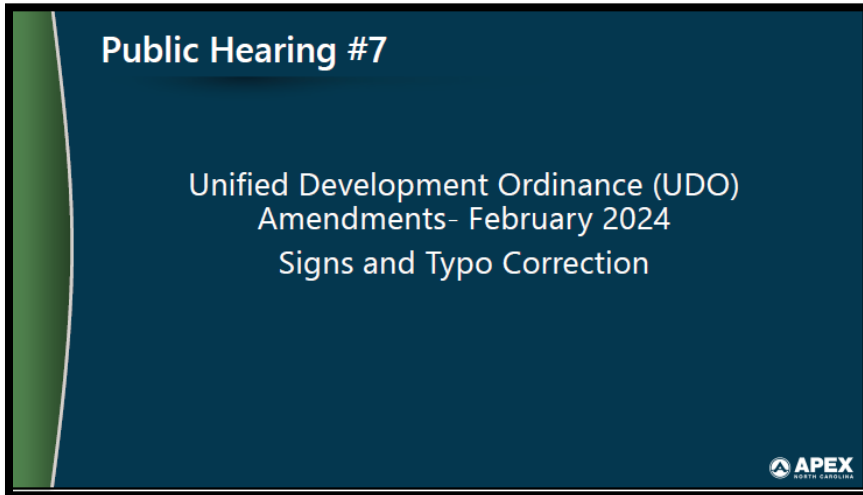
29
30 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**,
31 to approve/deny the Unified Development Ordinance Amendments of February 2024 related to
32 Traffic Calming.

33
34 **VOTE: UNANIMOUS (5-0)**
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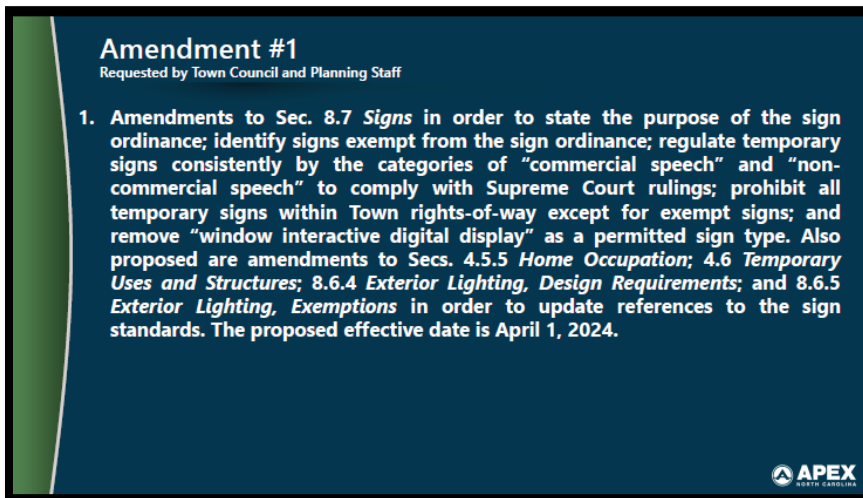
PH7 Unified Development Ordinance (UDO) Amendments - February 2024 - Signs and Typo Correction (REF: ORD-2024-019)

Amanda Bunce, Current Planning Manager, gave the following presentation regarding the UDO Amendments of February 2024 related to Signs and Typo Correction.

[SLIDE 69]



[SLIDE 70]



1 [SLIDE 71]

Regulation of Signs

- Even in a public forum, the government may impose reasonable restrictions on the time, place, or manner of protected speech, provided that the restrictions are justified without reference to the content of the regulated speech, they are narrowly tailored to serve a significant governmental interest, and they leave open ample alternative channels for communication of the information.
 - *Ward v. Rock Against Racism* (SCOTUS 1989).
- Time, place, and manner restrictions are acceptable when they are narrowly tailored to the purposes of the sign ordinance – aesthetics, public safety, effective communication, and economic development

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[SLIDE 72]

Temporary Signs on Private Property

- Commercial temporary signs that are on-premise of the business advertised or doing on-premise work (e.g. construction, real estate sales, etc.) are allowed on private property provided they meet size/height requirements, are limited to a certain number per property, and are limited in time posted. Non-commercial temporary signs on non-residential property will be subject to the same rules. This is a land use/zoning regulation.
- Commercial temporary signs are not allowed off-premise of the business advertised/doing on-premise work on private or public properties. This is a land use/zoning regulation.
- Non-commercial temporary signs on residential properties are exempt from regulation.

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[SLIDE 73]

Non-commercial Message Substitution

- Any sign permitted by these regulations may display or publish a non-commercial message. This includes signs that both require and do not require a permit.

8

1 [SLIDE 74]

Temporary Signs in State Rights-of-Way

- Commercial signs are not allowed in State rights-of-way.
- NCGS 136-32 allows some other types of signage in State rights-of-way (subject to time, place, and manner standards):
 - Farm/agricultural
 - Political
- Enforcement would continue to be in compliance with State law.

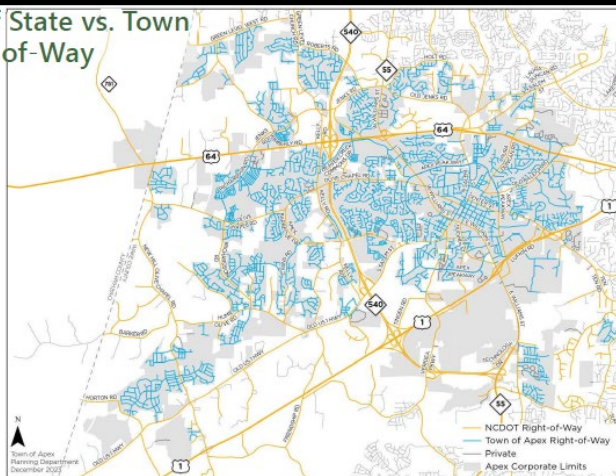
2
3 [SLIDE 75]

Temporary Signs in Town Rights-of-Way

- Commercial signs are not allowed in Town rights-of-way.
- Non-commercial signs are currently allowed in Town rights-of-way provided they are not adjacent to Town property (e.g. parks, Town Hall Campus, etc.)
- Proposal is to continue to prohibit commercial signs, but also no longer allow non-commercial signs in **Town** rights-of-way. Farm/agricultural and political signs are still allowed by State law in **State** rights-of-way and Governmental Signs are still exempt under this proposal.

4
5 [SLIDE 76]

Map of State vs. Town Rights-of-Way



1 [SLIDE 77]

8.7 SIGNS

The purpose of this Section is to accomplish the following objectives:

To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;

To minimize distractions and visual obstructions that contribute to traffic hazards and endanger public safety;

To allow for adequate and effective communication while preventing visual clutter; and

To ensure a high standard for the design and size of signs so that they enhance the aesthetic appearance and attractiveness of the community, and create an aesthetic environment that has a positive impact on economic development.

8.7.1 Permitted Signs: Location, Size, and Number

All signs are subject to Sec. 8.7.9 Definitions, and Article 12: Definitions, and Sec. 8.7.2 through 8.7.6. The sections listed specifically in Sec. 8.7.1 have been included for emphasis and user convenience and shall not be construed to exclude other sections of the Ordinance. **Any sign permitted by these regulations may display or publish a non-commercial message. This includes both signs that require and do not require a permit. Exemptions from Sec. 8.7.1 are found in subsection 8.7.1.C.**



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3 [SLIDE 78]

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination
Permanent Sign Types						
1 Awning	8.7.1.A.1	X	P	P	P	Yes
2 Reserved Home Occupation	8.7.1.A.2	P	X	X	X	No
3 Building Marker	8.7.1.A.3	V	V	V	V	Yes
4 Civic Club-Non-profit (Off-Premise) Reserved	8.7.1.A.4	X	P	P	P	No
5 Window	8.7.1.A.3 & 8.6	X	V	V	V	Yes
6 Window-Interactive Digital-Display	8.7.1.A.4	X	P	P	P	Yes



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5 [SLIDE 79]

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination
Temporary Sign Types						
1 On-premise, Non-commercial Temporary Signs	8.7.1.B.1	X	V	V	V	No
20 Construction Sites/Developments	8.7.1.A.20 & 8.2	X	P	P	P	No
--- Non-residential	8.7.1.A.20 & 8.2	P	X	X	X	No
--- Residential	8.7.1.A.20 & 8.2	V	V	V	V	No
21 Contractor	8.7.1.A.21	V	V	V	V	No
Events						
--- For-profit	8.7.1.A.22	X	P	P	P	No
--- Non-profit	8.7.1.A.23	P	P	P	P	No
--- Public	8.7.1.A.24	V	V	V	V	No
22 Event, commercial	8.7.1.B.2	X	V	V	V	No
23 Event, non-commercial	8.7.1.B.3	X	V	V	V	No
24 Moving Signs/Signage	8.7.1.A.25	X	P	P	P	No
25 Holiday	8.7.1.A.26	V	V	V	V	Yes
26 Political	8.7.1.A.27	V	V	V	V	No
27 Public Notice	8.7.1.A.28	V	V	V	V	No
28 Real Estate	8.7.1.A.29	V	V	V	V	No
29 Seasonal Outdoor Sales	8.7.1.A.30 & 8.5	P	P	P	P	Yes
30 Window	8.7.1.A.31 & 8.6	X	V	V	V	No
31 Yard-Sale	8.7.1.A.32	V	V	V	V	No
32 Sandwich Board Sign	8.7.1.B.7	X	V	X	V	No

Prohibited

See Sec. 8.7.3 Prohibited Signs

Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential Retail and Downtown Festival District

See Sec. 8.7.2 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail, and Downtown Festival District

Planned Developments PUD-CZ, TND-CZ, MIC-CZ (except those governed by Sec. 8.7.2)

See Sec. 8.7.3

Sign Design and Color

Subject to Sec. 8.7.4.C Uniform Color Scheme, 8.6 Exterior Lighting, and 8.7.6.B Sign Illumination.



1
2 [SLIDE 80]


A) —Conditions-Permanent Sign Types

Permanent signs are allowed as follows:

...

2) **Reserved-Home Occupation Signs**
Signs advertising home occupations shall be permitted where a home occupation has been approved per Sec. 4.5.5 Home Occupation. Home Occupation signs shall be permitted as follows:

- a) A Home Occupation sign permit is required and shall be obtained from the Planning Department;
- b) In addition to meeting the requirements of Sec. 8.7.4 Sign Design and Color, plastic and/or acrylic sign faces are prohibited;
- c) A sign is permitted on the home where a Home Occupation has been approved, provided:
 - (i) The sign shall be no larger than 12 inches by 12 inches;
 - (ii) The sign shall be placed no higher than six (6) feet at the front door; and
 - (iii) The sign shall not be internally lit; external lighting shall be limited to traditional residential lighting fixtures.
- d) Where a home occupation exists on a lot with a minimum of 300 feet of linear road frontage, one (1) permanent sign may be placed in the front yard, provided:
 - (i) The sign shall be no larger than 18 inches by 24 inches;
 - (ii) The maximum height of the sign shall be four (4) feet;
 - (iii) The sign shall not be internally lit;
 - (iv) The sign shall not be located in the right-of-way and shall be located so that it does not obscure sight at driveway sight triangles.



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4 [SLIDE 81]


...

4) **Civic Club-Non-Profit (Off-Premise) Reserved**
A sign (emblem or insignia) advertising for a non-profit organization (charitable, civic, fraternal, patriotic, religious, or similar organization) and meets the conditions below

The emblem or insignia shall be allowed provided that:

- a) Limited to three (3) signs per organization.
- b) Located a minimum of 15 feet from any public right-of-way.
- c) A maximum of two (2) square feet in size and a maximum of four (4) feet in height.
- d) Not displayed in connection with a commercial promotion or as an advertising device.
- e) Shall obtain property owner permission through a letter.

...




5
6 [SLIDE 82]

B) Temporary Sign Types

Temporary signs are allowed as follows provided that no temporary signs are permitted within Town rights-of-way abutting Town-owned property with the exception of banners that hang above the street which are in accordance with Sec. 8.7:

1) **On-premise, Non-commercial Temporary Signs**
A temporary sign with a non-commercial message that is not associated with an event nor located on residential property shall be allowed as follows:

- a) Only one (1) sign shall be permitted on-site.
- b) Such sign shall not exceed 16 square feet and four (4) feet in height if freestanding or 32 square feet if affixed to the building.
- c) The permit for such sign shall be limited to 60 days each.
- d) Such sign shall be located on private property. Written permission from the property owner shall be obtained.



1
2 [SLIDE 83]

~~20) 2)~~ **Construction Sites/Development**
An on-site/premise temporary sign erected during the active construction of a development project that meets the conditions below:

- a) ~~Non-Residential or Mixed-Use (including both non-residential and residential uses) Construction/Development signs shall be allowed provided that:~~
 - (i) ~~One (1) sign is allowed per major/full-service vehicular entrance. If there is no full-service vehicular entrance, then such sign may be located at one (1) limited-service vehicular entrance.~~
 - (ii) ~~No such temporary signs shall not exceed 64/32 square feet or a maximum height of five (5) feet.~~
 - (iii) ~~Permits for such temporary signs shall be limited to six (6) months with renewable option upon written request for an additional six (6) month period.~~
 - (iv) ~~Construction Plan approval is required prior to approval of the sign permitting.~~
 - (v) ~~Sign shall be removed prior to approval of the Certificate of Occupancy for the final building in a non-residential, multi-family, or mixed-use development and no later than the time at which 100% of the properties within a residential subdivision have initially been sold to a private owner or initially leased to the first resident.~~
- b) ~~Residential Construction/Development signs shall be allowed provided that:~~
 - (i) ~~A maximum of one (1) such sign per development at a residential development entrance shall be permitted.~~
 - (ii) ~~Such sign shall not exceed 32 square feet and five (5) feet in height.~~
 - (iii) ~~Construction Plan approval is required prior to sign permitting.~~
 - (iv) ~~The sign shall be removed no later than the time at which 100% of the properties within the residential development have initially been sold to a builder or private owner.~~

APEX
NORTH CAROLINA

3
4 [SLIDE 84]

~~21) Contractor~~
An on-site temporary sign identifying the name of the contractor performing a service such as but not limited to painters, building contractor, roof cleaning, landscaper, and meets the conditions below:

- a) ~~Contractor sign shall be allowed provided that:~~
- b) ~~Contractor signs shall be no larger than five (5) square feet and four (4) feet tall.~~
- c) ~~One (1) sign per a contractor per a site shall be allowed.~~
- d) ~~Such sign may be displayed during the time and on-site that the service is being performed.~~



Figure 8.7.1A.21: This contractor sign is of appropriate size.

APEX
NORTH CAROLINA

5
6 [SLIDE 85]

~~22) 3)~~ **Event, for-profit commercial**
Temporary on-premise signs for erected during commercial events shall be allowed provided that:

- a) ~~Only one (1) No more than three (3) signs advertising promotional or other commercial events or fairs, carnivals, horse shows, and similar events shall be permitted on-site.~~
- b) ~~The combined sign area for the number of signs permitted Such sign shall not exceed 16 square feet and four (4) feet in height if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.~~
- c) ~~The effective date for a Ppermits for such temporary sign(s) shall be limited to no not be sooner than one/two (2) weeks prior to the commencement of the event. Such sign(s) and shall be removed no later than two (2) days after the end of the event.~~
- d) See Sec. 4.6 Temporary Uses and Structures.




Figure 8.7.1A.22: This on-premise sign meets size requirements.

APEX
NORTH CAROLINA

1
2 [SLIDE 86]

23) 4) *Event, non-profit non-commercial (on-premise and off-premise)*

a) *On-premise*
Temporary, on-premise signs for erected during non-profit-commercial events shall be allowed provided that:

(i)a) Signs advertising non-profit events shall be limited to No more than three (3) signs per lot for such event shall be permitted on-site.

b) The combined sign area for the number of signs permitted and individually or cumulatively shall not exceed 32 square feet and five (5) feet in height, 16 square feet if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.


(i)c) Such signs shall be permitted no sooner than one week prior to the commencement of the event. Such sign(s) shall not be sooner than two (2) weeks prior to the commencement of the event. Such sign(s) and shall be removed no later than two (2) days after the end of the event.

(iii) If the sign display area is permanent but the message displayed is subject to periodic changes, then the sign shall be regarded as permanent.

(iv)d) Signs shall be non-illuminated only.

(v)e) The One (1) structure holding the banners/sign, such as a banner, may remain between events and shall not be used to display banners or signs between events and shall not exceed a maximum of five (5) feet in height.

(vi)f) See Sec. 4.6 Temporary Uses and Structures.



3
4 [SLIDE 87]


b) *Off premise*
Temporary off-premise signs for non-profit events shall be allowed provided that:

(i) Signs advertising fund raisers, school events, fairs, revivals and other similar events shall be limited to 30 signs event and each shall not exceed five (5) square feet in size and four (4) feet in height.

(ii) Such signs shall be permitted no sooner than one week prior to the commencement of the event and shall be removed no later than two (2) days after the end of the event.

(iii) Written permission from the property owner shall be obtained.

(iv) See Sec. 4.6 Temporary Uses and Structures.



5
6 [SLIDE 88]

24) *Event public (on-premise and off-premise)*
Public event signs or banners shall be allowed provided that:

a) Such signs or banners shall be permitted only for public events proclaimed by the Town Council.

b) Such signs may be located in the public right-of-way but outside of the sight triangles.

c) Such signs shall be removed within 48 hours after the end of the event.


25) *Coming Soon/Grand Opening/Closing*
A sign advertising the permitted during the initial opening or closing of a business and meets the conditions below:


Coming Soon/Grand Opening/Closing signs shall be allowed provided that:

a) Such signs shall be attached to the building wall.

b) The total signage shall not exceed 32 square feet.

c) Permits for such temporary signs shall be limited to 60 days each.





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2 [SLIDE 89]

26) *Holiday*
Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no commercial message and meets the conditions below

Holiday displays as a part of customary holiday decorations shall be allowed provided that:

- a) No temporary signs, banners, lighting, or displays shall be on display for more than 60 days.
- b) Such signs shall display no commercial message.




Figure 8.7.1A.26: Customary holiday display

APEX
NORTH CAROLINA

3
4 [SLIDE 90]

27) *Political*
A temporary sign of a candidate, party, or group supporting the candidacy of an individual for office or expressing or soliciting public support of, or opposition to, any public issues and meets the conditions below

Political signs shall be allowed provided that:

- a) Such sign(s) may be placed within Town of Apex public street rights-of-way during the period 45 days prior to election to which the sign is directed, provided that no such signs shall be:
 - (i) Located within a sight triangle;
 - (ii) Located in a way to obscure vision or obstruct traffic;
 - (iii) Located or installed in a manner that creates a hazard;
 - (iv) Located on utility poles or within street medians;
 - (v) Located on other Town-owned property;
- b) Such sign(s) shall not exceed five (5) square feet and a height of four (4) feet.
- c) Where such signs refer to an election or other political event, they shall be removed within 10 days after the election or political event.

28) *Public Notice*
A temporary sign advertising official notices or advertisements posted under the direction of a public official.

Official notices or advertisements posted or displayed by or under the direction of a public official in the performance of official duties, or by trustees under deeds of trusts or other similar instruments, or court-appointed commissioners shall be allowed.

APEX
NORTH CAROLINA

5
6 [SLIDE 91]

29) *Real Estate*
A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale and meets the conditions below

Real estate signs shall be allowed provided that:

- a) Single family, duplex, triplex, quadplex, townhome, condo or residential lot or dwelling:
 - (i) A maximum of one (1) real estate sign per lot frontage advertising for rent, sale, or lease.
 - (ii) A maximum of one (1) real estate sign per lot frontage advertising an Open House. Such sign shall be displayed no longer than 36 hours before the event and shall be removed at the conclusion of the event.Such signs shall not exceed five (5) square feet and four (4) feet in height and shall be located on the property to which the advertisement is referring. The signs shall be removed when property is sold by the transfer of title to the new owner. Signs are not allowed off-premise or in private common areas.
- b) No multi-family apartment leasing signage allowed except as specifically stated in Sec. 8.7.1A.15.b.vi.
- c) Residential subdivision sales center:
 - (i) One (1) residential subdivision "sales center" sign, not to exceed 16 square feet or five (5) feet in height is permitted on the lot on which the sales center is located. The sign shall be removed no later than the time at which 100% of the properties within the residential development have initially been sold to a builder or private owner.
 - (ii) Directional signs shall be permitted at the first crossroad beyond the entrance of the subdivision within the subdivision directing traffic to the residential subdivision "sales center". Directional signs shall be a maximum of four (4) square feet with a maximum height of four (4) feet.
- d) A maximum of one (1) real estate sign per lot frontage advertising the rent, sale or lease of a non-residential lot or structure including tenant spaces located within a structure. Such sign shall not exceed 16 square feet and five (5) feet in height and shall be located on the property to which the advertisement is referring. The sign shall be removed when the rented or leased property is occupied by the new tenant or when the property is sold by the transfer of title to the new owner. Signs are not allowed off-premise or in private common areas.

APEX
NORTH CAROLINA

1
2 [SLIDE 92]

30) — Seasonal Outdoor Sales

a) Seasonal Agricultural Signs for Products Sold Where They Are Grown

(i) Definitions. (a) "Seasonal Agricultural Signs" are signs that advertise seasonal agricultural products which were grown on the property where they are offered for sale and that contain no other messages; (b) "On-Site Agricultural Products" are seasonal agricultural products which were grown on the property where they are offered for sale; and (c) "Off-Site Agricultural Products" are seasonal agricultural products that were not grown on the property where they are offered for sale.

(ii) On-Premises Signs. Pursuant to UDQ Sec. 1-4.4, on a private property where On-Site Agricultural Products are sold, Seasonal Agricultural Signs are not regulated by the Town of Apex.

(iii) Off-Premises Signs. For each private property where On-Site Agricultural Products are sold, 30 Off-Premises Seasonal Agricultural Signs that advertise the products shall be allowed. Off-premises signs allowed by this subsection may be displayed only on private property and only with the permission of the off-premises private property owner. Only one off-premises sign is allowed per off-premises private property.

(iv) Duration. For each private property where On-Site Agricultural Products are sold, Off-Premises Seasonal Agricultural Signs may be displayed only while the advertised products are actually for sale, and only during one 45 consecutive day period per calendar year per On-Site Agricultural Product. The signs shall be removed immediately upon the sooner of the end of the 45 day period or the end of the sale of the products. At no time shall more than 30 Off-Premises Seasonal Agricultural Signs be displayed for a given property regardless of the number of agricultural products being sold on that property.

(v) Physical Characteristics. Each Off-Premises Seasonal Agricultural Sign shall not exceed five (5) square feet in area and four (4) feet in height. Off-Premises Seasonal Agricultural Signs may only be ground signs.

(vi) Limitation on Off-Site Agricultural Products. Off-Site Agricultural Products shall not be a majority of the agricultural products offered for sale on a property during any time that an Off-Premises Seasonal Agricultural Sign is being displayed related to the property.

(vii) Contiguous Properties. Contiguous properties owned by the same person, family, establishment, or entity shall be treated as one property for the purposes of this Section.

(viii) Limitations Are Comprehensive. The limitations on Off-Premises Seasonal Agricultural Signs stated in Subsections i-vii of this Section shall apply regardless of the number of persons, family members, establishments, or entities that sell the products on a property and regardless of the number of booths, stands, tables, tents, or the like that are located on a property.

(ix) See Sec. 4.6 Temporary Uses and Structures and Sec. 8.7.6.B Sign Illumination.

APEX NORTH CAROLINA

3
4 [SLIDE 93]

b5) Other Seasonal Outdoor Sales Signs

Outdoor temporary sales signs advertising a product of a particular season not located on a bona fide farm shall be permitted on sites with a temporary use permit allowing seasonal outdoor sales provided that:

(i) Such signs shall advertise the sale of seasonal products such as, but not limited to, Christmas trees, pumpkins, and fireworks.

ii) a) Such signs shall be limited to 32 square feet and four (4) five (5) feet in height.

iii) b) Such signs shall be permitted for no more than 30 days.

iv) c) See Sec. 4.6 Temporary Uses and Structures and Sec. 8.7.6.B Sign Illumination.

v) d) Such Signs authorized by this Subsection 8.7.1.A.30.b may shall be displayed only on the premises where the seasonal products are being sold.




Figure 8.7.1.A.30: This seasonal sign is located in the right-of-way.

APEX NORTH CAROLINA

5
6 [SLIDE 94]

31) d) Window

Any sign, picture, symbol, or combination thereof that is placed on the outside or inside of a window or door and is visible from the exterior and meets the conditions below:

a) Signs shall be allowed on the show window glass of non-residential buildings provided that all such commercial and incidental signs (both temporary and permanent) do not exceed a combined maximum of 25% of the total window area per facade.

b) Temporary window signs shall only be installed on the inside of a window or door.

c) An Interactive Digital Display is a digital window sign that is placed on the inside of a window or door and has a display area that changes at a predetermined frequency and upon a person interacting directly with the sign. This type of window sign shall meet the conditions listed above in addition to the following:

(i) Such sign shall only be placed on a window that is angled at least 45 degrees from the street.

(ii) The display area shall not exceed three (3) square feet.

(iii) The display area of the sign shall remain static for at least five (5) minutes unless a person is actively using the interactive features of the display area.

(iv) Such sign shall be equipped with automatic dimming technology that adjusts the sign's brightness in direct correlation with natural ambient light conditions.

(v) The brightness shall not exceed six (6) foot-candles from dusk to dawn when measured one (1) foot from the center of the display area.

APEX NORTH CAROLINA

1
2 [SLIDE 95]

32) Yard Sale
A sign advertising the sale of household articles in a residential yard or garage and meets the conditions below:

Yard sale signs shall be allowed provided that:

- a) Such signs shall be no larger than five (5) square feet and four (4) feet in height.
- b) Such signs shall be displayed no longer than 36 hours before the event and shall be removed at the conclusion of the event.
- c) Such signs shall be allowed one (1) on-site and two (2) off-site on private property only with permission of property owners.




Figure 8.7.1A.32: This sign is located in the public right-of-way.

APEX
NORTH CAROLINA

3
4 [SLIDE 96]

7) Sandwich Board Sign
A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground and meets the conditions below.

Sandwich Board Signs shall be allowed provided that:

- a) The total area of the signboard (including both sides) shall not exceed 14 square feet.
- b) Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of 42 inches.
- c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied.
- d) The sign shall not interfere with vehicular circulation and shall be placed to allow for at least three (3) feet of sidewalk width for unrestricted pedestrian movement.
- e) The sign shall be removed at the end of the business day.
- f) Any person erecting a sandwich board sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or public right-of-way.

APEX
NORTH CAROLINA

5
6 [SLIDE 97]

8) Home Occupation Signs
Signs advertising home occupations shall be permitted where a home occupation has been approved per UDO Sec. 4.5.5 Home Occupation-Home Occupation signs shall be permitted as follows:


- 1) A Home Occupation sign permit is required and must be obtained from the Planning Department;
- 2) In addition to meeting the requirements of Sec. 8.7.4 Sign Design and Color, plastic and/or acrylic sign faces are prohibited;
- 3) A placard is permitted on the home where a Home Occupation has been approved, provided:
 - a) The sign shall be no larger than 12 inches by 12 inches;
 - b) The placard shall be placed no higher than 6' at the front door; and
 - c) The sign shall not be internally lit; external lighting shall be limited to traditional residential lighting fixtures.
- 4) Where a home occupation exists on a lot with a minimum of 300 feet of linear road frontage, one sign may be placed in the front yard, provided:
 - a) The sign shall be no larger than 18 inches by 24 inches;
 - b) The maximum height of the sign shall be 4 feet;
 - c) The sign shall not be internally lit;
 - d) The sign must be permanent and affixed to a permanent pole(s); and
 - e) The sign shall not be located in the right-of-way and must be located so that it does not obscure vision at driver sight triangles.

APEX
NORTH CAROLINA

1
2 [SLIDE 98]

C) The following are exempt from the standards in this Section:


- 1) Any official or public notice or warning sign required by a valid and applicable federal, state, or local law, regulation or chapter; by a public utility company; or by order of a court of competent jurisdiction.
- 2) Any sign located within the right-of-way or on private property that is used as a traffic control device. This includes, but is not limited to, any sign that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
- 3) Signs erected by or on behalf of a governmental or quasi-governmental agency including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other governmental sign.
- 4) Seasonal Agricultural Signs erected on a property where seasonal agricultural products were grown and are offered for sale. "On-Site Agricultural Products" are seasonal agricultural products which were grown on the property where they are offered for sale. Pursuant to UDO Sec. 1.4.4 *Bona Fide Farms Exempt*, on a private property where On-Site Agricultural Products are sold, Seasonal Agricultural Signs are not regulated by the Town of Apex.
- 5) Non-commercial signs on a residential property.



3
4 [SLIDE 99]

8.7.2 Prohibited Signs
The following signs are expressly prohibited within all zoning districts:

- A) ~~Commercial and non-commercial Signs within the public right-of-way. The only type of signs permitted in the public right-of-way are with the exception of those permitted by NCGS 136-32, governmental or city-sponsored civic signs, or unless specifically authorized elsewhere in this Section.~~
- B) ~~Unless specifically authorized elsewhere in this Ordinance, no Commercial off-premise signs, as defined in Sec. 8.7.9 Definitions, are permitted.~~
- C) Any sign located in the required sight triangle, as defined in Sec. 8.7.9 Definitions.
- D) No sign may extend above a parapet or be placed upon a roof surface except that for purposes of this section, roof surfaces, such as a mansard roof, constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.
- E) Any nonexempt sign which is not authorized by a valid permit.
- F) ~~Abandoned Obsolete signs, as defined in Sec. 8.7.9 Definitions.~~
- G) Portable signs, as defined in Sec. 8.7.9 Definitions, except signs authorized by Sec. 8.7.7 Central Business District sandwich board signs.
- H) Animated Signs or Attracting Devices as defined in Sec. 8.7.9 Definitions, except decorative banners on residential property displayed by the resident with non-commercial messages are allowed. Banners are permitted only in accordance with the specific authorizations provided in Sec. 8.7.1.A.20-32B Temporary Signs Types. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.e.




5
6 [SLIDE 100]

- I) ~~Illuminated tubing or strings of lights on trees and landscaping or outlining property lines or open sales areas, rooflines, or wall edges of a building. This requirement shall not apply to reasonable and customary holiday decorations as authorized by Sec. 8.7.1.A.26 Holiday Reserved.~~
- J) Signs comprised in whole or in part of exposed neon-lighted tubing. This requirement shall not prohibit the use of neon-lighted tubing when it is fully contained within a sign fixture or element thereof, or if it is a two (2) square foot or smaller sign displaying the word "OPEN" with or without a logo.
- ...
- K) ~~Tourist-Oriented Directional Signs (TODS). North Carolina General Statutes Chapter 136 Article 11B.~~
- ...
- N) Changeable copy sign(s) as defined in Sec. 8.7.9 Definitions, except for gasoline sales sign, menu boards, and marquee that comply with this Ordinance. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.e.
- ...
- ...

8.7.4 Sign Design and Color

A) Items of Information Finishes
In order to increase readability and to decrease confusion, the number of items of information per sign shall be kept to a minimum. All signs requiring permits must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand-painted or paint-stenciled letters is not acceptable.

...



1
2 [SLIDE 101]

8.7.6 Installation Requirements

...
B) Sign Illumination


...
3) Flashing or intermittent lights. No sign shall contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.e.

...
C) Sign maintenance

...
2) Abandonment of signs. If a sign advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 90 days of the enterprise or activity ceasing, be removed by the sign owner, owner of the property where the sign is located or other party having control over the sign.

32) ...

...



3
4 [SLIDE 102]

8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail, and Downtown Festival District

A) Sign Types

...
2) Sandwich Board Sign
A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground and meets the conditions below.
Sandwich Board Signs shall be allowed provided that:

a) The total area of the signboard (including both sides) shall not exceed 14 square feet.

b) Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of 42 inches. Within these specified maximum dimensions, creative shapes that reflect the theme of the business are encouraged (i.e. ice cream shops may display a sign in the shape of an ice cream cone).


c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.

d) The sign shall be located within four (4) feet of the main building entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.

e) The sign shall be removed at the end of the business day.

f) Any person erecting a sandwich board sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or public right-of-way.

g) In addition to the standards in Sec. 8.7.1.B.7 such Sandwich boards signs located in the Central Business District shall either be located in the designated area for outdoor storage, display, and sales/rentals for that business or on the brick utility strip in front of the business.



5
6 [SLIDE 103]

8.7.9 Definitions


Abandoned Sign
Any sign that advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted and has been vacated for a period of more than 90 days of the enterprise or activity ceasing.

Animated Sign or Attracting Device
Any sign that uses movement or change of lighting to depict action or create a special effect, scene, or attract attention, including beacons, pennants, hand-held signs, feather signs, streamers, balloons or other inflatables used as signs, spot lights and search lights, high-intensity illuminated signs, electronic or mechanical indications of time and temperature, or other moving or flashing signs. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.e.

Changeable Copy
A sign or portion of a sign with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.e.

Feather Sign
A sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign is usually shaped like a sail or feather, and attached to the pole support on one (1) vertical side.

Major Full-Service Vehicular Entrance
The principal vehicular full access point from which to enter and exit.



1
2 [SLIDE 104]

Internal Illumination
A light source concealed or contained within the sign itself, such as fluorescent, or neon tubing, or LED, which lights the sign but where the light source is not visible.


Master Sign Plan
Sign criteria established per UDO Sec. 8.7.5 for design consistency among all signs within an integrated development, multiple use development, or mixed-use development.

Obsolete Sign
A sign relating to or identifying a business or activity that has not been conducted on the premises for six (6) months or to a transpired election or event, or to a political party or non-profit organization that no longer exists. This also includes the structure for a sign that is not allowed under this Ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the Ordinance.

Permanent Sign
A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises and that is permanently affixed or attached to the ground or a structure or which cannot be removed without special handling.

Roof Sign
A sign attached to and extending above a roof of a building or other structure, but shall not include emblems of religious orders or institutions.

Sandwich Board Sign
A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground.




3
4 [SLIDE 105]

Series Signs
A message, copy, or announcement, which uses a series of two (2) or more signs placed in a line generally parallel to a street, highway, or expressway carrying a single message, copy, or announcement, a part of which is contained on each sign.

Sign
An identification, description, animation, illustration, or attention getting device, illuminated or non-illuminated, which is visible from a public right-of-way and which directs attention to a realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation, including permanently installed or situated merchandise or an emblem, logo, painting, banner, poster, bulletin board, pennant, placard, or temporary sign designed to identify or convey information, with the exception of state, municipal, national, and religious governmental and non-commercial flags.

Temporary Sign
A sign that is used in connection with a circumstances, situation, or event that is designed, intended, or expected to take place or to be completed within a definite period of time after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. For the purposes of this Section, a sign which is intended for use of one (1) year or less shall be deemed a temporary sign.



5
6 [SLIDE 106]

4.5.5 Home Occupation

...
G) External Evidence
Signs shall be limited to those permitted by Sec. 8.7.1.BA.2 Home Occupation Signs. No further external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers, websites, or social media;


4.6 Temporary Uses and Structures

4.6.1 Permit Required

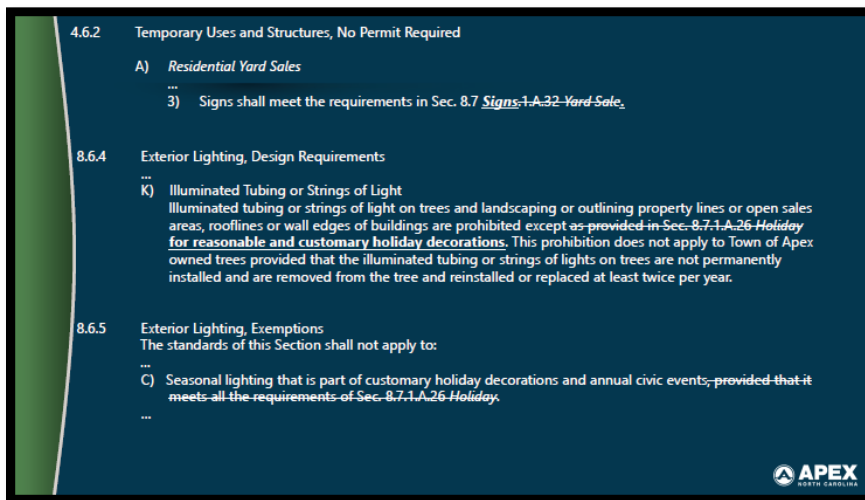
A) General Regulations
The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1) Temporary signs. No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. All temporary signs associated with the temporary use shall be displayed no sooner than one week prior to the commencement of the temporary use and shall be removed no later than two days after the end of the temporary use. All temporary signs shall meet the requirements of 8.7.1 Signs, Permitted Signs Location, Size, and Number.

...



1
2 [SLIDE 107]



3
4 **Councilmember Zegerman** asked if, for feather signs, this was referring to right-of-way's or
5 private properties as well.

6 **Ms. Bunce** said both. She said these types of signs are usually quite large.

7 **Councilmember Zegerman** asked about things that were allowed government-wise.

8 **Ms. Bunce** said anything that was a town-sponsored event would be exempt.

9 **Councilmember Zegerman** asked if something like the Pancake Breakfast with the Rotary
10 Club would count.

11 **Ms. Bunce** said no. She said signs can be placed on private property, and groups can
12 coordinate with property owners to do so.

13 **Councilmember Gantt** asked if this would prohibit the town from doing digital signs in the
14 future.

15 **Director Khin** said that would be a government sign so it would be exempt, and this is only
16 for temporary signage.

17 **Mayor Pro Tempore Gray** asked if this would stop people from putting up signs like "this is
18 the home of an Apex graduate" or something similar in their yards.

19 **Ms. Bunce** said it would not stop them from putting that on their private property.

20 **Councilmember Mahaffey** said this was trying to make it simpler in that all temporary signs
21 are not allowed in the right-of-way. He asked if this is what other towns have been doing in response
22 to the Supreme Court cases.

23 **Ms. Bunce** said yes. She said there is an effective date of April 1st.

24 **Councilmember Mahaffey** asked if there were exemptions for signs that were associated
25 with a special use permit.

26 **Ms. Bunce** said no.

27 **Councilmember Mahaffey** said enforcement and consistency were going to be really
28 important, and asked about the plan to make sure that was met.

29 **Director Khin** said there are already zoning compliance officers. She said they respond to
30 complaints, and pick up all of the signs in that area, not just the sign that caused the complaint. She
31 said they also do sign sweeps 4 times a year, and often will pick up 200 signs at a time. She said they
32 pick up all of the signs that they see that are against the ordinance.

Councilmember Gantt asked if the public can pick up the signs they know are offending.

Director Khin said no, as that could potentially be stealing. She said it may not be obvious if a sign is in the right-of-way or on private property.

[SLIDE 108]

Amendment #2										
Requested by Planning Staff										
2. Amendments to Sec. 5.1.1 Table of Intensity and Dimensional Standards, Residential Districts in order to correct a typographical error for the section reference in the Additional Regulations column for the use Townhouses, detached.										
Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%) ^a	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
MD										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4.14.1.1
HDSF										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4.14.1.1
HDMF										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4.14.1.1
MIORR										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4.14.1.1
^a See Sec 6.1 Watershed Protection Overlay Districts.										
^{**} These setbacks are for the perimeter of entire project only.										
^{***} Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.										

Mayor Gilbert opened up the public hearing for this item. With no sign ups, he closed public hearing and moved discussion back to Council.

A motion was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth**, to approve/deny the Unified Development Ordinance Amendments of February 2024 related to Signs and Typo Correction.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Interim Town Manager Purvis spoke about the temporary change in water treatment, which would start March 1st. He said there may be a chlorine smell, but the water will remain safe to drink. He said residents can contact Water Resources if they have any questions or concerns during this project. He said the Wester Big Branch area plan has three community meetings coming up on March 6th, March 18th, and March 20th.

Councilmember Gantt asked if the format would be the same as the previous ones.

Director Khin said there would be a pre-recorded presentation, and the time in person would be spent more on discussion with staff. She noted the location at Pleasant Plains Baptist was not handicap accessible, so anyone needing that should attend another meeting.

Mayor Gilbert thanked Corporal Stewart and Officer Foster for being there for the meeting.

[CLOSED SESSION]

A motion was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, to enter into Closed Session pursuant to NCGS § 143-318.11(a)(6).

1
2 **VOTE: UNANIMOUS (5-0)**
3

4 Council entered into Closed Session at **8:58 PM.**
5

6 Council will enter into closed session pursuant to:
7

8 **CS1 Mayor Jacques K. Gilbert**

9 **NCGS § 143-318.11(a)(6):**

10 *"To consider the qualifications, competence, performance, character, fitness, conditions of*
11 *appointment, or conditions of initial employment of an individual public officer or employee*
12 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*
13 *grievance by or against an individual public officer or employee."*
14

15 Council returned to open session at **10:02 p.m.**
16

17
18 **[ADJOURNMENT]**
19

20 Mayor Gilbert adjourned the meeting at **10:02 p.m.**
21
22
23

24 Jacques K. Gilbert
25 Apex, Mayor
26

27 Allen Coleman, CMC, NCCCC
28

29 Town Clerk to the Apex Town Council
30

31 Submitted for approval by Apex Town Clerk Allen Coleman
32
33

DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MARCH 12, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 12, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=o8fDMbQrRk&t=2s>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff

Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, welcomed those in attendance, and observed a moment of silence.

Mayor Gilbert then led those in attendance in the recitation of the Pledge of Allegiance. He then recognized members of the Apex Youth Council that were in attendance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey**, to approve the Consent Agenda, as presented.

DRAFT MINUTES

VOTE: UNANIMOUS (5-0)

CN1 Agreement - North Carolina Department of Transportation (NCDOT) - S-Line Mobility Hub Feasibility Study (REF: CONT-2024-041)

Council voted to approve an agreement with the North Carolina Department of Transportation (NCDOT) for a NCDOT-Administered Transit-Oriented Development Planning related to the S-Line Mobility Hub Feasibility Study, and authorize the Interim Town Manager to execute.

CN2 Annexation No. 771 - Castleberry Reserve - 13.52 acres (REF: RES-2024-014, RES-2024-015, and OTHER-2024-040)

Council voted 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 the Date of a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to annex 13.52 acres, Castleberry Reserve, Satellite Annexation No. 771 into the Town Corporate limits.

CN3 Annexation No. 778 - Parc at Bradley Farm - 6.69 acres (REF: RES-2024-016, RES-2024-017, and OTHER-2024-041)

Council voted 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 the Date of a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to annex 6.69 acres, Parc at Bradley Farm, Annexation No. 778 into the Town Corporate limits.

CN4 Budget Ordinance Amendment No. 13 - Economic Development Incentive Payments and Contracted Town Lobbyist (REF: ORD-2024-020)

Council voted to approve Budget Amendment No. 13 to allocate funds for Economic Development incentive agreement payments and to secure a contracted town lobbyist in the Office of the Town Clerk.

CN5 Contract Amendment No. 3 - CDM Smith Inc. - Sunset Hills Pump Station Project (CONT-2024-042)

Council voted to approve Contract Amendment No. 3 between CDM Smith Inc. and the Town of Apex for the Sunset Hills Pump Station Improvements Project, and authorize the Interim Town Manager to execute the agreement.

CN6 Council Meeting Minutes - February 20, 2024

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings: February 20, 2024 - Town Council Work Session

CN7 Peak Landing Fee-In-Lieu (FIL)

Council voted to approve a fee-in-lieu of land dedication for the proposed Peak Landing Subdivision project.

CN8 Reimbursement Agreement - Lennar Carolinas, LLC - Depot 499 PUD (REF: CONT-2024-043)

Council voted to approve a Utility Infrastructure Development Reimbursement Agreement with Lennar Carolinas, LLC, and to authorize the Interim Town Manager to execute the same for construction of an oversized 20-inch waterline along South Salem Street.

CN9 Resolution - Abandon Existing Drainage Easement - Kiddie Academy 905 Acton Street (REF: RES-2024-018)

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Council voted to adopt a resolution titled "Resolution to Abandon Portion of Existing Public Drainage Easement" which will abandon areas shown on the attached exhibit at the Kiddie Academy 905 Acton Street property in Apex, North Carolina.

CN10 Resolution - North Carolina Division of Water Infrastructure (NCDWI) American Rescue Plan (ARP) Grant Funds and Capital Project Ordinance Amendment No. 2024-8 (REF: RES-2024-019 and ORD-2024-021)

Council voted to adopt a resolution titled "Resolution Accepting American Rescue Plan Funds" which are grant funds from the NC Division of Water Infrastructure (DWI) to complete an Asset Inventory and Assessment (AIA), approve the corresponding Capital Project Ordinance Amendment 2024-8, and authorize the Interim Town Manager to execute the grant agreement and other grant related documents.

CN11 Rezoning Case No. 23CZ17 - 0 Herbert Street - Statement and Ordinance (REF: ORD-2024-022)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case #23CZ17 0 Herbert Street, Salem Street Realty, LLC, petitioner, for the property located at 0 Herbert Street (PIN 0741397109).

CN12 Rezoning Case No. 23CZ23 - Saunders Street Parking Lot - Statement and Ordinance (ORD-2024-023)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case #23CZ23 Saunders Street Parking Lot, Town of Apex, petitioner, for the property located at 0 Saunders Street, 0 & 211 Templeton Street (PINs 0742319843, 0742318765, 0742317640).

CN13 Tax Report - January 2024 (REF: OTHER-2024-042)

Council voted to approve Apex Tax Reports dated February 4, 2024.

CN14 Unified Development Ordinance (UDO) Amendments February 2024 - Signs and Typo Correction - Statement (REF: OTHER-2024-043)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024 related to signs and correcting a typographical error.

CN15 Unified Development Ordinance (UDO) Amendments February 2024 - Traffic Calming - Statement (REF: OTHER-2024-044)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024 related to traffic calming.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray**, to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

DRAFT MINUTES

1 First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

2
3 "Mayor, Town Council, good evening. I'm going to go off-script, I do that a lot. I got to hear
4 Councilmember Gantt speak to the Youth Council for a few minutes coming in, and he shared that
5 sometime the decisions are hard, and sometimes he loses sleep. We're losing sleep with you. I'm
6 sorry you're losing sleep, I'm sorry we're losing sleep, but I understand sometimes there's hard
7 decisions that need to be made. So obviously there was the open house for the Western Big Branch
8 Area Plan, still struggle to get that name out because we don't identify ourselves with that, I
9 appreciate the couple of you that came. I hope the rest of you can either come to the March 18th or
10 the March 20th, there's a lot of good conversation that has been happening after the first one, we're
11 going to put a request in for some additional information, and a lot of us aren't filling out the
12 feedback form until we get through all 3 sessions, because what we're doing is taking the
13 information, talking between all of us, and trying to come back with something that kind of meets
14 everybody in the middle, so just wanted to give you a heads up on that. I am still continuing to go to
15 Holly Springs Town Council Meetings. They did a preview of their land use map and all of the
16 zonings for the next six months, none of them impact the Friendship area. So I'm glad to see it's
17 going to be a little quiet there, and of course the Mayor knows I've been going to CAMPO meetings,
18 and I will continue to do that. I will be meeting with DOT tomorrow to talk about some additional
19 things in our area, so we're starting to really focus our efforts on certain activities, so just wanted to
20 keep you guys in the loop, don't want you to be blindsided by anything, if you have a question feel
21 free to reach out and I'd be glad to help you. Thank you."

22
23 **Mayor Gilbert** thanked Ms. Stitt for her comments.

24
25 Next to speak was **Nabel Zanta** of 1114 Brynmar Oaks Circle:

26
27 "Good evening officials. Well over 30,000 dead in Gaza. Well over 13,000 of those dead are babies,
28 children. If there's one takeaway from the primaries, it's that there are a huge number of constituents
29 that want a change in policy, and are calling for a permanent ceasefire. Ordinary people don't have
30 much visibility to congress, what we have is our ability to work with you all. The no preference vote
31 better be a wake up call to our elected officials that only listening to their campaign donors is not
32 enough. We, the people, must have a voice, and we, the people, have stood up and demanded
33 peace. North Carolina collectively sends Israel 92 Billion Dollars, that's 92 Billion Dollars. Apex
34 contributes 750,000 towards what the US donates annually to Israel. So, this is definitely a local issue.
35 These are collectively our tax dollars. Yours, mines, and everybody else in this room also. When you
36 refuse to vote on this, you are refusing to acknowledge our hard work, and our hard-earned tax
37 dollars. You are refusing to side with peace, and your refusal to vote sides with genocide and
38 occupation. Your votes reverberate through the halls of Congress, and their complicit stance on
39 genocide. Your vote reverberates through bombings dropped on Palestinians every single day. Your
40 vote reverberates in forced starvation and ethnic cleansing of Palestinians. This is as much of our
41 issue as it is there's, it's our tax dollars that are going to this genocide, I am not okay with my tax
42 dollars going to annihilate a whole group of people. I know deep down each one of you know and
43 believe that this is our issue because this is our issue because this is our money we're sending there,
44 and deep down you do not stand with genocide, because you are human. And that's all it takes. Be

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the voice of reason, be the beacon of the Peak of Good Living, be the peak of humanity, prosperity, and freedom for all. Thank you for your time."

Mayor Gilbert thanked Mr. Zanta for his comments.

Next to speak was **Carol Hill** of 2661 Bryant Pond Lane:

"Good evening, I'm here tonight because I have lived in Apex for 12 years. I have called and complained on numerous occasions, but never put forth the effort to keep on going with it, regarding the yard waste in the streets. I think when Apex was smaller and they came up with the collection where they would use the sucker truck and the grinder truck for the big limbs, that was fine. But I think now it has grown, the trees and shrubs and everything are getting larger and larger and the piles in the street are getting larger. I know there is a working session on this next week, but I can't speak so they asked me to come tonight and give my concerns. I made some pictures Sunday morning, and from what I understand there is an ordinance that says you shouldn't put it out until 48 hours before pick up, and it's put out on many occasions 5 minutes after pickup, people are just mowing their yard and dump it in the street. So we have constant yard waste in the street. It hurts the aesthetic value of the neighborhood, we have had a number of people come through, family and friends, and say why does everybody dump their crap in the street? That's a quote. And that's just the way that it's done in Apex. I know when I lived in Cary, I know you don't want to hear about Cary, but we had to use the bags to keep it behind our house until the evening before pickup. I think there are safety concerns, the piles are so large, and this has happened to me, there's small children playing behind the piles at the end of the driveway, and you can't see them when you're driving down the street, when the leaves are on the shrubs when they put them out there. It's also a safety concern because I don't think firetrucks and ambulances could get through if they needed to on occasion because one neighbor is going to put it out and the neighbor across the street is going to put it out and leave one lane to get through, so it's also a driving hazard because you can't drive through the neighborhood, because you have to constantly pull over, let a car go through, then go through the piles. I've talked about the 48-hour ordinances, but I don't how that gets enforced, I've lived here 12 years and I've never seen that enforced."

Mayor Gilbert said he will have someone from staff reach out to her to help answer her questions.

Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening Town Council and Mayor Gilbert, I appreciate that Mayor Gilbert reached out to me as well as Councilman Gantt, at my request from the last Town Council, so I really appreciate that the feedback was heard, and it's an encouraging dialogue between us and our community and your Town Council, so thank you for that. I really do believe we can find common ground, little by little. I'll give some positive feedback from the open house that was last week. It was very well organized and staffed, it was great to see Councilman Gray as well as Councilman Zegerman, so it was great to see people and staff and those folks addressing questions and concerns and doing follow ups, so it was really positive. And a greater effort was also made to distinguish between the residents in the

DRAFT MINUTES

community who are impacted and those who are outside in Apex and non-incorporated Wake County. So that was really good news on that behalf, but we still have some more to go. The venue was in the Town of Apex, which isn't in unincorporated Wake County, the Apex residents I don't think were really aware of the decisions or the survey intentions, they weren't very educated on what the impacts were. They were shown three scenarios, as if those were the three scenarios we were all shown here from our community, and that wasn't the case. So perhaps there was more information in videos and pamphlets, but somebody that I talked to at that particular open house, she was under the impression that we are really happy about selling out our properties and wanting them developed, and I think there's a misunderstanding and misinformation about what the intention of these meetings are, and I think that the seriousness too on the story of eminent domain. The impacts of these three decisions were not laid out, like if we do x, y, or z, what happens to the community at large. So that was something that I think we could do better on, and only the people who belong to our community should have a say on our community and our land, so I think I've come before you before saying I don't agree with the process of opening it up, especially when we don't have representation. And most importantly, I'd like to ask the Planning Board to get involved with us and meet with us, to come up with maybe more than scenario 3, a 4, 5, 6. We're willing to work and we want to work with you guys, and we think that can come together. And I really appreciate that, and I look forward to hearing from the Planning Board and yourselves, thank you.

Mayor Gilbert thanked Ms. Cozzalino for her comments.

[NEW BUSINESS]

NB1 Public Art - Permanent Sculpture Collection Expansion

Taylor Wray, Cultural Arts Center Manager, gave the following presentation regarding Public Art - Permanent Sculpture Collection Expansion.

[PUBLIC ART - SLIDE 1]



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1 [PUBLIC ART - SLIDE 2]



2
3 **Mayor Pro Tempore Gray** said he has pictures in front of this sculpture with his children, and
4 how this is an example of why the town has this program.

5 **Councilmember Mahaffey** said this is an awesome piece that invites interaction, and is
6 happy to hear it won best in show. He said Mr. Christiansen, the piece's creator, is a teacher at Apex
7 High School and is an awesome guy. He said he fully supports the purchase.

8 **Councilmember Killingsworth and Councilmember Zegerman** agreed.

9 **Councilmember Gantt** said he loved the art walk and the opportunity to provide more
10 sculptures and public art, and he likes expanding the program using the best in show each year. He
11 said it's a great way to build it up over time with the best are around.

12
13 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**
14 **Zegerman**, to purchase *Jager* from TJ Christiansen for \$9,200.00

15
16 **VOTE: UNANIMOUS (5-0)**

17 [UPDATES BY TOWN MANAGER]

18
19
20 **Interim Town Manager Purvis** said he had a few quick ones. He said they have received
21 federal funding of \$2 million for a project in the Cash Corporate area. He added the town will be
22 starting a survey with GoTriangle for a transfer station at the Mason Street Municipal Building. Finally,
23 he said the town would be meeting with downtown stakeholders next week in regards to downtown
24 parking.

25 **Councilmember Gantt** asked if the transfer station would have a shelter.

26 **Interim Town Manager Purvis** said yes it would, and there would be sidewalk connections
27 in the area to get to the shelter. He said it would have a trash can and hopefully bike racks.

28 **Councilmember Gantt** asked if there would be an opportunity for the station to be more
29 decorative.

30 **Interim Town Manager Purvis** said he would look into that and see what the funding can be
31 used for. He said they put last year's public art piece across the street from the planned stop
32 intentionally.

DRAFT MINUTES

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey**, to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5), NCGS § 143-318.11(a)(1), and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **6:22 p.m.**

Council entered into closed session pursuant to:

CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

CS2 Allen Coleman, Town Clerk

NCGS §143-318.11 (1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

CS3 Mayor Jacques K. Gilbert

NCGS § 143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **7:15 p.m.**

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth**, to appoint Randall Vosburg as Town Manager, effective Monday, April 15, 2024, and authorize the execution of his employment agreement.

VOTE: UNANIMOUS (6-0)

DRAFT MINUTES

Councilmember Zegerman thanked Town Clerk Coleman for coordinating the process with Developmental Associates. He said that the recruitment process was very organized, detailed, and a lot of work was involved to get us to this point.

Councilmember Mahaffey thanked Interim Town Manager Purvis for his efforts in the past 7 months.

Mayor Gilbert thanked Town Attorney Hohe as well.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:17 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman

DRAFT MINUTES
TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, MARCH 19, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, March 19, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

<https://www.youtube.com/watch?v=VORImqvQMqE>

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Terry Mahaffey
Councilmember Audra Killingsworth (*arrived late*)
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff

Interim Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Public Works Director John Mullis
Public Works Operations Manager Heather Cashwell

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the Work Session to order, and led in a recitation of the Pledge of Allegiance.

[AGENDA ITEM NO. 1 - YARD WASTE PROGRAM UPDATES]

Interim Town Manager Purvis said this meeting is a follow-up from their work session a few months prior. He said Director Mullis and Public Works staff have been working hard to incorporate feedback from Council and the public into their proposal.

1 **John Mullis**, Public Works Director, gave an overview of the town's current yard waste
2 program and to receive input from the Town Council on potential ordinance revisions on
3 establishing a pre-collection and discussing direction of a future yard waste collection model.

4
5 **[SLIDE-1]**




6
7 **[SLIDE-2]**

Purpose:

Provide an overview of the town's current yard waste program and solicit input from the Town Council on potential ordinance revisions establishing pre-collection set out parameters, excess yard waste collection fees, cost recovery expectations, and discuss direction of future yard waste collection model.

Requested Action:

- Receive Council feedback on willingness to consider ordinance revisions that establish pre-collection set out parameters.
- Receive Council feedback on willingness to consider ordinance revisions that define and establish excess yard waste collection fees.
- Receive Council feedback to gain an understanding of their expectations of program cost recovery.
- Receive Council feedback and direction on future yard waste collection model.



1 [SLIDE-3]

Why Conversation on Yard Waste?

- Alignment to Strategic Plan Framework
- Environmental & Safety Compliance
- Municipal Yard Waste Collection is not Statutorily required
- Service Demand Model and Cost Recovery Subsidies
- Understanding of Town Council's Level of Service Expectations
- Aesthetics of our Communities
- Operational Challenges (related to current ordinances and enforcement)
- Material Transfer, Processing, and Disposal Challenges
- Interlocal Agreement with Holly Springs is Sunsetting



11

12 [SLIDE-4]

Challenges – Recap

Highlights from December 14, 2023 Town Council Workshop

- Sustainability of the yard waste program
- Last large town in Wake County to have "mow it and throw it" yard waste model
- Landscapers hired can dispose yard waste in any volume in current program
- High non-compliant comingled yard waste piles
- Varying pile sizes collected manually by hand create opportunity for worker injuries
- No containerization of yard waste
- Weekly service with no limits on weight or volume per household impacts cost recovery
- 8" diameter / 8' length limb limits (hard to enforce)
- No enforcement mechanism included in current ordinances for extreme non-compliant situations
- No excess yard waste fees
- Current program is labor and capital intensive
- Yard waste is allowed in the street
- Yard waste set out date within 48 hours of weekly scheduled collection (unenforceable)
- Loss of free disposal of all yard waste at Greenway Waste (5/6/21)
- Grass clippings are not desirable (Town encourages use of mulching blades)
- Town Council is supportive of establishing a transfer center to support disaster debris processing and yard waste collected curbside daily from residential customers
- No yard waste convenience center for residents to dispose of excess waste



13
14 [SLIDE-5]

Update on Yard Waste Transfer Facility

- Transfer Facility - Phased depending on Town Council Direction
 - Immediate:
 - Staff is evaluating town-owned property on Perry Road for use as a temporary yard waste transfer facility. Staff intends to request rezoning of the property for internal operations use. A portion of the property would be dedicated for use as a disaster debris receiving site as well as a transfer and processing center for yard waste generated from Apex residents. The initial acreage requirement is 4 acres excluding buffers and is expected to accommodate our current yard waste volume including peak loose leaf volume.
 - Site improvements will be necessary but water and sewer will not be required initially.
 - Future phase considerations:
 - Seek options for a scalable site expansion that allows for immediate transfer needs while positioning for future growth, operational flexibility to increase program resiliency and ability to diversify to become eligible for federal funding (through compost-ready planning).
 - Citizens Convenience Center(CCC). Allows residents a location to dispose of large volumes of Yard Waste.
 - Allows for operational flexibility to make any collection model changes easier and increases our ability to identify markets through processing.
 - Estimated acreage needed for future expansion: 10 acres usable.



15

1 [SLIDE-6]

Peer Communities: Collection Methods & Frequency – Yard Waste

Collection Method	Raleigh	Cary	HS Knight	Apex	Morris	FV	WF	Zebulon	Roles	Wendell
Weekly Collection		X	X	X		X	X			X
Bi-Weekly Collection	X		X		X			X	X	
Modified Schedule for Fall	X	X	X			X	X		X	X
Vacuum Truck Year Round				X						
Local Convenience Center	X	X	X							
Allows Compostable Paper Bags	X	X	X		X		X			
Allows Small Bins	X	X	X		X	X	X		X	
96 Gallon Carts	X		X							X

Peer communities are most similar in the following areas:

- Containerized Yard Waste: Raleigh, Cary, HS Knight, Apex, Morris, FV, WF, Zebulon, Roles, Wendell
- Non-Containerized Yard Waste: Cary, Holly Springs, Apex, Zebulon

Yard Waste fees are compulsory in that every household pays them.
Containerization is the most common form of collection used curbside.
Set out limits and weight restrictions per stop. Excess yard waste can be collected in Cary and Holly Springs for an additional fee based on per visit or volume.
* Cary offers chipping service for \$ 350 per visit.
* Holly Springs offers fee based collection based on volume levels (Example- minimum rate (Level 1): \$80 per 2.5 cubic yards).
Contractors (Lawncare/Tree Service firms) hired to perform residential service work is responsible for removal of yard waste debris.
Yard waste to be placed behind the curb (not in the street or gutter) so that debris does not interfere with traffic or drainage.

APEX NORTH CAROLINA

2
3 [SLIDE-7]

Potential Ordinance Changes

Overall goal: to strengthen ordinance language to more clearly define yard waste collection parameters, especially volume.

Est. 25' x 6' x 14' = 78 Cubic Yards

APEX NORTH CAROLINA

16 [SLIDE-8]

Understanding Cubic Volume

PICKUP TRUCK CLASS & BED SIZE	PAYLOAD RANGE	MAX. CUBIC YARDS OF: MULCH, COMPOST, LIGHT STUFF	SOIL, SAND, GRAVEL, HEAVY STUFF
F150 / 1500 full size			
5 1/2 - 6 1/2 ft beds	1200 - 1800 lbs	1 1/2	1/2
6 1/2 - 7 1/2 ft beds	1600 - 2200 lbs	2	1/2 - 1
7 1/2 - 8 ft beds	1600 - 2200 lbs	3	1/2 - 1

APEX NORTH CAROLINA

17
18
19

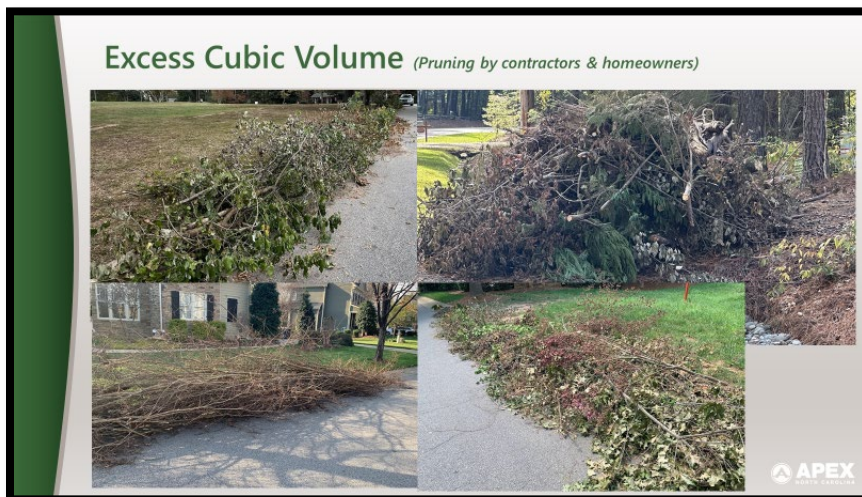
1 [SLIDE-9]



2
3 [SLIDE-10]



4
5 [SLIDE-11]



6
7

1 [SLIDE-12]

Sec. 12-126 Definitions

Land Clearing Debris

- o **Current:** *Land clearing debris* means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Curbside


- o **Current:** *Curbside* means along the concrete curb or edge of pavement located within the town right-of-way.
- o **Recommended:** *Curbside* means **within three feet** of the concrete curb or edge of pavement located within the town right-of-way.

Small Limbs

- o **Current:** *Small limbs* means tree limbs that are less than eight feet in length and a maximum diameter of eight inches.
- o **Recommended:** *Small limbs* means tree limbs that are less than **six feet** in length and a maximum diameter of **six inches**.

Yard Waste

- o **Current:** *Yard waste* means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, grass clippings, twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones and small shrubs.




2
3 [SLIDE-13]

Sec. 12-128 – Pre-collection Practices

Current:

- (a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and grass clippings must be separated from other qualifying yard waste materials.
- (b) Yard waste to be collected by the town shall not be contaminated by materials that are not included in the definition of yard waste provided above.
- (c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date.
- (d) Yard waste shall not be placed at curbside within ten feet of any storm drain catch basin.
- (e) Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.




4
5 [SLIDE-14]

Sec. 12-128 – Pre-collection Practices

Recommended:

- (a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and grass clippings must be separated **and not comingled with other qualifying yard waste materials. All materials shall be out of the roadway when possible including parking spaces, within the boundaries of the property and no more than 6 feet beyond the curb. Yard waste placement should not block fire hydrants, curb ramps, sidewalks, or storm drain collectors.**
- (b) Yard waste to be collected by the town shall not be contaminated by materials that are not included in the definition of yard waste provided in Section 12-126.
- (c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date **and in accordance with the town's National Pollutant Discharge Elimination System (NPDES) - MS4 Stormwater permit.**
- (d) Yard waste shall not be placed at curbside within ten feet of any storm drain catch basins, **mailboxes, parked vehicles, or other obstacles preventing safe collection.**



1 **Councilmember Gantt** asked why is there six feet there and three feet for curbside.

2 **Councilmember Killingsworth** arrived at **3:37 p.m.**

3 **Director Mullis** said the three feet from curbside is for debris and six feet and beyond
4 is where the leaf vac hose can reach beyond the curb.

5 **Assistant Town Manager Stone** said they wanted people to place yard waste 3 feet
6 behind the back of the curb in the right-of-way, and 6 feet behind if they had the space to do
7 so.

8 **Councilmember Mahaffey** said in the last conversation they talked about how
9 Council didn't have much available on enforcement guidelines. He asked what they could do
10 improve this

11 **Director Mullis** said what they try to do is more education based. He said his staff is
12 working on researching what other communities do in regards to enforcement of this, if that's
13 the direction Council wants to go.

14 **Councilmember Zegerman** said they can educate all they want, but unless they
15 codify some enforcement mechanisms, it was only voluntary.

16 **Director Mullis** agreed. He said they currently have yard waste tags, which they leave
17 with people explaining why their yard waste was non-compliant. He said in some cases they
18 have to leave a tag for them to separate the pile, since some things require different trucks.

19 **Councilmember Mahaffey** said they may could consider additional fees if people put
20 too much yard waste out.

21 **[SLIDE-15]**

Sec. 12-128 – Pre-collection Practices
Recommended:
COUNCIL GUIDANCE REQUESTED (e)

(e) Loose yard waste must be separated by individual type (leaves, grass, sticks, limbs) and placed into piles that cumulatively do not exceed **"2" feet in length, "2" feet wide, and "2" feet high** with no separated pile exceeding **50 pounds** and no individual pieces larger than **6 inches** in diameter. Sticks/limbs should be placed with cut ends facing the same direction and in the direction of travel. The Town will collect **up to "2" cubic yards** total per collection cycle in any combination of yard waste types provided they are separated and prepared in accordance with pre-collection practices as listed in section 12-126.

Staff recommendation is:
2 cubic yards per collection cycle. (Approximate capacity of a full size pick up truck cargo bed).
Pile size: **6 feet in length x 3 feet wide x 3 feet tall (2 Cubic Yards).**

(f) Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside **during the months of December and January**. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other non-vegetative material. **APEX**

22 **Councilmember Zegerman** asked how would he know of repeat offenders, as far as
23 people who have put out piles that are too large.

24 **Director Mullis** said it's easy in this business to know pile size. He said the town
25 already gives the residents a little grace as far as what's excess. He said staff remember the
26 people who had piles that were too big in the past.

27 **Assistant Town Manager Stone** said when the pile is picked up and it's too large,
28 there is a capability to give the resident a rough dimension of the pile and it would be noted
29

in City Works that the residents pile was oversized. He said it wouldn't have to be a guess, and everything could be recorded.

Mayor Pro-Tempore Gray asked about seasonal fluctuations in maximum pile size.

Director Mullis said there would be more administrative burden in fluctuating pile size limits. He said he does face challenges in certain periods of time, as some neighborhoods are full of debris and it all happens at the same time. He said he thinks the best way to manage this would be a free service, and fee-based collection above the maximum pile size.

Mayor Pro-Tempore Gray asked about post-storm debris.

Director Mullis said the Council could authorize fees to be waived in a situation like post-storm debris clean up.

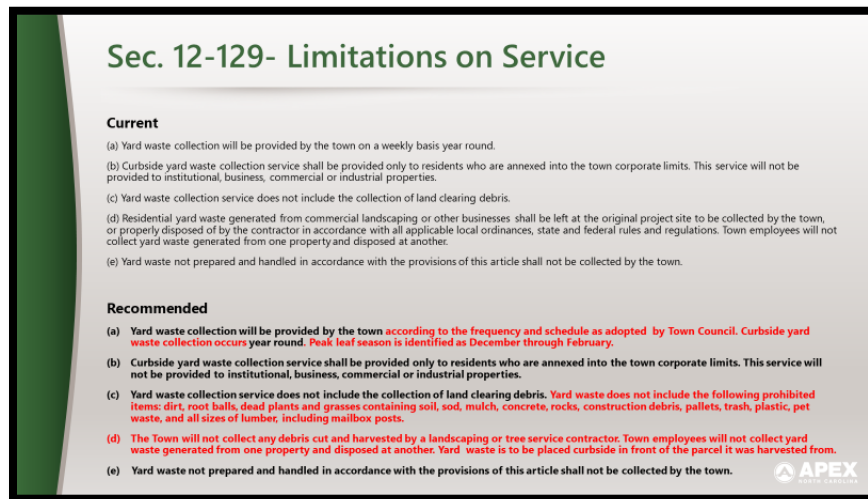
[SLIDE-16]

Peer Community Comparisons					
	Collection Parameters	Weekly/Biweekly	Overall Weekly Limit <small>* Biweekly adjusted to weekly totals</small>	Additional Collection	Excess Fees
Apex	Loose	Weekly	None	-----	-----
Cary	Tubs, Bags, Bundles	Weekly	240 ft ³ - 8.89 yd ³	Chipper Service	\$350 for 30 min
Fuquay Varina	Tubs, Bundles	On Request	None	Not Offered	Not Offered
Garner	Carts, Tubs, Bags, Bundles	Weekly	6 yd ³	Not Offered	Fines: \$50/\$100/\$150
Holly Springs	Carts	Biweekly	.25 yd ³	Grapple/Chipper	\$80 (> 4 yd ³)/\$160 (4-8)/\$240 (8-12)
Knightdale	Tubs, Bags, Large Pile	Weekly	None	Not Offered	Not Offered
Morrisville	Tubs, Bags, Bundles	Biweekly	1.5-2 yd ³ *	Not Offered	Not Offered
Raleigh	Carts, Bags, Bundles	Biweekly	1.8 yd ³ *	Not Offered	Not Offered
Rolesville	Tubs, Bundles	Biweekly	2 yd ³	Not Offered	Not Offered
Wake Forest	Tubs, Bags, Bundles	Weekly	8 yd ³	Not Offered	Not Offered
Wendell	Carts	Weekly	.5 yd ³	Up to 3 per year (w/ permit)	Not Offered
Zebulon	Loose	Biweekly	None	Not Offered	Not Offered

Councilmember Gantt asked what's the service level and asked if residents are happy with what they get in other places.

Director Mullis said the service level in Apex is get all you can for free. He said when he was with Holly Springs it was forty dollars for over two and a half cubic yards and that has gone up to 80 because of rising costs. He said in most cases, people did not mind paying that extra fee for the extra waste once they were used to it. He said it all depends on the level of service the town offers.

1
2
3 [SLIDE-17]



4
5 **Councilmember Mahaffey** said he really likes the idea of having a variable frequency
6 throughout the year. He said it's better than having trucks running around just as much in the
7 winter when there isn't as much to collect.

8 **Director Mullis** said it would be up to Council to make the decision of doing that.

9 **Councilmember Mahaffey** asked if there was a relationship between some of the big
10 landscaping companies in the area to let them know that the town will not pick up their
11 debris.

12 **Director Mullis** said the yard waste crews are on the lookout and do occasionally run
13 across landscapers, and now that they had been to a property consistently when waste is out
14 multiple days in a week. He said currently there is nothing in the ordinances prohibiting them
15 from doing that.

16 **Councilmember Killingsworth** asked specifically, "The Villages of Apex", which have
17 the mailbox kiosk that only have one collection and some have mailboxes in front of every
18 house. She said it would be difficult to put yard waste in some areas because that's where the
19 cars park. She said she didn't want to offer something to residents if everyone can't be
20 included in the yard waste pick up.

21 **Director Mullis** said he thinks they could address that with language such as "when
22 practical" or "when possible"

23 **Councilmember Zegerman** asked how would yard waste crew assess where waste
24 has been harvested.

25 **Assistant Town Manager Stone** gave some examples in his neighborhood in a case
26 where homes are close together, and have a single designated area. He said sometimes
27 there is no perfect spot to put debris on when homes are close together, but still try to meet
28 the requirements of the town.

29 **Councilmember Killingsworth** said for her property, the only way she could meet all
30 of the requirements would be to place it in front of her neighbor's house.

[SLIDE-18]

Excess Yard Waste – Curbside Collection Operational Scenario

Grapple Truck: Operational Capability and Cost

- Operational cost - daily (O&M): \$ 495
- Operational capability (# of stops per day): 14
- Weight collected per stop in pounds(1/4 ton) 500 #
- Volume collected per stop in cubic yards 2 Cyds
- Truck capacity in cubic yards 27 Cyds
- Operational Capability # of stops (annually) 3640

Disposal Cost: (varies – based on disposal outlet)

- Disposal cost per ton: \$ 25
- Per Truck (regardless of weight- avoid when possible): \$ 175

Excess Yard Waste Single Day Grapple Truck Scenario: Operational Capability and Cost

- 14 stops – 500 pounds(1/4 ton) per stop (7000#/3.5 tons) – Disposal is \$25/ton Disposal Cost: \$ 87
- Operational Cost: \$ 495

Scenario – Daily Grapple Cost (14 households): \$ 582

Cost per household **\$ 41.57** in the above scenario.
 23,854 households: If each household requested 1 excess fee collection service: **\$ 991,610**
 Note: Chipping Service was not included in the above scenario but has a higher per stop cost (2 staff members required).

• FOR DISCUSSION PURPOSES ONLY: Projections are estimates and have been made using the most recent data available.

APEX

[SLIDE-19]

Excess Yard Waste – Options

Scheduled Curbside Service

- Residents schedule fee based excess collection for yard waste exceeding “X” Cubic Yards.
- Ability to collect larger material (up to 12 inches in diameter) when scheduling excess collection

Volume: Staff recommendation is to collect up to 2 cubic yards per household per collection cycle. For households with excess yard waste that exceeds 2 cubic yards, **Staff recommends that residents schedule an additional excess collection in 2 Cubic yard increments.** Residents can schedule up to 10 cubic yards per collection.

Excess collection fees: Council may want to discuss based on level of service desired, resident expectations, program costs, operational capability, subsidies, and cost recovery targets.

- Council may choose to set a excess collection rate to reduce the growth of ongoing general fund subsidies.
- Council may choose to set a minimal rate for scheduled excess collection.
- Council may decide to not set a rate for scheduled excess collection.
- Staff recommendation: \$50 for each 2 cubic yards of compliant yard waste. Maximum of 10 Cubic yard per collection.**

No Fee Options

- Loose leaves are collected free of charge during Peak Leaf season loose with no volume parameters.
- Consider Citizens Convenience Center so residents have a location to dispose of yard waste materials.
- Council could consider a menu of offerings when considering operational capability, challenges, and cost recovery targets.

No Excess Collection offering

- Residents reserve excess yard waste until next collection cycle.

APEX

Councilmember Mahaffey asked if the customer need to request the service.

Director Mullis said the customer can. He said in some communities, they take a picture and add it on the utility bill.

Councilmember Mahaffey asked about the options for picking up excess waste.

Director Mullis said there’s two systems. He said yard waste crew can collect the debris and put the invoice in their utility bill or the town will tag it and the resident can schedule the excess pick up. He said it’s best to know there is excess in the first place, but if not, he said collecting and invoicing is an easier option. He said this is for Council to decide what their preference is.

Councilmember Mahaffey asked if there was any pushback from any residents.

Director Mullis said mostly residents argue with the size. He said that’s why they take a picture to show the resident the size.

Assistant Town Manager Stone said the biggest issue with doing automatic is with neighborhoods, as sometimes there are multiple families using the same spot.

Director Mullis said that is something they try to get people not to do.

Assistant Town Manager Stone said they understood that some properties cannot put their waste in front of their home for various reasons. He said this would be a first step in a volume limit, and with that and more education it should cut down on the problem. He said it may lead to a containerized system in the future.

Director Mullis asked for Council to provide direction on what a reasonable amount to collect in a week was, and how to go about collecting excess.

[SLIDE-20]

Program Costs, Cost Recovery and Subsidies											
<p>Assumptions: (*)Yard Waste program cost at full budget - Estimated: \$3,230,238 (*)Yard Waste program cost at full budget per month: \$269,520 (*)Monthly household growth - 95 units/mo (1140 units) (*)Monthly household growth estimate of 95 based on 18 mo CO data (*) Assumes Debt Service for Capital Equipment at cost (3.5% 76 mo)</p> <p>Disclaimer: FOR DISCUSSION PURPOSES ONLY: Projections have been made using the most recent data available and is approximate. Staff is confident that this information will provide Council guidance representative of actual conditions.</p>											
FY23-24 Yard Waste Rate	\$7.83			\$9.21			Hypothetical Yard Waste Rate				
	Household count	Monthly yard waste revenue - estimated	Monthly Program subsidy estimated	Rate needed for 100% cost recovery	Monthly Rate Delta	Cost Recovery %	Program Subsidy %	FOR ILLUSTRATION PURPOSES: Monthly YW revenue - estimated (w/ \$1.38 rate adjustment (50% of rate delta))			
								FOR ILLUSTRATION PURPOSES: Monthly program subsidy (w/ \$1.38 rate adjustment (50% of rate delta))			
								Cost recovery %	Program Subsidy %		
February 20 2024	23,854	\$186,777	(\$80,740)	\$11.21	\$3.38	70%	30%	\$219,695	(\$47,625)	82%	18%
Projections - 7/24	24,234	\$188,752	(\$77,768)	\$11.04	\$3.21	71%	29%	\$223,195	(\$44,625)	83%	17%
Projections - 8/24	24,329	\$190,486	(\$77,024)	\$11.00	\$3.17	71%	29%	\$224,070	(\$43,450)	84%	16%
Projections - 9/24	24,424	\$191,240	(\$76,280)	\$10.95	\$3.12	71%	29%	\$224,945	(\$42,275)	84%	16%
Projections - 10/24	24,519	\$191,984	(\$75,536)	\$10.91	\$3.08	72%	28%	\$225,820	(\$41,100)	84%	16%
Projections - 11/24	24,614	\$192,728	(\$74,792)	\$10.87	\$3.04	72%	28%	\$226,695	(\$40,025)	85%	15%
Projections - 12/24	24,709	\$193,471	(\$74,048)	\$10.83	\$3.00	72%	28%	\$227,570	(\$38,950)	85%	15%
Projections - 1/25	24,804	\$194,215	(\$73,304)	\$10.79	\$2.96	73%	27%	\$228,445	(\$37,875)	85%	15%
Projections - 2/25	24,899	\$194,959	(\$72,560)	\$10.74	\$2.91	73%	27%	\$229,320	(\$36,800)	86%	14%
Projections - 3/25	24,994	\$195,703	(\$71,817)	\$10.70	\$2.87	73%	27%	\$230,195	(\$35,725)	86%	14%
Projections - 4/25	25,089	\$196,447	(\$71,073)	\$10.66	\$2.83	73%	27%	\$231,070	(\$34,650)	86%	14%
Projections - 5/25	25,184	\$197,191	(\$70,329)	\$10.62	\$2.79	74%	26%	\$231,945	(\$33,575)	87%	13%
Projections - 6/25	25,279	\$197,935	(\$69,585)	\$10.58	\$2.75	74%	26%	\$232,820	(\$32,500)	87%	13%
Estimated Annual YW Program Revenue		\$2,512,898						\$2,955,764			
Yard Waste Subsidy (annually)			\$964,862						\$521,976		
YW subsidy (monthly)			\$80,405						\$43,498		

Councilmember Mahaffey said this was the most important slide for him. He said excess collection fees would help balance the cost burden of the small lots who may not use the service much with the large lots who use it very often

[SLIDE-21]

Capital Improvement Plan – Fiscal Years 2024-2028									
Public Works & Environmental Services Element Projects									
<p>Projects Funded: Projects designed to manage and mitigate the effects of stormwater runoff, manage the collection and disposal of solid waste, and maintain streets. These projects include structural improvements, Stormwater Control Measure (SCM) construction, and the major maintenance of this infrastructure. They also include equipment needed to manage solid waste collection and maintain town streets.</p> <p>Peak Plan 2030 Recommendation: There are no direct recommendations in the plan regarding Public Works and Environmental Services.</p>									
<p>The table below shows each of the projects submitted for consideration in this year's CIP process and the estimated cost of the project in each fiscal year in the plan. Section 7 of this document contains detailed information regarding the proposed funding source for each individual project.</p>									
Public Works & Environmental Services	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	Future Years	Total Capital Cost		
Grapple Truck - Replacement	235,000	225,000					235,000		
Three Services Fuel Response Truck - Replacement		285,000					285,000		
Leaf Truck - Addition			205,000				205,000		
Leaf Truck - Replacement			180,000				180,000		
Right of Way Mowing Tractor - Replacement				275,000			275,000		
Blow Loader - Addition					180,000		180,000		
Random Series Tractor w/ W1 Line						185,000	185,000		
Comp Truck - Replacement						185,000	185,000		
Element Total	\$235,000	\$505,000	\$425,000	\$253,000	\$470,000	\$185,000	\$2,943,000		

Existing CIP earmarks totaling **\$1,378,000** provides an opportunity to transition to a more efficient, safe, and sustainable collection model. Build time for collection vehicles is currently 19 months. Orders placed in July 2024 arrive January 2026.

[SLIDE-22]

Current State vs Possible Future State					Assumptions (Estimate):		Value
Current State : Solid Waste Fleet 2024: 23,854 households							
	Unit Cost	QTY		Capital Value			
Curbside Collection Equipment (Weekly Year Round)							
Leaf Vac (***)	318,000	6		\$1,908,000	Industry standard for equipment resilience (ignore vehicle safety - allows daily maintenance to occur on route vehicles)		20%
Grapple Trucks (****)	270,000	2		\$540,000	Industry Standard - \$100 per day (25 hrs)		95
Chipper Trucks Combo (Truck Chipper) (****)	201,000	5		\$1,005,000	March 2026 - Household count		36,000
					March 2026 - HH served per day per route (5 day week)		5,200
Current State Collection Vehicles		13		\$3,453,000	March 2026 - ALL - available for daily service (disposal time allowance to & from transfer facility) - Note: One spare collector truck in rotation allowing daily fleet maintenance and route support		7
Future State : Solid Waste Fleet 2026: 26,000 households (March 2026)					March 2026 - Number of stops per day: Collection responsibility per ALL (6 in daily service)		865
	Unit Cost	QTY		Capital Value	March 2026 - Cart set out rate - estimated		70%
Curbside Collection Equipment (Weekly Year Round)					March 2026 - Anticipated Number of stops per day: Collection responsibility per ALL		605
(*) 32 Gallon Roll on Yard Waste Cans (90.84 lbs / 72 mo)	62	21,500		\$1,332,000	March 2026 - Collection responsibility - Tips per driver per hour (assumes 6 hrs in field)		100
Automated Side Loader (ASL) for cart collection					March 2026 - Collection responsibility - Tips per driver per minute - Cart tips per minute (assumes 6 hrs in field)		1.3
	396,587	7		\$2,776,109	(*) Debt Service assumption: Interest rate / Term		3.5% / 12 mo
Fire Based - Scheduled Collection - Excess Volume Vehicles					(**) Debt Service assumption: Interest rate / Term - Illustrative comparison only (The Town has not Financed Expenses)		3.5% / 16 mo
Grapple Truck (****)	270,000	3		\$810,000	Note: Debt assumption reflects actual replacement schedule		
Chipper Truck Combo (Truck Chipper) (****)	201,000	2		\$402,000	(****) - Proposed cart model utilizes Leaf Vacs seasonally (3 mo)		
Roll Loader	340,650	1		\$340,650	(*****) Grapple and Chipper utilized for suggested Fire Based Excess Collection and Disaster response		
Large Pine Special Collections / Surges / Misses / Alleyways Route Support / Disaster Response							
Future State Collection vehicles		13		\$4,328,759			
Seasonal Operations (Leaf Vac) - Dec-Feb (3 months)	Unit Cost	QTY		Capital Value			
Leaf Vac (****)	318,000	7		\$2,226,000			
Transition over time to Hook Lift/Back Mounted Leaf Collectors							

FOR DISCUSSION PURPOSES ONLY: Projections have been made using the most recent data available and is approximate. Staff is confident that this information will provide Council guidance representative of actual conditions.



Councilmember Zegerman said since there are no leaf vacs in the bottom half of the chart, he asked if all the leaves are going to get stuffed in the containers.

Director Mullis said no. He said you would still keep your loose-leaf season but these would just be running three months a year.

Councilmember Zegerman asked why the fleet trucks are not in the capital fund.

Director Mullis said with not buying leaf vac this is what it would be if the same capital was deployed to do everything year-round. He said the leaf trucks are already paid for. He said the town shouldn't have to replace one for another three years. He said this was to illustrate the asset cost if they changed systems over time.

Councilmember Zegerman asked if the town will be adding two more grapple trucks or just one.

Director Mullis said the town has two and one more for excess collection.

Councilmember Gantt asked if there was a 10-year number.

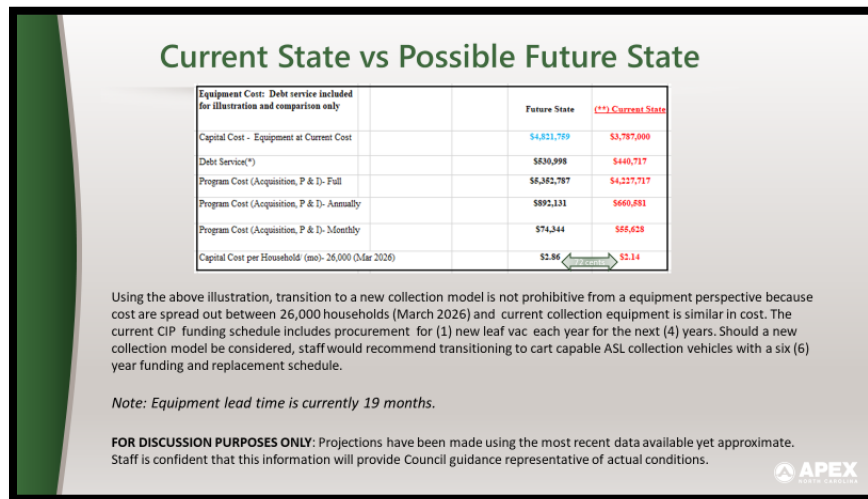
Director Mullis said he has connected with other municipalities, and their ASL trash truck of the leaf vacs are extremely expensive to maintain, so there would be a lot of change in the capital and operations.

Councilmember Gantt asked if operations would require less staff.

Director Mullis said it would be less personnel.

Assistant Town Manager Stone said this is a preliminary look at what the future could look like in yard waste. He said the first step is for Council to reduce the volume the yard waste crew is picking up and to codify that and educate residents. He said they have to take incremental steps like this to get the system containerized.

[SLIDE-23]



[SLIDE-24]

Requested Action

- Receive Council feedback on willingness to consider ordinance revisions that establish pre-collection set out parameters.
- Receive Council feedback on willingness to consider ordinance revisions that define and establish excess yard waste collection fees.
- Receive Council feedback to gain an understanding of their expectations of program cost recovery.
- Receive Council feedback and direction on future yard waste collection model.

APEX
ASSET MANAGEMENT

Councilmember Zegerman said instead of it being the same for all residents it should be more usage-based. He asked if there have been different model showing different revenue options.

Director Mullis said the yard waste crew doesn't know how many piles there are. He said it would be hard to estimate until the town started having more excess piles and could then come back and give Council more data.

Assistant Town Manager Stone said currently they do have an idea on tonnage but no idea on the amount of volume dropped off.

Councilmember Zegerman wondered if the town decided on this today, he asked do we have the system and staff to handle it, or if they needed additional people.

1 **Councilmember Gantt** said if it was made more equitable, he suggested to go lower
2 than two cubic yard and go one cubic yard as the baseline and ramp up the excess a little bit
3 faster.

4 **Councilmember Mahaffey** said it could end up like a tiered system.

5 **Councilmember Gantt** said he likes the tier system for stormwater.

6 **Councilmember Killingsworth** said going from two cubic yards to a maximum of 10
7 cubic yards is a huge difference.

8 **Director Mullis** said it could be unlimited but the goal is to get at least two or three
9 houses before having to go drop off and the fee still has to be paid no matter what.

10 **Councilmember Mahaffey** said it's not all about the revenue. He said it's about
11 changing behaviors for customers, and getting more yard waste off of curbs.

12 **Mayor Pro-Tempore Gray** said if the town adopts recommendations, it can be
13 figured out how to better democratize this. He said reducing the size and increasing the cost
14 of taking away, it's a long education process. He asked what is staff looking at in terms of
15 adoption for codification.

16 **Director Mullis** said March of 2026 is optimal. He said education is the most
17 important part, and that needs to be given time.

18 **Councilmember Killingsworth** said she would like to start at one cubic yard and then
19 eventually go to the bins. She said the fees for excess are the way to handle that transition.

20 **Director Mullis** said in Holly Springs, a big lesson learned was that crews were so
21 lenient picking up yard waste that residents thought what they were putting out was the
22 normal pile.

23 **Councilmember Killingsworth** said they could have a convenience center to set up
24 to manage it themselves if they know there is excess. She said the fees need to be higher
25 than 50. She mentioned how certain developments, it's hard to comply with the 10 feet
26 regulation from mailboxes, cars, etc. She said that could go to 6 feet.

27 **Director Mullis** said they could work with 6 feet for that.

28 **Councilmember Gantt** asked what is the safe amount of space from a mailbox that
29 the truck won't hit the mailbox.

30 **Director Mullis** said he thinks 6 would work.

31 **Councilmember Mahaffey** said he wanted to address the tiered system. He said
32 people with more yard would pay more. He said what worries him about one cubic yard is
33 that there is a lot of yard just generate from a single bow. He said it may not be feasible, but
34 something like that would be good.

35 **Councilmember Zegerman** said he would like to know the start-up costs in terms of
36 equipment purchases. He asked if that was the 4.8 million and is the convenience center
37 included as well.

38 **Director Mullis** said the equipment purchases is included in the 4.8 million. He said
39 the convenience center is another discussion. He said they are in the process of rezoning but
40 nothing has been designed.

41 **Councilmember Zegerman** asked what is the depreciation operating cost looks like
42 over a period of time.

1 **Councilmember Mahaffey** said he was hoping there would be more operational
2 savings going into containerization but it sounds like a wash to him.

3 **Mayor Gilbert** asked what the next steps would be.

4 **Councilmember Gantt** said if the town is going to a container in a couple years, then
5 they don't need to nitpick on the numbers for the next two years.

6 **Interim Town Manager Purvis** said he thinks that's a good point. He said if they did
7 not want to move to containers, it would be a different plan altogether.

8 **Councilmember Killingsworth** left at **4:57 p.m.**

9 **Mayor Pro-Tempore Gray** said he would like to see a model container plan.

10 **Councilmember Zegerman** said he does not want to put residents in a position
11 where they don't know where to dispose of their yard waste.

12 **Councilmember Mahaffey** said he wants to get rid of some of the faults in the system
13 today and have a better practice.

14 **Councilmember Zegerman** said also what needs to be discussed is setting a limit
15 and how updating the ordinance is meaningless unless the town starts doing something
16 about it.

17 **Councilmember Mahaffey** said there are two things. One is the cost. He said give the
18 resident a tag and the town won't pick it up and that's the enforcement.

19 **Interim Town Manager Purvis** said there would be difficulties in transitioning to
20 stricter enforcement and lower limits.

21 **Councilmember Gantt** said he is good with the recommendation that's already
22 mentioned for one and going with the two cubic yards maximum and work towards the
23 container stuff more once there is more information.

24 **Mayor Gilbert** left the meeting at **5:03 p.m.**

25 **Mayor Pro-Tempore Gray** said he is good with the recommendation of staff.

26 **Councilmember Mahaffey** said they could make those changes now and revisit this
27 in a year to really see the impact and the data available.

28 **Director Mullis** said it would be great if Council did that since they already enter work
29 orders in City Works and that will create the data Council is looking for. He said they would
30 continue working on the convenience center.

31 **Councilmember Zegerman** this does not need to come back March 2026 to revisit.
32 He said he would like to see some cost analysis and some data that's already collected. He
33 said to take a year to get the data and run financial models so that Council is better prepared
34 to make a decision.

35 **Councilmember Gantt** asked if 10 feet from the drains and 6 from the mailboxes and
36 other impediments was the plan.

37 **Interim Town Manager Purvis** said yes, they would make that note. He said it seems
38 Council is in consensus for moving towards containers. He said it seems two cubic yards is
39 the consensus. He said he will get that and enforcement into this year's budget. He said next
40 steps would be to build out a potential transition plan program to cost out the plan what
41 looks like to go to the container route.

1 **Councilmember Mahaffey** asked about a possible recovering the start up costs
2 through a fee system.

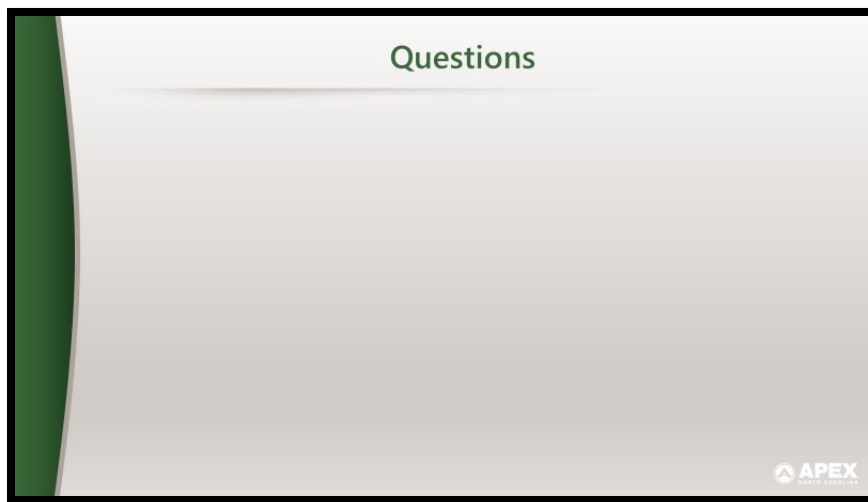
3 **Councilmember Zegerman** said not every household needs a start up cost. He said
4 there may be alternatives they want to implement in higher-density communities.

5 **Councilmember Mahaffey** said he thinks they should start working towards
6 containerization without putting a firm timeline on it yet. He asked if the recommendation was
7 to do it all at once.

8 **Director Mullis** said all at one time. He asked Council if the pre-collection parameters,
9 waste collection fees proposed, and other recommendations were okay.

10 Council indicated consensus.

11
12 **[SLIDE-25]**



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15 **[ADJOURNMENT]**

16 **Mayor Pro-Tempore Gray** thanked everyone and declared the meeting adjourned at
17 **5:17 p.m.**

18
19
20 Jacques K. Gilbert
21 Apex, Mayor

22
23
24 Allen Coleman, CMC, NCCCC
25 Apex, Town Clerk

26
27 Submitted for approval by Apex Town Clerk Allen Coleman.

28
29 Minutes approved on _____ of _____, 2024.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Angela Reincke, Parks Planning Project Manager

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to approve a payment of Fee-in-Lieu (FIL) of dedication for Ashland Subdivision.

Approval Recommended?

Yes

Item Details

Per the Unified Development Ordinance Article 14, the Ashland Master Subdivision was exempt from review by the Parks, Recreation and Cultural Resources Advisory Commission (PRCR) as it has less than 45 single family attached dwelling units. The UDO also requires that Town Council take action for land dedication on Subdivisions at the time of Master Subdivision plan approval by the Technical Review Committee. Ashland was rezoned in case no. 23CZ18 to Rural Residential- Conditional Use for 16 Single Family Detached residential lots. Due to the unit total, size and location of the property as it relates to the Master Plan for Parks, Recreation, Cultural Resources, Greenways and Open Space staff supports a fee-in-lieu of dedication. Staff recommends approval of a fee-in-lieu of dedication based on the total number of Single family detached units on the shown on the Master Subdivision plan at the 2024 rate of \$4,165.28 per unit to be paid at the time of plat.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Motion to approve a Interlocal Agreement between the Town of Apex and Capital Area Metropolitan Planning Organization (CAMPO), effective until June 30, 2025, for the Apex Rail Switching Operations Relocation Study, and to authorize by the Interim Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Planning Department's operational budget includes up to \$55,000 to participate with the Capital Area Metropolitan Planning Organization (CAMPO) in a study that will evaluate the feasibility of relocating the CSX rail switching operations currently occurring in downtown Apex. The study will include: data collection and documentation of requirements for CSX rail switching operations, Technical Steering Committee engagement, identification of and feasibility analysis for two potential alternate locations for CSX rail switching operations, conceptual designs and planning-level cost estimates, implementation strategies and plan for recommendations, identification of Federal and state funding sources to aid in implementation of the recommendations identified through the study, and preparation of materials that can be used for grant applications. The total estimated cost is \$100,000. Per the agreement, CAMPO and the Town of Apex would each commit \$50,000. The purpose of this agreement is to establish the terms and responsibilities for the Town of Apex and CAMPO. CAMPO will enter into a separate contract with the selected consultant, as described in Exhibit 1, which may be modified from time to time. The additional funds in the operational budget are anticipated to be needed to engage CSX in study elements, which would occur under a separate agreement.

Attachments

- CN10-A1 - Interlocal Agreement - Town of Apex and the Capital Area Metropolitan Planning Organization (CAMPO) - Rail Relocation Study
- CN10-A2 - Exhibit 1 - Draft agreement between CAMPO and the consultant (may be modified) - Interlocal Agreement - Town of Apex and the Capital Area Metropolitan Planning Organization (CAMPO) - Rail Relocation Study



**INTERLOCAL AGREEMENT FOR APEX RAIL SWITCHING OPERATIONS RELOCATION
STUDY BETWEEN THE**

TOWN OF APEX

and the

**CAPITAL AREA METROPOLITAN
PLANNING ORGANIZATION (CAMPO)**

THIS INTERLOCAL AGREEMENT, is made and entered into on the last date executed below by and between the Town of Apex, a N.C. municipal corporation, (“Apex”) and the Capital Area Metropolitan Planning Organization, a metropolitan transportation planning organization, (“CAMPO”) (collectively, the “Parties”).

BACKGROUND AND RECITALS:

WHEREAS, the U.S. Congress has mandated the establishment of Metropolitan Planning Organizations (MPOs) to encourage and promote the safe and efficient management and operation of surface transportation systems. 23 U.S.C. § 134 (a) (1)-(2), to wit:

“(a) Policy.-It is in the national interest-

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas better connect housing and employment, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).”

23 U.S.C. § 134 (a) (1)-(2)

WHEREAS, CAMPO has been established and exists under the authority and mandate of Article 16 of Chapter 136 of the North Carolina General Statutes; and

WHEREAS, pursuant to the above referenced federal and State laws, CAMPO has the authority and responsibility for development of multi-modal transportation plans (including plans for pedestrian and pedestrian transportation facilities); and

WHEREAS, CAMPO will enter into a contract with A. Morton Thomas and Associates, Inc. (AMT), in partnership with the Town of Apex to perform an Apex Rail Switching Operations Relocation Study (or the “Study”) with a view toward examining the feasibility of moving the CSX rail switching operations out of downtown Apex. The Study will evaluate and document CSX operational requirements for their rail switching operations, opportunities to benefit the CSX network and operations, the feasibility of at least two alternate locations for CSX rail switching operations, conceptual designs for required upgrades to existing infrastructure, and planning-level cost estimates associated with alternative locations; and

WHEREAS, the Apex Rail Switching Operations Relocation Study contract will be entered into for FY 24 and FY25 and submitted in final form to CAMPO and the Town of Apex; and

WHEREAS, the Apex Rail Switching Operations Relocation Study will address the safety, traffic congestion, diesel engine emissions, vibration, and noise issues created by the CSX switching operations in downtown Apex; and

WHEREAS, the Town of Apex and CAMPO have made funding commitments to the Study, and they desire to formally acknowledge their respective funding commitments and assignment of coordination and implementation responsibility to CAMPO.

NOW, THEREFORE, in consideration of the Background Statement and Recitals, the mutual agreements set forth below, and other good and valuable consideration, the Parties agree as follows:

I. BACKGROUND AND PURPOSE.

The Parties acknowledge their mutual support for continued planning, project management, and related work for the Study. To this end, the parties desire to affirm their respective financial and other commitments to the Study.

II. APEX RAIL SWITCHING OPERATIONS RELOCATION STUDY SCOPE

The Parties acknowledge and agree that the Apex Rail Switching Operations Relocation Study contract entered into between AMT and CAMPO should include the work elements set forth below.

The Consultant's fee for the Study shall be the sum of one hundred thousand dollars (\$100,000.00). This cost shall cover 100% of the Study's elements, including the following:

- Project management, meetings, presentations
- Data collection and documentation of requirements for CSX rail switching operations
- Technical Steering Committee engagement strategy
- Identification of and feasibility analysis for two potential alternate locations for CSX rail switching operations
- Conceptual designs and planning-level cost estimates
- Implementation strategies and plan for recommendations
- Identification of Federal and state funding sources to aid in implementation of the recommendations identified through the Study, and preparation of materials that can be used for grant applications

The Apex Rail Switching Operations Relocation Study is summarized, and costs broken down according to category in Exhibit 1.

III. CAMPO AS LEAD AGENCY FOR STUDY

The Town of Apex and CAMPO acknowledge and agree that, due to the regional nature of the Study, and considering CAMPO's experience in regional transportation planning, CAMPO should be the entity to coordinate and lead the Study. CAMPO acknowledges and agrees that, subject to approval by the CAMPO Executive Board, it is willing to serve as the lead agency for the Apex Rail Switching Operations Relocation Study.

CAMPO shall engage the Town of Apex throughout the Study, providing specific opportunities to:

- Review the scope of services between CAMPO and the selected consultant
- Provide data to inform the study
- Review plans for stakeholder engagement
- Review all deliverables

IV. FINANCIAL PROJECT COMMITMENTS BY THE TOWN OF APEX.

In recognition of the Study cost of \$100,000.00, the Town of Apex and CAMPO are willing to make the following funding commitments in support of planning costs identified in the Study as follows:

- As approved by formal action of its Town Council, Apex agreed to commit the sum of fifty thousand dollars (\$50,000.00), to defray the costs of the Study contract.

-As approved by formal action of its Board of Directors, CAMPO agreed to commit the sum of fifty thousand dollars (\$50,000.00) to defray the costs of the Study contract.

V. INCORPORATION OF THE APEX RAIL SWITCHING OPERATIONS RELOCATION STUDY PROJECT INTO THE UPWP

In furtherance of the Project, the Parties acknowledge that the Apex Rail Switching Operations Relocation Study has been incorporated into CAMPO's adopted *FY24* and *FY25* Unified Planning Work Program ("UPWP"). CAMPO shall accordingly take all steps necessary and appropriate to advance, support, and carry forward the Apex Rail Switching Operations Relocation Study Project.

VI. COMMUNICATIONS; CONTACTS

CAMPO will regularly communicate with the Town regarding the Apex Rail Switching Operations Relocation Study, including contracts entered into, progress made, and work performed on the specific project elements enumerated in Article II hereof. CAMPO will also ensure Apex receives a full and complete copy of the Study.

For purposes of such communications, including notices to be given under terms of the Agreement, the parties have designated the following contact persons and/or entities:

FOR CAMPO:

Gaby Lawlor,
Transportation Planner
One Main St. Fenton, Suite 201
Cary, NC 27511

FOR THE TOWN OF APEX:

Shannon Cox
Long Range Planning Manager
Planning Department, Town of Apex
PO Box 250
Apex, NC 27502

VII. SCOPE OF SERVICES AND RESPONSIBILITY OF PARTIES

Anticipating that a contract for the Study will be entered into between CAMPO and AMT it is acknowledged and agreed as follows:

A. CAMPO has ensured that a qualified firm is obtained through an equitable selection process, so that the prescribed work is properly accomplished, in a timely manner, and at a just and reasonable cost.

B. CAMPO will take appropriate steps to ensure that, with respect to the Study contract and performance of all work associated therewith, 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; and the Department's Policies and Procedures for Major Professional or Specialized Services Contracts, will be adhered to. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legisregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

C. CAMPO is responsible for the administration of all agreements, contracts, and work orders entered into or issued for this Project.

D. CAMPO and its agents shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs and financial obligations incurred under this AGREEMENT. Further, CAMPO 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 term of this Agreement, and for three (3) years from the date of payment of the final vouchers for services or other expenses incurred by CAMPO in fulfillment of the Project. All funds received by CAMPO for, and to be applied to costs of, the Project shall be maintained in a designated Project fund balance. All such funds will be held and managed in accordance with the budgeting, fiscal control, and accounting standards applicable to units of local government in the State, including compliance with requirements for annual, or more frequent, audits.

VIII. FUNDING PROCEDURES

A. CAMPO shall bill Apex for a lump sum once the consultant has completed and provided invoice(s) for \$50,000.00 of eligible project costs by submitting an itemized invoice to the TOWN OF

APEX (PO Box 250 Apex, NC 27502). Proper supporting documentation shall accompany the invoice as may be required by Apex.

B. Apex shall reimburse CAMPO for all invoices within thirty (30) days of receipt of invoice by Apex.

IX. TERM OF AGREEMENT; AMENDMENT; APPOINTMENT OF PERSONNEL

A. Term. This Agreement shall be effective as of the date it is duly executed by all the Parties. Unless terminated sooner, it shall expire on June 30, 2025, or at the conclusion of the Study, whichever is earlier. This Agreement may be terminated by any party after such notice is given, upon six months' notice given in writing prior to the start of the fiscal year in which termination is effective. Notwithstanding the termination date heretofore established, the Parties' obligations to contribute to the cost of the Study shall survive the termination of this Agreement unless both Parties mutually agree to terminate the Study and its associated costs.

B. Amendments. This AGREEMENT may be amended from time to time upon mutual consent of the respective governing bodies of the Parties expressed in writing.

C. Appointment of Personnel. It is agreed that the duly authorized officer executing this Agreement on behalf of his or her respective Party, shall designate persons to carry out the respective Party's obligations under this Agreement.

X. MISCELLANEOUS

A. Available Funds Condition. 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. By executing this Agreement, the Parties acknowledge that at the time of the signing, the funds required by the terms of this Agreement are available and allocated to the Study.

B. Acknowledgment of Authority. All Parties hereby respectively confirm that the individuals executing the Agreement are authorized to execute this Agreement and to bind the respective entities to the terms contained herein. All Parties confirm they have read this Agreement, conferred with counsel, and fully understand its contents.

C. Merger and Severability. This Agreement supersedes any and all prior agreements or understandings, oral or written, among the Parties, and shall comprise the whole agreement regarding any agreements or undertakings with respect to the subject matters addressed hereunder. In the event any provision hereof shall be adjudicated to be invalid or unenforceable, in whole or in part, the remaining provisions hereof shall remain in full force and effect, and this Agreement is accordingly declared to be Severable.

D. Governing Law. This Agreement shall be interpreted under the laws of the State of North Carolina, with venue in Wake County, resolving any ambiguities and questions regarding the validity of specific provisions, so as to give maximum effect to the values and purposes sought to be set forth herein.

