



AGENDA | REGULAR TOWN COUNCIL MEETING

January 24, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth
Council Members: Brett D. Gantt; Ed Gray; Terry Mahaffey; Arno Zegerman
Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis
Assistant Town Managers: Demetria John and Marty Stone
Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

SPECIAL ANNOUNCEMENT

The public is invited to attend a welcome reception for Councilmember Arno Zegerman on Tuesday, January 24, 2023, from 5:30 - 6:00 PM, just prior to the Town Council meeting. The reception will be held in the lobby of the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina. Light refreshments will be provided. Councilmember Zegerman was appointed to the Apex Town Council on January 10, 2023 following an open and extensive application and selection process. Councilmember Zegerman was sworn-in at the January 12, 2023, Town Council Retreat meeting.

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

Remarks by Councilmember Arno Zegerman

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 Agreement - CSX Transportation Inc. - Walkway Crossing Maintenance Agreement - Pleasant Park Project

Daniel Edwards, Senior Capital Projects Manager, Administration

CN2 Agreement - Duke Energy Progress LLC - Lease Agreement for Police Firearms and Training Site

Jason Armstrong, Chief of Police

CN3 Agreement Amendment - Apex Fire Department Station #2 Ground Lease

Steve Adams, Utility Acquisition Specialist, Transportation and Infrastructure

- CN4 Annexation No. 743 - 7624 Reams Ct. (Bhat Property) - 5.45 acres**
Allen Coleman, Town Clerk
- CN5 Annexation No. 745 - 1305 Holt Road - 5.367 acres**
Allen Coleman, Town Clerk
- CN6 Annexation No. 751 - 2705 Richardson Road - 3.677 acres**
Allen Coleman, Town Clerk
- CN7 Appointments - Environmental Advisory Board**
Allen Coleman, Town Clerk
- CN8 Appointments - Environmental Advisory Board Chair/Vice-Chair**
Allen Coleman, Town Clerk
- CN9 Appointments - Planning Board**
Allen Coleman, Town Clerk
- CN10 Appointments - Planning Board Chair/Vice Chair**
Allen Coleman, Town Clerk
- CN11 Contract Multi-Year - Kantola Training Solutions - Employee E-Learning Training Services - February 1, 2023 through January 31, 2026**
Mary Beth Manville, Director, Human Resources
- CN12 Council Meeting Minutes**
Allen Coleman, Town Clerk
- CN13 Encroachment Agreement - 470 Grand Highclere Way Lot 8**
Marty Stone, Assistant Town Manager
- CN14 Resolution of Support - Bus Stop Sidewalk Art Project**
Katie Schwing, Senior Planner - Long Range Transit, Planning
- CN15 Richardson Road - Temporary Closure**
Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure
- CN16 Position Authorization List Update - Fiscal Year 2023**
Mary Beth Manville, Director, Human Resources
- CN17 Rezoning Case No. 21CZ27 - Tingen Road Residential - Statement & Ordinance**
Shelly Mayo, Planner II, Planning
- CN18 Rezoning Case No. 22CZ20 - The Preserve at Holt - Statement and Ordinance**
Shelly Mayo, Planner II, Planning
- CN19 Unified Development Ordinance (UDO) Amendments - January 2023**
Dianne Khin, Director, Planning

PRESENTATIONS

PR1 Financial Update - Fiscal Year 23 Mid-Year Review

Shawn Purvis, Deputy Town Manager

PR2 Proclamation - Human Trafficking Prevention Month 2023

Jacques K. Gilbert, Mayor

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 Budget Public Hearing - Fiscal Year 2023-2024

Amanda Grogan, Director, Budget & Performance Management

PH2 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD

Amanda Bunce, Current Planning Manager, Planning

PH3 Rezoning Case No. 22CZ23 - Yellowbridge PUD Amendment

Lauren Staudenmaier, Planner II, Planning

PH4 Rezoning Case No. 22CZ24 - Apex Gateway Ph 1 (Project Real amendment) Public Hearing

Amanda Bunce, Current Planning Manager

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Laurie Hohe, Town Attorney

**RE: Town of Apex v. Marcia M. Lund; 22-CVS-11706 and
Town of Apex v. Susan S. Mills, et al; 22-CVS-11707**

NCGS §143-318.11 (3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

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 Jacques K. Gilbert, Mayor

NCGS §143-318.11 (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."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Daniel Edwards, Senior Capital Projects Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute Walkway Crossing Maintenance Agreement with CSX Transportation, Inc. for the new Pleasant Park Project.

Approval Recommended?

Yes

Item Details

This maintenance agreement is required by CSXT due to the new public walkway being installed over the CXST railroad tracks at Pleasant Park. Under the terms of the agreement, an annual fee of **\$2,456.00** is due on the anniversary of the effective date of this agreement to CSXT.

Attachments

- CSX OP: NC0972 Walkway Crossing Maintenance Agreement 1.18.23
- CSX OP: NC0972 Construction Agreement 8.31.22 (For Reference)



WALKWAY CROSSING MAINTENANCE AGREEMENT

THIS WALKWAY CROSSING MAINTENANCE AGREEMENT (this “Agreement”), effective as of the _____ day of _____, 20__ (the “Effective Date”), is between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business located at 500 Water St., Jacksonville, FL 32202, hereinafter called “CSXT,” and the TOWN OF APEX, a North Carolina municipal corporation, whose address is PO Box 250, Apex, North Carolina 27502, hereinafter called “AGENCY”.