E. E-Verify. The parties herein have complied with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of the parties' knowledge, any subcontractor employed by a contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

F. IRAN DIVESTMENT ACT CERTIFICATION. The parties herein certify that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, the parties shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

G. NON-DISCRIMINATION. To the extent permitted by law, the parties hereto for themselves, their agents, officials, employees, and servants agree, with respect to the subject matter of this contract, not to discriminate in any manner based on race, color, creed, national origin, sex, age, disability, handicap, marital status, pregnancy, or sexual orientation. The parties further agree, to the extent permitted by law, to comply with all State, Federal, and local statutes, ordinances, and regulations prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.C.C. 2000 et seq.); the Fair Housing Act, Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C.6101 et seq.); Title II of the Americans with Disabilities Act of 1990; and Wake County Code of Ordinances Section 34.01.

H. Electronic Signature. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement 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 Apex's Electronic Signature Policy and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

[The Remainder of This Page Intentionally Left Blank; Signatures Follow]

THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION “CAMPO”

By: _____
Chris Lukasina, Executive Director

ATTEST:

By: _____
Star Rogers, Administrative Specialist

TOWN OF APEX

Shawn Purvis, Interim Town Manager

Date

Attest:

Allen L. Coleman, Town Clerk

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

Antwan Morrison, Finance Director

Date

|

EXHIBIT 1, (Attachment)

APEX RAIL SWITCHING OPERATIONS RELOCATION STUDY AMT and CAMPO Contract

NORTH CAROLINA
WAKE COUNTY

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT (the “Contract”) is entered into on _____, 2024, by and between A. Morton Thomas and Associates, Inc. (AMT), hereinafter referred to as the “Contractor;” and the Capital Area Metropolitan Planning Organization, a N.C. metropolitan transportation planning organization, authorized and existing under Article 16 of Chapter 136 of the N.C. General Statutes (“CAMPO”); (Collectively, the “Parties”).

RECITALS:

WHEREAS, in furtherance of its official responsibilities, obligations, and objectives, CAMPO desires to engage a private contractor to perform certain services for CAMPO as further described in this Contract; and

WHEREAS, CAMPO has completed the necessary steps for solicitation and selection of an individual or firm to perform such services, all in accord with CAMPO policies and applicable legal requirements; and

WHEREAS, CAMPO has agreed to engage and contract with the Contractor, and the Contractor has agreed to contract with CAMPO, for performance of the services described herein, and in accordance with the further terms and conditions of this Contract; and

WHEREAS, CAMPO and the Contractor recognize and acknowledge that the Town of Cary (the “Town”) serves as the Lead Planning Agency (“LPA”) for CAMPO and, in this capacity, performs financial and other services in support of CAMPO’s official functions, all in accordance with that Agreement between CAMPO and the Town of Cary, December 16, 2022 as amended, which Agreement is incorporated herein by reference.

NOW THEREFORE, in consideration of the sums to be paid to the Contractor as provided herein, and other good and valuable consideration, the Contractor and CAMPO contract and agree as follows:

1. Scope of Services

The Contractor shall perform for CAMPO the following described services (hereinafter at times referred to as the “work”, “project work”, or “project services”:

Perform necessary data collection and analysis, and stakeholder engagement to develop and document two potential alternative sites for relocation of the CSX switching and yard operations out of downtown Apex, as more specifically described in Exhibit 1, attached, entitled “Apex Rail Switching Operations Relocation Study”.

2. Time of Performance

In performing the services described in this Contract, it is mutually agreed that **time is of the essence**. The Contractor shall begin work without delay following execution of this Contract by both parties, and upon CAMPO's giving to the Contractor Notice to Proceed with the work. The work shall be completed by June 30, 2025

The term of this Agreement shall commence upon execution by all parties and shall continue through the Contractor's satisfactory completion of all work, services, and tasks described in the Contract.

3. Compensation; Time of Payment

(Billing by Time, Charges, and Expenses) For services to be performed hereunder, CAMPO shall pay the Contractor for the actual work satisfactorily performed, in accordance with the Statement of Fees and Charges set forth in Exhibit 2, attached. Total compensation may in no event exceed the sum of \$99,857.00, except pursuant to a duly authorized, written amendment to this Contract, properly executed by the Parties.

The Contractor shall submit to CAMPO an invoice, or periodic invoices as work is completed, describing in reasonable detail the completed work. Invoices will be reviewed and approved by the CAMPO Executive Director or his designee, prior to payment.

Payment terms shall be: Net 30 days from the date of CAMPO's receipt of the Contractor's invoice. Invoices may be submitted through USPS mail, by personal delivery, or via email. Emailing of invoices is encouraged, to: *Gaby.Lawlor@campo-nc.us*. All invoices **must include** the following **Purchase Order Number**_____. Invoices submitted without the correct purchase order number will result in delayed payment.

4. Quality of Services and Standard of Care.

All work performed under this Contract (including all phases of project work to which the Contract applies) shall be performed in a high quality and professional manner, to the reasonable satisfaction of CAMPO, and shall conform to all prevailing industry and professional standards. The standard of care for services performed or furnished by Contractor under this Contract will be the care, thoroughness, and skill ordinarily provided by members of Contractor's profession, practicing under generally similar conditions, at the same general time, and in the same general locality.

As deemed appropriate in the performance or furnishing of professional and related services hereunder, the Contractor may engage subcontractor(s), including without limitation consultant(s) or sub-consultant(s). The Contractor is not authorized to engage any such individuals or businesses which shall have been found by CAMPO to be not acceptable in the

performance of work for CAMPO. It shall be the responsibility of the Contractor to confer with CAMPO in this regard prior to engaging for any such subcontractor services.

5. Notices

All notices, requests for payment, or other communications arising hereunder shall be sent to the following:

CAMPO:
Attn: Gaby Lawlor
Capital Area MPO

A. Morton Thomas and Associates, Inc. (AMT)
Attn: Steve Karnis

1 Fenton Main St, Suite 201
Cary, NC 27511
Telephone: 984-542-3601

Telephone: 704-343-5892
Email: skarnis@amtengineering.com

All notices regarding a dispute arising under this Agreement shall also be provided to:

Capital Area MPO
Attn: Executive Director
1 Fenton Main St, Suite 201
Cary, NC 27511

6. Actions in Conformance with Lead Planning Agency Agreement.

The Parties agree to take all reasonable steps and otherwise act in conformance with applicable provisions of the Lead Planning Agency Agreement between CAMPO and the Town of Cary as referenced in the Recitals.

7. Insurance

As indicated by the notation of applicability set forth herein, the Contractor agrees to continuously maintain, on a primary basis, at its sole expense and at all times during the term of this Contract, the applicable coverages and limits, set forth below. The requirements contained herein, as well as CAMPO's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations of the Contractor under this Contract.

Commercial General Liability – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.

Applicable: Yes x No

Automobile Liability – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles are used in the provision of services under this Contract.

Applicable: Yes x No

Worker's Compensation & Employers Liability – The Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 (relating to statutory limits and number of employees liability) of not less than \$1,000,000 each accident.

Applicable: Yes x No

Professional Liability (Errors and Omissions Coverage) – The Contractor agrees to maintain insurance with limits of not less than \$1,000,000 each claim. This coverage is necessary for professional services such as engineering, architecture, or when otherwise required by CAMPO.

Applicable: Yes x No

Umbrella or Excess Liability – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. The Contractor agrees to endorse CAMPO and the Town of Cary as additional insured parties on the Umbrella or Excess Liability policy unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a "Follow-Form" basis.

Additional Insured – Contractor agrees to endorse CAMPO and the Town of Cary as additional insureds on the Commercial General Liability, Auto Liability, and Professional Liability policies. The endorsement shall read: "Capital Area Metropolitan Planning Organization and the Town of Cary are named additional insured as their interest may appear."

Certificate of Insurance – The Contractor agrees to provide both CAMPO a Certificate of Insurance evidencing that all coverages, limits, and endorsements required herein are continuously maintained in full force and effect. If the Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify CAMPO within five (5) business days with a copy of the non-renewal or cancellation notice or provide to CAMPO a reasonably sufficient statement identifying the coverage(s) which is/are no longer in compliance. The Certificate Holders' addresses should read as follows:

All insurance coverage referenced above shall be provided by an insurance company authorized to do business in the State of North Carolina.

8. Indemnity

A. PROFESSIONAL SERVICES CONTRACTOR'S INDEMNIFICATION (EXCLUSIVE OF DESIGN SERVICES) TO CAMPO

a. To the fullest extent allowed by law, the Contractor shall defend, indemnify and hold harmless CAMPO, its officers, officials, employees, agents, or indemnities (collectively called "Indemnified Parties") from and against those Losses, liabilities, damages, and costs caused by, arising out of, resulting from, or in connection with the execution of the work provided for in this Agreement, when the Fault of the Contractor or its Derivative Parties is a proximate cause of the Loss, liability, damage, or expense indemnified.

b. Costs and expenses shall include attorneys' fees, litigation or arbitration expenses, and court costs actually incurred by the Indemnified Parties to defend against third-party claims alleged in any court, tribunal, or alternative dispute resolution procedure required of any of the Indemnified Parties by law or by contract, but only if the Fault of the Contractor or its Derivative Parties is a proximate cause of the attorney's fees, litigation or arbitration expenses, or court costs to be indemnified.

c. The Contractor's duty to indemnify, defend, and hold harmless described hereinabove shall survive the termination or expiration of this Contract.

B. Definitions:

1. For the purposes of this Section, the term "Fault" shall mean any breach of contract; negligent, reckless, or intentional act or omission constituting a tort under applicable statutes or common law; or violation of applicable statutes or regulations.
2. For the purposes of this Section, the term "Loss" or "Losses" shall include, but not be limited to, fines, penalties, and/or judgments issued or levied by any local, state, or federal governmental entity.
3. For the purposes of this Section, the term "Derivative Parties" shall mean any of the Contractor's subcontractors, agents, employees, or other persons or entities for which the Contractor may be liable or responsible because of any statutory, tort, or contractual duty.

9. Intellectual Property

Subject expressly to the provisions of paragraph 17 of this Agreement, any information, data, instruments, documents, studies, reports or deliverables given to, exposed to, or prepared or assembled by the Contractor under this Contract shall be kept as confidential proprietary

information of CAMPO and not divulged or made available to any individual or organization without the prior written approval of CAMPO. Such information, data, instruments, documents, studies, reports or deliverables will be the sole property of CAMPO and not the Contractor.

All intellectual property, including, but not limited to, patentable inventions, patentable plans, copyrightable works, mask works, trademarks, service marks and trade secrets invented, developed, created or discovered in performance of this Contract shall be the property of the CAMPO.

Copyright in and to any copyrightable work, including, but not limited to, copy, art, negatives, photographs, designs, text, software, or documentation created as part of the Contractor's performance of this project shall vest in the CAMPO. Works of authorship and contributions to works of authorship created by the Contractor's performance of this project are hereby agreed to be 'works made for hire' within the meaning of 17 U.S.C. 201.

10. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

11. Advertising

The Contractor shall not use the existence of this Contract, or the name of the Town of Cary or CAMPO, as part of any advertising without the prior written approval of CAMPO and the Town of Cary, respectively.

12. Cancellation.

CAMPO may terminate this Contract at any time by providing thirty (30) days written notice to the Contractor. In addition, if Contractor shall fail to fulfill in a timely and proper manner the obligations under this Contract for any reason, including the voluntary or involuntary declaration of bankruptcy, CAMPO shall have the right to terminate this Contract by giving written notice to the Contractor, and in such event, termination will be effective upon receipt. Upon receipt of such notice, the Contractor shall cease performance immediately.

In the event of early termination, Contractor shall be entitled to receive just and equitable compensation for satisfactory work completed and associated costs incurred prior to the Contractor's receipt of notice of termination. Notwithstanding the foregoing, in no event will the total amount due to Contractor under this section exceed the total amount due Contractor under the Contract. The Contractor shall not be relieved of liability to CAMPO for damages sustained by CAMPO by virtue of any breach of this Contract, and CAMPO may withhold any payment

due to the Contractor for the purpose of setoff until such time as CAMPO can determine the exact amount of damages due CAMPO resulting from the breach.

Payment of compensation specified in this Contract, its continuation, or any renewal thereof, is dependent upon and subject to the allocation or appropriation of funds to CAMPO for the purpose set forth in this Contract.

13. Laws/Safety Standards

The Contractor shall comply with all laws, ordinances, codes, rules, regulations, safety standards and licensing requirements that are applicable to the conduct of its business, including those of Federal, State, and local agencies having jurisdiction and/or authority regarding the Contractor's work under the Contract.

Contractor must comply with *North Carolina Occupational Safety and Health Standards for General Industry, 29CFR 1910*. In addition, Contractor shall comply with all applicable occupational health and safety and environmental rules and regulations.

As applicable to the scope of work under this Contract, the Contractor shall effectively fulfill and manage their safety and health responsibilities including:

A. Accident Prevention

Prevent injuries and illnesses to their employees and others on or near their job site. Contractor managers and supervisors shall ensure personnel safety by strict adherence to established safety rules and procedures.

B. Environmental Protection

Protect the environment on, near, and around their work site by compliance with all applicable environmental regulations.

C. Employee Education and Training

Provide education and training to all subcontractors, consultants, and employees before they are exposed to potential workplace or other hazards, as required by specific OSHA Standards.

14. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Contract, this Contract and all materials submitted to CAMPO by the Contractor are subject to the public records laws of the State of North Carolina. It is the responsibility of the Contractor to properly designate materials at the time of initial disclosure to CAMPO that may be protected from disclosure as "Confidential" and/or "Trade Secrets" under North Carolina law as such and in the form required by law prior to the submission of such materials to CAMPO. The Contractor understands and agrees that CAMPO may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Contract. To the

extent that any other provisions of this Contract conflict with this paragraph, the provisions of this section shall control.

15. Audit

At their election, CAMPO may conduct, or provide for, an audit or audits of the Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. CAMPO may conduct such audits or inspections throughout the term of this Contract, and for a period of three years after final payment to the Contractor, or for a longer period if such is required by law.

In the event of such an audit, the Contractor agrees that CAMPO, or its/their designated representative(s), shall have the right to review and to copy any work, materials, payrolls, records, data, supporting documentation, or any other sources of information and matters that may in CAMPO judgment have any bearing on or pertain to any matters, rights, duties or obligations arising under the Contract. The Contractor agrees that CAMPO or its/their designated representative, shall have access to Contractor's personnel records pertaining to the performance of this contract, including but not limited to financial, performance, operations and compliance records. The Contractor agrees to maintain such records for a minimum of three years after final payment, unless a longer period of records retention is required by law. The Contractor agrees to allow CAMPO or its/their designee to access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. CAMPO's authorized representative or designee shall have reasonable access to the Contractor's facilities, shall be allowed to interview all current or former employees to discuss matters pertinent to the performance of this Contract, and shall be provided an adequate and appropriate workspace to conduct audits as provided for herein.

The Contractor agrees to include similar provisions regarding the rights of CAMPO to conduct auditing activities in any contract with employees, consultants, or subcontractors of the Contractor for performance of work under this Contract.

CAMPO agree to provide the Contractor with an opportunity to discuss and respond to any findings before any final audit report is issued.

CAMPO's rights under provisions of this Contract regarding audits shall survive the termination of this contract.

16. E – Verify

Contractor shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

17. Iran Divestment Act Certification.

Contractor certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, *et seq.* In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

18. Non-discrimination.

To the extent permitted by law, the parties hereto for themselves, their agents, officials, employees, and servants agree, with respect to the subject matter of this contract, not to discriminate in any manner based on race, color, creed, national origin, sex, age, disability, handicap, marital status, pregnancy, or sexual orientation. The parties further agree, to the extent permitted by law, to comply with all State, Federal, and local statutes, ordinances, and regulations prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.C.C. 2000 *et seq.*); the Fair Housing Act, Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*); Title II of the Americans with Disabilities Act of 1990; and Wake County Code of Ordinances Section 34.01.

19. Minority or Women Owned Businesses

Consistent with, and in furtherance of the above-stated agreements not to discriminate on the basis of race, color, creed, national origin, sex, age, marital status, pregnancy, or sexual orientation, the Contractor will pursue an affirmative policy of fostering, promoting and conducting business with and engagement of women and minority owned business enterprises (“WMBE”). Further, the Contractor shall adhere to any State and Federal MWBE requirements associated with any governmental funding involved in this Contract.

20. Federal Contracting Requirements.

The Contractor shall, with respect to the subject matter of this Contract and all services provided or performed hereunder be bound, and abide by, the requirements of applicable federal laws set forth in Exhibit 3, attached. Further, with respect to the subject matter of this contract and services to be provided or performed hereunder, the Contractor shall take all reasonable steps to insure that all of its employees, officers, agents, (sub)contractors, and (sub)consultants abide by such federal requirements, and shall, without limitation, provide reasonable notice of such requirements to its employees, officers, and agents, and shall reference and include such federal requirements in all its contracts with (sub)contractors and (sub)consultants.

21. Force Majeure.

Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

22. Assignment

This Contract may not be assigned without the express written consent of CAMPO.

23. Applicable Law

All matters relating to this Contract shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Eastern Division.

24. Companies Boycotting Israel Divestment Act Certification.

The Contractor hereby certifies, pursuant to NCGS 147-86.81, that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel.

25. Miscellaneous.

The Contractor shall be responsible for the proper custody and care of any property furnished or purchased by CAMPO for use in connection with the performance of this Contract and, without limitation as to further claims, will reimburse for, as applicable, repair costs or the replacement value of such property.

The Contractor shall be considered an Independent Contractor, and as such shall be wholly responsible for the work to be performed, including the supervision of its employees, consultants, or subcontractors. Nothing herein is intended or will be construed to establish any agency, partnership, or joint venture relationship between the Parties. The Contractor represents that it has, or will secure at its own expense, all resources and personnel required to satisfactorily perform the required services under this Contract. Any employees, sub-contractors, and/or consultants performing work hereunder shall not be employees of, or have any individual contractual relationship with, CAMPO.

This Contract may be amended only by written agreement of the parties executed by their authorized representatives.

This Contract, and any documents incorporated below, represent the entire Contract between the parties and suspend all prior oral or written statements, agreements, or contracts between the Parties.

Specifically incorporated into this Contract are the following attachments, or if not physically attached, are incorporated fully herein by reference:

- Exhibit 1: Scope of Services
- Exhibit 2: Statement of Fees and Charges
- Exhibit 3: CAMPO Requirements under Federal Laws
- CAMPO-Town of Cary Lead Planning Agency Agreement of December 11, 2022, not attached-incorporated by reference.

In the case of any conflict between this Contract and any of the above incorporated attachments, the terms of this Contract shall govern.

IN WITNESS WHEREOF, the Contractor has executed the Contract by the signature of its duly authorized officer(s), and CAMPO has executed the Contract, with proper authority, by the signature of its Executive Director, with the official seal affixed, the day and year first above written.

CONTRACTOR:

By:

Printed Name/Title

ATTEST (If corporate):

By: _____

(Affix Seal)

THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION “CAMPO”

By: _____
Chris Lukasina, Executive Director

(Affix Seal)

Attested By: _____
Star Rogers, Administrative Specialist

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve revisions to the Town Standard Specifications and Standard Details.

.Approval Recommended?

Yes

Item Details

Proposed revisions to the Town Standard Specifications and Standard Details have been drafted to include revisions to Standard Specifications in the following sections: 200-General Provisions, 300-Streets, 500-Storm Drainage, 700-Wastewater Collection Systems; and Standard Details in the following sections: 200-General Provisions, 300-Streets, 900-Greenway Trails.

Following approval of these revisions, the files will be updated on the Town website.

Attachments

- CN11-A1: Summary of Revisions - Revisions to Standard Specifications & Standard Details
- CN11-A2: Standard Specifications - Revisions to Standard Specifications & Standard Details
- CN11-A3: Standard Details: Revisions to Standard Specifications & Standard Details



Town of Apex

Standard Specifications & Standard Details

Summary of Revisions

April 9, 2024

❖ Standard Specifications

Section 200 – General Provisions

- 219 Retaining Walls

- First paragraph, revised last sentence to *“Private retaining walls, including supports, foundations, reinforcement, geogrid, and any other wall appurtenances are not allowed within public right-of-way or easements.”*
- Add *“Where private retaining walls are intended to retain public roadway infrastructure, the walls shall be laterally offset at a 1H:1V rate from the right-of-way to the top of concrete footer. Walls shall be designed for a typical highway live traffic surcharge load of 250 pounds per square foot (psf). A vehicle accessible maintenance easement of at least 10 feet in width with 6H:1V slopes shall be provided behind the wall for walls that exceed 4 feet in height.”*

Section 300 – Streets

- 302 Design, General:

- Add *“Design vehicles and minimum edge of pavement radii shall be based on street classification per the following table. Compound curves may be considered to accommodate turning movements.”*

Street Classification	Design Vehicle	Control Vehicle	Edge of Pavement Radius
4 & 6 Lane Thoroughfares	WB-40	WB-62	40 feet
2 & 3 Lane Thoroughfares	WB-40	WB-50	40 feet
Major Collector	SU-30	WB-40	30 feet
Minor Collector	DL-23 ³	FIRE ⁴	25 feet
Residential Street	DL-23 ³	FIRE ⁴	25 feet
Alleys	P ⁷	DL-23 ^{3,7}	10 feet ⁷

Notes:

1. Design Vehicle shall not encroach on adjacent lanes for turning movements.
 2. Control Vehicle may encroach on adjacent lanes for turning movements.
 3. DL-23: 22.6' length Delivery Truck, 13' wheelbase, 23' inside turning radius, 29' outside turning radius (refer to Urban Street Design Guide published by the National Association of City Transportation Officials).
 4. Fire Truck: 21.25' wheelbase, 33.33' outside turning radius w/ 5.34' overhang (Town of Apex).
 5. All designated Truck Routes shall meet WB-50 design vehicle.
 6. All designated Go Triangle Bus Routes shall meet BUS-40 control vehicle.
 7. Alleys that serve solid waste collection and/or provide fire access must meet the same criteria as a Residential Street.
 8. Where different street types intersect, the ENGINEER shall be allowed to use the lesser of the two radii.”
- Replace “Grades” heading with “Geometric Standards”.
 - Delete *“Refer to the Street Geometric Standards Detail for maximum grades and vertical curve controls.”*
 - Add *“The following table outlines geometric standards for roadway design. Sound engineering judgement should be exercised when using minimum or maximum design standards for roads.”*

Alternate designs shall be in accordance with the current edition of A Policy on Geometric Design of Highways and Streets as published by AASHTO.

CLASSIFICATION	DESIGN SPEED (MPH)	HORIZONTAL CURVE CONTROLS		MIN. TANGENT B/W REVERSE CURVES (FT)	MAX. GRADE (%)	MIN. VERTICAL CURVE LENGTH (FT)	VERTICAL CURVE CONTROLS	
		MAX. SUPER ELEV. (%)	MIN. CL RADIUS (FT)				MIN. LENGTH CREST (FT)	MIN. LENGTH SAG (FT)
THOROUGHFARE	50	4	926	400	7	150	84A	96A
MAJOR COLLECTOR	35	4	371	200	9	100	29A	49A
MINOR COLLECTOR	30	NC	333	150	10	100	19A	37A
RESIDENTIAL STREET	25	NC	198	0	10	50	12A	26A
ALLEY	--	RC	50	0	10	50	12A	26A

A = ALGEBRAIC DIFFERENCE IN GRADES

NC / RC = NORMAL CROWN / REVERSE CROWN"

➤ Delete "Radii of Curvature" section.

➤ Delete "Tangents" section.

➤ Revise "Sight Triangle" heading to "Intersection Sight Distance". Revise to "All stop-controlled intersections shall meet minimum AASHTO sight distance requirements. A 10-foot x 70-foot sight triangle easement shall be provided at all intersections except where the ENGINEER is provided a plan illustrating such easements are not required or can be reduced in size based on AASHTO minimum sight line projections in cases where the typical 10-foot x 70-foot sight triangle easement would otherwise create a conflict with proposed structures. The 10-foot dimension shall be the setback from the right-of-way of the major street, and the 70-foot dimension shall be measured along the right-of-way of the major street. Sight triangle easements shall be increased if necessary to meet AASHTO minimum guidelines based on the projection of sight lines from the intersection. Sight triangle easements shall be shown on the final plat for the developed tract.

Plant materials placed within the sight triangle shall be limited to a mature height of 30 inches. Signs or other structures shall not be allowed."

➤ Add table "Intersection Sight Distance for Left Turn from Stop (Passenger Cars)

Design Speed (Major Road)	Posted Speed (Major Road)	2-lane Undivided		3-lane Undivided or 2-lane Divided w/ 12' median		4-lane Undivided		5-lane Undivided or 4 lane Divided w/ 12' median	
		Calculated	Design	Calculated	Design	Calculated	Design	Calculated	Design
25	20	275.6	280	294.0	300	312.4	315	330.8	335
30	25	330.8	335	352.8	355	374.9	375	396.9	400
35	30	385.9	390	411.6	415	437.3	440	463.1	465
40	35	441.0	445	470.4	475	499.8	500	529.2	530
45	40	496.1	500	529.2	530	562.3	565	595.4	600
50	45	551.3	555	588.0	590	624.8	625	661.5	665
55	50	606.4	610	646.8	650	687.2	690	727.7	730
60	55	661.5	665	705.6	710	749.7	750	793.8	795

Reference: Table derived from AASHTO Table 9.7 (Case B1) using the following parameters:

ISD = $1.47 \cdot V \cdot t_g$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

t_g = 7.5s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.

2. Driver's eye shall be placed 15 feet from edge of pavement.

3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane."

➤ Add table "Minimum Intersection Sight Distance for Right Turn from Stop

Design Speed (Major Road)	Posted Speed (Major Road)	Calculated	Design
25	20	238.9	240
30	25	286.7	290
35	30	334.4	335
40	35	382.2	385
45	40	430.0	430
50	45	477.8	480
55	50	525.5	530
60	55	573.3	575

Reference: Table derived from AASHTO Table 9.9 (Case B2) using the following parameters:

$ISD = 1.47 \cdot V \cdot tg$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

tg = 6.5s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.

2. Driver's eye shall be placed 15 feet from edge of pavement.

3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane."

➤ Add table "Stopping Sight Distance

Minimum Stopping Sight Distance (feet), Street Grade (%)							
Design Speed	Upgrades			Flat	Downgrades		
	0.09	0.1	0.03	-	-0.03	(0.1)	-0.09
60	495	515.0	540	570.0	600	640.0	690
55	435	450.0	470	495.0	520	555.0	595
50	375	390.0	405	425.0	450	475.0	510
45	320	335.0	345	360.0	380	400.0	430
40	270	280.0	290	305.0	315	335.0	355
35	225	230.0	240	250.0	260	275.0	290
30	180	185.0	200	200.0	205	215.0	230
25	140	145.0	150	155.0	160	165.0	175

Reference: Table derived from AASHTO 2018 (Tables 3.1 and 3-2) and distances rounded to nearest 5 feet."

Section 500 – Storm Drainage

• 505 Inlets and Outlets, A. Headwalls, Endwalls, and Flared End Sections:

➤ Revise last paragraph to "For non-jurisdictional channels, The the slope from pipe invert to top of berm shall not exceed 2:1 to the top of pipe (preferably flatter). For jurisdictional stream and/or riparian buffer crossings, the slope from top of berm shall not exceed 2:1 to the top of pipe or top of roof slab or box (not headwall). Any deviation from NCDOT standard drawings requires pre-approval of the Transportation & Infrastructure Development Director."

• 508 Inspection Prior to Acceptance, Video Assessment and Cleaning, a):

➤ Second sentence add ", including panning at each joint."

Section 700 – Wastewater Collection Systems

- 704 Testing and Inspections, B. Sewer Main and Service Connection Testing, 5. Video Assessment and Cleaning:
 - Fourth sentence add “, *including panning at each joint.*”

❖ Standard Details

Section 200 – General Provisions

- 200.07 EV CHARGING SPACE (new)

Section 300 – Streets

- 300.01 STREET TYPICAL SECTIONS (all): Revised sidewalk cross slope; added/**revised** note
“ROADSIDE / STREETSCAPE TREATMENTS ARE CONTEXT SENSITIVE. REFER TO ADVANCE APEX: THE 2045 TRANSPORTATION PLAN FOR APPROPRIATE CONTEXT, AND THE BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP **FOR APPROPRIATE FACILITY TYPE**.”
- 300.01 STREET TYPICAL SECTIONS – MAJOR COLLECTOR: Added bike lane markings.
- 300.07 (1 OF 2) DRIVEWAY APRON (CURB & GUTTER): Added expansion joint where apron connects to curb and gutter.
- 300.14 STREET GEOMETRIC STANDARDS: Deleted; standards added to specification section.
- 300.15 BARRICADE FOR DEAD END ROADS: Changed color of *future road extension* sign to *white on green*.
- 300.17 SPEED HUMP: Revised profile geometry.
- 300.18 SPEED HUMP - ELEVATED CROSSWALK: Revised profile geometry.
- 300.23 NEIGHBORHOOD TRAFFIC MINI-CIRCLE: Added *roundabout circulation* sign.
- 300.26 (2 OF 4) STREET SIGNS - PLACEMENT & INSTALLATION: Added note “IN AREAS OF WEAK SOILS A BREAKAWAY ANCHOR UNIT SHALL BE USED AND BACKFILLED WITH CONCRETE, IF DETERMINED BY THE INSPECTOR.”
- 300.26 (4 OF 4) STREET SIGNS - BREAKAWAY SIGN INSTALLATION: Added note “IN AREAS OF WEAK SOILS A BREAKAWAY ANCHOR UNIT SHALL BE USED AND BACKFILLED WITH CONCRETE, IF DETERMINED BY THE INSPECTOR.”
- 300.32 (2 OF 3) BUS STOP - AMENITY PAD: Revised note “A MINIMUM **10** FEET WIDE PEDESTRIAN PATH IS TO BE RETAINED BETWEEN THE BACK OF CURB AND ANY AMENITIES WHERE SIDE PATH OR STREET-SIDE GREENWAY IS PLANNED.”

Section 900 – Greenway Trails

- 900.06 BOLLARD: Revised note “FIXED BOLLARDS SHALL BE TRAFFICGUARD **MODEL RFP4560R**; REMOVABLE BOLLARDS SHALL BE TRAFFICGUARD **MODEL TL1004RL**, OR APPROVED EQUAL.

SECTION 200 GENERAL PROVISIONS

- 201 General**
- 202 Abbreviations & Definitions**
 - A. Abbreviations**
 - B. Definitions**
- 203 Earthwork**
 - A. General**
 - B. Tree Protection**
 - C. Rock Excavation - by Blasting**
 - D. Removal of Unstable Material**
 - E. Placement of Fill**
 - F. Compaction Tests**
- 204 Safety**
- 205 Work Within Right-of-Way of State Maintained Roads**
 - A. General**
 - B. Utility Construction**
 - C. Roadway Improvements - Pavement Widening, Curb & Gutter, and Storm Drainage**
- 206 Maintenance of Traffic**
- 207 Concrete**
- 208 Asphalt**
- 209 Electrical Power Service**
 - A. General**
 - B. Easements for Town Electric Power**
 - C. Service Connections - Special Requirements**
- 210 Grease Traps/Interceptors**
- 211 Dumpsters - Installation Requirements**
- 212 Notification Prior to Beginning Work**
- 213 Materials**

- 214 Inspections
 - 215 Utility Easements - Special Provisions
 - 216 Water for Construction
 - 217 Street Lights
 - 218 Guarantee
 - 219 Retaining Walls
 - 220 Fire Department Access Roads
-

201 General

All construction shall conform to the requirements and dimensions on the approved construction plans, Town Standard Details, the Code of the Town of Apex, or as stated in these Specifications. Any conflicting requirements or lack of information shall be brought to the attention of the TOWN prior to construction.

202 Abbreviations & Definitions

A. Abbreviations

AASHTO	- American Association of State Highway Transportation Officials
ANSI	- American National Standard Institute
ASTM	- American Society for Testing & Materials
AWWA	- American Water Works Association
NCDOT	- North Carolina Department of Transportation
NPDES	- National Pollutant Discharge Elimination System
OSHA	- Occupational Safety and Health Administration

B. Definitions

Where the word “ENGINEER” is used in these Specifications, it shall be the *Director of Public Works & Transportation, Director of Water Resources*, of the Town of Apex or duly authorized representative.

Where the word “INSPECTOR” is used in these Specifications, it shall be *Water Resources Department, Infrastructure Inspections* staff of the Town of Apex or other duly authorized representative.

Where the word “TOWN” is used in these Specifications, it shall be the Town of Apex,

North Carolina or an authorized representative.

Where the word “DEVELOPER” or “CONTRACTOR” is used in these Specifications, it shall be the developer of the project, or his authorized contractor performing work on the site. For purposes of these Specifications, these words are to be considered synonymous.

Where the words “PROJECT ENGINEER” are used in these Specifications, they shall mean the design engineer retained by the developer, and the person responsible for the preparation of the final construction drawings.

203 Earthwork

A. General

Earthwork shall be defined as the removal of soil (including rock) from its natural location and the depositing of such material into the proper fill areas as indicated on the plan.

B. Tree Protection

Tree protection shown on the construction plans approved by the TOWN shall be installed and inspected prior to earthwork within the area shown on the plans for protection. The protection fencing shall also be inspected on a regular basis. In the event that the tree protection fencing is not properly maintained or is in violation, the TOWN may issue a Notice of Violation, Stop Work Order, and/or assess a penalty which shall remain in effect until such time as the fencing is restored and agreements to replace damaged trees and/or vegetation have been resolved.

C. Rock Excavation - By Blasting

- 1) Permit - Where rock must be removed by blasting, a written permit must first be obtained from the Apex Fire Department.
- 2) Hours of Blasting - Blasting for rock removal shall be conducted only Monday through Friday between the hours of 8:00 AM to 5:00 PM.

D. Removal of Unstable Material

Where unstable and/or organic material (“muck”) is encountered in trenches or in roadways, the material shall be completely removed and replaced with suitable material and thoroughly compacted.

E. Placement of Fill

Fill material for roadway embankments shall be free from stones greater than 4 inches in size, construction debris, frozen, organic and/or other unstable material. Fill material

placed in roadway embankments shall be placed in lifts of 8 inches or less, and compacted to a density of not less than 95% of maximum dry density as measured by the Standard Proctor Method. The 95% requirement shall apply for that portion of the roadway measured from the back of curb and extending outward on a slope of 1 to 1, measured perpendicular to the centerline. The remaining fill shall be compacted to a density of not less than 90% of maximum dry density as measured by the Standard Proctor Method.

Attention is called to Section 300 of this document for the inspection and testing requirements.

F. Compaction Tests

During roadway construction, the TOWN shall require the developer to provide compaction tests to demonstrate compliance with the compaction requirements outlined herein. Such tests may be required at any time that the TOWN believes the compaction to be less than the required density.

Backfilling of all trenches within the street right-of-way shall be thoroughly compacted to provide a minimum of 95% of the maximum density as determined by the Standard Proctor Method.

All backfilling of trenches outside the street right-of-way shall be compacted to provide a minimum of 90% of the maximum density as determined by the Standard Proctor Method.

204 Safety

The CONTRACTOR shall provide for and maintain safety measures necessary for the protection of all persons on the work site and shall fully comply with all laws, regulations, and building code requirements to prevent accident or injury to persons on or about the location of the work, **including all applicable provisions of OSHA regulations**. The CONTRACTOR shall protect all trees and shrubs designated to remain in the vicinity of the operations and barricade all walks, roads, and areas to keep the public away from the construction. All trenches, excavations, or other hazards in the vicinity of the work shall be well barricaded, and properly lighted at night.

The CONTRACTOR shall be responsible for the entire site and the necessary protection as required by the TOWN and by laws or ordinances governing such conditions. He/She shall be responsible for any damage to TOWN property, or that of others, by the CONTRACTOR, his/her employees, subcontractors or their employees, and shall correct and/or repair such damages to the satisfaction of the Town of Apex and/or other affected parties. He/She shall be responsible for and pay for any such claims against the TOWN.

The TOWN shall not be responsible for making the CONTRACTOR adhere to the Occupational Safety and Health Administration (OSHA) regulations or standards.

However, the TOWN may report suspected violations of unsafe practices to the appropriate enforcement agency.

205 Work Within Right-of-Way of State Maintained Roads

A. General

No construction shall be initiated within the right-of-way of roads that are maintained by the NCDOT without the prior approval of the NCDOT. The NCDOT approval shall be evidenced by an appropriate Encroachment Agreement and/or Driveway Permit, as applicable.

A copy of the approved Encroachment Agreement and/or Driveway Permit shall be in the contractor's possession at the job site at all times that work is being performed.

The Contractor shall notify the NCDOT District Office and shall post any required Indemnity Bond prior to beginning work in the NCDOT right-of-way.

B. Utility Construction

The installation of public utilities within NCDOT right-of-way shall be accomplished in accordance with the Policies & Procedures for Accommodating Utilities on Highway Rights-of-Way, latest revision, as published by the NCDOT, Division of Highway, or those of the Town, whichever, in the opinion of the ENGINEER is more stringent.

C. Roadway Improvements - Pavement Widening, Curb & Gutter, and Storm Drainage

All improvements along existing NCDOT roadways, including pavement widening, curb and gutter, and storm drainage improvements, shall be accomplished in strict accordance with the Standard Specifications for Roads and Structures latest edition, as published by the NCDOT. The NCDOT specification shall supersede the construction specifications of the TOWN. The CONTRACTOR shall call for all inspections as required by the NCDOT District Office.

206 Maintenance of Traffic

Existing public streets or highways shall be kept open to traffic at all times by the CONTRACTOR unless permission to close the streets, or portions thereof, is granted by the ENGINEER. The Town of Apex Police Department must also be contacted by the CONTRACTOR a minimum of 24 hours before any streets are fully or partially closed. Proper and sufficient barricades, lights, signing, and other protective devices shall be required to be installed when deemed necessary by the Police Department or ENGINEER.

207 Concrete

Concrete shall be only plant-mixed, transit-mixed, or mobile-mixed concrete conforming to ASTM C33 for aggregates and to ASTM C94 for ready-mixed concrete. Any concrete poured that has a slump over 4 inches as per ASTM C143, or has a batched time of more than 90 minutes, will be considered unacceptable. Periodic samples may be required at the expense of the owner to determine the strength of the material. Concrete shall not be deposited on frozen subgrade. Concrete shall not be poured when the air temperature is falling and below 40° degrees F, and/or the predicted low temperature for the succeeding 24-hour period is less than 32° degrees F. All concrete when placed in the forms shall have a temperature of between 50° and 90° degrees F and shall be maintained at a temperature of not less than 50° degrees F for at least 72 hours for normal concrete and 24 hours for high-early strength concrete, or for as much time as is necessary to insure proper rate of curing and designed compressive strength. Curing shall be accomplished in accordance with NCDOT specifications.

Concrete shall be air entrained at 5% ($\pm 1\%$). Retarders and accelerators shall be used only upon approval of the ENGINEER.

208 Asphalt

Asphalt and tack coat shall be applied only when the surface to be treated is sufficiently dry and the atmospheric temperature in the shade away from artificial heat is 40° degrees F or above for base and intermediate course and 50° degrees F or above for surface course. Asphalt shall not be applied when the weather is foggy or rainy. The CONTRACTOR is responsible for seeing that these conditions exist prior to the application of tack coat or asphalt.

209 Electrical Power Service

A. General

The Town of Apex will provide electrical service to projects within the Town's ETJ, in accordance with North Carolina General Statute 160A. Electrical service facilities shall be designed, constructed and maintained by the TOWN, with the developer paying fees as may be prescribed in accordance with TOWN policy. These fees may include but are not limited to an aid-in-contribution of construction, pole relocation, and other reasonable and customary charges. The Town of Apex reserves the right to not install electrical service on any right of way, easement, or lot that has not been properly graded in accordance with these specifications.

B. Easements for Town Electric Power

Where electrical distribution facilities are required to cross private property, the

DEVELOPER shall provide easements as follows:

Underground Primary Lines - 20-foot easement

Overhead Primary Lines - 30-foot easement. Easements shall be shown on the final plat for the project

NOTE: All easements shall be shown and properly labeled on the final plat.

C. Service Connections - Special Requirements

Electrical service connections to service pedestals or transformers shall be made in strict accordance with the Standard Detail.

210 Grease Traps/Interceptors

All establishments engaged in the preparation of food shall install a grease trap. The grease trap shall be located outside the building and shall intercept all kitchen wastes, floor drains, and car wash drains. Domestic waste from toilets and lavatories shall not be directed to the grease trap. The Town of Apex Code Enforcement Officer shall approve the design and construction of all grease traps as per N.C. State Building Code.

211 Dumpsters - Installation Requirements

All dumpsters shall be placed on a reinforced concrete pad conforming to the requirements shown in the Standard Detail and screened in accordance with the Apex Planning Department requirements.

212 Notification Prior to Beginning Work

The DEVELOPER or responsible contractor shall notify the TOWN not less than 24 hours prior to the commencement of any new construction activity. No new work shall commence without approval of the TOWN.

213 Materials

All materials incorporated in work to be accepted by the Town of Apex for maintenance shall be new, first quality material installed in accordance with the manufacturer's instructions or these Specifications, whichever, in the opinion of the ENGINEER, is more stringent or applicable.

It is the intent of this Specification to provide materials and construction methods of high standard and quality and to provide materials free from defects in workmanship and product. Equal material not specified may be used provided documentation and samples are furnished to the ENGINEER not less than 14 days before their delivery to the

construction site. The ENGINEER will issue written approval or disapproval of the alternate materials. Current Specifications and/or the latest revisions shall apply in all cases where materials are described.

214 Inspections

The presence of a TOWN employee at the work site shall not lessen the CONTRACTOR'S responsibility for conforming to the approved construction plans and/or specifications. Should the ENGINEER or INSPECTOR accept materials, or work that does not conform with the approved plans or specifications, whether from lack of discovery or for any other reason, it shall in no way prevent later rejection or corrections to materials or work when discovered.

The CONTRACTOR shall have no claim for losses suffered due to any necessary removals or repairs resulting from the unsatisfactory work. Any work that has been covered without the INSPECTOR'S approval, shall at the INSPECTOR'S request, be uncovered and be made available for inspection at the CONTRACTOR'S expense. After regular working hours or weekend work shall comply with the TOWN'S specifications and shall include only such work that does not require continuous observation by an INSPECTOR.

215 Utility Easements - Special Provisions

Access for the purpose of construction inspection shall be provided to the Town of Apex or designated representatives. All off-street water, sewer mains, and power lines, etc. to be operated and maintained by the TOWN shall be located in a public easement.

Private easements for water and sewer service lines are not permitted.

216 Water for Construction

The Town of Apex does not provide free or otherwise unmetered water for use on any construction project. CONTRACTORS or construction personnel shall not take water from hydrants, blow-offs, water meter boxes, etc. CONTRACTORS desiring to use TOWN water for construction purposes shall apply to the *Water Resources Department* for water service and shall pay for the water service in accordance with the Town of Apex policies and requirements.

Bulk water for construction or other water requirements may be obtained at the *Water Resources Department* located at 105-B Upchurch Street. Bulk water for construction may also be obtained from a fire hydrant using a Town approved meter with back flow preventer. Bulk water rates will be billed per load of water obtained. Bulk water rate is the current TOWN Outside Water Rate.

217 Street Lights

The Town of Apex will provide 1 street light at each intersection and 1 streetlight near the midpoint of each block or approximately every 300 feet in a residential area. The TOWN shall provide 1 streetlight at the midpoint of any cul-de-sac greater than 200 feet in length in residential areas. Additional public street lighting is provided only in areas where needed for public safety, such as major intersections, the downtown area, and in cases of clearly defined need.

218 Guarantee

The DEVELOPER shall provide a guarantee as per Town of Apex Unified Development Ordinance, on workmanship and materials for a period of at least the longer of 1 year after the date of acceptance by the Town of Apex or until 60% of the lots in the bonded phase have been issued a Certificate of Occupancy. Any defects observed within the guarantee period shall be repaired and/or replaced to the Town's satisfaction and the cost of such repairs shall be borne by the developer. The guarantee shall apply to street construction, sidewalks, water lines and appurtenances, sanitary sewers, storm sewers (including ditches, drainage channels, and appurtenances, etc.), pumping stations, force mains and appurtenances.

219 Retaining Walls

Retaining wall structures shall meet NCDOT standards. Any deviation from NCDOT standards require pre-approval of the Transportation & Infrastructure Development Director. Retaining walls higher than 4 feet shall be designed by a licensed Professional Engineer in accordance with N.C. General Statute 89C and be required to obtain a building permit in accordance with the Town of Apex Unified Development Ordinance. Safety rails or fencing may also be required. Private retaining walls, including supports, foundations, reinforcement, geogrid, and any other wall appurtenances are not allowed within public right-of-way or easements.

Where private retaining walls are intended to retain public roadway infrastructure, the walls shall be laterally offset at a 1H:1V rate from the right-of-way to the top of concrete footer. Walls shall be designed for a typical highway live traffic surcharge load of 250 pounds per square foot (psf). A vehicle accessible maintenance easement of at least 10 feet in width with 6H:1V slopes shall be provided behind the wall for walls that exceed 4 feet in height.

220 Fire Department Access Roads

The CONTRACTOR shall provide a temporary access road prior to vertical construction or import of combustible materials to the project site. The specifications for temporary emergency access roads are as follows:

- Location: within 150 feet of all exterior walls of the first floor of all buildings constructed within the site; a turnaround is required on dead-end access roads in

excess of 150 feet in length;

- Minimum width: 20 feet;
- Maximum grade: 10%
- Horizontal geometry, minimum turn radius, inside tire: 29 feet, outside tire: 52 feet;
- Vehicular weight capacity: 80,000 lbs;
- Materials: angular inch river rock, crushed granite, or other aggregate with 1-1.5" nominal size;
- Temporary Street Signs: Shall be posted at each intersection at the time the roadways are passible.

More than one access road may be required when it is determined that a single road may be impaired by vehicle congestion, climatic conditions, or other factors that could limit access. Access to buildings for the purpose of fire department vehicle access shall be provided at all times during construction. Construction vehicles and materials shall not block access to buildings, hydrants, or fire appliances. Site development managers and/or building construction superintendents shall have the responsibility to monitor emergency service access conditions on a daily basis. When conditions are such that emergency service access is diminished in minimum required width, capability of carrying imposed loads and/or providing adequate traction, appropriate measures shall be taken to mitigate such conditions to once again provide adequate emergency service access.

SECTION 300 STREETS

301 General

302 Design

- A. General
- B. Pavement & Right-of-Way Widths
- C. ~~Grades~~ Geometric Standards
- D. ~~Radii of Curvature~~ Intersection Sight Distance
- E. ~~Tangents~~ Stopping Sight Distance
- F. ~~Sight Triangle~~
- ~~GF.~~ Apex Peakway Development
- ~~HG.~~ Pavement Design
- ~~IH.~~ Curb, Sidewalk, Driveways
- ~~JL.~~ Entranceway Islands
- ~~KJ.~~ Trench Drains
- ~~LK.~~ Alleys

303 Construction Requirements

- A. General
- B. Placement of Asphalt Pavements
- C. Curb and Sidewalk
- D. Utility Conduits
- E. Pavement Markings

304 Inspection

- A. Proof-Rolling
- B. Compaction Testing - Subgrade
- C. Base Course & Surface Course Inspection Requirements
- D. Curb and Sidewalk

305 Certification

301 General

Unless otherwise provided herein, all materials and street construction methods shall conform to the applicable requirements as outlined in the Standard Specifications for Roads & Structures, latest edition, as published by the NCDOT.

Whenever the following terms are used in said NCDOT specifications, the intended meaning of such terms shall be as follows:

“State” or “Commission” shall be replaced by “Town of Apex”.

“Resident Engineer” shall be replaced by “ENGINEER”.

“Sampling and testing by Commission” shall be replaced by the words “sampling and testing by the TOWN or its authorized testing agent”.

“Inspection by Commission” shall be replaced by “Inspection by TOWN or its duly authorized representative”.

302 Design

A. General

Street design shall conform to the standards set forth in A Policy on Geometric Design of Highways and Streets as published by AASHTO, the Unified Development Ordinance, Standard Specifications for Roads and Structures as published by the NCDOT, Roadway Design Manual as published by the NCDOT, or the Town Standard Specifications and Details, whichever, in the opinion of the ENGINEER, is applicable.

Design vehicles and minimum edge of pavement radii shall be based on street classification per the following table. Compound curves may be considered to accommodate turning movements.

<u>Street Classification</u>	<u>Design Vehicle</u>	<u>Control Vehicle</u>	<u>Edge of Pavement Radius</u>
<u>4 & 6 Lane Thoroughfares</u>	<u>WB-40</u>	<u>WB-62</u>	<u>40 feet</u>
<u>2 & 3 Lane Thoroughfares</u>	<u>SU-30</u> <u>WB-40</u>	<u>WB-40</u> <u>WB-50</u>	<u>40 feet</u>
<u>Major Collector</u>	<u>SU-30</u>	<u>WB-40</u>	<u>30 feet</u>
<u>Minor Collector</u>	<u>DL-23³</u>	<u>FIRE⁴</u>	<u>25 feet</u>
<u>Residential Street</u>	<u>DL-23³</u>	<u>FIRE⁴</u>	<u>25 feet</u>
<u>Alleys</u>	<u>P⁷</u>	<u>DL-23^{3,7}</u>	<u>10 feet⁷</u>

Notes:

1. Design Vehicle shall not encroach on adjacent lanes for turning movements.
2. Control Vehicle may encroach on adjacent lanes for turning movements.
3. DL-23: 22.6' length Delivery Truck, 13' wheelbase, 23' inside turning radius, 29' outside turning radius (refer to Urban Street Design Guide published by the National Association of City Transportation Officials).
4. Fire Truck: 21.25' wheelbase, 33.33' outside turning radius w/ 5.34' overhang (Town of Apex).
5. All designated Truck Routes shall meet WB-50 design vehicle.

6. All designated Go Triangle Bus Routes shall meet BUS-40 control vehicle.
7. Alleys that serve solid waste collection and/or provide fire access must meet the same criteria as a Residential Street.
8. Where different street types intersect, the ENGINEER shall be allowed to use the lesser of the two radii.

All proposed roadways shall conform to the Apex Transportation Plan, and the Apex Peakway Development Policy.

B. Pavement & Right-of-Way Widths

Standard street widths are shown in the Standard Details. Actual street widths shall be in accordance with the Apex Transportation Plan or any interim plan effective at the time of plan submittal. Transitions and tapers between sections or at widenings shall be made in accordance with Section 302(A) of these Specifications. The ENGINEER may, at his discretion, require additional widening and related work as deemed necessary to provide for the safety and quality of roadway for the traveling public.

C. ~~Grades~~Geometric Standards

Unless necessitated by exceptional topography, street grades shall not be less than one half percent (0.5%).

The maximum grade allowed for a local street when approaching an intersection is five percent (5%) for the last 100 feet of pavement before the intersection.

The maximum grade allowed for a collector street or thoroughfare when approaching an intersection is two percent (2%) for the last 100 feet of pavement before the intersection. The beginning of the minimum grade allowed for a street approaching an intersection is measured at the curb-line extension of the intersecting street.

Street grades at pedestrian crossing locations shall meet the following criteria or the latest approved Federal Access Board standards whichever is more stringent.

1. 2% maximum cross slope for crossings located at approaches with a stop or yield condition; and
2. 5% maximum cross slope for crossings located at approaches without stop control.

~~Refer to the Street Geometric Standards Detail for maximum grades and vertical curve controls.~~ The following table outlines geometric standards for roadway design. Sound engineering judgement should be exercised when using minimum or maximum design standards for roads. Alternate designs shall be in accordance with the current edition of A Policy on Geometric Design of Highways and Streets as published by AASHTO.

<u>CLASSIFICATION</u>	<u>DESIG N SPEED</u>	<u>HORIZONTAL CURVE CONTROLS</u>	<u>MIN. TANGENT B/W</u>	<u>MAX. GRADE (%)</u>	<u>MIN. VERTICAL CURVE</u>	<u>VERTICAL CURVE CONTROLS</u>
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	(MPH)	MAX. SUPER ELEV. (%)	MIN. CL RADIUS (FT)	REVERSE CURVES (FT)		LENGTH (FT)	MIN. LENGTH CREST (FT)	MIN. LENGTH SAG (FT)
THOROUGHFARE	50	4	926	400	7	150	84A	96A
MAJOR COLLECTOR	35	4	371	200	9	100	29A	49A
MINOR COLLECTOR	30	NC	333	150	10	100	19A	37A
RESIDENTIAL STREET	25	NC	198	0	10	50	12A	26A
ALLEY	--	RC	50	0	10	50	12A	26A

A = ALGEBRAIC DIFFERENCE IN GRADES

NC / RC = NORMAL CROWN / REVERSE CROWN

D. ~~—~~ Radii of Curvature

~~Where a street centerline deflection of more than 5 degrees occurs, a curve shall be introduced. Refer to the Street Geometric Standards Detail for horizontal curve controls.~~

~~At intersections, all streets and commercial driveways shall be rounded with radii not less than:~~

Street Classification	Edge of Pavement Radius
Thoroughfares	50 40 feet
Collectors	40 feet
Residential	30 feet

E. Tangents

~~A centerline tangent of not less than 100 feet shall be provided between reverse curves on all streets. Reverse curves on super-elevated streets shall have a sufficient centerline tangent to accommodate entry and exit run-out, but not less than 100 feet.~~

FD. ~~Sight Triangle~~ Intersection Sight Distance

All stop-controlled intersections shall meet minimum AASHTO sight distance requirements. A 10-foot x 70-foot sight triangle easement shall be provided at all intersections, except where the ENGINEER is provided a plan illustrating such easements are not required or can be reduced in size based on AASHTO minimum sight line projections in cases where the typical 10-foot x 70-foot sight triangle easement would otherwise create a conflict with proposed structures. Sight triangle easements shall not be less than 10 feet by 70 feet. The 10-foot dimension shall be the setback from the right-

of-way of the major street, and the 70-foot dimension shall be measured along the right-of-way of the major street. Sight triangle ~~distances~~ easements shall be increased if ~~appropriate for traffic conditions and speed limits~~ necessary to meet AASHTO minimum guidelines based on the projection of sight lines from the intersection. Sight triangle easements shall be shown on the final plat for the developed tract.

Plant materials ~~and subdivision signs~~ placed within the sight triangle shall be limited to a mature height of 30 inches. Signs or other structures shall not be allowed.

Intersection Sight Distance for Left Turn from Stop (Passenger Cars)

<u>Design Speed (Major Road)</u>	<u>Posted Speed (Major Road)</u>	<u>2-lane Undivided</u>		<u>3-lane Undivided or 2-lane Divided w/ 12' median</u>		<u>4-lane Undivided</u>		<u>5-lane Undivided or 4 lane Divided w/ 12' median</u>	
		<u>Calculated</u>	<u>Design</u>	<u>Calculated</u>	<u>Design</u>	<u>Calculated</u>	<u>Design</u>	<u>Calculated</u>	<u>Design</u>
<u>25</u>	<u>20</u>	<u>275.6</u>	<u>280</u>	<u>294.0</u>	<u>300</u>	<u>312.4</u>	<u>315</u>	<u>330.8</u>	<u>335</u>
<u>30</u>	<u>25</u>	<u>330.8</u>	<u>335</u>	<u>352.8</u>	<u>355</u>	<u>374.9</u>	<u>375</u>	<u>396.9</u>	<u>400</u>
<u>35</u>	<u>30</u>	<u>385.9</u>	<u>390</u>	<u>411.6</u>	<u>415</u>	<u>437.3</u>	<u>440</u>	<u>463.1</u>	<u>465</u>
<u>40</u>	<u>35</u>	<u>441.0</u>	<u>445</u>	<u>470.4</u>	<u>475</u>	<u>499.8</u>	<u>500</u>	<u>529.2</u>	<u>530</u>
<u>45</u>	<u>40</u>	<u>496.1</u>	<u>500</u>	<u>529.2</u>	<u>530</u>	<u>562.3</u>	<u>565</u>	<u>595.4</u>	<u>600</u>
<u>50</u>	<u>45</u>	<u>551.3</u>	<u>555</u>	<u>588.0</u>	<u>590</u>	<u>624.8</u>	<u>625</u>	<u>661.5</u>	<u>665</u>
<u>55</u>	<u>50</u>	<u>606.4</u>	<u>610</u>	<u>646.8</u>	<u>650</u>	<u>687.2</u>	<u>690</u>	<u>727.7</u>	<u>730</u>
<u>60</u>	<u>55</u>	<u>661.5</u>	<u>665</u>	<u>705.6</u>	<u>710</u>	<u>749.7</u>	<u>750</u>	<u>793.8</u>	<u>795</u>

Reference: Table derived from AASHTO Table 9.7 (Case B1) using the following parameters:

$ISD = 1.47 \cdot V \cdot t_g$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

$t_g = 7.5$ s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.
2. Driver's eye shall be placed 15 feet from edge of pavement.
3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane.

Minimum Intersection Sight Distance for Right Turn from Stop

<u>Design Speed (Major Road)</u>	<u>Posted Speed (Major Road)</u>	<u>Calculated</u>	<u>Design</u>
<u>25</u>	<u>20</u>	<u>238.9</u>	<u>240</u>
<u>30</u>	<u>25</u>	<u>286.7</u>	<u>290</u>
<u>35</u>	<u>30</u>	<u>334.4</u>	<u>335</u>
<u>40</u>	<u>35</u>	<u>382.2</u>	<u>385</u>
<u>45</u>	<u>40</u>	<u>430.0</u>	<u>430</u>
<u>50</u>	<u>45</u>	<u>477.8</u>	<u>480</u>
<u>55</u>	<u>50</u>	<u>525.5</u>	<u>530</u>
<u>60</u>	<u>55</u>	<u>573.3</u>	<u>575</u>

Reference: Table derived from AASHTO Table 9.9 (Case B2) using the following parameters:

$ISD = 1.47 \cdot V \cdot t_g$ where:

ISD = Intersection sight distance (length of leg of sight triangle along major road)

V = design speed of major road (mph)

$t_g = 6.5$ s time gap for 2-lane plus 0.5s for each additional lane

Method of measurement

1. Driver's eye height shall be a minimum of 3.5 feet above pavement.
2. Driver's eye shall be placed 15 feet from edge of pavement.
3. Object height (approaching vehicle) shall be 4.25 feet above center of traffic lane.

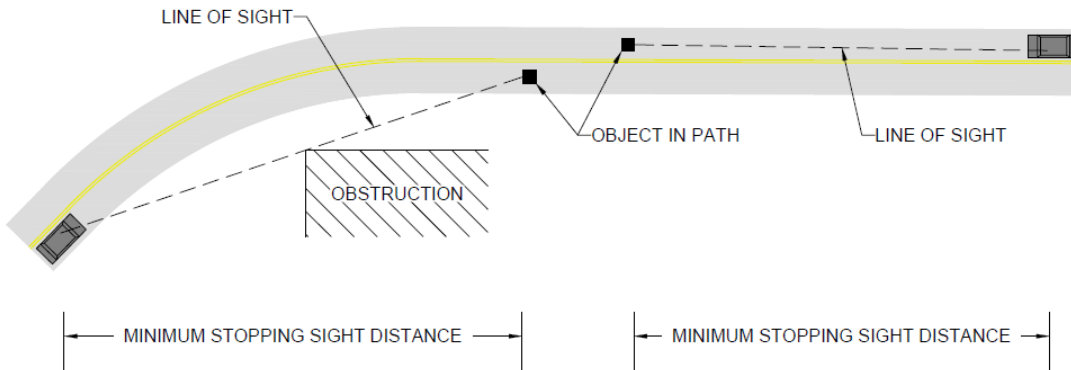
E. Stopping Sight Distance

<u>Minimum Stopping Sight Distance (feet), Street Grade (%)</u>							
<u>Design Speed</u>	<u>Upgrades</u>			<u>Flat</u>	<u>Downgrades</u>		
	<u>9%</u>	<u>6%</u>	<u>3%</u>	<u>0%</u>	<u>-3%</u>	<u>-6%</u>	<u>-9%</u>
<u>60</u>	<u>495</u>	<u>515.0</u>	<u>540</u>	<u>570.0</u>	<u>600</u>	<u>640.0</u>	<u>690</u>
<u>55</u>	<u>435</u>	<u>450.0</u>	<u>470</u>	<u>495.0</u>	<u>520</u>	<u>555.0</u>	<u>595</u>
<u>50</u>	<u>375</u>	<u>390.0</u>	<u>405</u>	<u>425.0</u>	<u>450</u>	<u>475.0</u>	<u>510</u>
<u>45</u>	<u>320</u>	<u>335.0</u>	<u>345</u>	<u>360.0</u>	<u>380</u>	<u>400.0</u>	<u>430</u>
<u>40</u>	<u>270</u>	<u>280.0</u>	<u>290</u>	<u>305.0</u>	<u>315</u>	<u>335.0</u>	<u>355</u>
<u>35</u>	<u>225</u>	<u>230.0</u>	<u>240</u>	<u>250.0</u>	<u>260</u>	<u>275.0</u>	<u>290</u>
<u>30</u>	<u>180</u>	<u>185.0</u>	<u>200</u>	<u>200.0</u>	<u>205</u>	<u>215.0</u>	<u>230</u>
<u>25</u>	<u>140</u>	<u>145.0</u>	<u>150</u>	<u>155.0</u>	<u>160</u>	<u>165.0</u>	<u>175</u>

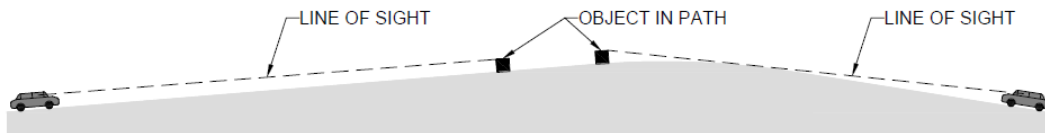
Reference: Table derived from AASHTO 2018 (Tables 3.1 and 3-2) and distances rounded to nearest 5 feet.

SOURCE: A Policy on Geometric Design of Highways and Streets American Association of State Highway and Transportation Officials

PLAN VIEW



PROFILE VIEW



NOTE:

1. DRIVER'S EYE HEIGHT SHALL BE 3.5 FEET ABOVE PAVEMENT.
2. OBJECT HEIGHT SHALL BE 0.5 FEET ABOVE CENTER OF TRAVEL LANE.

GF. Apex Peakway Development (Apex Peakway)

Refer to the *Planning Department* for the Apex Peakway Development Policy.

HG. Pavement Design

The pavement designs presented in the standard details shall be considered the minimum design requirements. The DEVELOPER shall furnish a pavement design report produced and certified by a professional engineer, using AASHTO methodology. The report shall be based on field and lab testing of in place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 20-year design life, 4% annual growth rate, and appropriate traffic projections. Soil sample locations shall be as directed by the INSPECTOR. If the design structural coefficient exceeds that of the standard, the design structure shall be used.

IH. Curb, Sidewalk, Driveways

Concrete for curb and gutter, driveways, or sidewalks shall be portland cement concrete having a 28-day strength of 3000 psi when tested in accordance with ASTM C39. Detailed specifications for concrete shall conform to the specifications contained in Section 200. Joint fillers shall be a non-extruding joint material conforming to ASTM D1751.

The minimum thickness of a sidewalk shall be 4 inches. Sidewalks shall have a uniform slope perpendicular to the curb of 1/4-inch per foot toward the roadway. Sidewalks shall be installed during roadway construction and/or widening.

Where a sidewalk intersects with a driveway access, the sidewalk section shall be 6-inches thick. All sidewalks and greenways shall meet the current Americans With Disabilities Act (ADA) requirements.

Sidewalks shall be constructed on the north or east side of the roadway, and at locations as indicated by the Unified Development Ordinance and these specifications.

Curb and gutter, where required, shall be standard 30-inch combination curb and gutter. Upon the approval of the Town, 30-inch valley curb and gutter may be permitted in townhome developments. Standard 18-inch median curb and gutter may be used on entrance islands and medians when deemed appropriate by the ENGINEER.

JJ. Entranceway Islands

Islands shall be limited to such a size as to allow adequate turning room for larger vehicles. The minimum pavement width for both the entrance and exit lanes shall be 20 feet. Islands shall accommodate the turn radius of a WB-62 design vehicle, as outlined in A Policy on Geometric Design of Highways and Streets, AASHTO, current edition. The island shall not extend into the turnout of the intersection.

KJ. Trench Drains

All entrances with irrigation systems shall require a trench drain directly behind the curb and gutter. The trench shall be a minimum of 12 inches wide and 18 inches deep. A 4-inch perforated pipe shall be laid at the bottom of the ditch in the center. The ditch shall then be backfilled with washed stone wrapped in the appropriate geotextile fabric. The perforated pipe shall drain to a catch basin.

LK. Alleys

All alleys shall either connect to the street right of way at each end or include a cul-de-sac.

303 Construction Requirements

A. General

All roadway subgrade, alley subgrade, storm sewer, and utility construction shall be inspected and approved by the TOWN prior to placement of base course materials.

All streets shall be cleared and graded for the full width of the right-of-way within 50 feet of any street intersection. Additional street clearing and grading shall be as follows:

Future Development - where planned roadways are to be built (i.e. the Peakway, roads in other phases, or roads by other developers), the rough grading shall be completed in areas where it shall impact homeowners or businesses in the phase currently under construction.

Major Streets & Thoroughfares - the full width of the right-of-way.

Collector Streets - the full width of the right-of-way.

Urban Street & Urban Cul-de-Sac - the full width of the right-of-way on the sidewalk side, and 8 feet back of curb on the "non-sidewalk" side.

B. Placement of Asphalt Pavements

Typical surface course shall have a total thickness of not less than as shown on the Standard Details, and shall be placed in 2 lifts.

Following initial lift, the CONTRACTOR shall provide temporary drains at catch basins to allow streets to drain and to eliminate ponding at the low points. Catch basin modifications shall be repaired at the time of final surface paving.

The second lift placement shall be delayed during the period of initial residential

construction activity and until such time as its placement is approved by the ENGINEER, subject to the following conditions:

Placement of the second lift shall be no earlier than 12 months after placement of the first lift and only after 75 percent of the Certificates of Occupancy have been issued for the subdivision or phase of subdivision under construction.

Prior to placement of the final lift of pavement, the existing initial lift shall be thoroughly cleaned and all cracks, spalling, and other failure shall be repaired to the satisfaction of the ENGINEER. A tack coat shall be used on the road surface and the curb face. Furthermore, any cracked concrete that is around valve covers and manhole covers shall be replaced prior to paving.

Asphalt materials shall not be produced or placed under any of the following conditions:

- during rainy weather or whenever moisture on the surface to be paved would prevent proper bond;
- when the subgrade or base course is frozen or wet;
- when temperatures, measured in the shade away from artificial heat at the location of the paving operation, do not meet the following criteria;

Material Type	Minimum Air Temperature	Minimum Ground Temperature
Prime & Tack Coat	40° F	40° F
Asphalt Base Course	40° F	40° F
Asphalt Intermediate Course	40° F	40° F
Asphalt Surface Course	50° F	50° F

- between December 15 and March 16 for surface course material that is to be the final layer of pavement;
- when intermediate or base course will not be covered with surface course during the same calendar year or within 15 days of placement if the plant mix is placed in January or February; a sand seal is required when the intermediate or base is not covered as required.

C. Curb and Sidewalk

The subgrade shall be excavated to the required depth, and shaped to the proper cross-section. Where tree roots are encountered, they shall be removed to a depth of 1 foot for the full width of the excavation. The subgrade shall be stable and thoroughly compacted.

Forms shall be set and maintained true to the required lines, grades, and dimensions. Forms shall be constructed with material of such strength and with such rigidity to prevent any appreciable deflection between supports. Straight forms shall be within a tolerance of 1/2-inch in 10 feet from a true line horizontally or vertically. Forms shall be thoroughly cleaned of all dirt, mortar and foreign material before being used. All inside form surfaces shall be thoroughly coated with commercial quality form oil.

Contraction joints shall be cut to a depth equal to at least 1/3 of the total slab thickness. The contraction joint shall be no less than 1/8 inch in width. Contraction joints shall be spaced at 5-foot intervals for sidewalk and spaced at 10-foot intervals for curb and gutter, or 15-foot intervals when a machine is used. A 1/2-inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than 50 feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with the top of the filler 1/4-inch below the finished surface. The surface of sidewalks shall be finished to grade and cross-section with a float, troweled smooth and finished with a broom. Refer to the Standard Detail.

D. Utility Conduits

Buried conduits for low voltage utility installations shall be installed in accordance with the Standard Detail. All residential and commercial driveways shall have at minimum one 3-inch diameter Schedule 40 PVC conduit installed across the entire width of the driveway, extending 1 foot beyond the edges of the driveway. Conduits shall be sealed at each end with an unglued PVC cap.

For all lots that require sidewalk along the road frontage, conduits shall be installed below the sidewalk in accordance with the Standard Detail. All sidewalks, along a lot frontage, shall have at minimum 2 individual 3-inch diameter Schedule 40 PVC conduits installed across the entire width of the sidewalk, extending 1 foot beyond the edges of the sidewalk. Sidewalk conduits shall be installed on both sides of the lot and at a location of approximately 1 foot inside of the lot's property line. Conduits shall be sealed at each end with an unglued PVC cap.

All conduits shall be marked with a 2-inch brass cap, cast into the concrete curb and/or the sidewalk to indicate the location of the buried conduit. Brass caps shall be stamped with the words "Utility Conduit Crossing" in 3/8-inch tall lettering. All caps shall be held true to final elevation, within the forms, prior to and during placement of concrete, by the use of a 12-inch long rebar stake. One cap shall be installed at each individual utility conduit installation.

E. Pavement Markings

All pavement markings shall be thermoplastic material meeting NCDOT specifications, unless otherwise directed by the Engineer.

304 Inspection

A. Proof-Rolling

Street embankments shall be graded and compacted as described in Section 200 of these Specifications. After all utilities and storm sewers have been installed, the subgrade shall be fine graded and restored to required grade, and then proof-rolled by using a fully loaded tandem dump truck or a fully loaded water truck. Should any “pumping” or displacement be observed during the proof-rolling, the defective area(s) shall be repaired by replacing defective material w/suitable material, alternative stabilization methods such as fabric, Geo-Grid, lime, etc., or any combination thereof to the satisfaction of the TOWN and thoroughly compacted. The proof rolling shall be repeated until there is no evidence of “pumping” or displacement.

Recommendations from outside sources such as soils engineers and technicians may be suggested. However, the TOWN shall have authority for approval of additional measures.

B. Compaction Testing - Subgrade

Upon completion of the proof rolling, the DEVELOPER/CONTRACTOR shall furnish to the ENGINEER a report from a certified soils testing laboratory. The report shall present the results of a Proctor analysis demonstrating that the subgrade compaction is acceptable in accordance with standard requirements of NCDOT in all of the significant fill areas. The subgrade shall then be inspected by the INSPECTOR, and upon its acceptance and approval, the stone base course may be placed. However, no stone base may be placed prior to backfilling behind the curb.

The cost of laboratory testing of subgrade compaction shall be borne by the DEVELOPER/ CONTRACTOR.

C. Base Course & Surface Course Inspection Requirements

The Town reserves the right to require that quarry tickets be presented to the INSPECTOR to enable a check for yield at the specified final thickness. The base material shall then be inspected by the INSPECTOR, and upon acceptance and approval, the surface course may be placed.

Surface course shall be placed and compacted in accordance with NCDOT requirements. Copies of delivery tickets shall be furnished to the INSPECTOR to enable a check for yield at the specified final thickness. Density testing shall be performed for each lift of asphalt and reports shall be furnished to the INSPECTOR.

Should there be a question as to the final thickness of aggregate base course or surface course, the INSPECTOR reserves the right to require the DEVELOPER/CONTRACTOR to provide random core samples by an independent testing laboratory to demonstrate actual thickness of base and surface courses. A certified testing laboratory shall take core

samples and the results shall be presented to the INSPECTOR. Should the cores reveal insufficient thickness, the CONTRACTOR shall provide additional surface course as may be required or shall furnish other remedial measures as may be acceptable to the INSPECTOR. The cost of compaction testing and coring work shall be borne by the DEVELOPER.

D. Curb and Sidewalk

No concrete shall be placed until the forms, necessary conduits, and subgrades have been inspected and approved by the INSPECTOR. Where stone is used underneath the driveway and/or over conduits, it shall be compacted ABC stone. Washed stone shall not be permitted.

Conduits shall be installed to the depths and locations indicated in the Standard Detail prior to inspection. Conduit trenches shall be left open until inspection. Trenches shall be backfilled with excavated material after inspection and prior to placing concrete. Brass location caps shall be in place prior to inspection.

NO EXCEPTION: For all lots that require sidewalk along the road frontage, sidewalk shall be formed and ready for inspection at the time of the driveway inspection. Sidewalk may be installed prior to, but under no circumstances later than the time of the driveway installation.

305 Certification

The Town of Apex shall require the following certification from an engineer registered in the state of North Carolina prior to final acceptance of any TOWN maintained streets:

I _____, PE hereby certify that the construction of (<u>Street Names</u>) in (<u>Phase #</u>) of (<u>Development Name</u>) is/are in accordance with the minimum pavement design standards and layout submitted and approved by the Town of Apex on (<u>Date of Approval</u>).	
S E A L	_____ Name
	_____ Date

SECTION 500 STORM DRAINAGE

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508 Inspection Prior to Acceptance

509 Maintenance of Municipal Separate Storm Sewer System (MS4)

501 Design

A. General

Storm drainage facilities shall be designed to dispose of stormwater generated upon or passing through the project location. The determination of the quantities of water which must be accommodated will be based upon peak flows from storms having the following return periods:

<i>Drainage Structure</i>	<i>Design Storm Event - Return Frequency</i>
Roadside Ditches	10-year storm
Curb Inlet	4 inches/hour
Storm Sewer Collector	10-year storm
Cross Street Storm Drainage	25-year storm
Greenways	25-year storm
Structures in Floodplain	100-year storm*

*Drainage structures in the floodplain should pass 100-year storm without over-topping the roadway -- or in the alternative, the structures may be designed to pass only the 25-year event, in which case, the downstream roadway embankment shall be fully protected from the residual flow which may overtop the roadway during a 100-year event.

1. Runoff rates shall be calculated by the Rational Method (for drainage areas less than 2 square miles), SCS Method (for drainage areas greater than 2 square miles) or other acceptable procedures. Runoff computations shall be based on rainfall data for the last 30 years published by the National Weather Service for this area.
2. Time of concentration (t_c) shall be determined using standard acceptable methods and the storm duration shall equal t_c .
3. Pipe shall be sized in accordance with the Manning Equation and applicable nomographs to carry the design flow and to provide a velocity of at least 2.5 feet per second during the 2-year storm event.
4. Culverts shall be sized in accordance with the Energy Equation and applicable nomographs to carry the design flow and to provide a velocity between 2-10 feet per second during the 2-year storm event.
5. Channels and ditches shall be designed to carry the design flow at nonerosive velocities. Calculations indicating design velocities shall be provided along with

typical channel cross-sections. The maximum allowable design velocity in grass channels is 4 feet per second.

6. A Hydraulic Grade Line (HGL) study shall be performed for all public storm drainage systems. Where the public storm drainage system conveys stormwater into a private SCM, the Q_{10} staging elevation shall be used as the starting point for the study. The study shall include profiles that show inverts, slopes, proposed finished grade and HGL. The HGL shall be required to stay within the pipe to ensure no surcharge on the system. ASTM Standard C443 (O Ring or Single Groove) water tight sealed pipe shall be used in cases where it is not practicable.
7. Stream crossings will necessitate a backwater study on the 100-year storm event. The localized 100-year flood elevation at each crossing is not allowed to stage onto an individual lot.
8. The minimum allowable slope is 0.50% or the slope which will produce a velocity of 2.5 fps when flowing full, whichever is greater for all proposed pipes and culverts.
9. The following criteria for headwater shall be used (based on the design storm):
 - a. Minimum 12 inch freeboard for culverts up to 36"
 - b. Minimum 18 inch freeboard for culverts greater than 36"
 - c. Elevations established will delineate localized floodplain
 - d. $HW/D \leq 1.2$

Prediction of the peak flow rates shall be calculated using the procedure in the USDA Soil Conservation Service Method, the Rational Method, or other acceptable calculation procedures as determined by the TOWN. The size of stormwater conduits shall be determined by utilizing the standard energy equation for inlet control or outlet control and headwater nomographs as published by various federal agencies – US FHWA - H.E.C. #5, Soil Conservation Service, etc. The minimum pipe size to be used shall be 15-inch diameter.

Discharge from the stormwater drainage systems shall not be of such a velocity as to cause damage after leaving the pipe. Maximum allowable outlet velocity will be 2.5 feet per second (refer to "Code of Ordinances, Town of Apex, North Carolina"; Chapter 5, Article X, Sec. 5-149). Exiting velocities shall be in conformance with the sedimentation and erosion guidelines and outlet protection used whenever the velocity exceeds the allowable limit. Pipe outlets, flared end sections and head walls shall be provided, with rip-rap aprons designed to reduce velocity and dissipate energy so that downstream damage from erosion does not occur. Calculations shall be submitted with plan review.

B. Location

Manholes or structures shall be installed at each deflection of line or grade. Acute angle junctions (angles less than 90 degrees) between pipe runs should be avoided. No inaccessible junction boxes shall be permitted. The maximum distance between access openings shall not exceed 400 feet for pipes 30 inches and smaller. For pipes 36 inches

and larger, the maximum distance between access openings may be increased to 500 feet.

Stormwater shall not generally be allowed to flow across the roadway. Any deviation shall require pre-approval by the ENGINEER. Catch basins shall be provided to intercept the flow prior to the radius of an intersection, or the design of the roadway shall indicate a continuous grade around the radius to allow the flow to continue down the intersecting street. Inlet spacing shall be sufficient to limit spread to no more than half of a through lane during a 4-inch per hour rain storm. No catch basin shall be installed in the radius of a curve.

Stormwater that is piped or is conveyed as open channel flow and originates within or passes through the public street rights-of-way shall be conveyed through a contiguous public drainage easement. The public drainage easement must extend from the public street rights-of-way through points downstream, to the point of open discharge.

In natural drainage ways, a storm drain main shall be extended to the property lines to readily enable future connection to adjoining upstream property. Storm design shall account for future upstream development based on the current land use plan and shall include an evaluation of the existing downstream storm capacity.

Private storm drainage systems will be permitted, provided that: (1) such systems collect and discharge impounded stormwater wholly within the same lot; or (2) such systems collect water from one single lot and discharge into the public storm drainage system; or (3) such systems are properly engineered and approved on the signed set of construction drawings. Private storm drainage systems that connect to the public storm drainage system shall have the connecting leg of such a system, which crosses into the public street rights-of-way or easement, constructed in accordance with TOWN specifications, including but not limited to: the necessary easements, piping, inlets and junction boxes. Connection of plastic pipe to TOWN infrastructure is prohibited. Piped private storm drainage systems may not cross property lines, convey stormwater from one lot to another unless criterion #3 is met, or point discharge adjacent to curb. Where permitted by topography and site conditions, storm drainage systems that serve a single non-residential lot (i.e., parking lots, private streets, vehicular use areas), shall be privately maintained.

C. Easements

All storm sewers shall be installed in dedicated street rights-of-way or easements. Minimum width of permanent storm drainage easements for public storm drain pipe shall be 20 feet. Where storm drain pipes are installed at a depth in excess of 10 feet or for pipes greater than or equal to 36-inch diameter, the easement widths shall be increased in accordance with the following table:

Pipe Diameter (in)	Pipe Depth (D, ft)	Easement Width (ft)
36 -- 48	$10 < D \leq 15$	30
54 -- 72	$15 < D \leq 20$	40
> 72	> 20	To be determined by the TOWN

No structures or equipment such as buildings, fences, playsets, pools, HVAC units, etc. shall be placed within any public easement. The Town of Apex is not liable for any damage to personal property located on public easements that may occur resulting from enactment of official duties.

Where multiple pipes are installed, the edges of the easement shall be a minimum of 10 feet from the centerline of the outside pipe with 3 feet clearance between the exterior of the parallel storm sewer pipes. Pipes shall not outfall in the front yard of a lot, but should extend to the rear third of the lot or property line in residential subdivisions.

D. Depth of Cover

Cover heights shall be as follows:

- Reinforced Concrete Pipe (RCP)
- Corrugated Polypropylene Pipe (CPP)
- Corrugated Aluminized Steel Pipe - Type 2 (CSP)
- Corrugated Aluminum Pipe (CAP)

CLASS	RCP	
	MIN (ft)	MAX (ft)
III	2	20
IV	1	30

Pipe Diameter (in)	CPP		CSP		CAP	
	MIN (in)	MAX (ft)	MIN (in)	MAX (ft)	MIN (in)	MAX (ft)
15	12	28	12	158	12	98
18	12	28	12	131	12	81
21			12	113	12	69
24	12	26	12	98	12	60
30	12	26	12	79	12	57
36	12	20	12	65	12	47

42	12	20	12	55	12	40
48	12	20	12	48	12	35
54			12	56	15	31
60	24	20	12	50	15	28

502 Materials – Storm Drainage Pipe

A. General

All storm sewer pipes to be installed in projects within the jurisdictional limits of the TOWN shall conform to the specifications presented herein. In special cases where material other than those listed below is requested, the applicant's plan submittal must contain a formal request to use other material and complete background data to justify its use.

B. Reinforced Concrete Pipe (RCP)

RCP shall be as per ASTM C76 (or the latest revision), Class III or Class IV with a minimum 15-inch diameter. All joints shall include rubber gaskets conforming to ASTM C 1628. All RCP installed on thoroughfare routes shall be approved and stamped by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery.

Any of the following criteria will be grounds for rejection of RCP material:

- 1) Any fracture or crack that visibly passes through the wall of pipe;
- 2) Any fracture or crack that is 0.01 inch wide or greater at the surface and 12 inches or longer regardless of position in the wall of the pipe;
- 3) Offsets in form seam that would prevent adequate concrete cover over reinforcing steel;
- 4) Delamination in the body of the pipe when viewed from the ends;
- 5) Evidence of inadequate concrete cover for reinforcing steel;
- 6) Any severe surface condition that affects the majority of the pipe section surface and could reduce the durability and service life of the pipe;
- 7) Damaged or cracked ends where such damage would prevent making a satisfactory joint.

C. Corrugated Polypropylene Pipe (CPP)

The pipe and fittings shall be an annular corrugated wall and a smooth interior wall (double-wall) or pipe and fittings with an annular corrugated wall and a smooth interior and exterior wall (triple-wall), conforming to the requirements of ASTM F2764 and AASHTO Specifications M330 (latest edition) for Corrugated Polypropylene Pipe.

Bell and spigot joints are required on all pipes. Bells shall cover at least two full corrugations on each section of pipe. The spigot shall be double-gasketed. The bell and spigot joint shall have "O"-ring rubber gaskets meeting ASTM F477 with the gaskets

factory installed and placed on the spigot end of the pipe. Pipe joints shall meet all requirements of AASHTO M330. Transitions from CPP to RCP shall be made with the appropriate adapter. Refer to Section 505 A.

D. Corrugated Aluminized Steel Pipe - Type 2 (CSP)

Aluminized Steel Type 2 pipe shall be 14 gauge minimum for 15-inch and 18-inch diameters, 12 gauge for all other sizes. Coils shall conform to the applicable requirements of ASTM A929. CSP shall be manufactured in accordance with the applicable requirements of ASTM A760. All fabrication of the product shall occur within the United States. Coupling bands shall be made of the same base metal and coatings as the CSP to a minimum of 18 gauge.

E. Corrugated Aluminum Pipe (CAP)

Aluminum pipe shall be 14 gauge minimum. Coils shall conform to the applicable requirements of ASTM B744. CAP shall be manufactured in accordance with the applicable requirements of ASTM B745. All fabrication of the product shall occur within the United States. Coupling bands shall be made of the same base metal and coatings as the CAP to a minimum of 18 gauge.

503 Materials - Storm Drainage Structures

A. General

All structures (manholes, curb inlets, catch basins, junction boxes, etc.) shall be constructed of concrete brick masonry units, cast-in-place reinforced concrete, or pre-cast concrete. Structures shall be repaired and re-built with solid concrete brick and mortar. Materials such as broken concrete pipe, clay brick, and rock are prohibited. Structure walls shall be repaired to original manufacturer conditions. Waffle boxes are not permitted. All pre-cast boxes shall be solid boxes.

Curb inlets in streets with curb and gutter shall be NCDOT type standard frame, grate, and hood.

B. Concrete Brick Masonry Units

Concrete brick masonry units shall be solid units meeting the requirements of ASTM C55, Grade S-II. Clay brick shall not be permitted for any drainage structure.

C. Precast Concrete Manholes

Pre-cast concrete manholes shall meet the requirements of ASTM C478. Manholes shall

have joints sealed with a pre-formed rope-type gasket per ASTM C990. Manhole base diameters shall conform to the following for the various storm sewer pipe sizes:

<i>Pipe Diameter (in)</i>	<i>Manhole Base Diameter (ft)</i>
15 - 36	5
42 - 48	6
54	8

For pipes greater than 54 inches, manhole base sections shall be sized as required and shall be approved by the ENGINEER. All precast manholes installed on thoroughfare routes shall be approved and stamped by the NCDOT Materials and Tests Unit at the manufacturer's facility prior to delivery.

Transition reducing slabs may be used to enable the use of 4-foot diameter eccentric cones at the top. All pre-cast manholes for storm sewers in traffic areas shall be of the eccentric type for ease of access. Manholes in non-traffic areas shall be flat-top type.

D. Mortar

Mortar shall be proportioned as shown below for either Mix No. 1 or Mix No. 2. All proportions are by volume. Water shall be added only in the amount required to make a workable mixture.

MIX NO. 1	1 part Portland Cement 1/4 part Hydrated Lime 3 3/4 parts Mortar Sand (maximum)
MIX NO. 2	1 part Portland Cement 1 part Masonry Cement 6 parts Mortar Sand (maximum)

Portland cement shall be ASTM C-150, Type 1. Hydrated lime shall conform to ASTM C207, Type S. Masonry cement shall meet the requirements of ASTM C91. Mortar sand shall be standard size 4S, per requirements of the NCDOT.

E. Castings

- 1) General – All castings shall meet the requirements of ASTM A48, Grade 35B iron and shall be manufactured in the USA. Country of origin shall be embossed on each casting.

At a minimum, manufacturers shall submit the following to substantiate to the ENGINEER that castings meet the minimum criteria:

- a. Bar tensile test reports from an independent testing laboratory. The results must confirm that the material meets ASTM A48 Class 35B.
 - b. Casting proof load test report on the subject casting. Proof load tests shall be conducted in accordance with AASHTO M306, Section 7.0. During proof load testing, castings shall maintain a 40,000 lb proof load for one minute without experiencing any cracking or detrimental deflection.
 - c. A written statement of certification by a qualified licensed engineer, employed by the producing foundry, that castings meet these specifications.
- 2) Curb Inlet - Grates, frames, and hoods shall be in accordance with NCDOT Standard 840.02 and 840.03. Curb inlet hoods shall be embossed with "Dump No Waste! Drains to Waterways".
 - 3) Grates & Frames - Cast iron grates and frames for yard inlets shall be of the size indicated on the approved plans. Grates and frames shall be in compliance with NCDOT Standards.
 - 4) Manhole Rings & Cover - Cast iron manhole rings and covers shall be in compliance with the Standard Detail with the words "STORM SEWER" cast on the cover. Covers shall have two 1-inch holes. Manhole castings shall be machined to provide a continuous bearing around the full periphery of the frame.

F. Portland Cement Concrete

Portland cement concrete used for storm drainage structures, end walls, etc. shall conform to the technical requirements presented in Section 200 of these Specifications, and shall have a minimum compressive strength of 3,000 psi at 28 days. Primary structures, such as box culverts, may require concrete having a compressive strength greater than 3,000 psi, and may require the submission of mix designs and testing of the concrete by an independent laboratory. These special requirements may be imposed by the ENGINEER for all such structures where deemed necessary.

G. Reinforcing Steel

Reinforcing steel shall be new billet steel conforming to ASTM A615 for grade 60. Reinforcing steel shall be deformed per current ASTM standards.

H. Connections

All storm drain connections shall be made with non-shrink grout.

504 Miscellaneous Materials

A. Rip Rap

Riprap shall be large aggregate of the size and class shown on the approved drawings. Stormwater calculations shall be submitted with the construction plan review application.

505 Inlets and Outlets

A. Headwalls, Endwalls, and Flared End Sections

Headwalls, endwalls, and flared end sections shall be constructed of structural cast-in-place concrete or pre-cast concrete in accordance with NCDOT Roadway Standard Drawings and shall be installed at all discharge points and inlets where there is not a structure. Details and design of headwalls, endwalls, and flared end sections shall be in accordance with NCDOT requirements. Details shall be shown on all plan submissions.

Flared end sections shall be installed on single pipe culverts up to and including 36 inches in diameter, and on multiple pipe culverts less than 30 inches in diameter. Flared end sections shall also be installed at the outlet point of all storm drainage systems. Dissimilar pipe couplers shall be used to connect CPP, CSP, or CAP pipe to end sections.

Headwall and endwall shall be installed on single pipe culverts greater than 36 inches in diameter, and on multiple pipe culverts greater than and including 30 inches in diameter.

For non-jurisdictional channels, ~~The the~~ slope from ~~pipe invert to~~ top of berm shall not exceed 2:1 to the top of pipe (preferably flatter). For jurisdictional stream and/or riparian buffer crossings, the slope from top of berm shall not exceed 2:1 to the top of pipe or top of roof slab or box (not headwall). Any deviation from NCDOT standard drawings requires pre-approval of the Transportation & Infrastructure Development Director.

B. Dissipaters and Scour Protection

Energy dissipaters shall be installed at all discharge points and shall be properly sized to ensure that stormwater is released at a non-erosive velocity.

Scour protection shall be provided for all drainage ways where, in the opinion of the ENGINEER, erosive velocities or other factors require the use of protective measures. All protective measures shall be shown on all plan submissions.

Additional information on the impact of stormwater discharge onto adjacent properties may be required by the ENGINEER.

506 Stormwater Control Measures (SCMs) within the Primary and Secondary Watershed Protection Overlay Districts

Stormwater Control Measures (SCMs) shall be designed and constructed per the guidelines and minimum design criteria (MDC) presented in the State of North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual, latest revisions. These structures shall be designed to meet all stormwater requirements presented in Section 6.1 of the TOWN Unified Development Ordinance (UDO).

In addition to the guidelines and MDC presented in the NCDEQ Stormwater Design Manual, the following specifications shall be used for all SCMs:

- The invert elevation for the inlet to the SCM shall be set no lower than the normal/permanent pool elevation controlled by the water quality orifice(s). Refer to Section 501.B.6 of this document for inlet pipe network HGL requirements.
- The outlet structure shall be constructed of precast reinforced concrete and the outlet pipe shall be either reinforced concrete pipe (RCP) or corrugated polypropylene pipe (CPP).
- All vegetated side slopes and tops of dams shall be sodded with non-clumping turf grass.
- All SCM side slopes stabilized with vegetated cover shall be no steeper than 3:1 (horizontal to vertical).
- When the proposed impervious area is unknown for residential subdivision projects, a 70% impervious assumption per lot should be made when sizing proposed SCMs.

Prior to the approval of a final plat (with respect to a subdivision), issuance of a certificate of occupancy (with respect to a site plan), or commencement of a use for any development upon which an SCM is required, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as-built” plans and corresponding as-built supplements for all SCMs. See Section 106 of this document for additional “as-built” submittal requirements.

The “as-built” plans shall show the final design specifications for all SCMs and practices and the field location, size, elevations, and planted vegetation of all measures, controls, and devices, as installed. The designer of the SCMs shall certify, under seal, that the as-built SCMs, controls, and devices are in compliance with the approved plans and designs as required by the TOWN UDO.

A final inspection and approval by the TOWN Environmental Engineering Manager or his/her designee must occur before the release of any performance and/or maintenance

securities.

507 Construction Methods

A. Trenching & Bedding for Storm Sewers

The trench shall be constructed per the Standard Detail. Where the foundation is found to be of poor supporting value, the pipe foundation shall be conditioned by undercutting the unacceptable material to the required depth as directed by the INSPECTOR, and backfilling with stone or other approved material. Where necessary, surface water shall be temporarily diverted in order to maintain the pipe foundation in a dry condition. The flow of water from such temporary diversions shall be directed into suitable erosion control devices.

B. Pipe Laying

Concrete pipe culverts shall be laid carefully with bells or grooves upgrade and ends fully and closely jointed.

C. Backfilling

The trench shall be backfilled per the Standard Detail. The backfill materials shall be moistened when necessary in the opinion of the INSPECTOR to obtain maximum compaction. Water setting or puddling shall not be permitted.

All trash, forms, debris, etc., shall be cleared from the backfill material before backfilling. Backfilling around structures shall be done symmetrically and thoroughly compacted in 6-inch layers with mechanical tampers to the specified 95% density (Standard Proctor).

D. Masonry Structures

Excavations shall be made to the required depth, and the foundation, on which the brick masonry is to be laid, shall be approved by the TOWN. The brick shall be laid so that they will be thoroughly bonded into the mortar by means of the "shove-joint" method. Buttered or plastered joints will not be permitted. The headers and stretchers shall be so arranged as to thoroughly bond the mass. Brickwork shall be of alternate headers and stretchers with consecutive courses breaking joint. All mortar joints shall be at least 3/8 inches in thickness. The joints shall be completely filled with mortar. No spalls or bats shall be used except for shaping around irregular openings or when unavoidable to finish out a course. All details of construction shall be in accordance with approved practice and to the satisfaction of the ENGINEER.

Steps as shown on the plans shall be placed in all catch basins and inlets when they are greater than five feet in depth. The steps shall be set in the masonry as the work is built

up, thoroughly bonded, and accurately spaced and aligned.

Inverts in the structures shall be shaped to form a smooth and regular surface free from sharp or jagged edges. They shall be sloped adequately to prevent sedimentation. The castings shall be set in full mortar beds. All castings when set shall conform to the finish grade shown on the drawings. Any castings not conforming shall be adjusted to the correct grade.

Two (2) 2-inch diameter weep holes shall be installed above the upstream pipe invert in all storm drain structures. Protect weep holes with screen wire or fabric outside the structure to prevent clogging.

E. Concrete Construction

The forming, placing, finishing, and curing of Portland cement concrete shall be performed in strict accordance with all applicable requirements as contained in the Standard Specifications for Road & Structures latest edition, as published by the NCDOT and pertinent ACI (American Concrete Institute) codes and guidelines.

F. Installation of Precast Concrete Structures

Pre-cast concrete manholes, junction boxes, etc. shall be installed level and upon a firm, dry foundation, approved by the INSPECTOR. Structures shall be backfilled with suitable materials, symmetrically placed and thoroughly compacted so as to prevent displacement. Castings shall be set in full mortar beds to the required finished grade. Refer to the Standard Detail.

Two (2) 2-inch diameter weep holes shall be installed above the upstream pipe invert in all storm drain structures. Protect weep holes with screen wire or fabric outside the structure to prevent clogging.

508 Inspection Prior to Acceptance

Prior to acceptance of any development with public storm drainage infrastructure, the utility contractor shall arrange a camera inspection of all public storm drainage lines with a 3rd party camera service and then coordinate the results with the Infrastructure Inspector or Manager within the *Water Resources Department*. Any discrepancies found in violation of these Specifications shall be repaired to the satisfaction of the INSPECTOR prior to acceptance and prior to issuance of any Certificates of Occupancy. When inspection indicates possible excessive deflection in CPP, CSP, or CAP, the contractor shall complete a deflection test by mandrel using a rigid device approved by the INSPECTOR. The mandrel size shall be clearly labeled and shall be sized so as to provide a diameter of at least 95% of the inside pipe diameter. If deflection exceeds 5%, the pipe shall be evaluated to determine what corrective measures are required.

Video Assessment and Cleaning

- a) As a final measure required for acceptance the Contractor shall clean and televise all newly installed public storm drain lines installed from the upstream to downstream manhole with no reverse setups or cutaways. Throughout shooting, the camera shall be panned and tilted for a complete view of the line, including panning at each joint. Lighting shall be adequate to view the entire storm drain line from beginning to end. The video inspection shall be submitted to the Town on a CD/DVD and formatted with software compatible and readable by the Town. The Town shall not be responsible for purchasing additional software necessary to view the CD/DVD.
- b) The camera shall be advanced at a uniform rate not to exceed 20 feet per minute that allows a full and thorough inspection of the new storm drain line. The camera shall be a color, pan and tilt camera capable of producing a five hundred line resolution picture. Lighting for the camera shall be sufficient to yield a clear picture of the entire periphery of the pipe. The picture quality shall be acceptable and sufficient to allow a complete inspection with no lapses in coverage. The length of the storm drain line shall be measured and recorded on the video screen. The distance counter shall be calibrated before shooting the inspection video.
- c) The Contractor shall clean the storm drain lines ahead of video inspection with a high-velocity water jet. The video inspection shall take place within 2-hours of cleaning operations as witnessed by the Town. All construction debris shall be collected in the downstream manhole and shall not be released into the storm drain system.
- d) The TOWN shall be present throughout the cleaning and televising of the storm drain lines to verify that the video work complies with the Specifications. The camera operator shall stop, reverse, pan, and tilt the camera to view any area of interest during the inspection as directed from the Town.
- e) It is recommended that site grading and all utilities be installed and complete prior to final inspection to ensure that damages to the storm drain lines do not occur. Damages found after final inspection would requiring re-inspection by the Town.
- f) Prior to submitting the CD/DVD to the TOWN, the Contractor shall label the CD/DVD with the following information:

- Name of the Project/Development.
- Name and contact information of responsible party.
- Date of televising.
- Manhole identification as shown on the design plans.

509 Maintenance of Municipal Separate Storm Sewer System (MS4)

The TOWN shall maintain all piping and structures within TOWN identified easements. The easements must be labeled as the following: “Town of Apex Public Utility Easement” or “Town of Apex Drainage Easement”. Easements labeled as “Drainage Easement” or “Private” shall be maintained by the responsible party or property owner where such system is located.

TOWN maintenance will stop just beyond one half the distance of the total recorded easement width which is measured from the end of the pipe or the center of a flared end section. TOWN maintenance responsibilities are summarized in the following table.

<i>Easement Width (ft)</i>	<i>Maintenance Distance (ft)</i>
20	10
30	15
40	20

When an approved private drainage system is designed and installed onto private property and connects to the TOWN street rights-of-way, a TOWN approved stormwater structure will be required and placed no further than 10 feet from the recorded or proposed street rights-of-way. A TOWN approved easement will be placed around the stormwater structure that meets the current TOWN specifications. The TOWN shall stop all maintenance activities at this point. A private easement boundary shall be shown beyond this point and recorded to describe and allow ownership inspection and maintenance activities. The TOWN shall not be responsible for any infrastructure, grassed swales, or other stormwater conveyances located within private easements.

<p style="text-align: center;">SECTION 700 WASTEWATER COLLECTION SYSTEMS</p>
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701 Gravity Sewers

- A. Design**
- B. Materials**
- C. Sewer Main Installation**

702 Manholes

- A. Design**
- B. Materials**
- C. Installation**

703 Service Connections

- A. Design**
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704 Testing and Inspections

- A. General**
- B. Sewer Main and Service Connection Testing**
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705 Aerial Crossings

- A. Design**
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706 Repairs, Modifications, and Abandonment

- A. Sewer Main Repairs**
- B. Installation**
- C. Draining Sewer Mains**
- D. Abandonment of Existing Sewer Mains**

701 Gravity Sewer

A. Design

1. Main Location

- a) All public sanitary sewer mains shall be installed in dedicated street right of way or in dedicated utility easements. Mains within easements shall be centered within the easement. Mains located along NCDOT roads shall be placed outside of NCDOT right of way.
- b) In preparing engineering design plans, all elevations shall be tied to NC grid system and the benchmark shall be described on the plans. A field survey of all waterways and waterbodies within project area must be performed, including but not limited to: creeks, streams, rivers, lakes, ponds, ditches, and culverts. Survey must include adequate points to accurately represent the cross section of the waterway/waterbody, i.e. top of bank, toe, centerline, etc.
- c) Construction Drawings shall be prepared by or under the direct supervision of a professional engineer, licensed in North Carolina. Design shall conform to all standards and guidelines established by the Town and NCDEQ. Any design that does not meet minimum requirements set forth by NCDEQ and 15A NCAC 02T rules shall require a variance approval from NCDEQ. Plans shall indicate deflection angles at all manholes.
- d) All private sewer collection mains inside the Town service area that will connect or are planning to discharge into the Apex sewer system shall comply with all Town of Apex design, siting and installation criteria outlined herein. The Owner of the private sewer collection system shall meet all State design requirements and obtain a State permit to operate the private system.
- e) Gravity mains shall be installed in dedicated public right of way (not alleys or roundabouts) or in dedicated utility easements as follows:

<u>Pipe Depth*</u>	<u>Permanent Easement Width</u>	<u>Town Road R/W</u>
8-ft or less	20-ft	Allowed
8-ft – 15-ft	30ft	As Specified by the WR Department
15-ft – 20-ft	40-ft	Not Allowed
Deeper than 20 ft	As Specified by the WR Department	Not Allowed

*Depth of the sewer main shall be measured from the top of the pipe to the final grade or road subgrade at the deepest point between manholes.

Dedicated easements for sewer mains and appurtenances shall be recorded as "Town of Apex Public Sanitary Sewer Easement". Town of Apex sewer easements shall contain only Town of Apex utilities unless otherwise approved by the site plan or an encroachment agreement. Sewer mains shall be centered in the easement. Easements shall be acquired by the Developer (unless utility is designed as part of a Capital Improvement Project) prior to construction approval.

Easements must be clearly labeled as "public" or "private".

If the sewer main is located within the road right-of-way, a clear width equal to or greater than the easement width required must be available. If adequate width is not available within the right-of-way, additional easement outside of the right-of-way must be maintained. For example, if a sewer main normally requiring a 20 foot easement is installed 5 feet inside of the right-of-way, an additional 5 feet of easement must be obtained outside of the right-of-way to provide a clear total width of 10 feet on each side of the pipe.

- f) The minimum width of a permanent easement that contains sanitary sewer and storm sewer shall be 30 feet. There must be a separation of 10 feet between the outside of each pipe and 10 feet from the centerline of the pipe to the easement line.
- g) The minimum width of a permanent easement that contains sanitary sewer and greenway shall be 15 feet in addition to the width required in the table above. There must be a separation of 10 feet between the sewer main and the edge of pavement and at least 10 feet from the centerline of the pipe to the easement line.
- h) No structures, equipment, retaining walls, embankments, impoundments, pavement, landscaping, fill, or other elements that would inhibit maintenance operations shall be constructed within a sewer main easement as outlined in Section 200. Fences may be allowed across easements provided that appropriate access gates or removable panels have been installed to allow utility maintenance. Fences shall not be installed parallel within utility easements. In all cases, Town of Apex Operations Staff shall have access to secured access gates. Fill or cut slopes are not allowed to extend into easements without full development plan approval or an approved encroachment agreement from the Town of Apex, see Section 200 for further information. All such pre-existing or planned conditions as noted herein that would impact operations and maintenance within the noted sewer main easement shall be noted and disclosed during the site plan approval process. Pre-existing conditions that are not disclosed during

the site plan review may nullify the approval and require relocating the sewer easement where there are no existing conflicts. If sewer main is located within road right-of-way or on Town owned property there shall be no permanent structures, equipment, retaining walls, embankments, impoundments, landscaping, or other elements that would inhibit maintenance operations unless approved by the Water Resources Director.

- i) Where public sanitary sewer mains are installed within easements crossing private property, the Town's Water Resources Department shall have the right to enter upon the easement for purposes of inspecting, repairing, or replacing the sewer main and appurtenances. Where paved private streets, driveways, parking lots, etc. have been installed over public sewer mains, the Town of Apex shall not be responsible for the repair or replacement of pavement, curbing, landscaping, etc. which must be removed to facilitate repairs. The Water Resources Department shall excavate as necessary to make the repair, and shall backfill the disturbed area to approximately the original grade. Replacement of privately owned pavement, curbing, walkways, etc. shall be the responsibility of the property owner and/or Homeowner's Association.
- j) Easements shall be accessible from public rights-of-ways. If easement is not accessible perpendicular from right-of-way due to steep slope, environmental feature, or other obstacle, additional easement may be necessary.
- k) Sewer line easements shall be graded smooth, free from rocks, boulders, roots, stumps, and other debris, and seeded and mulched upon the completion of construction. Easements across sloped areas shall be graded uniformly across the slope to no steeper than a 4 to 1 ratio.
- l) Mains paralleling a creek shall be of sufficient depth to allow lateral connections below the stream bed elevation. The top of the sewer main and laterals shall be at least three feet below the stream bed. Concrete encasement and ductile iron pipe shall be required when the cover between the top of the pipe and the stream bed is less than 3 feet.
- m) Mains shall not be installed under any part of water impoundments or area to be impounded. Sewer mains shall not be installed through, above, or below any retained earth structure. Sewer main location and depth shall not be within the theoretical 1:1 slope of any impoundment dam or structure, or shall maintain a minimum of 10' horizontal separation from the toe of slope, whichever is greater. The entire

easement shall be outside of the toe of slope, unless prior approval is obtained from the Water Resources Director.

- n) Sewer profile shall follow natural topography and road grade. Sewer designed against natural grade or road grade shall only be allowed if approved by the Water Resources Director and no practical alternative is available.
- o) The following minimum horizontal separations shall be maintained:
 - 1. 100 feet from any private or public water supply source, including wells, WS-1 waters or Class I or Class II impounded reservoirs used as a source of drinking water (except as noted below)
 - 2. 50 feet from wetlands and any waters (from normal high water) classified WS-II, WS-III, B, SA, ORW, HQW or SB (except as noted below)
 - 3. 20 feet from any other stream, lake, or impoundment (except as noted below)
 - 4. With approval directly from PERCS, the following separations may be acceptable when water main standards are implemented:
 - a. All appurtenances shall be outside the 100 foot radius of wells.
 - b. 50 feet from private wells (with no exceptions)
 - c. 50 feet from public water wells (with no exceptions)
 - d. Where the required minimum separations cannot be obtained, ductile iron pipe shall be used with joints equivalent to water main standards.
- p) Sewer mains shall always be extended along any and all natural drainage courses/draws that are located within the property line boundaries of the proposed development. This sewer shall be extended to all adjacent upstream property lines.
 - 1) Sewer design shall account for future upstream development based on the current land use plan.
 - 2) Project shall include evaluation of existing downstream sewer capacity. This evaluation shall address the capacity of all sewer collection and truck sewer systems that will be

impacted downstream of the new development and/or redevelopment. If any downstream sewer segments exceed 50 percent full, but are less than 65% full, the Town will evaluate and determine if upsizing is required. If any downstream sewer segments exceed 65 percent full, the sewer main must be upsized or re-installed at a greater slope to allow for greater flow through the pipe. All improvements must be made the full length, from manhole to manhole.

- 3) The most upstream manhole shall be designed and located so that all upstream properties will have access to connect with future sewer mains. Depths shall be evaluated so that streams, roads, culverts, and any other features that must be crossed by future upstream sewer mains can do so and still achieve the required minimum cover on top of the sewer main.
- q) Gravity sewer mains shall be deep enough to serve the adjoining properties and allow for sufficient slope in lateral lines. Gravity sewer pipe shall have the following minimum covers:
- 1) 3 feet from the top of pipe to finished subgrade in roadways.
 - 2) 3 feet from the top of pipe to finished grade outside roadways.
- r) Sewer mains that do not meet minimum cover stated above or the table in section A.1.e) are required to be ductile iron for the entire run between manholes. Steel casing and/or concrete may also be required for protection, at the direction of the Water Resources Director.
- s) In all cases where fill material is added above existing sewer mains, the Engineer of Record shall prepare a structural analysis of the existing pipeline and determine if it is capable of supporting additional loading. If the additional fill material exceeds AWWA, DIPRA, UNIBELL and/or manufacturer standards for loading, the pipeline shall either be reinforced to adequately support the additional loading or replaced with a ductile iron pipe rated to support the added loading.
- t) Separation Between Sanitary Sewer and Storm Water Pipes:
Sewer mains shall have a minimum vertical separation of 24 inches between storm pipes when the horizontal separation is 3 feet or less. Where sanitary and storm sewers cross with a vertical separation of less than 24 inches, the entire leg of sanitary sewer shall be made of standard ductile iron pipe with joints rated for water main service and the void space between the pipe crossing shall be backfilled with 3000-psi concrete or quick setting, minimum 500-psi, non-

excavatable flowable fill that meets or exceeds NCDOT Specifications.

u) Separation Between Sanitary Sewer and Sewer Force Main:

There shall be a minimum 7 foot horizontal separation between parallel gravity and force mains when the depth of installation is 8-ft or less. Otherwise, the minimum horizontal separation between pipelines shall be 10-ft up to 10-ft depth of installation.

v) Separation Between Sanitary Sewer and Water Main

- 1) Parallel Installations: 10-ft lateral separation (pipe edge to pipe edge) or minimum 5-ft lateral separation, and water line at least 18-inches above sanitary sewer line measured vertically from top of sewer pipeline to bottom edge of water main.

Crossings (Water Main Over Sewer): All water main crossings of sewer lines shall be constructed over the sewer line in conformance with Town of Apex Specifications. At a minimum, 18-inches of clearance shall be maintained between the bottom edge of the water main and the top edge of the sewer main. If 18-inches of clearance is not maintained, the water main and sanitary sewer main shall:

- a. Both lines shall be constructed of ductile iron pipe with joints in conformance with water main construction standards.
 - b. The sanitary sewer pipe shall be ductile iron the entire run from manhole to manhole.
 - c. The void space between the pipes shall be filled with minimum 500-psi, quick setting non-excavatable flowable fill extending 3-ft on both sides of the crossing. Regardless of pipe material, at least 12-inches of vertical separation is required for sanitary sewer crossings of potable water mains.
- 2) Crossings (Water Main Under Sewer Line): Allowed only as approved by Town of Apex, when it is not possible to cross the water main above the sewer line. At a minimum, 18-inches of separation shall be maintained, (measured from pipe edge to pipe edge) and the sanitary sewer shall be constructed of ductile iron in conformance with water main construction standards the entire run from manhole to manhole. If local conditions prevent providing 18-inches of clearance, then at least 12-inches of clearance shall be provided and the void space between the pipes shall be filled with minimum 500-psi, quick setting, non-excavatable flowable fill extending at least 3-ft on both sides of the crossing.

- w) Where concentrated sources of runoff (e.g., SCM discharge, FES discharge outlets, natural drainage ways, etc.) convey across existing or proposed Town of Apex Sanitary Sewer Easements, the applicant must design a rip rap lined channel across the full width of the easement.
- x) All retaining walls shall have a separation from the easement boundary of at least 1:1, vertical to horizontal. For example, if the retaining wall is 10 feet tall, it shall be placed no closer than 10 feet from the adjacent easement boundary.

2. Main Size, Slope and Design Criteria

- a) Public gravity mains shall be a minimum of 8 inches in diameter.
- b) Major interceptors shall be sized in accordance with the "Town of Apex Sewer Master Plan". In areas not included in the master plan, interceptors shall be designed based on the proposed land use (according to the Town's Comprehensive Growth Plan), using the following flow factors. At a minimum, all gravity sewer mains shall be designed and sized to serve the ultimate tributary buildout of the drainage basin.

Residential flow rates:

Land Use	Flow Factor
Single Family Residential	300 gpd per dwelling unit
Multi-Family Residential	250 gpd per dwelling unit

Non-residential flow rates:

Use flow factors as required by the North Carolina Department of Environmental Quality (at the time of this Specification revision, these flow rates are contained in 15A NCAC 02T .0114).

For all other flow rates not listed in Section ii above, use:

Land Use	Flow Factor
Office and Institutional	0.09 gpd/sq.ft bldg. space
Commercial	0.12 gpd/sq.ft bldg. space
Industrial	0.20 gpd/sq.ft bldg. space

- c) The ratio of peak to average daily flow shall be 2.5.

- d) Sanitary sewers shall be designed to carry the projected average daily flow at no more than 1/2 full. The minimum velocity for sanitary sewer lines shall be 2.5-fps.
- e) Sanitary sewers shall be sized based on the Manning's Equation with Manning's roughness coefficient "n" = 0.013 or greater. Pipe diameter sizes used in the calculation of Manning's Equation shall be nominal pipe sizes.
- f) The minimum grades for public sanitary sewers shall be as follows:

Minimum Slopes for Gravity Sewer Mains

Main Size (diameter in inches)	Minimum Slope V=2.5ft/s, depth 1/2 full (feet per 100 feet) {standard required velocity}
8	0.52
10	0.39
12	0.30
14	0.25
15	0.23
16	0.21
18	0.18
21	0.15
24	0.12
27	0.11
30	0.09
36	0.07
42	0.06
48	0.05

Note1: All minimum slopes based on Manning's Equation

Note2: Manning's coefficient n = 0.013 used for all computations

- g) The minimum grade for the uppermost reach of a sanitary sewer line shall be 1% regardless of sewer line size.
- h) The maximum grade for sanitary sewers is 10%. The maximum velocity in sanitary sewers is 15 ft/sec. These limits may only be exceeded with the approval of the Director of Water Resources and the incorporation of the following provisions, which apply to all sewers either designed or installed at grades equal to or exceeding 10%:
 - 1) All sewers with a grade of 10% or higher must have the downstream run of pipe installed with ductile iron pipe.
 - 2) High velocity manholes shall be used on all sewers with a grade of 10% or higher. High velocity lines cannot tie directly to an existing

line and must proceed 180° through the invert into the downstream line.

- 3) Concrete thrust collars shall be installed on all sewers designed at grades of 10% or higher. The anchors shall be installed at the following spacing:
 - a. Not over 36' center to center on grades from 10% to 25%
 - b. Not over 24' center to center on grades from 25% to 40%
 - c. Not over 16' center to center on grades exceeding 40%
 - 4) The Town reserves the right to require all high velocity requirements outlined herein for sewer lines either designed or installed at grades of 10% or greater, regardless of the flow velocity. In cases where the design grade established on the sewer design plan is exceeded during construction and the 10% threshold is exceeded, all high velocity requirements shall apply without waiver.
- i) Sewer extensions shall be designed for projected flows, even when the diameter of the receiving sewer is less than the diameter of the proposed extension.
 - j) All pipe diameter changes shall occur only in manholes, with the invert of the larger pipe lowered sufficiently to maintain the same energy gradient. An approximate method of obtaining this result is to place the crown of the incoming pipes may be designed for an elevation at or above the crown of the outgoing pipe.
 - k) All transitions of pipe material, pipe separations, grade changes, pipe thicknesses and all angular deflection changes shall occur only at manholes.
 - l) Pipe trench excavation and backfilling shall be performed in accordance with Section 0450 of these Specifications.
 - m) Gravity sewer downstream from a connection point with a force main shall be lined with 401-type ceramic epoxy for a minimum of 1,200 linear feet.
 - n) The minimum angle between inlet and outlet pipes in a manhole shall be 90 degrees.

B. Materials

Materials specified herein are acceptable for sewer service as described. Sanitary sewer mains shall conform to the following criteria:

Diameter (in)	Depth (ft)*	Material
Any	≤ 4	DIP
8 – 15	4 ≤ 13	PVC SDR 35 or C900 DR 18
8 – 20	4 < D ≤ 20	PVC C900 DR 18 or DIP
> 20	Any	DIP
Any	> 20	DIP

*Depth of the sewer main shall be measured from the top of the pipe to the final grade or road subgrade at the deepest point between manholes.

1. Ductile Iron Pipe

Material Specifications

Ductile Iron Pipe shall be designed and manufactured in accordance with AWWA C150 and C151 and provided in nominal 20-ft lengths. The minimum requirements for ductile iron pipe and required laying conditions are tabulated below. For all other installations other than specified, the laying condition, bedding requirements or the minimum pressure class rating and/or thickness class shall be increased in accordance with AWWA C151. A pipe thickness design shall be submitted for external loading in all cases where the pipe depth exceeds the specified range of depths outlined in the following table.

Pressure Class, Max. Depth and Laying Condition for DIP
Sewer Mains

Pipe Diameter	AWWA C-150, Laying Condition	Pressure Class	Maximum Depth of Cover
8 -inch	type 1	350 psi	3-16 feet
8 -inch	type 4	350 psi	> 16 feet
10-12 -inch	type 1	350 psi	3-16 feet
10-12 -inch	type 4	350 psi	16-20 feet
10-12 -inch	type 5	350 psi	> 20 feet
14-20 -inch	type 4	250 psi	3-20 feet
14-20 -inch	type 5	250 psi	> 20 feet
14-20 -inch	type 5	350 psi	As Directed
24-30 -inch	type 4	250 psi	3-20 feet
24-30 -inch	type 5	300 psi	> 20 feet
24-30 -inch	type 5	350 psi	As Directed
36-42 -inch	type 4	300 psi	3-20 feet
36-42 -inch	type 5	350 psi	> 20 feet

Note: For cases not specified, a ductile iron pipe and bedding design certified by a Professional Engineer licensed in the State of North Carolina shall be required in compliance with AWWA C150 and the Ductile Iron Pipe Research Association.

In cases where thickness class designation of ductile iron pipe is specified, the corresponding thickness class designations are as outlined in the following table.

The following table lists approved manufacturers of DIP and DIP fittings that are allowable for installation within the Town's system.

Product Category	Approved Manufacturer	Model/Series	Pressure/Load Rating	Reference Standard	Requirements
Ductile Iron Pipe 8-inch & 10-inch Diameter (and 4-inch and 6-inch services) Cement Mortar Lined	US Pipe	Tyton Joint	350 psi	AWWA C150 and C151	Cement mortar lined with exterior bituminous coating. McWane pipe stamped "McWane by Atlantic States or Clow" only
	American (ACIPCO)	Fastite Joint			
	McWane	Tyton Joint			
Ductile Iron Pipe 12-inch and Larger Diameter Protecto 401 Lined	US Pipe	Tyton Joint	250-350 psi	AWWA and DIPRA Standards	40-mils of Protecto 401 Lining (lining must be less than 1 year old); McWane pipe stamped "McWane by Atlantic States or Clow" only
	American (ACIPCO)	Fastite Joint			
	McWane	Tyton Joint			
Ductile Iron Fittings 8-inch & 10-inch Diameter (and 4-inch and 6-inch services) Cement Mortar Lined	Sigma	Mech. Joint	350 psi	AWWA C110/C111 and AWWA C153	Shall always meet or exceed pipe pressure rating
	Tyler Union	Mech. Joint			
	SIP Industries	Mech. Joint			
	Star	Mech. Joint			
	American	Mech. Joint			
Ductile Iron Fittings 12-inch and Larger Diameter Protecto 401 Lined	Sigma	Mech. Joint	250-350 psi	AWWA and DIPRA Standards	Shall always receive interior Protecto 401 Lining to meet or exceed main line pipe standards. (401 lining must be < 1yr old)
	Tyler Union	Mech. Joint			
	SIP Industries	Mech. Joint			
	Star	Mech. Joint			
	American	Mech. Joint			

Ductile Iron Pipe Thickness Class

Pipe Diameter	Pressure Class	Nominal Thickness (inches)	Minimum Corresponding Thickness Class
8	350	0.25	50
10	350	0.26	50
12	350	0.28	50
14	250	0.28	50
16	250	0.30	50
18	250	0.31	50
20	250	0.33	50
24	250	0.37	50
24	300	0.40	51
30	250	0.42	51
30	300	0.45	52
36	300	0.51	52
36	350	0.56	53
42	300	0.57	52
42	350	0.63	53

Pipe joints shall be of the push-on type as per AWWA C111.

For 10-inch diameter and smaller gravity sewer mains, pipe lining shall be cement mortar with a seal coat of bituminous material, all in accordance with AWWA C104.

For 12-inch diameter and larger gravity sewer mains, all ductile iron pipe and fittings for sewer construction shall receive an interior ceramic epoxy coating, consisting of an amine cured novalac epoxy containing at least 20% by volume of ceramic quartz pigment, as manufactured by Protecto 401. The interior coating shall be applied at a nominal dry film interior thickness of 40-mils. All DIP bells and spigots shall be lined with 8-mils of joint compound by Protecto 401 or approved equal applied by brush to ensure full coverage. All pipe supplied with Protecto 401 interior lining shall be provided free of holidays. Pipe installed with defects in the lining will be rejected and required to be replaced. Patching of Protecto 401 coating defects after installation shall not be approved. Protecto 401 lined pipe must be installed within one year of the application date on the pipe.

All buried DIP and fittings shall have bituminous coating on the exterior surface in accordance with AWWA C151/ANSI A21.51. The seal coat

shall be a coal tar epoxy lining and shall be Indurall Coating, Inc. "Ruff-Stuff", Kopper's Company, Inc. "Bitumastic No. 300-M" or approved equal. Pipe shall be supplied in minimum 20-ft lengths.

All ductile iron pipes shall be marked in conformance with ASTM A-746.

Pipe material and manufacturer must have a supplier within 200 miles of the Town of Apex.

2. Solid Wall PVC Pipe

Material Specifications

PVC Pipe shall be solid wall and made of PVC plastic having a cell classification of 12454 or 12364 (with minimum tensile modulus of 400,000 psi) as defined in Specification D1784. PVC pipe shall have integral wall bell and spigot joints for the conveyance of domestic sewage and shall be supplied in 20 ft lengths. Fittings shall be made of PVC plastic having a cell classification of 12454-B, as defined in ASTM D1784.

All PVC gravity sewer pipe and PVC fittings up to 15-inches in diameter shall be manufactured in accordance with the latest version of ASTM D3034. All solid wall PVC pipe installed at diameters from 18-inches to 27-inches in diameter shall be manufactured in conformance with ASTM F679 and provided at minimum pipe stiffness of 115-psi. Fittings must be manufactured by pipe supplier or approved equal, and have bell and/or spigot configurations compatible with that of the pipe. PVC pipe shall be installed in accordance with the requirements of this Specifications manual and ASTM D2321.

All PVC pipe up to and including 15 inches in diameter shall have a maximum Standard Dimension Ratio (SDR) of 35 for depth of installation no shallower than 4-ft of cover from the pipe crown and no deeper than 13-ft measured from the bottom of the pipe. All solid wall PVC pipe for depth of installation greater than 13-ft shall be C900 DR18. Solid wall PVC pipe shall not be approved for depths of installation greater than 20-ft. All solid wall PVC pipe shall be marked and certified in conformance with ASTM D3034 or ASTM F679 and all AWWA standards.

C. Sewer Main Installation

1. General Requirements

- a) Pipe trench excavation and backfilling shall be performed in accordance with Section 0450 of these Specifications.
- b) Transitions of pipe material, pipe separations, grade changes and all angular deflection changes shall occur only at manholes. Pipe crowns shall be matched for changes in pipe sizes.
- c) All sewer mains installed with less than 4 ft of cover or deeper than 20-ft shall be ductile iron pipe.
- d) Pipe and fitting interiors shall be protected from foreign matter and shall be inspected for damage and defects prior to installation. In the event foreign matter is present in pipe and fittings, it shall be removed before installation. Open ends of pipe shall be covered and protected when pipe laying is not in progress to prevent debris from entering the pipe.
- e) Pipe shall be laid on true lines as directed by the Engineer. Trenches shall be sufficiently wide to adjust the alignment. Bell holes shall be dug at each joint to permit proper joint assembly. The pipe shall be laid and adjusted so that the alignment with the next succeeding joint will be centered in the joint and the entire pipeline will be in continuous alignment both horizontally and vertically. Pipe joints shall be fitted so that a thoroughly watertight joint will result. All joints will be made in conformance with the manufacturer's recommendations for the type of joint selected.
- f) Prior to beginning construction, the Contractor shall contact local utility companies and verify the location of existing utilities. The Contractor shall be completely and solely responsible for locating all existing buried utilities inside the construction zone before beginning excavation. The Contractor shall be solely responsible for scheduling and coordinating the utility location work. When an existing utility is in conflict with construction, it shall be exposed prior to beginning construction to prevent damage to the existing utility.
- g) No bells or connections shall be within any waterway crossing area.
- h) Sewer mains shall not be installed within roundabouts.

702 Manholes

A. Design

1. Manhole Location, Siting and Design

- a) Manholes shall be spaced at a maximum distance of 400 feet.
- b) Manholes shall be installed at each deflection of line and/or grade. The flow channel through manholes shall have a uniform and smooth finish free of irregularities or obstructions. The invert channel shall conform to the shape and slope of the entering/exiting sewer line. Either pre-cast or brick and mortar inverts may be used. Mortar shall be mixed in a clean, tight mortar box, or in an approved mechanical mixer and used within 45 minutes of mixing.
- c) A minimum drop of 0.2 feet must be maintained between the invert into and out of the manhole. The benches shall be sloped so as to prevent sedimentation. The inverts from intercepted cross lines shall be tied into the main flow line wherever possible, so as to provide a smooth transition. Wherever such cross lines tie-in at a substantially higher elevation than that of the downstream invert, the connecting line shall extend into the manhole a sufficient distance to enable the flow to spill into the flow line rather than onto the invert bench.
- d) On dead-end manholes receiving service connections, the invert must be constructed and the invert flow line shall extend through the manhole so that all flow entering the manhole shall be readily conveyed downstream.
- e) Free falls of wastewater flow into the manhole invert from incoming sewer mains shall not be allowed, except under limited circumstances.
- f) In certain isolated circumstances standard free drops may be allowed, not exceeding 24-inches.. If different size pipes, the smaller diameter pipe crown shall be positioned no higher than the larger diameter pipe crown to limit the drop. When free drops are necessary due to pipe size changes, the Contractor shall take preventive measures to prevent free drops into the manhole invert, such as building a flume or trough up to the incoming invert, or piping the flow to the primary invert flow channel.
- g) Drop manholes are not allowed without the written approval of the Water Resources Department. While certain physical constraints may dictate the need for drop manholes, they may not be used merely to decrease trenching depth. Upstream slope changes shall be used to avoid the need for drop manholes.

- h) Manholes shall not be obstructed from view or access. It is illegal to bury or obstruct access to manholes. Manholes shall not be installed within roundabouts.
- i) Manhole covers shall be elevated as follows:
 - 1) Roadways: Manholes installed in roadways and road shoulders shall be installed with the cover flush with the top of pavement.
 - 2) Outside of Roadways: Manholes installed outside of roadways shall be elevated at least 12 inches above the surface grade and/or at the same elevation of the road travel lane unless otherwise approved by the Water Resources Director.
 - 3) Wooded Outfalls: All manholes installed in wooded, forested or brushy areas shall be elevated at least 24 inches above the surface elevation.
 - 4) 100-Year Flood Zone: All manholes located within the 100-year flood elevation shall be elevated at least 24 inches above the 100-year flood elevation or specify watertight covers and vents that extend at least 24 inches above the 100-year flood elevation.
 - 5) 100-Year Culvert Headwater Depth: All manholes located within a 100-year culvert headwater staging area shall be elevated at least 24 inches above the 100-year flood elevation or specify watertight covers and vents that extend at least 24 inches above the 100-year flood elevation.
 - 6) Well Maintained Areas: All manholes installed in well maintained areas, such as yards, sidewalks or otherwise inside an improved right-of-way shall be installed flush with the finished surface.
- j) Manholes used in outfalls and other non-traffic bearing areas shall be constructed with a flat top and outside steps.
- k) Manholes shall be provided without interior steps.
- l) When connecting a new sewer main to an existing main, the connection shall be established with a "Doghouse" type of manhole inserted over the existing main. Doghouse manholes shall only be installed on existing DIP or PVC mains.
- m) Grade rings shall not exceed 6 inches.

2. Manhole Sizing

Manholes shall be sized as shown in the following table. The next larger size shall be required if the pipe size, depth, or number of main line connections warrants a larger size. In consideration of main line connections, all will be considered regardless of type, whether inside drop, outside drop, force main or standard connection.

Manhole Sizing Guide

Manhole Size	Maximum Allowable Pipe Size, Single In	Maximum Allowable Pipe Size, Multiple In	Maximum Depth
<i>(diameter)</i>	<i>(diameter)</i>	<i>(diameter)</i>	<i>(invert to rim)</i>
4-ft	8-12 inches		12-ft ¹
5-ft ⁴	14-24 inches	8-12 inches	12-ft to 18-ft
6-ft ⁴	30-36 inches	14-24 inches	18-ft to 24-ft
8-ft ⁴	≥42 inches	30-36 inches	24-ft to 30-ft
10-ft ⁴		≥42 inches	>30-ft

¹Depths beyond 14-ft in roadways shall require a 5-ft diameter manhole with extended base.

⁴Due to the limited manhole wall area that could exist between the invert in and out, some manholes may require upsizing as directed by the Water Resources Department.

All manholes 5-ft in diameter shall be extended to surface elevation with no further reduction in diameter until the eccentric cone section.

Manhole transitions for 6-ft and larger diameter manholes are only allowed in the top 5-ft of the manhole. In no case shall the smallest barrel size be less than 5-ft diameter. At least 5-ft of vertical clearance shall be maintained above the pipe crown before transitioning to a smaller diameter riser, or transition shall not be utilized. An eccentric flat slab reducer from 6-ft diameter or larger manhole base sections to 5-ft diameter risers (non-paved areas) or eccentric cones (paved areas) shall be used to make any transition.

Manholes outside of paved areas that are 6-ft in diameter and greater and are too shallow to maintain 5-ft of vertical clearance above the crown of the pipe shall maintain the full manhole diameter up to the design surface elevation and be provided with a flat top slab cover with eccentric hole.

Manholes inside of paved areas that are 6-ft in diameter and greater shall be constructed with an eccentric, flat top reducer to 5-ft diameter and provided with a 5-ft diameter eccentric, tapered cone at the finished grade. When the depth of the manhole is too shallow to maintain 5-ft of vertical

clearance above the crown of the pipe a 3-ft tall eccentric, tapered cone shall be used without any additional 5-ft diameter risers.

B. Materials

1. Concrete Manholes

- a) Manholes shall be precast concrete with a minimum compressive strength of 4000-psi and utilize minimum grade 60 rebar in compliance with ASTM C478. All 4-ft and 5-ft diameter manholes and all 6-ft diameter manholes in paved areas shall be provided with eccentric cone sections. Flat top manholes are required in outfall areas and for 6-ft and larger diameter manholes.
- b) Precast concrete manholes shall meet all design and manufacturing requirements of ASTM C478 and all H-20 loading requirements. Minimum wall thickness shall be 5-inches and shall increase with depth and diameter in accordance with ASTM standards. The standard joint shall be sealed with a plastic cement putty meeting Federal Specification SS-S-00210, such as Ram-Nek or a butyl rubber sealant. All lift holes must be plugged with non-shrinking grout after installation.
- c) All manholes greater than 5-ft diameter shall have minimum 8-inch (6-inch for 4-ft diameter manholes), 4,000-psi concrete bottoms resting on a minimum of 12 inches of #57 stone. Sewer mains shall enter and exit radially through the manhole. Inverts shall be constructed with a width equal to the effluent pipe and a height equal to 1/2 that of the effluent pipe. Inverts shall be so finished with sufficient drop across the manhole to compensate for all resulting energy loss across the invert. Flat invert channels shall not be allowed. At each inlet and outlet of 8 inches or greater, resilient connectors or manhole boots shall be provided in conformance with ASTM C923. Rings and clamps are to meet standards of ASTM A167 and/or ASTM C923.
- d) Precast manhole components shall not be installed, transported, or removed from the casting yard prior to reaching the minimum compressive strength of 4,000-psi and at least 7 days have elapsed since casting.
- e) Manhole flat slab, eccentric reducers provided for 6-ft diameter and larger manholes shall be provided with minimum slab thickness of 12-inches. Flat slab, eccentric reducers shall not be allowed for manhole diameters less than 6-ft.
- f) Manhole flat top slab covers for outfall manholes 6-ft diameter and greater shall be designed and manufactured for H-20 loading and

provided in minimum slab thickness of 8-inches. Manhole flat top covers shall be provided with a minimum clear opening of 36-inches when utilized with a 36-inch clear span manhole frame and cover.

- g) Manhole benches shall slope upwards from the spring line of the pipe to the projected level of the pipe crown at the manhole wall, or 8-inches above the spring line, whichever is less. Bowl type inverts recessed inside of precast benches shall not be accepted.

2. Manhole Frame and Cover Materials

- a) Manhole Frames and Covers shall be Class 35 gray iron with "Sanitary Sewer" and the Town symbol forged into the cover as indicated in the details. Ring and cover shall be stamped with make and model. All manhole frames and covers shall be domestically made and manufactured in the USA from domestic iron.

b) Types

- 1) Manhole Frames and Covers in Paved Areas and some Unpaved Areas: For all installations in roadways or within the right of way, use Type 1 ring and cover, and place sufficient depth of concrete below the pavement around the ring to ensure contact with manhole. Type 1 covers shall be provided with 1 vent hole. Type 1 covers shall be designed for a proof load of 40,000 lbs. and be provided in Class 35B gray iron in conformance with ASTM A48. At a minimum, Type 1 manhole rings shall weigh 190 lbs. and the cover shall weigh 120 lbs.
- 2) Manhole Frames and Covers for Outfalls: For installation in outfall areas, with 4-ft and 5-ft diameter manholes use Type 2 ring and covers. Type 2 covers shall not be installed in areas subject to traffic loading. Type 2 covers shall be provided with an integrated frame and cover assembly in which the cover rotates away from the frame for access. The rotating assembly shall be provided with a cast in stainless steel rod assembly. Type 2 covers shall be provided with a minimum 24-inch clear span opening along the axis with the stainless steel rod assembly. Security shall be provided by 3 exterior cast lugs at $\frac{3}{4}$ -inch thickness that allow padlock installation or bolting with 3 stainless steel bolts with stainless steel zinc plated nuts. Type 2 covers shall be made of Class 35B iron in conformance with ASTM A48 and designed for a proof load of 12,000 lbs. The frame and cover weight shall not be less than 60-lbs for the cover and 80-lbs for the ring. The Type 2 frame and cover assembly shall be provided with a gasket that makes the cover assembly watertight when

bolted at all three lugs. Type 2 covers shall be provided inside the 100-year flood elevation or other areas subject to flooding.

- c) All castings shall be machined to give even and continuous bearing on the full length of the frame. Castings shall be free of porosity and blow holes. All manhole frames shall be bolted to the manhole, except in paved streets.
- d) Manhole ring and cover shall be made by East Jordan Iron Works, US Foundry, Neenah Foundry Company, or approved equal.
- e) Where deemed necessary in low areas of streets, solid manhole covers may be required to prevent surface water inflow into the sewer.

C. Installation

1. General Requirements

- a) The downstream side of the last manhole(s) of a sanitary sewer line extension under construction shall be plugged by constructing a brick/block wall to prevent the passage of groundwater, runoff and sediment into the sanitary sewer system. All water upstream of the wall shall be pumped out of the sanitary sewer line and all sediment and solids shall be removed and properly disposed of by the Contractor. Water, sediment, and solids shall be removed every 30 days, or sooner if necessary, for the duration of the project. The wall shall not be removed until the line has been inspected by the Town to ensure that all possible points of inflow or infiltration have been eliminated. Failure to meet these requirements will be deemed a violation with fines up to \$1,000.00 per day.
- b) Manholes shall not be buried or hidden, which is a violation and subject to penalty by fines.
- c) All manhole penetrations, whether sewer main or service lateral, shall be cored with a concrete coring machine. All pipe connections must be made with flexible watertight couplings or boots.

For new manholes, there shall be a minimum of 9-inches or $\frac{1}{2}$ the pipe outside diameter (OD), whichever is greater, between the pipe hole openings. (Pipe hole opening is typically 4" greater than the pipe OD.) When the adjacent pipes are different sizes, the OD of the smaller pipe shall be used to determine the spacing requirement, but shall never be less than 9-inches.

For connections to existing manholes, there shall be a minimum of 9-inches or 3.5-inches plus $\frac{1}{2}$ the OD of the existing pipe, whichever is greater, between the pipe hole openings.

- d) All manhole sections shall be standard tongue and groove with rubber "O" ring or butyl rope sealant. All external manhole joints shall be wrapped with an approved joint seal material.
- e) Each connection to a manhole shall be sealed watertight by means of a flexible sleeve or gasket type sealing system. The flexible sleeve type system, if used, shall be equal to Flexible Manhole Sleeve as manufactured by the Interpace Corporation. The gasket type system, if used, shall be equal to the PSX system as manufactured by the Press Seal Gasket Corporation. The sealing system shall be furnished by the manhole manufacturer.
- f) Manholes shall be set on a base of 57 stone that is a minimum of eight (8) inches thick for four (4) foot diameter manholes and twelve (12) inches for five (5) foot diameter.
- g) Backfill around manholes shall be placed uniformly in shallow layers and thoroughly compacted with mechanical tampers and with care taken to ensure against displacement of the structure.
- h) All manhole rings shall be set in full mortar beds and bolted down. The rings with covers shall be set to the final grade indicated on the plans or as may be directed by the Town. Any rings and covers not conforming to the correct grade shall be adjusted by the Contractor as required. The exterior surface of all manholes shall be thoroughly cleaned of all grease, dirt, etc. All lifting lugs shall be removed and holes patched thoroughly with non-shrink mortar, color to match that of the manhole where such patches are exposed.

2. Manholes Subject to Inundation

- a) Manholes subject to flooding shall be watertight and vented 24 inches above the 100-YR flood elevation. In flood prone areas, the manholes shall be vented at least every 1000-ft or every other manhole, whichever is greater.
- b) The exterior of all manholes within the 100-year flood elevation and in wetland areas shall receive an exterior coating of an approved bitumastic coal tar epoxy or an approved epoxy coating at 40-mils to prevent weepage or attack by acidic soils. Individual joints shall be wrapped with Conwrap, Conseal, or approved equal and approved by the Town prior to backfilling.

- c) Anti-flotation design measures shall be implemented as required in flood prone areas.

3. Manholes Located on Large Collection Mains

The Town reserves the right to require all manholes located on interceptor or outfall mains 24-inches in diameter and larger to have the manhole interior and bench coated with an approved epoxy coating at 80-mils thickness. The epoxy coating shall be field applied and tested as described herein.

4. Force Main Discharge Manholes

All manholes located on gravity mains that serve or will serve as discharge points for sanitary sewer force mains shall receive an interior epoxy coating at 80-mils thickness. In addition to the receiver manhole, the Town reserves the right to require epoxy coating of the next two consecutive manholes downstream of the receiver manhole or all downstream manholes within 1200-lf of the receiver manhole,—See Section 800 for further information on force main discharge manholes.

5. Epoxy Coating

- a) Surface Preparation: Concrete manholes must be well cured prior to application of the protective epoxy coating. Generally, 28 days is adequate cure time for standard Portland cement. If earlier application is desired, compressive or tensile strength of the concrete can be tested to determine if acceptable cure has occurred. (Note: Bond strength of the coating to the concrete surface is generally limited to the tensile strength of the concrete itself. An Elcometer pull test to determine suitability of concrete for coating may be required).

Surface preparation shall be based on the requirements of the manufacturer of the epoxy coating and applicable NACE International standards.

- b) Installation: A minimum 80-mils thickness shall be field applied to new manholes (120-mils for existing manholes). During application a wet film thickness gage, meeting ASTM D4414 - Standard Practice for Measurement of Wet Film Thickness of Organic Coatings by Notched Gages, shall be used to ensure a monolithic coating and uniform thickness during application.

Temperature of the surface to be coated should be maintained between 40° F and 120° F during application. Prior to and during application,

care should be taken to avoid exposure of direct sunlight or other intense heat source to the structure being coated. Where varying surface temperatures do exist, care should be taken to apply the coating when the temperature is falling versus rising or in the early morning. The humidity should also be observed to ensure compliance with the epoxy manufacturers' recommendations.

Manufacturer approved heated plural component spray equipment shall be used in the application of the specified protective epoxy coating. The spray equipment shall be specifically designed to accurately ratio and apply the specified protective coating materials and shall be regularly maintained and in proper working order.

If necessary, subsequent top coating or additional coats of the protective coating should occur as soon as the basecoat becomes tack free, ideally within 12 hours but no later than the recoat window for the specified products. Additional surface preparation procedures will be required if this recoat window is exceeded.

- c) Manholes manufactured by Armorock (or approved equal) may be used as an approved alternate to manholes that require epoxy coatings

6. Labeling

- a) The interior of each manhole shall be labeled during construction. Labels can be from the manufacturer (stencil, tag, etc.) or by the contractor (tag, permanent marker, paint pen, etc.). Label must include the manhole number according to the record drawings and must consist of letters at least 3 inches tall and must be located approximately 12 inches above the shelf of the manhole.

703 Service Connections

A. Design

1. General Requirements

- a) All residential subdivision lots shall be served by gravity unless otherwise approved. If a pump is approved, it shall be privately maintained and must pump into either a service connection placed on the lot. The pump and force main (if needed) must have a note on the recorded plat indicating the following: "Privately maintained sewer pump and force main is required to serve this lot".
- b) Service connections to the main lines shall be perpendicular to the main line and shall extend to the edge of the right of way or easement line.

Direct taps shall be within the top quarter of the main, or within a manhole. All single family residences and businesses shall have individual connections to the public sewer main. Sewer services may not cross private property if the Development is subject to UDO requirements.

- c) Multiple service connections located outside public right of way or public easements are for private use only and will not be maintained by the Town. A private sewer permit from NCDEQ shall be required on all private collection systems prior to construction plan approval. A cleanout or manhole shall be installed within each serviced lot's right of way or easement for the Town's use, and shall extend a minimum of 6 inches above the finished grade.
- d) Cleanouts are required on all services with a maximum spacing of 50 feet for four (4) inch lines and 100 feet for six (6) inch lines. The first cleanout from the main/manhole shall be maintained by the Town and shall be installed one (1) foot inside the right of way line or edge of easement. All cleanouts shall extend a minimum of 6 inches above finished grade with brass caps or meet the optional cleanout method requirements in accordance with the Standard Details. Town maintenance of sewer services shall terminate at the first cleanout.
- e) Sewer cleanouts located in paved areas, which bear vehicle loading, must have ductile iron risers, ductile iron fittings and a traffic rated cast iron cover assembly.
- f) All 4 inch services shall connect directly into a public sewer main or manhole, in the fronting street or into an easement within the property. All 6 inch service connections shall be into a manhole.
- g) Service lines connected to manholes shall not be through the cone section or manhole joints. Service lines shall be installed so that the crown of the service line matches the crown of the invert line (or higher) or shall be installed with a standard drop. Multiple service connections shall not be maintained by the Town. For 6-ft diameter and larger manholes no service is allowed in the reduced diameter riser sections of the manhole. All services shall be made via a boot connection when at a manhole.
- h) The use of in-line wyes for service connections shall be required for all new construction. When connecting to existing sewer mains, service saddle taps will be allowable. Taps shall be at the 10 or 2 o'clock position, and shall not be top taps.

- i) Service connections to mains at depths of 14-ft and greater shall utilize ductile iron pipe between the main and the cleanout, including a ductile iron wye for the cleanout stack. Location and angle of fittings shall be as shown in the standard detail drawings.
- j) Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the *building drain, branch of the building drain or horizontal branch* serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer shall not discharge through a backwater valve.

B. Materials

1. Pipe Materials

- a) PVC Pipe shall be C900, schedule 40, or greater supplied in minimum 20-ft lengths. Schedule 40 PVC pipe shall be manufactured with a cell classification of 12454 in conformance with ASTM D1784. Schedule 40 pipes shall be manufactured to dimensional tolerances as specified in ASTM D1785 and rated for service conditions up to temperatures of 140-degrees Fahrenheit. The pipe may be joined by solvent weld in conformance with ASTM D2564.

Schedule 40 PVC pipe may be used for sewer services between 4 and 13 feet and shall require 4-inches of stone bedding extended to the springline.

PVC pipe and fittings for sewer laterals shall conform to ASTM D2665 "PVC Plastic Drain, Waste & Vent Piping" and shall be NSF approved. Laying lengths may be 10 or 20 feet with solvent weld type joints for Schedule 40 pipe or gasketed joint for PVC C900 DR18 pipe.

PVC C900 pipe shall be used in depths between 13 and 20 feet and shall require 6-inches of stone bedding extended 6-inches above the pipe crown.

- b) Ductile Iron Pipe may be used for any depth sewer service but must be used for sanitary sewer services with less than 4 feet of cover or in excess of 20 feet of cover. Ductile iron services shall also be used in all cases where a well is located within 100-ft of the sewer service line. Ductile iron service piping shall be provided in conformance with the ductile iron piping standards outlined herein including cement mortar lining.

- c) Any sewer service lateral deeper than 20 feet shall be pre-approved by the Director of Water Resources.

2. Sewer Service Fittings, New Construction

a) DIP Main with DIP Service

In-line wye fittings for ductile iron main lines joined with ductile iron service lines shall be typical ductile iron mechanical joint fittings as specified herein. In this case all fitting sizes shall conform to AWWA C153. Wye fittings through 10-inches in diameter shall be provided with cement mortar lining in accordance with AWWA C104 and provided with exterior asphaltic coating per AWWA C151. Wye fittings for lines larger than 10-inches in diameter shall be provided with Protecto 401 lining as specified herein for ductile iron pipe of the same sizing.

b) DIP Main with PVC Service

For ductile iron sewer mains to be joined with PVC service lines, the in-line wye fittings shall be slip joint ductile iron with an IPS sized branch for PVC schedule 40 service lines. Ductile iron fittings for connecting PVC service lines shall be deep bell, gasketed joint and air test rated. Gasket grooves shall be machined. Bell depths shall meet the minimum socket depth requirements of ASTM D3034 and ASTM F1336. Wall thickness shall meet the requirements of AWWA C153. Ductile iron wye fittings through 10-inches in diameter with IPS connections shall be provided with cement mortar lining in accordance with AWWA C104 and provided with exterior asphaltic coating per AWWA C151. Ductile iron wye fittings for PVC lines larger than 10-inches in diameter shall be provided with Protecto 401 lining as specified herein.

c) PVC Main with PVC Service

For PVC sewer mains to be joined with PVC service lines, PVC in-line wye fittings shall be provided. Typical Schedule 40 PVC fittings shall be provided at the cleanout wye and stack.

d) PVC Main with DIP Service

A ductile iron tee/wye shall be provided when the service line is required to be ductile iron due to a crossing or other obstruction. The fitting shall be specifically manufactured for ASTM 3034 PVC pipe such that a smooth flow way exists on the main line through the fitting. The branch shall be gasketed to receive the 4-inch DIP service line without additional fittings. The ductile iron tee/wye fitting shall be Protecto 401 lined.

3. Service Saddle Connections, Existing Sewer Mains

- a) PVC service saddles shall be of the same material as the main, 45 degree deflection, and shall be solvent welded and fastened with single stainless steel bands. The saddle service branch shall be stubbed slightly into the sewer main so that when installed, the saddle shall not slip or rotate.
- b) For existing DIP main lines, ductile iron service saddles shall be used. The saddle assembly shall consist of a virgin SBR or NBR gasket compounded for sewer service, a ductile iron saddle casting, a 304 stainless steel adjustable strap for fastening the gasket and the saddle casting to the sewer main and a 304 stainless steel adjustable circle clamp for securing the service line into the rubber gasket. The saddle shall be furnished with adapters as required to properly receive the service pipe.

C. Installation

1. General Requirements

- a) Sewer laterals shall not be located in easements when gravity service can be provided to the property frontage at the street.
- b) Each separately owned structure requires a separate tap to a public sewer.
- c) Four inch lines shall have a minimum slope of 1/4 inch per foot and 6 inch lines shall have a minimum slope of 1/8 inch per foot.
- d) Service connections to new mains shall include the use of wye (not tee) connections. Saddle taps onto new lines shall not be allowed.
- e) Saddle taps into existing PVC mains shall be made at the 10 o'clock or 2 o'clock position of the main with the wye saddle angled 45-degrees towards the direction of flow in the main. Taps shall only be made by a mechanical circular cutting saw providing a smooth and uniform cut for the saddle installation.
- f) Service connections shall be made using an approved sewer saddle when the existing sewer line is 8", 10", or 12" in diameter. This service connection shall not be used when the sewer main material is truss sewer pipe. The opening in the sewer main for the sewer saddle shall be cut with a hydraulically or pneumatically driven circular tapping saw of the same nominal diameter as the sewer service line.

- g) Service laterals to be maintained by the Town shall not be located beneath a driveway or curb, nor shall a clean-out be located in a sidewalk area without prior written approval from the Director of Water Resources.

704 Testing and Inspections

A. General

The Contractor shall furnish all materials, labor, and equipment to perform all testing. The Contractor may arrange to obtain water for testing purposes from the Town. The Contractor shall reimburse the Town for all water used for construction at current inside utility rates.

B. Sewer Main and Service Connection Testing

1. Visual Testing and Observation

- a) All materials used must be approved by the Town prior to installation. Rejected materials shall be immediately removed from the job site.
- b) Gravity sanitary sewer lines shall be clean and free from obstructions, and shall be visually inspected from every manhole. Lines which do not exhibit a true line and grade or which have structural defects shall be corrected. Sanitary sewer service connections shall be visually inspected prior to backfilling.

The Town may re-inspect the line at any time prior to final acceptance if any damage or displacement is suspected to have occurred subsequent to the initial inspection

2. Air Testing

- a) Low-pressure air testing in accordance with ASTM F1417 shall be performed on all sewer mains before the laterals or stubs are installed on the line, and after the trench has been backfilled to finished grade. Plugs shall be installed at each manhole to seal off the test section. Prior to testing, the sewer line shall be clear of debris and flushed with water as necessary. The line will be pressurized with a single hose and monitored by a separate hose connection from the plug. Air then shall be slowly introduced into the sealed line until the internal air pressure reaches 5.0 psig. The air pressure shall then be allowed to stabilize for a minimum of 2 minutes. The line shall be "acceptable" if the pressure does not drop in the time prescribed for the test in the table below.

		Nominal Pipe Diameter (in)									
Length of Test Section (ft)		8	12	15	16	18	21	24	30	36	42
	50	7:33	11:20	14:10	15:11	17:00	19:48	22:40	28:19	34:00	39:40
	100	7:33	11:20	14:10	15:11	17:00	19:48	22:47	35:37	51:17	69:48
	150	7:33	11:20	14:10	15:12	19:14	26:10	34:11	53:25	76:55	104:42
	200	7:33	11:24	17:48	20:16	25:39	34:54	45:35	71:13	102:36	139:36
	250	7:33	14:15	22:16	25:20	32:03	43:37	56:58	89:02	128:12	174:30
	300	7:35	17:06	26:43	30:23	38:28	52:21	68:22	106:48	153:54	209:25
	350	8:52	19:57	31:10	35:27	44:52	61:05	79:46	124:42	179:30	244:19
	400	10:07	22:48	35:37	40:31	51:17	69:48	91:10	142:30	205:06	279:13
	450	11:23	25:39	40:04	45:35	57:42	78:31	102:36	160:18	230:48	314:07
	500	12:39	28:30	44:31	50:39	64:06	87:15	114:00	178:06	256:24	349:02

- b) If the section fails to meet these requirements, the source of leakage shall be repaired and the pipe section re-inspected
- c) The Contractor shall furnish all plugs, compressors, hoses, gauges, and any other equipment necessary to conduct the low-pressure test.

3. Infiltration Tests

- a) Portions of the sewer lines, which exhibit a higher ground water table during construction, shall be tested for infiltration. The portions of the line to be infiltration tested shall be determined by the Town.
- b) The portion of the sewer line designated by the Town shall be tested for infiltration by installing a V-notch measuring weir or other suitable measuring device in the downstream end of the pipe to be tested. When a steady flow occurs over the weir, the rate of flow (infiltration) shall be measured. The rate thus measured shall not exceed 100 gallons per 24 hours per inch of sewer pipe diameter per mile of pipe. The Contractor shall furnish weirs and other equipment required for infiltration tests and the tests shall be performed in the presence of the Town.
- c) Should the infiltration tests reveal leakage in excess of the allowable, the leaking joints shall be re-laid if necessary or other remedial construction shall be performed by and at the expense of the Contractor. The section of sewer thus repaired shall then be retested to determine compliance with the Specifications.

4. Deflection Testing for Flexible Pipe

a) The mandrel (go/no-go) deflection test shall be performed on each line prior to acceptance and no sooner than 30 days after installation. The pipeline shall be thoroughly clean and free of debris and/or sediment prior to testing. The Contractor shall supply the mandrel used for this performance test. The mandrel device shall be cylindrical in shape having 9 or 10 possible contact points with the pipe. The mandrel's length and diameter (ID of proving ring) shall be in accordance with the following tables, and shall be subject to the Town's approval.

b) For flexible pipes (such as PVC), the following shall apply:

Nominal Diameter (inches)	Pipe Class	Average Inside Pipe Diameter (inches)	5% Deflection Mandrel Diameter (inches)	Length of Mandrel (inches)	Minimum Fins Included with Mandrel
8	C900	7.98	7.58	10	9
8	SDR 35	7.891	7.496	10	9
10	C900	9.79	9.30	10	9
10	SDR 35	9.864	9.371	10	9
12	C900	11.65	11.07	10	9
12	SDR 35	11.737	11.150	10	9
15	SDR 35	14.374	13.655	10	9
16	C900	15.35	14.58	10	9
18	C900	17.20	16.34	24	9
24	C900	22.76	21.62	24	9

Note: Calculated 5% deflection allowance does not include additional manufacturing tolerances provided by pipe manufacturers. For the purposes of testing, 5% deflection shall be calculated from standard pipe inside diameter as published in ASTM D3034 and ASTM F679.

c) The mandrel shall be advanced through the pipeline to determine if bedding and embedment has been provided in compliance with ASTM D2321 to assure joint deflection of less than 5%. If the mandrel becomes obstructed for any reason while being pulled through the line with less than 100-lbs of force, the location of the defect shall be noted and the mandrel shall be removed from the pipeline. Under no circumstances shall heavy equipment be utilized to force the mandrel through the pipeline. Deflection testing may be done concurrently with sewer televising inspections, provided the mandrel is kept within visible range of the camera. The mandrel diameter shall have a tolerance of +/- 0.01 inch. Contact length shall not be less than 2 inches.

Any lines not meeting this test shall be corrected by the Contractor and the test repeated. The Town shall approve the mandrel. The Contractor

shall furnish drawings of the mandrel with complete dimensions to the Town upon request.

5. Video Assessment and Cleaning

- a) As a final measure required for acceptance, the Contractor shall clean and televise all newly installed sewer mains prior to acceptance by the Town. A 3rd party CCTV Contractor shall televise the sewer main and all lateral connections installed from the upstream to downstream manhole with no reverse setups or cutaways. This shall be done at the Contractor's expense. Throughout shooting, the camera shall be panned and tilted for a complete view of the main, including panning at each joint. Lighting shall be adequate to view the entire sewer main and service connections from beginning to end. The video inspection shall be submitted to the Town on a CD/DVD and formatted with software compatible and readable by the Town. The Town shall not be responsible for purchasing additional software necessary to view the CD/DVD.
- b) The camera shall be advanced at a uniform rate not to exceed 20 feet per minute that allows a full and thorough inspection of the new sewer main. The camera shall be a color, pan and tilt camera capable of producing a five hundred line resolution picture. Lighting for the camera shall be sufficient to yield a clear picture of the entire periphery of the pipe. The picture quality shall be acceptable and sufficient to allow a complete inspection with no lapses in coverage. The length of the sewer main shall be measured and recorded on the video screen. The distance counter shall be calibrated before shooting the inspection video.
- c) The Contractor shall clean the sewer mains ahead of video inspection with a high-velocity water jet. The video inspection shall take place within 2-hours of cleaning operations as witnessed by the Town. All construction debris shall be collected in the downstream manhole and shall not be released into the sewer system. No other work shall be performed on the Sewer lines after cleaning and prior to video inspection
- d) The Town shall be present throughout the cleaning and televising of the sewer mains to verify that the video work complies with the Specifications. The camera operator shall stop, reverse, pan, and tilt the camera to view any area of interest during the inspection as directed from the Town. Dye may be required in order to see dips in the pipe and for approval by the Inspector.
- e) It is recommended that all site grading and all utilities must be installed and complete prior to final inspection to ensure that damages to the

sewer main do not occur. Damages found after final inspection would requiring re-inspection by the Town.

- f) CCTV inspection date must be acknowledged and approved by the Water Resources Department prior to inspection. All structures must be physically labeled by the contractor with number shown on the video. Punch list items from the inspection must be submitted on the Town's approved 3rd Party CCTV Report form and all vides files uploaded to One Drive (flash drives and CD/DVDs are also acceptable).
- g) The contractor may not perform CCTV inspections on any utilities that they have installed.

6. Marker Tape Testing

Testing of the marker tape shall be performed by the Contractor at the completion of the project to assure it is working properly and completely detectable. It is the Contractor's responsibility to provide the necessary equipment to test the markers. Any defective, missing, or otherwise non-locatable segments shall be replaced.

C. **Manhole Testing**

1. Vacuum Testing

- a) All newly installed manholes shall pass a vacuum test in accordance with ASTM C 1244. The Contractor shall supply all equipment and materials necessary to vacuum test the manholes.
- b) Vacuum Testing shall be completed prior to any specified coating and lining materials being installed.
- c) The Town shall be present and witness all vacuum testing.
- d) The following vacuum testing criteria shall apply for compliance with the testing procedure.
 - 1) A vacuum of 10-inches of mercury shall be drawn with an approved vacuum testing unit.
 - 2) The testing time shall not be measured until after the vacuum pump has been shut off.
 - 3) The time required for the vacuum to drop from 10-inches to 9-inches of mercury shall meet or exceed the values listed in the following table.

Manhole Vacuum Testing Time

Depth (feet)	Manhole Diameter (inches)		
	48	60	72
Time (seconds)			
8	20	26	33
10	25	33	41
12	30	39	49
14	35	48	57
16	40	52	67
18	45	59	73
20	50	65	81
22	55	72	89
24	59	78	97
26	64	85	105
28	69	91	113
30	74	98	121

2. Holiday Testing of Lined Manholes

All manholes that require an epoxy coating shall undergo discontinuity testing. This shall be a high-voltage spark test conducted in accordance with NACE International Standard Practice 0188. All areas of the manhole coated shall be tested. The spark tester shall be set at a minimum of 100 volts per mil of coating thickness applied. The Contractor shall supply the spark tester and all testing equipment and labor needed to perform this test.

All holidays identified must be repaired. The epoxy coating must be abraded and cleaned prior to re-coating. All touch-up work shall be in accordance with the epoxy manufacturers guidelines.

705 Aerial Crossings

A. Design

Aerial crossings shall only be utilized in cases where buried crossings are not feasible due to stream crossings, compliance with riparian buffer standards, minimizing impacts to wetlands, preventing excessive depth of installation, or as otherwise directed by the Town of Apex. All aerial crossings shall have prior approval by the Water Resources Director and will only be considered if there are no practical alternatives available, cost shall not be considered justification for aerial crossings

In cases where aerial crossings are utilized to cross streams, the bottom of the pipe shall be installed above the 25-year flood elevation of the stream. Piers shall generally be located at a uniform spacing of 20-ft or 1 pier for every joint of pipe. Piers shall be provided in accordance with the standard details or as otherwise designed by a licensed NC Professional Engineer.

All pier footings shall be designed by a licensed NC Professional Engineer and the assumptions provided in the footing design shall be included on the plans. At a minimum, the footing design shall include: 1) the allowable soil bearing capacity, 2) design concrete compressive strength, 3) plan for reinforcing steel with sizing and location of bars, 4) force diagram including buoyant forces, stream velocity impacts 5) depth of installation to prevent frost heaving, 6) bedding design to prevent differential settlement and 7) factors of safety for unanticipated loads such as trees falling across the aerial crossing.

At a minimum all pier foundations shall be constructed on a base of 12-inches of washed stone. The soil conditions under the pier shall be evaluated by a licensed NC Geotechnical Engineer to determine if the allowable soil bearing capacity meets or exceeds the design assumptions included in the structural design. If the soil conditions fail to meet the specified bearing capacity requirements, a pile foundation shall be provided or the soils shall be undercut and replaced in conformance with the recommendations of the geotechnical engineer of record.

Piers installed in stream beds shall be avoided in lieu of spanned crossings. Spanned pipe crossings greater than 20-ft shall be provided in accordance with the pipe manufacturer's specifications and shall not exceed 40-ft for ductile iron pipe. Spanned pipe crossings shall be designed such that all flanges and exterior pipe connections are located above the 25-year flood elevation.

Spanned crossings greater than 40-ft without piers shall be provided in a steel encasement pipe and the entire crossing including piers, foundation, truss and/or beam supports and pipe thickness design shall be provided by a licensed NC Structural Engineer.

B. Pipe Materials

1. **Ductile iron pipe** for aerial crossings shall be interior lined with Protecto 401 at 40-mils regardless of pipe diameter from manhole to manhole. All joints for ductile iron pipe utilized in aerial crossings shall be restrained with a US Pipe Mech-Lok joint, American MJ Coupled joint, or other as approved by the pipe manufacturer, the Water Resources Department and the Engineer of Record. Ductile iron pipe utilized for spanned crossings greater than 20-ft without a pier shall typically be provided with flanged connections. All bolts and fasteners for flanged or bolt locking restraining systems shall be provided in stainless steel and installed in a manner to prevent seizing.
2. **PVC pipe** shall not be approved for aerial crossings.

3. **Steel pipe** provided for aerial crossings shall be fabricated with grade B steel that has minimum yield strength of 35 KSI in accordance with ASTM A139. Steel pipe for aerial crossings shall be provided with minimum wall thickness consistent with a pressure class of 200-psi or greater. Steel pipe for aerial sewer crossings shall be provided with 40-mils of interior ceramic coating, such as Ceramaline and provided with an exterior tape wrap approved by the manufacturer. All steel pipe joints shall be welded in conformance with manufacturers' specifications.

C. Installation

Aerial crossings are often utilized to span sensitive environmental areas and installation shall be consistent with plans to preserve the sensitive areas.

Joints of bolt lock or coupled restrained pipe shall be located within 2-ft of each pier as outlined by the detail drawings. Contractor shall ensure the length of pipe joints allows for this spacing.

Pipe shall be secured to each pier with 1/4-inch by 2-inch width steel straps fastened to 4; 1/2-inch stainless steel lugs anchored and adhered with epoxy to the concrete pier. The steel straps shall receive a weather resistant painted finish to prevent long term corrosion.

Precast piers may be submitted for approval provided the footing and foundation designs are completed by licensed structural and geotechnical engineers.

In cases where soil conditions cannot be sufficiently stabilized to provide an adequate foundation for concrete piers, a pile foundation designed by a licensed NC structural engineer and approved by the Town shall be provided.

Reinforcing steel for concrete piers shall be grade 40 and shall be constructed in conformance with the latest edition of the "Recommended Practice for Placing Reinforcing Bars" or other documentation as published by the Concrete Reinforcing Steel Institute.

In cases where rock exists at the foundation elevation, the footing shall be drilled and connected with dowels into the rock layer.

706 Repairs, Modifications, and Abandonment

A. Sewer Main Repairs

1. Vitrified Clay Pipe - replace damaged section with DIP and install a Fernco coupling at each end encased in concrete.

2. PVC Pipe - replace damaged section with PVC Pipe and install a Fernco coupling at each end encased in concrete.
3. ABS/PVC Truss Pipe - replace damaged section with DIP and install a Fernco coupling at each end encased in concrete.
4. Asbestos Cement Pipe - Replace damaged section with DIP and couplings encased in concrete.

B. Installation

1. All repairs to damaged sanitary sewer lines in paved areas shall be backfilled with ABC stone (crusher run) to a density of 95 percent Standard Proctor.
2. All repairs to damaged sanitary sewer lines shall be bedded with 6-inches of washed stone and compacted to a minimum of 95% Standard Proctor density before installing the new joint of ductile iron or PVC pipe.

C. Draining Sewer Mains

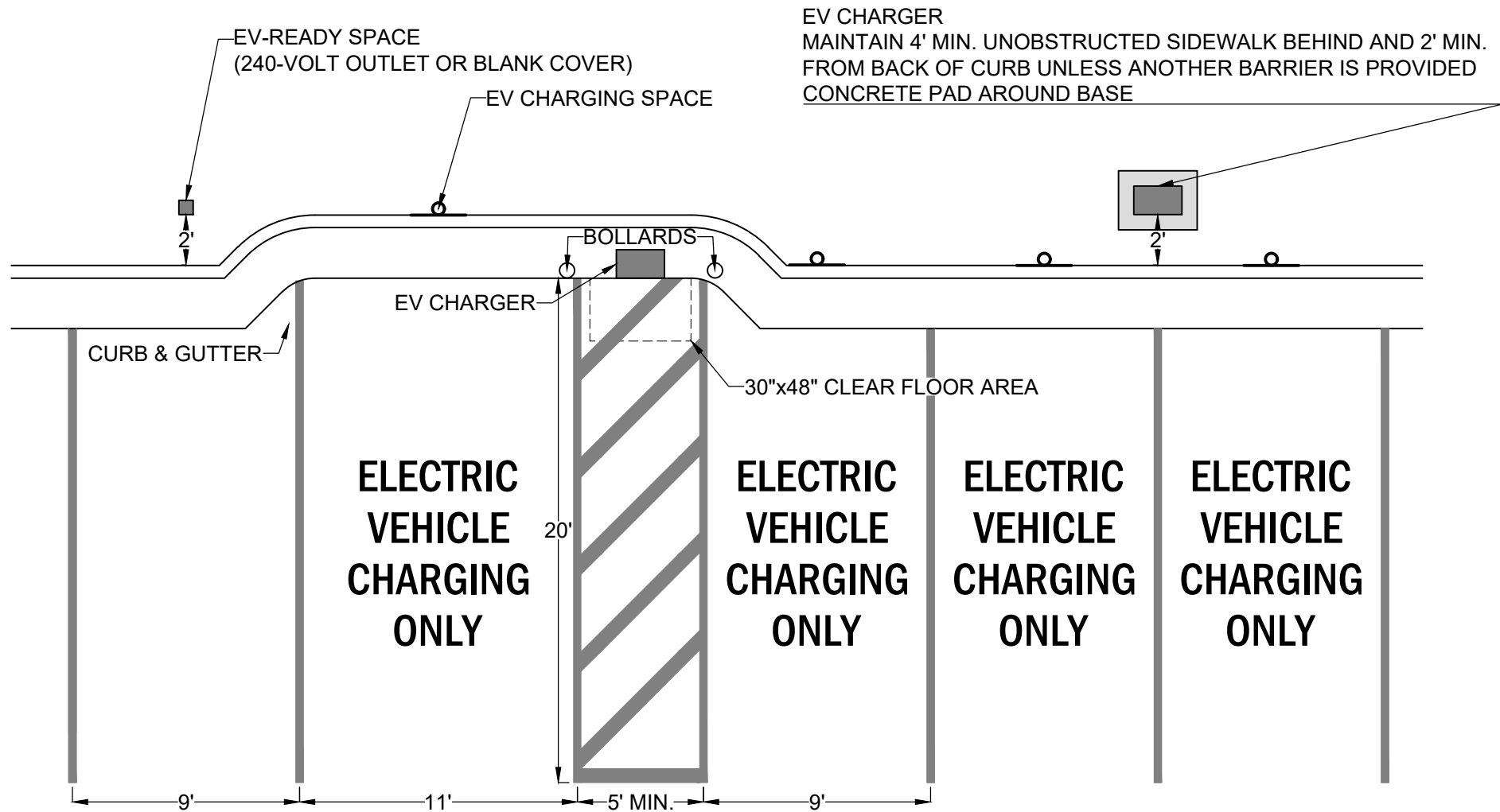
A detailed bypass pumping and emergency plan shall be required for any sewer line draining event.

All sanitary sewer mains and sewer force mains 20-inches and larger, active, inactive, or abandoned shall begin to be drained by tapping the bottom half of the pipe. A corporation stop or other valve shall be provided to control flow. All effluent shall be pumped to a downstream manhole (when available) or other containment tank utilizing continuous piping. The use of a sump pit on lines 20-inches and larger is not allowed.

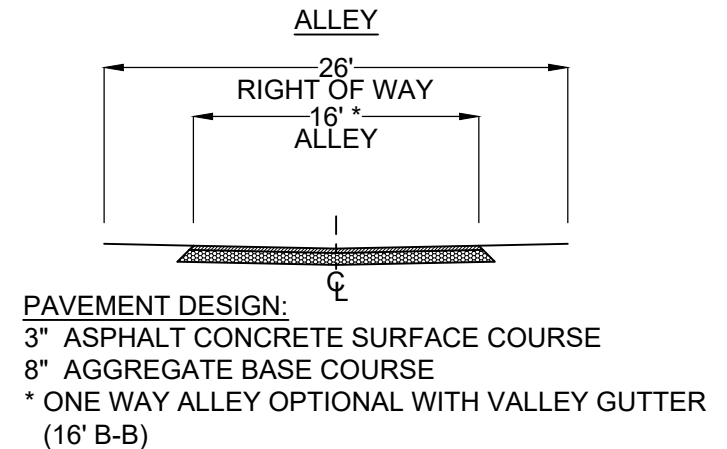
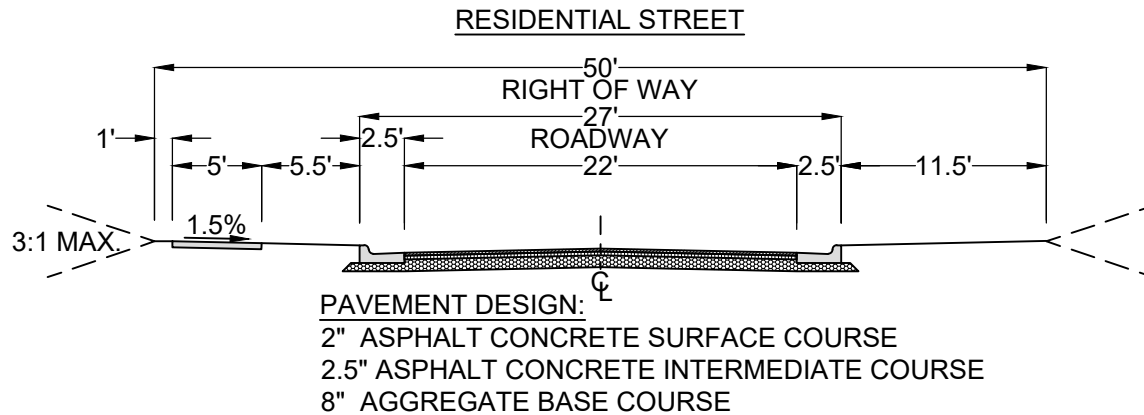
In sensitive environmental areas and in other various scenarios the Water Resources Department may require lines less than 20-inches also be tapped in order to be drained.

D. Abandonment of Existing Sewer Mains

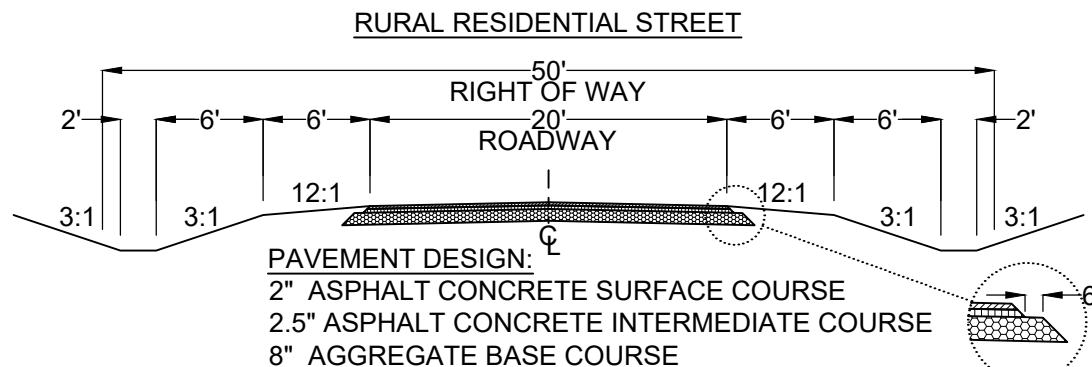
1. Existing sewer mains and casings located outside of road sections shall be removed, unless otherwise directed by the Town. All materials and labor shall be provided by the contractor.
2. Grout filling and abandoning in place may be allowed with prior approval from the Director of Water Resources.

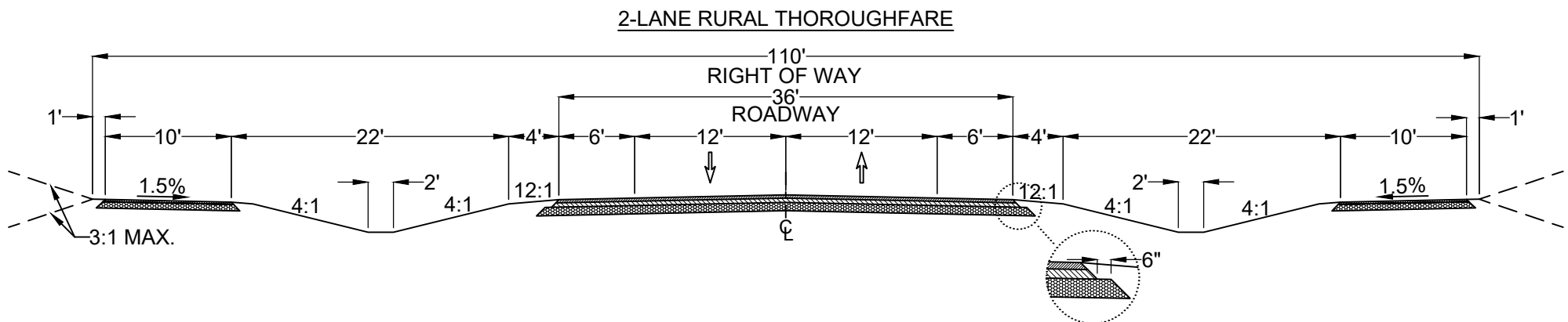
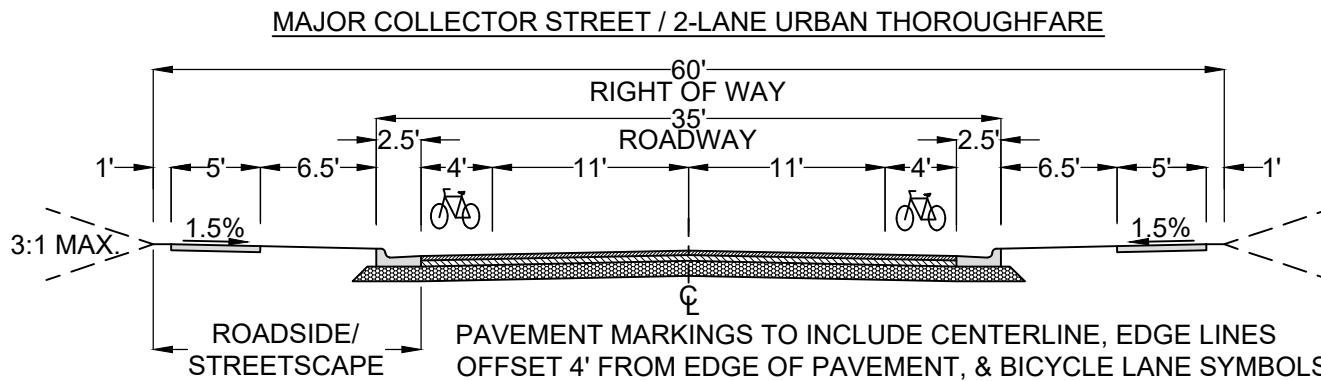
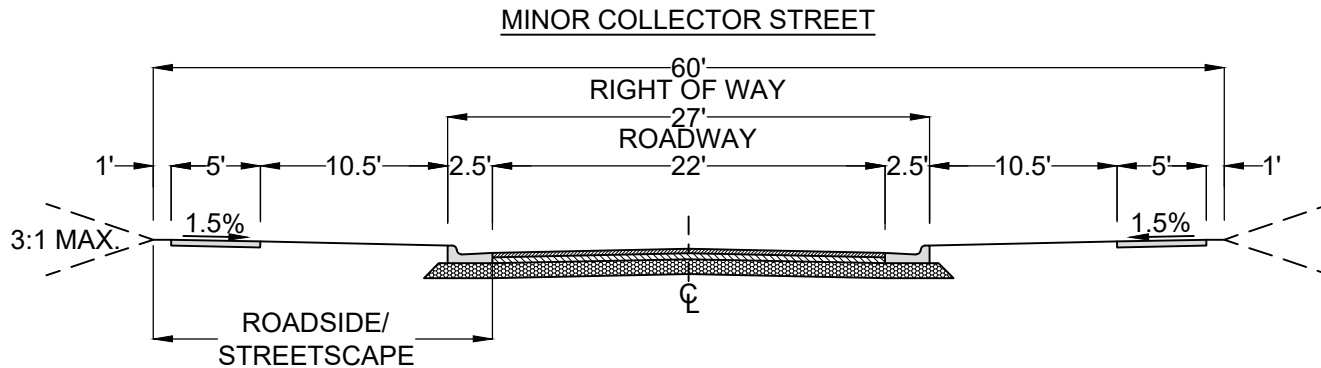


NOTE: REFER TO THE UDO FOR ALL RELEVANT ELECTRIC VEHICLE CHARGING SPACE DESIGN STANDARDS.



- NOTE:**
1. NORMAL CROWN (REVERSE CROWN FOR ALLEYS) OF 1/4 INCH PER FOOT SHALL BE USED UNLESS OTHERWISE DIRECTED BY TOWN ENGINEER.
 2. WATER AND SEWER UTILITIES SHALL NOT BE SERVED FROM THE ALLEY RIGHT OF WAY.
 3. RURAL RESIDENTIAL STREET MAY BE USED WHERE PERMITTED BY THE UDO.
 4. GRASSED SWALES SHALL MEET THE APPLICABLE DESIGN REQUIREMENTS SET FORTH IN THE DWQ BMP MANUAL.
 5. GRASSED SWALES MAY BE SUBJECT TO THE REQUIREMENTS SET FORTH IN UDO SECTION 6.1.12.
 6. ROADSIDE / STREETSCAPE TREATMENTS ARE CONTEXT SENSITIVE. REFER TO ADVANCE APEX: THE 2045 TRANSPORTATION PLAN FOR APPROPRIATE CONTEXT, AND THE BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP FOR APPROPRIATE FACILITY TYPE.



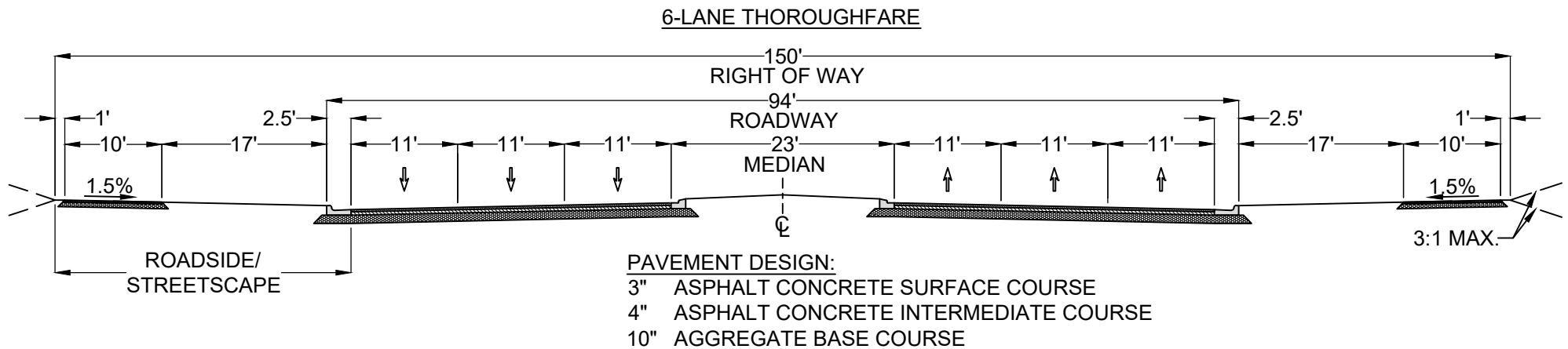
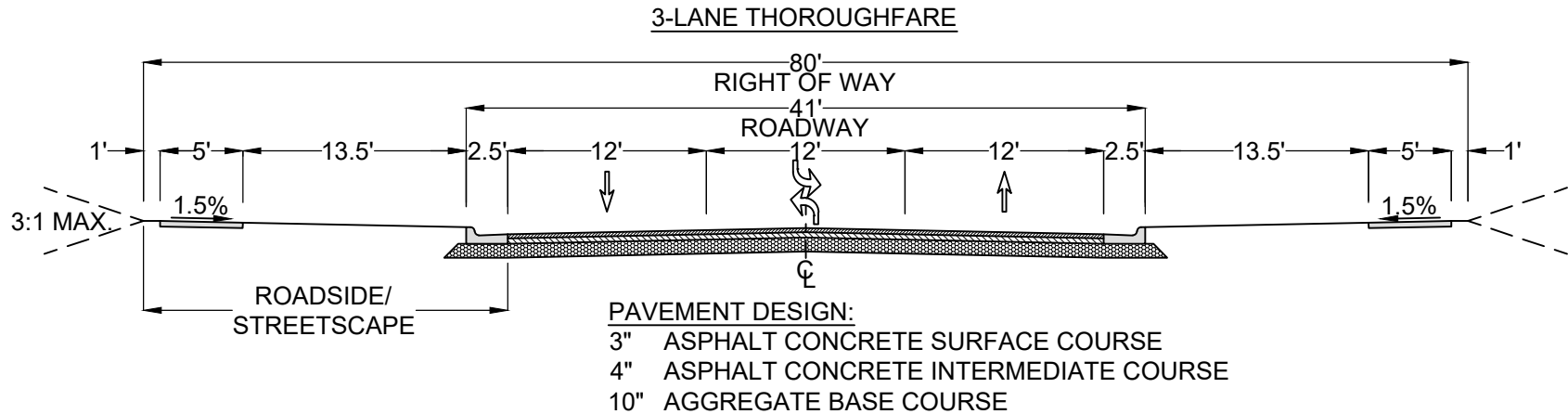


NOTE:

1. PAVEMENT DESIGN SHOWN IS THE MINIMUM FOR THE RESPECTIVE TYPICAL SECTION. CALCULATED PAVEMENT DESIGN MAY DIFFER.
2. NORMAL CROWN OF 1/4 INCH PER FOOT SHALL BE USED UNLESS OTHERWISE DIRECTED BY TOWN ENGINEER.
3. ROADSIDE / STREETSCAPE TREATMENTS ARE CONTEXT SENSITIVE. REFER TO ADVANCE APEX: THE 2045 TRANSPORTATION PLAN FOR APPROPRIATE CONTEXT, AND THE BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP FOR APPROPRIATE FACILITY TYPE.

PAVEMENT DESIGN:

- 3" ASPHALT CONCRETE
SURFACE COURSE
- 4" ASPHALT CONCRETE
INTERMEDIATE COURSE
- 10" AGGREGATE BASE COURSE



NOTE:

1. PAVEMENT DESIGN SHOWN IS THE MINIMUM FOR THE RESPECTIVE TYPICAL SECTION. CALCULATED PAVEMENT DESIGN MAY DIFFER.
2. NORMAL CROWN OF 1/4 INCH PER FOOT SHALL BE USED UNLESS OTHERWISE DIRECTED BY TOWN ENGINEER.
3. LANE WIDTHS SHALL BE MARKED PER THE DIMENSIONS SHOWN.
4. ROADSIDE / STREETSCAPE TREATMENTS ARE CONTEXT SENSITIVE. REFER TO ADVANCE APEX: THE 2045 TRANSPORTATION PLAN FOR APPROPRIATE CONTEXT, AND THE BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP FOR APPROPRIATE FACILITY TYPE.

**TOWN OF APEX
STANDARDS**

EFFECTIVE: MARCH 12, 2024

**STREET TYPICAL SECTIONS
3 & 6-LANE THOROUGHFARE**

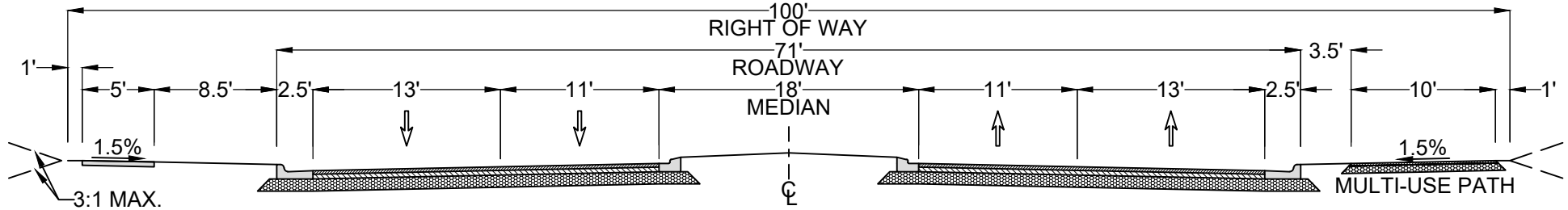
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STD. NO.

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SHEET 3 OF 4

APEX PEAKWAY



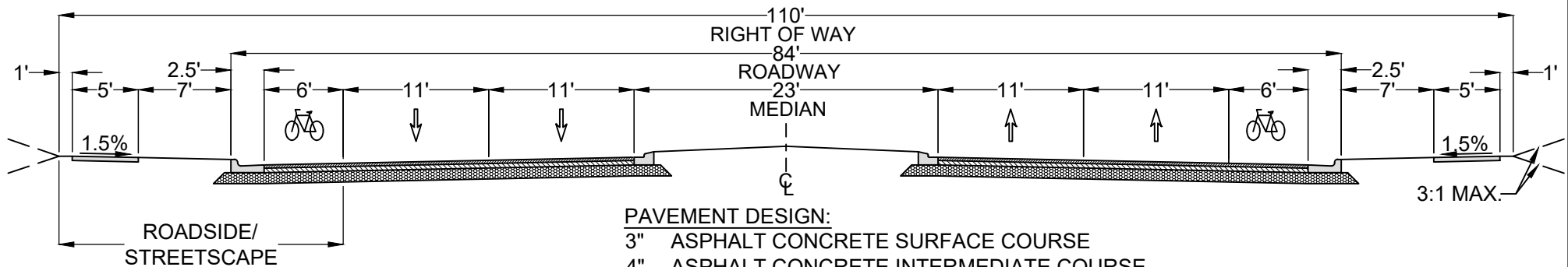
PAVEMENT DESIGN:

3" ASPHALT CONCRETE SURFACE COURSE
4" ASPHALT CONCRETE INTERMEDIATE COURSE
10" AGGREGATE BASE COURSE

MULTI-USE PATH PAVEMENT DESIGN:

2" ASPHALT CONCRETE SURFACE COURSE
6" AGGREGATE BASE COURSE

4-LANE MEDIAN-DIVIDED THOROUGHFARE



PAVEMENT DESIGN:

3" ASPHALT CONCRETE SURFACE COURSE
4" ASPHALT CONCRETE INTERMEDIATE COURSE
10" AGGREGATE BASE COURSE

NOTE:

1. PAVEMENT DESIGN SHOWN IS THE MINIMUM FOR THE RESPECTIVE TYPICAL SECTION. CALCULATED PAVEMENT DESIGN MAY DIFFER.
2. NORMAL CROWN OF 1/4 INCH PER FOOT SHALL BE USED UNLESS OTHERWISE DIRECTED BY TOWN ENGINEER.
3. LANE WIDTHS SHALL BE MARKED PER THE DIMENSIONS SHOWN.
4. APEX PEAKWAY SHALL UTILIZE THE 4-LANE MEDIAN-DIVIDED THOROUGHFARE WITH MULTI-USE PATH TYPICAL.
5. ROADSIDE / STREETSCAPE TREATMENTS ARE CONTEXT SENSITIVE. REFER TO ADVANCE APEX: THE 2045 TRANSPORTATION PLAN FOR APPROPRIATE CONTEXT, AND THE BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP FOR APPROPRIATE FACILITY TYPE.
6. A MINIMUM 4-FOOT WIDE BIKE LANE CAN BE USED IN TOWN CENTER AND TRANSIT-ORIENTED DEVELOPMENT CONTEXT AREAS IF ADJACENT TO A STANDARD CURB AND GUTTER SECTION AND WITHOUT A PARKING LANE.

TOWN OF APEX
STANDARDS

EFFECTIVE: APRIL 9, 2024

STREET TYPICAL SECTIONS

4-LANE MEDIAN-DIVIDED THOROUGHFARE

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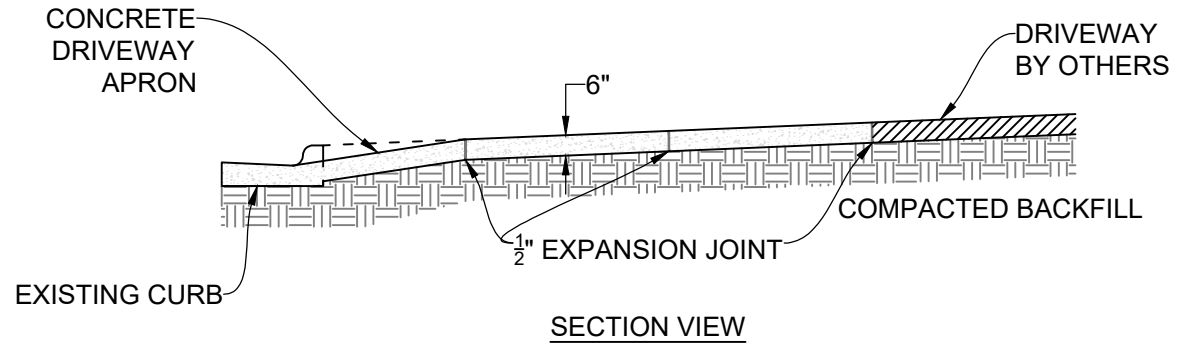
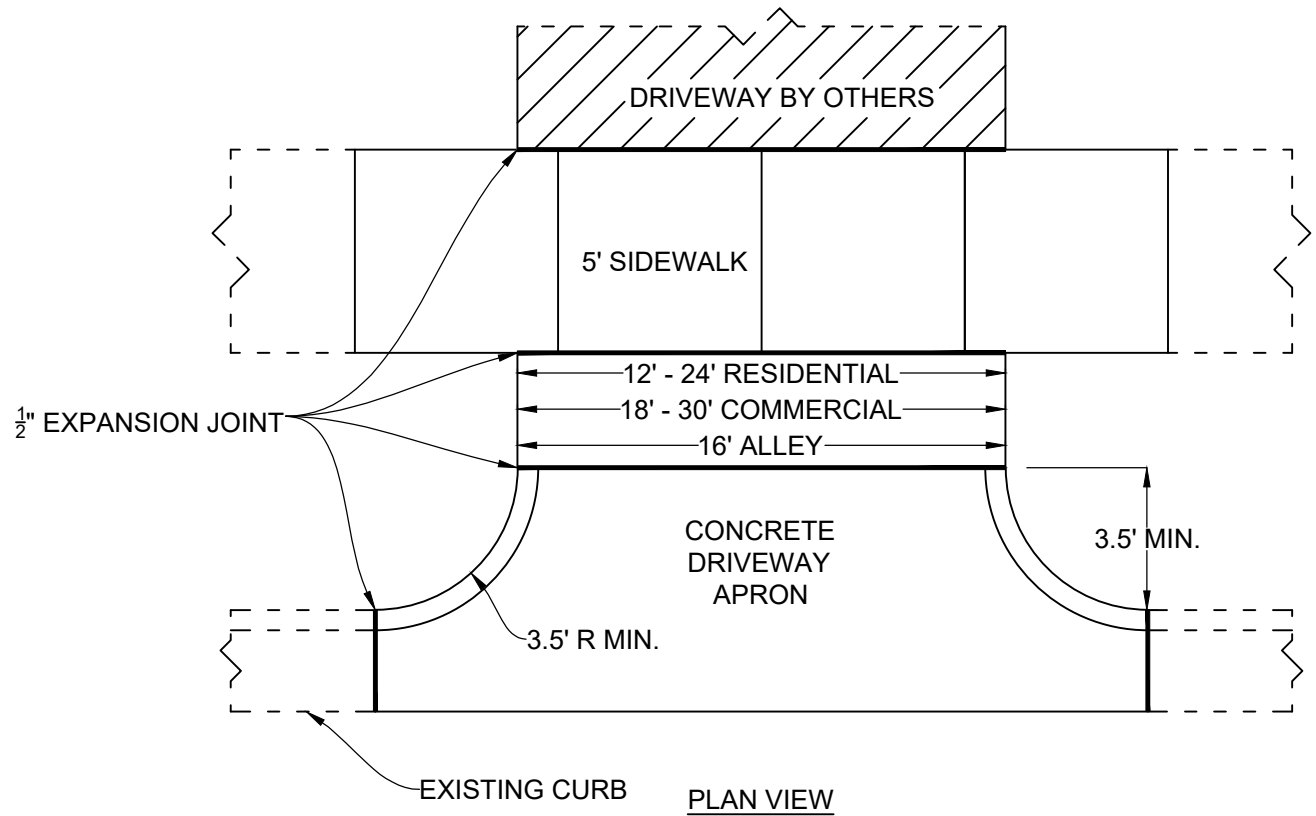
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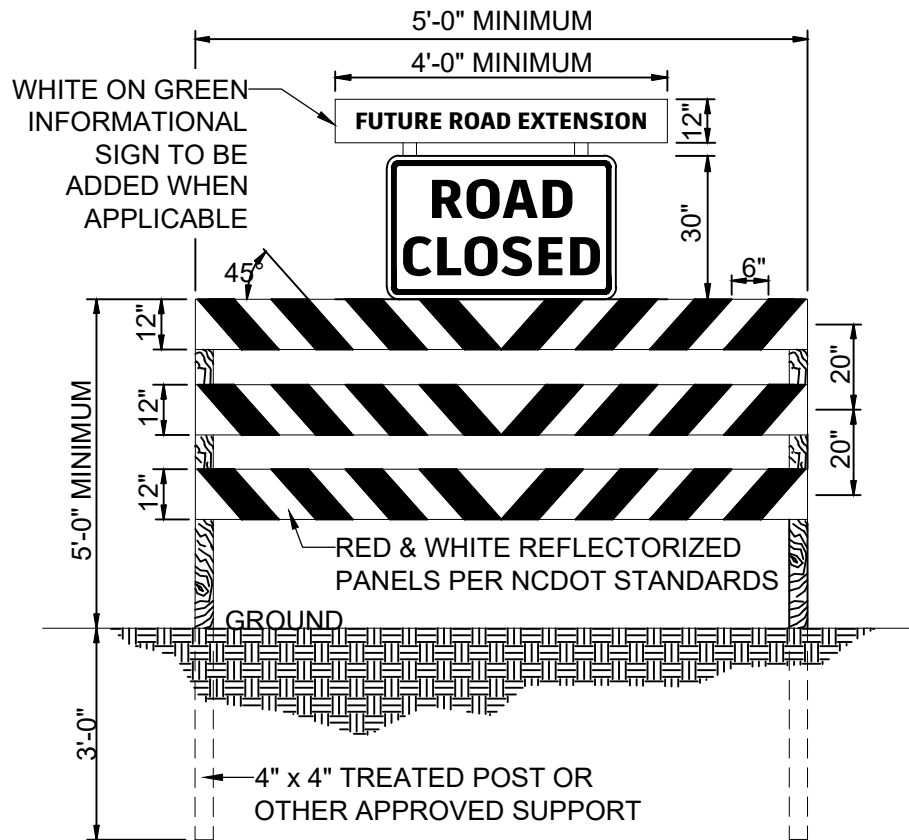
SHEET 4 OF 4

NOTES:

1. RESIDENTIAL DRIVEWAYS TO BE 12' TO 24' WIDTH EXCEPT WHEN CONNECTING TO AN ALLEY WIDTH MAY BE INCREASED TO ALLOW AN ADDITIONAL 9' WIDE PARKING PAD IF DISTANCE FROM THE ALLEY TO THE STRUCTURE IS LESS THAN 18'.
2. COMMERCIAL & INDUSTRIAL DRIVEWAYS TO BE 18' TO 30' WIDTH.
3. ALLEY CONNECTIONS TO BE 16' WIDTH.
4. ALL CONCRETE SHALL BE 3000 PSI.
5. IF CURB CUT IS WITHIN 5' FROM A JOINT, THEN THE CUT SHALL BE MADE AT THAT JOINT.
6. ALL DRIVEWAYS SHALL BE INSTALLED WITH A SIDEWALK SECTION AND UTILITY STRIP AS SHOWN. SIDEWALK SECTIONS SHALL HAVE 1/4" PER FOOT FALL TOWARDS THE STREET.
7. LOCATE DRIVEWAYS A MINIMUM OF 3 FEET FROM SEWER SERVICE LINES.



THOROUGHFARE & COLLECTOR

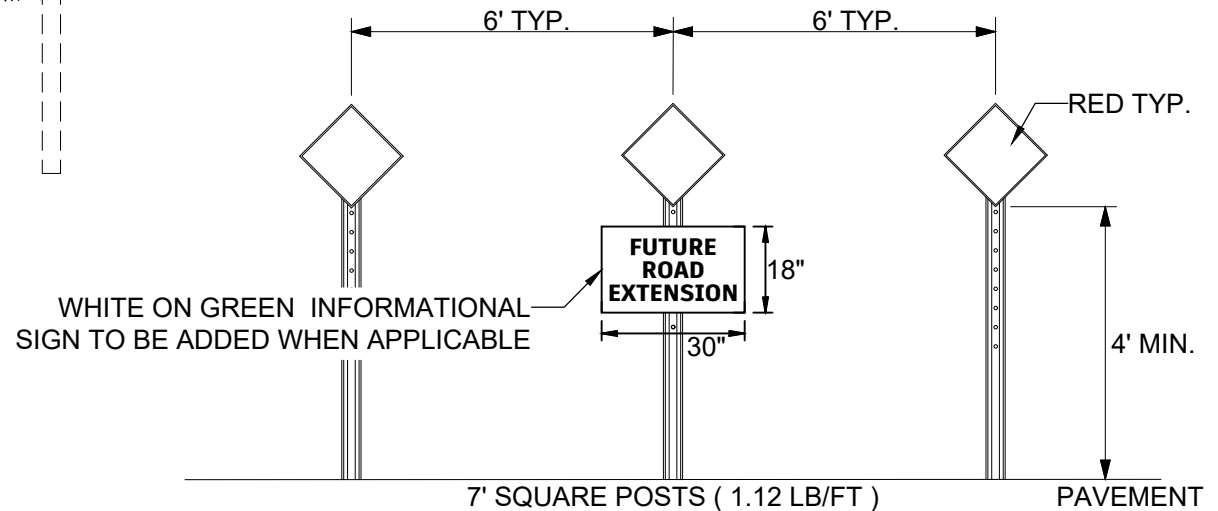


NOTES:

1. BARRICADE(S) TO BE ERECTED ACROSS ENTIRE ROADWAY INCLUDING CURB & GUTTER.
2. ADVANCE WARNING SIGN W14-1 (DEAD END) SHALL BE PLACED JUST AFTER LAST INTERSECTING STREET.
3. MARKINGS FOR BARRICADE RAILS SHALL BE REFLECTIVE AND ALTERNATE RED & WHITE STRIPS.
4. "ROAD CLOSED" SIGN SHALL MEET SPECIFICATIONS OF MUTCD R11-2 AND BE REQUIRED AT TOP OF EACH BARRICADE USED.
5. CALL 811 FOR UNDERGROUND UTILITY LOCATIONS PRIOR TO INSTALLATION.

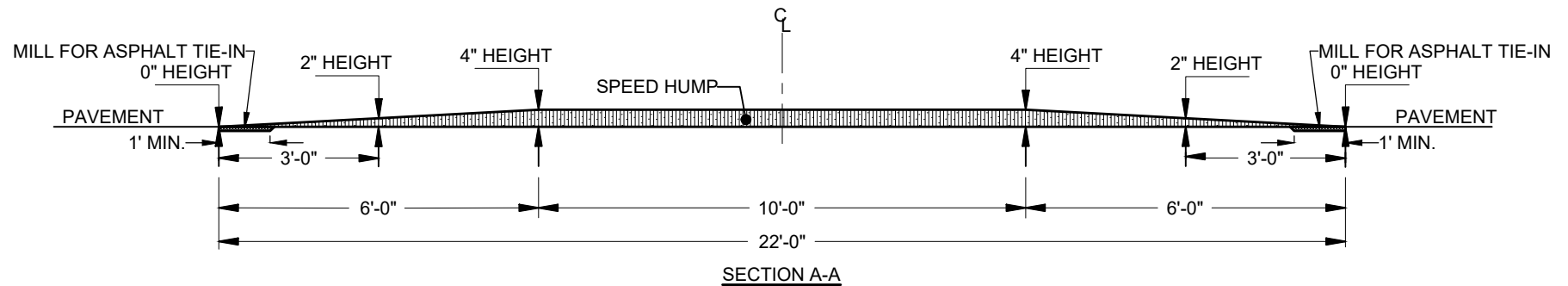
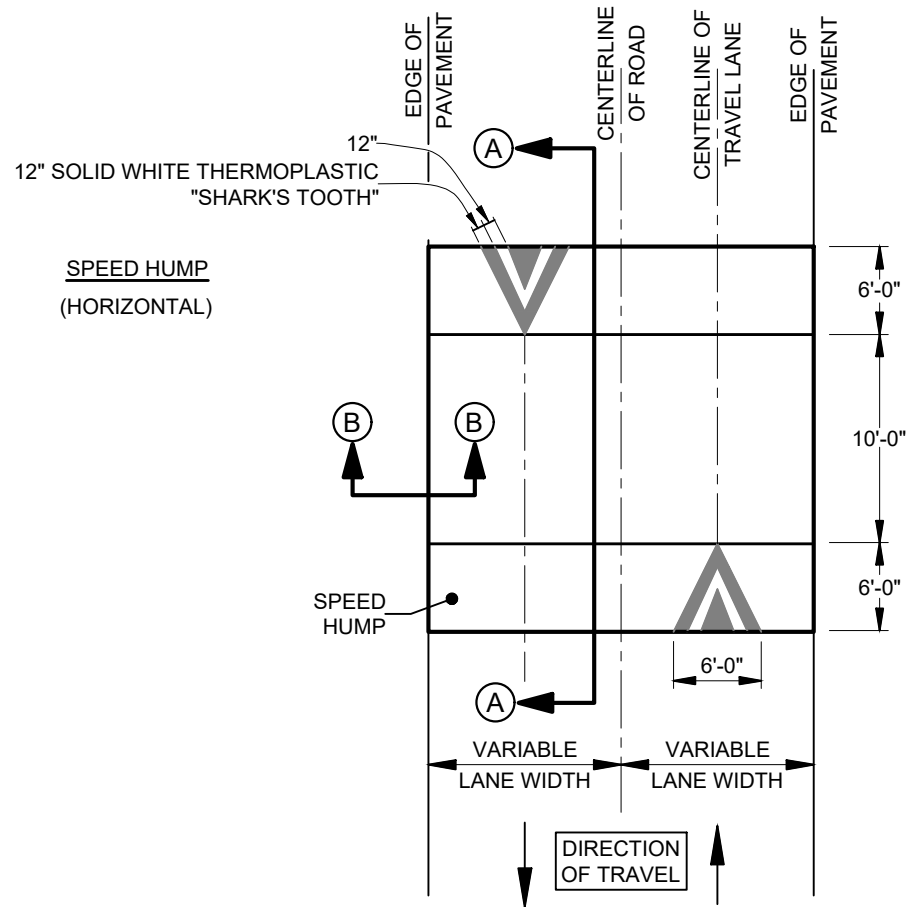
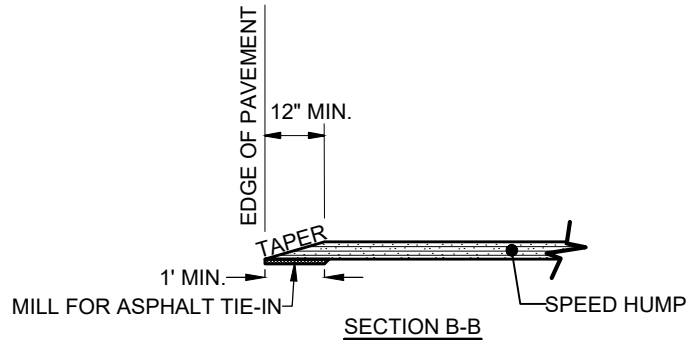
LOCAL & MIXED USE

3 MARKERS MINIMUM



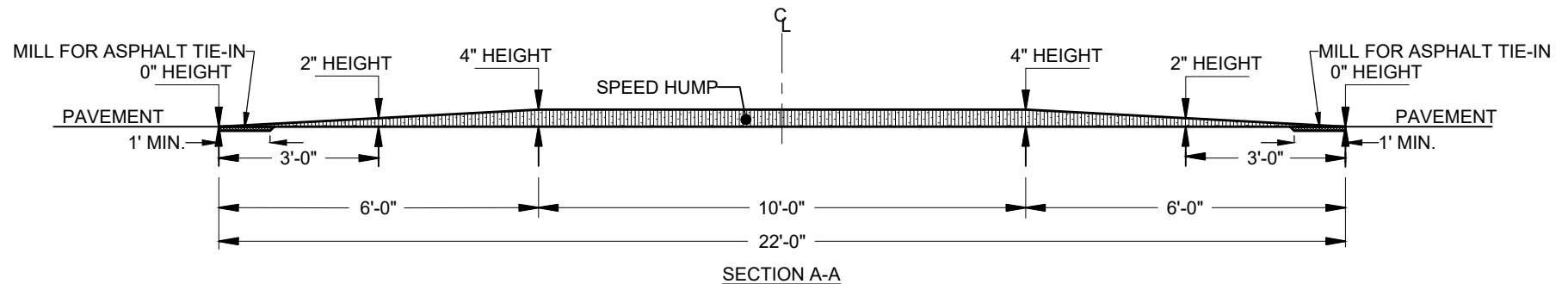
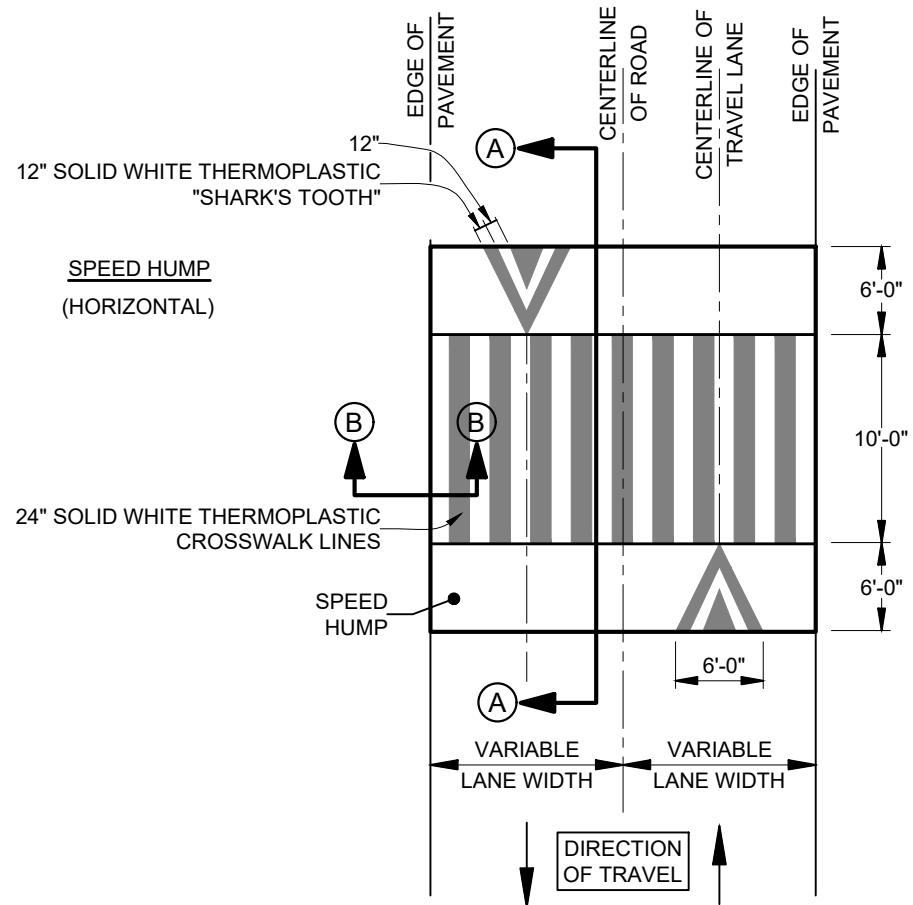
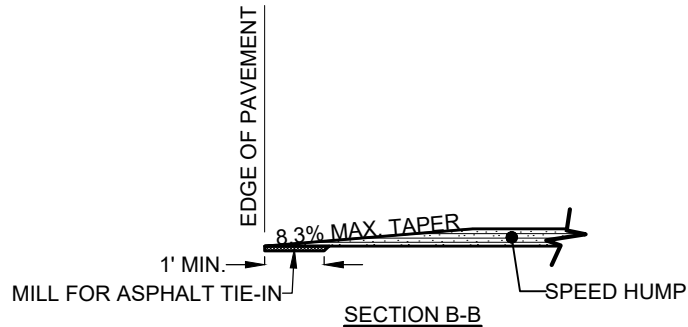
NOTES:

1. EXISTING ROADWAY SHALL BE CLEARED FREE OF ALL LOOSE DEBRIS; AREA TO BE SURFACED WITH SPEED HUMPS SHALL BE COATED WITH TACK PRIOR TO PAVING OPERATIONS.
2. SPEED HUMPS SHALL BE CONSTRUCTED WITH ASPHALT.
3. ROADSIDE, EACH DIRECTION:
W17 -1 "SPEED BUMP" YELLOW 30" x 30"
W13-1P "20 MPH" YELLOW 18" x 18"
4. ALL VERTICAL MEASUREMENTS SHALL BE WITHIN A MAXIMUM OF 0.5" TOLERANCE, OTHERWISE, THE TOWN MAY REQUIRE REMOVAL/ REPLACEMENT.

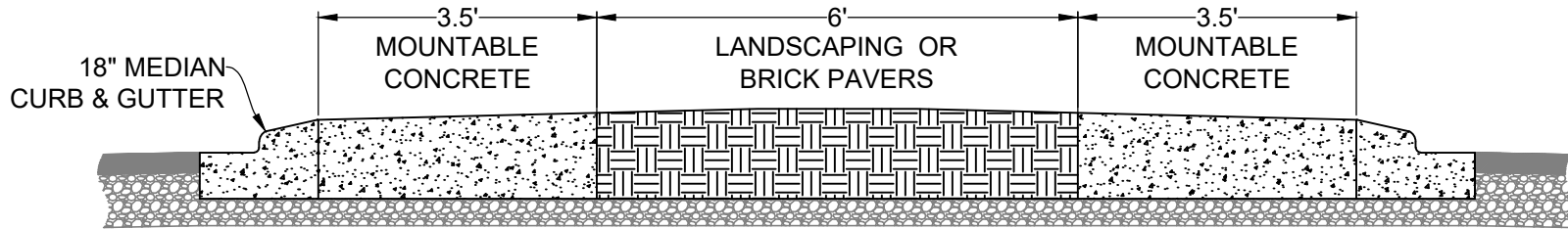


NOTES:

1. EXISTING ROADWAY SHALL BE CLEARED FREE OF ALL LOOSE DEBRIS; AREA TO BE SURFACED WITH SPEED HUMPS SHALL BE COATED WITH TACK PRIOR TO PAVING OPERATIONS.
2. SPEED HUMPS SHALL BE CONSTRUCTED WITH ASPHALT.
3. ROADSIDE, EACH DIRECTION:
W17 -1 "SPEED BUMP" YELLOW 30" x 30"
W13-1P "20 MPH" YELLOW 18" x 18"
4. W11-2 & W16-7P AT CROSSWALK ON EACH APPROACH (2X2)
5. ALL VERTICAL MEASUREMENTS SHALL BE WITHIN A MAXIMUM OF 0.5" TOLERANCE, OTHERWISE, THE TOWN MAY REQUIRE REMOVAL/ REPLACEMENT.



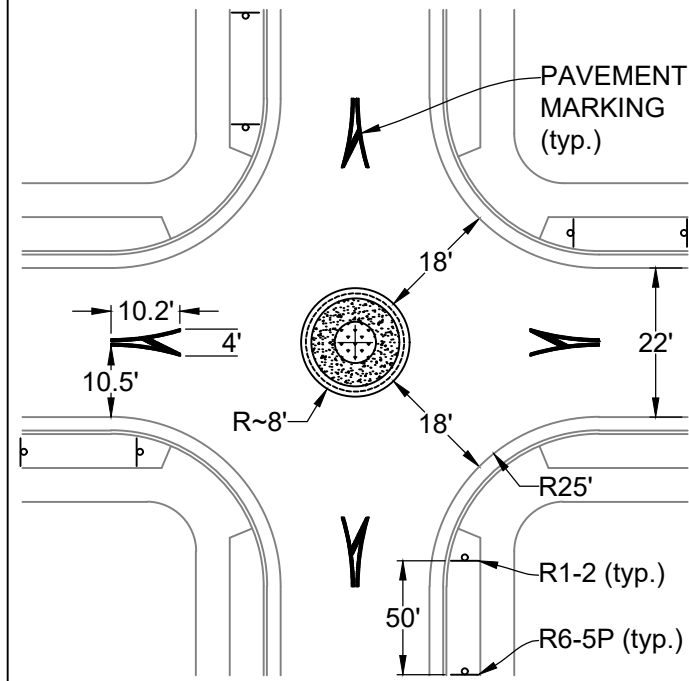
CROSS SECTION



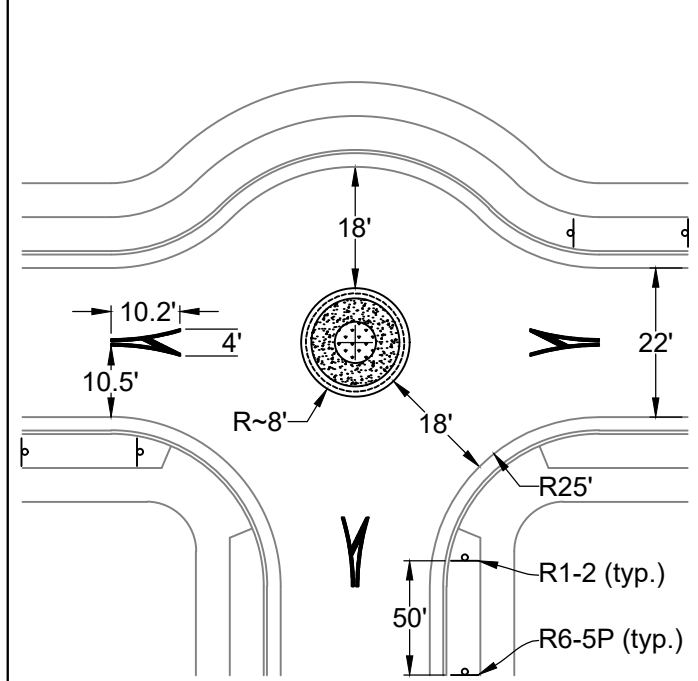
NOTES:

1. ROADWAY: MINIMUM STREET WIDTH IS 27' BACK-TO-BACK OR 22' EDGE-TO-EDGE; MAXIMUM CIRCULATING LANE WIDTH IS 18'; LANE WIDTH WILL VARY FOR SKEWED INTERSECTIONS AND INTERSECTIONS INVOLVING WIDER STREETS.
2. CENTER ISLAND TO BE HOA MAINTAINED; LARGE SHRUBS AND TREES ARE NOT PERMITTED. LANDSCAPING SUBJECT TO STAFF REVIEW AND APPROVAL.
3. SIGNS: YIELD SIGN (R1-2) AND CIRCULAR INTERSECTION SIGN (R6-5P) ON EACH APPROACH AT CIRCLE.
4. PAVEMENT MARKING: PAINTED SPLITTER ISLANDS ARE 4" DOUBLE YELLOW WITH 8" ANGLE MARKING AT 2:1.

4-LEG PLAN VIEW



3-LEG PLAN VIEW



**TOWN OF APEX
STANDARDS**

EFFECTIVE: APRIL 9, 2024

NEIGHBORHOOD TRAFFIC MINI-CIRCLE

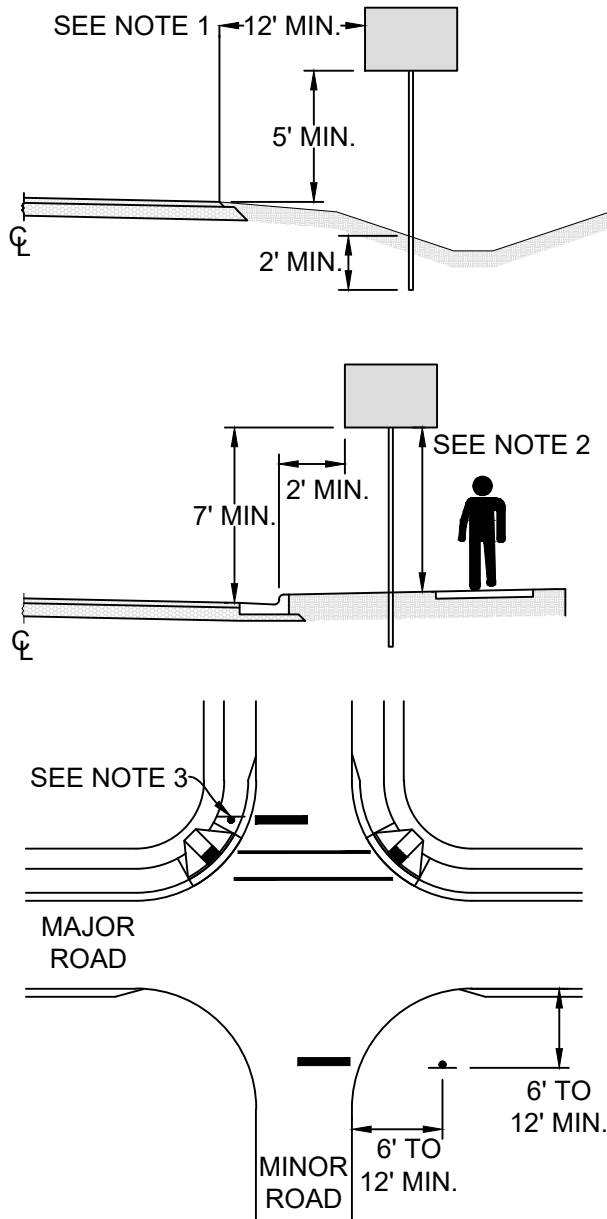
- Page 423 -

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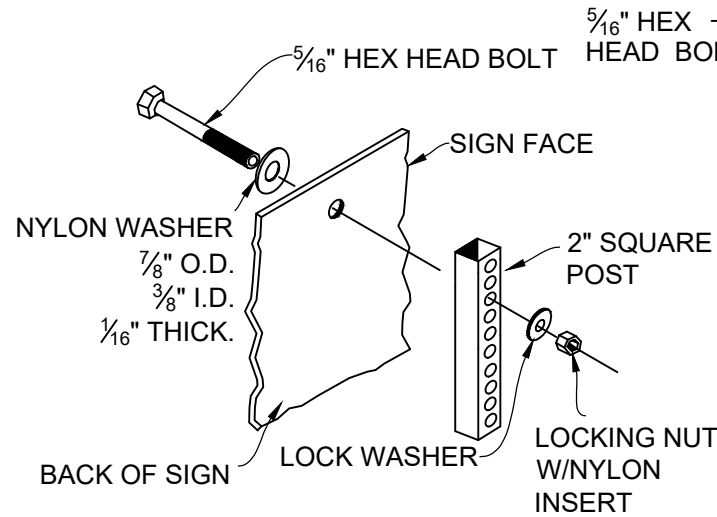
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SHEET 1 OF 1

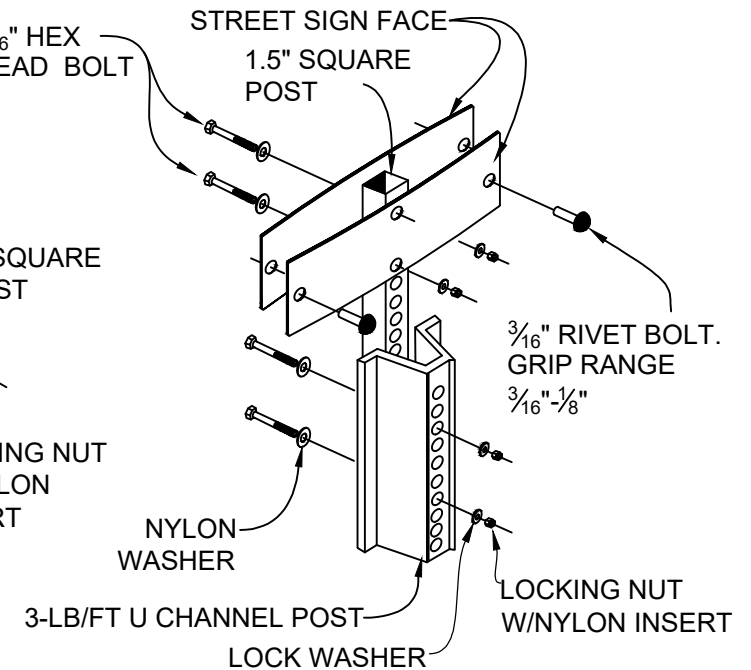
SIGN PLACEMENT



SIGN MOUNTING DETAIL



RETROFIT ASSEMBLY DETAIL (TOWN USE ONLY)



NOTES:

1. MINIMUM LATERAL OFFSET FROM EDGE OF TRAVELED WAY SHOULD BE 12 FEET.
2. ON CURB SECTIONS PROVIDE A MINIMUM VERTICAL CLEARANCE OF 7 FEET FROM EDGE OF TRAVELED WAY. WHERE SIDEWALKS ARE PRESENT PROVIDE A MINIMUM VERTICAL CLEARANCE OF 7 FEET FROM EDGE OF TRAVELED WAY OR TOP OF SIDEWALK, WHICHEVER IS HIGHER.
3. WHERE CROSSWALKS EXIST, SIGNS SHOULD BE PLACED WITHIN 4 FEET IN ADVANCE OF THE CROSSWALK. STREET NAME SIGNS MAY BE PLACED ABOVE A REGULATORY STOP OR YIELD SIGN WITH NO REQUIRED VERTICAL SEPARATION.
4. ALL NEW SIGNS SHALL BE POSTED ON 14 GAUGE, 2" PERFORATED SQUARE SIGN POSTS. ALL STREET NAME SIGNS RETROFITTED TO EXISTING U-CHANNEL SHALL BE POSTED ON 1.5" SQUARE SIGN POSTS. SIGN RETOROFITTING SHALL BE FOR TOWN USE ONLY.
5. ON ALL ROADWAYS EXCEPT STREETS WITH STANDARD CURB AND GUTTER AND SPEED LIMITS EQUAL TO OR LESS THAN 25 MPH, ALL SIGNS WITHIN CLEAR ZONE SHALL BE OF A BREAKAWAY DESIGN THAT COMPLIES WITH THE LATEST EDITION OF AASHTO MANUAL FOR ASSESSING SAFETY HARDWARE (MASH) AND NCHRP REPORT 350.
6. IN AREAS OF WEAK SOILS A BREAKAWAY ANCHOR UNIT SHALL BE USED AND BACKFILLED WITH CONCRETE, IF DETERMINED BY THE INSPECTOR.

TOWN OF APEX
STANDARDS

EFFECTIVE: APRIL 9, 2024

STREET SIGNS
PLACEMENT & INSTALLATION

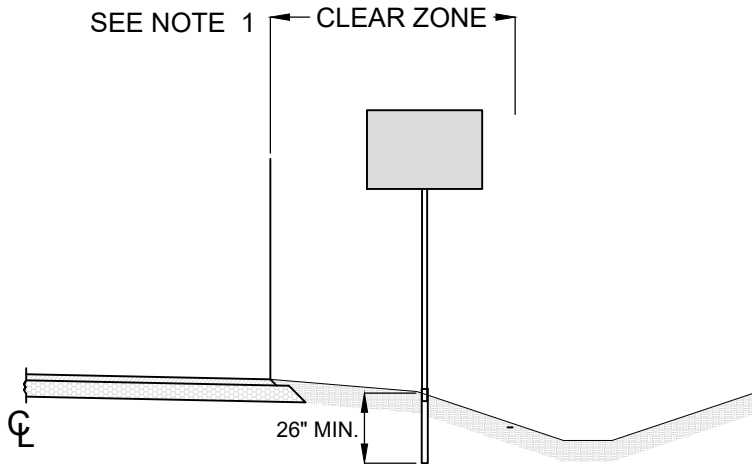
- Page 424 -

STD. NO.

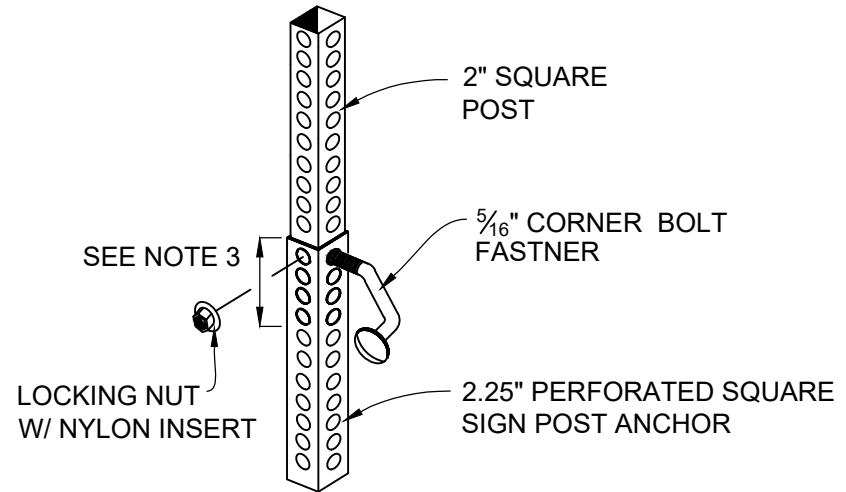
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SHEET 2 OF 4

BREAKAWAY SIGN PLACEMENT



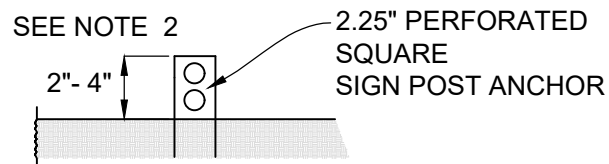
POST INSTALLATION

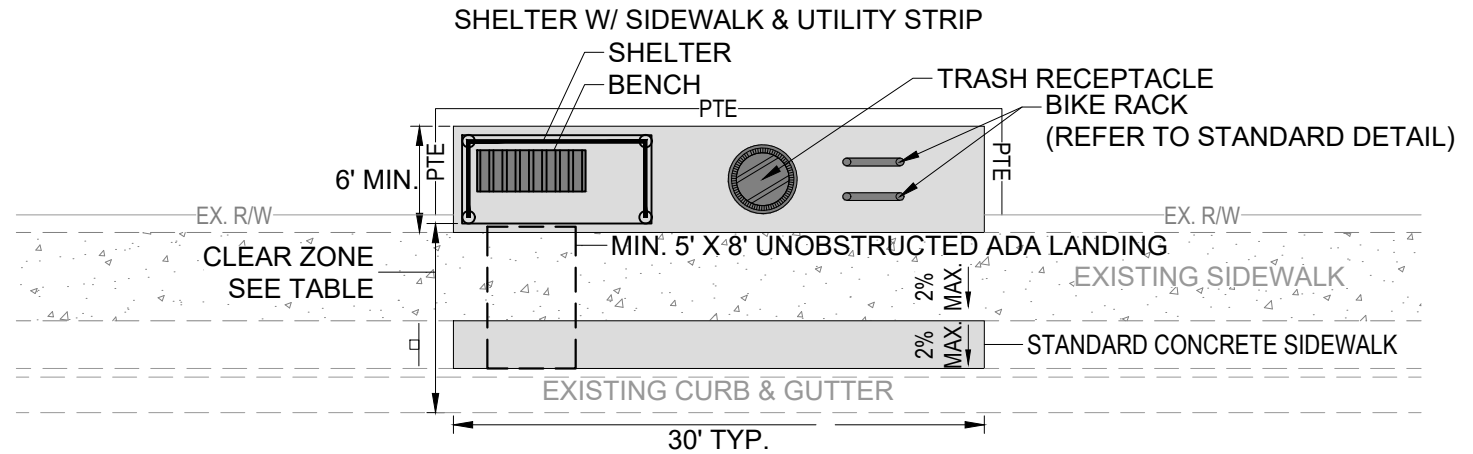


NOTES:

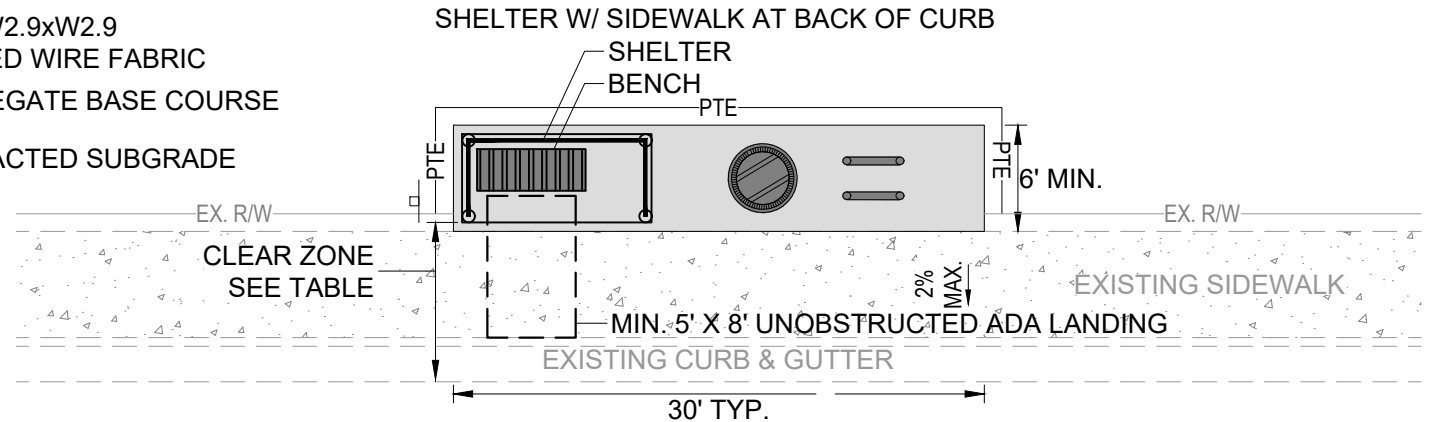
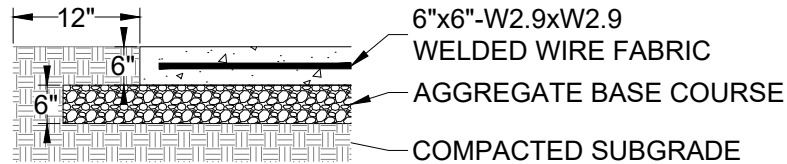
1. ON ALL ROADWAYS EXCEPT STREETS WITH STANDARD CURB AND GUTTER AND SPEED LIMITS EQUAL TO OR LESS THAN 25 MPH, ALL SIGNS WITHIN CLEAR ZONE SHALL BE OF A BREAKAWAY DESIGN THAT COMPLIES WITH THE LATEST EDITION OF AASHTO MANUAL FOR ASSESSING SAFETY HARDWARE (MASH) AND NCHRP REPORT 350.
2. DRIVE ANCHOR MINIMUM 26 INCHES INTO THE GROUND. LEAVE 2 INCHES MINIMUM TO 4 INCHES MAXIMUM TO PROTRUDE ABOVE SURFACE.
3. FIT POST INTO ANCHOR. FASTEN CORNER BOLT THROUGH THE FOURTH HOLE ON THE POST AND THE FIRST HOLE ON THE ANCHOR.
4. IN AREAS OF WEAK SOILS THE ANCHOR UNIT MAY BE BACKFILLED WITH CONCRETE, IF DETERMINED BY THE INSPECTOR.

ANCHOR INSTALLATION





AMENITY PAD TYPICAL SECTION



NOTES:

1. BUS STOP LOCATIONS WITH NO CURB AND GUTTER REQUIRE PROPOSED SHELTERS TO BE LOCATED OUTSIDE THE CLEAR RECOVERY AREA AS DEFINED BY THE LATEST VERSION OF THE AASHTO ROADSIDE DESIGN GUIDE.
2. ANY AMENITIES PROPOSED WILL REQUIRE REVIEW AND APPROVAL BY TOWN OF APEX. IF A CUSTOM SHELTER IS PROPOSED WITHIN NCDOT RIGHT-OF-WAY, THE SHELTER MUST BE ADDED TO NCDOT'S APPROVED PRODUCTS LIST PRIOR TO INSTALLATION.
3. ANY REQUIRED STRUCTURAL CALCULATIONS FOR CUSTOM SHELTERS ARE TO BE PROVIDED TO TOWN OF APEX PRIOR TO APPROVAL.
4. BUS SHELTERS SHALL BE LOCATED A MINIMUM OF 15 FEET FROM FIRE HYDRANTS AND UTILITY POLES.
5. BUS SHELTERS AT NEAR SIDE STOPS ARE TO BE LOCATED ON SIDE OF PAD FARTHEST FROM THE INTERSECTION
6. A MINIMUM 6 FEET WIDE PEDESTRIAN PATH IS TO BE RETAINED BETWEEN THE BACK OF CURB AND ANY AMENITIES WHERE SIDEWALK IS PLANNED. A MINIMUM 10 FEET WIDE PEDESTRIAN PATH IS TO BE RETAINED BETWEEN THE BACK OF CURB AND ANY AMENITIES WHERE SIDE PATH OR STREET-SIDE GREENWAY IS PLANNED.
7. A PERMANENT TRANSIT EASEMENT (PTE) OR PUBLIC RIGHT-OF-WAY IS TO BE PROVIDED FOR THE AMENITY AREA IF LOCATED OUTSIDE OF EXISTING RIGHT-OF-WAY, AT A MINIMUM 1' OFFSET FROM THE AMENITY AREA.
8. A FLAT CLEARED AREA 1 FOOT MINIMUM WIDTH SHALL BE ESTABLISHED AROUND THE LANDING PAD.

CLEAR ZONE MIN. DISTANCE TO SHELTER

25 MPH	8'
35 MPH	10'
45 MPH	12'

TOWN OF APEX STANDARDS

EFFECTIVE: APRIL 9, 2024

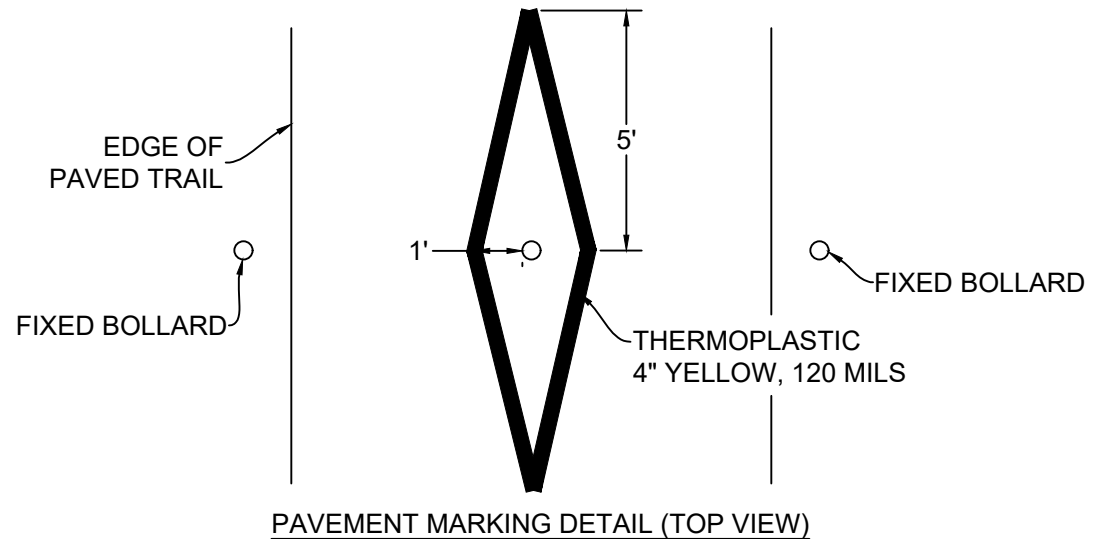
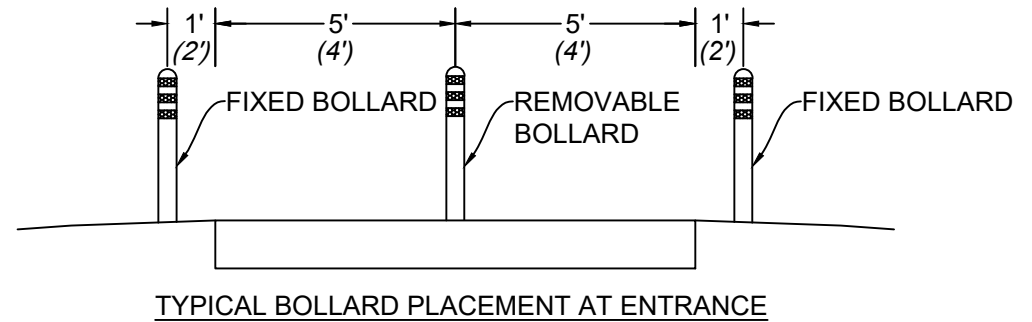
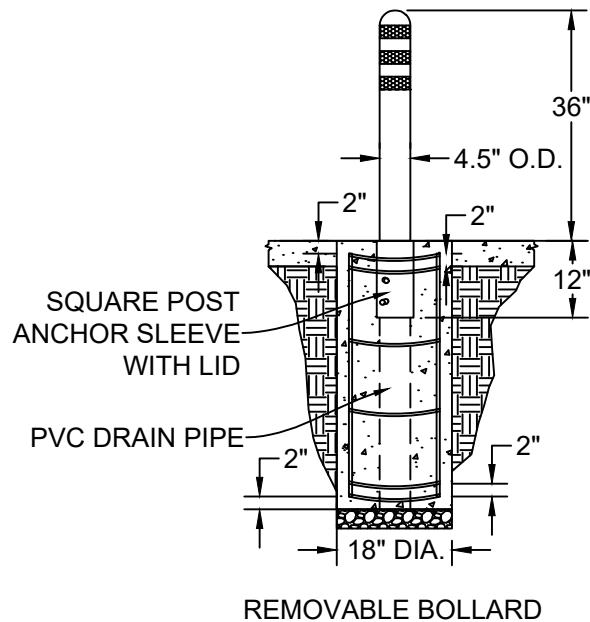
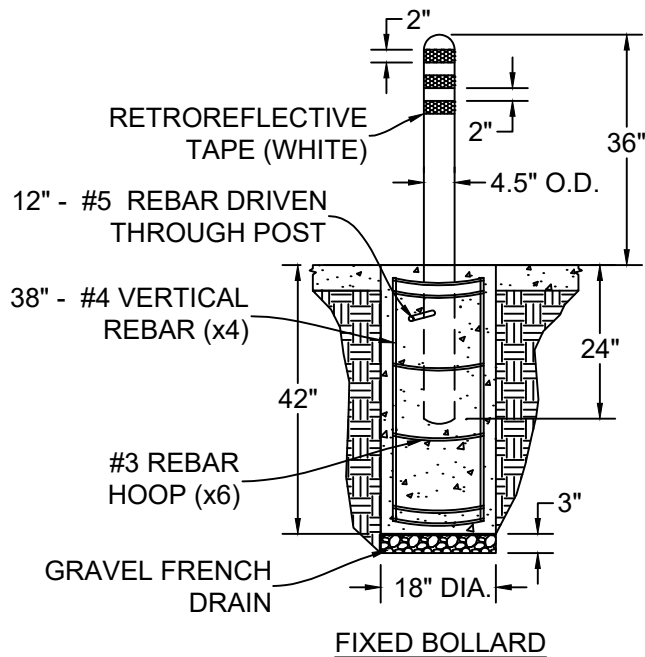
BUS STOP AMENITY PAD

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STD. NO.

300.32

SHEET 2 OF 3



NOTES:

1. FIXED BOLLARDS SHALL BE TRAFFICGUARD MODEL RFP4560R; REMOVABLE BOLLARDS SHALL BE TRAFFICGUARD MODEL TL1004RL, OR APPROVED EQUAL. BOLLARDS SHALL BE FINISHED WITH POWDER COATED BLACK PAINT.
2. BOLLARDS AND SIGNS SHALL BE INSTALLED PER MANUFACTURER DETAILS AND SPECIFICATIONS.
3. CONCRETE FOUNDATIONS SHALL BE CONSTRUCTED TO WITHSTAND 6,000 LBS OF STATIC LOAD AT 27 INCHES ABOVE GRADE PER MANUFACTURER SPECIFICATIONS.
4. BOLLARDS SHALL BE INSTALLED OUTSIDE THE CLEAR ZONE WHEN ADJACENT TO ROADWAY. BOLLARDS SHALL BE INSTALLED MINIMUM 10 FEET FROM THE BACK OF CURB RAMP WHEN APPLICABLE.
5. PROVIDE A 2-FOOT SEPARATION BETWEEN TRAIL AND BOLLARDS WHEN TRAIL IS 8 FEET IN WIDTH.
6. FIXED BOLLARDS SHALL NOT BE REQUIRED WHEN MOTOR VEHICLE ACCESS IS BLOCKED BY PEDESTRIAN RAILING OR FENCING.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve Apex Tax Reports dated March 7, 2024.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on April 1, 2024, approved and accepted the enclosed tax report for the Town of Apex, dated March 7, 2024 for the period of February 1, 2024 through February 29, 2024.

Attachments

- CN12-A1: Tax Report for February 2024





Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SHINICA THOMAS, CHAIR
SUSAN EVANS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
DON MIAL
CHERYL STALLINGS
TARA WATERS

April 2, 2024

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on April 1, 2024, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Gilyard".

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

02/01/2024 - 02/29/2024

APEX

DATE

03/07/2024

TIME

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PAGE

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REBATE NUMBER	PROPERTY NUMBER	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR	OWNER
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BUSINESS REAL
ESTATE ACCOUNTS

873006	4.18	0.00	0.00	0.00	4.18	02/29/2024	0000375147	2023	2023	000000 THE VILLAGES OF APEX MASTER ASSC INC
873007	3.71	0.00	0.00	0.00	3.71	02/29/2024	0000375147	2021	2021	000000 THE VILLAGES OF APEX MASTER ASSC INC
873008	3.90	0.00	0.00	0.00	3.90	02/29/2024	0000375147	2022	2022	000000 THE VILLAGES OF APEX MASTER ASSC INC

SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS 11.79 0.00 0.00 0.00 11.79 3 Properties Rebated

INDIVIDUAL
PROPERTY ACCOUNTS

870251	11.87	0.00	0.00	0.00	11.87	02/05/2024	0006976131	2023	2022	000000 CHEYUNSKI, ADAM JAMES
870248	7.37	0.00	0.74	0.00	8.11	02/01/2024	0006955122	2023	2023	000000 SCHEMMEL, BERNARD WILLIAM JR
871083	71.65	30.00	0.00	0.00	101.65	02/09/2024	0006977462	2023	2022	000000 CLARKE, NOEL WINSTON
872603	39.81	30.00	0.00	0.00	69.81	02/26/2024	0007006856	2024	2023	000000 HARIHARAN, PARVATHY
872199	190.45	30.00	0.00	0.00	220.45	02/21/2024	0007019937	2024	2023	000000 NEMARGUT, JONATHAN PRESCOTT
872067	35.77	30.00	0.00	0.00	65.77	02/20/2024	0007020004	2024	2023	000000 CASSELLIUS, KATHRYN MARY
871935	78.92	30.00	0.00	0.00	108.92	02/19/2024	0007013320	2024	2023	000000 CHOI, SEO WOOK
871669	404.09	30.00	0.00	0.00	434.09	02/19/2024	0007010484	2024	2023	000000 HANCOCK, WESLEY GRAHAM
871390	174.19	30.00	0.00	0.00	204.19	02/13/2024	0007008971	2024	2023	000000 SANARPALAYAM PALANISAMY, ARUN PRASAD
871244	66.26	30.00	0.00	0.00	96.26	02/12/2024	0007008742	2024	2023	000000 ISBELL, ANDREW JAMES
871227	6.92	0.00	0.69	0.00	7.61	02/12/2024	0006741684	2023	2023	000000 MUTCH LANDSCAPING INC



Wake County Tax Administration

Rebate Details

02/01/2024 - 02/29/2024

APEX

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03/07/2024

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR	OWNER
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INDIVIDUAL
PROPERTY ACCOUNTS

870946	5.89	0.00	0.59	0.00	6.48	02/08/2024	0006865167	2023	2023	000000	SMITH, NATHAN DAVID
870676	11.48	0.00	1.15	0.00	12.63	02/06/2024	0006809226	2023	2023	000000	HYDEN, DONALD WILLIAM
870523	11.04	0.00	1.10	0.00	12.14	02/05/2024	0006884743	2023	2023	000000	SANTOS, JOHN
870522	11.43	0.00	1.14	0.00	12.57	02/06/2024	0006884743	2022	2022	000000	SANTOS, JOHN
870521	12.07	0.00	1.21	0.00	13.28	02/06/2024	0006884743	2021	2021	000000	SANTOS, JOHN
870520	13.07	0.00	1.31	0.00	14.38	02/06/2024	0006884743	2020	2020	000000	SANTOS, JOHN
870382	2.89	0.00	0.00	0.00	2.89	02/05/2024	0006754384	2023	2023	000000	HIRVELA, MICHAEL ALAN
870379	182.38	30.00	0.00	0.00	212.38	02/05/2024	0006976465	2023	2022	000000	CLARKE, LAURA STACY

SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	1,337.55	270.00	7.93	0.00	1,615.48	19	Properties Rebated
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INDIVIDUAL REAL
ESTATE ACCOUNTS

871093	697.93	0.00	0.00	0.00	697.93	02/13/2024	0000174719	2023	2023	000000	PALMER, MARIA
871392	539.53	0.00	0.00	0.00	539.53	02/13/2024	0000236198	2023	2023	000000	FOWLER, JOANNE
871659	572.00	0.00	0.00	0.00	572.00	02/15/2024	0000063402	2023	2023	000000	MILLS, SUSAN S
870534	586.08	0.00	0.00	0.00	586.08	02/05/2024	0000012270	2023	2023	000000	LUND, MARCIA M
870111	381.65	0.00	0.00	0.00	381.65	02/01/2024	0000496911	2023	2023	000000	SURAKANTI, KEERTHI NANDAN

SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	2,777.19	0.00	0.00	0.00	2,777.19	5	Properties Rebated
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Wake County Tax Administration

Rebate Details

02/01/2024 - 02/29/2024

APEX

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03/07/2024

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR	OWNER
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WILDLIFE BOAT
ACCOUNTS

871666	5.72	0.00	0.00	0.00	5.72	02/15/2024	0004208473	2023	2023	CORNTHWAITE, BENJAMIN GRAHAM
870529	115.11	0.00	0.00	0.00	115.11	02/06/2024	0004214440	2023	2023	DORAN, JOSEPH III
870681	90.35	0.00	9.03	0.00	99.38	02/06/2024	0004193179	2023	2023	BENTLEY, JOHN P
871665	9.16	0.00	0.00	0.00	9.16	02/15/2024	0004209548	2023	2023	CORNTHWAITE, BENJAMIN GRAHAM
870513	726.00	0.00	0.00	0.00	726.00	02/13/2024	0004214780	2023	2023	GASTON, ZACHARY ROBERT
870531	85.69	0.00	8.57	0.00	94.26	02/06/2024	0004207030	2023	2023	PAUL, PHILIP FRANKLIN

SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS 1,032.03 0.00 17.60 0.00 1,049.63 6 Properties Rebated

870517	544.61	0.00	54.46	0.00	599.07	02/13/2024	0004214380	2023	2023	BOVEE, STEVEN EDWARD
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SUBTOTALS FOR 544.61 0.00 54.46 0.00 599.07 1 Properties Rebated



Wake County Tax Administration

Rebate Details

02/01/2024 - 02/29/2024

APEX

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03/07/2024

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
TOTAL REBATED FOR APEX	5,703.17	270.00	79.99	0.00	6,053.16			34	Properties Rebated for City	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: April 9, 2024

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Receive as information the 2023 Pavement Management Report from an external consultant.

.Approval Recommended?

n/a

Item Details

Tracy Pilson with Mott MacDonald will present the results of the 2023 Pavement Condition Survey, including overall street system Pavement Condition Index score, analyses of funding and maintenance activities, and recommendations.

Attachments

- PR1-A1: 2023 Pavement Management Report





2023 Pavement Management Report

Town Council Meeting

April 9, 2024



AGENDA

- Pavement Condition Data Collection
- 2023 Network Condition
- Pavement Treatment Toolbox
- Pavement Preservation
- Pavement System Analysis Results
- Conclusions/Recommendations



Pavement Condition Data Collection



2023 Pavement Management Project

- The Town of Apex maintains a pavement network consisting of approximately 240 centerline miles of asphalt streets.
- Mott MacDonald completed a pavement management study which included a Pavement Condition Survey (PCS) of all Town-maintained streets and a pavement management system (PMS) analysis.
- Pavement Data was collected in the Summer of 2023.
- Mott MacDonald completed a full pavement management analysis to provide the Town with optimized 10-year work plans.

Pavement Condition Data Collection

1

Studies the performance of in-service pavements.

2

The primary goal is to collect data believed to be most important in characterizing factors that affect pavement performance.

3

Pavement Condition Data is used to model pavement performance and make treatment recommendations to maximize network condition over the long term.

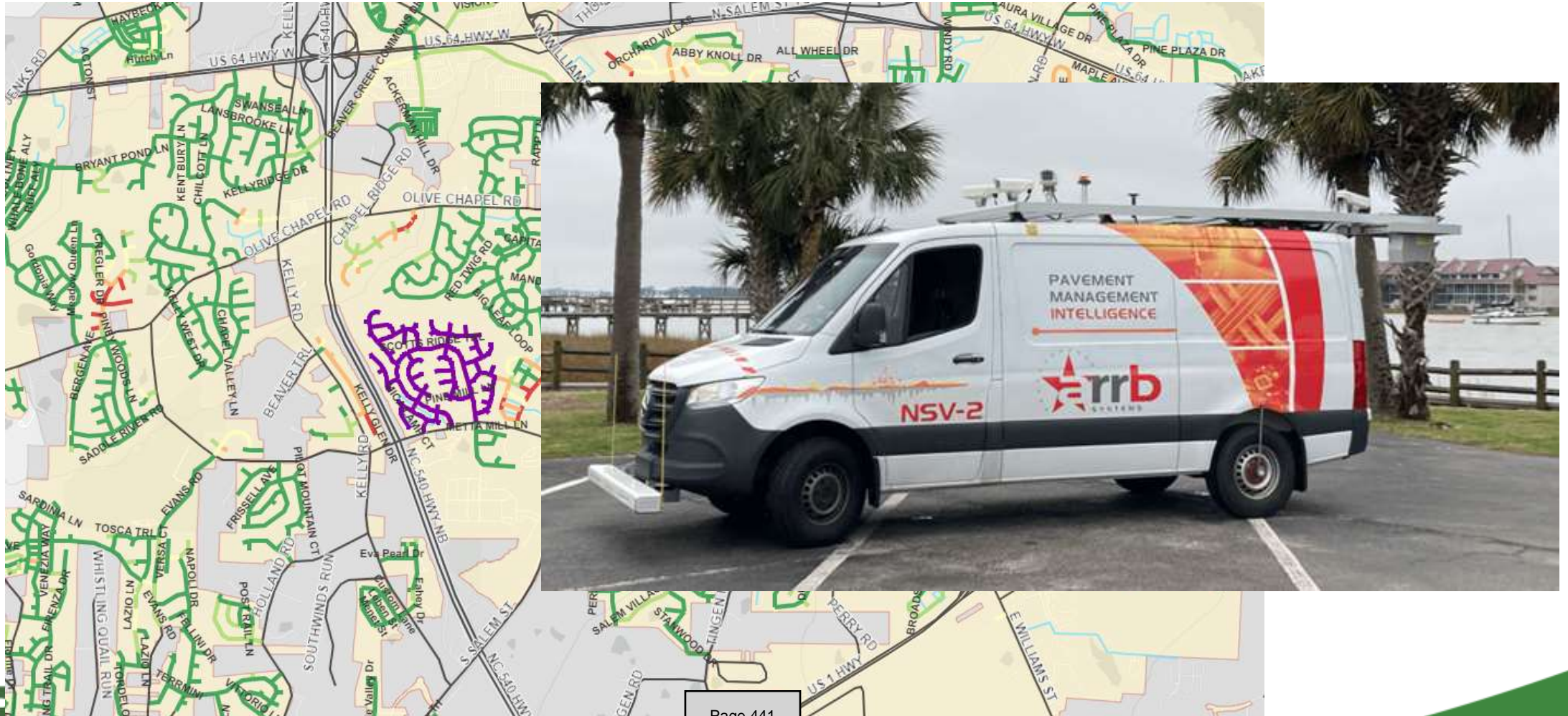
Visual (Windshield) Pavement Data Collection

Used by Town on the previous two data collection cycles.
(ITRE, LTPP)

Manual data collection tends to have inconsistencies between different raters.

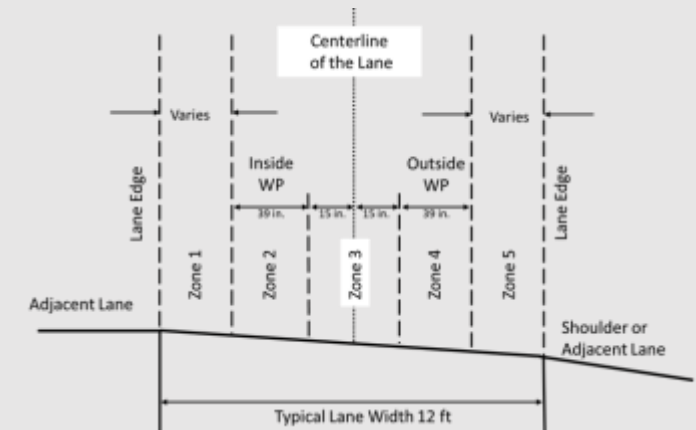
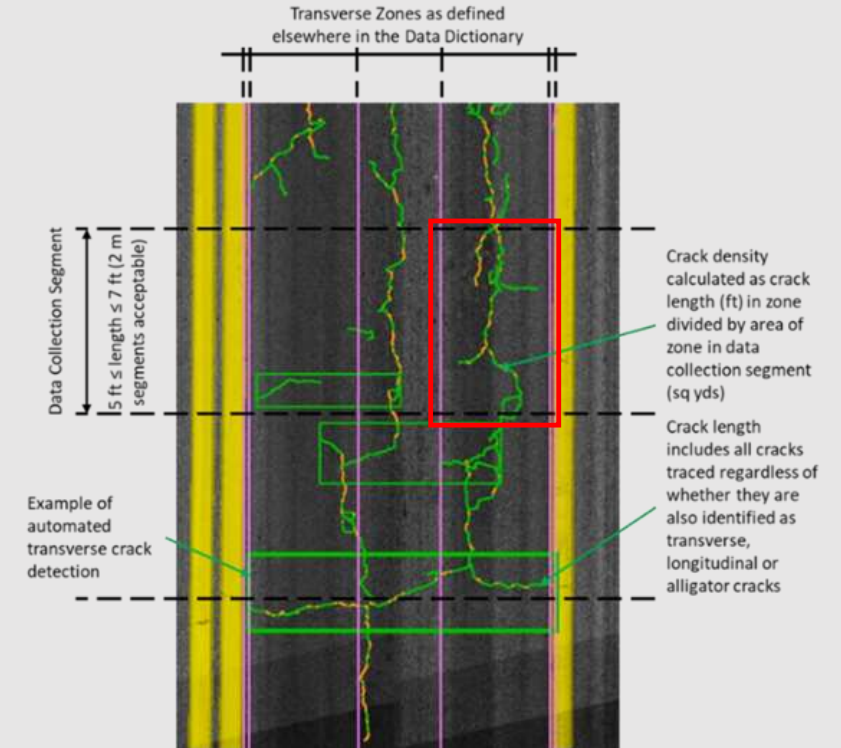
Automated Data Collection Vans – ARRB System

Laser Crack Measurement Systems (LCMS) and High-definition cameras



Crack density approach

- Crack Density= Total length of cracks/unit area (ft/sy)
- Magnitude can indicate:
 - Patterned cracking
 - Non-patterned cracking
- Crack Density Zones:
 - Load-related cracking
 - Non-load related cracking
- Informs decision-making:
 - Patterned cracking → patching/rehab
 - Non-patterned cracking → crack sealing



Benefits of using crack density

- Independent of data collection vendor's experience/specific technology
- Allows agencies flexibility in aggregating data to condition scores
- Highly repeatable
- Less reliant on subjective definitions of distress types and severities

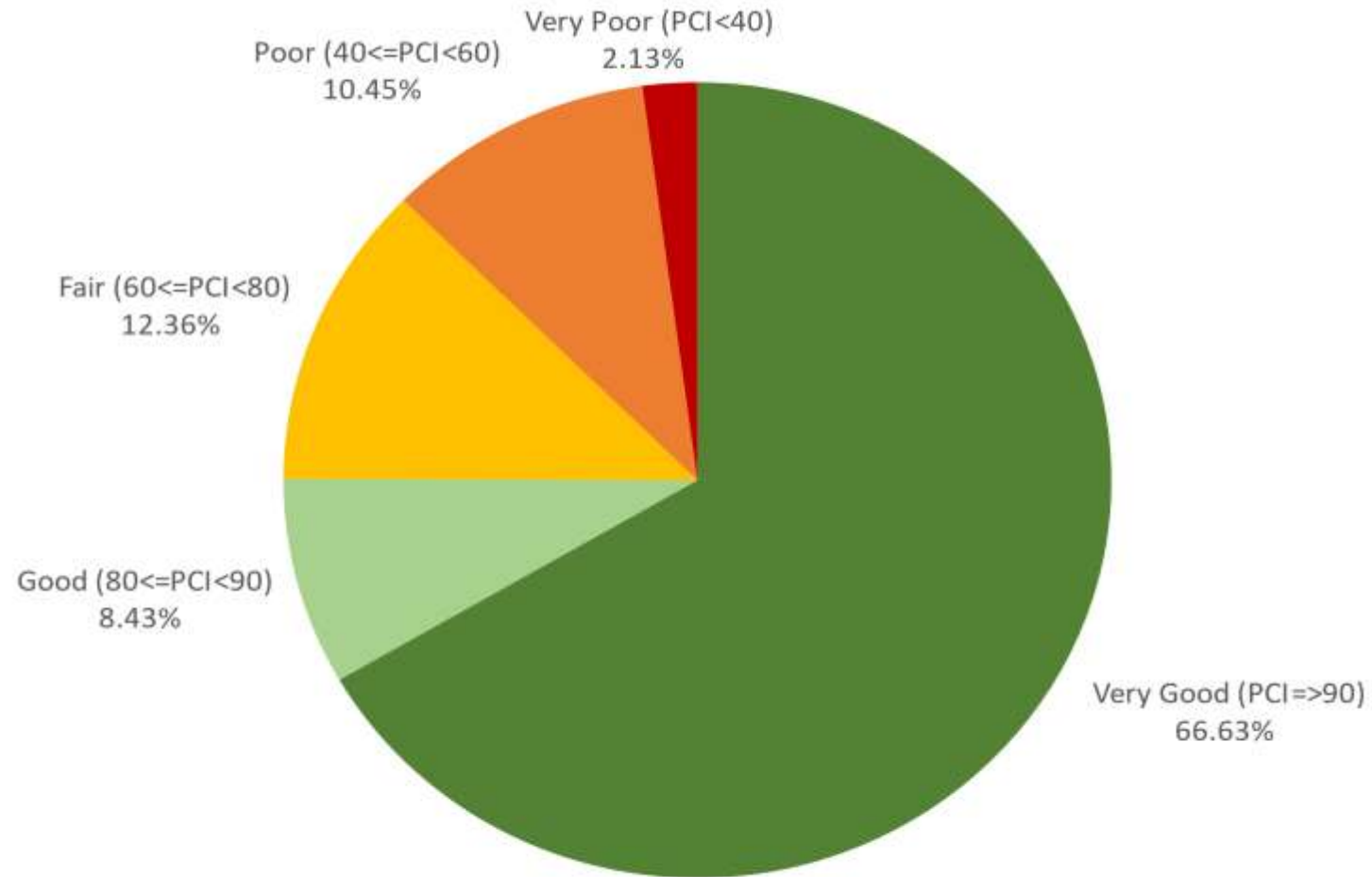
2023 Network Condition

2023 Network Condition

Network Summary

Description	Value
Length of Network (Center Line Miles)	240.4
Lane Miles	487.8
Area of Network (Square Yards)	3.3M
Weighted Average Network PCI	84.8
Previous Weighted Average Network PCI (2020)	79.3
Total Asset Value of Pavement Network	\$222.1M *
Remaining Asset Value (Current Condition, PCI=84.8)	\$188.4M **
Percent of Network in Good Condition (PCI ≥ 80)	75.1%
Percent of Network in Poor (PCI < 60)	12.6%

2023 Network Condition



2023 Network Condition

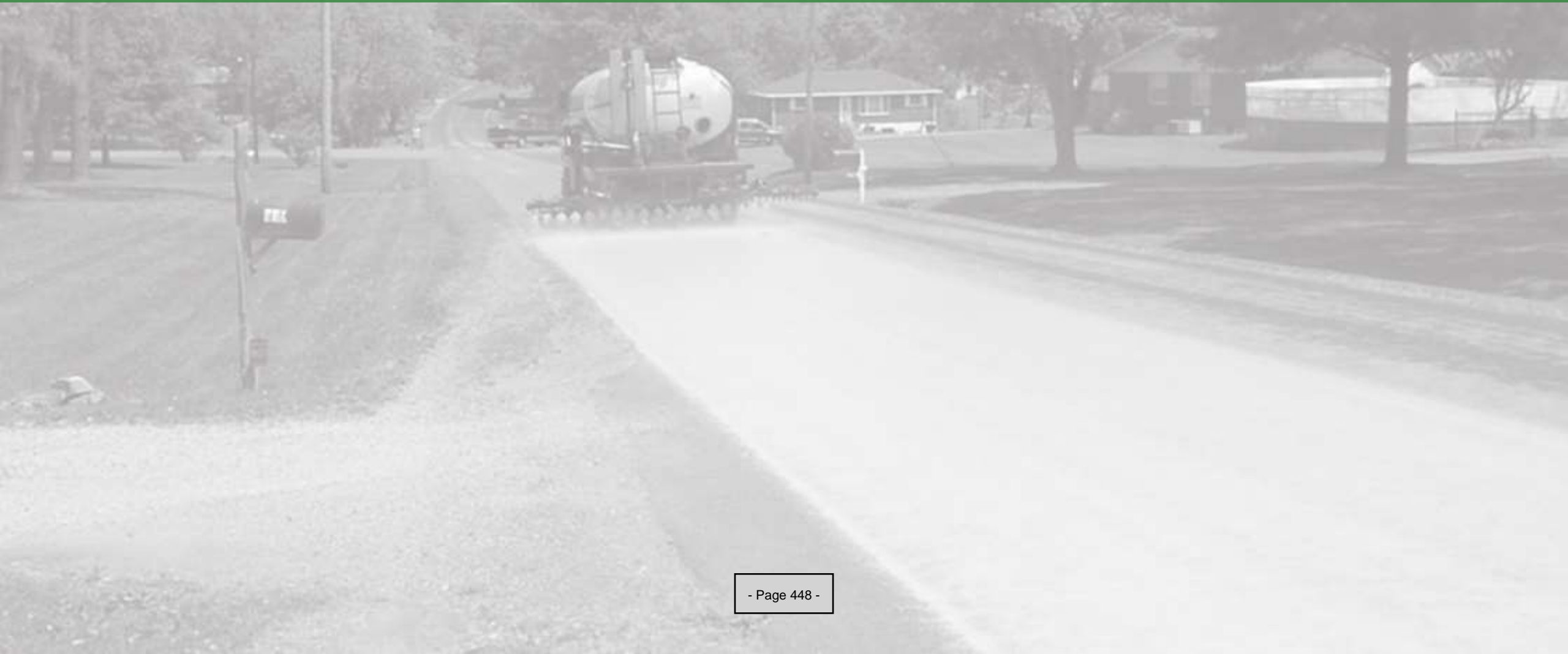
Backlog of Current Treatment Needs

Treatment	Lane Miles	Total Area (yd ³)	Cost
Do Nothing	193.03	1,287,133	\$0.00
Crack Seal	0.41	2,707	\$2,302
Patching	80.96	545,735	\$1,373,445
Rejuvenator	43.36	296,846	\$296,850
Preservation*	101.73	712,326	\$2,493,169
Rehab (Minor)	63.37	454,809	\$10,069,482
Rehab (Major)	4.96	38,776	\$1,046,955
Total	487.82	3,338,333	\$15,282,203

Treatment Name	Unit Cost
Crack Seal	\$0.85 / LF
Rejuvenator	\$1.00 / SY
Microsurfacing	\$3.50 / SY
Rehab (Minor)	\$22.14 / SY
Rehab (Major)	\$27.00 / SY
Reconstruction/FDR	\$66.53 / SY

* Microsurfacing or ultra-thin lift asphalt treatment

Pavement Treatment Toolbox



Pavement Treatment Toolbox

Crack Sealing (most cost-effective treatment to preserve pavements)

Issues addressed:

- Cracking is inevitable and left untreated will cause pavement failure like potholes and subbase failure.
- Used to treat all types of cracks greater than ¼”.

Benefits:

- Slows crack deterioration
- Protects pavement from moisture damage
- Extends pavement life up to 3 - 5 years
- Lowest cost preservation (maintenance) treatment
- Highest benefit for money spent



Pavement Treatment Toolbox

Asphalt Rejuvenation

Issues addressed:

- Oxidation (graying of pavement)
- Loss of asphalt elasticity
- Raveling (loss of binder)

Benefits:

- Improves flexibility of the asphalt surface
- Restores lost oxidized components of the asphalt binder
- Slows rate of aging and oxidization.



Pavement Treatment Toolbox

Preservation – Microsurfacing/Slurry Seals

Issues addressed:

- Surface Defects
 - Oxidation
 - Raveling
- Cracking
- Minor Rutting

Benefits:

- Provides skid resistance
- Prevents moisture intrusion
- Protects against oxidation and raveling
- Most economical choice when leveling is required.
- Quick construction times and minimal disruption to the traveling public.



Pavement Treatment Toolbox

Pavement Rehab (Minor or Major)

Issues addressed:

- Pavement rehabilitation completely removes and replaces a portion of the asphalt pavement surface.
- The depth of rehabilitation (minor vs. major) depends on the severity of pavement damage.

Benefits:

- Pavement rehabilitation is necessary because it can help extend the life of a pavement.
- Prevents further deterioration and expensive repairs such as Full-Depth Reclamation (FDR) at a later date.



Pavement Treatment Toolbox

Full-Depth Reclamation (FDR)

FDR is an in-place recycling method for reconstruction of existing flexible pavements using the existing pavement section material as the base for the new roadway-wearing surface.

Benefits:

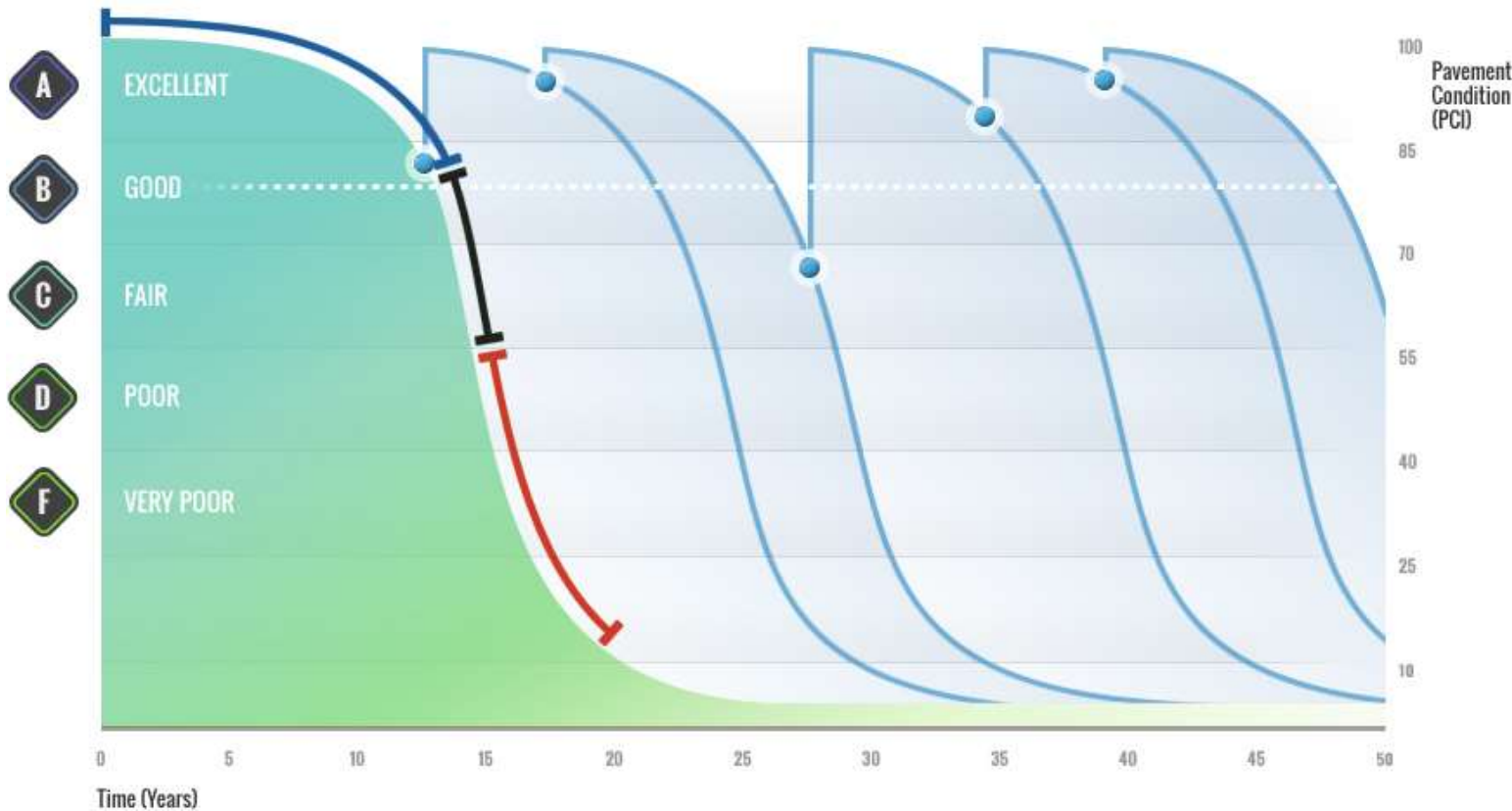
The advantages are considerable compared to remove and replace reconstruction, but FDR is still expensive!

The use of less expensive treatments to preserve the network are recommended!



Pavement Preservation

Why is Pavement Preservation so important?

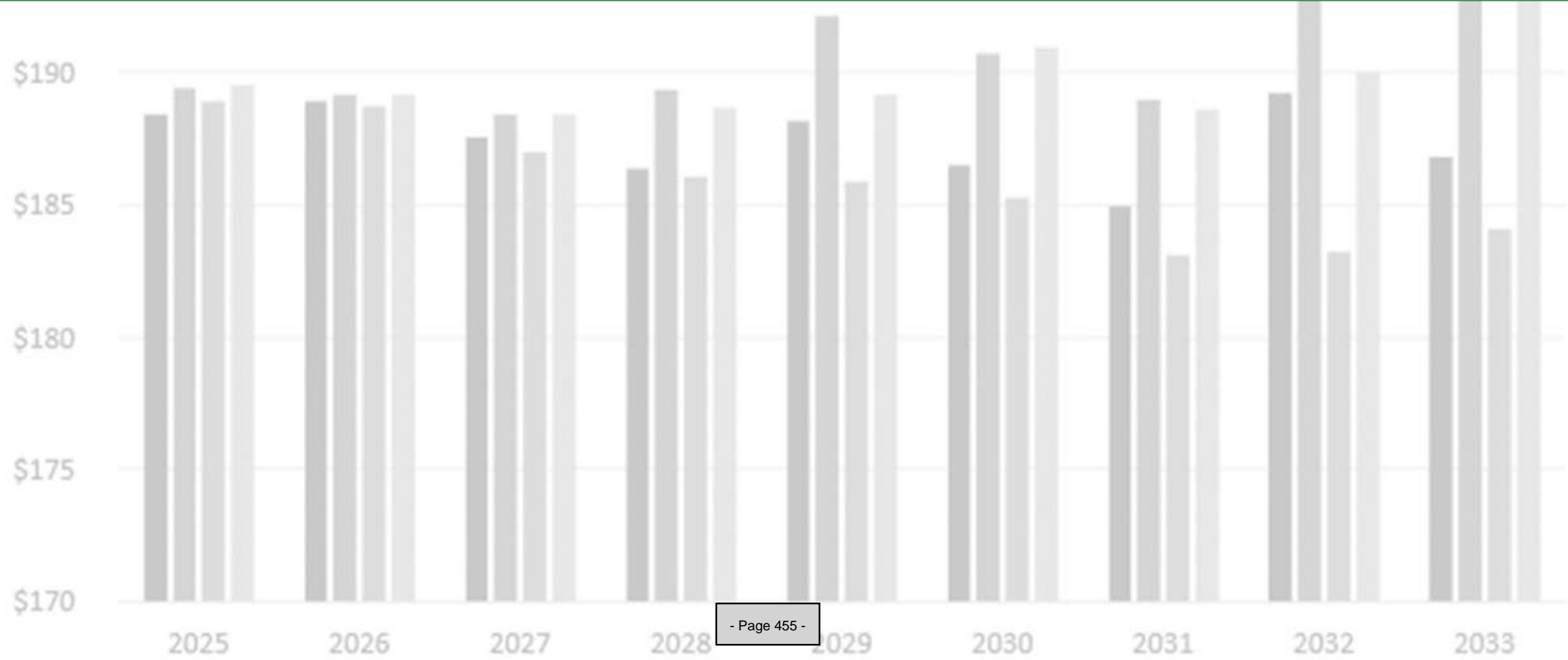


PCI Range	Treatment Name	Unit Cost
A	Crack Seal	\$0.85/LF
A	Rejuvenator	\$1.00/SY
B	Preservation	\$3.50/SY
C	Rehab (Minor)	\$22.14/SY
D, F	Rehab (Major)	\$27.00/SY
F	Reconstruction/ FDR	\$66.53/SY

Millions

\$200

Pavement Management System (PMS) Analysis



Pavement Management System Analysis

AgileAssets Pavement Analyst Software

Multiple Budget Scenarios

- Utilized current budgets and requested budgets to determine benefits of increased funding

Inflation calculation was utilized in current analysis

- Inflation concerns have been significant in the past few years since pandemic
- An inflation rate of 2.5% was utilized in the analysis

Neighborhood Grouping Analysis

- Groups projects by neighborhood
- Reduces mobilization costs and reduces disruption to residents

Pavement Management System Analysis

Two Funding Levels Analyzed

Current Budgets		Requested Budgets (asphalt)		*CIP requests	
FY 23-24	\$2,200,000	FY 24-25	\$2,800,000	FY 24-25	\$3,500,000
FY 24-25	\$2,300,000	FY 25-26	\$2,900,000	FY 25-26	\$3,625,000
FY 25-26	\$2,400,000	FY 26-27	\$3,000,000	FY 26-27	\$3,750,000
FY 26-27	\$2,500,000	FY 27-28	\$3,100,000	FY 27-28	\$3,875,000
FY 27-28	\$2,600,000	FY 28-29	\$3,200,000	FY 28-29	\$4,000,000
Future	\$2,700,000	Future	\$3,300,000	Future	\$4,125,000

* Includes curb ramp retrofits for Public Right-of-Way Accessibility Guidelines (PROWAG) compliance

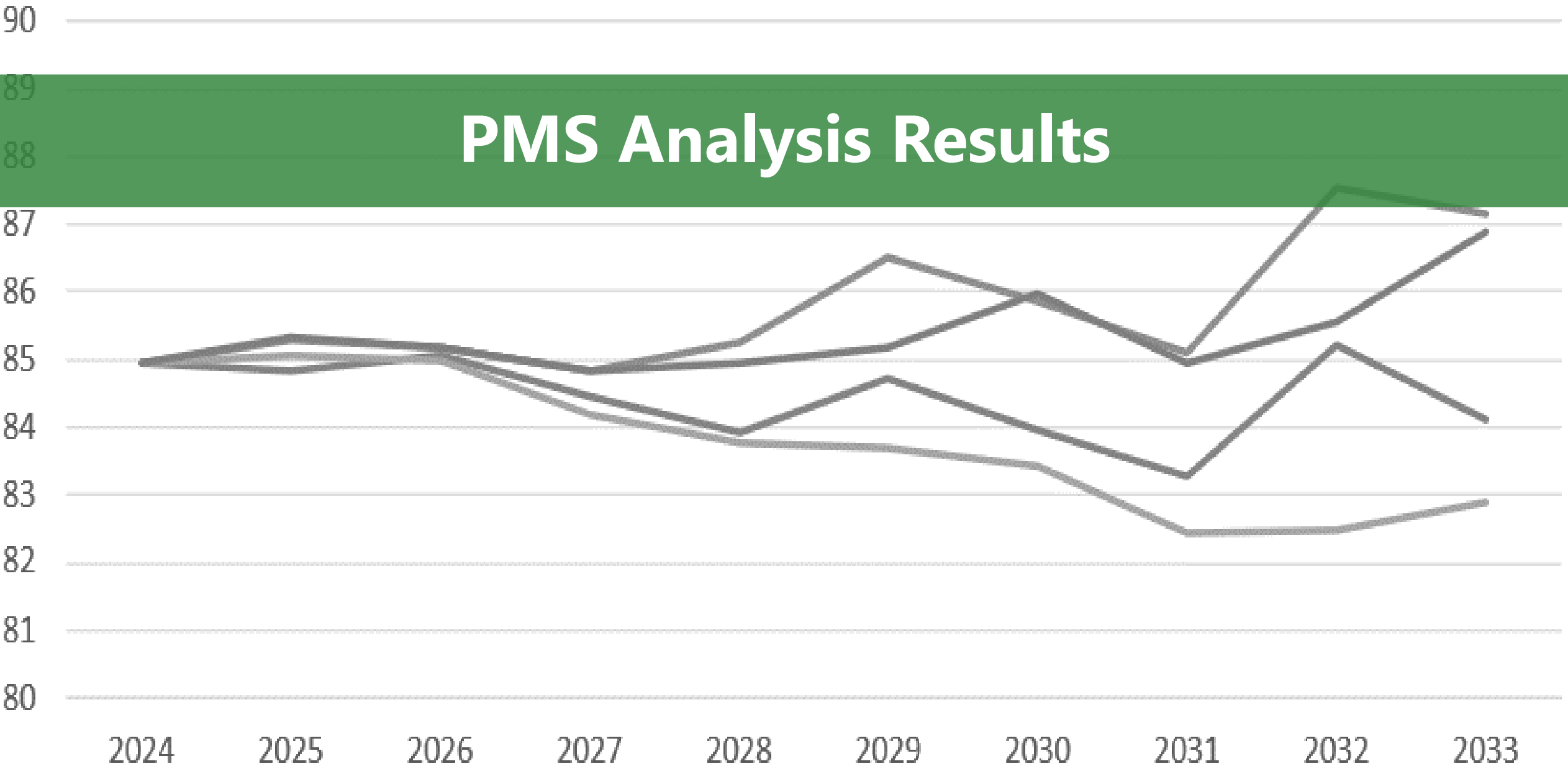
Pavement Management System Analysis

Scenarios included in PMS Analysis

Scenario	Scenario Length	Scenario Type
Current Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Current Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized

* Neighborhood Grouping Analysis, 2.5% inflation rate used

PMS Analysis Results



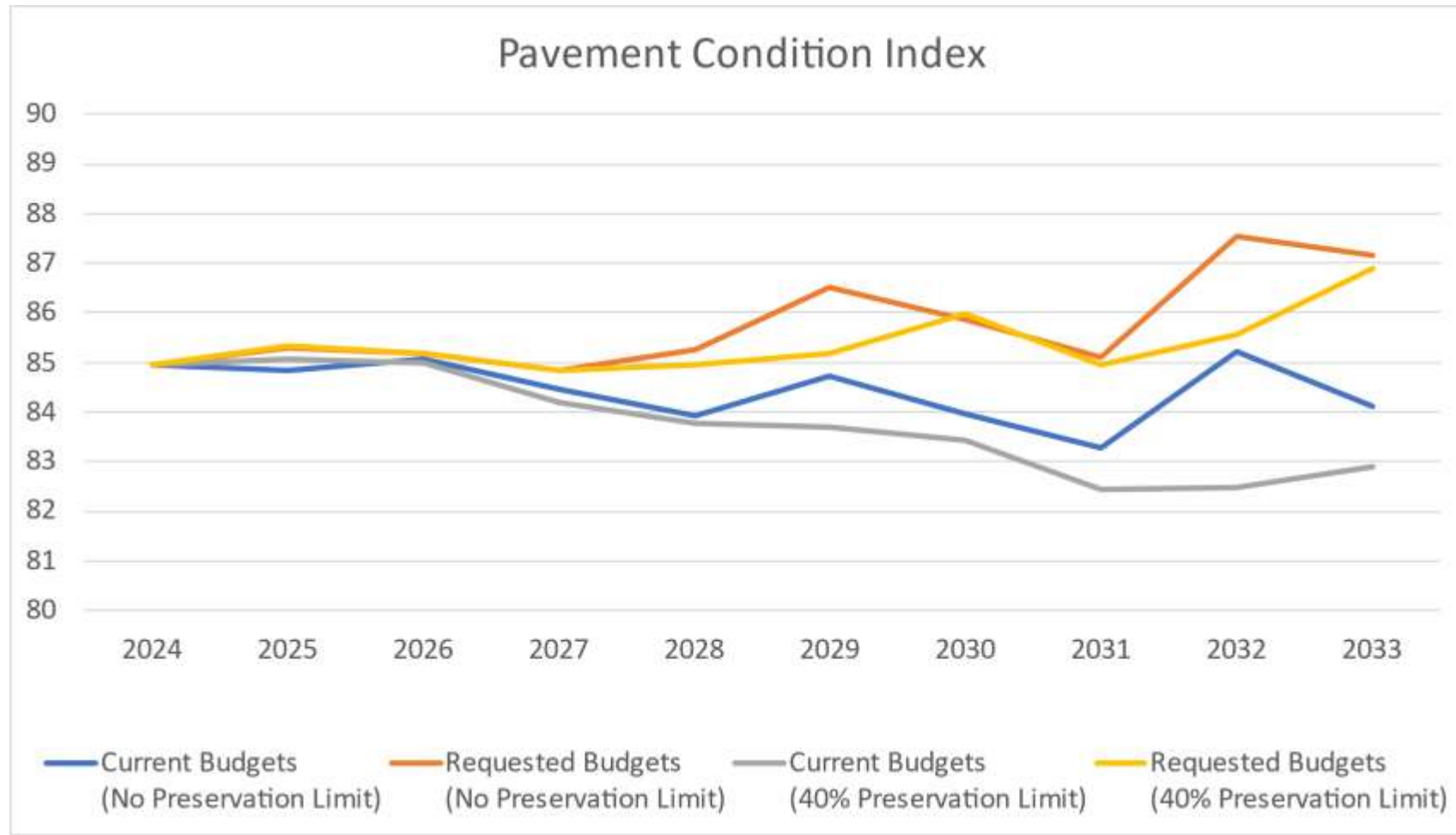
PMS Analysis Results

Pavement Condition Index - Results of all scenarios

Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	84.95	84.95	84.95	84.95
2025	84.83	85.28	85.06	85.33
2026	85.05	85.18	84.99	85.18
2027	84.46	84.83	84.20	84.83
2028	83.93	85.25	83.78	84.95
2029	84.74	86.51	83.70	85.17
2030	83.98	85.86	83.42	85.98
2031	83.27	85.10	82.43	84.94
2032	85.20	87.54	82.49	85.57
2033	84.12	87.16	82.89	86.89

PMS Analysis Results

Pavement Condition Index - Results of all scenarios



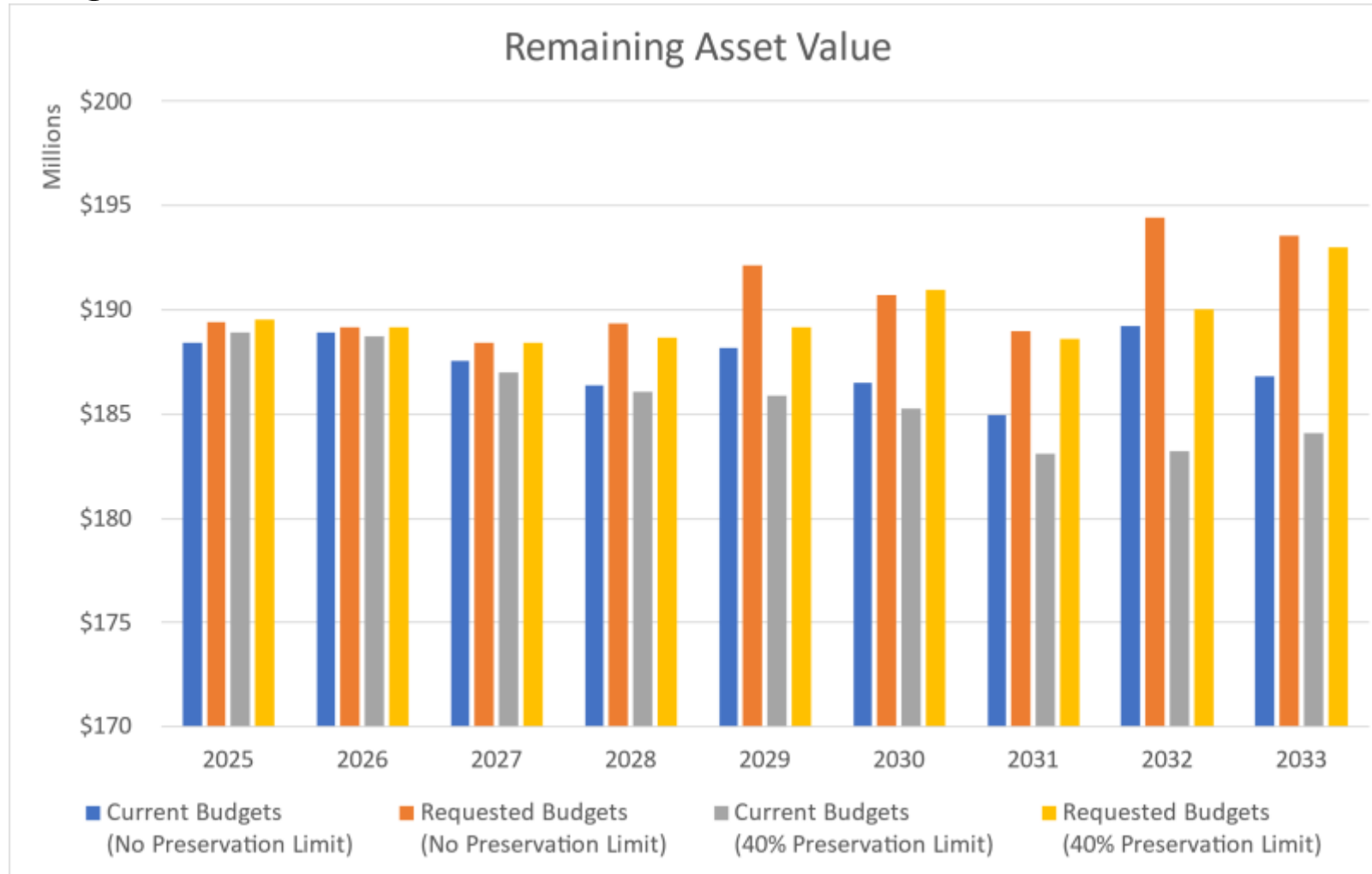
PMS Analysis Results

Remaining Asset Value - Results of all scenarios

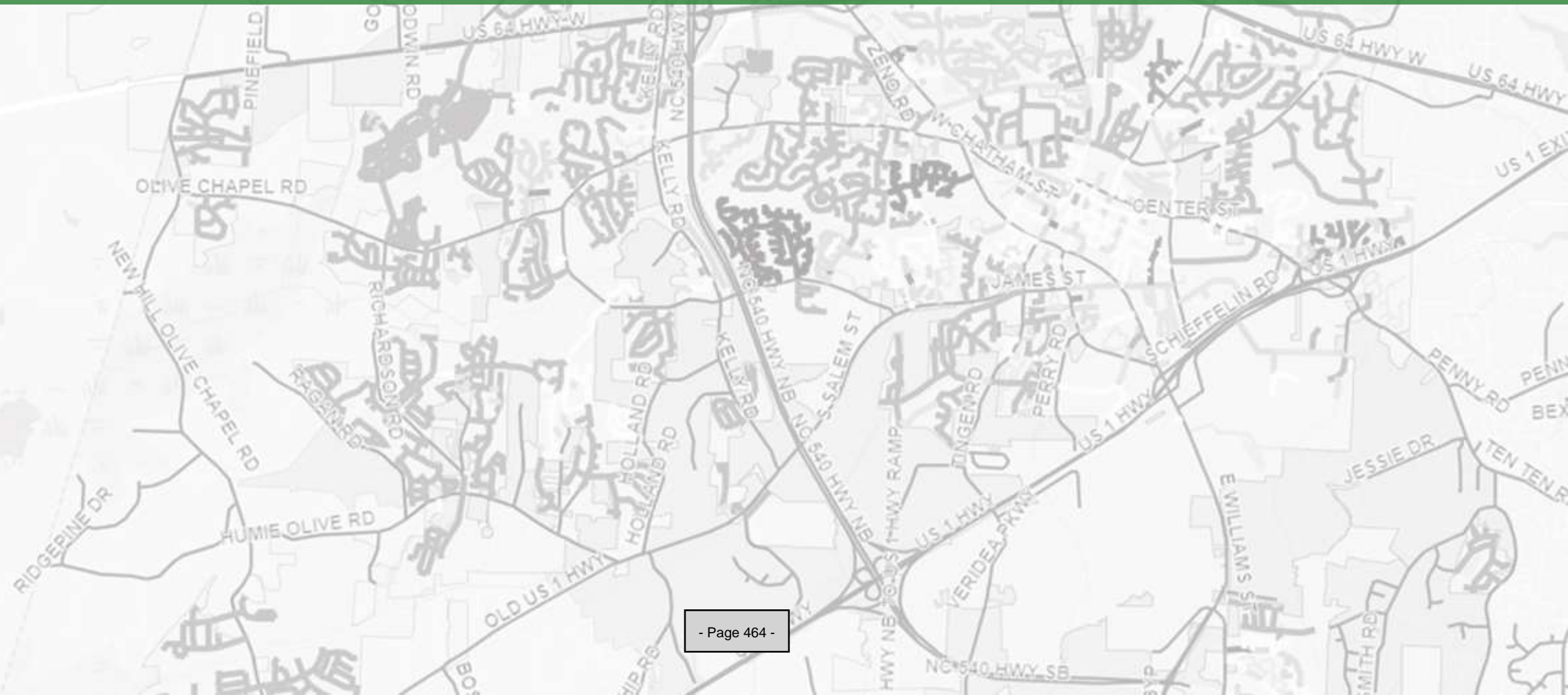
Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	\$ 188,401,929	\$ 189,400,043	\$ 188,919,864	\$ 189,510,870
2025	\$ 188,900,763	\$ 189,192,158	\$ 188,760,841	\$ 189,174,168
2026	\$ 187,579,273	\$ 188,403,705	\$ 187,017,140	\$ 188,416,365
2027	\$ 186,405,922	\$ 189,332,969	\$ 186,078,770	\$ 188,663,784
2028	\$ 188,196,042	\$ 192,130,309	\$ 185,896,871	\$ 189,167,727
2029	\$ 186,514,307	\$ 190,685,997	\$ 185,277,436	\$ 190,959,402
2030	\$ 184,948,951	\$ 189,007,149	\$ 183,072,656	\$ 188,640,685
2031	\$ 189,224,584	\$ 194,421,707	\$ 183,206,360	\$ 190,057,234
2032	\$ 186,833,019	\$ 193,578,618	\$ 184,108,527	\$ 192,977,618
2033	\$ 188,401,929	\$ 189,400,043	\$ 188,919,864	\$ 189,510,870

PMS Analysis Results

Remaining Asset Value - Results of all scenarios



Conclusions & Recommendations



Conclusions and Recommendations

- The Town's network continues to grow quickly (up 15% since 2020)
- The Town has spent considerable funds on the resurfacing program which has paid off in increased condition.
- The network is currently in quite good condition with a weighted average network PCI of 84.8 (5.5-point increase since the last survey).
- This 5.5% increase in PCI represents an increase of approximately \$12.2M in the value of the network.

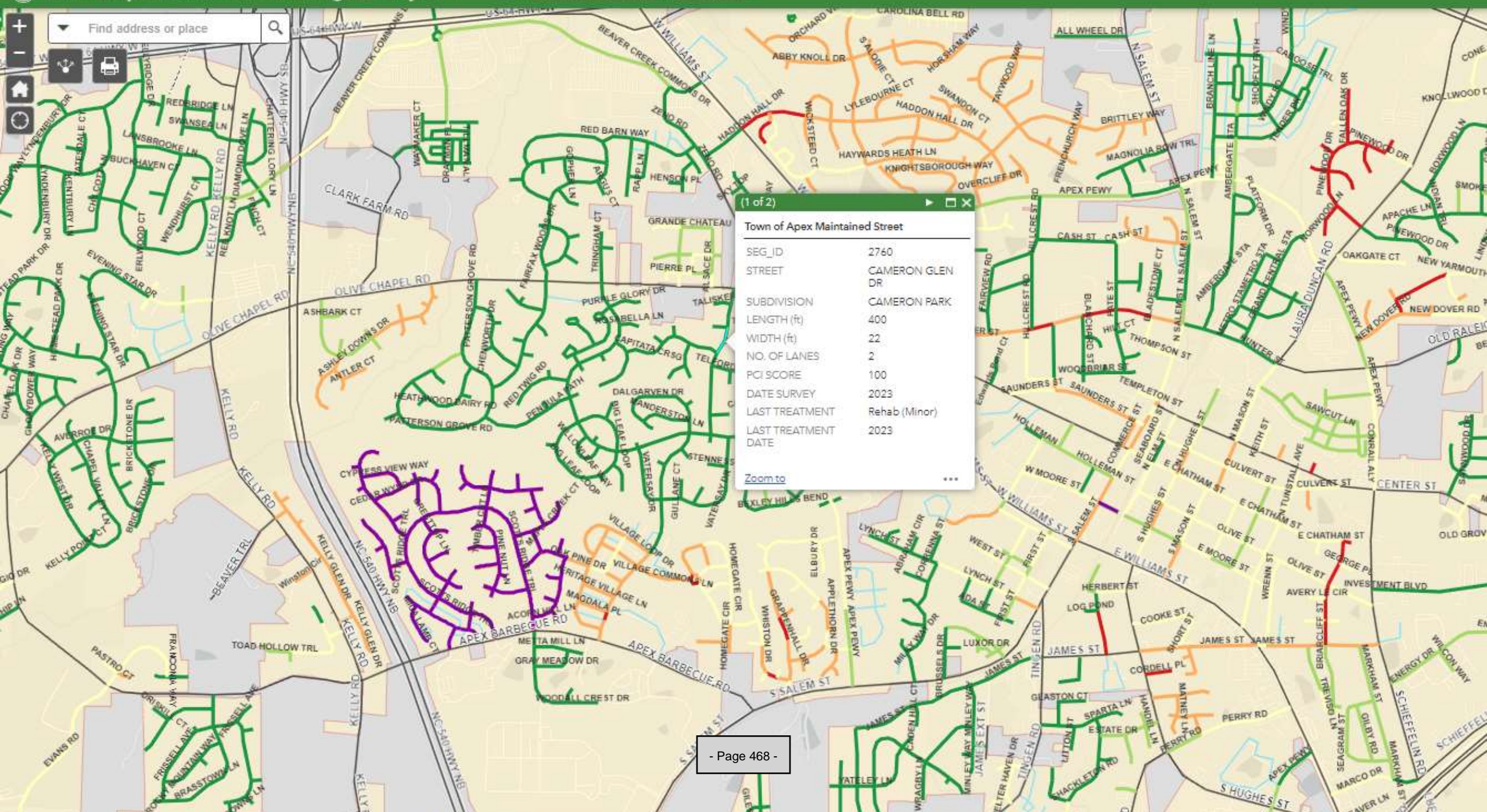
Conclusions and Recommendations

The Town will benefit greatly by increasing the use of preservation treatments.

- Preservation treatments extend the life of asphalt pavements in good condition. Good roads cost less to maintain since less expensive treatments can be applied.
- Rejuvenators help maintain the surface of new asphalt:
 - Delaying oxidation and raveling
 - Slow environmental cracking
- Preservation treatments provide positive long-term impacts by slowing deterioration which may not be fully seen until after the 10-year analysis period.

Conclusions and Recommendations

- If the Town increases annual pavement budgets as recommended, Town should continue to see an increase in overall PCI scores and value of the street network over the next 10 years.
- Additional funding will help preserve and maintain the previous investments made through the 2021 Streets and Sidewalks Bond.



Subdivision Street System Resurfacing Candidates

Ranked by PCI

Subdivision	PCI
Brookfield	38.4
Waterford Green	40.3
Perry Farms 1&2, Perry Village, Winslowe	42.8
Kelly Glen	43.9
Haddon Hall	47.8
Woodridge	51.7
Shepherds Vineyard Phase 6&7	53.8
Ashley Downs Phase 2&3	55.3
Green at Scotts Mill	55.4
Miramonte	56.7
Whitehall Village & Manor	59.8

Thank you!



"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Child Abuse Prevention Month 2024

from the Office of the Mayor

WHEREAS, Child abuse is a despicable crime that impacts millions of children annually, with 9,349 reports of child abuse or neglect occurring in Wake County in 2023; and,

WHEREAS, Child abuse can exist in many different forms, including physical abuse, emotional abuse, sexual abuse, and neglect, and the harm from these abuses permeate throughout all aspects of a child's life; and,

WHEREAS, The effects of child abuse can linger for the rest of a child's life, even into adulthood, through the immense weight of the psychological and emotional trauma that often occurs; and,

WHEREAS, It is vital that our town and community create a nurturing and loving environment for all children, and that residents report any suspected child abuse or neglect to authorities in order to keep children safe; and,

WHEREAS, The Town of Apex is appreciative of the efforts of Wake County Health and Human Services and Child Protective Services, and we acknowledge the need for additional resources and outreach to stop the horrors of child abuse.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the Month of April, 2024, as "Child Abuse Prevention Month" in the Town of Apex, and call upon all members of the Apex community to do their part in helping to identify, report, and prevent child abuse in our town.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 9th day of April 2024

Jacques Gilbert, Mayor



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

National Telecommunicator Week 2024

from the Office of the Mayor

WHEREAS, Every day, Apex's Public Safety Telecommunicators receive an average of over one hundred 911 calls, many of which require the immediate response of Police Officers, Firefighters, or Emergency Medical Personnel; and,

WHEREAS, In order to provide the necessary information and enable dispatch as quickly as possible, Public Safety Telecommunicators must piece together the location, nature, severity, and requirements of the emergency from often panicked residents on the other end of the call; and,

WHEREAS, Public Safety Telecommunicators play a pivotal role in ensuring the town's Public Safety Operations can adequately prevent and respond to crimes, protect property, and administer emergency medical care; and,

WHEREAS, The town acknowledges that Public Safety Telecommunicators are first responders, as their calm demeanor and swift action are often the keys to saving lives; and,

WHEREAS, The Town of Apex is grateful to its thirteen Public Safety Telecommunicators, whose hard work and dedication contribute greatly to the well-being of our town and its families.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the week of April 14 - April 20, 2024, "National Telecommunicator Week" in the Town of Apex, and encourage all residents to join me in saying to our Public Safety Telecommunicators what we could never tell them enough: Thank you for your service.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 9th day of April 2024

Jacques Gilbert, Mayor



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

Nepal Day 2024 *from the Office of the Mayor*

WHEREAS, The Nepali community consists of nearly 6,000 residents in Wake County, with approximately 500 families residing in the Town of Apex; and,

WHEREAS, Apex is honored to be home to many members of the Nepali community, who contribute greatly to the economic and cultural vitality of the town; and;

WHEREAS, The Nepal Center of North Carolina is a non-profit organization which seeks to foster relationships with local communities, promote Nepali culture and identity, and provide programming and assistance to Nepalese families in North Carolina and abroad; and,

WHEREAS, Stemming from the teachings of Buddha, who was born in Nepal, the Nepalese people have historically been recognized as promoters of peace, harmony, and justice.

WHEREAS, With a nod to the peak of Mount Everest, located in Nepal, and the history of North Carolina, the motto of the Nepal Center of North Carolina is "First in Height, First in Flight", as an homage to the enduring relationship forged between the two communities.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim Saturday, April 20, 2024 as "Nepal Day" in the Town of Apex, and commit to continuing to strengthen the bond between the Nepali community and the Town of Apex.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 9th day of April 2024

Jacques Gilbert, Mayor



"The Peak of Good Living"

TOWN OF APEX NORTH CAROLINA

Proclamation

National Autism Acceptance Month 2024

from the Office of the Mayor

WHEREAS, Autism Spectrum Disorder is a neurological and developmental disorder that affects how people interact with others, communicate, learn, and behave; and,

WHEREAS, In the United States, it is estimated that 2.7% of children have autism, along with 2.2% of adults, and experiences with the disorder vary widely from person to person; and,

WHEREAS, Individuals with autism can face very difficult barriers to employment opportunities, and often have their intelligence and abilities misunderstood or overlooked; and,

WHEREAS, It is crucial to champion awareness of the impacts of autism and the acceptance of individuals with autism as they navigate life with increased challenges in many aspects of development and socialization; and,

WHEREAS, The town is committed to fostering an environment where individuals with autism can live, learn, play, and work in Apex while also being fully understood and accepted.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the Month of April, 2024, as "National Autism Acceptance Month" in the Town of Apex, and invite all residents to join me in celebrating the individuals with autism in our town who are so full of joy, love, and hope.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 9th day of April 2024

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: April 9, 2024

Item Details

Presenter(s): Jacques Gilbert, Mayor
Barbara Belicic, Small Business Specialist

Department(s): Governing Body
Economic Development

Requested Motion

Presentation of the Ninth Annual "Think Apex" Awards to the "Top Thinker" and "Honorable Mention" in the categories of Business, Individual or Group, Non-Profit, and Youth.

Approval Recommended?

N/A

Item Details

This will be the presentation of the 9th annual "Think Apex" Awards. Awards will be given to the "Top Thinker" and "Honorable Mention" in the categories of: Business, Individual or Group, Non-Profit and Youth.

The "Think Apex" initiative was created in 2014 to encourage a local mindset by all parts of the Apex community, including businesses, residents and visitors. Think Apex empowers the community to celebrate, engage, play, volunteer, shop, eat and work locally. The Think Apex Awards are intended to recognize local businesses, individuals, groups, non-profits and youth for their dedicated service to others and to the Apex community as a whole. Nominations were received through a public, on-line application process. The nominees must be physically located in Apex and were considered for their acts of service in 2023.

The Council will be asked to stand in front of the dias and form a line so that they may shake hands with each winner. Winners will come forward when their name is called. The Mayor and former Mayor Pro Tem Nicole Dozier will be located at the end of the line to present the award itself. Upon receiving their award, the winners will pose for a quick photo.

Attachments

N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 9, 2024

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning

Requested Motion

Public Hearing and possible motion to adopt an Ordinance designating Carl G. and Nellie O. Goodwin House, located at 3427 Olive Chapel Road, a Historic Landmark in compliance with North Carolina General Statute 160A-400.4 through 160A-400.15.

Approval Recommended?

Planning Department recommends approval.

Item Details

Attachments

- PH1-A1: Staff Report - Historic Landmark Designation - Goodwin House - 3427 Olive Chapel Road
- PH1-A2: Ordinance - Historic Landmark Designation - Goodwin House - 3427 Olive Chapel Road



STAFF REPORT

Historic Landmark Designation, Goodwin House

April 9, 2024 Town Council Meeting



The purpose of the public hearing is to consider the facts, recommendation, and receive public comment in order to formulate a decision on the proposed application for Historic Landmark status.

A public hearing notice has been posted in accordance with applicable requirements.

BACKGROUND INFORMATION:

Location: 3417 Olive Chapel Road

Applicant/Property Owner: Henry Nelson Rivera DeJesus and Esther Marie Tristani

PROJECT DESCRIPTION:

Acreage: .98 Acres

PIN: 0712508900

EXISTING CONDITIONS:

The proposed landmark site includes the original Goodwin house, a Colonial Revival-style house built likely around 1940 based on its architectural style.

BACKGROUND:

In 2018, Toll Brothers rezoned the property for Willow Hills subdivision with a zoning condition that the historic house be preserved. Capital Area Preservation holds a historic preservation easement and a rehabilitation agreement on the house. The easement will protect its historic character in perpetuity.

HISTORY:

Built ca. 1940, the Goodwin House is locally significant for its Colonial Revival-style architecture. The house is historically associated with the Goodwin family, a multi-generation family of successful farmers and community leaders in western Wake County. The key Colonial Revival features of the Goodwin house are its symmetrical façade with side wings, original wood multi-pane windows, and a classical entry with an original paneled door. The dwelling has excellent overall physical integrity on both the exterior and interior, with much original material surviving.

REQUEST:

The applicant is requesting the Goodwin House at 3417 Olive Chapel Road be declared an Apex Historic Landmark. The designated landmark boundary includes approximately .98 acres. Landmark designation means the community recognizes the house as an important historic resource worthy of preservation. Any substantial exterior design changes to a designated landmark are subject to the design review procedures of the Wake County Historic Preservation Commission.

Olive Chapel
Baptist Chruch

Goodwin House

Olive Chapel Rd

New Hill Olive Chapel Rd

Willow
Hills

Diamond Leaf Ct



APPLICATION FOR HISTORIC LANDMARK DESIGNATION

Preparing Your Application:

Please use black ink or type and use paper no larger than 11" x 17" for the required supporting information. Capital Area Preservation (CAP) staff is available to advise in the preparation of applications.

Filing Your Application:

When completed, the attached application will initiate consideration of a property for designation as a local historic landmark. The application will enable the Wake County Historic Preservation Commission (WCHPC) to determine whether the property qualifies for designation.

Mail the application to Capital Area Preservation, PO Box 28072, Raleigh, NC, 27611. Submitted materials become the property of the Wake County Government and will not be returned. Incomplete applications may be returned to the applicant for revision. CAP staff will contact applicants after receiving an application to discuss the next steps of the designation process (see *Landmark Designation Q & A* for more information). Please feel free to contact CAP with any questions at 919.833.6404, or e-mail at info@cappresinc.org. CAP can be found on the web at www.cappresinc.org.

Thank you very much for your interest in protecting Wake County's historic resources!

**The guidelines developed for this application are based on the evaluation process used by the National Register of Historic Places. National Register evaluation principles regarding criteria, category classifications, and integrity have been adapted for local applications.*

1. Name of Property

Historic Name: Carl G. and Nellie O. Goodwin House

Current Name: Carl G. and Nellie O. Goodwin House

Location

Please include the full street address of the property, including its local planning jurisdiction. Wake County Property Identification (PIN) and Real Estate Identification (REID) Numbers can be found at the Wake County property information website at <http://imaps.co.wake.nc.us/imaps/mainpage.htm>, or by contacting the Wake County Planning Department.

Street Address: 3417 Olive Chapel Road, Apex, North Carolina

Planning Jurisdiction: Apex PIN Number: 0712508900 REID: 0494094

Deed Book and Page Number: Book 017747 Page: 01274

Current Tax Value of Property: \$597,987

2. Owner Information (If more than one, list primary contact)

Name: Henry Nelson Rivera DeJesus and Esther Marie Tristani

Address: 213 Rapp Lane, Apex, NC 27502

Phone: 919-448-7132

Email: henry.n.rivera@gmail.com

Ownership (check one): ☒ Private ☐ Public

3. Applicant/Contact Person (If other than owner)

Name: Debbie Bevin, Richard Grubb & Associates, Inc.

Address: 525 Wait Avenue, Wake Forest, NC 27587

Phone: 919-218-6149

Email: dbevin@rgaincorporated.com

4. Signatures

I have read the general information on landmark designation provided by the Wake County Historic Preservation Commission and affirm that I support landmark designation of the property defined herein.

Owner: _____ **Date:** _____

Owner: _____ **Date:** _____

Owner: _____ **Date:** _____

Owner: _____ **Date:** _____

Applicant: _____ **Date:** _____
(If different from owner)

OFFICE USE ONLY: Received by:

Date:

5. General Data/Site Information

Date of Construction and major alterations and additions: circa 1938–1940

Number, type, and date of construction of outbuildings: N/A

A. Approximate lot size or acreage: 0.98 acres

B. Architect, builder, carpenter, and/or mason: Unknown

C. Original Use: Dwelling

D. Present Use: Dwelling

6. Classification

A. Category (select type from below): Building

- **Building** – created principally to shelter any form of human activity (i.e. house, barn/stable, hotel, church, school, theater, etc.)
- **Structure** - constructed usually for purposes other than creating human shelter (i.e. tunnel, bridge, highway, silo, etc.)
- **Object** - constructions that are primarily artistic in nature. Although movable by nature or design, an object is typically associated with a specific setting or environment (i.e. monument, fountain, etc.)
- **Site** - the location of a historic event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure (i.e. battlefields, cemeteries, designed landscape, etc.)

B. Number of Contributing and non-contributing resources on the property:

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

	<u>Contributing</u>	<u>Non-contributing</u>
Buildings	<u>1</u>	<u> </u>
Structures	<u> </u>	<u> </u>
Objects	<u> </u>	<u> </u>
Sites	<u> </u>	<u> </u>

Previous field documentation (when and by whom): Recorded as House (WA4782) during the Wake County Survey Update Phase I Edwards Pitman Environmental, 2008; Wake County Survey Update, Heather Slane, 2017

Please contact the Survey Coordinator at the State Historic Preservation Office to determine if the property is included in the Wake County survey (919.807.6573).

National Register Status and date (listed, eligible, study list): N/A

Please contact the National Register Coordinator at the State Historic Preservation Office to determine National Register Status (919.807.6587).

7. **Supporting Documentation** (Please type or print and attach to application on separate sheets. Please check box when item complete.)

A. Physical Description Narrative of All Resources on the Site ☒

For primary resource, describe overall form, number of stories, construction materials, roof shape, porches, windows, doors, chimney, important decorative elements, and significant interior features whether or not the interior is being proposed for designation. Provide number, type and location of outbuildings, with an entry on each that includes construction date and brief description. Provide description of landscape and setting of all buildings, structures, etc. on the property.

B. Historical Background Narrative ☒

Chronology of the property and its owners, including any historical events or historic persons associated with the property, presented in paragraph form.

C. Significance Statement ☒

In a clear, concise statement tell why the property meets the criteria for local designation. Please refer to pages 47-48 in *The Handbook for Historic Preservation Commissions in North Carolina* when preparing statement of significance. A link to the Handbook can be found on the SHPO website site at <http://www.hpo.ncdcr.gov/commhome.htm>. Specifically refer to the Criteria for Significance and Aspects of Integrity. Also state if the property rises to the level of significance needed for designation when compared with all others of its style, type and period in the county, town or city. For example, a building or structure might be a community's only surviving examples of Greek Revival architecture or it may be a unique local interpretation of the Arts and Crafts movement.

D. Landmark Boundary ☒

Describe the land area to be designated, address any prominent landscape features. Clearly explain the significance of the land area proposed for designation and its historical relationship to the building(s), structure(s) or object(s) located within the property boundary or, in the case of sites, the historical event or events that make the land area significant. For buildings and structures, the designated land area may represent part of or the entire original parcel boundaries, or may encompass vegetative buffers or important outbuildings. For objects, the designated land area may continue to provide the object's historic context (i.e., a statue's historic park setting). For sites, the designated area may encompass a landscape that retains its historic integrity (i.e. a battlefield encompassing undisturbed historic view sheds).

E. Bibliography ☒

Bibliography of sources consulted.

8. **Photographs** ☒

All photographs are required to be **digital, in JPEG (.jpg) format, and submitted on a CD or DVD**. Please note the following requirements:

- **Minimum Standard:** **6.5" x 4.5" at a resolution of 300ppi** (a pixel dimension of **1950 x 1350**)
- **File Size:** There is no maximum or minimum for the file size of an image; however, smaller file sizes may be necessary when emailing images.
- **Proof Sheet:** Proof sheets are required to show what is on a CD or DVD without having to load the disk. Proofs may be printed in either color or black and white as long as the images are crisp and legible. There should be a minimum of four and a maximum of six proofs per 8.5" x 11" sheet, with no image smaller than 3.25" on its longest side. Proofs should be labeled as they appear on the disk.
- **Naming Images:** Please label image files for the Local Designation Application as follows:

LM_PropertyName Description.jpg

Example: LM_Smith House front facade.jpg)

For buildings and structures, include exterior photos of all elevations of the primary resource and any other contributing and non-contributing resources; photos of details of significant exterior features, such as notable trim; photos of the main building or structure within its setting; photos of each significant landscape feature; and photos of notable interior spaces, significant trim and other features. For objects, include a view of the object within its setting, as well as a variety of representative views. For sites, include overall views and any significant details.

9. Floor Plan (for buildings and structures) ☒

Please include a floor plan showing the original layout, approximate dimensions of all rooms, and any additions (with dates) to the building or structure. Drawings do not have to be professionally produced nor do they need to be to exact scale, but should accurately depict the layout of the property. (Building sketches from the Wake County property information website are not acceptable.)

10. Maps ☒

Include two (2) maps: one (1) clearly indicating the location of the property in relation to nearby streets and other buildings, and one (1) showing the proposed landmark boundary of the property and all significant resources. Tax maps with the boundaries of the property are preferred, but survey or sketch maps are acceptable. Please show street names and numbers and all structures on the property.

7A. PHYSICAL DESCRIPTION NARRATIVE

Location & Setting

The Carl G. and Nellie O. Goodwin House is located at 3417 Olive Chapel Road in western Wake County's White Oak Township. The house faces north on the south side of Olive Chapel Road, just east of its intersection with New Hill Olive Chapel Road, which marks the center of the Olive Chapel Community. A recent residential development, Willow Hills Subdivision, surrounds the house on the south and east. A small parcel immediately west of the house contains the original cemetery for Olive Chapel Baptist Church. Across Olive Chapel Road to the north are larger, single-family residential parcels. The Goodwin House sits on a 0.98-acre parcel that is shaded by mature oak trees. The lot slopes down from north to south, exposing a basement level on the rear elevation of the house. A new concrete driveway leads from Olive Chapel Road to a carport on the east side of the house, and a new concrete walk curves from the driveway to the front porch. A circa-2020 concrete sidewalk and planting bed line the Olive Chapel Road frontage of the parcel.

Carl G. and Nellie O. Goodwin House (WA4782), circa 1938–1940; Contributing Exterior (Figures 8.1–8.11)

The Goodwin House is a Colonial Revival-style house distinguished by Mount Vernon porticos on both its front (north) and rear (south) elevations. The two-story, side-gabled house has one-story side wings and a walk-out basement on its rear elevation. The house is clad in red brick veneer laid in a running bond. Asphalt shingles cover the roof surfaces and original copper gutters line the eaves. A single, off-center, interior brick chimney projects from the roof peak. The house retains most of its original wood, six-over-six double-hung windows.

The monumental, full-width portico supported by four square wood posts dominates the symmetrical, three-bay façade of the two-story main block. The deep porch has a broken terracotta tile mosaic floor and an original, lantern-style light fixture hangs from its tongue-and-groove ceiling. On the first floor of the facade, the central entry features a Classical surround with smooth pilasters and cornice returns and an original, six-panel door with brass hardware. Flanking the entry on the east and west are original paired, six-over-six, double-hung windows. The windows have soldier course lintels and header sills. On the second story, paired windows in the outer bays flank a smaller single six-over-six window above the entry. Like those found on the first story, these windows are original wood, double-hung sash with brick lintels and sills.

The one-story, side-gabled wings extend almost the full depth of the house on both the east and west elevations. The east side wing is an original carport supported by brick piers. An original porch at the rear (south) of the carport was enclosed with brick infill and paired one-over-one windows at an unknown date. A sloped wingwall projects slightly from the southeast corner of the enclosed porch. An original louvered vent is located in the gable end of the carport. Underneath the carport, two single original windows light the first floor of the main block. Above the carport wing on the east side elevation of the house there are two second-story windows and an attic window near the gable peak.

The west side wing was originally an open porch with an enclosed rear room. The porch was enclosed with brick infill and replacement windows at an unknown date and converted to a bedroom. Its front (north) elevation is lit by a single replacement window. The west side elevation of the wing has paired six-over-six replacement windows and an original louvered vent in the gable end. Above the wing on the west side elevation of the house there are two second-story windows and an attic window near the gable peak.

Like the façade, the rear (south) elevation of the house is dominated by a Mount Vernon portico, in this case supported by four b

ground. A porch with an iron railing and a terra-cotta tile floor serves the main level of the house. The first floor of the main block on this elevation has irregular fenestration, with original paired and single windows and a replacement half-glazed rear entry. Three evenly spaced original windows light the second story. The basement has two half-glazed entries, one of which is original, and three replacement windows. The south elevation of the carport has paired replacement windows and a fully glazed replacement door. A set of brick steps and a stoop with an iron railing along the rear of the carport provide access to the porch. The south elevation of the west side wing is lit by paired original windows.

Interior (Figures 8.12–8.38)

The house's main entrance opens directly from the front porch into the living room, with the dining room opening off it to the east. The cased opening between the two rooms has two replacement French doors removed for painting. Both front rooms retain original oak flooring, baseboards, chair rails, crown molding, and door casings. Original paneled interior doors survive but had been removed for painting when the house was photographed for this report. A fireplace is roughly centered on the south wall of the living room. Its Colonial Revival-style mantel has fluted pilasters with a projecting shelf and a plain frieze.

Behind the dining room to the south is the kitchen, which was renovated circa 2020 with new cabinetry, appliances, and oak flooring. On the east wall, a replacement door leads from the kitchen to the enclosed porch at the rear of the carport. Original paired windows survive on the rear (south) wall of the kitchen.

West of the kitchen, near the center of the house, is the stair hall, an unusual placement in a Colonial Revival house. The stair, with an original molded handrail and turned balusters, makes a quarter turn with a landing before rising to the second floor. The basement stairs descend from the back of the stair hall in the opposite direction. An original bathroom is located at the rear (south) of the stair hall. The bathroom retains period black and white floor tile and wall tiles, as well as an original bathtub. The sink and toilet have been replaced. A door leading to the rear porch is located in the stair hall.

West of the stair hall and south of the living room is a room whose original purpose is unknown. New walls have subdivided the space to create a large closet for the first-floor bedroom. The bedroom, which occupies the enclosed porch on the west side of the house, and the new closet are both accessed from the southwest corner of the living room. The bedroom has new oak flooring. Its bathroom was installed circa 1990, but it retains original paired windows on its south elevation.

On the second floor, a wide central hall runs from north to south. A bathroom at the north end of the hall retains the same original finishes as the first-floor bathroom. Two bedrooms open off each side of the hall. The hall and all four bedrooms retain original oak flooring, door and window surrounds, baseboards, and some crown moldings. The original paneled doors had been removed for painting during photography for this report. In the upper hall, a pull-down attic stair with original hardware provides access to a large, unfinished attic.

The daylight basement is accessed from the rear of the first-floor stair hall. It is a large, primarily open space with brick walls, modern tile floors, and three windows and two doors opening on the south elevation. Although the basement is unfinished, it has a bathroom and a brick fireplace.

7B. HISTORICAL BACKGROUND NARRATIVE AND ARCHITECTURAL CONTEXT

History of the Olive Chapel Community

The Olive Chapel community sits on a ridge between White Oak and Beaver creeks in western Wake County near its border with Chatham County. The unincorporated community was settled in the early to mid-eighteenth century by white families who established subsistence farms on its rolling landscape. Although the nature of farming practices changed over the ensuing 200 years, the community largely retained its rural character until the 2010s, when large tracts of former farmland were developed into residential subdivisions, particularly east and north of the crossroads.

Olive Chapel Baptist Church (WA4787), founded in 1850, sits at the intersection of Olive Chapel Road and New Hill Olive Chapel Road near the center of the community. Its current building, constructed in 1940, is the third to serve the congregation. The first church was located across New Hill Olive Chapel Road from the present church, with a small cemetery which survives. A larger cemetery established in 1874 stretches south of the present church. Olive Chapel School, founded by the church in 1860, served the community for over 70 years and provided elementary and secondary education to local students. When the school was closed in 1932 during Wake County's school consolidation era, its building, located immediately south of the old cemetery, was repurposed as a community building. The Olive Chapel Community Building (WA3680) was demolished in 1978. Fanning out from the crossroads in four directions are the remnants of the farms which dominated the landscape until recently, with farmhouses facing the roads, small collections of dependencies behind them, and cultivated fields and pastureland surrounding them.

The Goodwin and Olive Families

Early white settlers in the Olive Chapel community included members of the Goodwin and Olive families. William K. Goodwin Sr. (1748–1837) arrived in the community in the early 1770s. After serving in the American Revolutionary War, he purchased 400 acres in Chatham County along the border with Wake County. He established a farm which remains in his descendants' ownership today (CH0200, NR 1985). In 1850, members of the Goodwin family donated 2 acres of land for a meeting house for the newly established church (Celebrate Apex 150th). Successive generations of the Goodwin family remained in the Olive Chapel community, establishing homesteads and mid-sized farms throughout the nineteenth and twentieth centuries. In addition to the Carl and Nellie Goodwin House, extant houses and farms associated with the Goodwin family include the circa-1840–1860 Goodwin Farm (WA2261) with a one-story, Greek Revival house, the circa-1910–1915 Queen Anne style Goodwin House (WA1078), and the Craftsman-style Clarence Goodwin House (WA1079). One large landowner in Olive Chapel was Asa Titus Goodwin (1872–1944), whose son Carl Garland Goodwin (1900–1992) built the subject house between 1938 and 1940 on land previously acquired from his father.

The Olive family were also early settlers, successful farmers, and community leaders in Olive Chapel. In 1850, several years after establishing a 264-acre farm approximately 1.5 miles east of the Olive Chapel crossroads, Cader (1813–1904) and Louisa Hunter Olive (1817–1898) donated materials for the building of the first Olive Chapel church. They also were instrumental in the establishment of the Olive Chapel School, and they are interred in the original church cemetery adjacent to the Carl and Nellie Goodwin House. In 1905, Cader and Louisa Olive's son Alsey Thomas and his wife Enna built a Queen Anne-style house across the road from his parents. It was in that house, known as the Alsey Thomas Olive House (WA1043, Wake County Landmark 2019), that Nellie Olive Goodwin (1900–1989) lived as a child (Richard Grubb & Associates, Inc. 2019:7B-1–7B-3).

Carl Goodwin was raised on his father's farm on Olive Chapel Road. After serving briefly during World War I at the Naval Hospital at Hampton Roads, Virginia (U.S. Navy 1918), he returned home to work as a farm laborer for his father (U.S. Census 1920). In 1925, one year prior to his marriage to Nellie Olive, Carl purchased two tracts of land totaling 82.92 acres from his father for \$100 (Wake County Register of Deeds [WCRD] 1925, Deed Book [DB] 457:326). In 1930, Carl was recorded as the head of household for his family, which by then included his wife Nellie and sons Donald and Bruce (their daughter Peggy was born in 1934). The census indicates that the Goodwins owned their home, but no value was listed for it (U.S. Census 1930). It is possible that the Goodwins occupied an existing dwelling on the farm during the early years of their marriage. The location of that house is unknown.

Nellie Goodwin taught at the Olive Chapel Graded School from 1928 to 1930, prior to Wake County closing the school in 1931 (*Western Wake Herald*, 26 January 1978:7). She was also the long-time choir director, pianist, and organist for Olive Chapel Baptist Church (Lawrence 1941:7).

The earliest aerial imagery of the farm dates to 1938 (United States Department of Agriculture [USDA] 1938; Figure 7.1). In that image, there are clusters of farm buildings on both the north and south sides of Olive Chapel Road, surrounded by pasture and crop land. The exact nature of Carl Goodwin's farm operations is unknown, but he was a shareholder in the Wake Mutual Milk Producers Association beginning in 1933 (WCRD 1933, Corporate Charter 00061), and a concrete block dairy barn survives on a separate parcel on the north side of the road. In addition to dairy farming, he likely also grew some tobacco, corn, soybeans, and small grains, as well as vegetables for the use of his own family. By 1940, Census records indicate that the Goodwins owned a home worth \$4500, suggesting that the Goodwin House had been built between 1938 and 1940, which is supported by stylistic evidence (U.S. Census 1940). The house first appears on aerial imagery in 1959 (USDA 1959; Figure 7.2). The house is set apart from the farm complex, facing Olive Chapel Road and close to the crossroads at the center of the community. By contrast, a house built in 1954 for the Goodwins' son Donald is sited near the farm buildings, perhaps indicating his increased role in farm operations as a young adult (WCRD 1954, DB 719:164).

In 1978, the Goodwins deeded a parcel of 14.458 acres, including the house, to their son Bruce G. Goodwin, retaining a life estate (WCRD 1978, DB 2606:566). They deeded a 34.589-acre parcel of land to their daughter Peggy Goodwin Gray in 1983 (WCRD 1983, DB 1395:147). Nellie and Carl Goodwin resided in the Goodwin House until their deaths in 1989 and 1992, respectively. After the Goodwins' deaths, the house was acquired by the Lawrence family. Toll Southeast LP Company, Inc. acquired a total of 26.110 acres, including the house, for construction of the Willow Hills II residential subdivision in 2022 (WCRD, Book of Maps 2022:612). In 2023, Henry Rivera deJesus and Esther Tristani purchased the Goodwin House from Toll Brothers (WCRD 2023, DB 19444:1604). Capital Area Preservation, Inc. holds a preservation easement on the property.

Architecture Context

The Colonial Revival style of the early twentieth century was a reimagination and modernization of the Georgian, Dutch, and English architecture of the American Colonial period. George Washington's Virginia home, Mount Vernon, became a cultural touchstone as the country celebrated the man and his role in the nation's history. Full-scale replicas of Mount Vernon were built at the World's Columbian Exposition in Chicago in 1893, the Panama-Pacific International Exposition in San Francisco in 1915, and the Sesquicentennial Exposition in Philadelphia in 1926. As a result, Mount Vernon's dramatic double-height portico was popularized

and reinterpreted for the twentieth century. The bicentennial celebration of Washington's birth in 1932 cemented the porch's popularity for both commercial and residential architecture. In the early 1930s, Sears Roebuck and Company marketed kit houses based on the Mount Vernon style (Brandt 2016). In the South in particular, the style came to symbolize the social order of an idealized antebellum era.

In Wake County, the Colonial Revival style had enduring appeal for domestic architecture throughout the first half of the twentieth century and beyond. Colonial Revival houses from the 1920s, 1930s, and 1940s were loosely based on Georgian and Federal models. While the most elaborate examples were built in towns, simpler versions appeared on mid-sized farms in the county's rural communities as well. Regardless of size or sophistication, typical Colonial Revival-style houses from this period were typically one- or two-story, side-gabled dwellings with side wings, clad in either plain weatherboards or brick veneer. They were characterized by overall symmetry, multi-paned windows, and classically detailed entries. Two-story Colonial Revival-style houses from the 1930s and 1940s sometimes included a Mount Vernon porch, a feature also frequently added as a mid-twentieth-century update to houses from the nineteenth or early twentieth centuries (Lally 1994:155–160).

A search of State Historic Preservation Office mapping and databases and a windshield survey did not identify any other houses dating to the 1930s–1940s which were built with a Mount Vernon porch in the greater Apex area; however, there are numerous examples of older houses that added Mount Vernon porches in the 1930s, 1940s, or 1950s. The Goodwin House appears to be a unique local example of a Colonial Revival-style house originally built with Mt. Vernon porches. No comparable houses were identified.

7C. SIGNIFICANCE STATEMENT

The Carl G. and Nellie O. Goodwin House, located at 3417 Olive Chapel Road in Apex, Wake County, North Carolina, is historically associated with the Goodwin and Olive families who were successful farmers and community leaders in the Olive Chapel community. It is significant as a unique local example of a Colonial Revival-style house built with front and rear Mount Vernon-inspired porticos. The full-façade, monumental portico on George Washington's Virginia house, Mount Vernon, became popular nationwide following the 1932 bicentennial of his birth. The Goodwin House, built six to eight years later, incorporated not one but two of the stylish porches. In addition to the porches, the house retains other characteristic Colonial Revival design details, including a symmetrical façade with side wings, original wood multi-pane windows, and a Classical entry with an original paneled door. The dwelling has excellent overall physical integrity on both the exterior and interior, with much original material surviving. While the house's agricultural setting has been compromised by suburban development, it remains on its original site on land that was owned by the Goodwin family for generations. Standing on a prominent site near the crossroads that marks the center of the Olive Chapel community, the Goodwin House reflected the prosperity and modern taste of its owners when it was built, and it remains a community landmark today.

7D. LANDMARK BOUNDARY

The Carl G. and Nellie O. Goodwin House is situated on a 0.98-acre parcel at 3417 Olive Chapel Road in Apex, Wake County, North Carolina. The house is the only building extant on the parcel. The landmark boundary is composed of the legal parcel (PIN 0712508900). The landmark designation applies to the above-mentioned parcel and the exterior of the Goodwin House. The building's interior is not proposed for landmark designation.

7E. BIBLIOGRAPHY

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1954 Wake County Deed Book 719, Page 164. Carl G. and Nellie O. Goodwin to Donald G. Goodwin. 23 December, 1954.

- 1978 Wake County Deed Book 2606, Page 566. Carl G. and Nellie O. Goodwin to Bruce G. Goodwin. 10 April, 1978.
- 1983 Wake County Deed Book 1395, Page 147. Carl G. and Nellie O. Goodwin to Peggy Goodwin Gray. 11 October, 1983.
- 2022 Wake County Book of Maps 2022, Page 612. Willow Hills Phase II. 31 March, 2022.
- 2023 Wake County Deed Book 19444, Page 1604. Toll Southeast LP Company, Inc. to Henry Rivera deJesus and Esther Tristani. 28 September, 2023.

Western Wake Herald [Wake Forest, North Carolina]

- 1978 Landmark in Olive Chapel Community is Being Dismantled. 26 January:7.

8. PHOTOGRAPHS



Figure 8.1: Goodwin House setting, view facing southeast.



Figure 8.2: Primary (north) elevation, view facing north.



Figure 8.3: Front (north) portico, view facing west.



Figure 8.4: Entry detail, north elevation, view facing south.



Figure 8.5: Paired first floor windows, view facing south.



Figure 8.6: East side elevation, view facing west.



Figure 8.7: Carport, view facing south.



Figure 8.8: West side elevation, view facing southeast.



Figure 8.9: West side and rear (south) elevations, view facing northeast.



Figure 8.10: Rear (south) elevation.



Figure 8.11: East side and rear (south) elevations, view facing northwest.



Figure 8.12: Primary entry door from interior, view facing north.



Figure 8.13: Dining room from living room, view facing east.



Figure 8.14: Living room from dining room, view facing west.



Figure 8.15: Living room mantel, view facing south.



Figure 8.16: Kitchen looking into dining room, view facing north.



Figure 8.17: Kitchen windows, view facing south.



Figure 8.18: Kitchen looking towards stair hall, view facing northwest.



Figure 8.19: Stair, view facing southwest.



Figure 8.20: Telephone shelf in stair hall, view facing east.



Figure 8.21: Stair to basement, view facing north.



Figure 8.22: First floor bathroom, view facing south.



Figure 8.23: First floor bathroom, view facing south.



Figure 8.24: Door from stair hall to rear porch, view facing southwest.



Figure 8.25: New closet for primary bedroom, view facing south.



Figure 8.26: Primary bedroom, view facing northwest.



Figure 8.27: Bathroom off primary bedroom, view facing south.



Figure 8.28: Stair from second floor landing, view facing north.



Figure 8.29: Second floor hall towards second floor bathroom, view facing north.



Figure 8.30: Second floor hall, view facing south.



Figure 8.31: Second floor southwest bedroom, view facing west.



Figure 8.32: Second floor northwest (front) bedroom, view facing north.



Figure 8.33: Second floor northeast (front) bedroom, view facing northeast.



Figure 8.34: Second floor southeast bedroom, view facing south.



Figure 8.35: Pull-down attic stair, view facing north.



Figure 8.36: Basement, view facing north.



Figure 8.37: Basement, view facing southwest.



Figure 8.38: Basement mantel, view facing north.

9. FLOOR PLANS

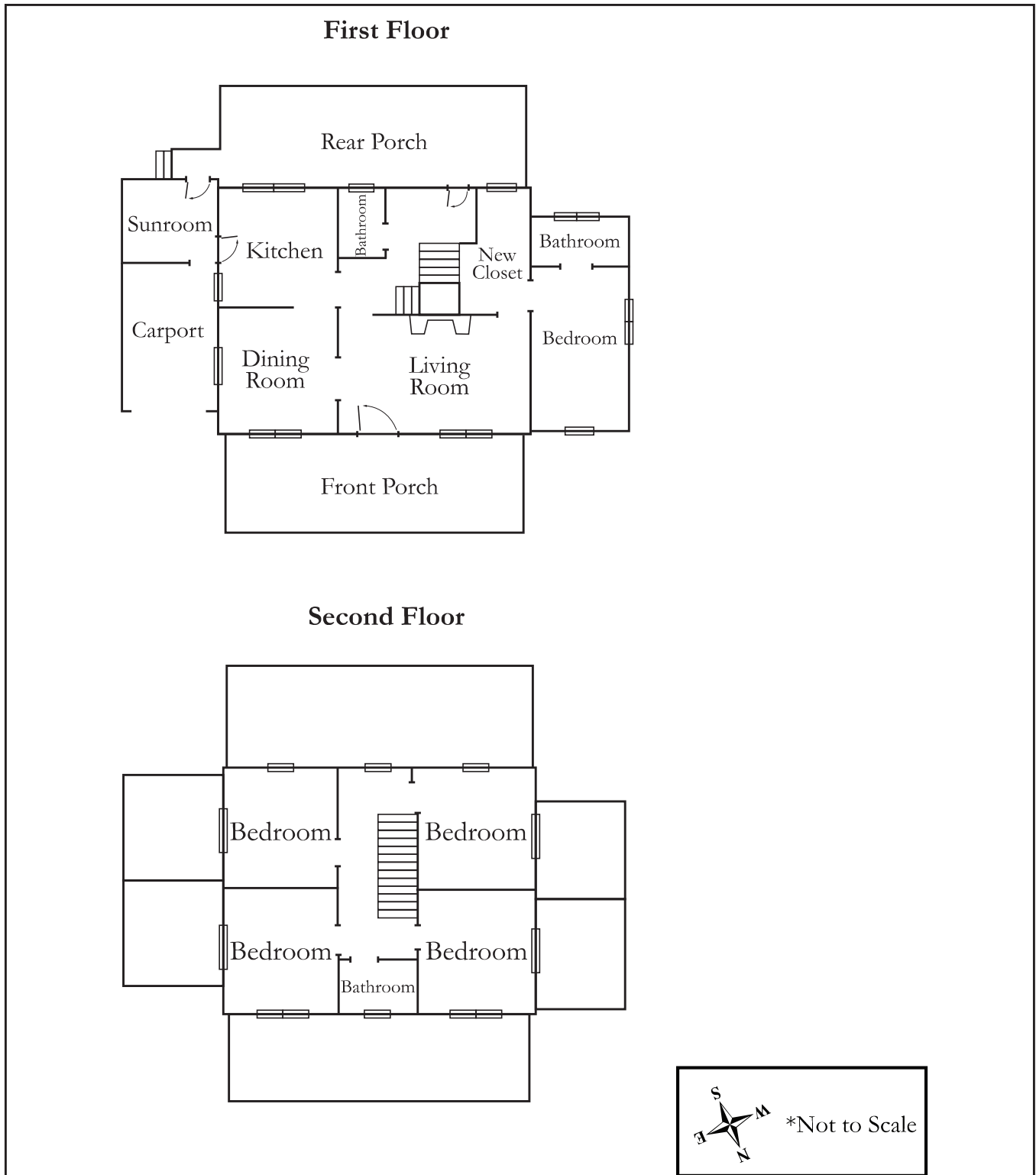


Figure 9.1: Floorplan (Richard Grubb & Associates, Inc. 2024).

10. MAPS

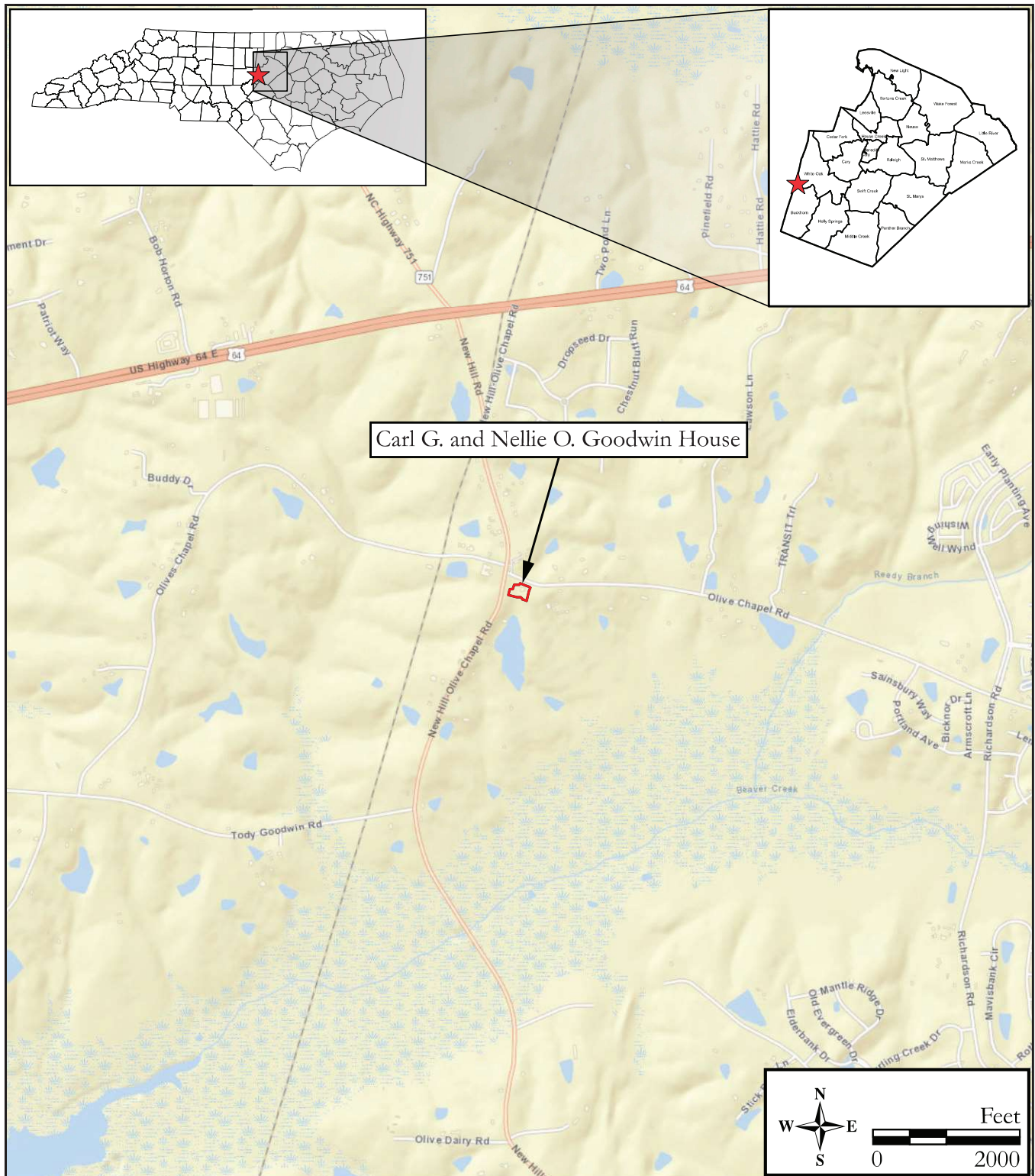


Figure 10.1: Location Map (World Street Map, ESRI 2024).

Request to Consider Historic Landmark Designation

Carl G. & Nellie O. Goodwin House



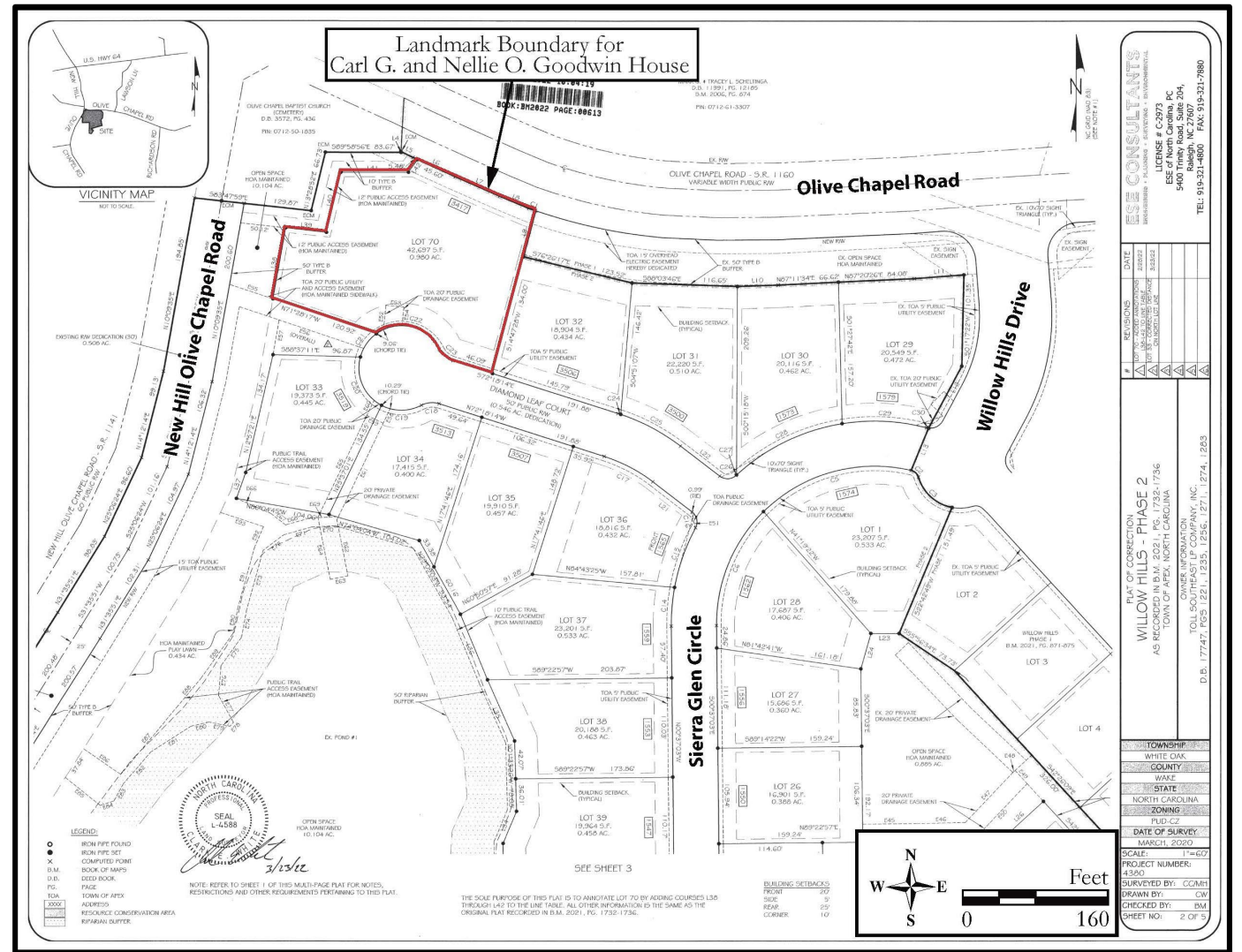
Carl G. & Nellie O. Goodwin House

**3417 Olive Chapel Road
Apex, NC**

**Owners: Henry Rivera
and Esther Tristani**



A detailed map showing the location of the Carl G. and Nellie O. Goodwin House. The house is marked with a red square and labeled with a black arrow pointing from a text box. The map includes major roads like US Highway 84 E and NC Highway 751, as well as local roads such as Olive Chapel Rd and Tody Goodwin Rd. Two inset maps are provided: one in the top left showing the county's position within North Carolina, and another in the top right showing the county's internal divisions. A scale bar at the bottom right indicates distances up to 2000 feet, and a compass rose shows cardinal directions.



A faint, light blue map of the state of North Carolina is centered in the background of the slide.

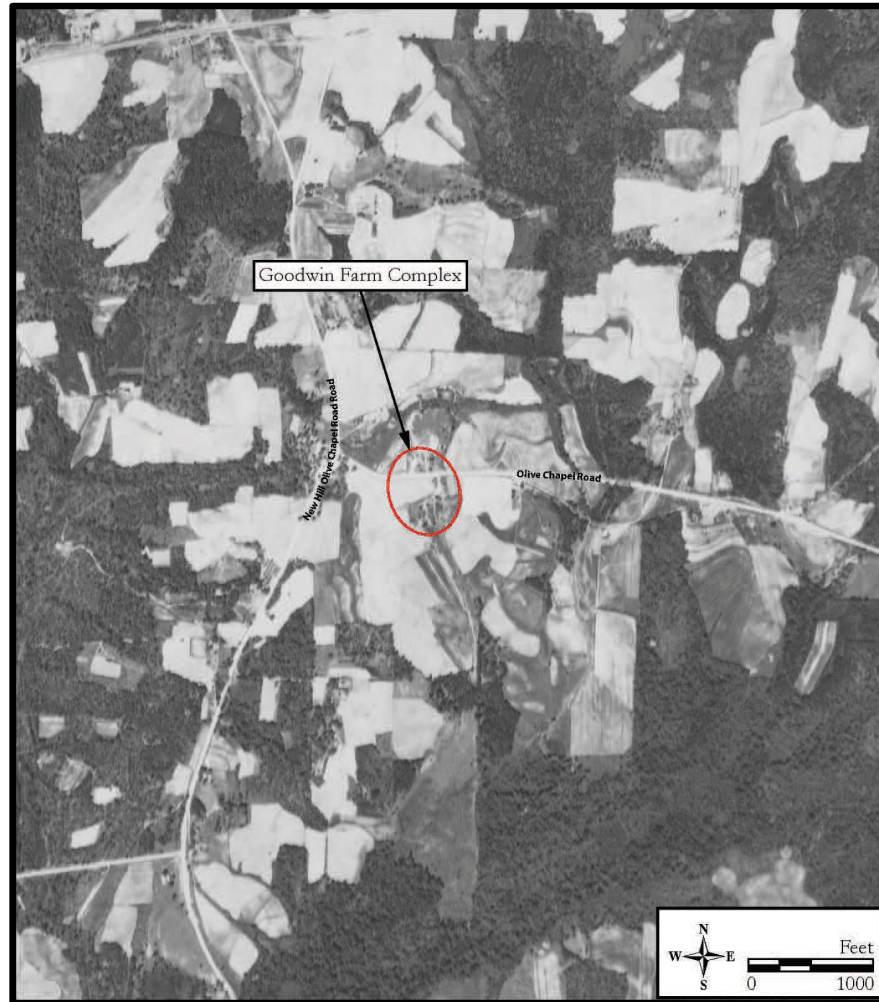
Historical Background

Carl G. and Nellie O. Goodwin House

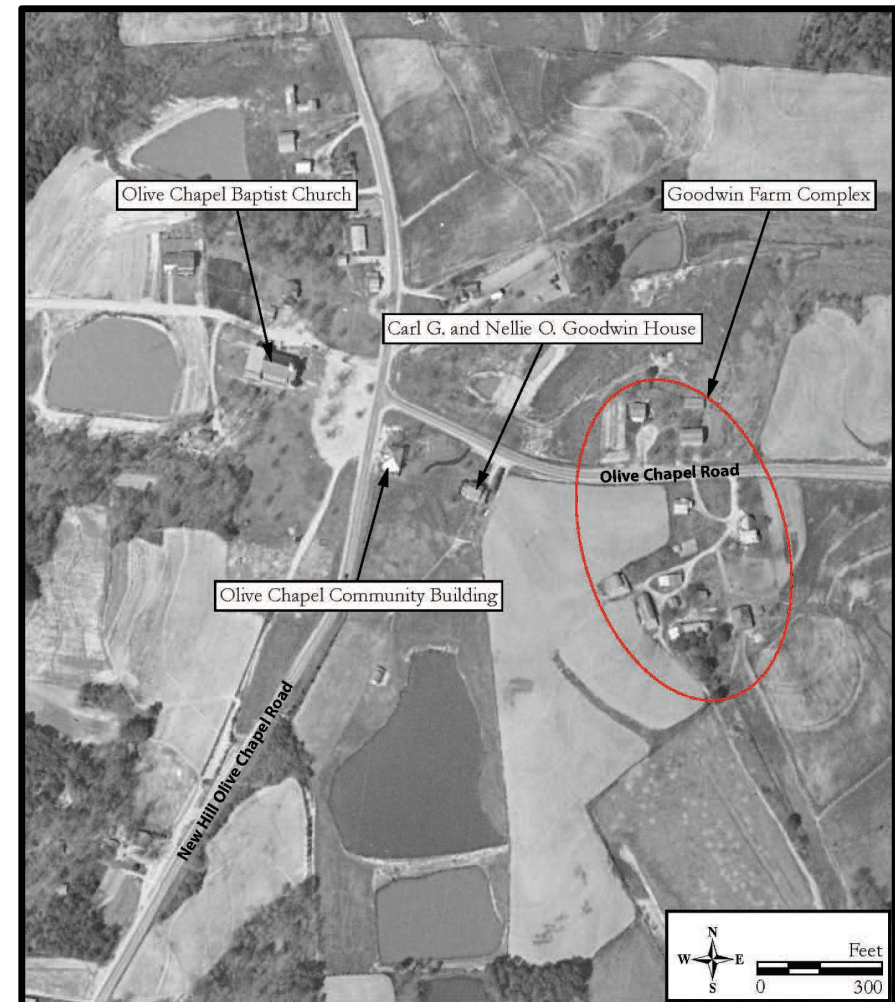
Alsey Thomas Olive House



Carl G. & Nellie O. Goodwin House



1938 Aerial



1959 Aerial

Carl G. & Nellie O. Goodwin House





Architectural Description

Carl G. and Nellie O. Goodwin House

Carl G. & Nellie O. Goodwin House



Mount Vernon, Virginia



Carl G. & Nellie O. Goodwin House

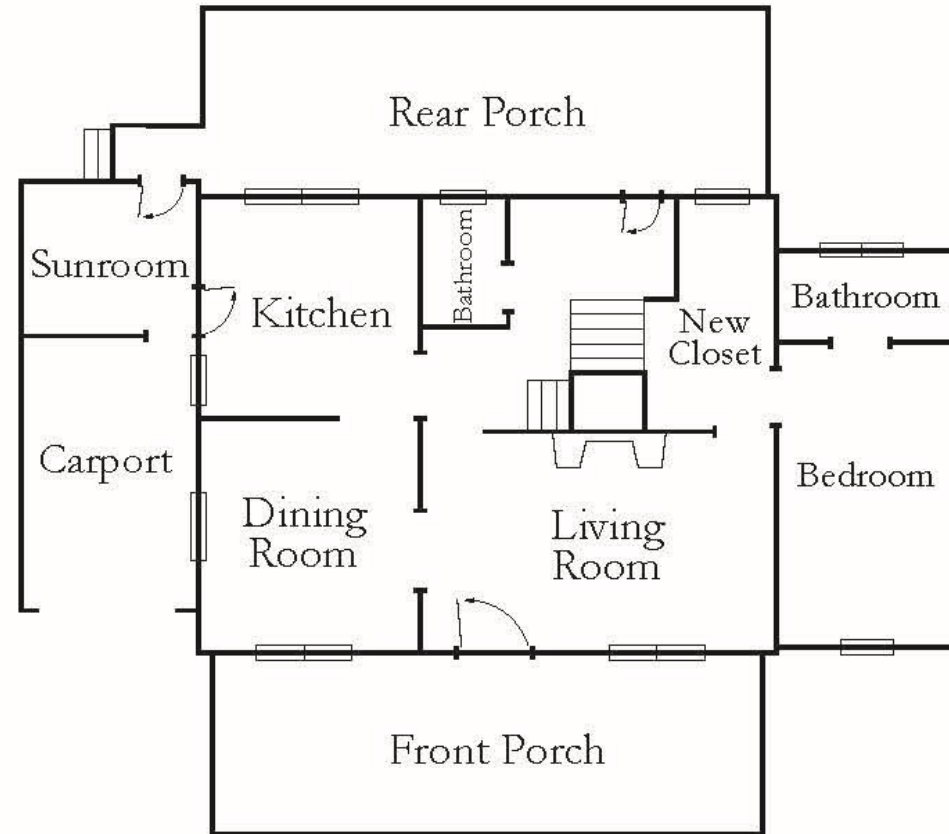


Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House

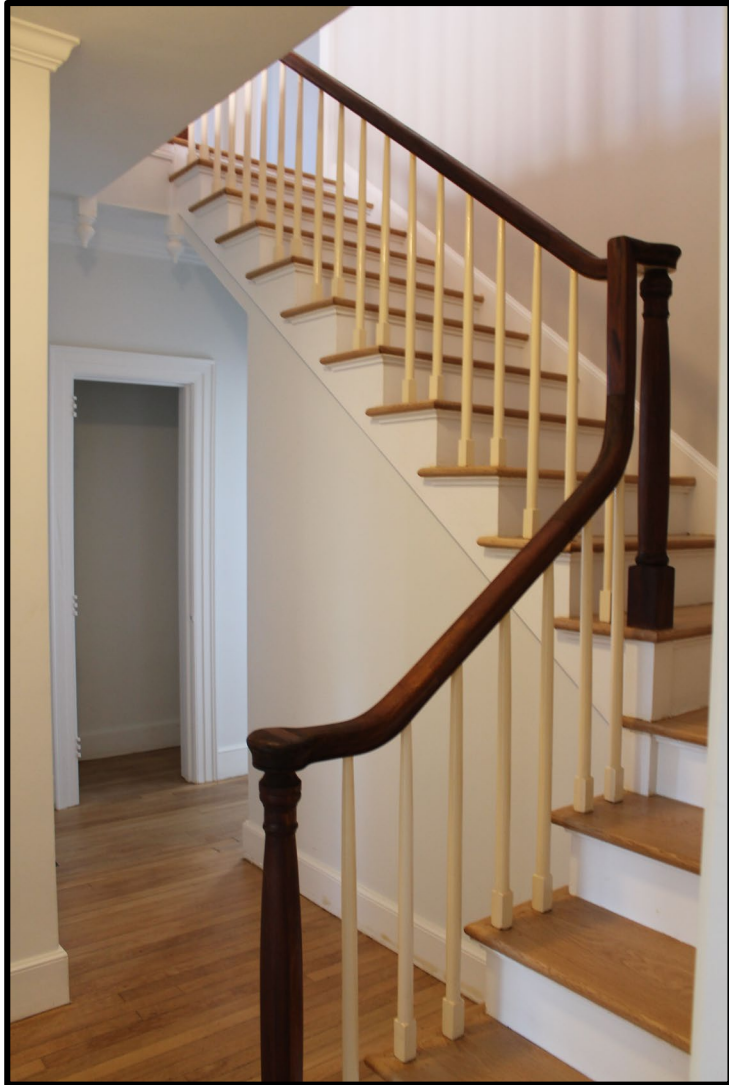
First Floor



Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House

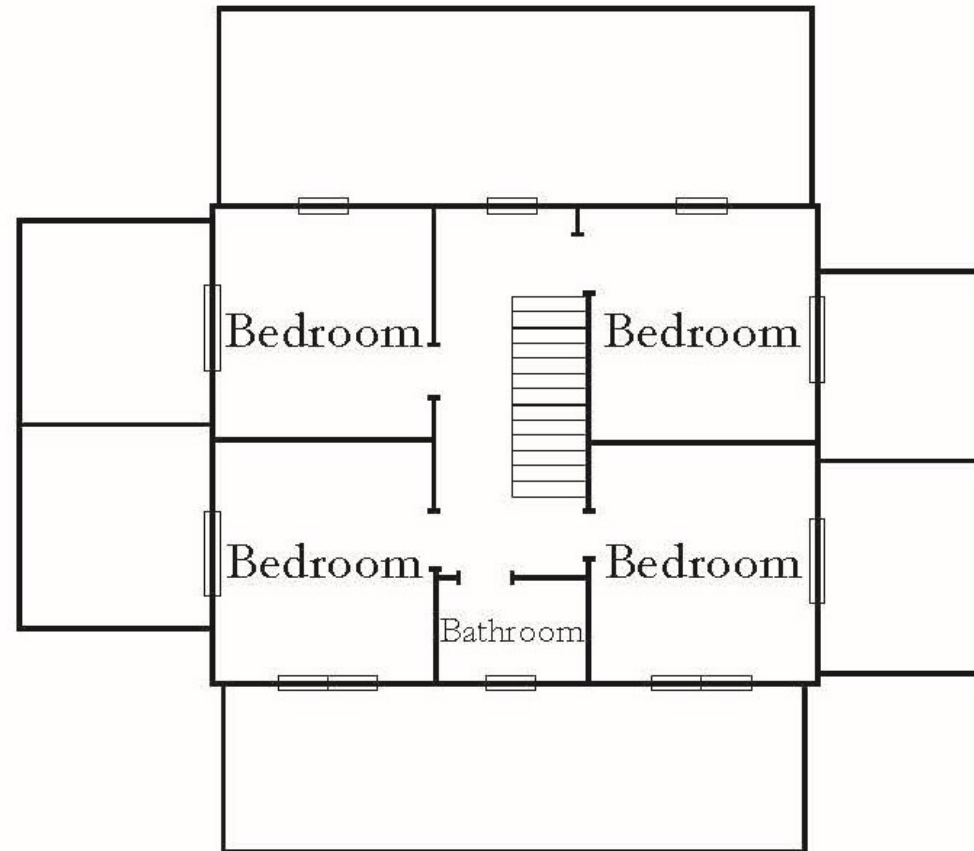


Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House

Second Floor



Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House



Carl G. & Nellie O. Goodwin House



Significance Statement

The Carl G. and Nellie O. Goodwin House, located at 3417 Olive Chapel Road in Apex, Wake County, North Carolina, is historically associated with the Goodwin and Olive families who were successful farmers and community leaders in the Olive Chapel community. It is significant as a unique local example of a Colonial Revival-style house built with front and rear Mount Vernon-inspired porticos. The full-façade, monumental portico on George Washington's Virginia house, Mount Vernon, became popular nationwide following the 1932 bicentennial of his birth. The Goodwin House, built six to eight years later, incorporated not one but two of the stylish porches. In addition to the porches, the house retains other characteristic Colonial Revival design details, including a symmetrical façade with side wings, original wood multi-pane windows, and a Classical entry with an original paneled door. The dwelling has excellent overall physical integrity on both the exterior and interior, with much original material surviving. While the house's agricultural setting has been compromised by suburban development, it remains on its original site on land that was owned by the Goodwin family for generations. Standing on a prominent site near the crossroads that marks the center of the Olive Chapel community, the Goodwin House reflected the prosperity and modern taste of its owners when it was built, and it remains a community landmark today.

WCHPC Recommendation

At its meeting on March 12, 2024, the Wake County Historic Preservation Commission unanimously **RECOMMENDED** that the Apex Town Council **DESIGNATE** the Carl G. and Nellie O. Goodwin House as an Apex Historic Landmark and **ADOPT** the associated ordinance



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

Historic Landmark Designation Goodwin House

Pursuant to the provisions of North Carolina Statutes Section § 160A-400.1. through § 160A-400.15. 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/Property Owner: Henry Nelson Rivera DeJesus and Esther Marie Tristani
Property Address: 3417 Olive Chapel Road
Acreage: ± .98
Property Identification Number (PIN): 0712508900
2045 Land Use Map Designation: Rural Density Residential
Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ03)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Town Council Public Hearing Date and Time: April 9, 2024 6:00 P.M.

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/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/46415/Goodwin-House-Landmark-Application>

Dianne F. Khin, AICP
Planning Director

Published Dates: March 28th – April 9, 2024



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Historic Landmark Designation Goodwin House

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte § 60A-400.1. - §160A-400.15. y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Henry Nelson Rivera DeJesus and Esther Marie Tristani

Dirección de la propiedad: 3417 Olive Chapel Road

Superficie: ± 0.98

Números de identificación de la propiedad: 0712508900

Designación en el Mapa de Uso Territorial para 2045: Rural Density Residential

Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ03)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Mapa de las inmediaciones:



Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/46415/Goodwin-House-Landmark-Application>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 28 de marzo – 9 de abril de 2024

**APEX TOWN COUNCIL
APRIL 9, 2024**

**DESIGNATING CARL G. AND NELLIE O. GOODWIN HOUSE
IN THE PLANNING JURISDICTION OF APEX, NORTH CAROLINA
A HISTORIC LANDMARK**

WHEREAS the General Assembly of the State of North Carolina authorized the creation of a countywide Historic Preservation Commission for Wake County and otherwise provided for the preservation of certain historic sites and buildings by the passage of Chapter 160D, Article 9, Part 4 of the North Carolina General Statutes; and

WHEREAS the Town of Apex agreed to participate in the countywide Historic Preservation Commission through an inter-local agreement with Wake County; and

WHEREAS, the Wake County Historic Preservation Commission has made an investigation and recommended the following property be designated an historic landmark; and

WHEREAS, the North Carolina Department of Cultural Resources has made an analysis that the following property is eligible to be designated a historic landmark; and

WHEREAS, on the ninth day of April 2024, a public hearing was held in the Apex Town Hall, 73 Hunter Street, Apex, North Carolina, by the Apex Town Council to determine whether the hereinafter described property should be designated a historic landmark; and

WHEREAS all requirements of Chapter 160D, Article 9, Part 4 of the North Carolina General Statutes, preceding the adoption of this ordinance, have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE APEX TOWN COUNCIL THAT:

Section 1. The property designated as the Carl G. and Nellie O. Goodwin House be and is declared an Apex Historic Landmark. Said property being more particularly described as follows:

Carl G. and Nellie O. Goodwin House located on 0.98 acres at 3417 Olive Chapel Road, Apex, 27502 (Wake County PIN # 0712508900, REID # 0494094).

Section 2. Those elements that are integral to its historical, architectural, archaeological significance or any combination thereof are as follows:

All exterior design elements, form, features, materials of the house, the landscape and any archaeological resources within the designated landmark boundary of 0.98 acres.

Section 3. No building, site, structure, or object that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material, or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Wake County Historic Preservation Commission or its successors.

Section 4. No building, site, structure, or object that is designated in this ordinance located on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Wake County Historic Preservation Commission or a period of three hundred sixty-five (365) days has elapsed following final review by the Wake County Historic Preservation Commission of a request for demolition (or any longer period required by N.C.G.S. 160D-949 as it may be amended hereafter).

Section 5. All owners of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence, shall be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed after the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. The Town of Apex and the Wake County Historic Preservation Commission are hereby authorized to have erected an appropriate sign on the site herein described setting forth the fact that said site has been

designated a historic landmark by action of the Apex Town Council and the Wake County Historic Preservation Commission.

Section 8. In the event any building, site, structure, or object is demolished in accordance with the ordinances of Wake County, this ordinance may be repealed.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the 9th day of April, 2024

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

This instrument approved as to form by:

Town Attorney

Ordinance No. _____

NORTH CAROLINA
WAKE COUNTY

I hereby certify that the foregoing is a true and accurate copy of an ordinance duly adopted by the Apex Town Council, at a meeting held April 9, 2024 at 6:00 p.m. in the Apex Town Hall, 73 Hunter Street, Apex, North Carolina.

NORTH CAROLINA
WAKE COUNTY

I, the undersigned Notary Public, do hereby certify that Allen Coleman, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification for the purposes therein expressed.

WITNESS my hand and seal this ____ day of _____ 2024.

My commission expires _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and possible motion to adopt Ordinance on the Question of Annexation - Apex Town Council's intent to annex 13.52 acres, Castleberry Reserve, Satellite Annexation No. 771 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- PH2-A1: Annexation Ordinance - Satellite Annexation No. 771
- PH2-A2: Public Hearing Notice - Satellite Annexation No. 771
- PH2-A3: Legal Description - Satellite Annexation No. 771
- PH2-A4: Aerial Map - Satellite Annexation No. 771
- PH2-A5: Plat Map - Satellite Annexation No. 771
- PH2-A6: Annexation Petition - Satellite Annexation No. 771





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2024 - _____
SATELLITE ANNEXATION PETITION NO. 771
CASTLEBERRY RESERVE - 13.52 ACRES

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 April 9, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 9, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, PIN(S): 0723117077 Land Surveyor dated October 25, 2023" and recorded in Book of Maps book number 2024 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 9th day of April, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

CASTLEBERRY RESERVE

13.52 ACRE ANNEXATION TRACT

BEING THE BOUNDARY OF A PARCEL, NOW OR FORMERLY OF STANLEY R
JOHNSON JR AND LOLA C JOHNSON AS DESCRIBED IN DB 2348, PG 662 (PIN
0723117077) SAID PARCEL BEING LOCATED IN THE TOWN OF APEX, WHITE OAK
TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS: BEGINNING AT A 1" IRON PIPE FOUND ON THE
SOUTHERN CORNER OF THE PROPERTY NOW OR FORMERLY OF STANLEY R

JOHNSON JR AND LOLA C JOHNSON AS DESCRIBED IN DB 2348, PG 692 (PIN 0723117077), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 730,559.64' AND E= 2,021,972.15'; THENCE, FROM THE POINT OF BEGINNING, N64°33'49"W A DISTANCE OF 534.09 FEET TO A ¾" IRON PIPE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A ½" IRON PIPE FOUND; THENCE, N00°45'40"W A DISTANCE OF 503.45 FEET TO A ¾" IRON PIPE SET; THENCE, N00°45'40"W A DISTANCE OF 396.14 FEET TO AN AXLE FOUND, THENCE, N89°28'25"E A DISTANCE OF 409.63 FEET TO A ½" IRON PIPE FOUND; THENCE, N89°34'36"E A DISTANCE OF 57.19 FEET TO A ½" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A ½" IRON PIPE FOUND; THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A ¾" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35 FEET NORTHEAST OF A ½" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A ¾" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 588,735 SQUARE FEET OR 13.52 ACRES, MORE OR LESS.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024 _____, adopted at a meeting of the Town Council, on the 9th day of April 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 9th day of April 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (March 14, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **9th day of April, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Satellite Annexation Petition No. 771 Castleberry Reserve – 13.52 acres





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Satellite Annexation Petition No. 771" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, April 9, 2024.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

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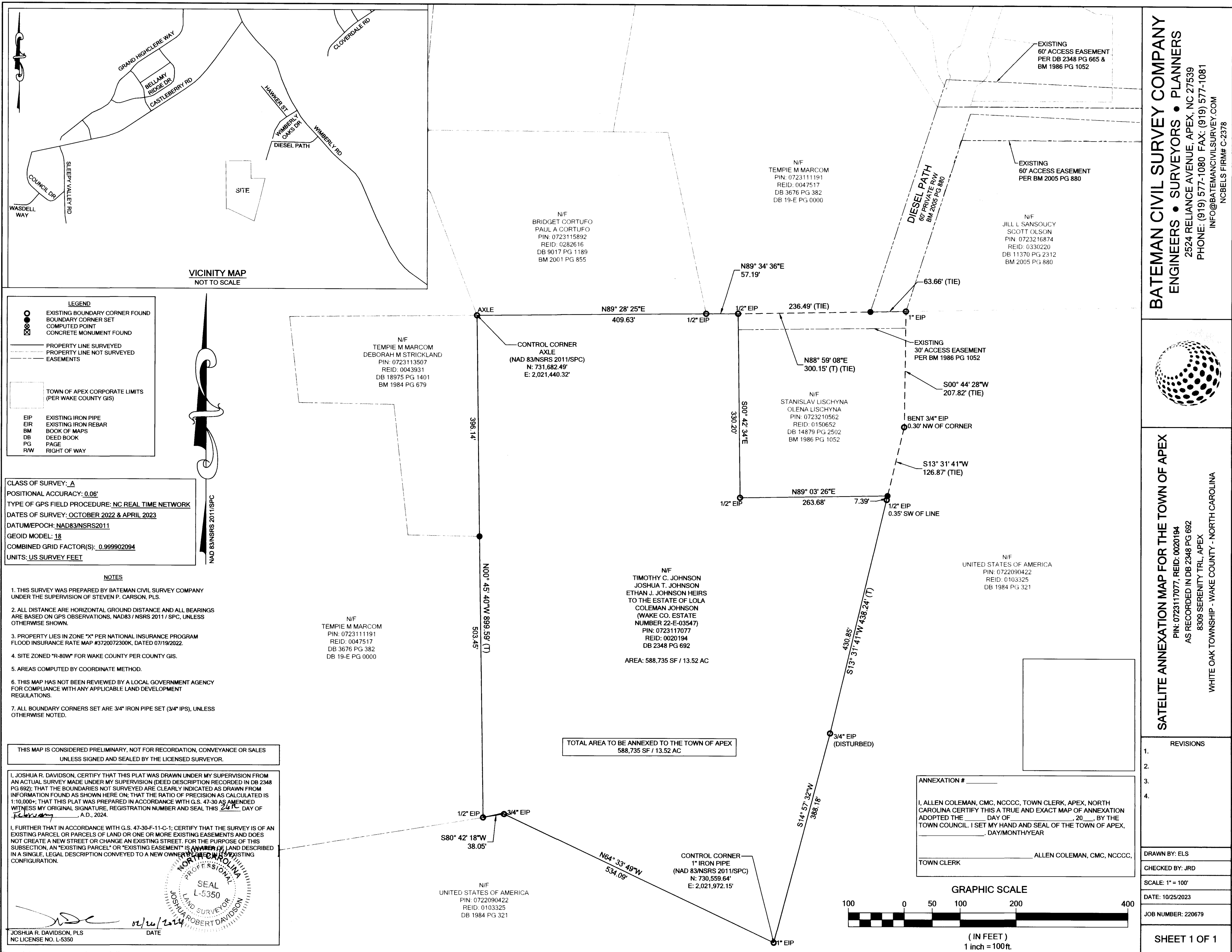
Annexation Legal Description
Johnson Property

BEING THE BOUNDARY OF A PARCEL, NOW OR FORMERLY OF STANLEY R JOHNSON JR AND LOLA C JOHNSON AS DESCRIBED IN DB 2348, PG 662 (PIN 0723117077) SAID PARCEL BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE FOUND ON THE SOUTHERN CORNER OF THE PROPERTY NOW OR FORMERLY OF STANLEY R JOHNSON JR AND LOLA C JOHNSON AS DESCRIBED IN DB 2348, PG 692 (PIN 0723117077), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 730,559.64' AND E= 2,021,972.15'; THENCE, FROM THE POINT OF BEGINNING, N64°33'49"W A DISTANCE OF 534.09 FEET TO A ¾" IRON PIPE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A ½" IRON PIPE FOUND; THENCE, N00°45'40"W A DISTANCE OF 503.45 FEET TO A ¾" IRON PIPE SET; THENCE, N00°45'40"W A DISTANCE OF 396.14 FEET TO AN AXLE FOUND, THENCE, N89°28'25"E A DISTANCE OF 409.63 FEET TO A ½" IRON PIPE FOUND; THENCE, N89°34'36"E A DISTANCE OF 57.19 FEET TO A ½" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A ½" IRON PIPE FOUND; THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A ¾" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35 FEET NORTHEAST OF A ½" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A ¾" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 588,735 SQUARE FEET OR 13.52 ACRES, MORE OR LESS.





PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	<u>2023-021</u>	Submittal Date:	<u>11-1-2023</u>
Fee Paid	<u>\$ 200.00</u>	Check #	<u>CC</u>

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Timothy C. Johnson, Joshua T. Johnson, Ethan J. Johnson	PIN 0723117077 / DB 2348 PG 692
Owner Name (Please Print)	Property PIN or Deed Book & Page #
c/o Joe Mitchell, Broker; 919-219-4312	Jmt.rtp@gmail.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: Bateman Civil Survey Company - Joshua Davidson, PLS

Phone: (919) 577-1080 Fax: (919) 577-1081

E-mail Address: josh@batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>13.52</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>+/- 10</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>R-80W (to be rezoned)</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2023-021

Submittal Date: 11-1-2023

COMPLETE IF SIGNED BY INDIVIDUALS:

Matthew J. Carpenter, Authorized Agent
Please Print

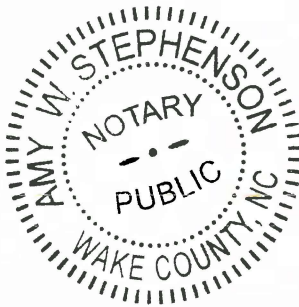

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County,
this the 30th day of October, 2023.

Amy Stephenson
Notary Public

SEAL



My Commission Expires: October 2, 2028

AGENT AUTHORIZATION FORM

Application #: 2023-021

Submittal Date: 11-1-2023

Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson, as Heirs to the Estate of Lola Coleman Johnson (Wake Co. Estate Number 22-E-03547), are the owners* of the property for which the attached application is being submitted

☒ 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: Annexation Petition

The property address is: 8309 Serenity Trail, Apex, NC 27523; 0723117077

The agent for this project is: Matthew Carpenter

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

Agent Name: Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Tim Johnson
dotloop verified
10/27/23 11:32 AM EDT
NGWV-COWO-PYGW-CJ9U

Timothy C. Johnson

Date

Josh Johnson
dotloop verified
10/18/23 2:48 PM EDT
GTMV-0M31-749E-BFLZ

Joshua T. Johnson

Date

Ethan Johnson
dotloop verified
10/18/23 3:10 PM EDT
GWNA-HHPR-P6K0-CVTX

Ethan J. Johnson

Date

Attach additional sheets if there are additional owners.

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

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 9, 2024

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion concerning Rezoning Application No. 23CZ21 Castleberry Reserve PUD Amendment. The applicant, Matthew Carpenter, Parker Poe, seeks to rezone approximately 103.42 acres from Planned Unit Development-Conditional Zoning (PUD-CZ No. 23CZ04) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road and 8309 Serenity Trail.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on March 11, 2024 and by a vote of 8-0 recommended approval of the rezoning.

Item Details

The properties to be rezoned are identified as PINs 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077.

Attachments

- PH3-A1: Staff Report - Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment
- PH3-A2: Planning Board Report to Town Council - Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment
- PH3-A3: Statement of Town Council and Ordinance - Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment
- PH3-A4: Attachment A - Legal Description - Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment
- PH3-A5: Attachment B - PUD Text Plan - Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment



STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Applicant/Agent: Matthew Carpenter, Parker Poe
Owners: Deborah and Ronnie Strickland, Bridget and Paul Anthony Cotrufo, Thomas and Nancy Marcom, Sonya and Steve Ammons, Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson.

PROJECT DESCRIPTION:

Acreage: ±103.42 acres
PINs: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) and Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Low Density Residential and Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Town Limits: Inside and Outside – annexation of parcel to be added is required at the time of rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-80W (R-80W); Low Density Residential-Conditional Zoning (LD-CZ #13CZ17)	Castleberry Road; Single-family Residential (Lake Castleberry subdivision)
South:	Wake County Residential-80W (R-80W)	Vacant (North Carolina Wildlife Resources Commission Game Land)
East:	Rural Residential-Conditional Zoning (RR-CZ #22CZ04); Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23); Wake County Residential-80W (R-80W)	Single-family Residential (Wimberly Estates subdivision); Single-family Residential; Vacant (North Carolina Wildlife Resources Commission Game Land)
West:	Wake County Residential-80W (R-80W)	Single-family Residential

BACKGROUND:

On September 12, 2023, the Town Council approved the Castleberry Reserve Planned Unit Development that totaled 89.90 acres (PUD-CZ #23CZ04). The applicant is requesting to add a 13.86 acres parcel, known as the “Johnson parcel”, PIN 0723117077, to the Castleberry Reserve PUD Plan.

EXISTING CONDITIONS:

The approved Castleberry Reserve PUD properties are located south of Castleberry Road, north of the North Carolina Wildlife Resources Commission Game Land/Protected Open Space, and approximately 800 feet west of Wimberly Road (See Figure 1: Site Location, outlined in orange).

STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



The proposed “Johnson parcel” PUD Plan addition (See Figure 1: Site Location, outlined in red) is located to the east of the existing PUD and includes the following:

- Mature trees, open fields, and single-family residential and accessory structures. A flood zone area is located within the eastern portion of the property.

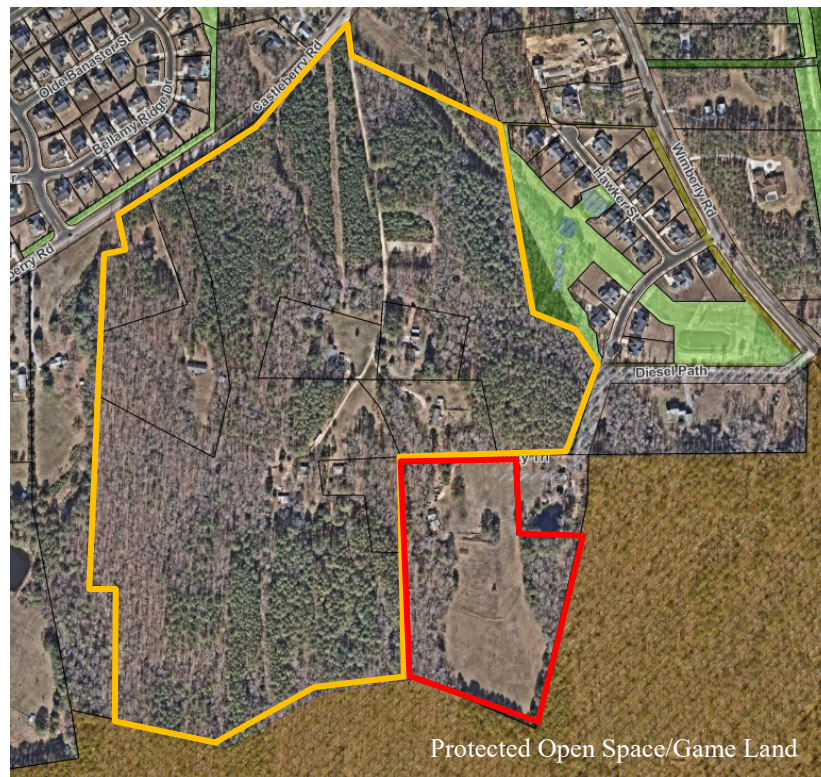


Figure 1: Site Location

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on October 24, 2023 and February 19, 2024. The neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning amendment and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the middle school grade level.

2045 LAND USE MAP:

The 2045 Land Use Map designates the approved Castleberry Reserve PUD parcels as Low Density Residential. The “Johnson parcel” which is proposed to be added to the PUD is designated as Rural Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) includes a maximum density of 1.65 units per acre which is inconsistent with the Rural Density Residential (1 unit



per 5 acres) classification. If the PUD is amended as proposed, the 2045 Land Use Map will automatically be amended to Low Density Residential per NCGS 160D-605(a).

PROPOSED PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing an amendment to the Castleberry Reserve PUD in order to add the 13.86 acre “Johnson parcel”. All approved PUD Plan uses and development standards would apply to the proposed “Johnson parcel” addition. The staff report and attached PUD Text shows the proposed revisions in **bold and underline font**. The addition of the parcel will amend the Castleberry Reserve PUD Plan as follows:

- Increase the acreage from 89.90 acres to 103.42 acres.
- Increase the number of single-family units from 148 to 170.
- Provide a 450-foot wide Protected Open Space/Game Land buffer along the southern property line and a variable 250-foot wide buffer along the eastern property line on the “Johnson parcel”. (See Figure 2: Proposed Castleberry Reserves PUD Plan Amendment “Johnson Parcel”). (“Johnson parcel” outlined in red).

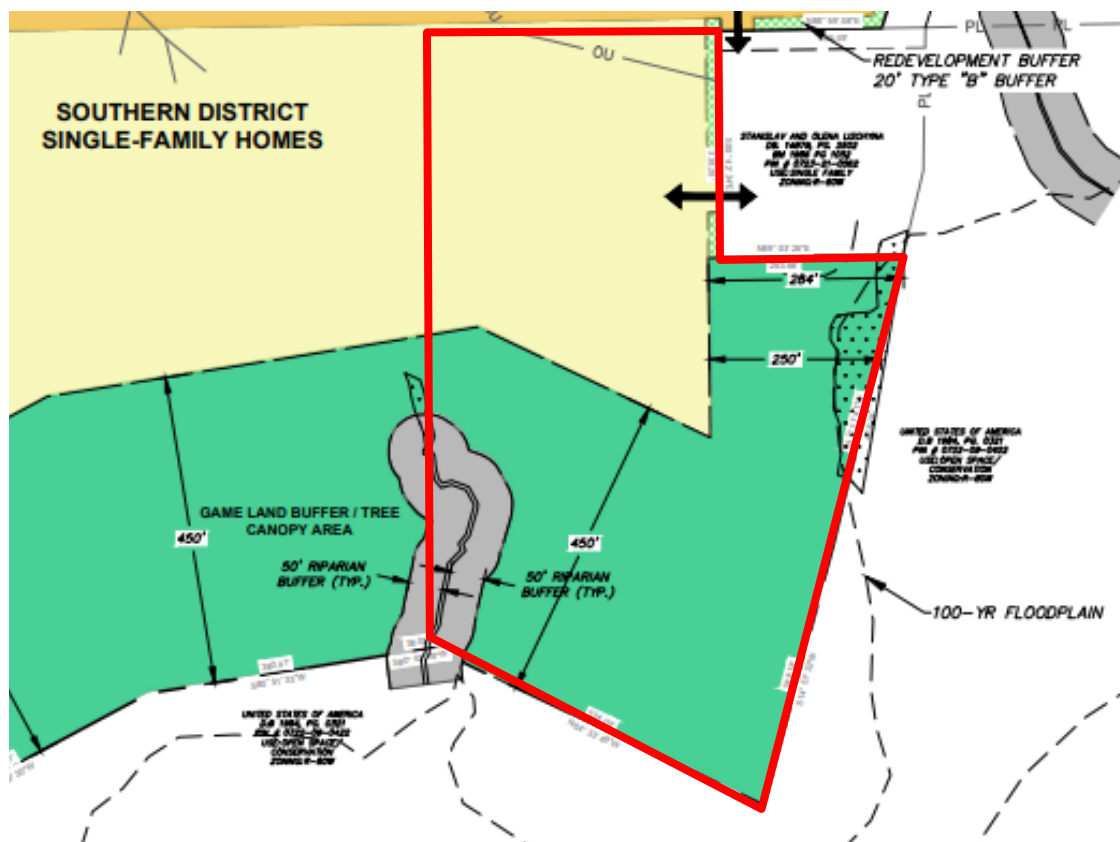


Figure 2: Proposed Castleberry Reserves PUD Plan Amendment “Johnson Parcel”

Resource Conservation Area & Buffers

The approved PUD Plan project provides 20% of the project site as RCA with no additional RCA required if the development is mass graded per UDO Section 7.2.5.B.8.

STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



Residential Buffers:

Perimeter Buffers:	Proposed
Along the Property's Castleberry Road frontage	40 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along Diesel Path	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
Along the Property's shared property line with PIN 0723210562	20 ft. Type B
Along the Cemetery's Road Frontage	0 ft Buffer
Along the Property's southernmost property line adjacent to PIN 0722090422	450 ft. undisturbed (the "Southern Game Lands Buffer")**
Along the Property's easternmost property line adjacent to PIN 0722090422	Variable width undisturbed. See Conceptual Site Plan (the "Eastern Game Lands Buffer")**

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

****The Southern Game Lands Buffer and the Eastern Game Lands Buffer shall be referred to as the Game Lands Buffer.** The Game Lands Buffer shall remain undisturbed in its current natural state and shall not be cleared or graded other than for necessary tree/forestry/open space maintenance and/or installation of passive recreation amenities such as unpaved trails, benches, and natural areas. The Game Lands Buffer shall not require any supplemental plantings.

Environmental Zoning Conditions

The Environmental Zoning Conditions of the approved Castleberry PUD Plan will apply to the "Johnson parcel".

PUD Plan Affordable Housing

The approved PUD Plan includes a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the "Affordable Units") and a donation of \$148,000 to the Town of Apex Affordable Housing Fund. The proposed PUD Plan Amendment does not include an increase of affordable housing units, but has provided zoning condition requiring a donation of **\$170,000** to the Town of Apex Affordable Housing Fund prior to issuance of the Master Subdivision Final Plat.

Natural Resource and Environmental Data

The properties are within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.

STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



- The approved Castleberry Reserve properties are not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015.
- The "Johnson parcel" has a small floodplain area along the eastern property line, which is included in the "Game Lands Buffer" and therefore will remain undisturbed.** See Figure 2: Proposed Castleberry Reserves PUD Amendment "Johnson Parcel".

Historic Structures

There are no known historic structures present on the "Johnson Parcel".

Public Facilities

The "Johnson parcel" will be consistent with the approved Castleberry Reserve PUD Plan and shall be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. The development will be served water and sewer by the Town of Apex.

Stormwater Management

The approved PUD Plan Stormwater Management standards will apply to the "Johnson parcel".

Access and Circulation:

The approved PUD Plan transportation improvements and pedestrian improvements will apply to the "Johnson parcel".

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a meeting for the rezoning on November 16, 2023. The EAB recommended the conditions that were approved with the original Castleberry Reserve PUD Plan rezoning with the following additional recommendations:

EAB Suggested Condition	Applicant's Response
Add another pet waste station to the project, for a total of 5	Added
220/240 W outlets shall be installed within garages to accommodate the charging of electric vehicles	Not Added
The project shall increase biodiversity with the unforested section of the 450-foot buffer adjacent to USACE lands by providing a variety of native species for the canopy, understory and shrub levels. A minimum of 100% of the species selected shall be native or a native of North Carolina. The type of plantings shall be determined in coordination with the developer and Town Planning staff.	Not Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The original PUD Plan was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and the "Johnson parcel" PUD Plan Amendment on January 31, 2024. A fee-in-lieu of dedication was recommended.

Original PUD Single-family Detached Units: \$ 4,016.66 x 148 = \$ 594,465.68

Amendment Single-family Detached Units: \$ 4,165.28 x 22 = \$ 91,636.16

The total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

**HOUSING STAFF ANALYSIS:**

The proposed project is proposing two (2) affordable units. Staff supports the proposed affordability term and income targeting range. However, the percentage of affordable units based on the total unit count is not sufficient enough to meet the minimum recommendation of five percent (5 % or 9 units), based on the recently adopted affordable housing incentive zoning policy.

STAFF ANALYSIS:

The applicant is proposing the “Johnson parcel” include a 450-foot wide Game Land buffer along the southern property line and a variable 250-foot wide Game Land buffer along the eastern property line to the 450-foot southern Game Land buffer. (See Figure 3: Proposed “Johnson Parcel” Game Land Buffer Location).

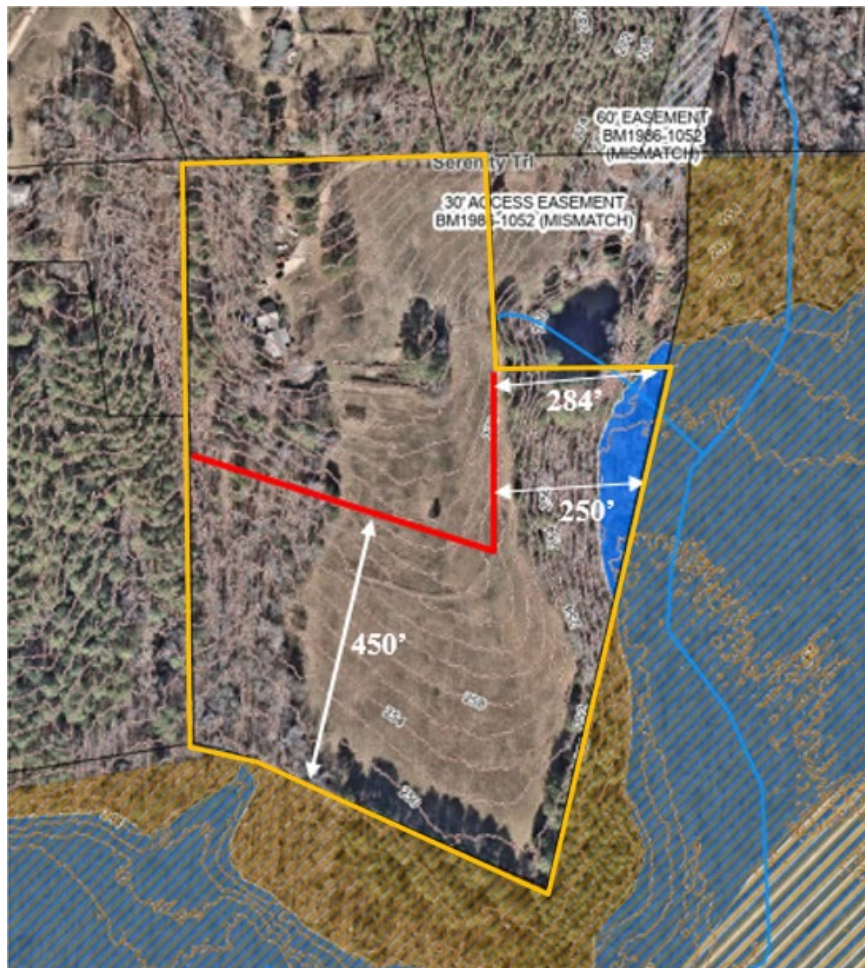


Figure 3: Proposed “Johnson Parcel” Game Land Buffer Location

The 450-foot wide Game Land buffer along the southern property line is justified for the following reasons:

- Consistent with the Castleberry Reserve PUD Plan properties to the west (450-foot wide buffer).
- Along the non-fragmented Protected Open Space.

STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



The variable 250-foot wide Game Land buffer along the eastern property line is justified for the following reasons:

- Along the eastern property line the topography rises over 30 feet from the property line to the end of the 250-foot wide buffer.
- There are two existing homes in the area with the Tobacco Trail and Wimberly Road respectively 1,267 feet and 1,600 feet away. This is near an area with development obstacles to the east (existing homes, Tobacco Trail, and Wimberly Road) where the Protected Open Space has started to become fragmented.
- The variable 250-foot wide buffer follows the tree line area to the southern 450-foot wide buffer area.
- The proposed “Johnson parcel” Game Land buffer encompass approximately 60% of the parcel.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on March 11, 2024 meeting and recommended approval by a vote of 8 to 0 with the conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ21 Castleberry Reserve PUD Plan Amendment as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the approved Castleberry Reserve PUD parcels as Low Density Residential and the “Johnson parcel” which is proposed to be added to the PUD as Rural Density Residential. The applicant proposes a rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) district to incorporate the property into the Castleberry Reserve PUD. If the PUD is amended as proposed, the 2045 LUM designation of the “Johnson parcel” will automatically be amended to Low Density Residential per NCGS 160D-605(a). The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and is in the public interest because the proposed rezoning includes the “Johnson parcel” with the 450-foot buffer along southern property line adjacent to the protected open space as recommended by the North Carolina Wildlife Resources Commission and the Environmental Advisory Board. The proposed rezoning also includes a variable 250-foot buffer along the eastern property line adjacent to the protected open space. All approved PUD Plan uses and development standards would apply to the proposed “Johnson parcel” addition.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource



Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

1. *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

- b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is



submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

- c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (ii) 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 on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the 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.

STAFF REPORT

Rezoning #23CZ21 Castleberry Reserve PUD Amendment

April 9, 2024 Town Council Meeting



- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>23CZ21</u>	Submittal Date:	<u>11/1/2023</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Castleberry Reserve PUD Amendment
Address(es): 8309 Serenity Trail, Apex, NC 27523
PIN(s) See attached. This application is being filed to add PIN 0723117077 to the Castleberry Reserve
PUD approved by Town Council September 12, 2023 (REZ 23CZ04). Acreage: 103.42
Current Zoning: PUD-CZ and R-80W (Wake County) Proposed Zoning: Planned Unit Development (PUD-CZ)
Current 2045 LUM Designation: Rural Density Residential (PIN 0723117077) & Low Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☒

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

Applicant Information

Name: Inspire Commercial, LLC c/o Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

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

Agent Information

Name: Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 23CZ21

Submittal Date: _____

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

89.90 acres of property adjacent to the east was recently rezoned to Planned Unit Development Conditional (PUD-CZ) to permit development of a low density single-family subdivision referred to as Castleberry Reserve. Accordingly, the land use map of the adjacent property was changed to Low Density Residential. This rezoning request would add the 13.52 acre Johnson property to the Castleberry Reserve PUD and change the property's LUM designation to Low Density Residential, consistent with the designation of the adjacent property.

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 13.52 acre Johnson property will be added to the recently approved Castleberry Reserve PUD. All conditions in the Castleberry Reserve PUD - including the density maximum, minimum lot sizes, and architectural conditions - will apply to the property to ensure compatibility with 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.

The proposed PUD-CZ will comply with any applicable standards in UDO Section 4.4.

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.

Buffers and RCAs have been located to help minimize adverse effects on adjacent properties, including the Army Corp property adjacent to the south.

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.

As shown in the Concept Plan, there will be no construction within the riparian buffers throughout the site other than the minimum required to install road, utility, and stormwater infrastructure. Additionally, RCAs will be located to preserve sensitive environmental areas. Stormwater ponds will be designed to meet the 25-year storm standard.

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 project will not have adverse impacts on public facilities or services. Rather, the project will add to the Town's housing supply and improve vehicular and pedestrian infrastructure in the area.

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

The proposed zoning will facilitate the construction of additional housing for the Town as housing prices in Apex continue to rise. Streets and sidewalks proposed by the project will improve vehicular and pedestrian connectivity in the area.

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

The proposed single-family detached homes will be of similar size, scale, and quality to existing homes in nearby neighborhoods. Uses that could be harmful to adjacent properties will be prohibited by the PUD Text. Other conditions in the PUD Text - including buffers, setbacks, and minimum architectural requirements - will ensure that the project is not detrimental to adjacent properties. The property will be subject to all conditions approved as part of the Castleberry Reserve PUD including the 450-foot game lands buffer along the southern property line.

PETITION PROCESS INFORMATION

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

The proposed project will not create a nuisance or hazard, but rather will be similar in size, scale, and quality to existing homes in the area.

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 district will comply with all standards imposed by the UDO and additional standards set forth in the PUD Text which exceed the base requirements of the UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 23CZ21

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 APPLICATIONApplication #: 23CZ21

Submittal Date: _____

Proposed Subdivision/Development InformationDescription of location: Castleberry RoadNearest intersecting roads: Wimberly Road/Wimberly Oaks DriveWake County PIN(s): see attachedTownship: White Oak**Contact Information (as appropriate)**Contact person: Matthew CarpenterPhone number: 919-835-4032Fax number: N/AAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601E-mail address: matthewcarpenter@parkerpoe.comOwner: See attached

Phone number: _____

Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Castleberry Reserve2nd Choice (*Optional*): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 23CZ21

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

See attached Exhibit

(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.

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

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

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

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

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

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

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

ACCEPTED: Inspire Commercial, LLC

CUSTOMER: Matthew J. Carpenter TOWN OF APEX

BY: Matthew J. Carpenter BY: _____
Authorized Agent Authorized Agent

DATE: 10/13/2023 DATE: _____

AFFIDAVIT OF OWNERSHIP

Application #: 23CZ21

Submittal Date: _____

The undersigned, Matthew J. Carpenter (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 _____ 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 N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
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 N/A, 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 N/A, 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 31 day of January, 2024

[Signature] (seal)
Matthew J. Carpenter
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



[Signature]
Notary Public
State of North Carolina
My Commission Expires: 6/21/2026

EXHIBIT A
To
Affidavit of Ownership
The Property

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET;
THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE,
N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR
LESS.

AGENT AUTHORIZATION FORM

Application #: 23CZ21

Submittal Date: _____

Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson, as Heirs to the Estate of Lola Coleman Johnson (Wake Co. Estate Number 22-E-03547), are the owners* of the property for which the attached application is being submitted

☒ 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: Annexation Petition

The property address is: 8309 Serenity Trail, Apex, NC 27523; 0723117077

The agent for this project is: Matthew Carpenter

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

Agent Name: Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: 919-835-4032

E-Mail Address: MatthewCarpenter@parkerpoe.com

Tim Johnson
dotloop verified
10/27/23 11:32 AM EDT
NGWV-COWO-PYGW-CJ9U

Timothy C. Johnson

Date

Josh Johnson
dotloop verified
10/18/23 2:48 PM EDT
GTMV-0M31-749E-BFLZ

Joshua T. Johnson

Date

Ethan Johnson
dotloop verified
10/18/23 3:10 PM EDT
GWNA-HHPR-P6K0-CVTX

Ethan J. Johnson

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 23CZ21

Submittal Date: _____

Sonya Ammons and Steve Ammons is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723113507, 0723111191, 0723120194, 0723026951

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

Sonya Ammons

dotloop verified
02/05/24 1:15 PM EST
3NAN-K3GG-IP44-G5LW

Sonya Ammons

Type or print name

Date

Steve Ammons

dotloop verified
02/05/24 2:20 PM EST
5OJS-HPAJ-TCJS-V0MO

Steve Ammons

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 23CZ21

Submittal Date: _____

Bridget Cotrufo and Paul Cotrufo is the owner* of the property for which the attached application is being submitted:

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

The property address is: 8635 Castleberry Road; PIN 0723115892

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

 dotloop verified
02/05/24 1:11 PM EST
YZTG-9HAV-HLRQ-00TA

Bridget Cotrufo

Type or print name

Date

 dotloop verified
02/05/24 1:14 PM EST
2Y7H-QBYO-IA10-B5EI

Paul Cotrufo

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 23CZ21

Submittal Date: _____

Thomas Marcom and Nancy Marcom is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723113507, 0723111191, 0723024085, 0723023450, 0723026951

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

Thomas Marcom

dotloop verified
02/05/24 9:05 AM EST
A8LU-RP4N-C9VJ-V7J9

Thomas Marcom

Type or print name

_____ Date

Nancy Marcom

dotloop verified
02/05/24 8:27 AM EST
ZFGK-DWY5-S2SD-G3XB

Nancy Marcom

Type or print name

_____ Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 23CZ21

Submittal Date: _____

Deborah Strickland and Ronald Strickland is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0723125145, 0723113507, 0723111191, 0723026951

The agent for this project is: Matthew Carpenter and Luke Turner

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

Agent Name: Matthew Carpenter and Luke Turner

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com; klturner@mckimcreed.com

Signature(s) of Owner(s)*

Deborah Strickland

dotloop verified
02/04/24 2:13 PM EST
HMEQ-8LEW-UEBX-MLGQ

Deborah Strickland

Type or print name

_____ Date

Ronnie Strickland

dotloop verified
02/03/24 2:00 PM EST
WJD3-FSWX-QDYJ-OFVE

Ronald Strickland

Type or print name

_____ Date

Attach additional sheets if there are additional owners.

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

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

Wake County Residential Development Notification

Developer Company Information	
Company Name	Inspire Commercial LLC
Company Phone Number	c/o Matthew J. Carpenter; 919-835-4032
Developer Representative Name	See above
Developer Representative Phone Number	See above
Developer Representative Email	MatthewCarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	November 1, 2023
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Castleberry Reserve
Address of Subdivision (if unknown enter nearest cross streets)	south side of Castleberry Road
REID(s)	See attached
PLIN(s)	See attached

Projected Dates Information	
Subdivision Completion Date	2025/2026
Subdivision Projected First Occupancy Date	2026

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	170					34	136	2000	5000	TBD	TBD	2026					
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-gis-group@wcpss.net

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, Matthew J. Carpenter, do hereby declare as follows:
Print Name

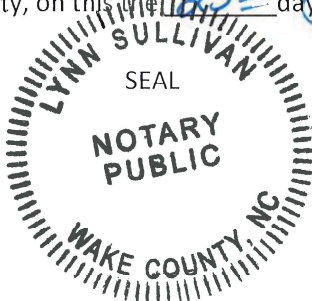
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtually via zoom (location/address) on 10/24/2023 (date) from 6:00pm (start time) to 7:00pm (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.

10/25/23
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this the 25th day of October, 2023.



[Signature]
Notary Public
Print Name Lynn Sullivan

My Commission Expires: 11/16/2027

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.

October 10, 2023

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
See attached Exhibit A. See attached Exhibit A.

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment 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)):

See attached notice letter.

Estimated submittal date: November 1, 2023

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

October 24, 2023

Welcome: 6:00 PM

Project Presentation: 6:00PM

Question & Answer: 6:30PM

**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>.

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: October 10, 2023

Re: Development approvals for 8633 Castleberry Road (PIN 0723125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), 8717 Castleberry Road (PIN 0723023450), 8705 Castleberry Road (PIN 0723026951), and 8309 Serenity Trail (PIN 0723117077) (collectively, the "Property")

On September 12, 2023, Apex Town Council voted to rezone approximately 89.90 acres of the Property to Planned Unit Development Conditional (PUD-CZ)(the "Rezoning") to allow the development of Castleberry Reserve, a single-family residential community (the "Project"). With the Rezoning complete, the developer is ready to move forward with the Project and is holding a virtual **neighborhood meeting October 24, 2023 at 6:00 PM** to discuss next steps with the community which will include filing a Planned Unit Development Amendment (the "PUD Amendment") and Residential Master Subdivision Plan (the "Subdivision Plan").

The PUD Amendment will add an approximately 13.52 acre parcel located at 8309 Serenity Trail (PIN 0723117077) to the Project and rezone it from Residential-80 Watershed (R-80W)(Wake County) to Planned Unit Development-Conditional Zoning (PUD-CZ) to be consistent with the approved Rezoning. The Subdivision Plan will follow the Concept Plan approved by Town Council on September 12, 2023, but provide greater engineering detail as to specific site elements.

During the meeting, the applicant will describe the nature of the applications and field any questions from the public. Enclosed are: (1) an updated vicinity map outlining the location of the Property; (2) an updated zoning map of the Property; (3) an updated PUD Concept Plan; (4) a draft Subdivision Plan; (5) a project contact information sheet; and (6) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the online Zoom meeting:

Visit: <https://zoom.us/join>
Enter the following meeting ID: 845 9856 4272
Enter the following password: 999113

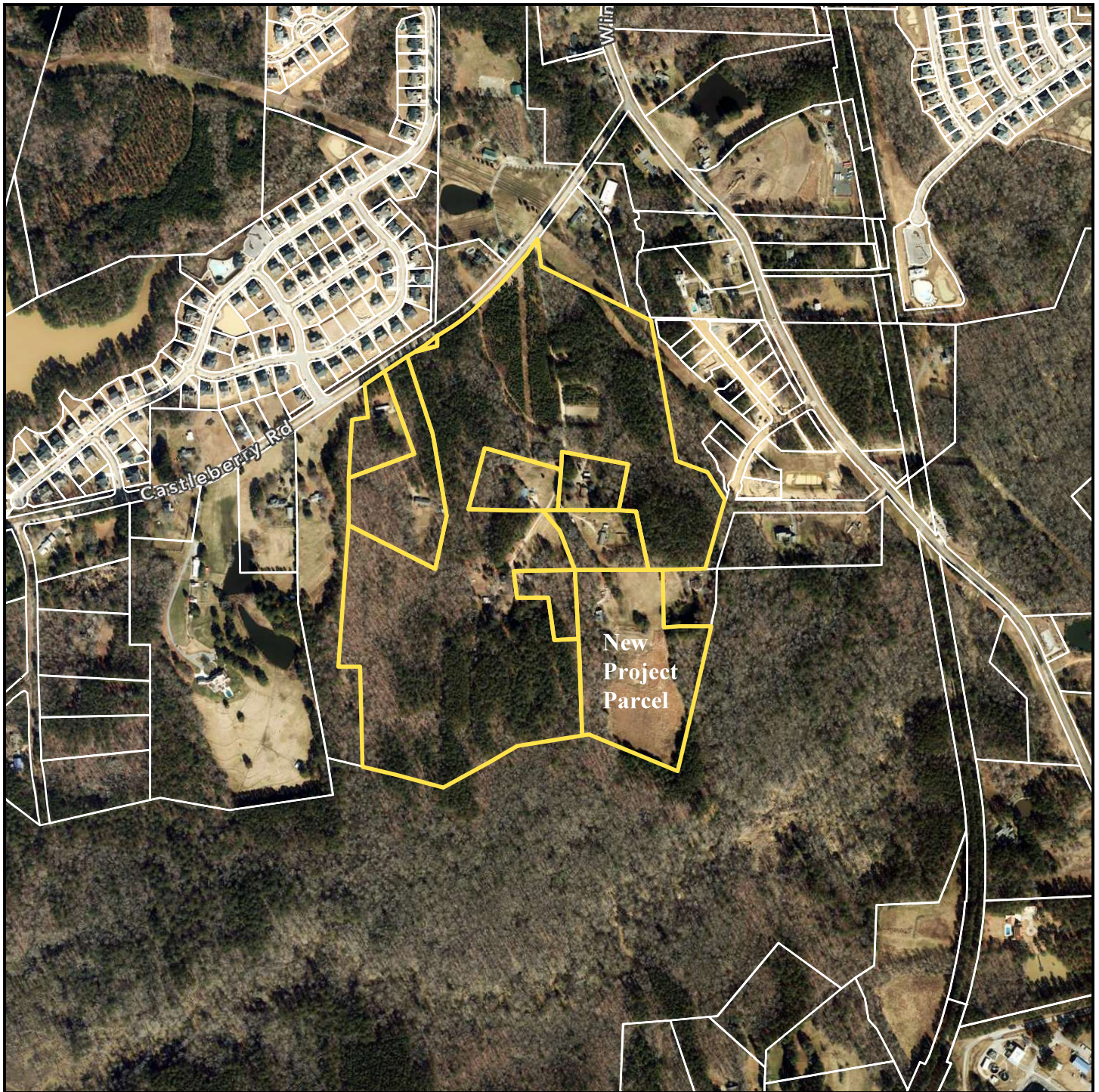
To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 845 9856 4272 #
Enter the Participant ID: #
Enter the Meeting password: 999113

If you have any questions prior to the meeting, please contact me directly at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com

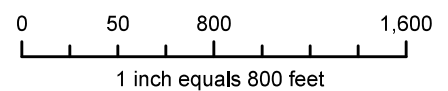
Sincerely,


Matthew Carpenter



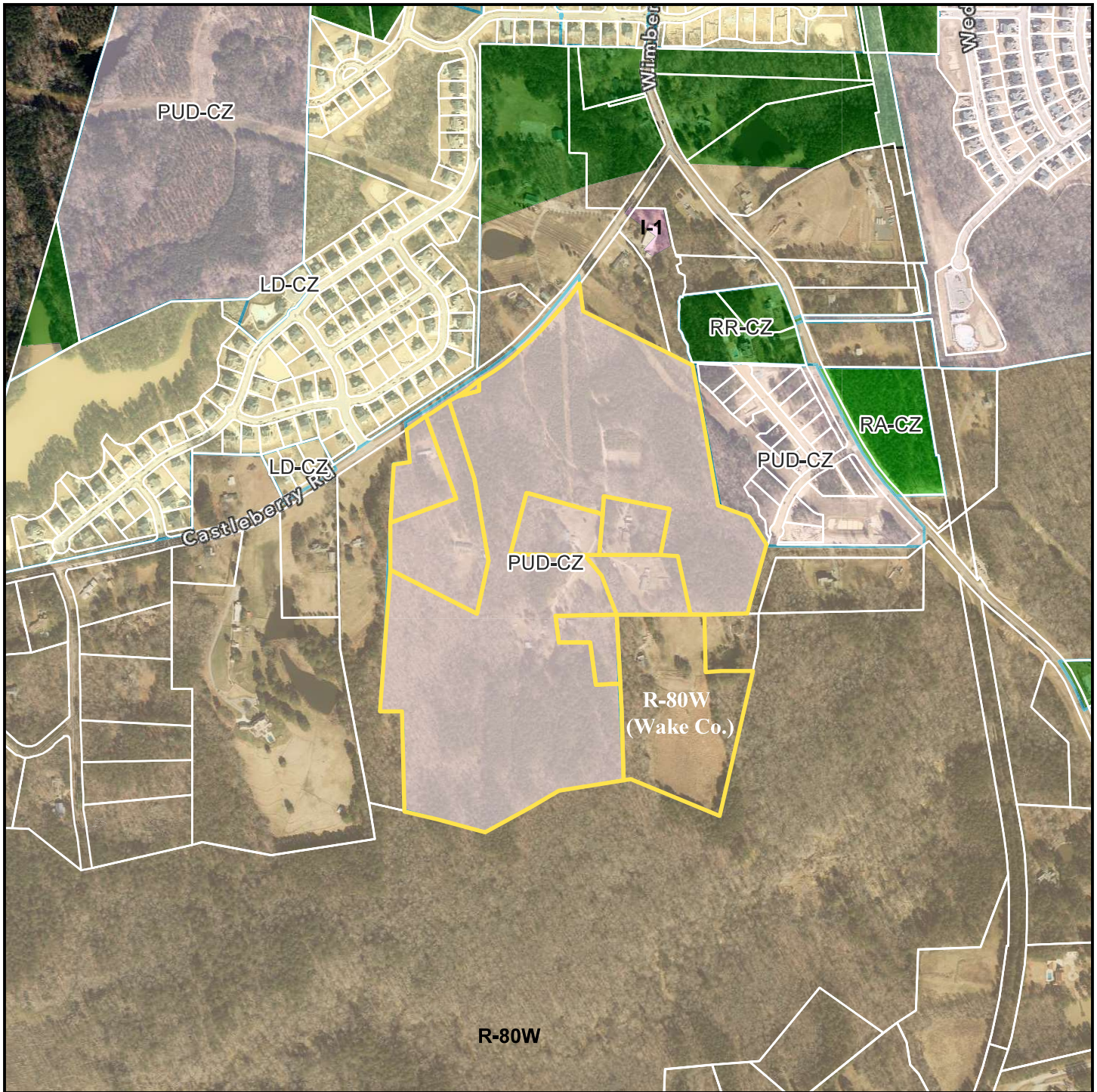
**8633/8635/8637/8639/8649/8705/
8709/8717 Castleberry Road; &
8309 Serenity Road**

Vicinity Map



Disclaimer

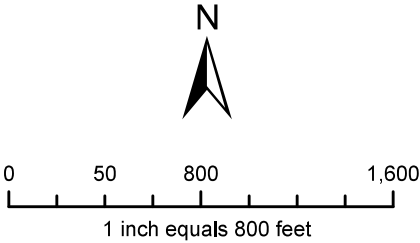
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



8633/8635/8637/8639/8649/8705/
 8709/8717 Castleberry Road; &
 8309 Serenity Road

Zoning Map

**Current Zoning: PUD-CZ &
 R-80W (Wake Co.)**



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

EXHIBIT A
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): 2348/692

Acreage: 12.74

Owner: Stanley Johnson and Lola Johnson

Owner Address: 203 Windsor Wynd Place, Fuquay Varina, NC 27526

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: Casteberry Zoning: PUD-CZ

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 102.65 acres

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): Inspire Commerical, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

SITE ADDRESS	PN NUMBER	OWNER	MAILING ADDRESS	
458 HAWKER ST	0723221779	BOYAPALLY, RAVIKANTH PATNAM, SWAPNA	458 HAWKER ST	APEX NC 27523-6243
8805 CASTLEBERRY RD	0713815102	BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-9046
3223 BELLAMY RIDGE DR	0723035278	CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-6604
8624 CASTLEBERRY RD	0723130849	CLOER, THOMAS G JR CLOER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-6669
3236 BELLAMY RIDGE DR	0723033135	COSTA, LUIZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-6604
8635 CASTLEBERRY RD	0723115892	COTRUFIO, BRIGDET COTRUFIO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-6695
8729 CASTLEBERRY RD	0723001857	CRIST, HOWARD L CRIST, PATRICIA E	8729 CASTLEBERRY RD	APEX NC 27523-6757
3235 BELLAMY RIDGE DR	0723034050	DABADE, PREETAM JAVKHEDKAR, APURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-6604
452 HAWKER ST	0723221816	DHARJA, NARAY, ATENDRA DHARJA, SHIVANI NARAY	452 HAWKER ST	APEX NC 27523-6243
470 HAWKER ST	0723223605	DUNNA, SATESH K TRUSTEE KATHAVARAPU, NAGAVALLI TRUSTEE	470 HAWKER ST	APEX NC 27523-6243
808 WIMBERLY RD	0723232163	FIGUEROA, ABEL L FIGUEROA, JESSICA	804 WIMBERLY RD	APEX NC 27523-6765
8737 CASTLEBERRY RD	0713827050	HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
3254 BELLAMY RIDGE DR	0723020904	HARRIS, JESSICA LONG HARRIS, GARLAND LUTHER III	3254 BELLAMY RIDGE DR	APEX NC 27523-6604
3251 BELLAMY RIDGE DR	0723021739	JASWAL, VISHAL SUBHALAL JASWAL, SHWETA VISHAL	3251 BELLAMY RIDGE DR	APEX NC 27523-6604
8309 SERENITY TRL	0723117077	JOHNSON, STANLEY RAY JR JOHNSON, LOLA C	203 WINDSOR WYND PL	FUQUAY VARIANA NC 27526-6629
8625 CASTLEBERRY RD	0723134513	JOHNSON, WILLIAM R III JOHNSON, SHERRY W	3511 NC 55 HWY	CARY NC 27519-8371
3244 BELLAMY RIDGE DR	0723031074	JOHNALA, SRINAKAR PENSALVAR, NAMRATA	3244 BELLAMY RIDGE DR	APEX NC 27523-6604
2935 WIMBERLY OAKS DR	0723224151	KOCHAR, SHREYANS KOCHAR, SALONI	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
440 HAWKER ST	0723129979	KOMMAREDDY, SUNIL BOYAPATI, SARITHA	440 HAWKER ST	APEX NC 27523-6243
3228 BELLAMY RIDGE DR	0723034203	KRISHNAN, SRIRAM SWAMINATHAN, APARNA CHANDRA	3228 BELLAMY RIDGE DR	APEX NC 27523-6604
3248 BELLAMY RIDGE DR	0723020999	KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3248 BELLAMY RIDGE DR	APEX NC 27523-6604
0 CASTLEBERRY RD	0713929535	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
3239 BELLAMY RIDGE DR	0723023974	LAMBE, MORGAN TAYLOR LAMBE, MATTHEW T	3239 BELLAMY RIDGE DR	APEX NC 27523-6604
3247 BELLAMY RIDGE DR	0723022814	LATORE, JOSEPH A LATORE, ERIN MARIE	3247 BELLAMY RIDGE DR	APEX NC 27523-6604
8301 SERENITY TRL	0723210982	LEBCHYNIA, STANISLAV LEBCHYNIA, OLENA	8301 SERENITY TRL	APEX NC 27523-6603
2927 WIMBERLY OAKS DR	0723224262	MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	2927 WIMBERLY OAKS DR	APEX NC 27523-6244
8649 CASTLEBERRY RD	0723120194	MARCOM, SONYA BETH	8649 CASTLEBERRY RD	APEX NC 27523-6695
8705 CASTLEBERRY RD	0723026951	MARCOM, TEMPIE M	8637 CASTLEBERRY RD	APEX NC 27523-6695
8637 CASTLEBERRY RD	0723113507	MARCOM, TEMPIE M STRICKLAND, DEBORAH M	8637 CASTLEBERRY RD	APEX NC 27523-6695
8717 CASTLEBERRY RD	0723023450	MARCOM, THOMAS RUSSELL	2309 7 LKS S	WEST END NC 27376-6601
8709 CASTLEBERRY RD	0723024085	MARCOM, THOMAS RUSSELL MARCOM, NANCY	2309 7 LKS S	WEST END NC 27376-6601
3255 BELLAMY RIDGE DR	0723020744	PALAKODETI, ANUPAMA CHIVARU, VENKATA C	3255 BELLAMY RIDGE DR	APEX NC 27523-6604
424 LAKE CASTLEBERRY DR	0713828691	PATEL, VISHAL PATEL, KESHA	424 LAKE CASTLEBERRY DR	APEX NC 27523-6612
2926 WIMBERLY OAKS DR	0723222388	PUTLURI, VENKAT REDDY KUNREDDY, KAVITHA	2926 WIMBERLY OAKS DR	APEX NC 27523-6244
3243 BELLAMY RIDGE DR	0723022899	RAMAKRISHNAN, DINESHBABU KOTHANDARAMAN, MOUSHMI	3243 BELLAMY RIDGE DR	APEX NC 27523-6604
8644 CASTLEBERRY RD	0723038239	RENIER, R A JR TRUSTEE RENIER, BETTY DEHONO TRUSTEE	8644 CASTLEBERRY RD	APEX NC 27523-6669
3231 BELLAMY RIDGE DR	0723035047	REYNOLDS, KATIE COLE REYNOLDS, ROBERT JAY	3231 BELLAMY RIDGE DR	APEX NC 27523-6604
2932 WIMBERLY OAKS DR	0723222247	SAHA, ARJUN ROYCHOWDHURY, RUPSA	2932 WIMBERLY OAKS DR	APEX NC 27523-6244
4201 DIESEL PATH	0723216874	SANSOUCY, BILL L OLSON, SCOTT	4201 DIESEL PATH	APEX NC 27523-6791
8633 CASTLEBERRY RD	0723125145	STRICKLAND, DEBORAH MARCOM KAY	8633 CASTLEBERRY RD	APEX NC 27523-6695
8621 CASTLEBERRY RD	0723136582	SUTTON, DON SCOTT JR	8621 CASTLEBERRY RD	APEX NC 27523-6695
3240 BELLAMY RIDGE DR	0723021150	TAL DEYONG YUAN, ZHONGFENG	3240 BELLAMY RIDGE DR	APEX NC 27523-6604
0 HAWKER ST	0723215115	TOLL, SOUTHEAST LP COMPANY INC	250 GERALD RD	HORSHAM PA 19044-3333
1017 WIMBERLY RD	0722090422	UNITED STATES OF AMERICA	310 NEW BERN AVE	RALEIGH NC 27601-1441
3227 BELLAMY RIDGE DR	0723035178	WAHL, JAMES WAHL, LAURA	3227 BELLAMY RIDGE DR	APEX NC 27523-6604
446 HAWKER ST	0723220952	YENDLURI, PRUDHVI KATIRAGADDA, GIRIJA	446 HAWKER ST	APEX NC 27523-6243
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		Current Tenant	8625 Castleberry RD	APEX NC 27523
		Current Tenant	8630 Castleberry RD	APEX NC 27523
		Current Tenant	8709 Castleberry RD	APEX NC 27523
		Current Tenant	8717 Castleberry RD	APEX NC 27523
		Current Tenant	8737 Castleberry RD	APEX NC 27523
		Current Tenant	8309 Serenity TRL	APEX NC 27523
		Current Tenant	808 Wimberly RD	APEX NC 27523
		Current Tenant	1105 Wimberly RD	APEX NC 27523
		Current Tenant	2932 Oaks DR	APEX NC 27523

Created by Town of Apex Planning Department
Date Created: 9/25/2023

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See attached Exhibit A

Applicant(s): Inspire Commercial, LLC

Contact information (email/phone): c/o Matthew Carpenter; MatthewCarpenter@parkerpoe.com; 919-835-4032

Meeting Address: virtual via Zoom

Date of meeting: October 24, 2023

Time of meeting: 6:00

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

Question/Concern #1:

Can you comment on the access Roads? I only see one.

Applicant's Response:

There will be two primary access roads as shown on the sketch plan - one on Castleberry Road and another that will connect to the existing public Wimberly Oaks Drive cul-de-sac. The Master Subdivision Plan submittal will include a more specific access/street plan.

Question/Concern #2:

Will the trees in the perimeter buffer be preserved? I see 25% will be preserved in the proposed plan.

Applicant's Response:

There are two separate but related conditions in the PUD Text. First, there is a requirement that 25% of the existing tree canopy be preserved across the site. Second, there are minimum buffer width requirements. Generally, proposed buffers are undisturbed and existing vegetation will remain to the greatest extent possible.

Question/Concern #3:

What is the assessment of the impact on the White Oak Creek basin?

Applicant's Response:

Because of the property's proximity to the basin and Army Corps property, there are several conditions in the PUD Text to help mitigate environmental impacts including the 450-foot buffer along the southern property line and a commitment to remove nitrogen from stormwater runoff that is more stringent than the UDO requirement.

Question/Concern #4:

What is the assessment of impact on water usage? Jordan is notably low at the moment



Applicant's Response:

Our application will be reviewed by all Town departments including utilities. We are also required to submit estimates of projected water and sewer usage and building permits will not be issued unless Town staff are comfortable sufficient water and sewer capacity is available.

Neighborhood Meeting Attendance List
Castleberry Reserve
PUD Rezoning & Master Subdivision Plan
October 24, 2023

1. Jim Wahl
2. Dinesh Ramakrishnan
3. Rudy Renfer
4. Betty Renfer
5. Jay Reynolds

*Contact information was received but has been redacted for filing

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, Matthew J. Carpenter, do hereby declare as follows:
Print Name

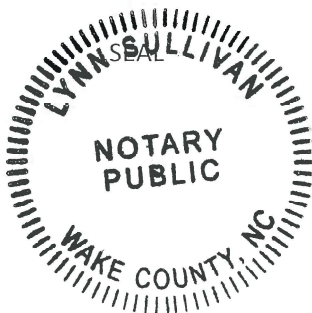
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtually via Zoom (location/address) on 2/19/2024 (date) from 6:00PM (start time) to 7:00PM (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.

2/20/2024
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this the 20 day of February, 2024.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

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.

February 2, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
See attached Exhibit A. See attached Exhibit A.

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment 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)):
See attached notice letter.

Estimated submittal date: Application was submitted November 1, 2023

MEETING INFORMATION:

Property Owner(s) name(s):

See attached Exhibit A

Applicant(s):

Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone):

matthewcarpenter@parkerpoe.com; (919) 835-4032

Meeting Address:

Virtual (Zoom) - See attached notice letter

Date/Time of meeting**:

February 19, 2024

Welcome: 6:00 PM

Project Presentation: 6:00PM

Question & Answer: 6:30PM

**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>.

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: February 2, 2024

Re: Development approvals for 8633 Castleberry Road (PIN 0723125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), 8717 Castleberry Road (PIN 0723023450), 8705 Castleberry Road (PIN 0723026951), and 8309 Serenity Trail (PIN 0723117077) (collectively, the "Property")

On September 12, 2023, Apex Town Council voted to rezone approximately 89.90 acres of the Property to Planned Unit Development Conditional (PUD-CZ)(the "PUD") to allow the development of Castleberry Reserve, a single-family residential community (the "Project"). On November 1, 2023, the developer filed a rezoning application to amend the PUD to add an approximately 13.52 acre parcel located at 8309 Serenity Trail (PIN 0723117077) to the Project and rezone it from Residential-80 Watershed (R-80W)(Wake County) to Planned Unit Development-Conditional Zoning (PUD-CZ) (the "Rezoning"). The developer is holding a virtual **neighborhood meeting February 19, 2024 at 6:00 PM** to discuss the Rezoning.

During the meeting, the applicant will describe the nature of the Rezoning, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) an updated vicinity map outlining the location of the Property; (2) an updated zoning map of the Property; (3) an updated PUD Concept Plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the online Zoom meeting:

Visit: <https://zoom.us/join>
Enter the following meeting ID: 863 8280 3694
Enter the following password: 438301

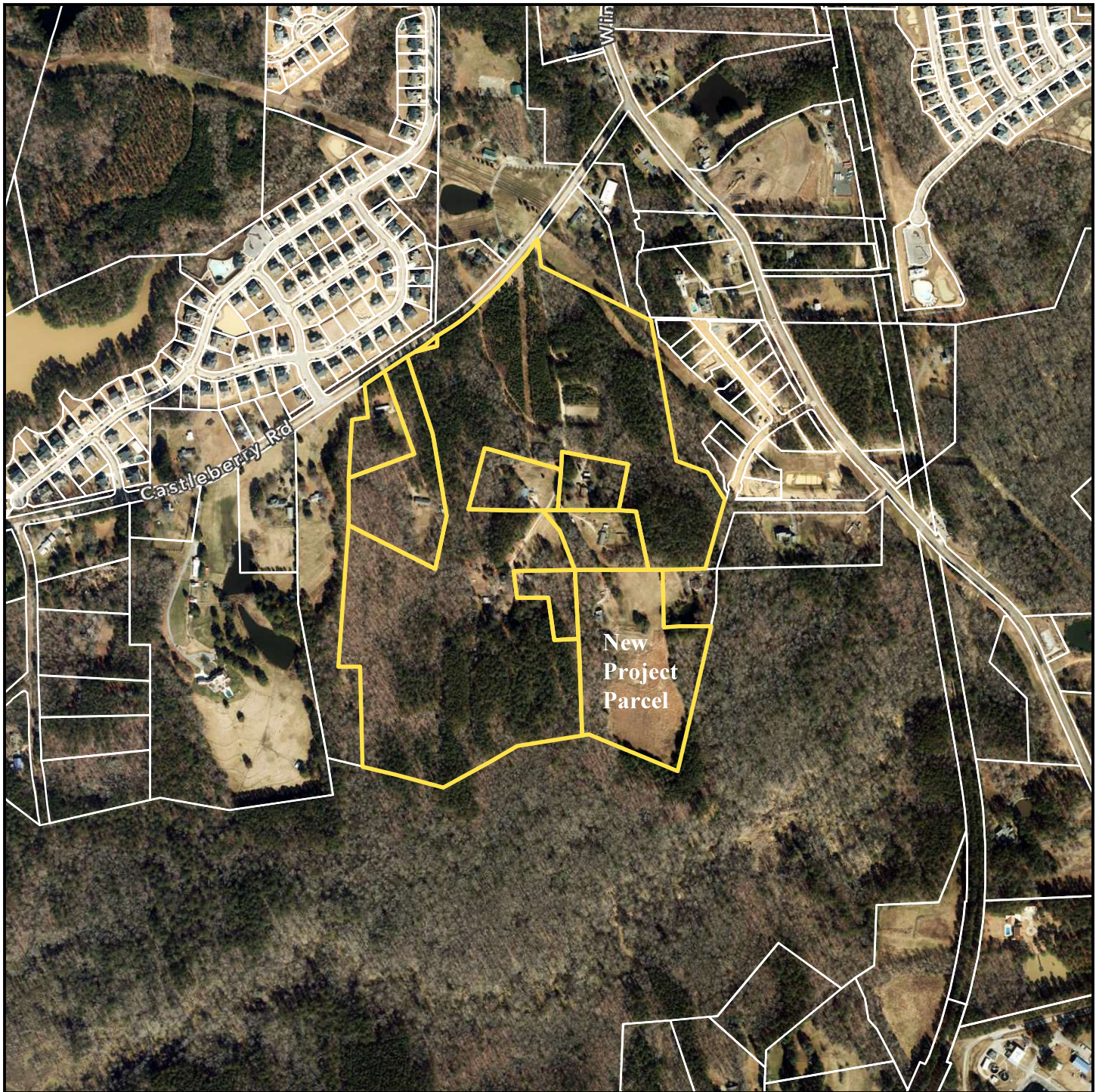
To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 863 8280 3694 #
Enter the Participant ID: #
Enter the Meeting password: 438301 #

If you have any questions prior to the meeting, please contact me directly at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com

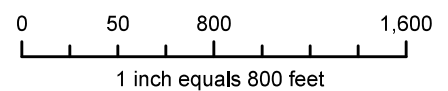
Sincerely,


Matthew Carpenter



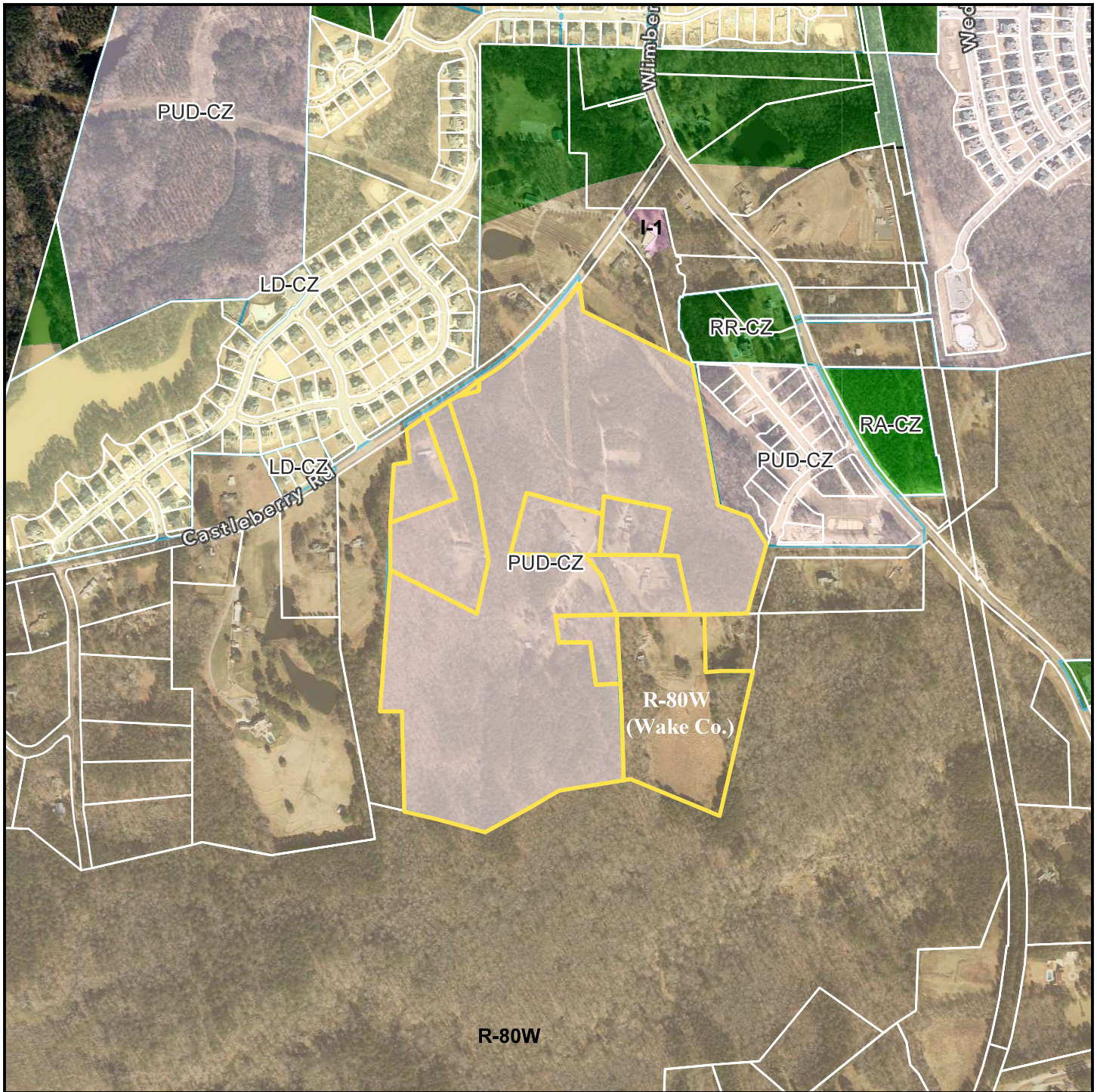
**8633/8635/8637/8639/8649/8705/
8709/8717 Castleberry Road; &
8309 Serenity Road**

Vicinity Map



Disclaimer

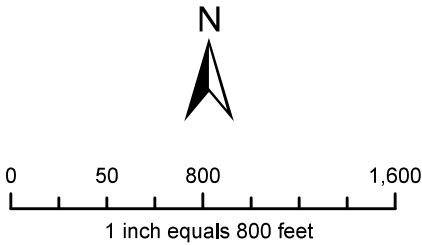
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



8633/8635/8637/8639/8649/8705/
 8709/8717 Castleberry Road; &
 8309 Serenity Road

Zoning Map

Current Zoning: PUD-CZ &
 R-80W (Wake Co.)



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



92 J. E. SUTHERLAND, D. J. SUTHERLAND, J. M. SUTHERLAND & D. J. SUTHERLAND

二

DATE	JANUARY 13, 2024	SCALE	HORIZONTAL: 1" = 150'	VERTICAL: N/A
MACE PROJ.#	09454-0001			
DRAWN	KLT			
DESIGNED	KLT			
CHECKED	PERKLT			
PROJECT MGR.	KLT			

STATUS: PRELIMINARY
NOT FOR CONSTRUCTION

PRELIMINARY
NOT FOR CONSTRUCTION

EXHIBIT A
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): 2348/692

Acreage: 12.74

Owner: Stanley Johnson and Lola Johnson

Owner Address: 203 Windsor Wynd Place, Fuquay Varina, NC 27526

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: Castleberry Reserve Zoning: PUD-CZ

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 103.42

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: McKim & Creed; Luke Turner

Address: 4300 Edwards Mill Road, Suite 200

City: Raleigh State: NC Zip: 27612

Phone: (919) 233-8091 Fax: N/A Email: klturner@mckimcreed.com

Builder (if known): Inspire Commerical, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

Castleberry Reserve - Second Neighborhood Meeting Notice List

SITE ADDRESS	PN NUMBER	OWNER	MAILING ADDRESS	
458 HAWKER ST	0723221779	BOYAPALLY, RAVIKANTH PATNAM, SWAPNA	458 HAWKER ST	APEX NC 27523-6243
8805 CASTLEBERRY RD	0713915102	BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-9046
3223 BELLAMY RIDGE DR	0723035278	CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-6604
8624 CASTLEBERRY RD	0723130849	CLOER, THOMAS G JR CLOER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-6659
3236 BELLAMY RIDGE DR	0723033135	COSTA, LUIZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-6604
8635 CASTLEBERRY RD	0723115892	COTRUFLO, BRIDGET COTRUFLO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-6695
8729 CASTLEBERRY RD	07230301857	CRIST, HOWARD L CRIST, PATRICIA E	8729 CASTLEBERRY RD	APEX NC 27523-6757
3235 BELLAMY RIDGE DR	07230340950	DABADE, PREETAM JAVHEDKAR, APURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-6604
452 HAWKER ST	0723221816	DHAKIA, NIRAV JITENDRA DHAKIA, SHIVANI NIRAV	452 HAWKER ST	APEX NC 27523-6243
470 HAWKER ST	0723223605	DUNIA, SATISH K TRUSTEE KATHIRAPATI, NAGAVALLI TRUSTEE	470 HAWKER ST	APEX NC 27523-6243
8737 CASTLEBERRY RD	0713927050	HAMILTON, BRIAN	8737 CASTLEBERRY RD	APEX NC 27523-6759
3254 BELLAMY RIDGE DR	0723020904	HARRIS, JESSICA LONG HARRIS, GARLAND LUTHER III	8805 CASTLEBERRY RD	APEX NC 27523-6604
3251 BELLAMY RIDGE DR	0723021739	JAISWAL, VISHAL SUBHALAL JAISWAL, SHWETA VISHAL	3254 BELLAMY RIDGE DR	APEX NC 27523-6604
8309 SERENITY TRL	0723117077	JOHNSON, STANLEY RAY JR JOHNSON, LOLA C	3251 BELLAMY RIDGE DR	APEX NC 27523-6604
8625 CASTLEBERRY RD	0723134513	JOHNSON, WILLIAM R III JOHNSON, SHERRY W	203 WINDSOR WYND PL	FUQUAY VARINA NC 27526-6629
3244 BELLAMY RIDGE DR	0723031074	JONNALA, SRINAKR PENSALWAR, NAMRATA	3511 NC 55 HWY	CARY NC 27519-8371
2835 WIMBERLY OAKS DR	0723224151	KOCHAR, SHREYANS KOCHAR, SALONI	3244 BELLAMY RIDGE DR	APEX NC 27523-6604
440 HAWKER ST	0723129879	KOMMAREDDY, SUNIL BOYAPATI, SARITHA	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
3228 BELLAMY RIDGE DR	0723034203	KRISHNAM, SRIRAM SWAMINATHAN, APARNA CHANDRA	440 HAWKER ST	APEX NC 27523-6243
0 CASTLEBERRY RD	0723020989	KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3228 BELLAMY RIDGE DR	APEX NC 27523-6604
3227 BELLAMY RIDGE DR	0713928535	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	3228 BELLAMY RIDGE DR	APEX NC 27523-6604
3247 BELLAMY RIDGE DR	0723028914	LATORE, MOSHER AL TORE, ERIN MARIE	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
8301 SERENITY TRL	0723210862	LISHCHYNA, STANISLAV LISHCHYNA, OLENA	3247 BELLAMY RIDGE DR	APEX NC 27523-6604
8649 CASTLEBERRY DR	0723242952	MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	8301 SERENITY TRL	APEX NC 27523-6603
8705 CASTLEBERRY RD	0723120194	MARCOM, SONYA BETH	2927 WIMBERLY OAKS DR	APEX NC 27523-6244
8717 CASTLEBERRY RD	0723113507	MARCOM, TEMPRE M	8649 CASTLEBERRY DR	APEX NC 27523-6695
8709 CASTLEBERRY RD	0723023450	MARCOM, THOMAS RUSSELL	8637 CASTLEBERRY RD	APEX NC 27523-6695
3255 BELLAMY RIDGE DR	0723020485	MARCOM, THOMAS RUSSELL MARCOM, NANCY	8637 CASTLEBERRY RD	APEX NC 27523-6695
424 LAKE CASTLEBERRY DR	0723020744	PALAKODETI, ANUPAMA DINAVAH, VENKATA C	2309 7 LKS S	WEST END NC 27376-9601
2826 WIMBERLY OAKS DR	0713928691	PATEL, VISHAL PATEL, KESHA	3209 7 LKS S	WEST END NC 27376-9601
3243 BELLAMY RIDGE DR	0723222988	PATLURI, VENKAT REDDY KUNREDDY, KAVITHA	424 LAKE CASTLEBERRY DR	APEX NC 27523-6612
3231 BELLAMY RIDGE DR	0723032689	RAMKRISHNAN, DINESHBABU JAGT, HANDRAMAN, MOUSHMI	2826 WIMBERLY OAKS DR	APEX NC 27523-6244
2932 WIMBERLY OAKS DR	0723035047	REYNOLDS, KATIE COLLE REYNOLDS, ROBERT JAY	3243 BELLAMY RIDGE DR	APEX NC 27523-6604
4201 DIESEL PATH	0723222247	SAHA, ARJUN ROYCHOMDHURY, RUPSA	3231 BELLAMY RIDGE DR	APEX NC 27523-6604
8633 CASTLEBERRY RD	0723125145	SANSOUCY, JILL L OLSON, SCOTT	2932 WIMBERLY OAKS DR	APEX NC 27523-6244
8921 CASTLEBERRY RD	0723136552	STRICKLAND, DEBORAH MARCOM KAY	4201 DIESEL PATH	APEX NC 27523-6791
MY RIDGE DR	0723032150	SUTTON, DON SCOTT JR	8633 CASTLEBERRY RD	APEX NC 27523-6695
ERLY RD	0723032151	TAI, DEYONG YUAN, ZHONGFENG	8621 CASTLEBERRY RD	APEX NC 27523-6695
ER ST	0722090422	THE TRAILS AND ESTATES AT LAKE CASTLEBERRY COMMUNI	3240 BELLAMY RIDGE DR	APEX NC 27523-6604
	0723035178	WAHL, JAMES WAHL, LAURA	PPM	11010 RAVEN RIDGE RD
	0723220952	YENDLURI, PRUDHVI KATRAGADDA, GIRJA	3227 BELLAMY RIDGE DR	RALEIGH NC 27611-1441
		Current Tenant	448 HAWKER ST	APEX NC 27523-6604
		Current Tenant	8625 Castleberry RD	APEX NC 27523
		Current Tenant	8628 Castleberry RD	APEX NC 27523
		Current Tenant	8717 Castleberry RD	APEX NC 27523
		Current Tenant	8737 Castleberry RD	APEX NC 27523
		Current Tenant	8309 Serenity TRL	APEX NC 27523
		Current Tenant	808 Wimberly RD	APEX NC 27523
		Current Tenant	1105 Wimberly RD	APEX NC 27523
		Current Tenant	2932 Oaks DR	APEX NC 27523

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See attached Exhibit A

Applicant(s): Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; 919-835-4032

Meeting Address: Virtual (Zoom) - See attached notice letter

Date of meeting: February 19, 2024

Time of meeting: 6:00

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

Question/Concern #1:

See attached

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Castleberry Reserve PUD Amendment Summary of Second Neighborhood Meeting

I. WELCOME

- a. Introduction of development team
- b. Explanation of process. This is the second neighborhood meeting. Original PUD approved September 2023. First neighborhood meeting held October 2023, and PUD Amendment application filed November 2023. We've been in staff review for several months and hope to go to hearings in March.

II. PRESENTATION

- a. Site Overview - location, existing uses adjacent, and surrounding development in progress.
 - i. Purpose of application is to add additional 12-13 acre parcel to 89.90 acre site approved in 2023. With additional property, overall site is 103.42 acres.
- b. Zoning Concept Plan
 - i. Again, purpose of amendment is just to add additional property to the previously approved PUD.
 - ii. PUD conditions approved in 2023, including per acre density, built-upon area, cemetery preserved in place, connection to tobacco trail, etc. will not change.
 - iii. At 1.65 units/acre, the inclusion of the new parcel will add a total of 22 units to the project, increasing total units from 148 to 170.
 - iv. Extended 450-foot Game Lands Buffer on to additional property.
- c. Rezoning Process and Timeline
 - i. Hoping to go to Planning Board and Town Council in March - March 11 Planning Board and March 26 Town Council.
 - ii. Master Subdivision Plan is being reviewed concurrently and will be reviewed and approved administratively by Town staff.
 - iii. You can stay up to date on the case by contacting us directly or by visiting the Town of Apex website.

III. QUESTION AND ANSWER

- a. ***I live at 3227 Bellamy Ridge Drive and my backyard faces Mr. Renfer's house (8644 Castleberry Road). I see you moved the subdivisions access road. Why did you move it? It now aligns with my backyard and I have concerns about car lights shining into my house.***
 - i. In early versions of the plan, the road onto Castleberry aligned directly with Mr. Renfer's house. We then moved the road to its current location so car lights would not shine directly into Mr. Renfer's house. We can discuss potential options to shift the road slightly, but the current location is the best location for several reasons:
 - 1. It's the only location that isn't directly across from the rear of an existing home (Lake Castleberry), or the front of an existing home (Mr. Renfer's house).
 - 2. The existing vegetation will help shield any vehicle lights. Many of the trees appear to be pine trees which maintain a buffer even in the winter.

3. We couldn't push the road further east due to the configuration of the site and location of the existing cemetery.

b. What type of buffer will be located along Castleberry Road? Where is the buffer measured from?

- i. There will be a 40-foot Type B buffer along Castleberry Road. What we try to do with site buffers is to keep existing vegetation where possible and supplement plantings where needed. There are existing trees in this location, so we'll try to keep as many as possible. The buffer is measured from the property line which is at the southern edge of the Castleberry Road right of way. Castleberry Road is about a 60' right of way, so the property line where the buffer will start is about 30' south of the centerline of Castleberry Road.

c. How will the second access road connect to Wimberly Oaks Drive?

- i. The second access road will connect to the existing Wimberly Oaks Drive stub street. To connect to the stub, we'll construct a road over a small portion of Diesel Path which is currently an access easement.

d. Will there be a sidewalk connection here?

- i. Yes, we will have sidewalks along our access road that will connect to sidewalks on Wimberly Oaks Drive. The project also includes off-site sidewalk/pedestrian connections to Lake Castleberry and the American Tobacco trail that were approved as part of the original PUD.

e. Will there be any other changes to Wimberly Oaks Drive?

- i. No, we will not be making any changes to the road north of the existing stub.

f. Is traffic calming an option?

- i. Traffic calming measures typically have to be requested by the neighborhood and are reviewed and approved by Town transportation staff and/or NCDOT.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual (Zoom) - See attached notice letter
 Date of meeting: February 19, 2024 Time of meeting: 6:00
 Property Owner(s) name(s): See attached Exhibit A
 Applicant(s): Inspire Commercial, LLC c/o Matthew Carpenter

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jim Wahl	3227 Bellamy Ridge Drive			<input checked="" type="checkbox"/>
2.	Robeert Reynolds	3231 Bellamy Ridge Drive			<input checked="" type="checkbox"/>
3.	Preetam Dabade	3235 Bellamy Ridge Drive			<input checked="" type="checkbox"/>
4.	Venkat Putluri	2926 Wimberly Oaks Drive			<input checked="" type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Project Name: Castleberry Reserve

Date: 11/1/2023

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions. Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.

Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.			

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Implement Low Impact Development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of _____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. <u>Option 5.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded). The Department of Public Works & Transportation does not currently support these options within the right-of-way (ROW). These may be done on private sites, but not within the public ROW. a. The project shall utilize pervious pavement when constructing the parking spaces for parking lot-style townhomes. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association. AND/OR b. The project shall utilize pervious pavement when constructing the driveways for residential units. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Use the stormwater captured in the on-site SCM to irrigate landscaping within the development. At least _____ SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 6. Preserve tree canopy and prioritize medium to large, healthy, desirable species. <u>Option 6.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The project shall preserve a minimum of _____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 6.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree of similar species or mature size. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 7. Plant trees to improve energy efficiency. <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 8. Increase biodiversity. Note: Invasive species are prohibited. Please see the Town's Design and Development Manual for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).			
a. The project shall ensure that _____% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AND/OR			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.			
a. The project commits to planting only drought tolerant plants, of which _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 10. Promote the benefits of native pollinators. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.			

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 12. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant shall add ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 13. Reduce impacts to resource conservation Areas (RCAs). a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. OR b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (14)	YES	NO	N/A
Goal 14. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for one of the green building certifications listed above. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE MANAGEMENT (15)	YES	NO	N/A
Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts. <i>Numbers shown may be changed based on project.</i> The project shall install at least one (1) pet waste station per 25 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (16-18)	YES	NO	N/A
Goal 16. Install rooftop solar on buildings. a. A solar PV system of at least ____kW shall be installed on at least ____homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR b. A solar PV system shall be installed on a minimum of ____model home. All solar installation required by this condition shall be completed or under construction prior to ____% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part II - Non-Residential

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
Goal 1. Increase design storm for retention basin in flood-prone areas. The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of ____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
<p>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. The Department of Public Works & Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;">AND/OR</p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>			
Goal 7. Stormwater re-use application: Integrate irrigation from the SCM (wet pond) on site.			
At least one _____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.			

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>Goal 8. Preserve tree canopy and prioritize medium to large, healthy, desirable species.</p> <p><u>Option 8.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The EAB's preference is for a minimum of 50%.</p> <p>a. The project shall preserve a minimum of ____% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.</p> <p style="text-align: center;">OR</p> <p>b. The project shall preserve a minimum of ____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 9. Plant trees for improved energy efficiency.</p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings.</p> <p>To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings.</p> <p>To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 10. Increase biodiversity.</p> <p><u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).</p> <p>a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.</p> <p style="text-align: center;">OR</p> <p>b. The project shall ensure that ____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound.</p> <p>To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of ____% of the species selected shall be native or a native of North Carolina.</p> <p style="text-align: center;">OR</p> <p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 11. Implement green infrastructure.</p> <p><u>Option 11.1:</u> Plant rain gardens.</p> <p>The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;">OR</p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least ____ft² of each building.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><u>Option 11.3:</u> Implement xeriscaping in design.</p> <p>a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p>OR</p> <p>b. The project commits to planting only drought tolerant plants. At least ____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p>OR</p> <p>c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 12. Install community gardens and native pollinator demonstration gardens. The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings. To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.</p> <p>a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.</p> <p>OR</p> <p>b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<p>Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE REDUCTION (17)	YES	NO	N/A
<p>Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.</p>			

Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (18-20)	YES	NO	N/A
Goal 18. Install rooftop solar on buildings. <p>a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.</p> <p style="text-align: center;">OR</p> <p>b. A solar PV system of at least 3.5kW shall be installed on at least _____% of or _____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to _____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time.</p> <p style="text-align: center;">OR</p> <p>c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least _____ kWhs.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 19. Include solar conduit in building design. The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 20. Encourage clean transportation. <p>a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.</p> <p style="text-align: center;">AND/OR</p> <p>b. EV charging spaces shall be located such that the cords shall not cause a trip hazard.</p> <p style="text-align: center;">AND/OR</p> <p>c. The developer shall provide 5% of all parking spaces as EV charging spaces.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
Goal 21. Include energy efficient lighting in building design. <u>Option 21.1:</u> Increase the use of LEDs. The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 21.2:</u> Lower maximum foot-candles outside of buildings. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 22. Install timers or light sensors or smart lighting technology. <p>a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 23. Include International Dark Sky Association compliance standards. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

Applicant Clarification/Additional Language:

The purpose of the requested rezoning is to add approximately 13 acres of additional property (the "Johnson Property") to the Castleberry Reserve PUD approved September 12, 2023. Accordingly, if the proposed rezoning is approved, the Johnson Property will be subject to all environmental conditions reviewed and approved as part of the Castleberry Reserve PUD. We are not proposing any changes to those conditions.

Additional Board Recommendations:

EXHIBIT A
to Castleberry Reserve PUD Amendment Application
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, A

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): N/A; Estate File

Acreage: 13.52

Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

CASTLEBERRY RESERVE PUD AMENDMENT

Planned Unit Development

Apex, North Carolina

Original PUD

Approved September 12, 2023

First Amendment

First Submittal: November 1, 2023

Second Submittal: January 3, 2024

Third Submittal: February 2, 2024

Fourth Submittal: February 20, 2024

Developer

Inspire Commercial, LLC

1124 Grogans Mill Drive

Cary, NC 27519

Civil Engineer

McKim & Creed

4300 Edwards Mill Road

Suite 200

Raleigh, NC 27612

Land Use Attorneys

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VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD Amendment
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Matthew J. Carpenter Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601
Current Zoning:	Planned Unit Development Conditional Zoning (#23CZ04 PUD-CZ) and Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Low Density Residential & Rural Density Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	<u>103.42 acres</u>
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 103.42 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (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***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 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.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (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.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards, which propose multiple pedestrian connections and commit to preserving a 450-foot undisturbed buffer and 25% of existing tree canopy, are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the 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 Advance Apex: The 2045 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 Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents. The PUD also offers two offsite pedestrian connections that will significantly improve connectivity in the area; a paved sidewalk connection to the American Tobacco Trail along Wimberly Road, and a new sidewalk to connect to Lake Castleberry and fill the existing sidewalk gap along Castleberry Road.

(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.*

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (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.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 1.65 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

- (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.***

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

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

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	103.42 acres
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	170 units
Maximum Residential Density	1.65 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	8,000 square feet
Minimum Lot Width	60 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	40 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along Diesel Path	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
<u>Along the Property's shared property line with PIN 0723210562</u>	<u>20 ft. Type B</u>
Along the Cemetery's Road Frontage	0 ft.
Along the Property's southernmost property line adjacent to PIN 0722090422	450 ft. undisturbed (the "Southern Game Lands Buffer")**
<u>Along the Property's easternmost property line adjacent to PIN 0722090422</u>	<u>Variable width undisturbed. See Concept Plan (the "Eastern Game Lands Buffer")**</u>

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

****The Southern Game Lands Buffer and the Eastern Game Lands Buffer shall be referred to as the Game Lands Buffer.** The Game Lands Buffer shall remain undisturbed in its current natural state and shall not be cleared or graded other than for necessary tree/forestry/open space maintenance and/or installation of passive recreation amenities such as unpaved trails, benches, and natural areas. The Game Lands Buffer shall not require any supplemental plantings.

AFFORDABLE HOUSING

- The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

- Prior to issuance of the Master Subdivision Final Plat for the Property, Developer shall make a donation of **\$170,000** to the Town of Apex Affordable Housing Fund.

ARCHITECTURAL STANDARDS

Castleberry Reserve PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative trim
• Bay window	• Decorative shake
• Recessed window	• Decorative air vents on gable
• Decorative window	• Decorative gable
• Trim around the windows	• Decorative cornice
• Wrap around porch or side porch	• Column
• Two or more building materials	• Portico
• Decorative brick/stone	• Balcony
	• Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

11. Garages on the front façade of homes that face the street shall not exceed 50% of the total width of the house and garage together.

CONCEPTUAL BUILDING ELEVATIONS







PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waster near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area (“RCA”) for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8. The Game Lands Buffer, as defined in the Landscaping, Buffering, and Screening section of this PUD, and as shown on the concept plan, shall qualify as RCA provided it meets the requirements of UDO Section 8.1.2.

Floodplain

The project will not be located in a designated current or future 100-year floodplain as shown on the Town of Apex’s Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015. **There is a small floodplain area long the southeastern property line of PIN 0723117077 and the Project will not disturb this area.**

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the “Cemetery”). The

Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 20 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of **five (5)** pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
- The project shall preserve at least 25% of existing tree canopy.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

This original PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and the First Amendment on January 31, 2024, and a fee-in-lieu of dedication was recommended.

Original PUD Single-family detached Units:	\$ 4,016.66 x 148 =	\$ 594,465.68
First Amendment Single-family detached Units:	\$ 4,165.28 x 22 =	\$ 91,636.16

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications as set forth at the time of Master Subdivision Plan submittal. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.
- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening

and gutter typical roadway section (the “ATT Connection”). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.



WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer as set forth at the time of Master Subdivision Plan submittal. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of the Peak Plan 2030 and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 1.65 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of Peak Plan 2030.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town’s Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR LESS.

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): N/A; Estate File

Acreage: 13.52

Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

PREPARED BY:
MCKIM & CREED, INC.
1730 VARSITY DRIVE, SUITE 500, RALEIGH, NC 27606
PHONE: (919) 233-8091
CONTACT: LUKE TURNER, KLTurner@mckimcreed.com

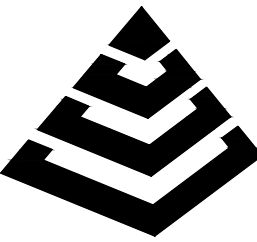
DEVELOPER:
INSPIRE COMMERCIAL, LLC
301 FAYETTEVILLE STREET, SUITE 1400, RALEIGH, NC 27601
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

LAND USE ATTORNEY:
PARKER, POE, ADAMS, & BERSTEIN LLP
301 FAYETTEVILLE STREET, SUITE 1400
PHONE: (919) 835-4032
CONTACT: matthewcarpenter@parkerpoe.com

SURVEYOR:
BATEMAN CIVIL SURVEY COMPANY
2524 RELIANCE AVENUE
APEX, NC 27502
PHONE: (919) 577-1080

ENVIRONMENTAL CONSULTANT:
SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF THE NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
PHONE: (919) 846-5900

Property Ownership
*Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.
Parcel 1 Site Address: 8633 Castleberry Road PIN: 0723125145 Deed Reference (book/page): 2284/124 Acreage: 2.38 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland) Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695
Parcel 2 Site Address: 8635 Castleberry Road PIN: 0723115892 Deed Reference (book/page): 9017/1189 Acreage: 3.37 Owner: Briaget Cotrufo and Paul Anthony Cotrufo Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695
Parcel 3 Site Address: 8637 Castleberry Road PIN: 0723113507 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 1.94 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695
Parcel 4 Site Address: 8639 Castleberry Road PIN: 0723111191 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 68.82 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695
Parcel 5 Site Address: 8649 Castleberry Road PIN: 0723120194 Deed Reference (book/page): 3292/220 Acreage: 3.0 Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695
Parcel 6 Site Address: 8709 Castleberry Road PIN: 0723024085 Deed Reference (book/page): 16865/2012 Acreage: 7.29 Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 7 Site Address: 8717 Castleberry Road PIN: 0723023450 Deed Reference (book/page): 16865/2012 Acreage: 2.92 Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 8 Site Address: 8705 Castleberry Road PIN: 0723026951 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 0.19 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 9 Site Address: 8309 Serenity Trail PIN: 0723117077 Deed Reference (book/page): N/A; Estate File Acreage: 13.52 Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson



1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222

www.mckimcreed.com



PUD AMENDMENT

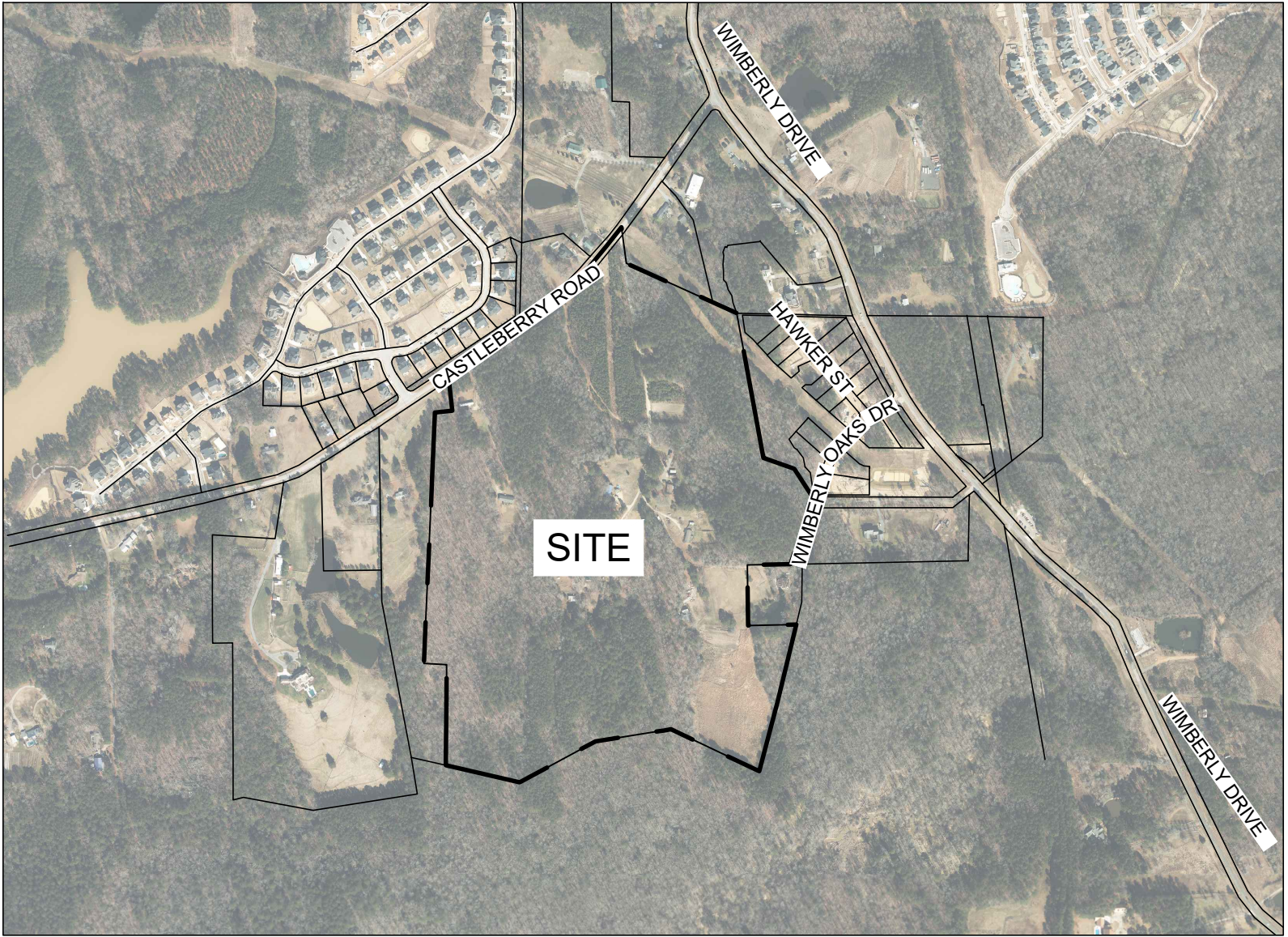
CASTLEBERRY RESERVE

CASTLEBERRY ROAD, APEX, NC

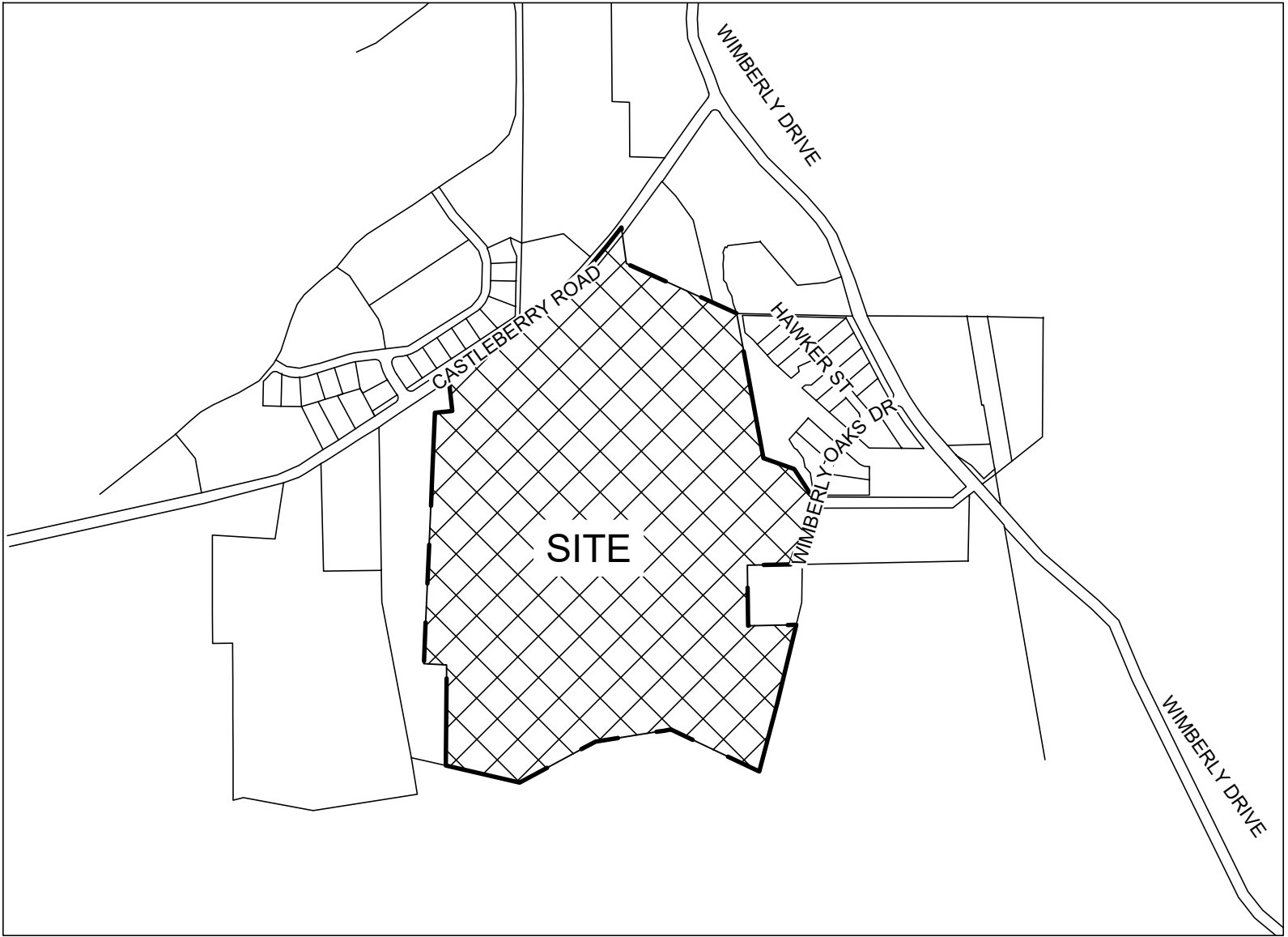
DATE: FEBRUARY 19, 2024

REZONING CASE #23CZ21

(AMENDMENT TO CASE #23CZ04)



AERIAL MAP SCALE: 1" = 850'

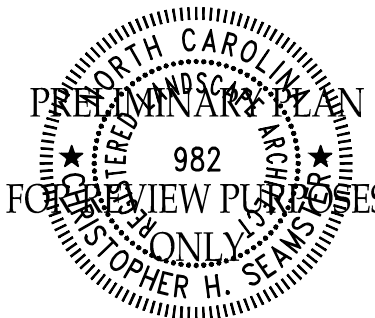


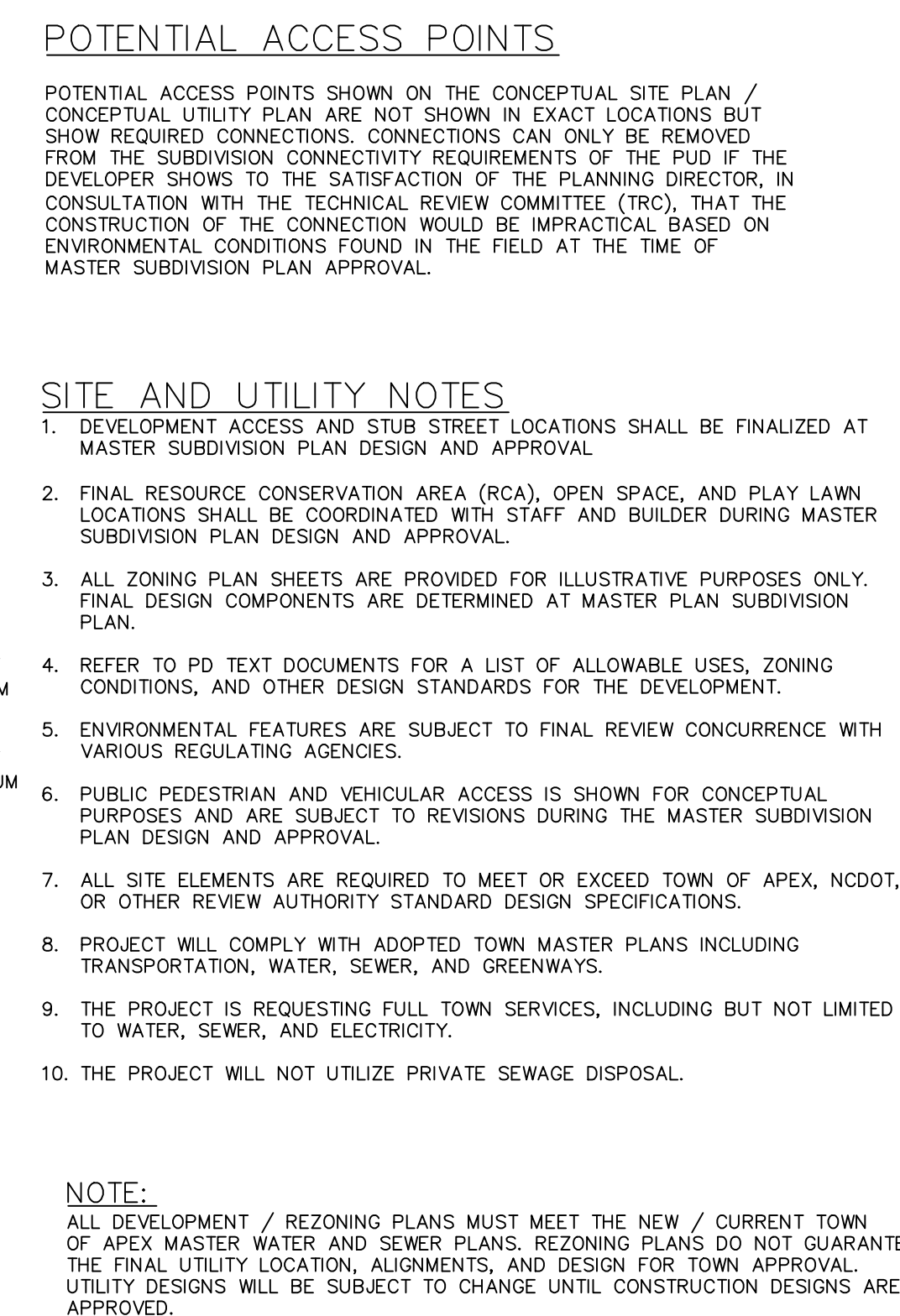
VICINITY MAP SCALE: 1" = 850'

PARKS AND RECREATION DATA TABLE		
DATE REVIEWED BY PRCR ADVISORY COMMISSION:	JANUARY 31, 2024	
FEE-IN-LIEU: 2023 RATES		
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x <u>148</u>	UNITS = \$594,465.68
SINGLE-FAMILY DETACHED UNITS	\$4165.28/DWELLING UNIT x <u>22</u>	UNITS = \$91,636.16
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT	
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT	
ACERS OF LAND DEDICATION: <u> n/a </u> ACRES		
PUBLIC GREENWAY TRAIL CONSTRUCTION YES <u> NO </u> <u>X</u>		
THE PRCR ADVISORY COMMISSION UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION FOR 179 SINGLE FAMILY DETACHED RESIDENTIAL UNITS AT THEIR APRIL 26TH, 2023 MEETING. IF APPROVED BY TOWN COUNCIL IN 2023 THE RATE WOULD BE \$4,016.66 PER SINGLE-FAMILY DETACHED RESIDENTIAL UNIT AND WOULD RUN THE LIFE OF THE PROJECT UNLESS ADDITIONAL ACREAGE OR UNITS WERE ADDED TO THE PROJECT. THE FEE-IN-LIEU OF DEDICATION IS PAID PER UNIT AT THE TIME OF FINAL SUBDIVISION PLAT.		

SHEET LIST TABLE	
C1.0	COVER
C2.0	EXISTING CONDITIONS AND TREE SURVEY
C3.0	SITE AND UTILITY PLAN

SITE DATA:	
TOWNSHIP:	WHITE OAK TOWNSHIP
FLOOD ZONE INFORMATION:	FIRM PANEL 3720072300K EFFECTIVE JULY 19, 2022. NO FLOOD ZONE DEVELOPMENT IS PROPOSED.
WATERSHED INFORMATION:	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, CAPE FEAR RIVER BASIN
HISTORICAL:	NC SHPO DOES NOT SHOW ANY EXISTING HISTORICAL STRUCTURES. A CEMETERY DOES EXIST WITHIN THE PROPERTY ASSEMBLAGE (~0.30 ACRES AND 59 GRAVESITES) ANNEXATION REQUIRED AS THE PROPERTY IS LOCATED OUTSIDE OF THE APEX ETJ ANNEXATION NUMBER: #752 (APPROVED) AND #771 (PENDING)
ANNEXATION:	
EXISTING ZONING:	R-80W (WAKE COUNTY), AND PUD-CZ (#23CZ04)
PROPOSED ZONING:	PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
EXISTING 2045 LAND USE MAP:	RURAL DENSITY RESIDENTIAL(PIN 0723117077) AND LOW DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP:	LOW DENSITY RESIDENTIAL
EXISTING USE:	SINGLE-FAMILY RESIDENTIAL AND VACANT
PROPOSED USES:	SINGLE-FAMILY RESIDENTIAL PARK, ACTIVE PARK, PASSIVE UTILITY, MINOR ACCESSORY APARTMENT GREENWAY RECREATION FACILITY, PRIVATE CEMETERY
*HOMEOWNERS ASSOCIATION COVENANTS SHALL NOT RESTRICT THE CONSTRUCTION OF ACCESSORY DWELLING UNITS.	
TOTAL PROJECT AREA:	103.4 ACRES
MAXIMUM NUMBER OF LOTS:	170 DWELLING UNITS
MAXIMUM RESIDENTIAL DENSITY:	1.65 DWELLING UNITS/ACRE (INCLUDES RCA AND RIGHTS-OF-WAY)
LOTS:	MIN LOT SIZE MIN LOT WIDTH MAX BUILDING HEIGHT
NORTHERN DISTRICT SINGLE-FAMILY DETACHED:	8,000 SF 60 FEET 45 FEET (3 STORIES)
SOUTHERN DISTRICT SINGLE-FAMILY DETACHED:	10,000 SF 75 FEET 45 FEET (3 STORIES)
BUILDING SETBACKS (MINIMUM SETBACKS UNLESS OTHERWISE NOTED):	
FRONT:	RESIDENTIAL 10 FEET PRIVATE RECREATION FACILITY 10 FEET
FRONT (GARAGE):	20 FEET N/A
REAR:	10 FEET 10 FEET
SIDE:	5 FEET 10 FEET
SIDE (CORNER LOT):	10 FEET N/A
FROM BUFFER OR RCA:	10 FEET 10 FEET
PARKING SETBACK FROM BUFFER OR RCA:	5 FEET 5 FEET
PARKING REQUIREMENTS:	
SINGLE FAMILY DETACHED:	2 SPACES/DWELLING UNIT REQUIRED SINGLE FAMILY PARKING PROVIDED BY DRIVEWAY AND GARAGE (MIN 2 SPACES/LOT)
PRIVATE RECREATION FACILITY:	PARKING SHALL BE BASED UPON SIZE AND USE WITHIN THE RECREATION FACILITY
MAXIMUM BUILT UPON AREA:	46.53 ACRES OR 45% (PER PLANNED UNIT DEVELOPMENT DESIGN CONTROLS)
RCA REQUIRED:	PER PUD: 20% RCA
GRADING:	DEVELOPMENT TO BE MASS GRADED, IT SHALL DESIGNATE A MINIMUM OF 20% OF THE PROPERTY AS RCA AND SHALL NOT BE REQUIRED TO PROVIDE THE ADDITIONAL 5% RCA FOR MASS GRADING UNDER UDO SECTION 7.2.5.B.8.
% OF LOTS GRADED PRIOR TO FIRST PLAT:	50% (LIMITED BY APEX UDO TO A MAXIMUM ACREAGE FOR MASS GRADING) MAXIMUM OF 20 ACRES OF CLEARING FOR SINGLE-FAMILY DETACHED DEVELOPMENTS
% OF PRE-DEVELOPMENT DRAINAGE AREAS PRESERVED WITHIN THEIR NATURAL BASINS:	90%



[illegible]

SEAL

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

SEAL

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY



McKIM & CREED

*1730 Varsity Drive, Suite 500
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F-1222*

www.mckimcreed.com

CASTLEBERRY RESERVE
PUD AMENDMENT (23CZ21)

SITE AND UTILITY PLAN

DATE: FEBRUARY 20, 2024 MCE PROJ. # 09545-0001 DRAWN KLT DESIGNED KLT CHECKED PEH/KLT PROJ. MGR. KLT	SCALE HORIZONTAL: 1" = 150' VERTICAL: N/A	MAC FILE NUMBER CJA-SITE-UTILITY/DA DRAWING NUMBER <h1 style="margin: 0;">C3.0</h1>
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STATUS: **PRELIMINARY**
NOT FOR CONSTRUCTION
REVISION



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ21
Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail

Acreage: ±103.42 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077

Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23C204) & Wake County Residential 80W (R-80W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 11, 2024 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raincplanning.com/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 23 – March 11, 2024

10:17 AM
2/23/2024



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ21
Castleberry Reserve PUD Amendment
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifica a las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail

Superficie: ±103.42 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23C204) & Wake County Residential 80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2^o piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de marzo de 2024 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raincplanning.com/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de febrero - 11 de marzo de 2024

10:18 AM
2/23/2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ21
Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC
Authorized Agent: Matthew Carpenter, Parker Poe
Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Acreage: ±103.42 acres
Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077
Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) & Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 11, 2024 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ21

Castleberry Reserve PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail

Superficie: ±103.42 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) & Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de marzo de 2024 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ21 Castleberry Reserve PUD Amendment
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Planning Board: March 11, 2024
Public Hearing Date:
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on February 23, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

2/26/2024
Date

Shanne Ikhin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 26th day of February, 202 4.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919 249 3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #23CZ21
Castleberry Reserve PUD Amendment**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC
Authorized Agent: Matthew Carpenter, Parker Poe
Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Acres: 1103.42 acres
Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077
Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23C204) & Wake County Residential R0W (R-60W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: April 9, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/watch?v=7Z0m0fapag0>

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <http://www.apexnc.org/DocumentCenter/View/125339>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/125339. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/125339>

Dianne F. Kihn, AICP
Planning Director

Published Dates: March 18- April 9, 2024



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEPHONE 919 249 3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ21
Castleberry Reserve PUD Amendment**



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEPHONE 919 249 3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ21
Castleberry Reserve PUD Amendment
(Desarrollo de Unidad Planificada)**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC
Agente autorizado: Matthew Carpenter, Parker Poe
Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Superficie: 1103.42 acres
Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23C204) & Wake County Residential R0W (R-60W)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

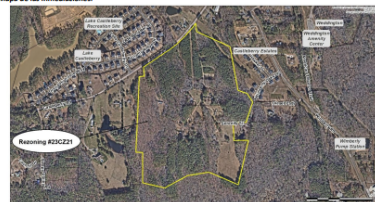
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado o continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7Z0m0fapag0>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <http://www.apexnc.org/DocumentCenter/View/125339>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/125339. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/125339>

Dianne F. Kihn, AICP
Directora de Planificación

Fechas de publicación: 18 de marzo - 9 de abril de 2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ21 Castleberry Reserve PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail

Acreage: ±103.42 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077

Current 2045 Land Use Map Designation: Low Density Residential & Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) & Wake County Residential-80W (R-80W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

**Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.**

Town Council Public Hearing Date and Time: April 9, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ21

Castleberry Reserve PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail

Superficie: ±103.42 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, 0723026951, and 0723117077

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential & Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) & Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45237/23CZ21>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #23CZ21 Castleberry Reserve PUD Amendment
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road & 8309 Serenity Trail
Applicant or Authorized Agent: Matthew Carpenter
Firm: Parker Poe
Town Council Public Hearing Date: April 9, 2024
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on March 18, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

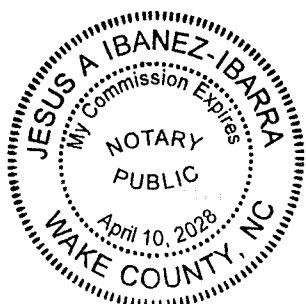
3/18/2024
Date

Shianne L. Kim
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

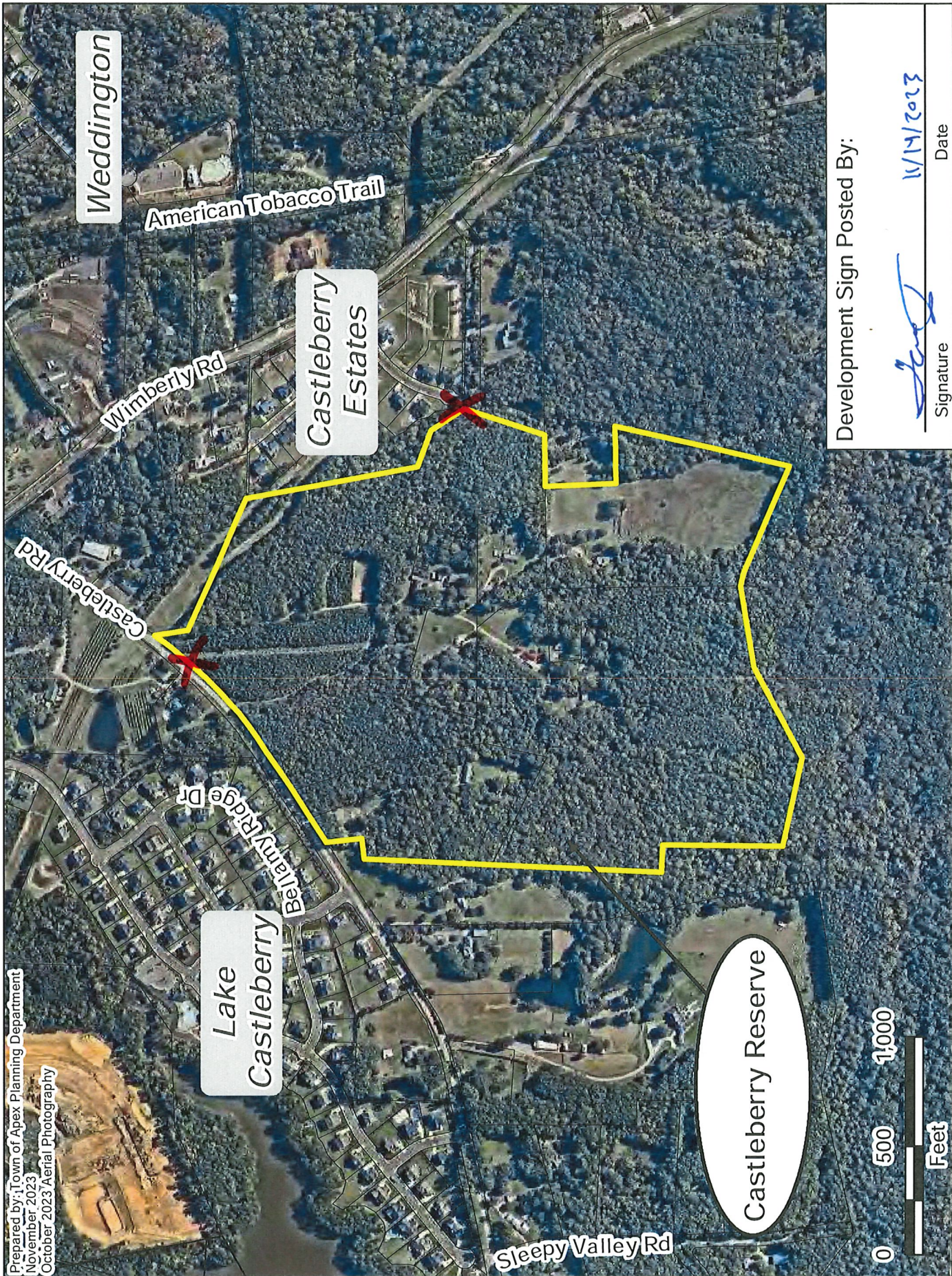
Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 18th day of March, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028



Prepared by: Town of Apex Planning Department
November 2023
October 2023 Aerial Photography



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

December 8, 2023

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

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 1, 2023
- Name of development: 23CZ21 Castleberry Reserve PUD Amendment
- Address of rezoning: 8633, 8635, 8637, 8639, 8649, 8709, 8717, & 8705 Castleberry Rd; 8309 Serenity Trl
- Total number of proposed residential units: 170 (increased from 148)
- Type(s) of residential units proposed: Single-family detached

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 all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ 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,



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: 103.42
PIN(s): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194,
0723024085, 0723023450, 0723026951, and 0723117077
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) and
Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

Current 2045 Land Use Map: Low Density Residential and Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Inside and Outside

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ21 Castleberry Reserve PUD Amendment

Planning Board Meeting Date: March 11, 2024



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ21 Castleberry Reserve PUD Amendment

Planning Board Meeting Date: March 11, 2024



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ21 Castleberry Reserve PUD Amendment

Planning Board Meeting Date: March 11, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Ryan Akers

☒ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of March 2024.

Attest:

Tina Sherman, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2024.03.11 18:31:50
-04'00'

Amanda Bunce, Current Planning Manager

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 103.42 ACRES LOCATED AT 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 CASTLEBERRY ROAD AND 8309 SERENITY TRAIL FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #23CZ04) AND WAKE COUNTY RESIDENTIAL-80W (R-80W) ZONING TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#23CZ21

WHEREAS, Matthew Carpenter, Parker Poe/Inspire Commercial, LLC, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of November 2023 (the “Application”). The proposed conditional zoning is designated #23CZ21;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ21 before the Planning Board on the 11th day of March 2024;

WHEREAS, the Apex Planning Board held a public hearing on the 11th day of March 2024, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ21. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8 to 0 for the application for #23CZ21;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ21 before the Apex Town Council on the 9th day of April 2024;

WHEREAS, the Apex Town Council held a public hearing on the 9th day of April 2024. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ21 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Map and other adopted plans for the 89.90 acres Castleberry Reserve area and not consistent with the 2045 Land Use Plan and other adopted plans for the additional 13.86 acre parcel in that: the 2045 Land Use Map designates this additional 13.86 acre area Rural Density Residential and approval of this rezoning will automatically amend the 2045 Land Use Map to Low Density Residential. This rezoning includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) with a maximum density of 1.65 units per acre. The rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population and infrastructure consistent with that contemplated by the 2045 Land Use Map.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the Planned Unit Development-Conditional Zoning (PUD-CZ) rezoning includes the 450-foot buffer along the protected open space to the south recommended by the North Carolina Wildlife Resources Commission and the Environmental Advisory Board, a variable 250-foot buffer along the eastern property line adjacent to the protected open space, preserves 25% of the existing tree canopy, and two (2) affordable housing units. The rezoning is compatible with the surrounding neighborhood character, as it includes comparable lot sizes, lot widths, and setbacks. Furthermore, the PUD Plan includes off-site pedestrian improvements that will improve pedestrian safety along Castleberry Road and Wimberly Road and provide an improved connection to the American Tobacco Trail.

WHEREAS, the Apex Town Council by a vote of __ to __ approved Application #23CZ21 rezoning the subject properties located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road and 8309 Serenity Trail from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Ordinance Amending the Official Zoning District Map #23CZ21

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ04) and Wake County Residential -80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Castleberry Reserve PUD which are imposed as part of this rezoning.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2024.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A
To
Affidavit of Ownership
The Property

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET;
THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE,
N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR
LESS.

CASTLEBERRY RESERVE PUD AMENDMENT

Planned Unit Development

Apex, North Carolina

Original PUD

Approved September 12, 2023

First Amendment

First Submittal: November 1, 2023

Second Submittal: January 3, 2024

Third Submittal: February 2, 2024

Fourth Submittal: February 20, 2024

Developer

Inspire Commercial, LLC

1124 Grogans Mill Drive

Cary, NC 27519

Civil Engineer

McKim & Creed

4300 Edwards Mill Road

Suite 200

Raleigh, NC 27612

Land Use Attorneys

Parker Poe Adams & Bernstein LLP

301 Fayetteville Street, Suite 1400

Raleigh, NC 27602



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VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD Amendment
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Matthew J. Carpenter Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601
Current Zoning:	Planned Unit Development Conditional Zoning (#23CZ04 PUD-CZ) and Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Low Density Residential & Rural Density Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	<u>103.42 acres</u>
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 103.42 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (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***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 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.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (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.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards, which propose multiple pedestrian connections and commit to preserving a 450-foot undisturbed buffer and 25% of existing tree canopy, are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the 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 Advance Apex: The 2045 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 Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.***

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents. The PUD also offers two offsite pedestrian connections that will significantly improve connectivity in the area; a paved sidewalk connection to the American Tobacco Trail along Wimberly Road, and a new sidewalk to connect to Lake Castleberry and fill the existing sidewalk gap along Castleberry Road.

- (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.***

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (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.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 1.65 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

- (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.***

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

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

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	103.42 acres
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	170 units
Maximum Residential Density	1.65 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	8,000 square feet
Minimum Lot Width	60 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	40 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along Diesel Path	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
<u>Along the Property's shared property line with PIN 0723210562</u>	<u>20 ft. Type B</u>
Along the Cemetery's Road Frontage	0 ft.
Along the Property's southernmost property line adjacent to PIN 0722090422	450 ft. undisturbed (the "Southern Game Lands Buffer")**
<u>Along the Property's easternmost property line adjacent to PIN 0722090422</u>	<u>Variable width undisturbed. See Concept Plan (the "Eastern Game Lands Buffer")**</u>

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

****The Southern Game Lands Buffer and the Eastern Game Lands Buffer shall be referred to as the Game Lands Buffer.** The Game Lands Buffer shall remain undisturbed in its current natural state and shall not be cleared or graded other than for necessary tree/forestry/open space maintenance and/or installation of passive recreation amenities such as unpaved trails, benches, and natural areas. The Game Lands Buffer shall not require any supplemental plantings.

AFFORDABLE HOUSING

- The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

- Prior to issuance of the Master Subdivision Final Plat for the Property, Developer shall make a donation of **\$170,000** to the Town of Apex Affordable Housing Fund.

ARCHITECTURAL STANDARDS

Castleberry Reserve PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative trim
• Bay window	• Decorative shake
• Recessed window	• Decorative air vents on gable
• Decorative window	• Decorative gable
• Trim around the windows	• Decorative cornice
• Wrap around porch or side porch	• Column
• Two or more building materials	• Portico
• Decorative brick/stone	• Balcony
	• Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

11. Garages on the front façade of homes that face the street shall not exceed 50% of the total width of the house and garage together.

CONCEPTUAL BUILDING ELEVATIONS







PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area (“RCA”) for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8. The Game Lands Buffer, as defined in the Landscaping, Buffering, and Screening section of this PUD, and as shown on the concept plan, shall qualify as RCA provided it meets the requirements of UDO Section 8.1.2.

Floodplain

The project will not be located in a designated current or future 100-year floodplain as shown on the Town of Apex’s Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015. **There is a small floodplain area long the southeastern property line of PIN 0723117077 and the Project will not disturb this area.**

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the “Cemetery”). The

Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 20 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of **five (5)** pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
- The project shall preserve at least 25% of existing tree canopy.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

This original PUD was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and the First Amendment on January 31, 2024, and a fee-in-lieu of dedication was recommended.

Original PUD Single-family detached Units:	\$ 4,016.66 x 148 =	\$ 594,465.68
First Amendment Single-family detached Units:	\$ 4,165.28 x 22 =	\$ 91,636.16

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications as set forth at the time of Master Subdivision Plan submittal. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.
- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening

and gutter typical roadway section (the “ATT Connection”). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.



WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer as set forth at the time of Master Subdivision Plan submittal. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of the Peak Plan 2030 and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 1.65 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of Peak Plan 2030.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town’s Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S00°42'34"E A DISTANCE OF 330.20 FEET TO A 1/2" IRON PIPE FOUND, THENCE, N89°03'26"E A DISTANCE OF 263.68 FEET TO A 3/4" IRON PIPE SET; THENCE, S13°31'41"W A DISTANCE OF 7.39 FEET TO A COMPUTED POINT 0.35' NE OF A 1/2" IRON PIPE FOUND; THENCE, S13°31'41"W A DISTANCE OF 430.85 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S14°57'32"W A DISTANCE OF 388.18 FEET TO A 1" IRON PIPE FOUND; THENCE, N64°33'49"W A DISTANCE OF 534.09 FEET TO A 3/4" IRON PIE FOUND; THENCE, S80°42'18"W A DISTANCE OF 38.05 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON

PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET;
THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE,
N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 4,505,105 SQUARE FEET OR 103.42 ACRES, MORE OR
LESS.

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 9

Site Address: 8309 Serenity Trail

PIN: 0723117077

Deed Reference (book/page): N/A; Estate File

Acreage: 13.52

Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson

PREPARED BY:
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1730 VARSITY DRIVE, SUITE 500, RALEIGH, NC 27606
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CONTACT: LUKE TURNER, KLTurner@mckimcreed.com

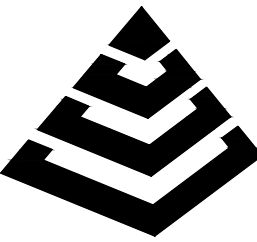
DEVELOPER:
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SURVEYOR:
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PHONE: (919) 577-1080

ENVIRONMENTAL CONSULTANT:
SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF THE NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
PHONE: (919) 846-5900

Property Ownership
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Parcel 2 Site Address: 8635 Castleberry Road PIN: 0723115892 Deed Reference (book/page): 9017/1189 Acreage: 3.37 Owner: Briaget Cotrufo and Paul Anthony Cotrufo Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695
Parcel 3 Site Address: 8637 Castleberry Road PIN: 0723113507 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 1.94 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695
Parcel 4 Site Address: 8639 Castleberry Road PIN: 0723111191 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 68.82 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695
Parcel 5 Site Address: 8649 Castleberry Road PIN: 0723120194 Deed Reference (book/page): 3292/220 Acreage: 3.0 Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones); and spouse, Steve Ammons Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695
Parcel 6 Site Address: 8709 Castleberry Road PIN: 0723024085 Deed Reference (book/page): 16865/2012 Acreage: 7.29 Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 7 Site Address: 8717 Castleberry Road PIN: 0723023450 Deed Reference (book/page): 16865/2012 Acreage: 2.92 Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 8 Site Address: 8705 Castleberry Road PIN: 0723026951 Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom Acreage: 0.19 Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones) Owner Address: 2309 7 Lakes S., West End, NC 27376-9601
Parcel 9 Site Address: 8309 Serenity Trail PIN: 0723117077 Deed Reference (book/page): N/A; Estate File Acreage: 13.52 Owner: Timothy C. Johnson, Joshua T. Johnson, and Ethan J. Johnson



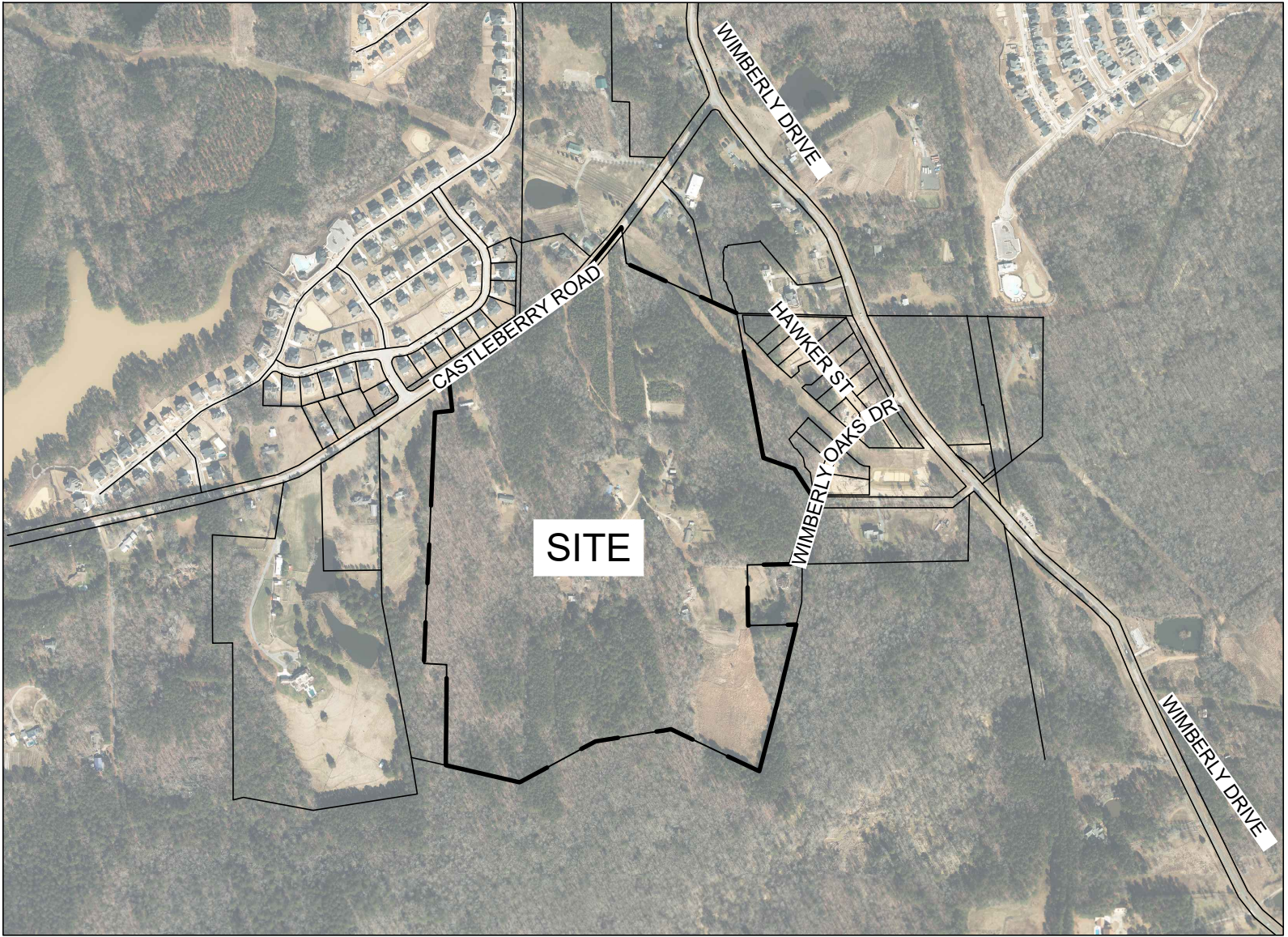
MCKIM & CREED

1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222

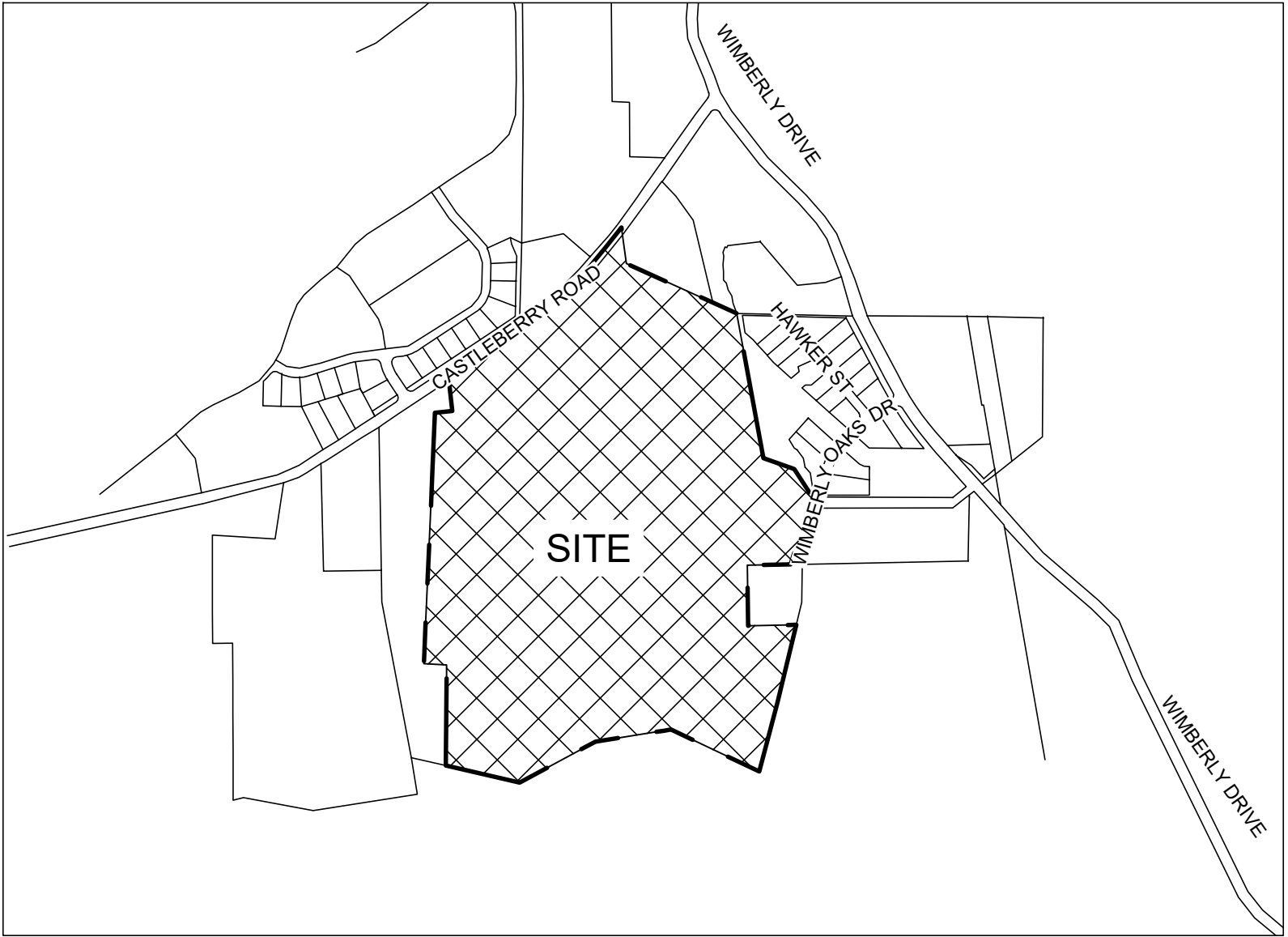
www.mckimcreed.com



PUD AMENDMENT CASTLEBERRY RESERVE CASTLEBERRY ROAD, APEX, NC DATE: FEBRUARY 19, 2024 REZONING CASE #23CZ21 (AMENDMENT TO CASE #23CZ04)



AERIAL MAP SCALE: 1" = 850'

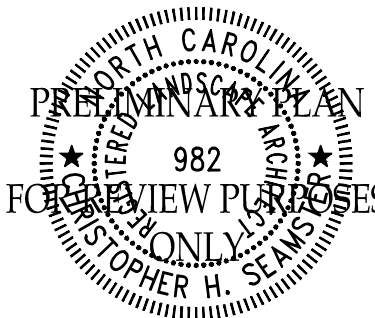


VICINITY MAP SCALE: 1" = 850'

<u>PARKS AND RECREATION DATA TABLE</u>		
DATE REVIEWED BY PRCR ADVISORY COMMISSION:	JANUARY 31, 2024	
FEE-IN-LIEU: 2023 RATES		
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x <u>148</u>	UNITS = \$594,465.68
SINGLE-FAMILY DETACHED UNITS	\$4165.28/DWELLING UNIT x <u>22</u>	UNITS = \$91,636.16
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT	
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT	
ACERS OF LAND DEDICATION: <u>n/a</u> ACRES		
PUBLIC GREENWAY TRAIL CONSTRUCTION YES <u>NO</u> <u>X</u>		
THE PRCR ADVISORY COMMISSION UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION FOR 179 SINGLE FAMILY DETACHED RESIDENTIAL UNITS AT THEIR APRIL 26TH, 2023 MEETING. IF APPROVED BY TOWN COUNCIL IN 2023 THE RATE WOULD BE \$4,016.66 PER SINGLE-FAMILY DETACHED RESIDENTIAL UNIT AND WOULD RUN THE LIFE OF THE PROJECT UNLESS ADDITIONAL ACREAGE OR UNITS WERE ADDED TO THE PROJECT. THE FEE-IN-LIEU OF DEDICATION IS PAID PER UNIT AT THE TIME OF FINAL SUBDIVISION PLAT.		

SHEET LIST TABLE	
C1.0	COVER
C2.0	EXISTING CONDITIONS AND TREE SURVEY
C3.0	SITE AND UTILITY PLAN

SITE DATA:	
TOWNSHIP:	WHITE OAK TOWNSHIP
FLOOD ZONE INFORMATION:	FIRM PANEL 3720072300K EFFECTIVE JULY 19, 2022. NO FLOOD ZONE DEVELOPMENT IS PROPOSED.
WATERSHED INFORMATION:	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, CAPE FEAR RIVER BASIN
HISTORICAL:	NC SHPO DOES NOT SHOW ANY EXISTING HISTORICAL STRUCTURES. A CEMETERY DOES EXIST WITHIN THE PROPERTY ASSEMBLAGE (~0.30 ACRES AND 59 GRAVESITES) ANNEXATION REQUIRED AS THE PROPERTY IS LOCATED OUTSIDE OF THE APEX ETJ ANNEXATION NUMBER: #752 (APPROVED) AND #771 (PENDING)
ANNEXATION:	
EXISTING ZONING:	R-80W (WAKE COUNTY), AND PUD-CZ (#23CZ04)
PROPOSED ZONING:	PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
EXISTING 2045 LAND USE MAP:	RURAL DENSITY RESIDENTIAL(PIN 0723117077) AND LOW DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP:	LOW DENSITY RESIDENTIAL
EXISTING USE:	SINGLE-FAMILY RESIDENTIAL AND VACANT
PROPOSED USES:	SINGLE-FAMILY RESIDENTIAL PARK, ACTIVE PARK, PASSIVE UTILITY, MINOR ACCESSORY APARTMENT GREENWAY RECREATION FACILITY, PRIVATE CEMETERY
*HOMEOWNERS ASSOCIATION COVENANTS SHALL NOT RESTRICT THE CONSTRUCTION OF ACCESSORY DWELLING UNITS.	
TOTAL PROJECT AREA:	103.4 ACRES
MAXIMUM NUMBER OF LOTS:	170 DWELLING UNITS
MAXIMUM RESIDENTIAL DENSITY:	1.65 DWELLING UNITS/ACRE (INCLUDES RCA AND RIGHTS-OF-WAY)
LOTS:	MIN LOT SIZE MIN LOT WIDTH MAX BUILDING HEIGHT
NORTHERN DISTRICT SINGLE-FAMILY DETACHED:	8,000 SF 60 FEET 45 FEET (3 STORIES)
SOUTHERN DISTRICT SINGLE-FAMILY DETACHED:	10,000 SF 75 FEET 45 FEET (3 STORIES)
BUILDING SETBACKS (MINIMUM SETBACKS UNLESS OTHERWISE NOTED):	
FRONT:	RESIDENTIAL 10 FEET PRIVATE RECREATION FACILITY 10 FEET
FRONT (GARAGE):	20 FEET N/A
REAR:	10 FEET 10 FEET
SIDE:	5 FEET 10 FEET
SIDE (CORNER LOT):	10 FEET N/A
FROM BUFFER OR RCA:	10 FEET 10 FEET
PARKING SETBACK FROM BUFFER OR RCA:	5 FEET 5 FEET
PARKING REQUIREMENTS:	2 SPACES/DWELLING UNIT REQUIRED
SINGLE FAMILY DETACHED:	SINGLE FAMILY PARKING PROVIDED BY DRIVEWAY AND GARAGE (MIN 2 SPACES/LOT)
PRIVATE RECREATION FACILITY:	PARKING SHALL BE BASED UPON SIZE AND USE WITHIN THE RECREATION FACILITY
MAXIMUM BUILT UPON AREA:	46.53 ACRES OR 45% (PER PLANNED UNIT DEVELOPMENT DESIGN CONTROLS)
RCA REQUIRED:	PER PUD: 20% RCA
GRADING:	DEVELOPMENT TO BE MASS GRADED, IT SHALL DESIGNATE A MINIMUM OF 20% OF THE PROPERTY AS RCA AND SHALL NOT BE REQUIRED TO PROVIDE THE ADDITIONAL 5% RCA FOR MASS GRADING UNDER UDO SECTION 7.2.5.B.8.
% OF LOTS GRADED PRIOR TO FIRST PLAT:	50% (LIMITED BY APEX UDO TO A MAXIMUM ACREAGE FOR MASS GRADING) MAXIMUM OF 20 ACRES OF CLEARING FOR SINGLE-FAMILY DETACHED DEVELOPMENTS
% OF PRE-DEVELOPMENT DRAINAGE AREAS PRESERVED WITHIN THEIR NATURAL BASINS:	90%





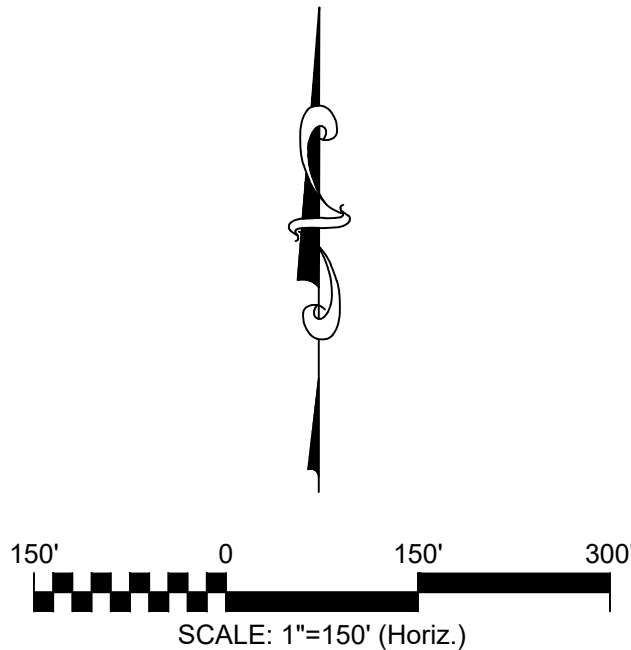
EXISTING CONDITIONS NOTES

- SURVEY INFORMATION PROVIDED BY WITHERSRAVEL DATED 04/19/23. NAD83(2011) HORIZONTAL, NAVD88 VERTICAL.
- TREE SURVEY PROVIDED BY SOIL & ENVIRONMENTAL CONSULTANTS DATED 02/01/2023 AND 10/26/2023.
- ALL WELL AND SEPTIC AREA LOCATIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- RIPARIAN BUFFER LABELS SHOWN ON THIS PLAN ARE INDICATIVE OF THE RIPARIAN BUFFER CALLS MADE IN THE FIELD BY PROJECT ENVIRONMENTAL CONSULTANT. SEE PROJECT BUFFER DETERMINATION LETTER (APEX - 22-018).

LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S89° 28' 25" W	409.63'
L2	S89° 28' 25" W	335.00'
L3	S06° 13' 34" E	155.00'
L4	S88° 58' 34" E	170.00'
L5	S06° 13' 34" E	235.00'
L6	S88° 58' 34" E	128.00'
L7	N76° 02' 08" E	147.61'
L8	N76° 53' 27" E	57.38'
L9	N01° 34' 15" W	81.30'
L10	N89° 36' 52" W	97.96'
L11	S09° 40' 51" W	265.35'
L12	N89° 36' 52" W	340.90'
L13	S79° 43' 20" E	363.65'
L14	S04° 53' 00" W	226.83'
L15	N89° 37' 25" W	420.72'
L16	N15° 24' 40" E	349.74'
L17	S74° 38' 52" E	431.11'
L18	S11° 58' 56" E	332.28'
L20	N20° 49' 26" W	234.46'
L21	N39° 26' 23" W	146.49'
L22	N89° 37' 25" W	68.58'
L23	S04° 53' 00" W	98.52'
L24	N07° 01' 03" W	33.51'

LEGEND:

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING R/W
- EXISTING GAS LINE
- OVERHEAD POWERLINE
- EXISTING EASEMENT
- EXISTING POND
- RIPARIAN BUFFER LINE
- EXISTING CONTOUR
- EXISTING WETLANDS
- CLEAN OUT
- GUY WIRE
- WELL
- LIGHT POLE



REV	NO	DESCRIPTION	DATE
1	INITIAL SUBMITTAL		11/01/2023

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

PRELIMINARY PLAN
FOR REVIEW PURPOSES
ONLY

MCKIM & CREED
1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
F-1222
www.mckimcreed.com

CASTLEBERRY RESERVE
PUD AMENDMENT (23CZ21)

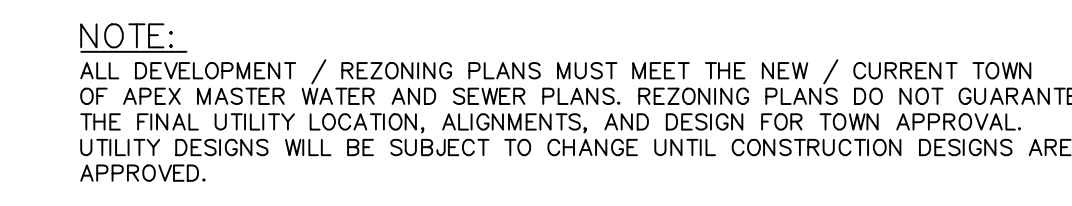
EXISTING
CONDITIONS & TREE
SURVEY

DATE: FEBRUARY 19, 2024
MCE PROJ. # 09545-0001
DRAWN: KLT/CEC
DESIGNED: KLT
CHECKED: PEH/KLT
PROJ. MGR. PEH

SCALE
HORIZONTAL:
1"=150'
VERTICAL:
N/A

M&C FILE NUMBER
EXISTING CONDITIONS - DEMOLITION
DRAWING NUMBER
C2.0
REVISION

STATUS: **PRELIMINARY**
NOT FOR CONSTRUCTION



DATE: FEBRUARY 20, 2024		SCALE		MAC FILE NUMBER C:\3-STEP\UTILITY.DWG	
MCE PROJ. # 09545-0001		HORIZONTAL: 1" = 150' VERTICAL: N/A		DRAWING NUMBER	
DRAWN KLT				C3.0	
DESIGNED KLT					
CHECKED PEH/KLT					
PROJ. MGR. KLT					
STATUS: PRELIMINARY NOT FOR CONSTRUCTION					
REVISION					

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: April 9, 2024

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and possible motion to adopt Ordinance on the Question of Annexation - Apex Town Council's intent to annex 6.69 acres, Parc at Bradley Farm, Annexation No. 778 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- PH4-A1: Annexation Ordinance - Annexation No. 778
- PH4-A2: Public Hearing Notice - Annexation No. 778
- PH4-A3: Legal Description - Annexation No. 778
- PH4-A4: Aerial Map - Annexation No. 778
- PH4-A5: Plat Map - Annexation No. 778
- PH4-A6: Annexation Petition - Annexation No. 778





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2024 - _____
ANNEXATION PETITION NO. 778
PARC AT BRADLEY FARM - 6.69 ACRES

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 April 9, 2024, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 9, 2024. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, PIN(S): 0742891824 Land Surveyor dated February 21, 2024" and recorded in Book of Maps book number 2024 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 9th day of April, 2024.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

PARC AT BRADLEY FARM

6.69 ACRE ANNEXATION TRACT

Beginning at a point, said point being an existing iron pipe at the easternmost corner of Lot 8 as shown on a plat recorded in Book of Maps 1985, Page 2255 in the Wake County Registry, said point also being on the northern right of way margin of N. Salem Street as shown on said plat and having North Carolina State Plane coordinates of N=729,563.29 and E=2,047,973.17; Thence ~~along~~ the eastern line of said Lot 8

N13°33'06"W, 239.13 feet to a point, said point being an existing iron pipe at the northernmost corner of said Lot 8, said point also being at the easternmost corner of Lot 9 as shown on a plat recorded in Book of Maps 1986, Page 427 in said registry; Thence, along the eastern line of said Lot 9 N13°32'12"W, 109.19 feet to a point, said point being at the northeast corner of said Lot 9, said point also being at the southeast corner of Lot 10 as shown on said Book of Maps 1986, Page 427; Thence, along the eastern line of said Lot 10 N13°32'45"W, 212.95 feet to a point, said point being an existing iron pipe on the southern line of Lot 26 as shown on a plat recorded in Book of Maps 1994, Page 1633 in said registry; Thence, along said southern line of Lot 26 S87°59'52"E, 131.75 feet to a point, said point being an existing iron pipe at the southeast corner of said Lot 26, said point also being at the southwest corner of Lot 28 as shown on said Book of Maps 1994, Page 1633; Thence, along the southern line of said Lot 28 S88°00'52"E, 176.57 feet to an existing iron pipe at the southeast corner of said Lot 28; Thence, N03°09'22"W, 59.47 feet to an existing iron pipe at the southernmost corner of Lot 29 as shown on said plat; Thence, N02°52'45"W, 89.97 feet to an existing iron pipe; Thence, S88°06'26"E, 110.25 feet to a point, said point being an iron pipe set at the southeast corner of said Lot 29, said point also being on the western line of the David H. & Rose M. Abbott tract as recorded in Book 6171, Page 674 in said registry; Thence, along said western line S02°53'46"E, 149.64 feet to an existing iron pipe; Thence, cornering and along the southern line of said Abbott tract S89°37'55"E, 412.11 feet to an existing iron pipe at the southeast corner of said Abbott tract, said point also being on said northern right of way margin of N. Salem Street; Thence, crossing said right of way S89°37'55"E, 111.33 feet to a point on the southern right of way margin of said N. Salem Street; thence, along said right of way S47°42'06"W, 224.11 feet to a point; Thence, crossing said right of way N16°10'11"W, 81.94 feet to a point on said northern right of way of N. Salem Street; Thence, along said northern right of way S46°40'56"W, 53.06 feet to a point; Thence, along a curve to the right having a radius of 11,364.91 feet, an arc length of 171.93 and a chord of S48°42'54"W, 171.93 feet to a point; Thence, along a curve to the right having a radius of 3,609.06 feet, an arc length of 167.35 and a chord of S49°17'16"W, 167.33 feet to a point; Thence, along a curve to the right having a radius of 1,885.59 feet, an arc length of 168.45 and a chord of S53°33'30"W, 168.39 feet to a point; Thence, S59°10'30"W, 10.08 feet to a point; Thence, crossing said right of way of N. Salem Street S26°22'03"E, 70.01 feet to a point on said southern right of way margin of N. Salem Street; Thence, along said right of way S57°38'33"W, 226.67 feet to a point; Thence,

crossing said right of way N13°33'06"W, 79.45 feet to a point on said southern right of way of N. Salem Street; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 291,409 square feet or 6.69 acres, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2024 _____, adopted at a meeting of the Town Council, on the 9th day of April 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 9th day of April 2024.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (March 14, 2024) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **9th day of April, 2024**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 778 Parc at Bradley Farm – 6.69 acres





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 778" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, April 9, 2024.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

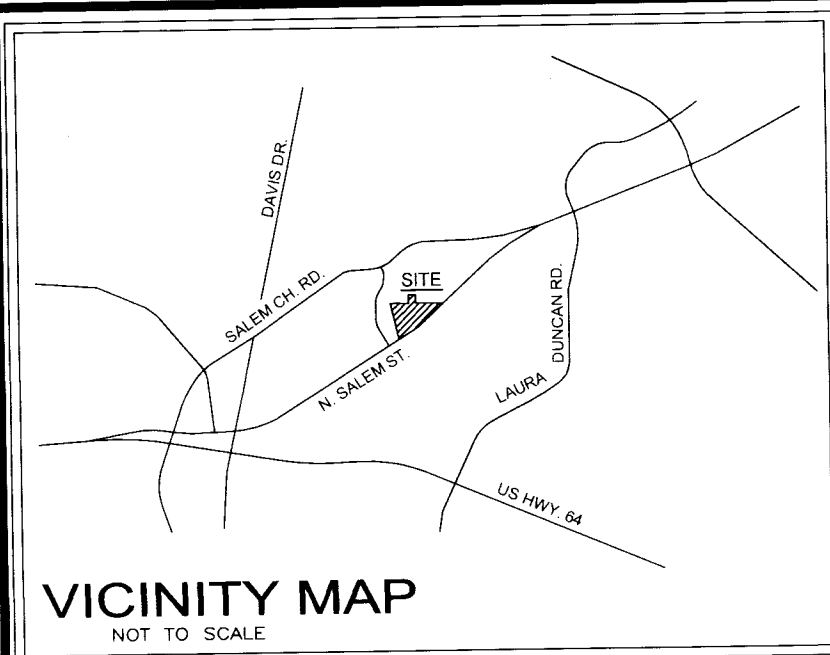
###

LEGAL DESCRIPTION – PARC AT BRADLEY FARMS

ANNEXATION NO. 778

Beginning at a point, said point being an existing iron pipe at the easternmost corner of Lot 8 as shown on a plat recorded in Book of Maps 1985, Page 2255 in the Wake County Registry, said point also being on the northern right of way margin of N. Salem Street as shown on said plat and having North Carolina State Plane coordinates of N=729,563.29 and E=2,047,973.17; Thence, along the eastern line of said Lot 8 N13°33'06"W, 239.13 feet to a point, said point being an existing iron pipe at the northernmost corner of said Lot 8, said point also being at the easternmost corner of Lot 9 as shown on a plat recorded in Book of Maps 1986, Page 427 in said registry; Thence, along the eastern line of said Lot 9 N13°32'12"W, 109.19 feet to a point, said point being at the northeast corner of said Lot 9, said point also being at the southeast corner of Lot 10 as shown on said Book of Maps 1986, Page 427; Thence, along the eastern line of said Lot 10 N13°32'45"W, 212.95 feet to a point, said point being an existing iron pipe on the southern line of Lot 26 as shown on a plat recorded in Book of Maps 1994, Page 1633 in said registry; Thence, along said southern line of Lot 26 S87°59'52"E, 131.75 feet to a point, said point being an existing iron pipe at the southeast corner of said Lot 26, said point also being at the southwest corner of Lot 28 as shown on said Book of Maps 1994, Page 1633; Thence, along the southern line of said Lot 28 S88°00'52"E, 176.57 feet to an existing iron pipe at the southeast corner of said Lot 28; Thence, N03°09'22"W, 59.47 feet to an existing iron pipe at the southernmost corner of Lot 29 as shown on said plat; Thence, N02°52'45"W, 89.97 feet to an existing iron pipe; Thence, S88°06'26"E, 110.25 feet to a point, said point being an iron pipe set at the southeast corner of said Lot 29, said point also being on the western line of the David H. & Rose M. Abbott tract as recorded in Book 6171, Page 674 in said registry; Thence, along said western line S02°53'46"E, 149.64 feet to an existing iron pipe; Thence, cornering and along the southern line of said Abbott tract S89°37'55"E, 412.11 feet to an existing iron pipe at the southeast corner of said Abbott tract, said point also being on said northern right of way margin of N. Salem Street; Thence, crossing said right of way S89°37'55"E, 111.33 feet to a point on the southern right of way margin of said N. Salem Street; thence, along said right of way S47°42'06"W, 224.11 feet to a point; Thence, crossing said right of way N16°10'11"W, 81.94 feet to a point on said northern right of way of N. Salem Street; Thence, along said northern right of way S46°40'56"W, 53.06 feet to a point; Thence, along a curve to the right having a radius of 11,364.91 feet, an arc length of 171.93 and a chord of S48°42'54"W, 171.93 feet to a point; Thence, along a curve to the right having a radius of 3,609.06 feet, an arc length of 167.35 and a chord of S49°17'16"W, 167.33 feet to a point; Thence, along a curve to the right having a radius of 1,885.59 feet, an arc length of 168.45 and a chord of S53°33'30"W, 168.39 feet to a point; Thence, S59°10'30"W, 10.08 feet to a point; Thence, crossing said right of way of N. Salem Street S26°22'03"E, 70.01 feet to a point on said southern right of way margin of N. Salem Street; Thence, along said right of way S57°38'33"W, 226.67 feet to a point; Thence, crossing said right of way N13°33'06"W, 79.45 feet to a point on said southern right of way of N. Salem Street; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 291,409 square feet or 6.69 acres, more or less.





REFERENCES:
WILL BOOK 09-E, PAGE 1938
DEED BOOK 686, PAGE 436
DEED BOOK 18589, PAGE 961
*OTHERS SHOWN HEREON

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	171.93	11364.91	N 48°42'54" E	171.93
C2	167.35	3609.06	N 49°17'18" E	167.35
C3	168.45	1885.59	N 53°33'30" E	168.39

SURVEY NOTES:

- 1) All distances are horizontal ground distances in u.s. survey feet unless otherwise noted. Area(s) computed by coordinate geometry.
- 2) This survey does not include nor depict any environmental evaluations by this office nor any investigation into the existence of wetlands or riparian buffers performed in the preparation of this survey.
- 3) Field survey(s) performed December 16, 2021 thru June 29, 2023, 2023.
- 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- 5) The locations of underground utilities as shown hereon (if any) are based on aboveground structures, aboveground visual evidence and existing paint marking in /w by others at the time of survey. Locations of underground utilities/structures may vary from location shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures nor any utility locate tickets called in for marking of said utilities.
- 6) Subject property is not located within a special flood hazard zone per FEMA Flood Insurance Rate Map (FIRM) #3720078500K, effective date July 19, 2022.
- 7) The State Plane Coordinates for this project were produced with RTK GPS observations and processed using the North Carolina VRS network. The network positional accuracy of the derived positional information is ±0.07'.

Horizontal Datum = NAD 83/2011
Vertical Datum = NAVD 88

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

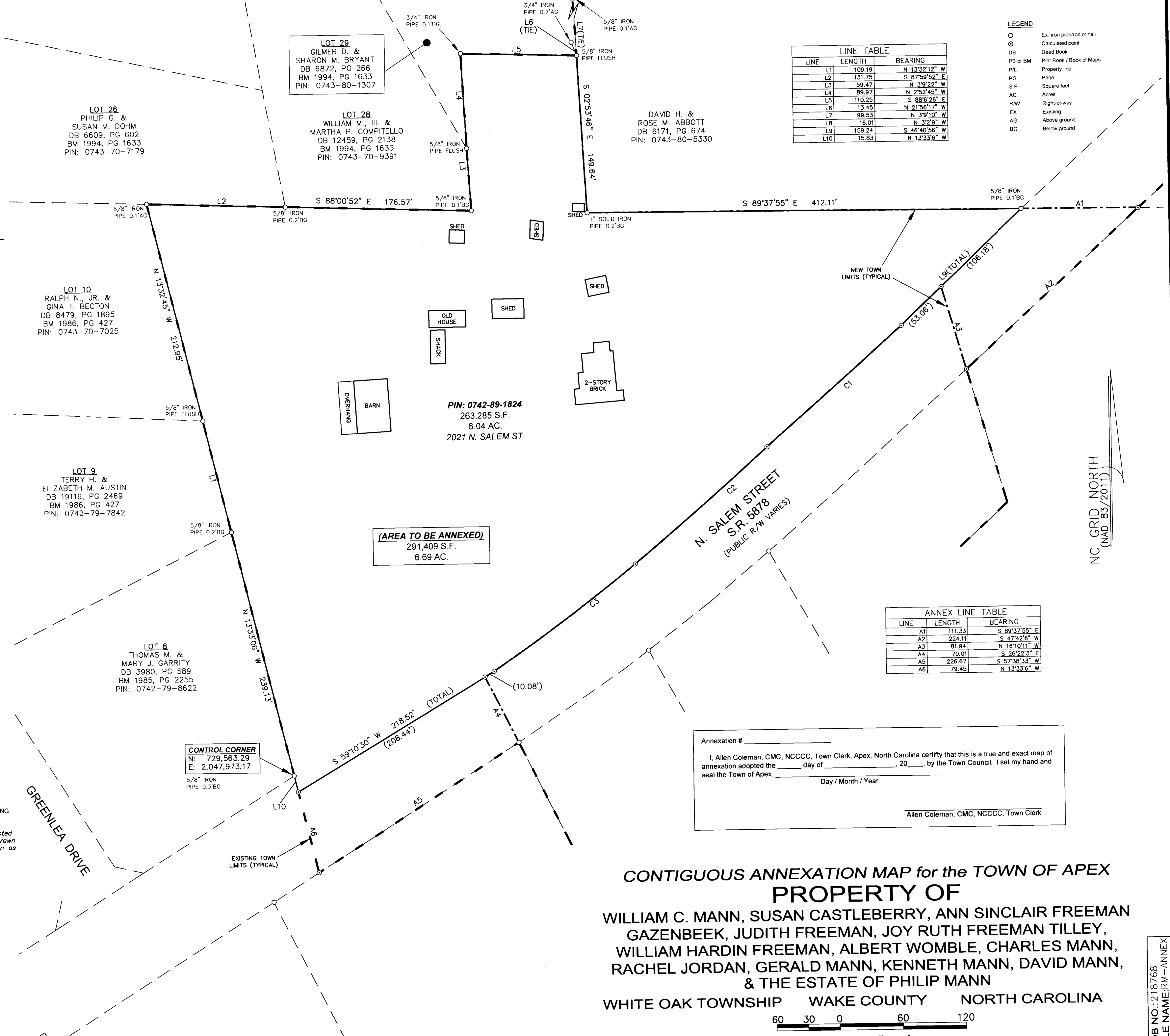
I, Justin L. Luther, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat; that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision as calculated is greater than 1:10,000; that this plat was prepared in accordance with NCGS 47-30 as amended.

Witness my original signature, license number and seal this
21st day of February, 2024.

Professional Land Surveyor (5107)



NEWCOMB land surveyors, pllc, 7008 Harps Mill Road, Ste. 105, Raleigh, NC 27615, (919) 847-1800, NC License #P-0203



LINE TABLE		
LINE	LENGTH	BEARING
L1	109.18	N 13°32'12" W
L2	131.75	S 87°59'52" E
L3	58.47	N 3°32'22" W
L4	89.97	N 2°32'45" W
L5	110.25	S 88°52'26" E
L6	13.45	N 21°56'17" W
L7	99.53	N 3°39'10" W
L8	16.01	N 32°32' W
L9	158.24	S 46°40'56" W
L10	15.83	N 13°33'6" W

LEGEND

- Ex. iron pipe/rod or nail
- ⊙ Calculated point
- DB Deed Book
- PB or BM Plat Book / Book of Maps
- P/L Property line
- PG Page
- S.F. Square feet
- AC Acres
- R/W Right-of-way
- EX Existing
- AG Above ground
- BG Below ground

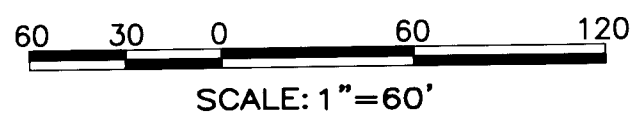
ANNEX LINE TABLE		
LINE	LENGTH	BEARING
A1	111.33	S 89°37'55" E
A2	224.11	S 47°42'6" W
A3	81.94	N 16°10'11" W
A4	70.01	S 42°22'37" E
A5	226.67	S 57°38'33" W
A6	79.45	N 13°33'6" W

Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify that this is a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal the Town of Apex, _____ Day / Month / Year

Allen Coleman, CMC, NCCCC, Town Clerk

CONTIGUOUS ANNEXATION MAP for the TOWN OF APEX
PROPERTY OF
WILLIAM C. MANN, SUSAN CASTLEBERRY, ANN SINCLAIR FREEMAN
GAZENBEEK, JUDITH FREEMAN, JOY RUTH FREEMAN TILLEY,
WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN,
RACHEL JORDAN, GERALD MANN, KENNETH MANN, DAVID MANN,
& THE ESTATE OF PHILIP MANN
WHITE OAK TOWNSHIP WAKE COUNTY NORTH CAROLINA



JOB NO.: 218768
FILE NAME: RM-ANNEX
PLOT DATE: 2/21/24

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____
Fee Paid \$ _____

Submittal Date: _____
Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Susan Castlebury	0742891824
Owner Name (Please Print)	Property PIN or Deed Book & Page #
	apexnc53@gmail.com
Phone	E-mail Address
William C Mann	0742891824
Owner Name (Please Print)	Property PIN or Deed Book & Page #
	billycmann@gmail.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Justin Luther, PLS
Phone: 919-847-1800 Fax: n/a
E-mail Address: justin@NLS-NC.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: 6.69	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: 0	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: 1	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: 37	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: PUD-CZ (22CZ13)	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: Annexation #778

Submittal Date: 1-31-2024

COMPLETE IF SIGNED BY INDIVIDUALS:

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

SUSAN ETHEL CASTLEBURY

Please Print

William C. Mann

Please Print

Susan Ethel Castlebury

Signature

William C. Mann

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Sworn and subscribed before me, Susan Ethel Castlebury & William Coleman Mann, a Notary Public for the above State and County, this the 28 day of January, 2024.

muf m

Notary Public

My Commission Expires: November 28, 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest: _____

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: Annexation # 778

Submittal Date: 1-31-2024

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 9, 2024

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning

Requested Motion

Public Hearing and possible motion concerning Rezoning Application No. 22CZ27 Center City Townhomes. The applicant, Jason Barron, Morningstar Law Group, seeks to rezone approximately 4.1384 acres from High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), and Light Industrial-Conditional Use (LI-CU #97CU22B) to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) and Office and Institutional-Conditional Zoning (O&I-CZ). The proposed rezoning is located at 1316, 1314, 0, 1320, 1332, 1400, 1328, and 0 Center Street.

Approval Recommended?

The Planning Department recommends denial.

The Planning Board held a public hearing on March 11, 2024 and recommended approval with the conditions offered by the applicant by a vote of 7-1.

Item Details

The properties to be rezoned are identified as PINs 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995786, & 0741995610.

Attachments

- PH5-A1: Staff Report - Rezoning Case No. 22CZ27 Center City Townhomes
- PH5-A2: Planning Board Report to Town Council - Rezoning Case No. 22CZ27 Center City Townhomes



STAFF REPORT

Rezoning #22CZ27 Center City Townhomes
1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

April 9, 2024 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 1316, 1314, 0, 1320, 1332, 1400, 1328, and 0 Center Street
Applicant: Jason Barron, Morningstar Law Group
Owners: Michael Funari IRA & Marc Block IRA; Michael A Funari & Marc G Block; Equity Trust Company Custodian FBO Marc Block IRA & Equity Trust Company Custodian FBO Michael Funari; SJA Global Advisors Inc.

PROJECT DESCRIPTION:

Acreage: ±4.1384 acres
PINs: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995786, & 0741995610
Current Zoning: High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)
Proposed Zoning: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ)
Current 2045 Land Use Map: Office Employment
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential and Office Employment
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ16)	Center Street; Townhomes (The Groves II)
South:	Light Industrial-Conditional Use (LI-CU #04CU04); Light Industrial-Conditional Use (LI-CU #97CU22B)	Self-storage facility; Retail; Office; Auto repair
East:	Office and Institutional-Conditional Use (O&I-CU #97CU06)	Parking for Calvary Chapel Cary
West:	Planned Unit Development-Conditional Use (PUD-CU #03CU18)	Townhomes (The Groves)

Background:

This rezoning, with the exception of 1328 Center Street, was originally scheduled to be heard at the May 8, 2023 Planning Board meeting. The rezoning was continued at that meeting, after which the parcel located at 1328 Center Street was added to the rezoning. As such, the applicant held new neighborhood meetings and attended another Environmental Advisory Board meeting.

Existing Conditions:

The subject properties total +/-4.1384 acres and are located south of Center Street, east of The Groves subdivision, north of Apex Flex Storage, and west of Calvary Chapel Cary. Three of the parcels contain existing

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

April 9, 2024 Town Council Meeting



structures and all the parcels contain existing vegetation. The parcel located at 1328 Center Street contains an existing structure that is proposed to be relocated to the proposed O&I-CZ district.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on November 30, 2022, November 3, 2023, and February 15, 2024. 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 elementary, middle, and high school grade level within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the elementary and high school grade levels.

The initial Letter of Impact from Wake County Public School System (WCPSS) was sent on February 9, 2023. Staff requested an update on February 6, 2024 and WCPSS indicated that the initial letter was still accurate.

2045 Land Use Map:

The 2045 Land Use Map classification for the subject properties is Office Employment. The proposed rezoning of a portion of the properties to Office and Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification. The proposed rezoning of the remainder of the properties to High Density Multi-Family-Conditional Zoning (HDMF-CZ) is not consistent with that land use classification. If the properties are rezoned as proposed, the 2045 LUM for the properties proposed to be rezoned to HDMF-CZ will automatically be amended to High Density Residential per NCGS 160D-605(a).

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:

Uses in the HDMF-CZ District

- | | |
|------------------|---------------------------------|
| 1. Townhouse | 4. Recreation facility, private |
| 2. Park, passive | 5. Park, active |
| 3. Greenway | 6. Utility, minor |

Uses in the O&I-CZ District

- | | |
|-------------------------------------|----------------------------------|
| 1. Park, passive | 10. Real estate sales |
| 2. Greenway | 11. Pharmacy % |
| 3. Park, active | 12. Studio for art |
| 4. Barber and beauty shop | 13. Tailor shop |
| 5. Utility, minor | 14. Pet services |
| 6. Office, business or professional | 15. Health/fitness center or spa |

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

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- | | |
|---------------------------------|---------------------------|
| 7. Publishing office | 16. Financial institution |
| 8. Personal Service % | 17. Floral shop |
| 9. Printing and copying service | |

Use Conditions:

A. General Conditions:

1. Development of the property shall, at a minimum, include right-of-way dedication of 55 feet from the centerline of Center Street and thoroughfare frontage widening consistent with the Town's adopted Transportation Plan (and Apex's UDO, including applicable fee-in-lieu provisions) and typical section for a four-lane, median divided thoroughfare. The Applicant is aware of a potential Center Street improvement project being contemplated by NCDOT, having project number U-5825 (the "DOT Widening Project"). The DOT Widening Project may include right-of-way that is different than what is included in the Town's Transportation Plan. At the time of construction drawing approval, the applicant shall be required to dedicate additional right-of-way for Center Street consistent with the latest available plans for the DOT Widening Project, subject to the following: the buffer along Center Street required for development of the property shall be reduced on a one-for-one basis for each foot of additional right-of-way needed for the DOT Widening Project, but in no case shall be less than 15' in width."
2. There shall be a maximum of 30 dwelling units developed on the property.
3. Of the permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership unit (Affordable Housing Unit) shall be constructed onsite and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against the residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Unit to memorialize the affordable housing terms and conditions. The one (1) Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the one (1) Affordable Housing Unit lot prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
4. Construction and dedication of a public residential street from the intersection of Myrtle Grove Lane at Center Street to the residential parcel(s) is required for the first residential subdivision plat. No additional access points to Center Street shall be permitted. The length of a public street cul-de-sac may be permitted to exceed the requirements of UDO Section 7.2.1.G in order to facilitate the limited access onto Center Street from the subject property.
5. Subject to approval by NCDOT and the Town, a 5' concrete sidewalk shall be constructed across the property's Center Street frontage in compliance with Town sidewalk standards.

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

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6. The landscape buffer along the N/F Calvary Chapel Cary, Inc. property may be reduced to 20' to provide public street access to Center Street for alignment with Myrtle Grove Lane.
7. A stub street shall be provided on the eastern boundary of the subject property adjacent to Calvary Chapel (PIN: 0751090469).

B. Architectural Conditions

a. **Residential Component**

1. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhouse on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements: trim around the windows and decorative air vents on gable.
8. For buildings containing dwelling units that abut Center Street, such units shall either front Center Street or have a wraparound side porch adjacent to the Center Street right-of-way.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The garage cannot protrude more than 1 foot out from the front façade or front porch.
11. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
12. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

b. **Non-Residential Component**

1. The front, side, rear, and corner building setbacks for non-residential buildings in the OI-CZ district shall be reduced to 10' on its north, east, and west sides.

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

April 9, 2024 Town Council Meeting



2. In the event the existing nonresidential structure is demolished or destroyed, any new non-residential structure built shall incorporate (or use) the following non-residential architecture conditions:

Building Orientation and Hierarchy

- a. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
- b. Buildings shall be consistent in scale, massing, relationship to the street, and style.
- c. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
- d. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) 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. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
- e. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
- f. Buildings on corners are to be treated as gateways with quality design.
- g. Corner buildings shall match or exceed the height of adjacent buildings.
- h. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
- i. Service bays should be located in the rear of structures.
- j. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade Elements

- k. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
- l. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) feet of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

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Rezoning #22CZ27 Center City Townhomes

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Windows

- m. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
- n. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof Elements

- o. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
- p. The building shall have more than one parapet height.
- q. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and Colors

- r. Buildings shall be architecturally compatible by way of colors and use of materials.
- s. The building exterior shall have more than one material color.
- t. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim.
 - vi. Precast concrete
- u. Exterior materials that will not be allowed are as follows:
 - i. Vinyl siding
 - ii. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - iii. Metal walls
- v. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
- w. Soffit and fascia materials shall be EIFS with crown trim elements.

C. Environmental Conditions:

1. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
2. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

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3. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
4. The project shall install at least two (2) pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths.
5. Deciduous shade trees shall be planted on the southern side of buildings.
6. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
7. Of the vegetation on the assemblage, 75% will be native vegetation.
8. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
9. A minimum of three (3) hardwood tree species shall be used for the landscaping on site.
10. All homes shall be pre-configured with conduit for a solar energy system.
11. Include International Dark Sky Association compliance standards.
 - a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
 - b. Lighting that minimizes the emission of blue light to reduce glare shall be used.
 - c. Lighting with a color temperature of 3000K or less shall be used for outside installations and a color temperature of 3000K or less shall be used for outside installations.
12. HOA Covenants shall explicitly permit townhome owners to install solar PV systems on the roof of their homes.

HOUSING STAFF ANALYSIS:

The applicant is proposing at least one (1) residential restricted median-income affordable housing townhouse ownership unit. Based on the adopted Affordable Housing Zoning Policy, the recommendation is that at least five percent (5%) of the units be affordable units. Therefore, Housing Staff would support one (1) affordable unit if the platted final unit count is 29 units or less. If the final unit count is 30 or greater, staff recommends the reservation of two (2) affordable units.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on November 17, 2022. A new meeting was held on January 18, 2024 after the additional parcel was added. The zoning conditions suggested by the EAB at the January 18, 2024 meeting are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
<ul style="list-style-type: none">Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.	Added
<ul style="list-style-type: none">No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted with the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	Added

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

April 9, 2024 Town Council Meeting



EAB Suggested Condition	Applicant's Response
<ul style="list-style-type: none"> The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths. 	Added
<ul style="list-style-type: none"> The project shall install at least two (2) pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths. 	Added
<ul style="list-style-type: none"> Deciduous shade trees shall be planted on the southern side of buildings. 	Added
<ul style="list-style-type: none"> The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. 	Added
<ul style="list-style-type: none"> Of the vegetation on the assemblage, 75% will be native vegetation. 	Added
<ul style="list-style-type: none"> To reduce irrigation requirements, the project shall select and plant only warm season grasses. 	Added
<ul style="list-style-type: none"> A minimum of three (3) hardwood tree species shall be used for the landscaping on site. 	Added
<ul style="list-style-type: none"> All homes shall be pre-configured with conduit for a solar energy system. 	Added
<ul style="list-style-type: none"> Include International Dark Sky Association compliance standards. <ul style="list-style-type: none"> Outdoor lighting shall be shielded in a way that focuses lighting to the ground. Lighting that minimizes the emission of blue light to reduce glare shall be used. Lighting with a color temperature of 3000K or less shall be used for outside installations and a color temperature of 3000K or less shall be used for outside installations. 	Added
<ul style="list-style-type: none"> If the existing non-residential building is demolished, the new building will comply with architectural zoning conditions. 	Added
<ul style="list-style-type: none"> A Solar PV system of at least 4kW shall be installed on at least 4 townhomes within the development. 	Not Added
<ul style="list-style-type: none"> The CCNR's for the townhomes explicitly permit homeowners to install solar PV systems on the rooftops associated with their home. 	Added

TRANSPORTATION CONCERNS/RECOMMENDATIONS:

Transportation concerns along Center Street related to NCDOT and of State Transportation Improvement Project (STIP) U-5825:

- Staff recommended the applicant dedicate right-of-way and easements consistent with the latest-available design of State Transportation Improvement Program (STIP) project U-5825, Improvements to Ten Ten Road. The applicant has addressed this recommendation with a proposal to reduce the buffer along Center Street. Specifically, the proposed condition states: "At the time of construction drawing approval, the applicant shall be required to dedicate additional right-of-way for Center Street consistent with the latest available plans for the DOT Widening Project, subject to the following: the buffer along Center Street required for development of the property shall be reduced

STAFF REPORT

Rezoning #22CZ27 Center City Townhomes

1316, 1314, 0, 1320, 1328, 1332, 1400, and 0 Center Street

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on a one-for-one basis for each foot of additional right-of-way needed for the DOT Widening Project, but in no case shall be less than 15' in width."

- The proposed zoning conditions comply with staff recommendations for public street access limited to a connection to Center Street at a full movement intersection across from Myrtle Grove Lane. However, the proposed zoning condition states that a cul de sac length may exceed the UDO thresholds. Additional access points to Center Street are not recommended by staff based on the available street frontage and are excluded from consideration by the proposed zoning conditions. Access may be restricted to right-in/right-out when Center Street is widened and a median is constructed by NCDOT in STIP project U-5825. Currently only preliminary engineering is funded in the adopted State Transportation Improvement Program (STIP for project U-5825).

If the proposed rezone is approved, the applicant will be required to submit a Traffic Impact Analysis at the time of site and subdivision plans if the proposed development is anticipated to generate over 1,000 daily trips or 100 peak hour trips. If the projected development trips fall below the TIA threshold, the applicant will be required to comply with minimum NCDOT requirements for safe ingress and egress.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends denial of Rezoning #22CZ27 Center City Townhomes with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on March 11, 2024 and recommended approval with the conditions offered by the applicant with a vote of 7-1. The reason for the dissenting vote was due to the staff recommendations and the Land Use Map conflict.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classification for the subject properties is Office Employment. The proposed rezoning of a portion of the properties to Office and Institutional-Conditional Zoning (O&I-CZ) is consistent with that land use classification. However, the proposed rezoning of the remainder of the properties to High Density Multi-Family-Conditional Zoning (HDMF-CZ) is not consistent with that land use classification. If the properties are rezoned as proposed, the 2045 LUM for the properties proposed to be rezoned to HDMF-CZ will automatically be amended to High Density Residential per NCGS 160D-605(a).

A vehicular connection to the townhome development to the west cannot be made and any connection made to the east will be to non-residential land uses. Given the future access limitations to Center Street, development of the subject properties will become more reliant on future cross access through the properties to the east to Investment Blvd. Therefore, the current Office Employment classification should be retained.

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The history of the Land Use Map designations for these properties include:

- The Peak Plan 2030 that was adopted on August 6, 2013 showed the future land use classification as High Density Residential on the west and Office Employment on the east.



- Advanced Apex: The 2045 Land Use Update was approved on February 5, 2019. With the approval, all properties were designated as Office Employment.



- When the parcels were purchased by Michael Funari and/or Equity Trust Company FBO Michael Funari, the future land use designations at purchase were a mix of plans.



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Rezoning #22CZ27 Center City Townhomes

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Approval of the rezoning is not reasonable and in the public interest because the proposed HDMF-CZ district:

- Will have no connectivity to the residential development to the west;
- The future access to this development will be right-in/right-out due to the future median location and cross access through the Calvary Church's parking lot to reach Investment Boulevard would be advantageous;
- The residential properties would be adjacent to properties zoned Light Industrial and if the Light Industrial properties redeveloped in the future to a higher Light Industrial Land Use Class there could be potential issues and hazards;
- The development will have reduced buffers when NCDOT widens Center Street;
- The change from Office Employment to High Density Residential affects the economic development potential of the area as it would reduce the amount of land available for Tech Flex and/or Office & Institutional near the Investment Boulevard office and industrial park; and
- The district is not consistent with the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the proposed HDMF-CZ and O&I-CZ districts demonstrate compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

STAFF REPORT

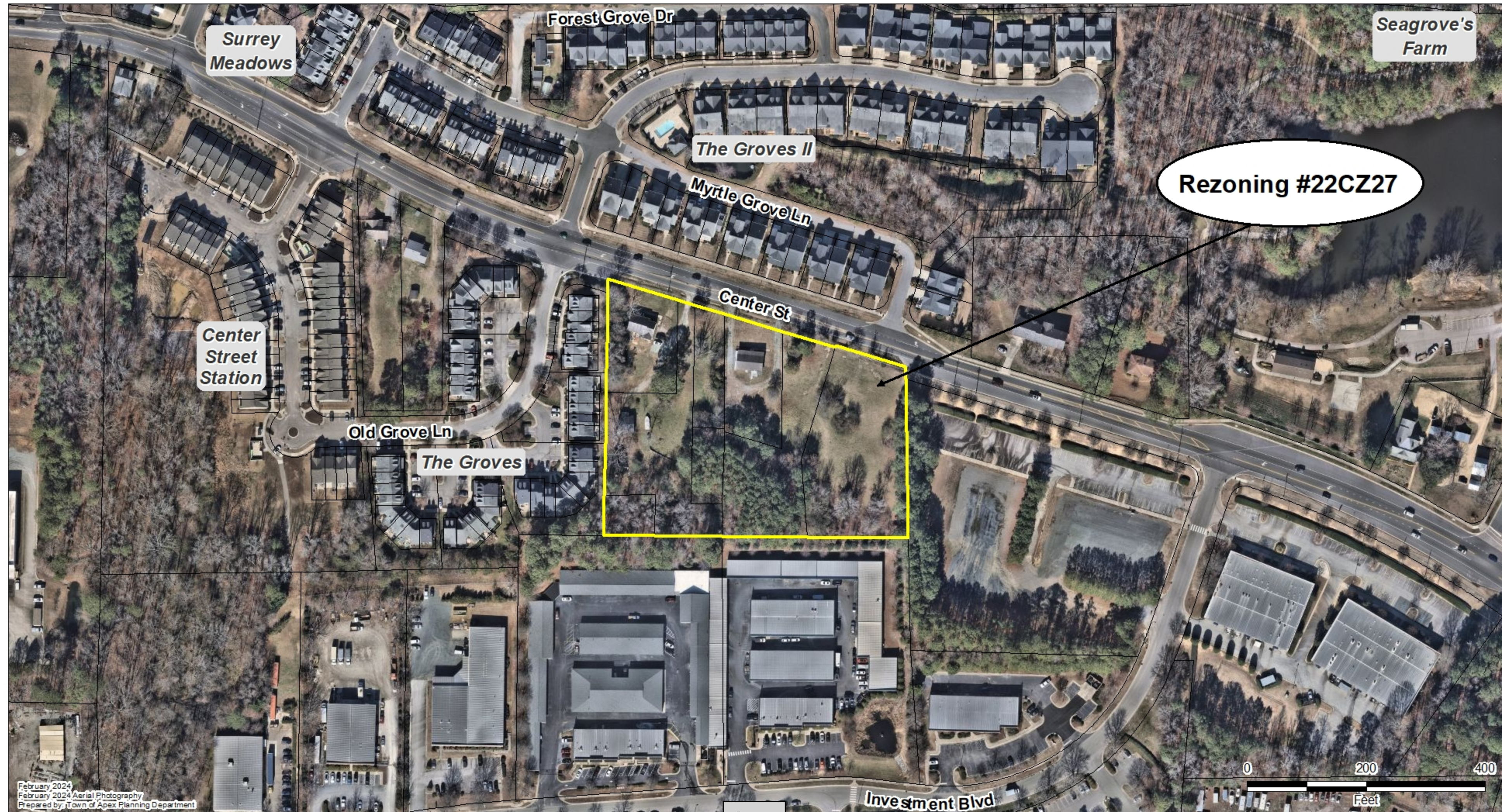
Rezoning #22CZ27 Center City Townhomes

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- 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.



PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 22CZ27 Submittal Date: (originally Dec 1, 2022) 2nd submittal Dec 1, 2023
Fee Paid: \$1000 (paid with original submittal)

Project Information

Project Name: Center City Townhomes
Address(es): 1316 Center St; 1314 Center St; 0 Center St; 1320 Center St; 0 Center St; 1332 Center St; 1400 Center St; 1328 Center St
PIN(s): 0741993895; 0741994612; 0741995716; 0741995610;
0741993581; 0741996516; 0741997663; 0741995786 Acreage: 4.1384 (per the survey)
Current Zoning: HD-SF; LI-CU; O&I-CU; RA Proposed Zoning: HDMF-CZ & OI-CZ
Current 2045 LUM Classification(s): Office Employment
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? No

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

Area classified as mixed use:	Acreage:	<u>0</u>
Area proposed as non-residential development:	Acreage:	<u>0</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0</u>

Applicant Information

Name: Jason Barron
Address: 421 Fayetteville Street, Suite 530
City: Raleigh State: NC Zip: 27601
Phone: 919-590-0371 E-mail: jbarron@morningstarlawgroup.com

Owner Information

Name: See Attachment A
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: See Agent Authorization Forms
Address: _____
City: _____ State: _____ Zip: _____
Phone: J. Barron 919-590-0371 E-mail: _____

Other contacts:

Keenan Conder, esq.
kconder@morningstarlawgroup.com
919-334-6905

PETITION INFORMATION

Application #: 22CZ27 Submittal Date: (originally Dec 1, 2022) 2nd submittal Dec 1, 2023

An application has been duly filed requesting that the property described in this application be rezoned from HD-SF; LI-CU; O&I-CU; RA to HDMF-CZ & OI-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

1	<u>See Attachment C</u>	21	<u></u>
2	<u></u>	22	<u></u>
3	<u></u>	23	<u></u>
4	<u></u>	24	<u></u>
5	<u></u>	25	<u></u>
6	<u></u>	26	<u></u>
7	<u></u>	27	<u></u>
8	<u></u>	28	<u></u>
9	<u></u>	29	<u></u>
10	<u></u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

PETITION INFORMATION

Application #: **22CZ27** Submittal Date: (originally Dec 1, 2022) 2nd submittal Dec 1, 2023

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 attachment B

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 HDMF-CZ portion of the proposed conditional zoning is inconsistent with the 2045 Land Use Map designation of Office Employment. The O&I-CZ portion is consistent. However, the HDMF-CZ designation will facilitate a development that is consistent with neighboring residential uses. Further, this infill development will provide much needed housing to this region.

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 HDMF-CZ district is consistent with the residential character of the properties fronting Center Street. Additionally, the O&I-CZ portion will merely allow for the existing office use to continue as it has for some time.

PETITION INFORMATION

Application #: 22CZ27 Submittal Date: (originally Dec 1, 2022) 2nd submittal Dec 1, 2023

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

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

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

The design of the proposed Conditional Zoning District will be compatible with nearby residential uses and the development will strive to minimize any adverse effects of this Conditional Zoning District.

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

The design of this proposed Conditional Zoning District minimizes environmental impacts and it incorporates many of the Town of Apex's suggested environmental conditions.

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 design of this proposed Conditional Zoning District will avoid having adverse impacts on public facilities and services because it is an infill development, and therefore, will not stretch the Town's ability to provide public services.

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

The proposed residential uses will provide Apex residents with safe and needed housing.

PETITION INFORMATION

Application #: 22CZ27 Submittal Date: (originally Dec 1, 2022) 2nd submittal Dec 1, 2023

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

The proposed residential uses are compatible with the similar adjacent residential uses fronting Center Street. Additionally, the commercial zone will be utilized by the existing commercial use. This commercial use has existed for some time without being 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.

This townhome community that this rezoning will facilitate will not be a nuisance or a hazard to adjacent residential uses. Additionally, the commercial zone will allow for the existing commercial use to continue. This commercial use has existed for some time without creating a nuisance or hazard.

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

We have limited the uses allowed and provided conditions that will ensure that this is a high quality project capable of meeting all UDO standards.

Attachment A

PIN	Deed Acres	Site Address	Owner	Address 1	Address2	Current Zoning
0741994612	1.01	1316 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF
0741993895	0.50	1314 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF & RA
0741993581	0.14	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	LI-CU
0741995716	0.23	1320 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	RA
0741996516	0.77	1332 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	O&I-CU
0741997663	1.11	1400 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust	1 Equity Way	Westlake OH 44145-1050	O&I-CU

			Company Custodian FBO Michael Funari			
0741995610	0.16	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145- 1050	RA
0741995786	0.50	1328 Center ST	SJA GLOBAL ADVISORS INC	406 CHIME CT	CARY NC 27519-5581	RA

Attachment B

All Proposed Conditions

A. General Conditions:

1. Development of the property shall, at a minimum, include right-of-way dedication of 55 feet from the centerline of Center Street and thoroughfare frontage widening consistent with the Town's adopted Transportation Plan (and Apex's UDO, including applicable fee-in-lieu provisions) and typical section for a four-lane, median divided thoroughfare. The Applicant is aware of a potential Center Street improvement project being contemplated by NCDOT, having project number U-5825 (the "DOT Widening Project"). The DOT Widening Project may include right-of-way that is different than what is included in the Town's Transportation Plan. At the time of construction drawing approval, the applicant shall be required to dedicate additional right-of-way for Center Street consistent with the latest available plans for the DOT Widening Project, subject to the following: the buffer along Center Street required for development of the property shall be reduced on a one-for-one basis for each foot of additional right-of-way needed for the DOT Widening Project, but in no case shall be less than 15' in width."
2. There shall be a maximum of 30 dwelling units developed on the property.
3. Of the permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership unit (Affordable Housing Unit) shall be constructed onsite and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against the residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Unit to memorialize the affordable housing terms and conditions. The one (1) Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the one (1) Affordable Housing Unit lot prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

4. Construction and dedication of a public residential street from the intersection of Myrtle Grove Lane at Center Street to the residential parcel(s) is required for the first residential subdivision plat. No additional access points to Center Street shall be permitted. The length of a public street cul-de-sac may be permitted to exceed the requirements of UDO Section 7.2.1.G in order to facilitate the limited access onto Center Street from the subject property.
5. Subject to approval by NCDOT and the Town, a 5' concrete sidewalk shall be constructed across the property's Center Street frontage in compliance with Town sidewalk standards.
6. The landscape buffer along the N/F Calvary Chapel Cary, Inc. property may be reduced to 20' to provide public street access to Center Street for alignment with Myrtle Grove Lane.
7. A stub street shall be provided on the eastern boundary of the subject property adjacent to Calvary Chapel (PIN: 0751090469).

B. Architectural Conditions

a. Residential Component

1. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhouse on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements: trim around the windows and decorative air vents on gable.
8. For buildings containing dwelling units that abut Center Street, such units shall either front Center Street or have a wraparound side porch adjacent to the Center Street right-of-way.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

10. The garage cannot protrude more than 1 foot out from the front façade or front porch.
11. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the windows
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative air vents on gable
 - l. Decorative gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
12. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

b. Non-Residential Component

1. The front, side, rear, and corner building setbacks for non-residential buildings in the OI-CZ district shall be reduced to 10' on its north, east, and west sides.
2. In the event the existing nonresidential structure is demolished or destroyed, any new non-residential structure built shall incorporate (or use) the following non-residential architecture conditions:

Building Orientation and Hierarchy

- a. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
- b. Buildings shall be consistent in scale, massing, relationship to the street, and style.
- c. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.

- d. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) 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. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
- e. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
- f. Buildings on corners are to be treated as gateways with quality design.
- g. Corner buildings shall match or exceed the height of adjacent buildings.
- h. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
- i. Service bays should be located in the rear of structures.
- j. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade Elements

- k. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
- l. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) feet of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

Windows

- m. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
- n. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total

façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof Elements

- o. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
- p. The building shall have more than one parapet height.
- q. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and Colors

- r. Buildings shall be architecturally compatible by way of colors and use of materials.
- s. The building exterior shall have more than one material color.
- t. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim.
 - vi. Precast concrete
- u. Exterior materials that will not be allowed are as follows:
 - i. Vinyl siding
 - ii. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - iii. Metal walls
- v. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
- w. Soffit and fascia materials shall be EIFS with crown trim elements.

B. Environmental Conditions:

1. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
2. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.
3. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

4. The project shall install at least two (2) pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths.
5. Deciduous shade trees shall be planted on the southern side of buildings.
6. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
7. Of the vegetation on the assemblage, 75% will be native vegetation.
8. To reduce irrigation requirements, the project shall select and plant only warm season grasses.
9. A minimum of three (3) hardwood tree species shall be used for the landscaping on site.
10. All homes shall be pre-configured with conduit for a solar energy system.
11. Include International Dark Sky Association compliance standards.
 - a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
 - b. Lighting that minimizes the emission of blue light to reduce glare shall be used.
 - c. Lighting with a color temperature of 3000K or less shall be used for outside installations and a color temperature of 3000K or less shall be used for outside installations.
12. HOA Covenants shall explicitly permit townhome owners to install solar PV systems on the roof of their homes.

Attachment C

Proposed Uses

A. Uses in the HDMF-CZ District

1. Townhouse
2. Park, passive
3. Greenway
4. Recreation facility, private
5. Park, active
6. Utility, minor

B. Uses in the OI-CZ District

1. Park, passive
2. Greenway
3. Park, active
4. Barber and beauty shop
5. Utility, minor
6. Office, business or professional
7. Publishing office
8. Personal service %
9. Printing and copying service
10. Real estate sales
11. Pharmacy %
12. Studio for art
13. Tailor shop
14. Pet services
15. Health/fitness center or spa
16. Financial institution
17. Floral shop

AGENT AUTHORIZATION FORMApplication #: 22CZ27Submittal Date: December 1, 2022Equity Trust Company Custodian FBO Marc Block IRA
Equity Trust Company Custodian FBO Michael Funari

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

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

The property address is: 0 CENTER ST; 1320 CENTER ST; 1332 CENTER ST; 1400 CENTER ST; 0 CENTER STThe agent for this project is: Marc Block

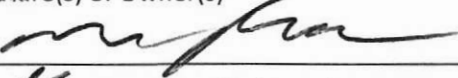
☒ I am the owner of the property and will be acting as my own agent

Agent Name: Marc BlockAddress: 1700 SQUAW WALDEN LN APEX NC 27523-6210

Telephone Number: _____


E-Mail Address: mblock919@gmail.com

Signature(s) of Owner(s)*



Type or print name

11/29/22
Date



MICHAEL A FUNARI
Type or print name

11/29/22
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 22CZ27Submittal Date: December 1, 2022

FUNARI, MICHAEL A BLOCK, MARC G is the owner* of the property for which the attached application is being submitted:

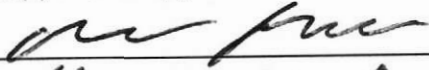
- ☐ Land Use Amendment
- ☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: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


The property address is: 1314 CENTER STThe agent for this project is: Marc Block☒ I am the owner of the property and will be acting as my own agentAgent Name: Marc BlockAddress: 1700 SQUAW WALDEN LN APEX NC 27523-6210

Telephone Number: _____

E-Mail Address: mblock919@gmail.com

Signature(s) of Owner(s)*


Marc Block Type or print name 11/29/22 Date


MICHAEL A FUNARI Type or print name 11/29/22 Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 22CZ27

Submittal Date: _____

MICHAEL FUNARI IRA MARC BLOCK IRA

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

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

The property address is: 1316 Center St

The agent for this project is: Marc Block

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


Agent Name: Marc Block

Address: 1700 SQUAW WALDEN LN APEX NC 27523-6210


Telephone Number: _____

E-Mail Address: mblock919@gmail.com

Signature(s) of Owner(s)*


Marc Block Type or print name

11/29/22
Date


MICHAEL A FUNARI Type or print name

11/29/22
Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022Marc Block

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 1320 Center ST 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 September 12, 2019, and recorded in the Wake County Register of Deeds Office on September 16, 2019, in Book 017576 Page 01489-01495.
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 September 12, 2019, 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 September 12, 2019, 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 29th day of November, 2022.

Marc Block (seal)

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF wake

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

MICHAEL P MCCOLGAN
Notary Public
Wake Co., North Carolina
My Commission Expires Nov. 9, 2026

[NOTARY SEAL]

Michael P McColgan
Notary Public
State of North Carolina
My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

22CZ27

Submittal Date:

December 1, 2022

Insert legal description below.

BEGINNING at a stake on the south side of Swift Creek Road, Henry Merritt's comer; runs thence nearly South 106 feet to a stake, Merritt's line; thence nearly west 52 ½ feet to a stake; Yates comer, thence nearly North 106 feet to a stake; said Yates comer, thence nearly East 52 ½ feet to the BEGINNING, containing 5, 565 square feet, more or less.

BEGINNING at a stake in Henry Merritt's line, Florence Norwood's comer, runs South 105 feet to an iron stake; thence West 52 feet to an iron stake; thence North 105 feet to an iron stake; thence East 52 feet to the BEGINNING, containing 5, 460 square feet, more or less.

The above described property being Parcel ID Number 0741995716. Real Estate ID Number 0051564.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

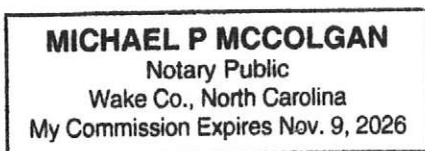
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Center St and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This 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 September 12, 2019, and recorded in the Wake County Register of Deeds Office on September 16, 2019, in Book 017576 Page 01489-01495.
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 September 12, 2019, 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 September 12, 2019, 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 29th day of November, 2022.

Marc Block (seal)
Marc Block
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF wake

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



[NOTARY SEAL]

Michael P McColgan
 Notary Public
 State of North Carolina
 My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: December 1, 2022

Insert legal description below.

BEGINNING at an iron stake, the southeast corner of Florence Norwood's lot, Henry Merritt's line, running South 127 feet to an iron stake; thence West 52 feet to an iron stake; thence North 127 feet to an iron stake; thence East 52 feet to the beginning, containing 6.604 square feet, more or less.


The above property being Parcel ID Number 0741995610. Real Estate ID Number 0020141.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (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 1314 CENTER ST 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 February 4, 2019, and recorded in the Wake County Register of Deeds Office on February 4, 2019, in Book 017353 Page 00095-00097.
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 February 4, 2019, 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 February 4, 2019, 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 29th day of November, 2022.

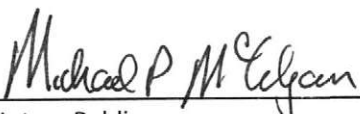
 (seal)
Marc Block
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

MICHAEL P MCCOLGAN
Notary Public
Wake Co., North Carolina
My Commission Expires Nov. 9, 2026

[NOTARY SEAL]


Notary Public
State of North Carolina
My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

22CZ27

Submittal Date:

December 1, 2022

Insert legal description below.

BEGINNING at a point in the southern right-of-way line of Center Street (S.R. 1010), said point being the northwestern corner of a 23.53 feet access easement as shown on a map entitled "Recombination Map for Thony R. Jenkins and Lucille H. Jenkins, Center Street, Apex, N.C" by Larry I. Chasak, Registered Land Surveyor, recorded in Book of Maps 1997, Page 1482, Wake County Registry; runs thence South 04 degrees 58 minutes 21 seconds West 104.81 feet to a point; runs thence North 69 degrees 04 minutes 18 seconds West 105.03 feet to a point; runs thence North 05 degrees 06 minutes 10 seconds East 97.31 feet to a point in the southern right-of-way line of Center Street (S.R. 101 0); runs thence along said southern right-of-way line South 69 degrees 05 minutes 11 seconds East 104.73 feet to the point and place of BEGINNING.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

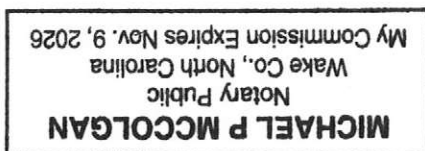
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1316 CENTER ST and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. 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 August 29, 2018, and recorded in the Wake County Register of Deeds Office on August 29, 2018, in Book 017229 Page 00601-00603.
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 August 29, 2018, 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 August 29, 2018, 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 29th day of November, 2022.

Marc Block (seal)
Marc Block
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF wake

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



[NOTARY SEAL]

Michael P. McColgan
 Notary Public
 State of North Carolina
 My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: December 1, 2022

Insert legal description below.

BEING all of Lots 1 and 2 as shown on that map entitled "Survey for Lovelace Lee Jones" and recorded in Book of Maps 1994, Page 701, Wake County Registry, less and excepting Lot 3 as previously conveyed and shown in Book of Maps 1997, Page 1482, Wake County Registry, and Deed Book 7696, Page 330, Wake County Registry.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

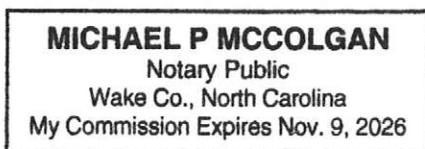
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1332 Center St and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. 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 September 12, 2019, and recorded in the Wake County Register of Deeds Office on September 16, 2019, in Book 017576 Page 01489-01495.
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 September 12, 2019, 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 September 12, 2019, 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 29th day of November, 2022.

[Signature] (seal)
Marc Block
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

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



[NOTARY SEAL]

[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: December 1, 2022

Insert legal description below.

BEING all of Lot 1, containing .769 acres (net), more or less, as shown on that map entitled "MINOR SUBDIVISION FOR N&I PROPERTIES, LLC" by Smith & Smith Surveyors, and recorded in Book of Maps 2004, Page 1132, Wake County Registry.

The above property being Parcel ID Number 0741996516. Real Estate ID Number 0047027.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Center Street 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 September 12, 2019, and recorded in the Wake County Register of Deeds Office on September 16, 2019, in Book 017576 Page 01489-01495.
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 September 12, 2019, 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 September 12, 2019, 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 29th day of November, 2022.

Marc Block (seal)
Marc Block
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

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

MICHAEL P MCCOLGAN
 Notary Public
 Wake Co., North Carolina
 My Commission Expires Nov. 9, 2026

[NOTARY SEAL]

Michael P McCogan
 Notary Public
 State of North Carolina
 My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: December 1, 2022

Insert legal description below.

BEGINNING at an iron stake in Ernest Upchurch's comer and runs South 67 feet to an iron stake, John Chavers' line; thence East 88 feet to an iron stake; thence North 67 feet to an iron stake, another of said Upchurch's comers; thence West 88 feet to the beginning, containing 5,896 square feet, more or less.


The above property being Parcel ID Number 0741993581. Real Estate ID Number 0103032.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27Submittal Date: December 1, 2022

The undersigned, Marc Block (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 1400 Center St 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 September 12, 2019, and recorded in the Wake County Register of Deeds Office on September 16, 2019, in Book 017576 Page 01489-01495.
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 September 12, 2019, 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 September 12, 2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22nd day of November, 2022.


 (seal)
Marc Block
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF wake

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

MICHAEL P MCCOLGAN
 Notary Public
 Wake Co., North Carolina
 My Commission Expires Nov. 9, 2026

[NOTARY SEAL]


 Notary Public
 State of North Carolina
 My Commission Expires: 11/9/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: December 1, 2022

Insert legal description below.

BEING all of Tract 1 (1.118 acres total, 1.105 acres net of road right of way) Dedication and Recombination Survey for N & I Properties, LLC and Andrew L Clark, as recorded in Book of Maps 2004 Page 2310 Wake County Registry.

The above property being Parcel ID Number 0741997663. Real Estate ID Number 0040942.

AGENT AUTHORIZATION FORM

Application #: 22CZ27

Submittal Date: _____

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

☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.

☐ Site Plan

☐ Subdivision

☐ Variance

☐ Other: _____

The property address is: 1328 CENTER ST

The agent for this project is: Marc Block

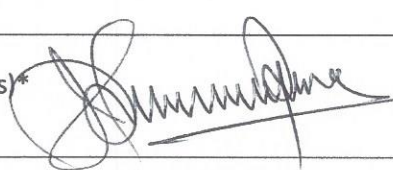
☐ I am the owner of the property and will be acting as my own agent

Agent Name: Marc Block

Address: 1700 Squaw Walden Lane Apex, NC 27523-6210

Telephone Number: _____

E-Mail Address: mblock919@gmail.com

Signature(s) of Owner(s)* 

Ramkumar Jeyaraman
Type or print name

11/29/2023
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ27

Submittal Date: _____

The undersigned, Ramkumar Jeyaraman (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 1328 CENTER ST 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 01/20/2021, and recorded in the Wake County Register of Deeds Office on 01/22/2021, in Book 018303 Page 00503.
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 01/20/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 01/20/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29th day of NOVEMBER, 2023.

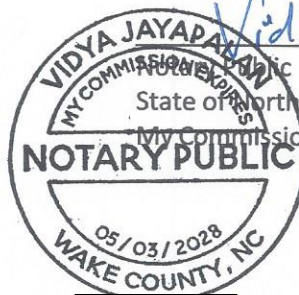
Ramkumar Jeyaraman

(seal)

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that RAMKUMAR JEYARAMAN, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVER'S LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Vidya Jayapalan / 11/29/2023

State of North Carolina

My Commission Expires: 05/03/2028

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ27

Submittal Date: _____

Insert legal description below.

BEGINNING at an iron stake on the South side of Swift Creek Road, Henderson Merritt Estate corner; runs thence South with Merritt Estate line 200 feet to an iron stake; thence in a westernly direction with Merritt Estate line 100 feet to an iron stake; thence in a northerly direction with Dora Edwards and Florence Williams line 200 feet to an iron stake on the South side of Swift Creek Road; thence in an easternly direction with Swift Creek Road 100 feet to the point of BEGINNING, and being a part of the same tract of land as conveyed to Henderson Merritt by Deed recorded in Book 162, Page 13 7, Register of Deeds office of Wake County, North Carolina and being the identical lands conveyed by Decie Merritt Lawrence and husband, Hilman Lawrence, et al to Inneta Hinton and hsuband, Robert Hinton, by Deed dated October 1, 1947, recorded in Book 1125, Page 29

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Marc Block and Mike Funari
Company Phone Number	
Developer Representative Name	Jason Barron
Developer Representative Phone Number	919-590-0371
Developer Representative Email	jbarron@morningstarlawgroup.com

New Residential Subdivision Information	
Date of Application for Subdivision	12/1/2022
City, Town or Wake County Jurisdiction	Apex ETJ
Name of Subdivision	Center City Townhouses
Address of Subdivision (if unknown enter nearest cross streets)	Myrtle Grove Ln and Center St.
REID(s)	0078028; 0741994612; 0741993581; 0741995716; 0741995610; 0741996516; 0741997663
PIN(s)	0741993895; 0007018; 0103032; 0051564; 0020141; 0047027; 0040942

Projected Dates Information	
Subdivision Completion Date	2025
Subdivision Projected First Occupancy Date	2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	30				10	20		1500	2200	TBD	TBD	2024	15	2025	15		
Condos																	
Apartments																	
Other																	

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.

November 15, 2022

Date

Dear Neighbor:

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

See Attachment A

See Attachment A

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Rezoning of the assemblage of properties to HDMF-CZ to permit the development of townhomes.

Estimated submittal date: December 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s):

See Attachment A

Applicant(s):

Marc Block and Mike Funari

Contact information (email/phone):

Jason Barron jbarron@morningstarlawgroup.com

Meeting Address:

Webinar Registration Link: https://us06web.zoom.us/webinar/register/WN_-uqOR0DzTvOrhCEaxvxh4w

Date/Time of meeting**:

November 30, 2022/ 5pm - 7 pm

Welcome: 5 pm-5:05pm Project Presentation: 5:05 pm-5:20pm Question & Answer: 5:20pm-7pm

**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>.

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: Center City Townhomes Zoning: HD-SF; LI-CU; O&I-CU; RA

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: See Attachment A

Property Owner: See Attachment A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Marc Block and Mike Funari

Address: _____

City: _____ State: _____ Zip: _____

Phone: J. Barron: 919-590-0371 Fax: _____ Email: jbarron@morningstarlawgroup.com

Engineer: Jeff Roach - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____

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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

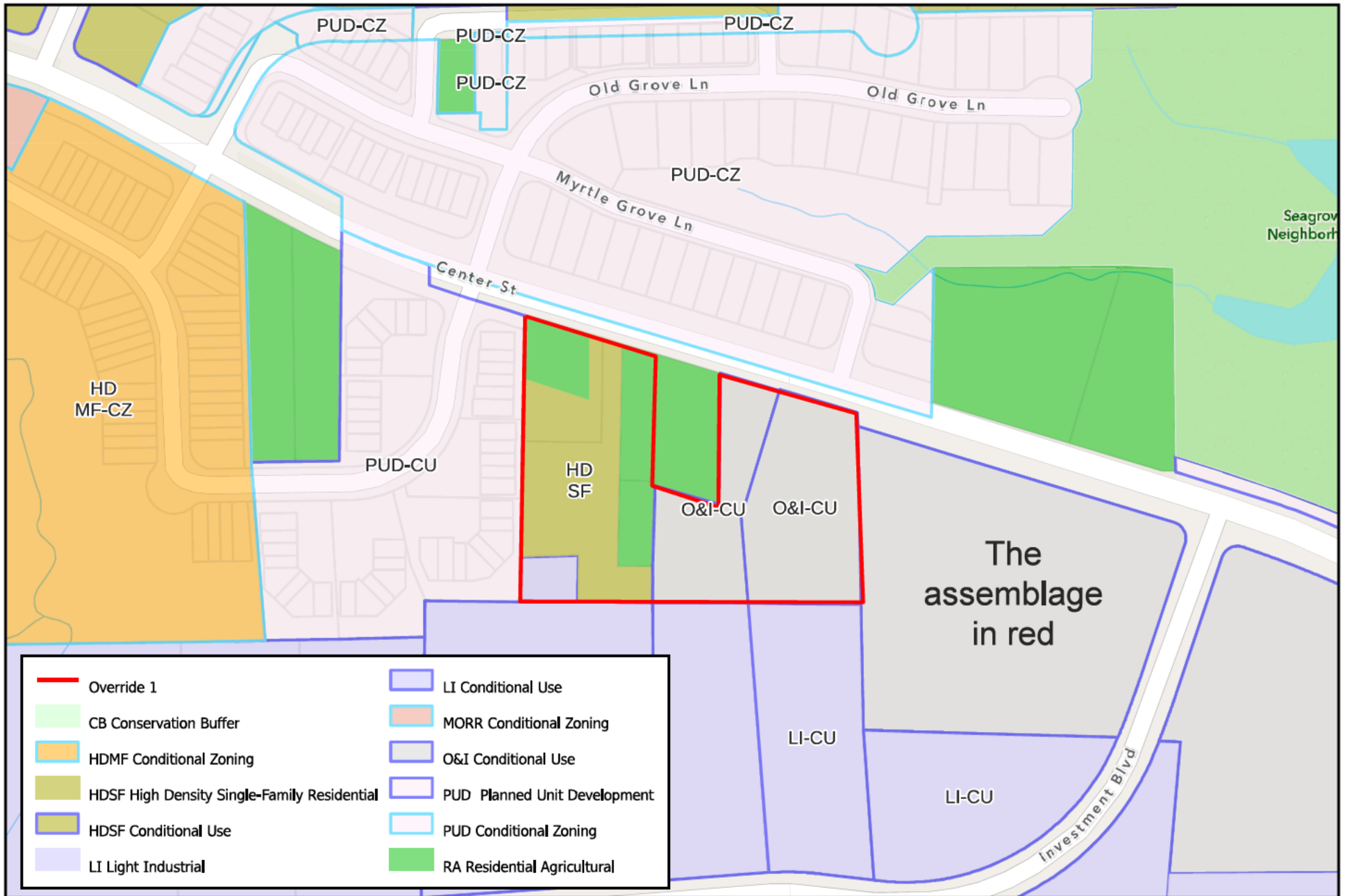
How to Participate in the November 30, 2022 Neighborhood Meeting

- To participate by PC, Mac, iPad, iPhone or Android device,
Go to <https://morningstarlaw.groupp/11302022mtg> to register for the meeting.
(Registration is necessary as we are required by the Town of Apex to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
 - To participate by phone,
 - Dial one of the following numbers:
 - +1 301 715 8592 or
 - +1 309 205 3325 or
 - +1 312 626 6799 or
 - +1 646 931 3860 or
 - +1 929 436 2866 or
 - +1 253 215 8782 or
 - +1 346 248 7799 or
 - +1 360 209 5623 or
 - +1 386 347 5053 or
 - +1 507 473 4847 or
 - +1 564 217 2000 or
 - +1 669 444 9171 or
 - +1 669 900 6833 or
 - +1 689 278 1000 or
 - +1 719 359 4580
 - Webinar ID: 851 2109 2060
 - Passcode: 475266
 - For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

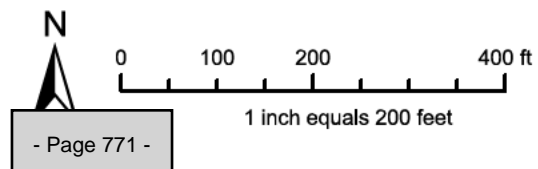
If you have difficulty connecting or have technical difficulties during the meeting, you can email us at meetings@mstarlaw.com or call 919-590-0371.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at meetings@mstarlaw.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.



Vicinity and Zoning Map



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

Attachment A

Parcel	PIN	Deed Acres	Site Address	Owner	Address 1	Address2	Current Zoning
1	0741994612	1.01	1316 CENTER ST	MICHAEL FUNARI IRA MARC BLOCK IRA	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF
2	0741993895	0.50	1314 CENTER ST	FUNARI, MICHAEL A BLOCK, MARC G	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF & RA
3	0741993581	0.14	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	LI-CU
4	0741995716	0.23	1320 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	RA
5	0741996516	0.77	1332 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	O&I-CU
6	0741997663	1.11	1400 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust	1 Equity Way	Westlake OH 44145-1050	O&I-CU

				Company Custodian FBO Michael Funari			
7	0741995610	0.16	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145- 1050	RA

Neighborhood Meeting Notification List

OWNER	Mailing Address Line 1	Mailing Address Line 2
AA PROPERTIES LLC	1017 INVESTMENT BLVD	APEX NC 27502-1955
AKRAM, SAHAR SHADMAN, HAMIREZA	451 MILL RIVER LN	SAN JOSE CA 95134-2417
APEX PLANNING AND COMMUNITY DEVELOPMENT	PO Box 250	Apex, NC 27502
ALLEN, NICOLETTE R.	1313 CENTER ST	APEX NC 27502-7018
APEX FLEX STORAGE INC	1041 INVESTMENT BLVD	APEX NC 27502-7047
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
ARNOLD, SUSAN LARUE	2319 PENROSE DR	NORTH CHESTERFIELD VA 23235-2729
AVALLONE, JACQUELINE	117 OLD GROVE LN	APEX NC 27502-1790
BALGOOYEN, JENNIFER	850 MYRTLE GROVE LN	APEX NC 27502-6236
BAROSKO FAMILY TRUST	14436 WOODWILL LN	GAINESVILLE VA 20155-3893
BATES, JAMES E	161 OLD GROVE LN	APEX NC 27502-1790
BLANTON, SCOTT JACKSON BLANTON, CRYSTAL SUNDOWN	1319 CENTER ST	APEX NC 27502-7018
BORASKI, GINA L	145 OLD GROVE LN	APEX NC 27502-1790
BRUBAKER, NATHANAEL BRUBAKER, JOHANNA	1403 CENTER ST	APEX NC 27502-7020
BTSK HOLDINGS LLC	904 MILL RD	GOLDSBORO NC 27534-8951
CALVARY CHAPEL CARY INC	1600 CENTER ST	APEX NC 27502-7023
CANNON, SETH JACOB	1325 CENTER ST	APEX NC 27502-7018
CARTER, BRANDON JAMAL CARTER, FRANCESCA LOCKLEAR	128 OLD GROVE LN	APEX NC 27502-1789
CHEN, LINA	101 OLD GROVE LN	APEX NC 27502-1790
CHIU, MICHELLE TRUSTEE THE SAMMY REVOCABLE LIVING TRUST	1401 CENTER ST	APEX NC 27502-7020
COCKMAN, COLON J JR	144 OLD GROVE LN	APEX NC 27502-1789
COLE, PRISCILLA C	136 OLD GROVE LN	APEX NC 27502-1789
CURCURU, JOSEPH SALVATORE CURCURU, PAMELA DIANE	1301 CENTER ST	APEX NC 27502-7018
DISILVIO, CHRISTINE	848 MYRTLE GROVE LN	APEX NC 27502-6236
EQUITY TRUST COMPANY CUSTODIAN FBO MARC BLOCK IRA EQUITY TRUST COMPANY CUSTODIAN FBO MICHAEL FUNARI	1 EQUITY WAY	WESTLAKE OH 44145-1050
FUNARI, MICHAEL A BLOCK, MARC G	1700 SQUALL WALDEN LN	APEX NC 27523-6210
GORE LINE PROPERTIES, LLC	PO BOX 791	APEX NC 27502-0791
GROVES TOWNHOME ASSN INC THE	501 N SALEM ST STE 105	APEX NC 27502-2315

GROVES TOWNHOME ASSN INC THE	501 N SALEM ST	APEX NC 27502-2315
GROVES TOWNHOME ASSN INC THE	2509 SOUTHWINDS RUN	APEX NC 27502-6512
GROW, STEVEN MITCHEL TRUSTEE GROW, MICHELE ELIZABETH TRUSTEE	103 WELCHDALE CT	CARY NC 27513-1700
HENDERSON, RHONDA L	1132 CENTER ST	APEX NC 27502-7013
IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512
ISLAM, ATIF	205 OLD GROVE LN	APEX NC 27502-7005
JARRETT, LAINI NICOLE	165 OLD GROVE LN	APEX NC 27502-1790
JONES, SHARON L	PO BOX 12805	RALEIGH NC 27605-2805
KAPUR, KARAN KAPUR, POOJA	774 ORANGE OAK LN	APEX NC 27523-5101
KEANE, PATRICIA JAYNE	173 OLD GROVE LN	APEX NC 27502-1790
KERN, MICHELLE L	838 MYRTLE GROVE LN	APEX NC 27502-6236
KWON, OH KUEN LEE, YOUNG SIM	209 OLD GROVE LN	APEX NC 27502-7005
LAMBE, MAURA	153 OLD GROVE LN	APEX NC 27502-1790
LATUPE LLC	108 BRUINGTON CT	MORRISVILLE NC 27560-6986
MARGOSIAN, JOEL	120 OLD GROVE LN	APEX NC 27502-1789
MARTIN-BYERS, CHRISTINE	121 OLD GROVE LN	APEX NC 27502-1790
MCGUIRE, MARIANNE	842 MYRTLE GROVE LN	APEX NC 27502-6236
MICHAEL FUNARI IRA MARC BLOCK IRA	1700 SQUALL WALDEN LN	APEX NC 27523-6210
MONTGOMERY, PETER MONTGOMERY, JACALYN	1303 CENTER ST	APEX NC 27502-7018
MORRIS, DE JORDAN TRUSTEE MORRIS LIVING TRUST	405 TRELAWNEY LN	CARY NC 27519-8927
OLSON, BEVERLY L	104 OLD GROVE LN	APEX NC 27502-1789
ONDER, EFRAYIM	61 OLD GROVE LN	APEX NC 27502-1893
PATEL, MANIJ PATEL, ANITA	209 KINGS CASTLE DR	APEX NC 27502-5004
PETERSON ENTERPRISES OF NC LLC	7828 HASENTREE LAKE DR	WAKE FOREST NC 27587- 1731
PEVZNER-KALIKA, ANNA KALIKA, MAXIM	502 ALLENHURST PL	CARY NC 27518-6480
RAINES, CARLIOUS JR RAINES, MARY EDITH L	1504 CENTER ST	APEX NC 27502-7021
REEDY, BONNIE JONES	213 OLD GROVE LN	APEX NC 27502-7005
RIGGLEMAN, WENDY DENISE	132 OLD GROVE LN	APEX NC 27502-1789
ROBINSON, EDIE C	112 OLD GROVE LN	APEX NC 27502-1789
SALTER, MALINDA G	129 OLD GROVE LN	APEX NC 27502-1790
SHAH, SUBODH PRADIPBHAI SHAH, SHEETAL SUBODH	217 OLD GROVE LN	APEX NC 27502-7005
SHOEMAKER, SPENCER H SHOEMAKER, PAMELA J	3011 NEW YARMOUTH WAY	APEX NC 27502-8960
SJA GLOBAL ADVISORS INC	406 CHIME CT	CARY NC 27519-5581
SKIADOS, DAVID GEORGE SKIADOS, VIRGINIA ELAINE	1307 CENTER ST	APEX NC 27502-7018
SMITH, CYNTHIA T SMITH, DENNIS R	1309 CENTER ST	APEX NC 27502-7018

SMITH, SCOTT GAWDYDA, KRISTYN	225 OLD GROVE LN	APEX NC 27502-7005
SOLAKOGLU, DENIZ	149 OLD GROVE LN	APEX NC 27502-1790
SOSDIAN, JOSHUA THOMAS	140 OLD GROVE LN	APEX NC 27502-1789
SPIVEY, CAROL JEAN	1331 CENTER ST	APEX NC 27502-7018
STANCIL, FREDERICK S STANCIL, DIANE R	67 OLD GROVE LN	APEX NC 27502-1893
STASIO, DENISE M	108 OLD GROVE LN	APEX NC 27502-1789
THE GROVES TOWNHOME ASSOCIATION INC	RS FINCHER & CO PO BOX 1117	APEX NC 27502-3117
THE GROVES TOWNHOME ASSOCIATION INC	315 S SALEM ST STE 500	APEX NC 27502-1863
WALKER, CAROLINE N WALKER, ZACHARY	1327 CENTER ST	APEX NC 27502-7018
WALKER, CAROLYN H	63 OLD GROVE LN	APEX NC 27502-1893
WHITNEY, REEVES NEWELL- WHITNEY, MICHELLE C	169 OLD GROVE LN	APEX NC 27502-1790
WILKERSON, LEANNE	157 OLD GROVE LN	APEX NC 27502-1790
WOODARD, MARY	993 MYRTLE GROVE LN	APEX NC 27502-6232
WOODS AND MEADOWS CAPITAL LLC	38 MOORELAND AVE	CHAPEL HILL NC 27516-4570
YADAV, ABBASAHEB P DHILLON, DILSHAD	44414 STONE ROSES CIR	ASHBURN VA 20147-6074
YU, ALEXANDER F BUCKLEY, SARAH D	109 OLD GROVE LN	APEX NC 27502-1790
Current Tenant	1314 Center ST	APEX NC 27502
Current Tenant	1315 Center ST	APEX NC 27502
Current Tenant	1316 Center ST	APEX NC 27502
Current Tenant	1320 Center ST	APEX NC 27502
Current Tenant	1321 Center ST	APEX NC 27502
Current Tenant	1328 Center ST	APEX NC 27502
Current Tenant	1332 Center ST	APEX NC 27502
Current Tenant	1333 Center ST	APEX NC 27502
Current Tenant	1400 Center ST	APEX NC 27502
Current Tenant	1502 Forest Grove DR	APEX NC 27502
Current Tenant	1019 Investment BLVD Suite 101	APEX NC 27502
Current Tenant	1019 Investment BLVD Suite 103	APEX NC 27502
Current Tenant	1019 Investment BLVD Suite 105	APEX NC 27502
Current Tenant	1019 Investment BLVD Suite 109	APEX NC 27502
Current Tenant	1019 Investment BLVD Suite 111	APEX NC 27502
Current Tenant	1041 Investment BLVD Suite 151	APEX NC 27502
Current Tenant	1041 Investment BLVD Suite 153	APEX NC 27502
Current Tenant	1041 Investment BLVD Suite 155	APEX NC 27502
Current Tenant	1041 Investment BLVD Suite 157	APEX NC 27502

Current Tenant	1041 Investment BLVD Suite 159	APEX NC 27502
Current Tenant	1091 Investment BLVD	APEX NC 27502
Current Tenant	1093 Investment BLVD	APEX NC 27502
Current Tenant	1095 Investment BLVD	APEX NC 27502
Current Tenant	1097 Investment BLVD	APEX NC 27502
Current Tenant	1099 Investment BLVD	APEX NC 27502
Current Tenant	844 Myrtle Grove LN	APEX NC 27502
Current Tenant	846 Myrtle Grove LN	APEX NC 27502
Current Tenant	991 Myrtle Grove LN	APEX NC 27502
Current Tenant	79 Old Grove LN	APEX NC 27502
Current Tenant	100 Old Grove LN	APEX NC 27502
Current Tenant	105 Old Grove LN	APEX NC 27502
Current Tenant	113 Old Grove LN	APEX NC 27502
Current Tenant	116 Old Grove LN	APEX NC 27502
Current Tenant	124 Old Grove LN	APEX NC 27502
Current Tenant	125 Old Grove LN	APEX NC 27502
Current Tenant	133 Old Grove LN	APEX NC 27502
Current Tenant	137 Old Grove LN	APEX NC 27502
Current Tenant	141 Old Grove LN	APEX NC 27502
Current Tenant	201 Old Grove LN	APEX NC 27502
Current Tenant	221 Old Grove LN	APEX NC 27502
Current Tenant	201 Parkfield DR	APEX NC 27502

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: Online Zoom Platform
 Date of meeting: 11/30/22 Time of meeting: 5:00PM
 Property Owner(s) name(s): Mike Funari and Marc Block
 Applicant(s): Jason Barron

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jeff Roach; Peak Engineering & Design	1125 Apex Peakway, Apex, NC 27502			
2.	Marc Block	1700 Squaw Walden Ln, Apex NC, 27523			
3.	Keenan Conder; Morningstar Law	421 Fayetteville Street Suite 530 Raleigh, North Carolina 27601			
4.	Jason Barron; Morningstar	421 Fayetteville Street Suite 530 Raleigh, North Carolina 27601			
5.	Carolyn H. Walker	63 Old Grove Lane, Apex, NC 27502			
6.	Dennis Smith	1309 Center Street, Apex, NC 27502			
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Mike Funari and Marc Block

Applicant(s): Jason Barron

Contact information (email/phone): jbarron@morningstarlawgroup.com; 919-590-0371

Meeting Address: Online Zoom Platform

Date of meeting: 11/30/22

Time of meeting: 5:00PM - 7PM

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

Question/Concern #1:

What is the schedule for development?

Applicant's Response:

The development process includes the rezoning followed by subdivision and construction drawings.

All told, the permitting schedule is anticipated to be just a little over a year (Spring of 2024)

Question/Concern #2:

What is the architecture?

Applicant's Response:

We will have the Town's standard zoning conditions with respect to architecture for townhomes.

Otherwise, because there has not been a builder selected, the finishes remain to be seen

Question/Concern #3:

What is the house in the middle that is not being included, is that the one that appears to be renovated?

Applicant's Response:

Yes, that house is not part of the zoning.

Per Google maps, it appears that it is being used for some sort of business use.

Not sure if it is residential or not, but it is not part of the rezoning.

Question/Concern #4:

Is there a similar development to this?

Applicant's Response:

At this point, no. However, given the location, we would anticipate this development

yo be similar to the Groves next door.

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, Keenan Conder, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Online on Zoom (location/address) on 11/20/22 (date) from 5:00PM (start time) to 7:00PM (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.

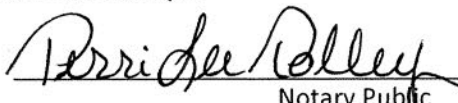
12/1/2022
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Durham

Sworn and subscribed before me, Terri Lee Tolley, a Notary Public for the above State and County, on this the 1st day of December, 2022.




Notary Public
Terri Lee Tolley
Print Name

My Commission Expires: 8/25/2023

Center Street Residential Assemblage Rezoning Legal Description

All of seven (7) certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0078028, 0007018, 0103032, 0051564, 0020141, 0047027, and 0040942 located in Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe along the southern right-of-way of Center Street and the northwestern corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-6516) as shown on a map entitled “Minor Subdivision for N&I Properties, LLC” recorded in Wake County Registry Book of Maps 2004 Page 1132, said point being the **POINT OF BEGINNING**:

thence S73°17'12"E, 93.13' along the southern right-of-way of Center Street to an existing Bumper Jack Tube;

thence S73°17'12"E, 122.11' along the southern right-of-way of Center Street to a Mathematical Point (not set);

thence S01°02'53"E, 20.67' to an Iron Pipe, said pipe being the northwest corner of the N/F Cavalry Chapel Cary property (PIN 0751-09-0469);

thence S01°02'53"E, 266.86' to an Iron Pipe in the southeast corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-7663);

thence N89°36'52"W, 169.76' to an Iron Pipe in the southwestern corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-7663);

thence N89°36'52"W, 142.97' to an Iron Pipe in the southwestern corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-6516);

thence N89°36'49"W, 110.33' to an Iron Pipe in the southwestern corner of the N/F Michael Funari IRA and Marc Block IRA (PIN 0741-99-4612);

thence N89°36'49"W, 45.02' to an Iron Pipe along the property line of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-3581);

thence N89°36'49"W, 42.83' to an Iron Pipe along the property line of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-3581) to the southwest corner of the assembly;

thence N00°53'18"E, 67.30' to an Iron Pipe in the northwest corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-3581);

thence N00°48'50"E, 65.48' to an Iron Pipe along the western boundary of the N/F Michael Funari IRA and Marc Block IRA parcel (PIN 0741-99-4612);

thence N00°48'50"E, 95.63' to an Iron Pipe along the western boundary of the N/F Michael Funari IRA and Marc Block IRA parcel (PIN 0741-99-4612);

thence N01°02'31"E, 7.50' to an Iron Pipe in the southwestern corner of the N/F Michael Funari IRA and Marc Block IRA parcel (PIN 0741-99-3895);

thence N01°00'00"E, 192.81' to an Iron Pipe in the southern right-of-way of Center Street and the northwestern corner of the N/F Michael Funari IRA and Marc Block IRA parcel (PIN 0741-99-3895);

thence S73°11'21"E, 129.20' to an Iron Pipe in the southern right-of-way of Center Street;

thence S73°11'21"E, 24.52' to an Iron Pipe along the southern right-of-way of Center Street and the northeastern corner of the N/F Michael Funari IRA and Marc Block IRA parcel (PIN 0741-99-4612);

thence S73°11'21"E, 52.34' to an Iron Pipe along the southern right-of-way of Center Street and the northeastern corner of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-5716);

thence S00°48'59"W, 194.46' to an Iron Pipe;

thence S73°43'16"E, 100.00' to an Iron Pipe along the northern boundary of the N/F Equity Trust Company (FBO Marc Block IRA and FBO Michael Funari Custodian – PIN 0741-99-6516);

thence N00°34'53"E, 199.29' to an Iron Pipe along the southern right-of-way of Center Street, said point being the POINT OF BEGINNING.

Said Center Street Residential Assemblage rezoning containing 161,905.35 square feet or 3.716 acres more or less.

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.

November 3, 2023

Date

Dear Neighbor:

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

See Attachment A

See Attachment C

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Rezoning the properties to HDMF-CZ & OI-CZ to allow for a townhouse development with a small neighborhood scale office space.

Estimated submittal date: December 1, 2023

MEETING INFORMATION:

Property Owner(s) name(s):

Marc Block and Mike Funari

Applicant(s):

Marc Block and Mike Funari

Contact information (email/phone):

Jason Barron jbarron@morningstarlawgroup.com

Meeting Address:

https://us06web.zoom.us/webinar/register/WN_yummRwuSStqOewjHnMmehA

Date/Time of meeting**:

November 20, 2023/5pm - 7pm

Welcome: 5:00 - 5:05 Project Presentation: 5:05 - 5:15 Question & Answer: 5:15 - 7:00

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

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: Center City Townhomes Zoning: HD-SF; LI-CU; O&I-CU; RA

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: See Attachment A

Property Owner: Marc Block and Mike Funari

Address: _____

City: _____ State: _____ Zip: _____

Phone: J. Barron 919-590-0371 Email: jbarron@morningstarlawgroup.com

Developer: Marc Block and Mike Funari

Address: _____

City: _____ State: _____ Zip: _____

Phone: J. Barron 919-590-0371 Fax: _____ Email: jbarron@morningstarlawgroup.com

Engineer: Jeff Roach - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____

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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

How to Participate in the November 20, 2023, Neighborhood Meeting

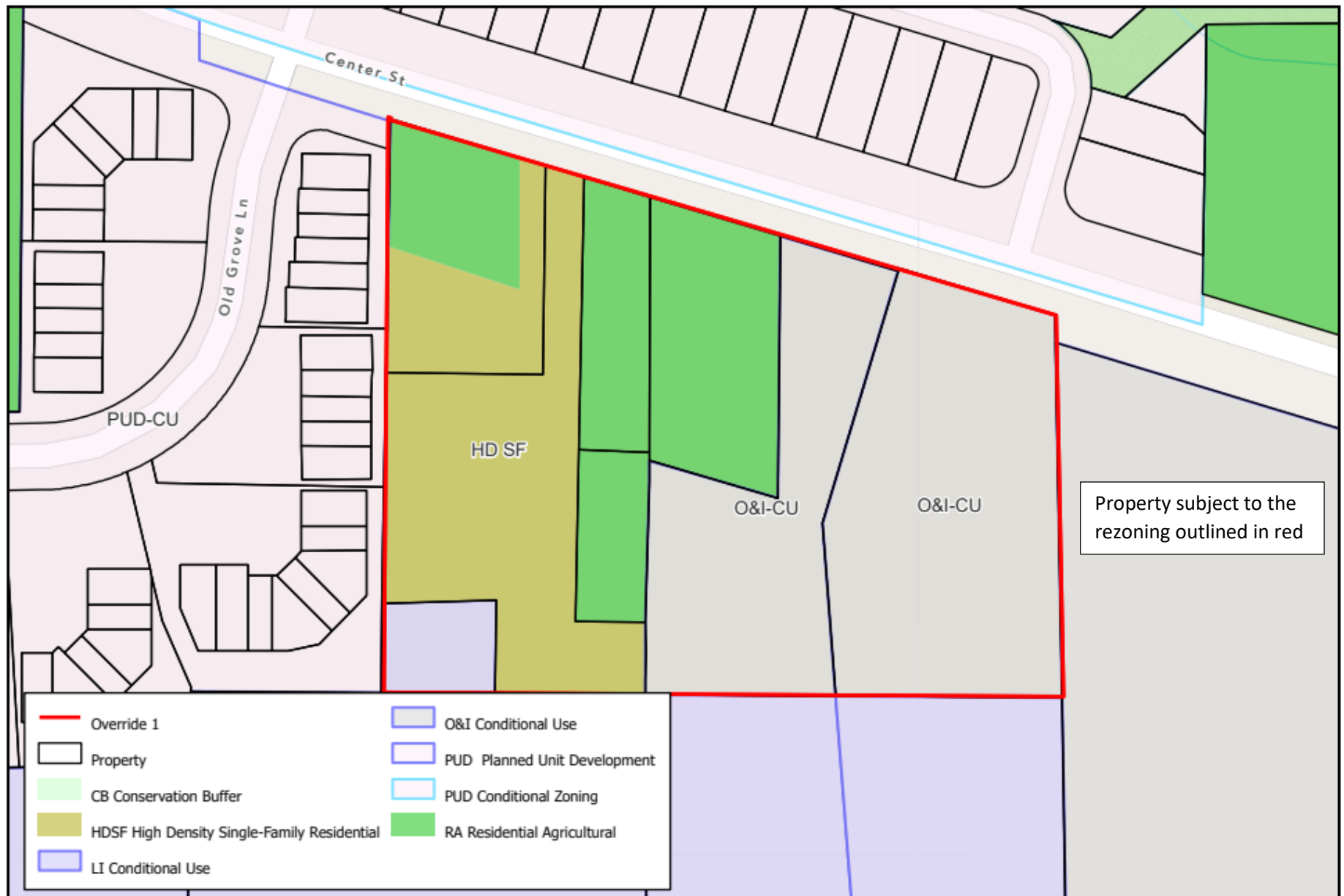
- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to <https://morningstarlaw.group/11202023.mtg> to register for the meeting.
(Registration is necessary as we are required by the Town of Apex to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 929 436 2866 or
 - +1 301 715 8592 or
 - +1 305 224 1968 or
 - +1 309 205 3325 or
 - +1 312 626 6799 or
 - +1 646 931 3860 or
 - +1 719 359 4580 or
 - +1 253 205 0468 or
 - +1 253 215 8782 or
 - +1 346 248 7799 or
 - +1 360 209 5623 or
 - +1 386 347 5053 or
 - +1 507 473 4847 or
 - +1 564 217 2000 or
 - +1 669 444 9171 or
 - +1 669 900 6833 or
 - +1 689 278 1000
 - Webinar ID: 898 2592 3507
 - Passcode: 384383
 - *For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at kconder@morningstarlawgroup.com or call 919-334-6905.

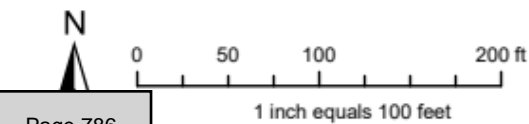
You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e., only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at kconder@morningstarlawgroup.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.



Vicinity and Zoning Map



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

Attachment A

PIN	Deed Acres	Site Address	Owner	Address 1	Address2	Current Zoning
0741994612	1.01	1316 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF
0741993895	0.50	1314 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF & RA
0741993581	0.14	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	LI-CU
0741995716	0.23	1320 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	RA
0741996516	0.77	1332 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	O&I-CU
0741997663	1.11	1400 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust	1 Equity Way	Westlake OH 44145-1050	O&I-CU

			Company Custodian FBO Michael Funari			
0741995610	0.16	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145- 1050	RA
0741995786	0.50	1328 Center ST	SJA GLOBAL ADVISORS INC	406 CHIME CT	CARY NC 27519-5581	RA

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: https://us06web.zoom.us/webinar/register/WN_yummRwuSStqOewjHnMmehA

Date of meeting: November 20, 2023 Time of meeting: 5pm - 7pm

Property Owner(s) name(s): Marc Block and Mike Funari

Applicant(s): Marc Block and Mike Funari

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Dennis Smith				<input type="checkbox"/>
2.	Michelle Chiu	1401 Center Street Apex, NC 27502			<input type="checkbox"/>
3.	Marc Block				<input type="checkbox"/>
4.	Mike Funari				<input type="checkbox"/>
5.	Jeff Roach - Peak Design and Engineering				<input type="checkbox"/>
6.	Keenan Conder - Morningstar Law Group				<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Marc Block and Mike Funari

Applicant(s): Marc Block and Mike Funari

Contact information (email/phone): (originally Dec 1, 2022) 2nd submittal Dec 1, 2023

Meeting Address: https://us06web.zoom.us/webinar/register/WN_yummRwuSStqOewjHnMmehA

Date of meeting: November 20, 2023 Time of meeting: 5pm - 7pm

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

Question/Concern #1:

Where is the entrance going to your development going to be?

Applicant's Response:

There is going to be one entrance and it will line up with Myrtle Grove Lane.

Question/Concern #2:

Will the current homes on the property be removed?

Applicant's Response:

Yes, the old homes will be removed to accommodate new townhomes. The exception is the office building in the middle.

That building will be physically moved East and set up in a new area zoned for office use.

Question/Concern #3:

Will the fence on the West side of the property be preserved?

Applicant's Response:

I believe that is on the Old Grove side of the property line. If so, it will not be on our property and, therefore, we will not touch it.

Question/Concern #4:

How many parking spaces do you have per residence?

Applicant's Response:

We have 2 and a quarter parking spaces per unit. There will be 2 parking spaces for every unit and 1 parking space for every 4 units for guest parking. There will also be a few parking spaces for the office component.

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

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I, Keenan Conder, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Webinar Platform (location/address) on November 20, 2023 (date) from 5 PM (start time) to 7 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

11/27/23

Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Durham

Sworn and subscribed before me, Terri Lee Tolley, a Notary Public for the above State and County, on this the 27th day of November, 2023.





Notary Public

Terri Lee Tolley

Print Name

My Commission Expires: 8/25/2028

Center Street Townhomes

Neighborhood Meeting Mialing Notification List

(provided by Taylor Jarrell on October 18, 2023)

Site Address	PIN	Owner	Mailing Address 1	Mailing Address 2
1017 INVESTMENT BLVD	0741990279	AA PROPERTIES LLC	1017 INVESTMENT BLVD	APEX NC 27502-1955
137 OLD GROVE LN	0741993607	AKRAM, SAHAR SHADMAN, HAMIREZA	451 MILL RIVER LN	SAN JOSE CA 95134-2417
1313 CENTER ST	0742904080	ALLEN, NICOLETTE R.	1313 CENTER ST	APEX NC 27502-7018
1041 INVESTMENT BLVD	0741996297	APEX FLEX STORAGE INC	1041 INVESTMENT BLVD	APEX NC 27502-7047
201 PARKFIELD DR	0752005064	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
141 OLD GROVE LN	0741993605	ARNOLD, SUSAN LARUE	2319 PENROSE DR	NORTH CHESTERFIELD VA 23235-2729
117 OLD GROVE LN	0741993709	AVALLONE, JACQUELINE	117 OLD GROVE LN	APEX NC 27502-1790
124 OLD GROVE LN	0741991803	BAROSKO FAMILY TRUST	14436 WOODWILL LN	GAINESVILLE VA 20155-3893
1319 CENTER ST	0741995968	BLANTON, SCOTT JACKSON BLANTON, CRYSTAL SUNDOWN	1319 CENTER ST	APEX NC 27502-7018
145 OLD GROVE LN	0741993602	BORASKI, GINA L	145 OLD GROVE LN	APEX NC 27502-1790
1403 CENTER ST	0741998901	BRUBAKER, NATHANAEL BRUBAKER, JOHANNA	1403 CENTER ST	APEX NC 27502-7020
116 OLD GROVE LN	0741991808	BTSK HOLDINGS LLC	904 MILL RD	GOLDSBORO NC 27534-8951
0 INVESTMENT BLVD	0751090469	CALVARY CHAPEL CARY INC	1600 CENTER ST	APEX NC 27502-7023
1325 CENTER ST	0741996936	CANNON, SETH JACOB	1325 CENTER ST	APEX NC 27502-7018
128 OLD GROVE LN	0741991800	CARTER, BRANDON JAMAL TRUSTEE CARTER,	128 OLD GROVE LN	APEX NC 27502-1789

		FRANCESCA L TRUSTEE		
101 OLD GROVE LN	0741993807	CHEN, LINA	101 OLD GROVE LN	APEX NC 27502-1790
1401 CENTER ST	0741997962	CHIU, MICHELLE TRUSTEE THE SAMMY REVOCABLE LIVING TRUST	1401 CENTER ST	APEX NC 27502-7020
144 OLD GROVE LN	0741991702	COCKMAN, COLON J JR	144 OLD GROVE LN	APEX NC 27502-1789
67 OLD GROVE LN	0742905118	EAST, JASON ANTHONY EAST, WENDY ANN	67 OLD GROVE LN	APEX NC 27502-1893
0 CENTER ST	0741993581	EQUITY TRUST COMPANY CUSTODIAN FBO MARC BLOCK IRA EQUITY TRUST COMPANY CUSTODIAN FBO MICHAEL FUNARI	1 EQUITY WAY	WESTLAKE OH 44145-1050
161 OLD GROVE LN	0741992583	FOSHEE, CAROLYN	161 OLD GROVE LN	APEX NC 27502-1790
1314 CENTER ST	0741993895	FUNARI, MICHAEL A BLOCK, MARC G	1700 SQUALL WALDEN LN	APEX NC 27523-6210
140 OLD GROVE LN	0741991704	GONZALEZ, CHRISTINE PFEIFFER JEPPESEN, JORGE GONZALEZ	140 OLD GROVE LN	APEX NC 27502-1789
1091 INVESTMENT BLVD	0741999290	GORE LINE PROPERTIES, LLC	PO BOX 1118	GARNER NC 27529-1118
0 OLD GROVE LN	0741990404	GROVES TOWNHOME ASSN INC THE	501 N SALEM ST STE 105	APEX NC 27502-2315
0 MYRTLE GROVE LN	0742901048	GROVES TOWNHOME ASSN INC THE	501 N SALEM ST	APEX NC 27502-2315
79 OLD GROVE LN	0742904146	GROVES TOWNHOME ASSN INC THE	2509 SOUTHWINDS RUN	APEX NC 27502-6512
105 OLD GROVE LN	0741993805	GROW, STEVEN MITCHEL TRUSTEE GROW,	103 WELCHDALE CT	CARY NC 27513-1700

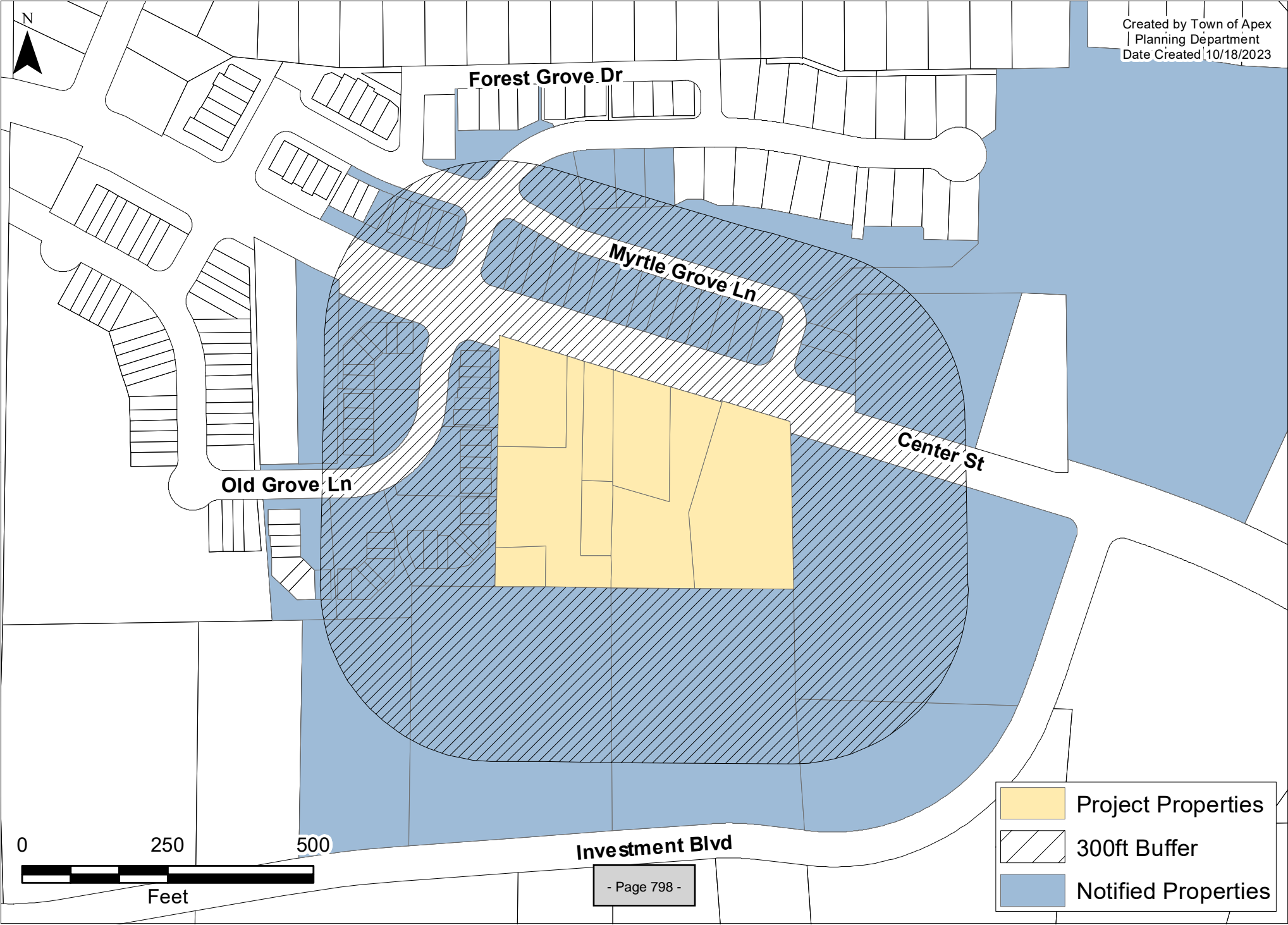
		MICHELE ELIZABETH TRUSTEE		
1132 CENTER ST	0741990835	HENDERSON, RHONDA L	1132 CENTER ST	APEX NC 27502-7013
848 MYRTLE GROVE LN	0742902029	HOME AND HAVEN RENTALS LLC	848 MYRTLE GROVE LN	APEX NC 27502-6236
1315 CENTER ST	0741995929	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512
205 OLD GROVE LN	0741991544	ISLAM, ATIF	205 OLD GROVE LN	APEX NC 27502-7005
165 OLD GROVE LN	0741992554	JARRETT, LAINI NICOLE	165 OLD GROVE LN	APEX NC 27502-1790
133 OLD GROVE LN	0741993609	JONES, SHARON L	PO BOX 12805	RALEIGH NC 27605-2805
201 OLD GROVE LN	0741991546	KAPUR, KARAN KAPUR, POOJA	774 ORANGE OAK LN	APEX NC 27523-5101
173 OLD GROVE LN	0741992504	KEANE, PATRICIA JAYNE	173 OLD GROVE LN	APEX NC 27502-1790
838 MYRTLE GROVE LN	0742901132	KERN, MICHELLE L	838 MYRTLE GROVE LN	APEX NC 27502-6236
209 OLD GROVE LN	0741991541	KWON, OH KUEN LEE, YOUNG SIM	209 OLD GROVE LN	APEX NC 27502-7005
153 OLD GROVE LN	0741993507	LAMBE, MAURA	153 OLD GROVE LN	APEX NC 27502-1790
221 OLD GROVE LN	0741990488	LATUPE LLC	108 BRUINGTON CT	MORRISVILLE NC 27560-6986
120 OLD GROVE LN	0741991805	MARGOSIAN, JOEL	120 OLD GROVE LN	APEX NC 27502-1789
121 OLD GROVE LN	0741993707	MARTIN-BYERS, CHRISTINE	121 OLD GROVE LN	APEX NC 27502-1790
842 MYRTLE GROVE LN	0742901171	MCGUIRE, MARIANNE	842 MYRTLE GROVE LN	APEX NC 27502-6236
1316 CENTER ST	0741994612	MICHAEL FUNARI IRA MARC BLOCK IRA	1700 SQUALL WALDEN LN	APEX NC 27523-6210
1303 CENTER ST	0742903084	MONTGOMERY, PETER MONTGOMERY, JACALYN	1303 CENTER ST	APEX NC 27502-7018
1333 CENTER ST	0741997933	MORRIS, DE JORDAN TRUSTEE MORRIS LIVING TRUST	405 TRELAWNEY LN	CARY NC 27519-8927
1331 CENTER ST	0741997904	O'KEEFE, KEVIN C O'KEEFE, HOLLI	1331 CENTER ST	APEX NC 27502-7018

104 OLD GROVE LN	0741991961	OLSON, BEVERLY L	104 OLD GROVE LN	APEX NC 27502-1789
61 OLD GROVE LN	0742906128	ONDER, EFRAYIM	61 OLD GROVE LN	APEX NC 27502-1893
844 MYRTLE GROVE LN	0742901190	PATEL, MANIJ PATEL, ANITA	209 KINGS CASTLE DR	APEX NC 27502-5004
100 OLD GROVE LN	0741991981	PETERSON ENTERPRISES OF NC LLC	7828 HASENTREE LAKE DR	WAKE FOREST NC 27587-1731
991 MYRTLE GROVE LN	0741999910	PEVZNER-KALIKA, ANNA KALIKA, MAXIM	502 ALLENHURST PL	CARY NC 27518-6480
1504 CENTER ST	0751090827	RAINES, CARLIOUS JR RAINES, MARY EDITH L	1504 CENTER ST	APEX NC 27502-7021
850 MYRTLE GROVE LN	0742902058	RAYMOND, BARBARA	850 MYRTLE GROVE LN	APEX NC 27502-6236
213 OLD GROVE LN	0741991520	REEDY, BONNIE JONES	213 OLD GROVE LN	APEX NC 27502-7005
132 OLD GROVE LN	0741991708	RIGGLEMAN, WENDY DENISE	132 OLD GROVE LN	APEX NC 27502-1789
112 OLD GROVE LN	0741991829	ROBINSON, EDIE C	112 OLD GROVE LN	APEX NC 27502-1789
129 OLD GROVE LN	0741993701	SALTER, MALINDA G	129 OLD GROVE LN	APEX NC 27502-1790
217 OLD GROVE LN	0741991418	SHAH, SUBODH PRADIPBHAI TRUSTEE SHAH, SHEETAL SUBODH TRUSTEE	228 MABLEY PL	CARY NC 27519-6939
136 OLD GROVE LN	0741991706	SHERRILL, ELIZABETH A	136 OLD GROVE LN	APEX NC 27502-1789
113 OLD GROVE LN	0741993801	SHOEMAKER, SPENCER H SHOEMAKER, PAMELA J	3011 NEW YARMOUTH WAY	APEX NC 27502-8960
1328 CENTER ST	0741995786	SJA GLOBAL ADVISORS INC	406 CHIME CT	CARY NC 27519-5581
1309 CENTER ST	0742904051	SMITH, CYNTHIA T SMITH, DENNIS R	1309 CENTER ST	APEX NC 27502-7018
225 OLD GROVE LN	0741990448	SMITH, SCOTT GAWDYDA, KRISTYN	225 OLD GROVE LN	APEX NC 27502-7005
149 OLD GROVE LN	0741993600	SOLAKOGLU, DENIZ	149 OLD GROVE LN	APEX NC 27502-1790
108 OLD GROVE LN	0741991932	STASIO, DENISE M	108 OLD GROVE LN	APEX NC 27502-1789
0 MYRTLE GROVE LN	0741999944	THE GROVES TOWNHOME	RS FINCHER & CO	PO BOX 1117

		ASSOCIATION INC		
0 FOREST GROVE DR	0742908017	THE GROVES TOWNHOME ASSOCIATION INC	315 S SALEM ST STE 500	APEX NC 27502-1863
1301 CENTER ST	0742903055	TRUSTEE OF THE COUGHLIN REVOCABLE TRUST	1301 CENTER ST	APEX NC 27502-7018
1327 CENTER ST	0741996965	WALKER, CAROLINE N WALKER, ZACHARY	1327 CENTER ST	APEX NC 27502-7018
63 OLD GROVE LN	0742905178	WALKER, CAROLYN H	63 OLD GROVE LN	APEX NC 27502-1893
169 OLD GROVE LN	0741992524	WHITNEY, REEVES NEWELL- WHITNEY, MICHELLE C	169 OLD GROVE LN	APEX NC 27502-1790
157 OLD GROVE LN	0741992595	WILKERSON, LEANNE	157 OLD GROVE LN	APEX NC 27502-1790
993 MYRTLE GROVE LN	0741999805	WOODARD, MARY HAM, REMINGTON A	993 MYRTLE GROVE LN	APEX NC 27502-6232
125 OLD GROVE LN	0741993704	WOODS AND MEADOWS CAPITAL LLC	38 MOORELAND AVE	CHAPEL HILL NC 27516- 4570
846 MYRTLE GROVE LN	0742902019	YADAV, ABBASAHEB P DHILLON, DILSHAD	44414 STONE ROSES CIR	ASHBURN VA 20147-6074
1307 CENTER ST	0742904013	YANG, XINGGUANG HUANG, ZHILIN	1307 CENTER ST	APEX NC 27502-7018
109 OLD GROVE LN	0741993803	YU, ALEXANDER F BUCKLEY, SARAH D	109 OLD GROVE LN	APEX NC 27502-1790
		Current Tenant	1314 Center ST	APEX NC 27502
		Current Tenant	1315 Center ST	APEX NC 27502
		Current Tenant	1316 Center ST	APEX NC 27502
		Current Tenant	1321 Center ST	APEX NC 27502
		Current Tenant	1328 Center ST	APEX NC 27502
		Current Tenant	1333 Center ST	APEX NC 27502
		Current Tenant	1019 Investment BLVD	APEX NC 27502
		Current Tenant	1019 Investment BLVD Suite 101	APEX NC 27502
		Current Tenant	1019 Investment BLVD Suite 103	APEX NC 27502
		Current Tenant	1019 Investment BLVD Suite 105	APEX NC 27502

		Current Tenant	1019 Investment BLVD Suite 109	APEX NC 27502
		Current Tenant	1019 Investment BLVD Suite 111	APEX NC 27502
		Current Tenant	1041 Investment BLVD Suite 151	APEX NC 27502
		Current Tenant	1041 Investment BLVD Suite 153	APEX NC 27502
		Current Tenant	1041 Investment BLVD Suite 155	APEX NC 27502
		Current Tenant	1041 Investment BLVD Suite 157	APEX NC 27502
		Current Tenant	1041 Investment BLVD Suite 159	APEX NC 27502
		Current Tenant	1091 Investment BLVD	APEX NC 27502
		Current Tenant	1093 Investment BLVD	APEX NC 27502
		Current Tenant	1095 Investment BLVD	APEX NC 27502
		Current Tenant	1097 Investment BLVD	APEX NC 27502
		Current Tenant	1099 Investment BLVD	APEX NC 27502
		Current Tenant	844 Myrtle Grove LN	APEX NC 27502
		Current Tenant	846 Myrtle Grove LN	APEX NC 27502
		Current Tenant	991 Myrtle Grove LN	APEX NC 27502
		Current Tenant	100 Old Grove LN	APEX NC 27502
		Current Tenant	105 Old Grove LN	APEX NC 27502
		Current Tenant	113 Old Grove LN	APEX NC 27502
		Current Tenant	116 Old Grove LN	APEX NC 27502
		Current Tenant	124 Old Grove LN	APEX NC 27502
		Current Tenant	125 Old Grove LN	APEX NC 27502
		Current Tenant	133 Old Grove LN	APEX NC 27502
		Current Tenant	137 Old Grove LN	APEX NC 27502
		Current Tenant	141 Old Grove LN	APEX NC 27502
		Current Tenant	201 Old Grove LN	APEX NC 27502
		Current Tenant	217 Old Grove LN	APEX NC 27502
		Current Tenant	221 Old Grove LN	APEX NC 27502

Notified Properties Within 300ft of the Project Properties



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.

1/30/24

Date

Dear Neighbor:

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

See Attachment A

See Attachment A

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Rezoning the properties to HDMF-CU & OI-CU allow for a townhouse development with a small

neighborhood scale office space.

Estimated submittal date: Previously submitted December 1, 2023

MEETING INFORMATION:

Property Owner(s) name(s):

See Attachment A

Applicant(s):

Marc Block and Mike Funari

Contact information (email/phone):

Jason Barron jbarron@morningstarlawgroup.com

Meeting Address:

<https://morningstarlaw.group/02152024.mtg>

Date/Time of meeting**:

February 15, 2024/5pm - 6pm

Welcome: 5:00 - 5:05

Project Presentation: 5:05 - 5:15

Question & Answer: 5:15 - 6:00

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

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: Center City Townhomes Zoning: HD-SF; LI-CU; O&I-CU; RA

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: See Attachment A

Property Owner: See Attachment A

Address: _____

City: _____ State: _____ Zip: _____

Phone: J. Barron 919-590-0371 Email: jbarron@morningstarlawgroup.com

Developer: Marc Block and Mike Funari

Address: _____

City: _____ State: _____ Zip: _____

Phone: J. Barron 919-590-0371 Fax: _____ Email: jbarron@morningstarlawgroup.com

Engineer: Jeff Roach - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____

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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

How to Participate in the February 15, 2024, Neighborhood Meeting

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to <https://morningstarlaw.group/02152024.mtg> to register for the meeting.
(Registration is necessary as we are required by the Town of Apex to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 312 626 6799 or
 - +1 646 931 3860 or
 - +1 929 436 2866 or
 - +1 301 715 8592 or
 - +1 305 224 1968 or
 - +1 309 205 3325 or
 - +1 564 217 2000 or
 - +1 669 444 9171 or
 - +1 669 900 6833 or
 - +1 689 278 1000 or
 - +1 719 359 4580 or
 - +1 253 205 0468 or
 - +1 253 215 8782 or
 - +1 346 248 7799 or
 - +1 360 209 5623 or
 - +1 386 347 5053 or
 - +1 507 473 4847
 - Webinar ID: 836 4542 8443
 - Passcode: 715902
 - *For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at kconder@morningstarlawgroup.com or call 919-334-6905.

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e., only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at kconder@morningstarlawgroup.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.



Vicinity and Zoning Map



0 50 100 200 ft
1 inch equals 100 feet

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

Attachment A

PIN	Deed Acres	Site Address	Owner	Address 1	Address2	Current Zoning
0741994612	1.01	1316 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF
0741993895	0.50	1314 CENTER ST	Michael Funari and Marc Block	1700 Squaw Walden Ln	Apex NC 27523-6210	HD SF & RA
0741993581	0.14	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	LI-CU
0741995716	0.23	1320 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	RA
0741996516	0.77	1332 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145-1050	O&I-CU
0741997663	1.11	1400 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust	1 Equity Way	Westlake OH 44145-1050	O&I-CU

			Company Custodian FBO Michael Funari			
0741995610	0.16	0 CENTER ST	Equity Trust Company Custodian FBO Marc Block IRA Equity Trust Company Custodian FBO Michael Funari	1 Equity Way	Westlake OH 44145- 1050	RA
0741995786	0.50	1328 Center ST	SJA GLOBAL ADVISORS INC	406 CHIME CT	CARY NC 27519-5581	RA

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: https://us06web.zoom.us/webinar/register/WN_yummRwuSStqOewjHnMmehA
Date of meeting: February 15, 2024 Time of meeting: 5:00PM - 6:00PM
Property Owner(s) name(s): See Attachment A
Applicant(s): Marc Block and Mike Funari

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Keenan Conder, Morningstar Law Group	700 West Main Street Durham, North Carolina 27701			<input type="checkbox"/>
2.	Jeff Roach, Peak Engineering & Design	1125 Apex Peakway, Apex, NC 27502			<input type="checkbox"/>
3.	Dennis Smith	1309 Center street, Apex, NC 27502			<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See Attachment A

Applicant(s): Marc Block and Mike Funari

Contact information (email/phone): _____

Meeting Address: https://us06web.zoom.us/webinar/register/WN_yummRwuSStqOewjHnMmehA

Date of meeting: February 15, 2024

Time of meeting: 5:00PM - 6:00PM

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

Question/Concern #1:

Are there any updates on the project?

Applicant's Response:

No, it is the same project presented at the first neighborhood meeting.

Question/Concern #2:

Do you have any updates on the Center Street widening project?

Applicant's Response:

No. We contacted NCDOT and they told us that no work is being doing done on the project at the moment.

Question/Concern #3:

Have you heard any concerns from any of the neighboring properties?

Applicant's Response:

No. The only concerns we've heard from neighbors were communicated to Apex Planning and that was about general traffic issues in the vicinity of our project. However, given the size of our project, we do not anticipate greatly increasing traffic in the vicinity.

Question/Concern #4:

I am generally in favor of this project. I think the houses that are currently on the property are a bit of an eyesore.

Applicant's Response:

Thank you Dennis and I hope you will communicate that to council.

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, Keenan Conder, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Webinar Platform (location/address) on February 15, 2024 (date) from 5:00pm (start time) to 6:00pm (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.

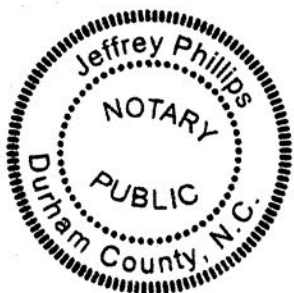
2/16/24
Date

By: [Signature], Keenan Conder

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeffrey Phillips, a Notary Public for the above State and County, on this the 16th day of February, 2024.

SEAL



[Signature]
Notary Public
Jeffrey Phillips
Print Name

My Commission Expires: 2/4/29

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina, and described more fully as follows to wit:

POINT OF BEGINNING at a control corner existing iron pipe bearing NAD 83 coordinate values of North 719,484.78 feet, East 2,049,341.14 feet (B.M. 2004, Pg. 596); thence North 00° 46' 52" East, 67.33 feet to a point; thence North 00° 59' 53" East, 362.75 feet to a point; thence South 73° 23' 15" East, 6.18 feet to a point; thence South 73° 23' 20" East, 328.77 feet to a point; thence South 72° 29' 21" East, 121.36 feet to a point; thence South 73° 00' 02" East, 64.75 feet to a point; thence South 01° 01' 58" East, 282.32 feet to a point; thence North 89° 36' 52" West, 169.76 feet to a point; thence North 89° 36' 52" West, 143.03 feet to a point; thence North 89° 36' 38" West, 110.34 feet to a point; thence North 89° 36' 38" West, 87.83 feet to the **POINT OF BEGINNING**, containing 4.1384 total acres more or less.

This description prepared for the sole purpose to rezone a property and for no other use.

PRELIMINARY

**Center Street Assembly
Zoning Legal Description
Office & Institutional (O&I-CZ) Zoning District**

All those certain parcels of land (8 parcels), situated in White Oak Township, Apex, Wake County, North Carolina, being known and designated as PINs: 0741997663, 0741996516, 0741995786, 0741995716, 0741995610, 0741994612, 0741993581, & 0741993895 per Wake County Records, and being more particularly described as previously noted by Smith & Smith Surveyors, P.A. The following zoning legal description is for the Office & Institutional zoning district:

From a control corner existing iron pipe bearing NAD 83 coordinate values of North 719,484.78 feet, East 2,049,341.14 feet (B.M. 2004, Pg. 596); thence South 89° 36' 38" East, 87.83 feet to a point; thence South 89° 36' 38" East, 110.34 feet to a point; thence South 89° 36' 52" East, 126.05 feet to the **POINT OF BEGINNING**;

thence North 00° 22' 58" East, 135.77 feet to a calculated point; thence North 10° 54' 24" East, 193.61 feet to a calculated point along the southern R/W of Center Street; thence South 72° 29' 21" East, 86.18 feet along the southern R/W of Center Street to a point; thence South 73° 00' 02" East, 64.75 feet along the southern R/W of Center Street to a point; thence South 01° 01' 58" East, 282.32 feet to a point; thence North 89° 36' 52" West, 169.76 feet to a point; thence North 89° 36' 52" West, 16.98 feet to a calculated point, said point being the **POINT OF BEGINNING** containing 53,049 square feet or 1.2178 acres more or less.

This description prepared for the sole purpose to rezone a property and for no other use.

**Center Street Assembly
Zoning Legal Description
Residential (HDMF-CZ) Zoning District**

All those certain parcels of land (8 parcels), situated in White Oak Township, Apex, Wake County, North Carolina, being known and designated as PINs: 0741997663, 0741996516, 0741995786, 0741995716, 0741995610, 0741994612, 0741993581, & 0741993895 per Wake County Records, and being more particularly described as previously noted by Smith & Smith Surveyors, P.A. The following zoning legal description is for the Residential (HDMF-CZ) zoning district:

From a control corner existing iron pipe bearing NAD 83 coordinate values of North 719,484.78 feet, East 2,049,341.14 feet (B.M. 2004, Pg. 596), being the **POINT OF BEGINNING**; thence North 00° 46' 52" East, 67.33 feet to a point; thence North 00° 59' 53" East, 362.75 feet to a point along the southern R/W of Center Street; thence South 73° 23' 15" East, 6.18 feet to a point along the southern R/W of Center Street; thence South 73° 23' 20" East, 328.77 feet to a point; thence South 72° 29' 21" East, 35.18 feet to a calculated point along the southern R/W of Center Street; thence South 10° 54' 24" West, 193.61 feet to a calculated point; thence South 00° 22' 58" West, 135.77 feet to a calculated point; thence North 89° 36' 52" West, 126.05 feet to a point; thence North 89° 36' 38" West, 110.34 feet to a point; thence North 89° 36' 38" West, 87.83 feet to the **POINT OF BEGINNING**, containing 127,219 square feet or 2.9205 acres more or less.

This description prepared for the sole purpose to rezone a property and for no other use.





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ27 Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jason Barron, Morningstar Law Group

Authorized Agent: Marc Block

Property Addresses: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Acreage: ±3.92 acres

Property Identification Numbers (PINs): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Current 2045 Land Use Map Designation: Office Employment

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Existing Zoning of Properties: High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Proposed Zoning of Properties: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41641>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL ##22CZ27

Center City Townhomes (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Marc Block

Dirección de las propiedades: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Superficie: ±3.92 acres

Números de identificación de las propiedades: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Ordenamiento territorial propuesto para las propiedades: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de marzo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41641>.

Dianne F. Khin, AICP
Directora de Planificación





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ27
Center City Townhomes

Project Location: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Applicant or Authorized Agent: Jason Barron, Morningstar Law Group

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on February 27, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

2/27/2023
Date

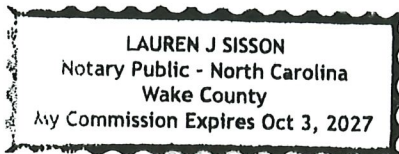
Sharon F. Khan
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 27th day of FEBRUARY, 202 3.

[Signature]
Notary Public



My Commission Expires: 10 / 03 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ27
Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jason Barron, Morningstar Law Group

Authorized Agent: Marc Block

Property Addresses: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Acreage: ±3.92 acres

Property Identification Numbers (PINs): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Current 2045 Land Use Map Designation: Office Employment

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Existing Zoning of Properties: High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Proposed Zoning of Properties: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~March 13, 2023~~ **May 8, 2023 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: [https://www.apexnc.org/DocumentCenter/View/41641](http://www.apexnc.org/DocumentCenter/View/41641).

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ27 Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jason Barron, Morningstar Law Group

Authorized Agent: Marc Block

Property Addresses: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Acreage: ±3.92 acres

Property Identification Numbers (PINs): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Current 2045 Land Use Map Designation: Office Employment

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential

Existing Zoning of Properties: High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Proposed Zoning of Properties: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~March 13, 2023~~ **May 8, 2023 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41641>.

Dianne F. Khin, AICP

**TOWN OF APEX**

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL ##22CZ27
Center City Townhomes (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Marc Block

Dirección de las propiedades: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Superficie: ±3.92 acres

Números de identificación de las propiedades: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Ordenamiento territorial propuesto para las propiedades: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~13 de marzo~~ **8 de mayo de 2023 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41641>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL ##22CZ27
Center City Townhomes (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Marc Block

Dirección de las propiedades: 1316, 1314, 0, 1320, 0, 1332, and 1400 Center Street

Superficie: ±3.92 acres

Números de identificación de las propiedades: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, & 0741995610

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential

Ordenamiento territorial existente de las propiedades High Density Single-Family Residential (HDSF), Residential Agricultural (RA), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Ordenamiento territorial propuesto para las propiedades: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~13 de marzo~~ 8 de mayo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@spencr.nc.gov, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Asper, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.rainier.gov/imagps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: www.apexnc.org/DocumentCenter/View/41641.



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ27
Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jason Barron, Morningstar Law Group
Authorized Agent: Marc Block
Property Addresses: 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street
Acreage: ±4.1384 acres
Property Identification Numbers (PINs): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995610, 0741995786
Current 2045 Land Use Map Designation: Office Employment
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential and Office Employment
Existing Zoning of Properties: Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)
Proposed Zoning of Properties: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ)

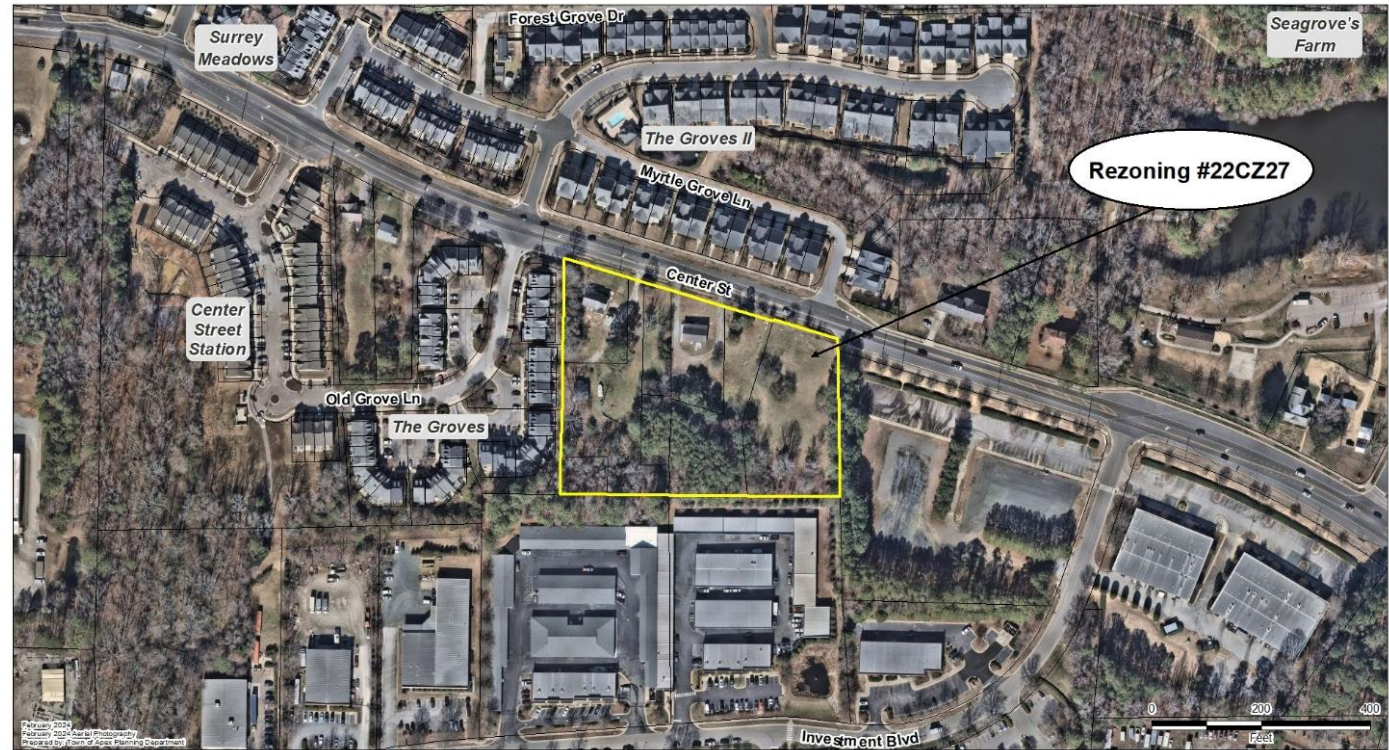
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: **March 11, 2024 4:30 PM**
You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.


A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41641/22CZ27>.

Dianne F. Khin, AICP
Planning Director

**TOWN OF APEX**
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ27
Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §160D-402 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: Jason Barron, Morningstar Law Group
Authorized Agent: Matt Block
Property Addresses: 1316, 1334, 0, 1320, 1332, 1400, 0, & 1328 Center Street
Acreage: ±4.1384 acres
Property Identification Numbers (PINs): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995610, 0741995786

Current 2045 Land Use Map Designation: Office Employment
If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential and Office Employment
Existing Zoning of Properties: Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (OI-CU #04CU04 & #04CU20), Light Industrial-Conditional Use (LI-CU #07CU28)
Proposed Zoning of Properties: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (OIB-CZ)


Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 11, 2024 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/townofapexgov>

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jon Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <http://www.apexnc.org/DocumentCenter/View/46112>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/46112. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/46112/22CZ27>

Dianna F. Kline, AICP
Planning Director

Published Dates: February 23-March 11, 2024

**TOWN OF APEX**
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ27
suelo de Unidad Planificada)



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ27

Center City Townhomes (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Marc Block

Dirección de las propiedades: 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street

Superficie: ±4.1384 acres

Números de identificación de las propiedades: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995610, 0741995786

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential y Office Employment

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Ordenamiento territorial propuesto para las propiedades: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

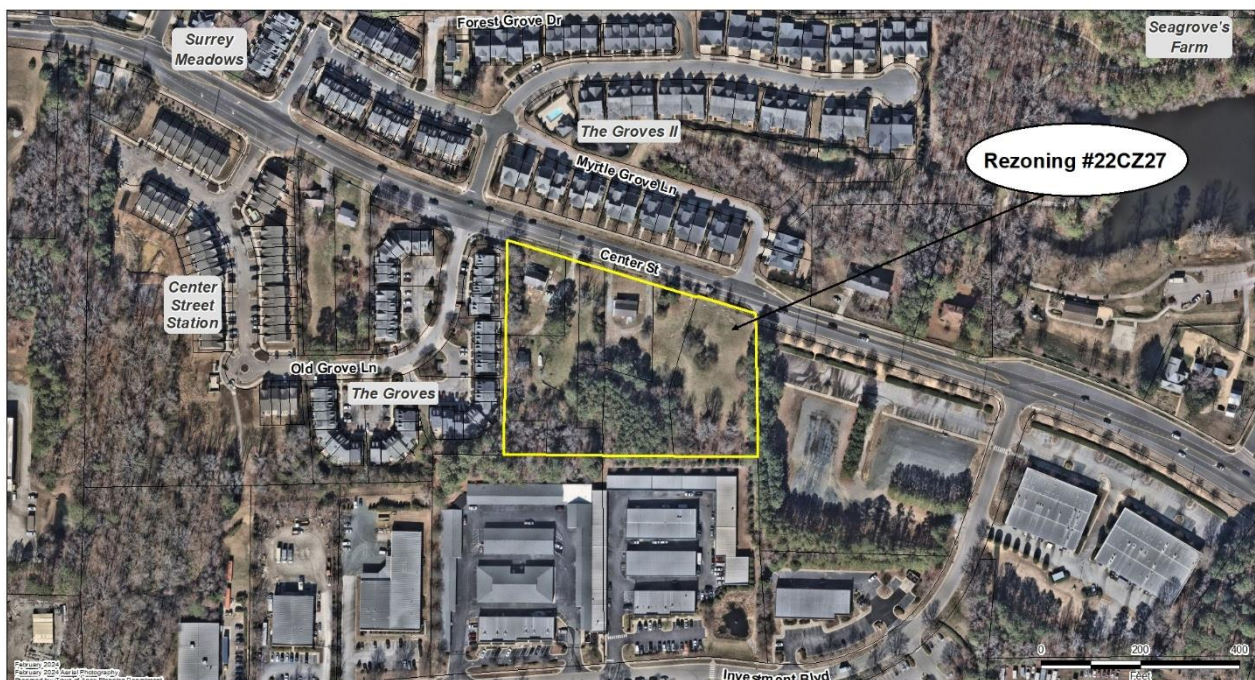
Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de marzo de 2024 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41641/22CZ27>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ27 Center City Townhomes
Project Location: 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street
Applicant or Authorized Agent: Jason Barron
Firm: Morningstar Law Group
Planning Board Public Hearing Date: March 11, 2024
Project Planner: Lauren Staudenmaier

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on February 23, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

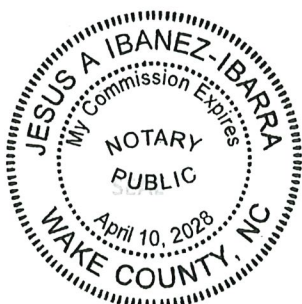
2/26/2024
Date


Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 26th day of February, 2024.




Notary Public

My Commission Expires: 4 / 10 / 2028



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ27
Center City Townhomes

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

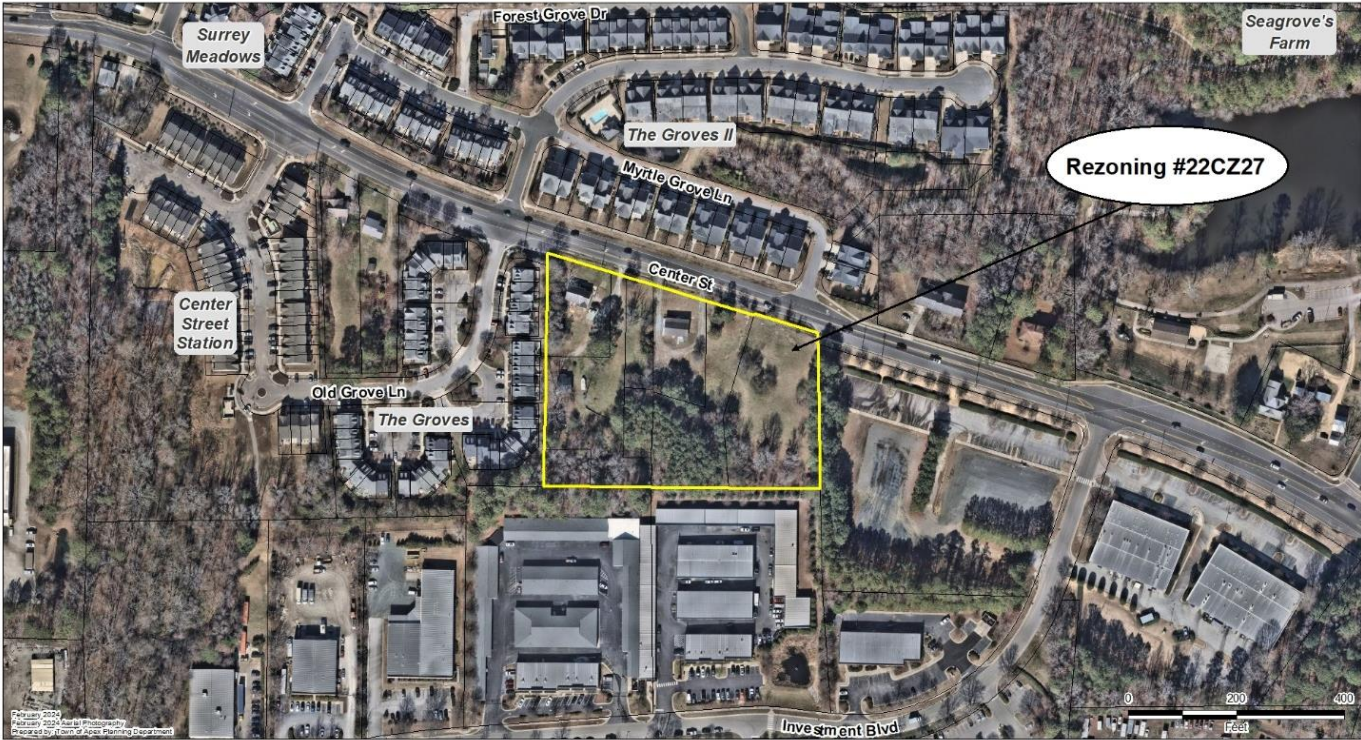
- Applicant:** Jason Barron, Morningstar Law Group
- Authorized Agent:** Marc Block
- Property Addresses:** 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street
- Acreage:** ±4.1384 acres
- Property Identification Numbers (PINs):** 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995610, 0741995786
- Current 2045 Land Use Map Designation:** Office Employment
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** High Density Residential & Office Employment
- Existing Zoning of Properties:** Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)
- Proposed Zoning of Properties:** High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ)
- Public Hearing Location:** Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: April 9, 2024 6:00 PM
You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41641/22CZ27>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ27

Center City Townhomes (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Marc Block

Dirección de las propiedades: 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street

Superficie: ±4.1384 acres

Números de identificación de las propiedades: 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995610, 0741995786

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: High Density Residential y Office Employment

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Ordenamiento territorial propuesto para las propiedades: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) & Office and Institutional-Conditional Zoning (O&I-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

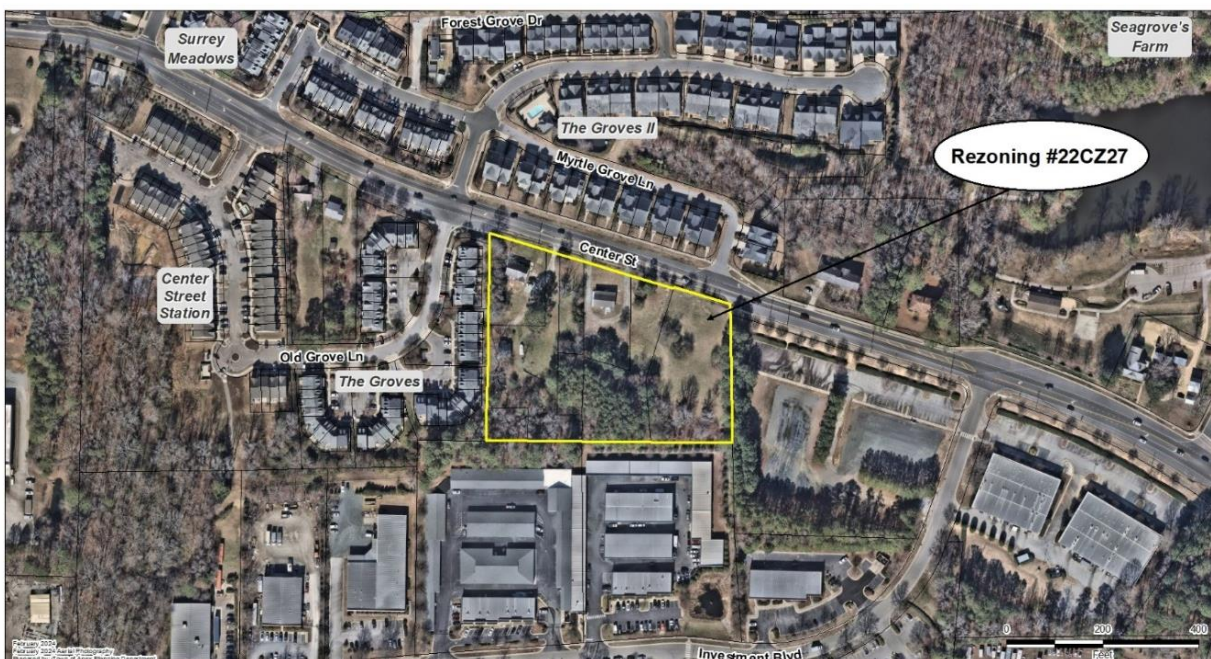
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41641/22CZ27>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ27 Center City Townhomes
Project Location: 1316, 1314, 0, 1320, 1332, 1400, 0, & 1328 Center Street
Applicant or Authorized Agent: Jason Barron
Firm: Morningstar Law Group
Town Council Public Hearing Date: April 9, 2024
Project Planner: Lauren Staudenmaier

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on March 18, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/18/2024
Date

Shanne L. Klein
Planning Director

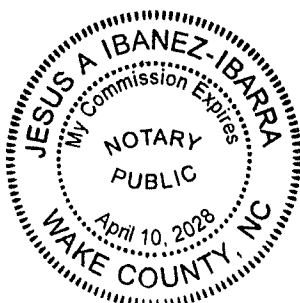
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Jesus A. Ibanez-Ibarra, a Notary Public for the above

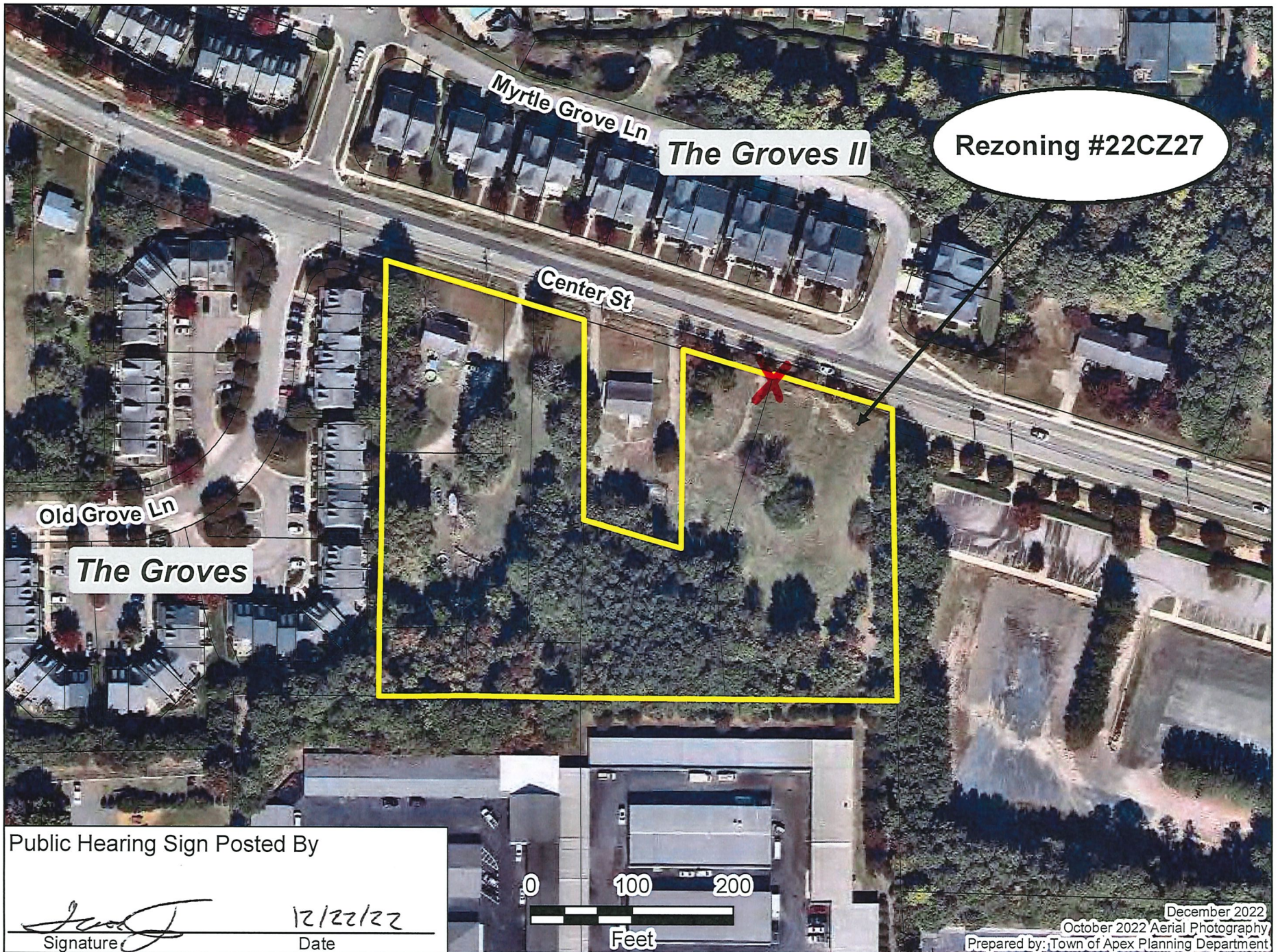
State and County, this the

18th day of March, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028





Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

February 9, 2023

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

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: December 1, 2022
- Name of development: 22CZ27 Center City Townhomes
- Address of rezoning: 0, 0, 1314, 1316, 1320, 1322, 1400 Center Street
- Total number of proposed residential units: 30
- Type(s) of residential units proposed: Townhomes

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 all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

☐ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ 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,

Susan W. Pullium

Susan W. Pullium, Senior Director

From: [Susan Pullium _ Staff - StudentAssignment](#)
To: [Amanda Bunce](#); [Marcella Rorie _ Staff - LongRangePlanning](#); [Robert Siwiec _ Staff - StudentAssignment](#)
Cc: [Lauren Staudenmaier](#)
Subject: Re: Requested update to letter of impact for Rezoning 22CZ27.
Date: Tuesday, February 6, 2024 5:38:14 PM
Attachments: [image002.png](#)
[Outlook-umaz5tgv.png](#)

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Amanda,

I am confirming that this letter is still accurate.

Please let me know if you need anything else,

Susan

Susan W. Pullium
Senior Director
Office of Student Assignment
[Wake County Public School System](#)
spullium@wcpss.net | 919.694.0343



From: Amanda Bunce <Amanda.Bunce@apexnc.org>
Sent: Tuesday, February 6, 2024 5:05 PM
To: Susan Pullium _ Staff - StudentAssignment <spullium@wcpss.net>; Marcella Rorie _ Staff - LongRangePlanning <mrorie@wcpss.net>; Robert Siwiec _ Staff - StudentAssignment <rsiwiec@wcpss.net>
Cc: Lauren Staudenmaier <Lauren.Staudenmaier@apexnc.org>
Subject: Requested update to letter of impact for Rezoning 22CZ27.

CAUTION: This email originated from outside of the organization! Proceed with caution!

Susan,

We received the attached letter of impact for this rezoning a year ago. The rezoning has been on

hold while the applicant coordinated with an adjacent property owner. Since this letter was written, an additional property (1328 Center St) has been added to the rezoning, but the proposed number of residential units has not increased.

Will you please confirm whether the attached letter is still accurate or if there are any changes in the impact?

Thanks,
Amanda



Amanda Bunce
Current Planning Manager
Town of Apex, NC
(919) 249-3529
www.apexnc.org

Celebrate [Apex 150](#) with us! Reaching the Peak through our Past, Present, and Potential

Please note that email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ27 Center City Townhomes

Planning Board Meeting Date: March 11, 2024



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: ±4.1384 acres

PIN(s): 0741994612, 0741993895, 0741993581, 0741995716, 0741996516,
0741997663, 0741995610, 0741995786

Current Zoning: Residential Agricultural (RA), High Density Single-Family Residential (HDSF), Office and Institutional-Conditional Use (O&I-CU #04CU04 & #04CU10), Light Industrial-Conditional Use (LI-CU #97CU22B)

Proposed Zoning: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) &
Office and Institutional-Conditional Zoning (O&I-CZ)

Current 2045 Land Use Map: Office Employment

If rezoned as proposed, the 2045 Land Use Map Designation will change to: High Density Residential and
Office Employment

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map

☒ Consistent

☐ Inconsistent

Reason: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

☒ Apex Transportation Plan

☒ Consistent

☐ Inconsistent

Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ27 Center City Townhomes

Planning Board Meeting Date: March 11, 2024



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ27 Center City Townhomes

Planning Board Meeting Date: March 11, 2024



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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ27 Center City Townhomes

Planning Board Meeting Date: March 11, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Braswell

Seconded by Planning Board member: Khodaparast

- ☒ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☐ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Dissenting vote: Tina Sherman. See attached.

This report reflects the recommendation of the Planning Board, this the 11th day of March 2024.

Attest:


Tina Sherman, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2024.03.11 17:37:54
-04'00'

Amanda Bunce, Current Planning Manager

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 3/11/2024

☐ Rezoning # Center City Townhomes

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

staff recommendations and land use map conflict

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 9, 2024

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Public Hearing and possible motion to approve Rezoning Application No. 24CZ01 Veridea Expansion 2. The applicant, Todd Rechler, RXR Realty seeks to rezone approximately 0.17 acres from Residential Agricultural (RA) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea. The proposed rezoning is located at 0 E Williams Street.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a public hearing on March 11, 2024 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0740992164.

Attachments

- PH6-A1: Staff Report - Rezoning Case No. 24CZ01 Veridea Expansion 2
- PH6-A2: Planning Board Report to Town Council - Rezoning Case No. 24CZ01 Veridea Expansion 2



STAFF REPORT

Rezoning #24CZ01 Veridea Expansion 2

April 9, 2024 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 E. Williams Street

Applicant/Owner: Todd Rechler, RXR Realty/RXR Len Apex Owner, LLC

PROJECT DESCRIPTION:

Acreage: ±0.17

PIN: 0740992164

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

2045 Land Use Map: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Sustainable Development-Conditional Zoning (SD-CZ #09CZ07)	Vacant
South:	Sustainable Development-Conditional Zoning (SD-CZ #09CZ07)	Vacant
East:	Residential Agricultural (RA)	E Williams St; Single-family
West:	Sustainable Development-Conditional Zoning (SD-CZ #09CZ07)	Vacant

Existing Conditions:

The subject property totals ±0.17 acres and is located on the west side of E. Williams Street. The property is vacant and partially wooded.

Neighborhood Meeting:

The applicant conducted neighborhood meetings on December 28, 2023 and February 26, 2024. The neighborhood meeting reports are attached.

2045 Land Use Map:

The 2045 Land Use Map classifies the subject properties as Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment. The proposed rezoning to Sustainable Development-Conditional Zoning (SD-CZ) is consistent with that land use classification.

STAFF REPORT

Rezoning #24CZ01 Veridea Expansion 2

April 9, 2024 Town Council Meeting



Proposed Uses and Zoning Conditions:

Sec. 2.3.16.D of the Unified Development Ordinance (UDO) states in part:

“...A parcel or parcels (the “Parcel”) of any size may be added to an existing Sustainable Development Conditional Zoning District if (i) any portion of the Parcel is within 2,000 feet of such existing district, (ii) the Responsible Person of the existing district consents in writing and (iii) the Town Council approves a rezoning of the Parcel to Sustainable Development Conditional Zoning District SD-CZ in accordance with Secs. 2.3.3 and 2.3.16. In such event the SD Plan approved for the existing SD-CZ District shall be applicable to the Parcel(s) added to such existing district, and the development densities authorized in the existing SD Plan (including number of residential units and authorized square footage of other land uses) shall be increased on a pro-rata basis based on the size of the Parcel(s) added to the district, unless the Town Council provides otherwise with the consent of the Responsible Person.”

If the proposed rezoning is approved, the Veridea SD Plan and Environmental Enhancement Plan will be applicable to the subject property. This is why no additional zoning conditions have been offered for this rezoning. The applicant has indicated that no increase in the number of residential units is desired with the addition of these properties. If approved, the development densities will be as follows:

- Residential dwelling units: 8,000 (no change)
- Retail: 3,584,717 sq ft (0.02% increase)
- Office/Industrial: 12,288,246 sq ft (0.02% increase)

ENVIRONMENTAL ADVISORY BOARD:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Sec. 2.1.9.A.2.c as the proposed rezoning is less than one (1) acre.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #24CZ01 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on March 11, 2024 and unanimously recommended approval with the conditions as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject properties as Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment. The proposed rezoning to Sustainable Development-Conditional Zoning (SD-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest because it will encourage more efficient and compatible development of the property, provide for the same development standards as applicable to the undeveloped adjacent properties, and allow for uses that will generate jobs and increase the tax base.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the SD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

**Legislative Considerations**

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 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.



Roscoe, LLC

Veridea

55

Rezoning #24CZ01

Williams St

0 150 300 600
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 24CZ01 Submittal Date: January 2, 2024
Fee Paid: \$1000

Project Information

Project Name: Veridea Expansion II
Address(es): 0 E WILLIAMS ST
PIN(s): 0740992164
Acreage: .17
Current Zoning: RA Residential Agricultural Proposed Zoning: SD-CZ
Current 2045 LUM Classification(s): Regional mixed use center
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes

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

Area classified as mixed use:	Acreage:	<u>unknown currently</u>
Area proposed as non-residential development:	Acreage:	<u>unknown currently</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>unknown currently</u>

Applicant Information

Name: Todd Rechler, RXR Realty
Address: 625 RXR Plaza
City: Uniondale State: NY Zip: 11556-3815
Phone: 5165066000 E-mail: trechler@rxr.com

Owner Information

Name: RXR LEN APEX OWNER LLC
Address: 625 RXR PLAZA
City: Uniondale State: NY Zip: 11556
Phone: _____ E-mail: _____

Agent Information

Name: Same as the Applicant
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____
Other contacts: Jason Barron jbarron@morningstarlawgroup

PETITION INFORMATION

Application #:

24CZ01

Submittal Date:

January 2, 2024

An application has been duly filed requesting that the property described in this application be rezoned from RA to SD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

1	The uses will be consistent with the existing Veridea SD Plan.	21	
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18		38	
19		39	
20		40	

PETITION INFORMATION

Application #:

24CZ01

Submittal Date:

January 2, 2024

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.

Consistent with section 2.3.16(D) of the Apex UDO, these parcels are being added to an existing SD-CZ district known as Veridea. Consequently, the existing SD Plan for the existing SD-CZ District shall be applicable to these parcels.

The applicant in this case is not requesting a pro-rata increase in the residential units as otherwise would be allowed under the Veridea SD Plan.

All other provisions contained within the Veridea SD Plan will be applicable to these parcels.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

This parcel is designated Regional Mixed Use ("RMU") on the 2045 Land Use Map. SD zoning is allowable in all mixed use centers including RMU. Therefore, this rezoning is consistent with land use map designation for the parcel.

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 purpose of this proposed conditional zoning is to include this parcel into the existing Veridea Sustainable Development ("Veridea SD"). The Veridea SD surrounds this parcel and, therefore, this proposed district will be consistent with the surrounding land uses.

PETITION INFORMATION

Application #: 24CZ01 Submittal Date: January 2, 2024

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

All proposed uses will be consistent with the standards provided in the Town of Apex UDO including any applicable supplemental standards.

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

The design of the proposed conditional zoning district will be compatible with the nearby uses because the purpose of this rezoning is to add this parcel to the adjacent Veridea SD. Therefore, this parcel will become part of the same overall scheme as the neighboring parcels.

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.

This rezoning will facilitate the addition of this parcel into the Veridea SD, a development of regional importance which puts coexistence with nature and environmental sustainability among its guiding principles.

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

The proposed conditional zoning district will avoid having adverse impacts on public facilities and services because the district will merely be an extension of the Veridea SD, and there has been extensive planning that has gone into incorporating the Veridea SD into the town and providing the SD with public services.

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

The Veridea SD will provide a healthy and sustainable mixed use community that

Apex residents will be happy to call home. Among Veridea's guiding principles are "Creat[ing] safe objects of long-term value" and "Insist[ing] on [the] rights of humanity and nature to co-exist in a healthy, supportive, diverse and Sustainable condition."

PETITION INFORMATION

Application #:

24CZ01

Submittal Date:

January 2, 2024

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

This parcel intended to be a part of the adjacent Veridea SD and be included in the Veridea SD plan. Therefore, these parcels will not be 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.

This parcel will not be a nuisance or a hazard and will become part of the overall plan for the Veridea SD.

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.

This conditional zoning district will comply with all standards imposed on it by all other applicable provisions of the Apex UDO.

AGENT AUTHORIZATION FORM

Application #: 24CZ01

Submittal Date: January 2, 2024

RXR LEN APEX OWNER LLC

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

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

The property address is: 0 E Williams ST

The agent for this project is: Todd Rechler

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

Agent Name: Todd Rechler

Address: 625 RXR Plaza Uniondale, NY 11556

Telephone Number: 516-506-6000

E-Mail Address: trechler@rxr.com

Signature(s) of Owner(s)*



Todd Rechler, Authorized Person

12/19/2023

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 24CZ01

Submittal Date: January 2, 2024

The undersigned, Todd Rechler, Authorized Person (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 E Williams St having Wake County PIN: 0740992164 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/14/2023, and recorded in the Wake County Register of Deeds Office on 11/14/2023, in Book 019476 Page 02165.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/14/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/14/2023, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 19 day of December, 2023.

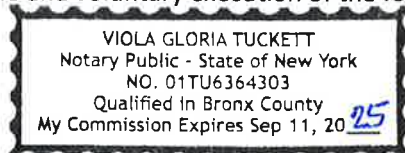
Todd Rechler
Todd Rechler

(seal)

Type or print name

New York
STATE OF ~~NORTH CAROLINA~~
COUNTY OF New York.

I, the undersigned, a Notary Public in and for the County of New York., hereby certify that Todd Rechler, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Authorized Person personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Viola G Tuckett

Notary Public New York.
State of ~~North Carolina~~

My Commission Expires: September 11, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 24CZ01

Submittal Date: January 2, 2024

Insert legal description below.

BEGINNING at an iron stake on the west side of Highway #55, corner of Lot #23, and runs thence in westerly direction with Lot #23 150 feet to an iron stake; thence in southerly direction 50 feet to an iron stake, corner of Lot #21; thence in easterly direction with Lot #21 150 feet to an iron stake on the west side of Highway #55; thence with Highway #55 50 feet to the point of BEGINNING, and being Lot #22 of the Johnie Mosley Subdivision as recorded in Book of Maps 1948, Page 18, Register of Deeds Office for Wake County, N.C.

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	RXR Realty
Company Phone Number	516-506-6000
Developer Representative Name	Todd Rechler
Developer Representative Phone Number	516-506-6000
Developer Representative Email	trechler@rxr.com

New Residential Subdivision Information	
Date of Application for Subdivision	This will not be a new subdivision
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	This will not be a new subdivision
Address of Subdivision (if unknown enter nearest cross streets)	0 E Williams St
REID(s)	0043277
PIN(s)	0740992164

Projected Dates Information	
Subdivision Completion Date	Unknown
Subdivision Projected First Occupancy Date	Unknown

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	0																
Townhomes	0																
Condos	0																
Apartments	0																
Other	0																

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.

12/12/2023

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 E WILLIAMS ST 0740992164

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

This rezoning will allow this .17 acre parcel to be added to the Veridea sustainable development.

Therefore, this application is requesting to rezone the parcels to SD-CZ.

Estimated submittal date: Jan. 2, 2024

MEETING INFORMATION:

Property Owner(s) name(s):	RXR LEN APEX OWNER LLC	
Applicant(s):	Jason Barron, Morningstar Law Group	
Contact information (email/phone):	jbarron@morningstarlawgroup.com; 919-590-0371	
Meeting Address:	Zoom Registration link: https://morningstarlaw.group/12282023mtg	
Date/Time of meeting**:	December 28, 2023 - 5:00 PM	
Welcome: 5:00 - 5:05	Project Presentation: 5:05 - 5:15	Question & Answer: 5:15 - 6:00

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

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: Veridea Expansion II Zoning: (Current) RA, (Desired) SD-CZ

Location: 0 E WILLIAMS ST

Property PIN(s): 0740992164 Acreage/Square Feet: .17

Property Owner: RXR LEN APEX OWNER LLC

Address: 625 RXR PLAZA

City: Uniondale State: NY Zip: 11556

Phone: _____ Email: _____

Developer: Same as Owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: None at this Time

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

How to Participate in the December 28, 2023, Neighborhood Meeting

- To participate by PC, Mac, iPad, iPhone or Android device, (Para asistir a la reunión a través de una computadora, dispositivo móvil o iPad, escriba el siguiente enlace en su navegador de Internet):
 - Go to <https://morningstarlaw.group/12282023mtg> register for the meeting. (*Registration is necessary as we are required by the Town of Apex to have a record of attendance.*)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone (Para asistir a la reunión a través de una computadora, dispositivo móvil o iPad, escriba el siguiente enlace en su navegador de Internet),
 - Dial one of the following numbers:
 - +1 305 224 1968 or
 - +1 309 205 3325 or
 - +1 312 626 6799 or
 - +1 646 931 3860 or
 - +1 929 436 2866 or
 - +1 301 715 8592 or
 - +1 689 278 1000 or
 - +1 719 359 4580 or
 - +1 253 205 0468 or
 - +1 253 215 8782 or
 - +1 346 248 7799 or
 - +1 360 209 5623 or
 - +1 386 347 5053 or
 - +1 507 473 4847 or
 - +1 564 217 2000 or
 - +1 669 444 9171 or
 - +1 669 900 6833
 - Webinar ID: 814 7451 7247
 - Passcode: 534740
 - *For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at kconder@morningstarlawgroup.com or call 919-334-6905

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at kconder@morningstarlawgroup.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments



NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom Webinar Platform
Date of meeting: 12/28/2023 Time of meeting: 5:00 PM
Property Owner(s) name(s): RXR LEN APEX OWNER LLC
Applicant(s): RXR Realty

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jennifer Robinson	3328 Harden Road, Raleigh NC 27607		robtogether@aol.com	<input type="checkbox"/>
2.					<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): RXR LEN APEX OWNER LLC

Applicant(s): RXR Realty

Contact information (email/phone): _____

Meeting Address: Zoom Webinar Platform

Date of meeting: 12/28/2023

Time of meeting: 5:00 PM

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

Question/Concern #1:

What is the existing zoning?

Applicant's Response:

The existing zoning is RA, residential agriculture. That is a low density residential district. This parcel is being rezoned in order to add it to the overall Veridea project.

Question/Concern #2:

What will happen to the properties on the east side of HWY 55?

Applicant's Response:

Those properties will keep their existing zoning and they will continue to be adjacent to the planned Veridea development.

Question/Concern #3:

Where is this parcel?

Applicant's Response:

The parcel fronts HWY 55 and is about .7 miles from the I-540 interchange.

Question/Concern #4:

Will traffic be increasing?

Applicant's Response:

This rezoning will not likely have a significant effect on traffic, but the overall Veridea project will bring more cars and people to this area.

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, Keenan Conder, esq., do hereby declare as follows:
Print Name

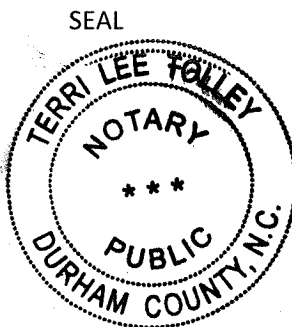
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Webinar Platform (location/address) on 12/28/2023 (date) from 5:00PM (start time) to 6:00PM (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.

12/29/23
Date

By: Keenan Conder, esq.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Terri Lee Tolley, a Notary Public for the above State and County, on this the 29th day of December, 2023.



Terri Lee Tolley
Notary Public
Terri Lee Tolley
Print Name

My Commission Expires: 8/25/2028

APEX ENVIRONMENTAL ADVISORY BOARD

Suggested Zoning Conditions



Project Name: Veridea Expansion II

Date: 1/2/24

The Town of Apex Environmental Advisory Board offers this general list of suggested rezoning conditions for rezoning applicants to consider before filling a rezoning petition. The purpose of this list is to encourage and recommend implementation of exceptional environmental practices for future development that exceeds Town requirements. The Board will review each rezoning pre-application request and expand on suggested conditions by offering specific recommendations on a case-by-case basis.

The decision to include any of the recommendations below is voluntary by the applicant and the Board does not expect applicants to add all of the suggested conditions. Planning staff will include all zoning conditions suggested by this Board and will note which conditions have been added by the applicant in the staff reports to the Planning Board and Town Council. Applicants should review this list before meeting with the Board. NOTE: Text in green indicates suggested zoning condition language from Planning Staff. Underlined text indicates text or numbers that may be changed based on the specific project. Additional conditions may be suggested by the EAB at the meeting.

This document is divided into two parts:

- Part I – Residential applies to single-family dwellings and townhome subdivisions, but does not include the parking lots, exterior building lights or exterior architecture.
- Part II – Non-Residential includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas. Your development may include elements of each part.

Please be sure to read and complete the entire document. Please provide a response to each goal and/or sub-goal. Any proposed modifications to the green zoning language should be listed in the section at the end of the document.

Part I – Residential

Single-family dwelling and townhome subdivisions (excluding parking lots, exterior building lights and exterior architecture).

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
Goal 1. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 2. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas.			

Environmental Advisory Board – Suggested Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY (1-5)	YES	NO	N/A
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Implement Low Impact Development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of _____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. <u>Option 5.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded). The Department of Public Works & Transportation does not currently support these options within the right-of-way (ROW). These may be done on private sites, but not within the public ROW. a. The project shall utilize pervious pavement when constructing the parking spaces for parking lot-style townhomes. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association. AND/OR b. The project shall utilize pervious pavement when constructing the driveways for residential units. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review. The selected system shall be maintained by the developer and/or owner's association.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Use the stormwater captured in the on-site SCM to irrigate landscaping within the development. At least _____ SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 6. Preserve tree canopy and prioritize medium to large, healthy, desirable species. <u>Option 6.1:</u> Preserve existing trees (percentage-based). Numbers shown may be changed based on project. The project shall preserve a minimum of _____% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces. <u>Option 6.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space. The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree of similar species or mature size. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
Goal 7. Plant trees to improve energy efficiency. <u>Option 7.1:</u> Plant deciduous shade trees on southern side of buildings. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 7.2:</u> Plant evergreen trees as a windbreak on northern side of buildings. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 8. Increase biodiversity. Note: Invasive species are prohibited. Please see the Town's Design and Development Manual for a link to the list of prohibited species. <u>Option 8.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. Snectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).			
a. The project shall ensure that _____% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.2:</u> Provide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife. In order to support wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.3:</u> Retain and protect old ponds if the dam is structurally sound. To preserve and protect existing species, existing ponds shall be preserved if structurally sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Option 8.4:</u> Increase the number of native trees and shrubs.			
a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of _____% of the species selected shall be native or a native of North Carolina.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AND/OR			
b. No single species of native or adaptive vegetation shall constitute more than <u>20%</u> of the plant material of its type within a single development site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 9. Implement xeriscaping in design, which will use landscaping that requires less irrigation and chemical use. Contact Planning for assistance, if needed.			
a. The project commits to planting only drought tolerant plants, of which _____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. To reduce irrigation requirements, the project shall select and plant only warm season grasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 10. Promote the benefits of native pollinators. The project shall plant at least _____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided. The pollinator garden shall be maintained by the developer or HOA.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 11. Improve soil quality to be amenable for a variety of native and non-invasive plantings.			

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (6-13)	YES	NO	N/A
To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed on each lot and within disturbed common areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 12. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant shall add ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 13. Reduce impacts to resource conservation Areas (RCAs). a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. OR b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (14)	YES	NO	N/A
Goal 14. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for one of the green building certifications listed above. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE MANAGEMENT (15)	YES	NO	N/A
Goal 15. Encourage the proper disposal of pet waste to reduce environmental impacts. <i>Numbers shown may be changed based on project.</i> The project shall install at least one (1) pet waste station per 25 residential units throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there fewer than 25 homes, at least one (1) pet waste station shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (16-18)	YES	NO	N/A
Goal 16. Install rooftop solar on buildings. a. A solar PV system of at least ____ kW shall be installed on at least ____homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR b. A solar PV system shall be installed on a minimum of ____model home. All solar installation required by this condition shall be completed or under construction prior to ____% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. AND/OR	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

CLEAN ENERGY (16-18)	YES	NO	N/A
c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 17. Include solar conduit in building design. All homes shall be pre-configured with conduit for a solar energy system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 18. Encourage clean transportation. The developer shall install at least ____ electric vehicle charging station in amenity centers or common area parking lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part II - Non-Residential

Includes condominiums, apartments, and multi-family, common areas in residential developments (e.g. amenity areas, parking lots, exterior building lights, and exterior architecture), commercial, office, and industrial areas.

STORMWATER AND WATER CONSERVATION – WATER QUANTITY (1)	YES	NO	N/A
Goal 1. Increase design storm for retention basin in flood-prone areas. The UDO requires that treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. Each option is intended to be used as an improvement to the minimum UDO requirements. If an area is already required to mitigate the 25-year storm, option b should not be selected.			
a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and <u>100-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
b. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and <u>25-year storm events</u> in accordance with the Unified Development Ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
Goal 2. Increase riparian buffer widths from surface waters in environmentally sensitive areas. The project shall increase the riparian buffer width by at least ____ feet above the minimum required by the Unified Development Ordinance. The additional buffer width shall be measured from the top of bank on each side of the stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 3. Limit tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 4. Install signage near environmental sensitive areas in order to reduce pet waste and excess nutrient inputs near Stormwater Control Measure (SCM) drainage areas. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Goal 5. Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality. The project shall install a minimum of ____ Low Impact Development Technique as defined and approved by the NC Department of Environmental Quality. The specific	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STORMWATER AND WATER CONSERVATION – WATER QUALITY (2-7)	YES	NO	N/A
type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.			
<p>Goal 6. Increase pervious surface to reduce stormwater runoff and pollutant concentrations. The Department of Public Works & Transportation does not currently support these options within the ROW. These may be done on private sites, but not within the public ROW.</p> <p><u>Option 6.1:</u> Install pervious pavements where practicable (e.g. when parking maximums are exceeded).</p> <p>a. The project shall utilize pervious pavement when constructing parking spaces that are in excess of the minimum parking requirement. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p style="text-align: center;">AND/OR</p> <p>b. The project shall utilize pervious pavement for all of the parking spaces provided. The specific type of pervious pavement system shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.</p> <p><u>Option 6.2:</u> Modify curb and gutters to provide stormwater infiltration and evaporation, such as swale-only, reverse curbs, Silva cells, or curb cuts with rain gardens.</p> <p>To increase stormwater infiltration and evaporation, the project shall use modified curb and gutter designs to direct driveway runoff to one or more stormwater device, such as, but not limited to, bioswales, Silva cells, or rain gardens. The specific type and design shall be selected at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p> <p><u>Option 6.3:</u> Utilize green street design. May be done within the public ROW if it's in the form of a bioretention cell within a landscaped median or large roundabout. Will require approval by the Department of Public Works and Transportation.</p> <p>The project shall design and install one or more bioretention cells within the landscape median or roundabout along the primary road. The specific type and design shall be determined at site or subdivision plan review. The proposal shall be reviewed and approved by the Water Resources Department and Department of Public Works and Transportation.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Goal 7. Stormwater re-use application: Integrate irrigation from the SCM (wet pond) on site.			
At least one _____SCM shall be designed and constructed to provide irrigation to the surrounding landscaping on site. The design shall be reviewed and approved by the Water Resources Department at site plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Page 6 of 10

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p>locate the preserved trees adjacent to areas of existing preserved open space, including but not limited to, RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.</p> <p><u>Option 8.2:</u> Replace canopy (percentage- or DBH size-based) where there is sufficient space.</p> <p>The project shall replace any large type trees, that measure 18-inches in caliper size or larger, and small type trees, that measure 8-inches in caliper size or larger, that are removed as a part of the development. The ratio of replacement shall be 1 large tree to 1 replacement tree. The UDO's required landscaping may be used to satisfy this requirement. To determine the number of trees that must be replaced, a tree survey for the full property shall be provided to the Planning Department. The survey shall be independently verified by a third-party licensed arborist.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 9. Plant trees for improved energy efficiency.</p> <p><u>Option 9.1:</u> Plant deciduous shade trees on southern side of buildings.</p> <p>To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings.</p> <p><u>Option 9.2:</u> Plant evergreen trees as a windbreak on northern side of buildings.</p> <p>To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 10. Increase biodiversity.</p> <p><u>Option 10.1:</u> Plant pollinator-friendly flora. Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall. (Refer to the Apex Design & Development Manual for suggested native species).</p> <p>a. The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.</p> <p style="text-align: center;">OR</p> <p>b. The project shall ensure that ____% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p><u>Option 10.2:</u> Retain and protect old ponds if the dam is structurally sound.</p> <p>To preserve and protect existing species, existing ponds shall be preserved if structurally sound.</p> <p><u>Option 10.3:</u> Increase the number of native tree and shrub species selected.</p> <p>a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of ____% of the species selected shall be native or a native of North Carolina.</p> <p style="text-align: center;">OR</p> <p>b. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<p>Goal 11. Implement green infrastructure.</p> <p><u>Option 11.1:</u> Plant rain gardens.</p> <p>The project shall install one or more rain gardens throughout the site.</p> <p><u>Option 11.2:</u> Install vegetated rooftops.</p> <p>a. The project shall install a vegetated rooftop, aka green roof, on each building.</p> <p style="text-align: center;">OR</p> <p>b. The project shall install a vegetated rooftop, aka green roof, on at least ____ft² of each building.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

PLANTING AND LANDSCAPING (8-15)	YES	NO	N/A
<p><u>Option 11.3:</u> Implement xeriscaping in design.</p> <p>a. The project commits to planting ____% drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p>OR</p> <p>b. The project commits to planting only drought tolerant plants. At least ____% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.</p> <p>OR</p> <p>c. To reduce irrigation requirements, the project shall select and plant only warm season grasses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 12. Install community gardens and native pollinator demonstration gardens. The project shall plant at least ____ native pollinator demonstration garden within the development. The developer shall coordinate with a local or state agency that specializes in the design or certification of such gardens. Informational signage regarding the purpose of the garden and selected vegetation shall be provided.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 13. Improve soil quality to be amenable for a variety of native and non-invasive plantings. To encourage the establishment of healthy plants, reduce fertilizers, and reduce stormwater runoff, topsoil shall be retained on site and a minimum of 4 inches of topsoil shall be placed within disturbed areas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 14. Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas). The UDO requires a ____-foot buffer along the ____perimeter of the property. The applicant is proposing a ____-foot buffer in that location, which would be an increase of ____-feet above the requirement.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 15. Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.</p> <p>a. The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.</p> <p>OR</p> <p>b. A farm-style split rail fence shall be installed where wooded or natural condition Resource Conservation Area (RCA) abuts individual residential lots.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUSTAINABLE BUILDINGS (16)	YES	NO	N/A
<p>Goal 16. Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. The project shall be designed to meet the requirements for ____green building certification. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WASTE REDUCTION (17)	YES	NO	N/A
Goal 17. Install pet waste stations in public areas for multi-family, apartments, or condominiums or dog friendly businesses.			

Environmental Advisory Board – Suggested Zoning Conditions

WASTE REDUCTION (17)	YES	NO	N/A
The project shall install at least _____ pet waste stations throughout the community, in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CLEAN ENERGY (18-20)	YES	NO	N/A
<p>Goal 18. Install rooftop solar on buildings.</p> <p>a. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 kW/1,000 heated square feet of building floor area.</p> <p style="text-align: center;">OR</p> <p>b. A solar PV system of at least 3.5kW shall be installed on at least ____% of or ____ buildings within the development. All solar installation required by this condition shall be completed or under construction prior to ____% of the building permits being issued for the development. The buildings on which these PV systems are located shall be identified on the Site Plan, which may be amended from time to time.</p> <p style="text-align: center;">OR</p> <p>c. The amenity center for the project shall include a rooftop solar PV system with a capacity of at least ____ kWhs.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 19. Include solar conduit in building design.</p> <p>The project shall install conduit for solar energy systems for all non-residential buildings. The roof shall also be engineered to support the weight of a future rooftop solar PV system.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 20. Encourage clean transportation.</p> <p>a. The installation of EV charging spaces shall not reduce the width of adjacent sidewalk to less than 5 feet.</p> <p style="text-align: center;">AND/OR</p> <p>b. EV charging spaces shall be located such that the cords shall not cause a trip hazard.</p> <p style="text-align: center;">AND/OR</p> <p>c. The developer shall provide 5% of all parking spaces as EV charging spaces.</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

LIGHTING EFFICIENCY (21-24)	YES	NO	N/A
<p>Goal 21. Include energy efficient lighting in building design.</p> <p><i>Option 21.1:</i> Increase the use of LEDs. The exterior lighting for all multi-family and commercial buildings and parking lots will consist entirely of LED fixtures.</p> <p><i>Option 21.2:</i> Lower maximum foot-candles outside of buildings. On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least <u>0.5</u> footcandles lower than the UDO requires.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 22. Install timers or light sensors or smart lighting technology.</p> <p>a. The project shall install light timers, motion sensors, or other smart lighting technology for all exterior lighting.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Goal 23. Include International Dark Sky Association compliance standards.</p> <p>The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Advisory Board – Suggested Zoning Conditions

Applicant Clarification/Additional Language:

Per the TRC pre-application meeting notes, this project does not need to meet with the EAB.

Additional Board Recommendations:

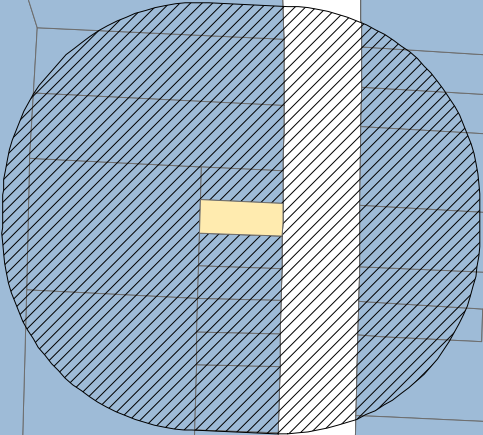
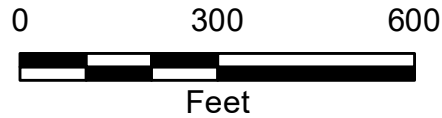
Metes and Bounds Legal Description

Veridea Expansion II

BEGINNING at an iron stake on the west side of Highway #55, comer of Lot #23, and runs thence in westemly direction with Lot #23 150 feet to an iron stake; thence in southerly direction 50 feet to an iron stake, comer of Lot #21; thence in easterly direction with Lot #21 150 feet to an iron stake on the west side of Highway #55; thence with Highway #55 50 feet to the point of BEGINNING, and being Lot #22 of the Johnie Mosley Subdivision as recorded in Book of Maps 1948, Page 18, Register of Deeds Office for Wake County, N.C.

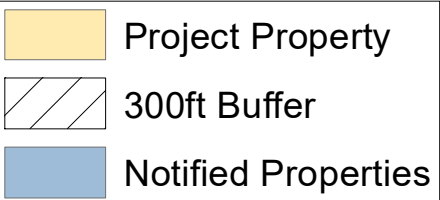
Notified Properties Within 300ft of the Project Property

Created by Town of Apex
Planning Department
Date Created 12/11/2023



Williams St

Bobbitt Rd



Veridea Expansion II Mailing List

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS		
1716 E WILLIAMS ST	0740990489	CROWN BUILDERS AND DEVELOPER S OF NC LLC	PO BOX 1647	FUQUAY VARINA NC 27526-4647	
1725 E WILLIAMS ST	0740996221	HIGDON, ANGELA HICKS HICKS, VICKY KAREN	1725 E WILLIAMS ST	APEX NC 27539-7706	
1713 E WILLIAMS ST	0740996316	JUDD, GERTRUDE	1713 E WILLIAMS ST	APEX NC 27539-7706	
1709 E WILLIAMS ST	0740998418	KAM GROUP INC	413 CHIME CT	CARY NC 27519-5581	
1801 E WILLIAMS ST	0740985947	LUNSFORD, LORINE HEIRS	1801 E WILLIAMS ST	APEX NC 27539-7708	
0 E WILLIAMS ST	0740990140	RXR LEN APEX OWNER LLC	GENERAL COUNSEL	625 RXR PLZ	UNIONDALE NY 11556-3815
0 E WILLIAMS ST	0740992164	RXR LEN APEX OWNER LLC	625 RXR PLZ	UNIONDALE NY 11556-3815	
0 E WILLIAMS ST	0740996013	STEELE, CALVIN HEIRS	C/O BRENDA J HAWKINS	103 DAGENHAM LN	CARY NC 27518-9054
0 E WILLIAMS ST	0740996310	STEELE, GERTRUDE	1713 E WILLIAMS ST	APEX NC 27539-7706	
0 E WILLIAMS ST	0750085838	TRINITY APEX NORTH 100 LLC	CHET MANN	1508 VON CANNON CIR	SANFORD NC 27330-8256
		Current Tenant	1709 E Williams ST	APEX NC 27539	
		Current Tenant	1729 E Williams ST	APEX NC 27539	
Created by Town of Apex Planning Department					
Date Created: 12/11/2023					

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.

February 9, 2024

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 E Williams Street 0740992164

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180>. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

This rezoning will allow this .17 acre parcel to be added to the Veridea Sustainable Development.

Therefore, this application is requesting to rezone this parcel to SD-CZ

Estimated submittal date: January 2, 2024

MEETING INFORMATION:

Property Owner(s) name(s): RXR LEN APEX OWNER LLC

Applicant(s): Jason Barron

Contact information (email/phone): Jason Barron jbarron@morningstarlawgroup.com

Meeting Address: Zoom Webinar Platform

Date/Time of meeting**: February 26, 2024/5pm - 7pm

Welcome: 5:00 - 5:05 Project Presentation: 5:05 - 5:15 Question & Answer: 5:15 - 6:00

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

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: Veridea Expansion II Zoning: (Current) RA, (Desired) SD-CZ

Location: 0 E WILLIAMS ST

Property PIN(s): 0740992164 Acreage/Square Feet: .17

Property Owner: RXR LEN APEX OWNER LLC

Address: 625 RXR PLAZA

City: Uniondale State: NY Zip: 11556

Phone: _____ Email: _____

Developer: Same as Owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: None at this Time

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

How to Participate in the February 26, 2024, Neighborhood Meeting

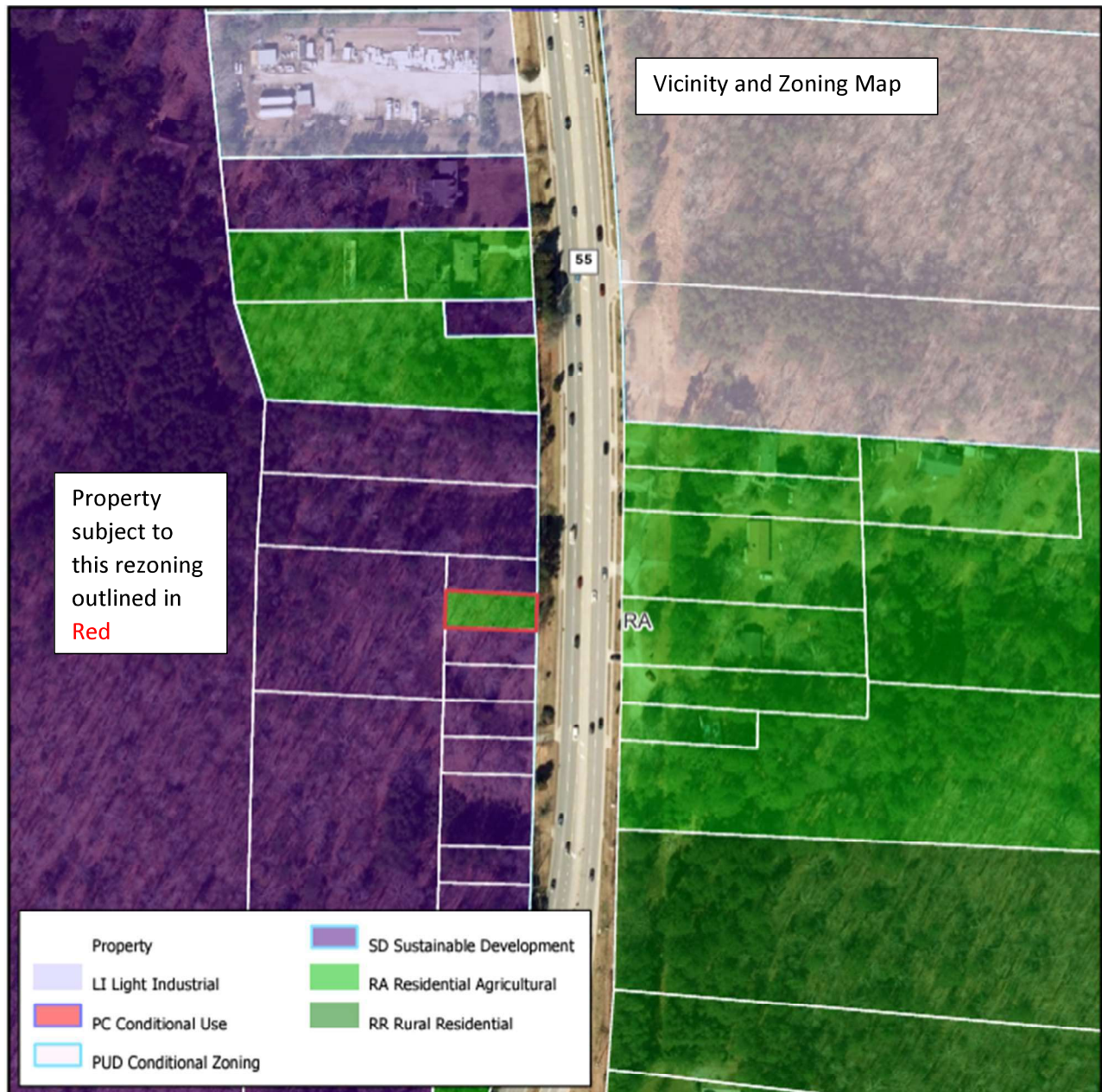
- To participate by PC, Mac, iPad, iPhone or Android device, (Para asistir a la reunión a través de una computadora, dispositivo móvil o iPad, escriba el siguiente enlace en su navegador de Internet):
 - Go to <https://morningstarlaw.group/02262024.mtg> register for the meeting. (*Registration is necessary as we are required by the Town of Apex to have a record of attendance.*)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone (Para asistir a la reunión a través de una computadora, dispositivo móvil o iPad, escriba el siguiente enlace en su navegador de Internet),
 - Dial one of the following numbers:
 - +1 305 224 1968 or
 - +1 309 205 3325 or
 - +1 312 626 6799 or
 - +1 646 931 3860 or
 - +1 929 436 2866 or
 - +1 301 715 8592 or
 - +1 689 278 1000 or
 - +1 719 359 4580 or
 - +1 253 205 0468 or
 - +1 253 215 8782 or
 - +1 346 248 7799 or
 - +1 360 209 5623 or
 - +1 386 347 5053 or
 - +1 507 473 4847 or
 - +1 564 217 2000 or
 - +1 669 444 9171 or
 - +1 669 900 6833
 - Webinar ID: 817 5683 9628
 - Passcode: 318028
 - *For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at kconder@morningstarlawgroup.com or call 919-334-6905

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at kconder@morningstarlawgroup.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments



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, Keenan Conder, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Webinar Platform (location/address) on 2/26/24 (date) from 5:00PM (start time) to 6:00PM (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.

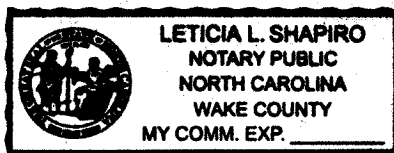
2/27/24
Date


By: 
Keenan Conder

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Keenan Conder, a Notary Public for the above State and County, on this the 27th day of February, 2024.

SEAL




Notary Public
Leticia L. Shapiro
Print Name

My Commission Expires: 4/26/26

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom Webinar Platform
 Date of meeting: 2/26/24 Time of meeting: 5:00PM - 6:00PM
 Property Owner(s) name(s): RXR LEN APEX OWNER LLC
 Applicant(s): Jason Barron

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Brenda Hawkins	1729 E. Williams Street, Apex, NC 27502		Hawk4847@gmail.com	<input type="checkbox"/>
2.	Sandra Raymond/RXR	625 Rxr Plaza, Uniondale, NY 11553		Sraymond@rxr.com	<input type="checkbox"/>
3.	Keenan Conder/Morningstar Law Gorup	421 Fayetteville Street Suite 530 Raleigh, North Carolina 27601		kconder@morningstarlawgroup.com	<input type="checkbox"/>
4.	Sarah Thornton	103 Dagenham Lane, Cary ,NC 27518		Sarahthornton328@gmail.com	<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): RXR LEN APEX OWNER LLC

Applicant(s): Jason Barron

Contact information (email/phone): _____

Meeting Address: Zoom Webinar Platform

Date of meeting: 2/26/24

Time of meeting: 5:00PM - 6:00PM

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

Question/Concern #1:

Is my property being rezoned as well?

Applicant's Response:

No. The rezoning will only affect one property and it is not yours.

Question/Concern #2:

What is Veridea?

Applicant's Response:

Veridea is a large mixed use development in the works. More information is available online and on the Town of Apex's website.

Question/Concern #3:

What is the next step in the approval process?

Applicant's Response:

The next step is a public hearing at the Planning Commission.

Question/Concern #4:

Do you know how this parcel will be developed?

Applicant's Response:

Not at this time, but it will become part of the much larger Veridea development.

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



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: 0.17 acres

PIN(s): 0740992164

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

2045 Land Use Map: Regional Mixed Use: Medium Density Residential/High Density Residential/
Office Employment/Commercial Services/Industrial Employment

Town Limits: ETJ



Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Daniel Khodaparast

- ☒ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☐ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

Members Akers & Byrd
were recused.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of March 2024.

Attest:


Tina Sherman, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2024.03.11 18:32:35
-04'00'

Amanda Bunce, Current Planning Manager



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ01 Veridea Expansion II

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Todd Rechler, RXR Realty

Property Address: 0 East Williams Street

Acreage: ±0.17 acres

Property Identification Number (PIN): 0740992164

2045 Land Use Map Designation: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Sustainable Development-Conditional Zoning (SD-CZ)

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 11, 2024 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 23-March 11, 2024

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ01****Veridea Expansion II**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante/Agente autorizado: Todd Rechler, RXR Realty

Dirección de la propiedad: 0 East Williams Street

Superficie: ±0.17 acres

Números de identificación de la propiedad: 0740992164

Designación actual en el Mapa de Uso Territorial para 2045: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de marzo de 2024 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ01 Veridea Expansion II

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Todd Rechler, RXR Realty

Property Address: 0 East Williams Street

Acreage: ±0.17 acres

Property Identification Number (PIN): 0740992164

2045 Land Use Map Designation: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Sustainable Development-Conditional Zoning (SD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 11, 2024 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ01
Veridea Expansion II

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante/Agente autorizado: Todd Rechler, RXR Realty
Dirección de la propiedad: 0 East Williams Street
Superficie: ±0.17 acres
Números de identificación de la propiedad: 0740992164
Designación actual en el Mapa de Uso Territorial para 2045: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment
Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)
Ordenamiento territorial propuesto para la propiedad: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: **11 de marzo de 2024 4:30 P.M.**
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ01 Veridea Expansion II
Project Location: 0 East Williams Street
Applicant or Authorized Agent: Todd Rechler
Firm: RXR Realty
Planning Board: March 11, 2024
Public Hearing Date:
Project Planner: Amanda Bunce

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on February 23, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

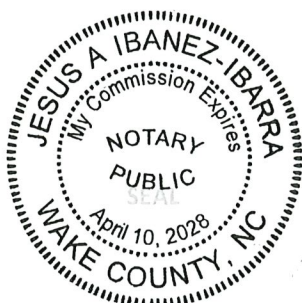
2/26/2024
Date

Shanne Fkhu
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 26th day of February, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ01 Veridea Expansion II

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Todd Rechler, RXR Realty

Authorized Agent: Jason Barron, MorningStar Law Group

Property Address: 0 East Williams Street

Acreage: ± 0.17 acres

Property Identification Number (PIN): 0740992164

2045 Land Use Map Designation: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

Town Council Public Hearing Date and Time: April 9, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Planning Director

Published Dates: March 18-April 9, 2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ01
Veridea Expansion II

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Todd Rechler, RXR Realty

Agente autorizado: Jason Barron, MorningStar Law Group

Dirección de la propiedad: 0 East Williams Street

Superficie: ±0.17 acres

Números de identificación de la propiedad: 0740992164

Designación actual en el Mapa de Uso Territorial para 2045: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para la propiedad: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #24CZ01 Veridea Expansion II

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

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Public Hearing Location: Apex Town Hall
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Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: April 9, 2024 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #24CZ01

Veridea Expansion II

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Todd Rechler, RXR Realty

Agente autorizado: Jason Barron, MorningStar Law Group

Dirección de la propiedad: 0 East Williams Street

Superficie: ±0.17 acres

Números de identificación de la propiedad: 0740992164

Designación actual en el Mapa de Uso Territorial para 2045: Regional Mixed Use: Medium Density Residential/High Density Residential/Office Employment/Commercial Services/Industrial Employment

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 9 de abril de 2024 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/45672>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #24CZ01 Veridea Expansion II
Project Location: 0 East Williams Street
Applicant or Authorized Agent: Jason Barron
Firm: MorningStar Law Group
Town Council Public Hearing Date: April 9, 2024
Project Planner: Amanda Bunce

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on March 18, 2024, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

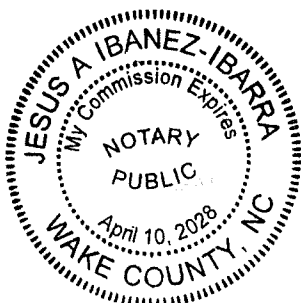
3/18/2024
Date

Juanne Akh
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jesus A. Ibanez-Ibarra, a Notary Public for the above

State and County, this the 18th day of March, 2024.



Jesus A. Ibanez-Ibarra
Notary Public

My Commission Expires: 4/10/2028

Rezoning #24CZ01

Veridea

1724

1725

1729

E Williams St

55

Public Hearing Sign Posted By


Signature

1/9/2024
Date

0 100 200
Feet

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



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: 0.17 acres

PIN(s): 0740992164

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Sustainable Development-Conditional Zoning (SD-CZ) for Veridea

2045 Land Use Map: Regional Mixed Use: Medium Density Residential/High Density Residential/
Office Employment/Commercial Services/Industrial Employment

Town Limits: ETJ



Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ01 Veridea Expansion 2

Planning Board Meeting Date: March 11, 2024



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Daniel Khodaparast

☒ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

*Members Akers & Byrd
were recused.*

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of March 2024.

Attest:


Tina Sherman, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2024.03.11 18:32:35
-04'00'

Amanda Bunce, Current Planning Manager

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: April 9, 2024

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Motion to approve a mitigation plan for the temporary loss of parking in the Saunders Lot during construction.

Approval Recommended?

Yes

Item Details

Partial closure of the Saunders Lot in downtown Apex is anticipated during reconstruction and expansion. There are 240 existing spots (including 231 public spaces in the paved and gravel lots and 9 private spaces). It is anticipated that during reconstruction and expansion there will be a temporary loss of 96 spaces. Staff across multiple departments have prepared and vetted a range of strategies to mitigate the temporary parking loss. Staff-recommended strategies include: delay construction, parking duration revisions, parking enforcement, safety and security strategies, Town employee parking plans, minimize additional impact, and a smart parking pilot. Approval is requested to move forward with these strategies. In addition, staff would further investigate options to provide transportation for downtown employees from unrestricted lots and would continue to pursue shared parking.

Attachments

- NB1-A1: Saunders Lot Information Exchange and Survey Summary - Downtown Design Projects - Parking Mitigation Strategy





MEMORANDUM

TO: Staff and File
FROM: Shannon Cox, Planning Department, Town of Apex
DATE: March 6, 2024
SUBJECT: Saunders Lot Information Exchange & Business Owner Survey Summary

Purpose and Overview:

The purpose of this memorandum is to summarize feedback received on possible mitigation measures to address the temporary loss of an anticipated 96 spaces in the Saunders Lot during reconstruction and expansion. This memorandum summarizes feedback received during an in-person information exchange held on Monday, February 19, 2024, at Town Hall and through a follow-up online survey specifically for downtown business owners conducted between February 23, 2024 – March 1, 2024. The purpose of the information exchange was to discuss: (1) the status of the Saunders Lot project and (2) mitigation options for the parking impact during lot construction. The meeting was open to the public, but invitations were specifically distributed by the Economic Development Department to downtown business owners. A list of attendees is provided as Attachment A. The purpose of the survey was to provide an additional opportunity for downtown business owners to provide input on parking mitigation, in response to a request during the information exchange. Fifty-five total responses were received to the survey of business owners. Forty-eight businesses shared the name of their business, which was noted as required. Seven respondents did not share their business name. Responding businesses were categorized as follows: Beauty and Wellness (3), Food and Beverage (10), Services (16), Shopping (19), Unspecified (7).

Question 1: Rank your preferences among possible parking mitigation options:

Rank your preferences among possible parking mitigation options.

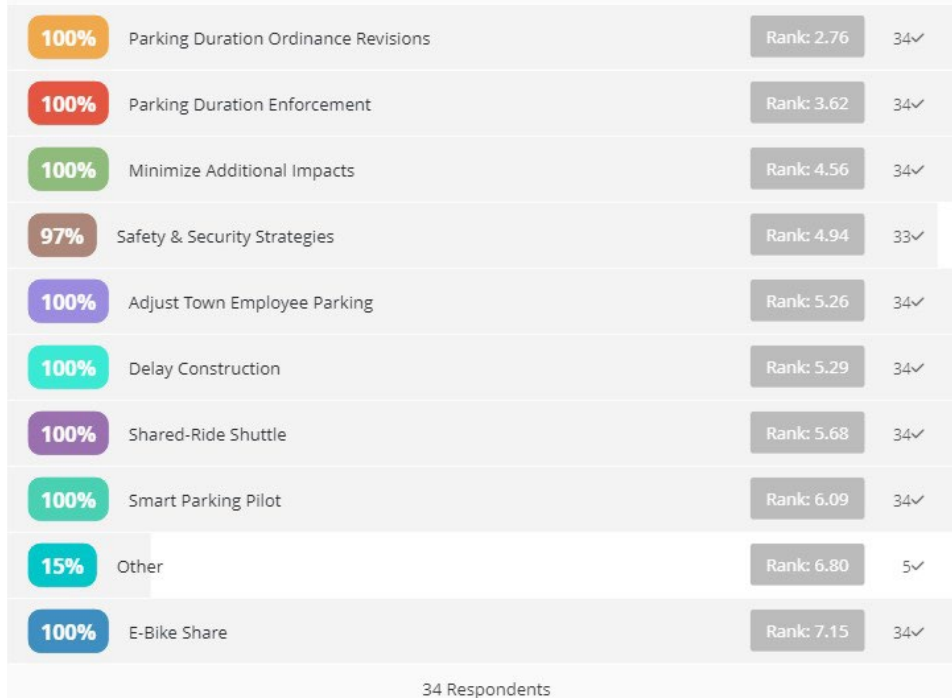


Figure 1. Results of poll during information exchange

Rank your preferences among possible parking mitigation options. If you would like to provide an explanation for your response, please use the comment box following the question.

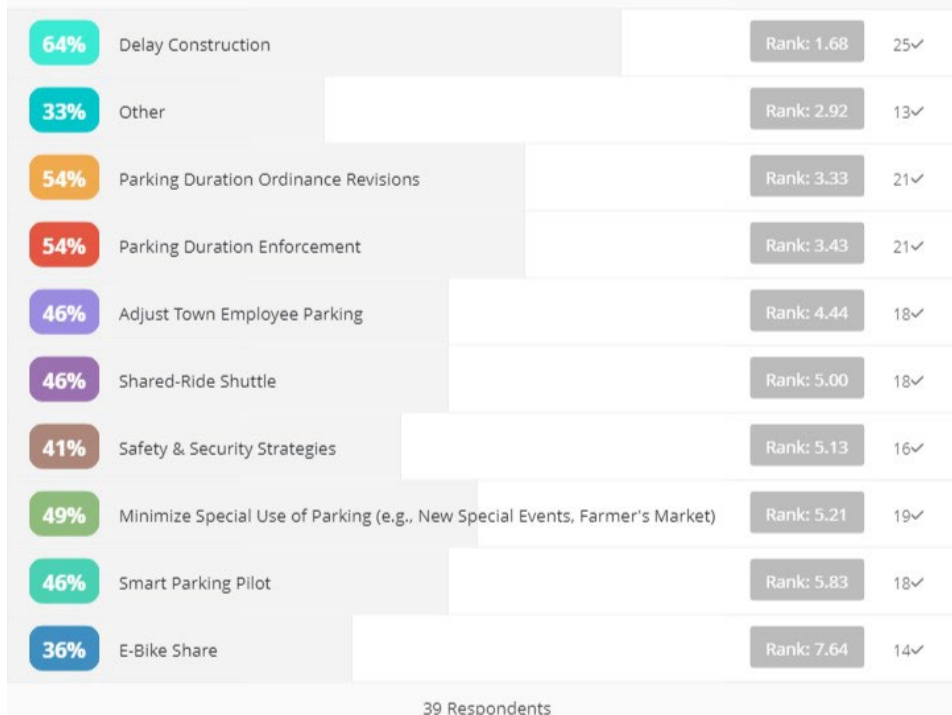


Figure 2. Results of poll from downtown business owner survey

Summary of comments from information exchange:

- Other recommendations for mitigation:
 - Request to improve lighting to help with safety concerns about walking to remote parking. Lighting is low on the east side of the railroad tracks.
 - Request to keep the construction vehicles outside of the downtown area altogether. It was noted that if the Williams Lot can be made available for construction vehicles, it should be used instead for public/employee parking.
 - Request for a robust and well-funded marketing campaign. This should include getting information to media outlets.
 - Request to pursue a shared parking agreement with Baucom Elementary School.
 - Request to provide a shuttle for employees.
 - Request to add parking in the space along S Elm Street, next to the railroad.

Summary of comments from survey:

- “Other” responses:
 - Deck (3)
 - Meters (1)
- Time restrictions (4)
 - Temporary parking duration mitigation DURING the construction period will be helpful for all businesses, especially our friends relying on foot traffic only for sales. However, we don't want those short-term changes become permanent after construction is over, so I put OTHER over ordinance revisions.
 - I suggest each business is allotted at least one permitted spot near their store/office. Time restrictions are not preferred for business owners.
 - We have employees who are over the age of 70; most of our shoppers are 50 and over. It is critical to us that our employees are able to park close to our store; they aren't able to walk or bike several blocks to get to work. We need safe and convenient parking for them.
 - Employee parking on Seaboard is a high priority. As a jewelry business my employees are at increased risk of targeting. Having spaces removed from long term parking is dangerous for them. At present I have CCTV cameras available to watch employees, but if they have to walk or wait for rides to come pick them up, it increases risk, especially when they have to work later hours during the holiday season when it gets dark early.
- Delay construction (4)
 - For the downtown businesses to survive, these plans and any future parking plans, involving the construction of a lot or deck resulting in loss of any parking, MUST be done outside of the October-December timeframe. This is peak shopping time that makes up a majority of annual income for these businesses.
 - As was mentioned at one of the latest town meetings, these surveys can be skewed (intentionally or not). Who has the most to lose regarding this issue? No doubt the businesses.

- I'm not under any delusion that this won't be hard, no matter when we start it. I can say doing the construction during the 4th quarter will hurt both my businesses for sure.
- January is the slowest time of the year, if we start in summer '24, construction will take place during our busiest months.
- Electric Bike Share and Shuttle (2)
 - Also want to say a comment on the electric bike thing it'll end up being just like all these big cities that people are driving these scooters all over and then leaving them in the middle of the street leaving the middle sidewalks I think the electric bike will create another problem [rather] than help.
 - I find it highly unlikely anyone is going to be interested in any type of shared shuttle situation. This is a small town, not a city where people are going to be shuttling in. Also, E-bikes are not effective for anyone who lives outside of Downtown Apex and most people who live close by walk.
- Deck (1)
 - I do not understand why Apex will not invest in Downtown---It seems that every proposed housing project is being approved with no conditions of road expansion and beauty---the parking survey of 2019 is out of date and downtown will need a parking deck or else businesses will close---invest like Cary and Morrisville and Holly Springs---perhaps new unafraid board members are needed.
- Minimize Events (1)
 - No matter what mitigation strategies are employed, visitors to the downtown district and corresponding businesses will be discouraged from visiting by the inconvenience associated with the lack of nearby parking. At a minimum, events & festivals that are going to interfere with the already limited parking, should be postponed until after the conclusion of the project out of consideration for the downtown businesses that are grinding every day to succeed.
- Other ideas/comments (3)
 - I also encourage making a few spots in the Seaboard lot designated for motorcycle/mopeds. One vehicle spot can be two spots for two-wheel vehicles.
 - Omit the park area where all the parents and kids sit, make it parking. The kids running around at the busiest times of the day is unsafe. It is a constant hazard that should be addressed also.
 - The temporary loss of 96 parking spaces will have a severe negative impact on our business. Please consider a different approach to solving your limited parking issue.

Question 2: What is your opinion regarding delaying the start of construction to January 2025 instead of Summer 2024?

This question was only asked directly through the business owner survey.

What is your opinion regarding delaying the start of construction to January 2025 instead of Summer 2024?

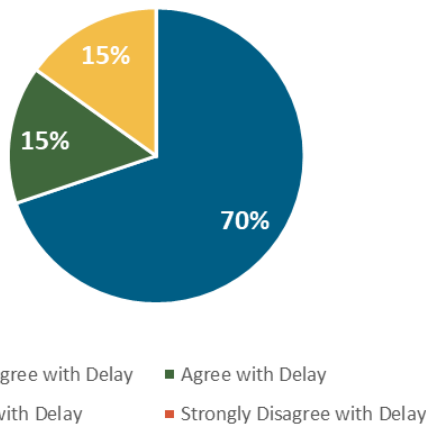


Figure 3. Preferences regarding delaying construction from business owner survey

Summary of comments from survey:

- Strongly Agree with Delay
 - We should definitely not do construction during the busy season of the year from September to January all the other months are available and we should not be closing a whole parking lot to do this construction. I think it could be done half of one side and then half of another side and control the construction vehicles that will be blocking other parking spots also!
 - The slowest sales time of year for our business, and probably most downtown businesses, is January and February. By delaying construction until the early part of next year, you have the potential to minimize some of the negative impact on downtown retail businesses. It is our strong desire that the length of construction be shortened as well by a minimum of 2 months. Eight months is an extremely long time to have businesses to be negatively affected by the limited parking. If the eight-month time frame remains in effect, it will adversely impact our busiest time of year, the Summer months, which helps to sustain our business throughout the rest of the year.
 - Taking away parking spots in a town that needs more parking is not a good solution - keep parking spaces open and come up with another strategy to address issue. Please!
 - Mostly people visit downtown Apex during the summer. If the Town starts construction during the summer months, which will create a roadblock, so less people will visit downtown Apex.
 - Summer and Fall is our busiest time of year for Scratch. Making it difficult for people to find parking during our busiest times will likely reduce our overall sales drastically. Further, doing construction during months when the weather is nice and our guests use our outdoor patio spaces would cause us to lose our outdoor seating during peak months.

- September thru December largest sales opportunity in retail sales...
- Delay until downtown isn't so busy during the holidays. Our employees need parking, leaving and returning during the day is a hassle now.
- Trying to miss the holiday season schedule to help assist downtown business owners
- Our fourth quarter is what keeps our downtown retail businesses afloat throughout the year. Lack of parking and the perception of inconvenience that the community will inevitably have will significantly decrease visitors/shoppers to Salem Street. The potential loss of income during these high-value months would be devastating for these businesses. Additionally, our downtown is traditionally a significant space for residents and visitors during the holiday season. Attendance and engagement in these seasonal, community activities will be dramatically affected by lack of parking and accessibility.
- Respect the importance of holiday sales to small businesses
- These businesses operate all year long hoping to have a good 4th quarter, as this could make or break their ability to stay in business. They may struggle to stay alive during your whole plan and keep the shoppers coming only to lose their businesses when the parking lot comes to completion.
- There is no good time to disrupt all of Downtown Apex & make parking worse than it already is BUT because we need a better parking lot regardless, starting in January is best as it doesn't immediately disrupt the busiest season of the whole year. Starting in Summer will 100% ruin every single business in downtown Apex.
- If it requires 8 months to construct, allowing construction to begin in the summer mean it will run through the holidays. This significantly impacts parking and traffic. It will negatively impact businesses and patrons to have lack of parking and increased traffic, thus keeping people away during a crucial time of year. Waiting till January 2025 allows a full year before holidays come around again and people will love to see parking back.
- We do about 40% of our yearly sales from October-December. The downtown retail businesses count on robust holiday sales to have profitability for the fiscal year. Statistics show that when the Saunders lot has been closed in the past we see on average a 40% decrease in sales on those days. Most retailers will not survive the lot being closed during the holiday season.
- Q4 holiday sales revenue is critical to downtown businesses - without it, many will fail. The Town has the ability to minimize the impact of this project by delaying project start to January 2025.
- The life of a business owner in downtown Apex is not what some may think. We are not raking in the big bucks, nor are we wealthy individuals just running hobby businesses. Each day, week, month & year we worry about making payroll, paying rent, and paying our personal mortgage from the store income. We wonder about college tuition and the feasibility of retirement. We have invested our life savings, our 401ks, and our hearts and souls into these businesses. And, we have chosen to do it in Apex because we believe in its potential. In addition, we are responsible for

the livelihoods of our employees as well as local vendors and makers. Dollars spent in downtown Apex have a far greater reach than just Salem Street.

- Disruption of parking in the Saunders lot threatens the continued viability of many downtown businesses, but never more than during the holiday season when the majority of our sales occur. Many downtown businesses operate at or below breakeven for the majority of the year, relying on strong holiday sales where we realize upwards of 36% of our yearly revenue. When parking is disrupted in the Saunders Street lot, whether for a short-duration or an all-day event, downtown business revenue drops by an average of 26%. Such a significant reduction in gross revenue across an entire holiday shopping season would put businesses below breakeven for the entire year resulting in closures & bankruptcies.
- With a project start of January 2025, an 8-month project timeline would bring construction to a close in August, well before the start of the critical holiday shopping season. We are asking 8 months to be the maximum, and potential delays need to be built into that 8 months. We ask that penalties be included in the construction contract. We are going to need at least the month of September to communicate with our customers and to regain their confidence and comfort with visiting downtown before the holiday season even begins.
- Our businesses may seem replaceable, but consider this: According to the Destination Development Association in their “Keys to Outstanding Downtowns”, destination retailers play a vital role in the viability of a downtown, and “turnover has to be less than 5% per year. Revolving door downtowns are not sustainable in the long run.” Would our replacements be destination retailers who drive traffic and represent the Downtown Apex brand or would they be chains who are not invested in the welfare of Apex? It would be a shame for those who worked so hard to make the downtown plan happen be out of business before it comes to fruition.
- Agree with Delay
 - We understand that a summer 2024 start may not actually be an accurate start date. We do feel that starting construction in the first quarter of 2025, may allow construction to be closer to completion by the 4th quarter of 2025.
- Disagree with Delay
 - We think this will hurt no matter when it is started/completed. Costs will not go down if delayed so that is a concern. We hope that all parking spots will be made available to people wanting to spend money in downtown Apex during the construction. Even if that means inconveniencing city employees and employees of downtown businesses. Smarter planning of events and parking closures for those events is needed.
 - There will always be a "reason" for a delay. May as well get it over with.
 - It will likely take more than 8 months- so impact Q4 of 2025 anyway. Weather will be worse for patrons and employees to walk further to work which could actually hinder foot traffic more at slower time of year. Summer months easier to walk and usually better weather. Additionally, the preschool is not open in summer- they take up so much space twice a day. Instead of carpooling, they camp in spots and

socialize at drop off and pick up, which is lunchtime; one of the worst times to find a space around the downtown. Starting in June we have at least 2 full months without the preschool and part of a third. Many consumers vacation in the summer months, so also less foot traffic to need to park. Patrons of festivals, parades and special events have no problem parking and walking when they want to be downtown. Q4 there is a focus on shopping local, consumers will make the effort and there are no competing events or festivals in the downtown.

- Delay's don't fix the problem. Agree the best solution and move forward.
- Strongly Disagree with Delay
 - Holiday time is a very important time for any business - and downtown Apex. Construction during the busiest time of the year would be detrimental to every single business in downtown and would result in great loss.

Question 3: In general, what is your perspective on adding more parking time restrictions in downtown?

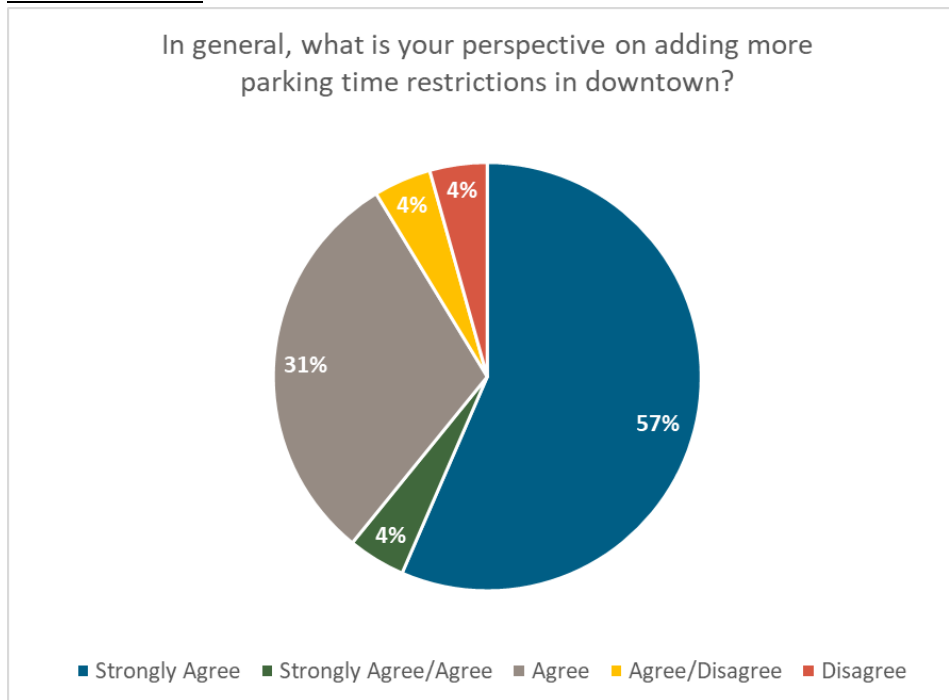


Figure 4. General preferences regarding time restrictions from information exchange

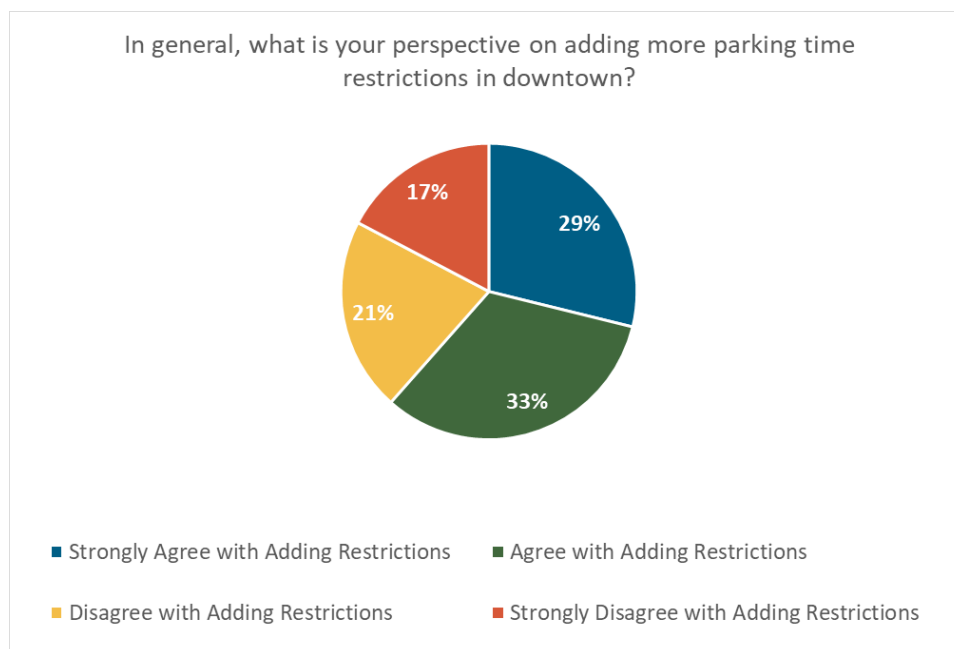


Figure 5. General preferences regarding adding parking restrictions from business-owner survey

Summary of comments from survey:

- Strongly agree with adding restrictions
 - I see business owners, and employees parking along Salem Street and utilizing top parking spots all day long downtown. On Chatham Street alone, there are 2-3 vehicles daily that park all day long and take up valuable space for 8+ hours.
 - I agree with adding restrictions. However, the town employees and business employees both need a reasonably close place to park. The incentive for business owners to give their parking spaces to shoppers is the survival of their livelihood. Since town employees do not have this incentive they may have to be required to shuttle from Town Hall area parking to be able to provide the needed spaces to shoppers. As far as permanent changes, does this mean worker will never have the ability to park in the newly completed parking lot greater than 3 hours?
 - Employees of Oppidan & construction workers, in addition to the hair salon and coffee shops always take up front row parking as they're the first to arrive in the morning. They stay here all day and limit accessible parking for customers. 100% fully on board with adding time restrictions & even signs stating "for customers only".
 - I would like to see restrictions on w Chatham as well, as employees use the spaces right in front of our store for all day parking
 - While adding restrictions would be very helpful it is crucial that it be enforced.
 - If the Town adds parking time restrictions, they must be enforced, lest they be ignored.
- Agree with adding restrictions

- Although we agree with adding time limit restrictions in light of limited parking, it also has the potential to frustrate potential visitors who may decide that visiting downtown Apex is just not worth the hassle.
- Restrictions can help, but they won't be the best solution. Just opens up another can of worms of people being disgruntled with parking tickets
- Maybe a 24-hour restriction to the lots with none so vehicles aren't stored in the lots.
- I think the issue is the restrictions are not enforced or supported
- We agree that there needs to be parking time restrictions; however, we would like for there to be designated retail/restaurant employee parking on Seaboard without restriction.
- Consider making 2-hour park and 3 hours parking the same time frame for less confusion.
- Disagree with adding restrictions
 - Not going to be helpful for employees and customers for time limits
 - Our employees work 7-5 Monday-Friday, would there be parking passes that exempted them from the time limitations?
 - Not sure this will affect that many visitors and will be an extra burden on whoever has to enforce it.
 - More worried about employee parking during business hours if limited parking.
 - Parking time restrictions would prevent full time business owners and employees from the ability to park throughout their workday. Would accommodations be made for these circumstances?
 - I have teenage employees and want to provide a safe, close place for them to park. While you are offering walk to/ride to parking for employees, I fear some will opt out and walk by themselves.
 - Agree with adding restrictions during construction but strongly disagree with making permanent. We worry about the ability to recruit & retain employees, as well as having to adjust our business model for more hybrid remote work as in 2020, which we found ineffective for our business model. Temporary changes will help businesses to allow access to patrons but long term is going to impact all businesses downtown. So, in favor now but not long term. Similarly, for town use, festivals/events- we are concerned now but not in the future as long as festivals are not more than 1 day and don't impact the area lots for days to set up and break down like Pigfest does. All businesses downtown should have equal access to new public parking after it's complete except for green areas highlighted in map. All these restrictions would be hard/expensive to enforce; a lot of expense and people power or meters, which we are not in favor of having downtown. We need to keep plenty of drop off- pick up loading zones around the footprint for deliveries and access to our businesses for our own supplies or service providers. A few, but not nearly all businesses downtown have some dedicated private parking. We don't need to add more of those types of restriction hurdles.
 - Adding permanent parking restrictions before the building of multi-level parking lot is contradictory. If downtown Apex is in need of parking restrictions then more

parking spaces are needed. If that means the need to add multi-level parking, that should be considered. Parking restrictions should only be considered when ALL other options are exhausted.

- Strongly disagree with adding restrictions
 - You could revisit restrictions when you have ample supply of parking spaces to meet current and growing demand.
 - The hope for our downtown is for people to walk and visit multiple businesses throughout their time in downtown. Adding limitations are parking will deter people from enjoying their time in town and ultimately hurt smaller businesses that rely on foot traffic.
 - Would be very negative and set a reason in the future not to return to historical downtown Apex...would not fix the parking concerns.
 - I bought my building with my hard-earned money. One of the best aspects of my building was that I would own a large parking lot behind my building. I have 8 employees. Office hours are M-F 8AM until 5:30PM. Where are they going to park? My current parking lot is a great asset to my office, employees and customers. I don't want to sell it, and I will go to the extreme to prevent the Town from taking it.; I think it's the government job to support the private sector. Not to discourage people from visiting Apex. Restrictive parking will discourage visitors. Perhaps on the Salem Street should have a restriction. My employees do not park on the street. I preach that this is for customers and visitors to Apex.
 - I think there should be some consideration for the business owners.
 - People travel here to partake in the town. Patrons will not appreciate revising parking to shorter restrictions followed by enforcement of those restrictions. The longer people spend downtown and feel more relaxed about parking the more they spend and the more frequently they visit and spend. Don't make it hard, especially when parking downtown is already challenging, and construction is going to take away necessary spaces.
 - This would directly affect scheduling my employees as they normally work 4-6 hours shifts.

Question 4: In general, for the areas shown in green with proposed 2-hour time restrictions between 9:00 am - 5:00 pm, Monday through Saturday, is this...

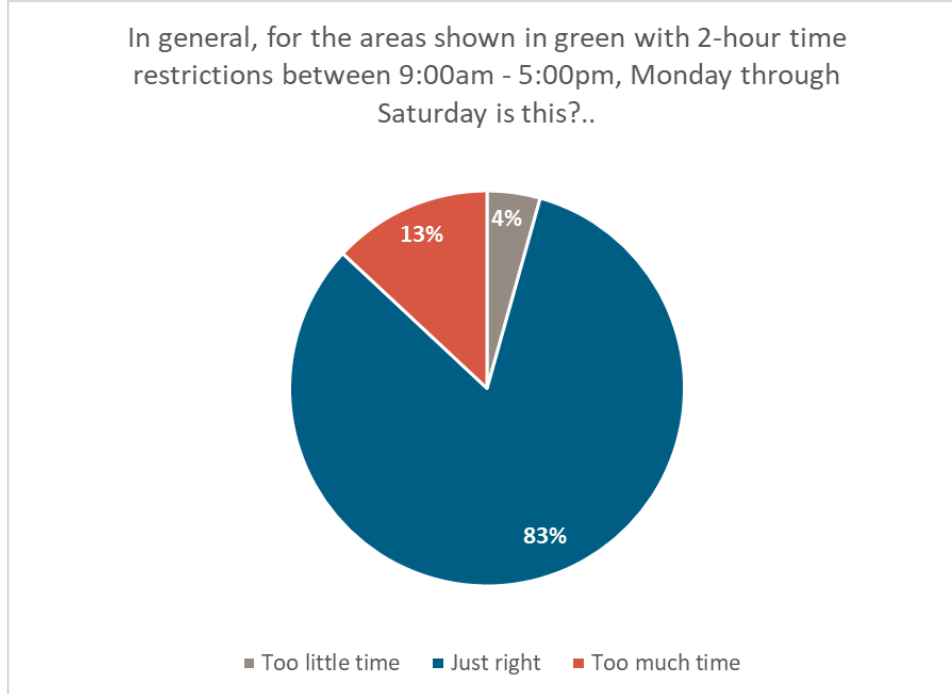


Figure 6. Comment form responses on 2-hour parking generally

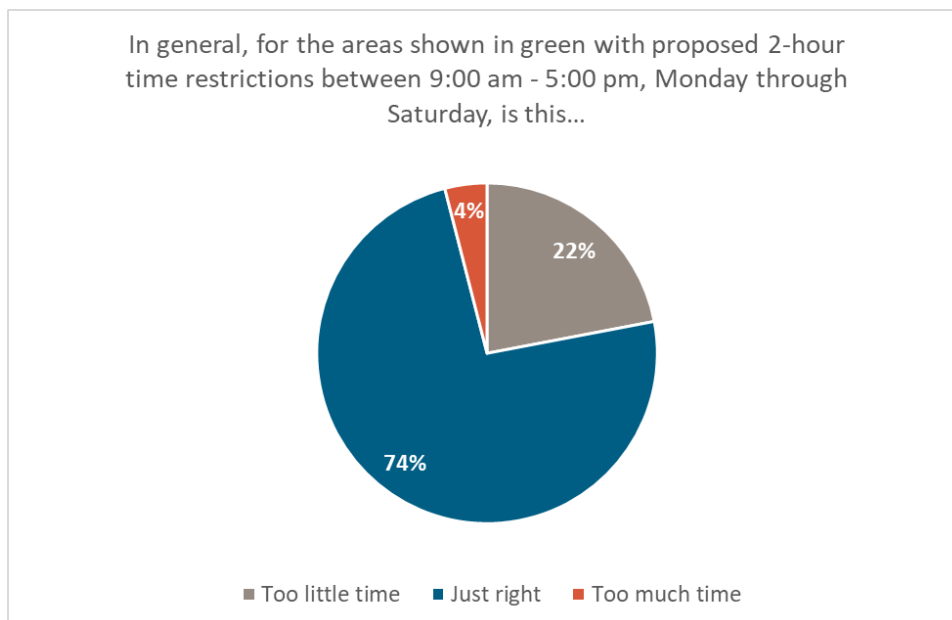


Figure 7. Business owner survey responses on 2-hour time limits generally

Summary of comments from survey:

- Too little time

- Not sure visitors would have time to experience the beauty of downtown Apex in 2 hours; shopping, lunch or dinner, having a stop at our dessert (ice cream/candy) outlets, all while taking a stroll around the Town.
- I think 3-4 hours would fit the activities we are trying to promote downtown. Dining and shopping take more than 2 hours.
- 3 hours would be better to be consistent with the other proposed 3-hour restriction. If parking is difficult to find, a 2-hour vs 3-hr restriction is not going to stop someone from parking there. They will take any spot they can get.
- Again, if the town needs time restrictions, then there needs to be more parking spaces created, e.g. multi-level parking.
- 3 hours allows people to not feel so rushed. Any less and people feel like you are kicking them out. They will be thinking about parking instead of enjoying their time. As their time limit approaches, no one moves the car, they leave instead. We need to foster an environment of "relax, enjoy and stay awhile" so people can get enveloped in the charm that is downtown. Happy people breed happy businesses and a prosperous city.
- Just right
 - 2 hours from 9am-5pm seems satisfactory.
 - Seems to be a right amount of time, as people are downtown for a variety of reasons.
 - Main street should be restricted.
 - The main street should be timed like it is now.
 - The 80 parking spots that will remain in place during construction (currently showing in blue), should be time limited to ensure that spots are not taken by employees or Town staff.
- Too much time
 - Need close parking for employees
 - I believe it's too little time on Saturdays and just right for Monday through Friday.

Question 5: In general, for the areas shown in purple with proposed 3-hour time restrictions between 9:00 am - 5:00 pm, Monday through Saturday, is this...

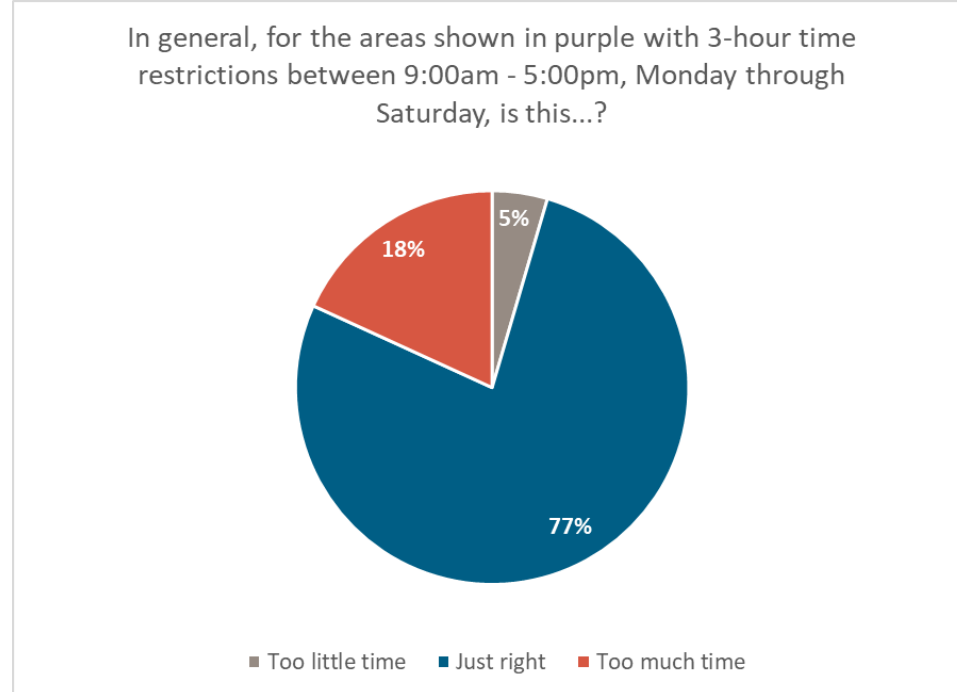


Figure 8. Comment form responses on 3-hour parking generally

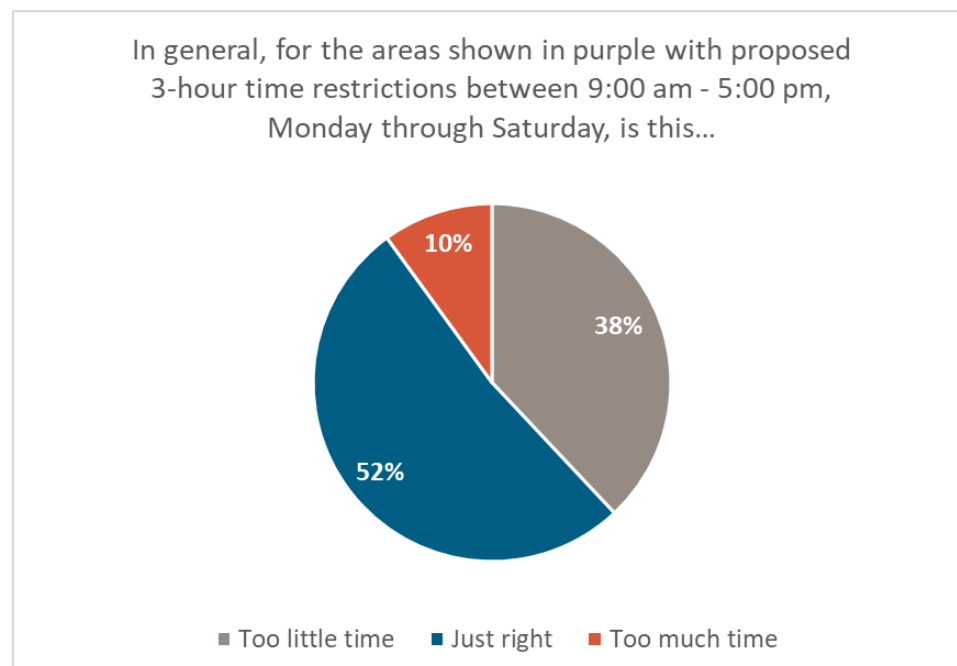


Figure 9. Business owner survey responses on 3-hour time limits generally

Summary of comments from survey:

- Too little time

- Employee parking needs to be addressed
- I bought my building with my hard-earned money. One of the best aspects of my building was that I would own a large parking lot behind my building. I have 8 employees. Office hours are M-F 8AM until 5:30PM. Where are they going to park? My current parking lot is a great asset...See More
- I park on Seaboard during my workday as do many of the employees of the Peak on Salem, Mission Market, 122 N. Salem St. These restrictions prevent us from parking there for our workday or shift.
- 4 hours due to employees needing to park close
- I have teenage employees and want to provide a safe, close place for them to park. While you are offering walk to/ride to parking for employees, I fear some will opt out and walk by themselves."
- Downtown business employees need long term parking. If this can be mitigated by the judicious use of parking stickers for employees and owners, I'd be more supportive of time restrictions.
- There should not be parking timelines, but if someone sees fit to have them...no fewer than 3 hours would be appropriate with a caveat of "unless permitted".
- On Saturdays I believe 3-hour parking is sufficient for shoppers, however it does make me concerned for my employee parking as their shifts are more than 3-hour longs.
- Just right
 - Just right for the parking situations we have today, long term it will send "be-back" customers to other downtowns...
 - How will it be enforced? Fines? Towing? Monetarily increase limit to park? We don't want to penalize the patrons to the point they will not want to visit Apex. We want to have spots for everyone who needs them for the whole day to be conveniently available, but the closest ones for shoppers/patrons.
 - Just right for construction phase but too much long term and perhaps too vast as it goes down south Salem both during construction and after. Again, not in favor after, just no other way to vote.
 - Just right, WITH the caveat of designating some of purple on Seaboard for unrestricted retail/restaurant employee parking.
 - But Seaboard could be 4 hours to allow for those who eat & shop.

Question 6: Are there areas shown without parking time restrictions that should have them? Please specify:

Summary of comments from information exchange:

- Five (5) commenters indicated the 80 remaining spaces (gravel lot)
- One (1) commenter included all areas shown in blue should have a four-hour limit.

Summary of comments from business-owner survey:

- A few 15-30 min spots designated in the Depot lot
- A few 15-30 min spots in the Saunders lot
- All downtown parking should have some time restrictions

- Commerce St should be limited to 2 or 3 hours
- Commerce street should also have restrictions- there are already a lot of private spots but there are at least 4 near Saunders that should be timed or those will not move all day M-F. Curious to know if preschool owns the spaces in front of their fence.
- With the businesses backing up to and facing Commerce street, I feel like a loading zone/short-term parking would be good there. Just a thought.
- Yes, Chatham street to prevent all day parking of employees who work on Salem St.
- I prefer to have a shuttle bus during the weekend or only on special festivals, from the blue zone to downtown Apex.
- No- we all gotta park somewhere and these side streets that lead into neighborhoods, those home owners - like with festivals need to realize that cars may very well be parked in front of their home and should not be ticketed or towed.
- Maybe consider parking meters
- We need some areas close to downtown with no restrictions.
- The 80 spots that will remain during construction need to be time limited to ensure the spots are used by patrons rather than employees or Town staff.
- Gravel part of Saunders lot.
- The lots with no restrictions could be used to store vehicles or abandoned vehicles. Maybe a 12-24-hour restriction for those.
- There should not be overly restrictive parking nearby. Rather there should be plenty of this parking option or else shoppers will be turned off to come to Apex because of this.

Question 7: Are there areas shown with parking time restrictions that should not have them? Please specify:

Summary of comments from information exchange:

- One (1) commenter suggested removing restrictions on Saunders Street (2.04)
- One (1) commenter suggested reducing restrictions on E Chatham Street (9.05, 9.06, 9.07)
- One (1) commenter suggested removing some restrictions on Seaboard Street for business employee parking.

Summary of comments from business-owner survey:

- All, we prefer no time restrictions and encourage longer time spent in downtown for economic purposes.
- Areas for store owners and employees should be given no time restrictions.
- Current building owners' private lots
- Employees working downtown need parking without restrictions, not just Town of Apex employees.
- Frankly the ancillary/side/feeder streets should not have time limits.
- Handicapped Parking
- Might have too much purple down South Salem during construction. Again, not keeping after construction.
- I believe Seaboard should be allowed for downtown Apex business employees.
- Entire area along Seaboard.

- Seaboard due to employees needing to park or offer some sort of employee parking close to the businesses.
- Seaboard St. should not have time restrictions.
- Yes, part of Seaboard needs to be reserved for retail/restaurant employee parking. Safety reasons, employee age/physical ability, and shifts that are longer than 3 hours.
- Yes, too late in the game to make those changes...

Question 8: What other comments would you like to share?

Summary of discussion during information exchange:

- Engagement process:
 - Request to get more input from business owners on parking mitigation.
 - Response: Another survey had not been planned, but staff will take this under consideration.
- Time restrictions and enforcement:
 - Statement that enforcement of time restrictions is essential and long overdue.
 - Request to consider a pilot program for time restrictions.
 - Request to consider paid parking to encourage turnover.
 - Question if Farmers Market would be exempt from the 2-hour restriction in Depot.
 - The draft Ordinance text includes a process for requesting an exemption for special events/special uses.
 - Statement that time restricted parking needs to include the gravel portion of the Saunders Lot. This is the bulk of spaces during construction.
 - Question about how eliminating restrictions on overnight parking helps with mitigation.
 - Staff clarified that these recommendations are to address a safety concern about people possibly driving while intoxicated if they are not allowed to park overnight and are not specific to mitigation.
 - Question whether Town employees would be exempt from time restrictions.
 - Response: Time restrictions would apply to everyone.
- Parking supply calculations, inventory, and parking deck:
 - Statements that calculations regarding new parking supply are inaccurate.
 - Seaboard Lot improvement did not create 48 new spaces as people were parking there before.
 - On-street parking was allowed before it was striped, so that should not be shown as new parking.
 - Statements that past parking inventories do not accurately capture current parking demand.
 - The last Parking Length of Stay Analysis was completed in August 2022. Prior parking studies were in 2019. August is a slow month for retail. January, February, and August are not the times to do this. May and holidays are a preferred time for a parking inventory.
 - Population has increased in Apex since the August 2022 parking study.
 - The Town should construct a parking deck. A portion of a parking deck could be designated for employees.

- Response: The, Downtown Plan considered a deck and found that a parking deck is not needed at this time, but recommended monitoring for the future. We need to find the right place and opportunity for a parking deck. This is still on the table for the future, it is just not the purpose of this project.
 - Business owners would be more willing to make sacrifices during construction for a parking deck.
- Delay construction:
 - It is essential that downtown businesses not lose holiday season revenue – adjust construction schedule to avoid 4th quarter (September – December).
- Pick-up/drop-off spaces:
 - Question if a drop-off/pick-up spot has been considered.
 - Response: Yes, two of these spaces are proposed on N Salem Street.
 - Request to provide these areas where you are not allowed to park.
 - Request for an additional drop-off space on Seaboard Street.
- Transit:
 - Question about GoApex Route 1 ridership and if the funding for this service could be used for another purpose.
 - Response: Over 12,000 boardings last year – the first year of service. This year service has been about 30% over last year, month-to-month. Funding is 50% through Wake Transit. Mitigation strategies are intended to add to existing options.
 - Question about whether the planned GoCary Route 12 stop in front of Halle would take away additional parking.
 - Response: This bus stop will not take a parking space.

Summary of general comments on comment forms from information exchange:

- Five (5) comments about a parking deck:
 - Move forward with a plan for a garage at Town Hall? At Moore Street?
 - If you aren't going to do a parking deck now in Saunders Lot - approve the zoning for it now so it doesn't need to be revisited.
 - Build the Deck.
 - Please build a deck.
 - I vote for a parking deck with a level dedicated to employee parking.
- Five (5) comments about delaying construction:
 - Starting construction January 2025 is critical for downtown business survival.
 - Please consider delay of construction - or redo the whole design plan based on more current data.
 - Delaying project start to avoid disrupting fourth quarter holiday sales is critical for the survival of downtown businesses.
 - Strongly encourage considering the timing to not affect the holiday season.
 - Delay construction to January 1st.
- Five (5) comments or questions about proposed parking time limit restrictions:
 - Is the curved section labeled 2.08 still handicap parking?

- My employees are older and cannot walk several blocks to work. My concern is employee parking, my employees work shifts that are longer than three hours.
- 80 spots need time restrictions.
- Once parking is complete - not in favor of permanent timed parking in new Saunders Lot - only on Salem Street (green spaces). Employee may park other places now but could lose employees if over a year.
- Employee parking (designated) would be helpful.
- Two (2) comments about Town employee parking:
 - Could non-essential Town employees work remote during construction?
 - Town employees must be prohibited from parking in Saunders Lot during construction. Those remaining spaces are critical for patrons.
- Two (2) comments about accommodating drop-offs for transport-network companies (e.g., Uber, Lyft):
 - There is an opportunity to have designated Lyft/Uber pick up on curbs without parking spots.
 - Uber drop off/pick up spot.
- Five (5) other comments:
 - E-bikes can't carry purchases! Safety for bikes - Salem Street drivers go too fast.
 - Consider leasing CSX right of way along Elm Street (by the Methodist Church) to add parking like that added on Seaboard Street.
 - Could temporarily make side streets one way to create parking or valet space.
 - Need employee parking map.
 - My biggest concern is to ensure vendors of the Farmers Market can use the Depot lot for their entire market time on Saturdays. Right now, vendors are parking in the lot with their tents to keep from taking additional parking spaces from consumers. After parking construction, we would prefer to have full use of the lot for only vendor tents and have vendors park elsewhere - as the market grows.

Thank you for all your efforts surrounding the constructions which are upcoming. It's truly appreciated.

Summary of other comments from business-owner survey:

- Employee parking
 - Allowing owners and their employees parking permits if they do not have their own dedicated parking spaces would be good if parking restrictions must be implemented, but if the town needs parking restrictions then more spaces should be considered.
 - I do have a lot of concern with the employee parking. I am concerned that having employee parking in a designated area that is a bit of a walk could impact the safety of me employees especially when it starts getting darker earlier. All of my employees are females and having them walking to their car at night for a good distance of a walk would be very concerning and could also affect how I am able to obtain and add more employees.

- We need to add parking for employees within walking distance and I need to add more lighting to the new parking that you guys created in the back of the bank and also signage so people would know to park there.
- Parking deck/additional parking
 - Other towns that we compete with have such structures, i.e., downtown Cary. Apex is being blind if we forget that there is up and coming competition for our business!
 - In the meantime, other temporary or even permanent lots should still be pursued. The phase in parking plan does not provide enough spots for the growth in vehicles in Apex, not to mention the surrounding areas to visit Apex.
 - Absolutely, Love the plans set out by the Town of Apex for downtown, I just hate to see the town spend the dollars today when more changes to our parking situation will have to be made within the next few years. I understand your budget restraints, yet I truly believe we have enough friends of Apex to help put a budget together that would include a beautiful parking deck in town.
 - The Saunders lot is an ideal location for a parking deck.
 - Add as many temp gravel spots as you can on the Saunders lot, removing shrubbery and grass where possible and order a parking deck that spans the gravel and paved areas. Then continue on with revitalizing Salem Street while waiting for the parking deck to be funded, ordered and installed. There was a rumor about Apex Baptist church allowing town parking on their lot and considering a parking deck for that location- I'm not sure if this is correct or helpful.
- Parking design
 - There is so much wasted space in the parking area. Get rid of the picnic area, it is a hazard.
- Delay construction
 - I believe we all want the parking project to happen and soon...I appreciate the significant work the town has done to create a smooth transition, but the timing is potentially devastating for these businesses. I would love to see the delay to January to allow our downtown businesses to survive this and all the other Downtown Plan-related construction projects. Thank you for taking the time to get this input!!
 - In order for us to be able to stay in business it is very important for there to be a delay in construction until after fourth quarter...
 - Respect small businesses in terms of timeframe
- Parking restrictions and enforcement
 - I feel that no matter whether it be a 2- or 3-hour time restriction that with a shortage of parking patrons will take a spot wherever they can get it and take their chances, if they come at all. Therefore, be consistent with the time restriction. Will enforcement make much of a difference? It may discourage coming at all. Therefore, plenty of no time restriction options nearby should be available.
 - Temporary spots in Saunders lot must also have time restrictions or there will be employees parking in them.

- Do not enforce the parking. The parking is bad enough downtown for staff and patrons. It leaves a bad taste in someone's mouth when you come downtown to engage and spend money and you are welcomed back to your car or mailbox with a parking ticket. It drives people away. Make money another way.
- In order for us to be able to stay in business it is very important for...parking to be metered to ensure that the available parking is actually available for patrons. I require my staff to park in the side or back church lot as it is, and it will be very helpful to have all businesses require the same and for there to be penalties when offsite parking isn't utilized.
- Shared parking
 - 2 of the biggest land owners in downtown are the Methodist and Baptist churches. They have 2 of the largest parking lots in all of downtown. Can their lots be used for general parking?
 - What is holding up negotiations with the Churches that have the parking available? How many spots do they have to offer? I would think this is an extremely important factor in this parking study at least temporarily, if not permanently.
- General/other
 - Please keep in mind all the businesses that will be very negatively affected by this. We're already preparing options for other locations if we need to move due to construction issues and I don't think anyone believes for 1 second all of this will be completed within 8 months.
 - Don't take away parking spots when the goal is to incrementally add parking spots. Not good for Apex residents or local businesses supporting them!
 - A robust, well-funded paid advertisement campaign should be a key component of the mitigation strategies
 - Is there any way, construction can be done at night only? 11pm to 8 am or 9 AM
 - Doing construction at night will avoid all traffic and parking issues
 - My suggestion is adding signage to the Moore Street lot and socialize it along with the walking ramp from Town Hall to downtown which many don't know about yet.
 - Add rental bikes which is in your master plan and move employees to dedicated spots.
- Outreach
 - Thank you for asking these questions and listening to the business community!
 - Thank you for coming up with strategies for us to consider and asking for input.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: April 9, 2024

Item Details

Presenter(s): Steve Adams, Utilities Acquisition / Real Estate Specialist

Department(s): Transportation and Infrastructure Development

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(5) to discuss matters related to acquisition of real property.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

Attachments

- N/A