WITNESSETH:

WHEREAS, by that certain Construction Agreement entered into between AGENCY and CSXT, dated _____, hereinafter referred to as the “Construction Agreement”, AGENCY will construct or cause to be constructed the Project (as defined in the Construction Agreement) which includes an at-grade public walkway crossing across and over the tracks, right-of-way and property of CSXT, at CSXT’s Milepost S 174.21 and adjacent to the state highway-hail at grade crossing at Pleasant Plains Road known as DOT No. 630704X in Apex, Wake County, North Carolina, Carolinas Zone, Aberdeen Subdivision, which said pedestrian walkway is hereinafter referred to as the “CROSSING”; and

WHEREAS, upon completion of the Project, the AGENCY will use, maintain, repair, renew, replace and ultimately remove the CROSSING under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the parties agree as follows:

- 1) The CROSSING includes but is not limited to, the track structure, grade crossing surface, any railroad crossing warning signs, and automatic grade crossing

warning devices which are, or might be, located within or adjacent to the above-described location. Upon completion of the Project, the CROSSING shall be thereafter maintained as provided herein at the sole cost and expense of the AGENCY.

- a) Agency shall maintain and repair, at its sole cost and expense, all parts comprising the permanent aspects of the Project, as shown by the Plans (as defined in the Construction Agreement), consisting of walkway pavement up to the outer ends of the railroad cross ties in good and safe condition to CSXT's satisfaction. In the event Agency fails to do so after reasonable notice from CSXT (unless an emergency condition exists or is imminent in the opinion of CSXT that requires immediate action), CSXT may perform such maintenance and repair, at Agency's sole cost and expense.
 - b) CSXT shall maintain and repair the crossing surface between the ends of its cross ties and its signal facilities at the CROSSING, at Agency's sole cost and expense.
 - c) Agency shall not undertake any alteration, modification or expansion of the CROSSING, without the prior written approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require. CSXT may undertake alterations and/or maintenance of its property, track or facilities and shall be reimbursed by Agency for the expenses incurred by CSXT with respect to the removal and restoration of the crossing in connections with such alteration and/or maintenance.
- 2) Upon completion of the Project, notwithstanding any rights granted to the AGENCY herein, CSXT reserves the right to perform all work required on CSXT's property and right-of-way at the CROSSING resulting from the Project including

construction, drainage, lighting, and vegetation management, in which event AGENCY shall pay CSXT the entire cost and expense of labor, materials and equipment furnished by CSXT in performing such work.

3) The CROSSING shall be used for public at-grade walkway crossing purposes only and no utility (including but not limited to telecommunications facilities, pipes, wires, cables) or other line or structure, materials, vegetation or other improvements shall be placed in, on, or over the CROSSING without the previous consent in writing of CSXT and the execution of such additional agreements as CSXT deems necessary.

4) This Agreement is for an initial term of one (1) year and shall continue in effect thereafter from year to year, subject to termination by CSXT or AGENCY upon thirty (30) days prior written notice.

5) The provisions and stipulations of this Agreement are a part of the consideration of the licensing of the CROSSING, and in the event the AGENCY shall fail to comply with any of the covenants and conditions, then, at the option of CSXT, this Agreement shall be terminated with full legal rights and remedies retained by CSXT, including but not limited to the right to reenter, repossess, and remove the CROSSING at the expense of the AGENCY if CSXT shall elect to do so.

6) Unless otherwise specified in this Agreement or the Construction Agreement, the cost of and liability for installation, construction, maintenance, replacement, and removal of all facilities at the CROSSING, including but not limited to the track structure, any railroad crossing warning signs, crossing surfaces, and automatic crossing warning devices, whether performed by the AGENCY or CSXT, shall be the sole responsibility of the AGENCY.

7) RESERVED.

8) CSXT will maintain and/or install one 6 foot (6') crossing surface at the CROSSING (the "SURFACE"). On each anniversary of the Effective Date until termination of this Agreement, AGENCY shall pay an annual fee to CSXT in the amount of TWO THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$2,456.00), towards the ongoing maintenance of the SURFACE (the "Annual Surface Fee"). The Annual Surface Fee shall be increased each year in accordance with Section 9.

9) The Annual Surface Fee shall be adjusted as follows:

- a) The Annual Surface Fee shall be subject to periodic review and adjustment by CSXT. Agency shall have no right of refund for any cause whatsoever with respect to the Annual Surface Fees paid to CSXT, which shall commence on the dates provided in Section 8. CSXT will provide notice of any increase as a result of such review and adjustment in advance of the due date.
- b) In addition to the periodic review and adjustment referred to in the Section 9 a) above, the Annual Fees shall be adjusted on an annual basis by three percent (3%) per annum.

10) When CSXT determines that the replacement of the SURFACE is more economical than its continued maintenance, CSXT shall have the exclusive option to replace the SURFACE with its standard timber and asphalt surface. In the event AGENCY requests that CSXT install a different type of grade crossing surface and CSXT agrees to do so, the difference in cost between the then current estimated replacement cost of CSXT's standard timber and asphalt surface and the AGENCY's requested surface type shall be the sole responsibility of the AGENCY.

11) The AGENCY shall, at its sole expense, maintain and replace the remainder of the walkway on either side of the SURFACE within CSXT's right-of-way at the CROSSING. AGENCY shall perform such work in accordance with the time and operational requirements of CSXT. The AGENCY will give prior notice to CSXT of all work to be performed by it at or near the CROSSING and no such work shall be performed by AGENCY without the prior approval of CSXT. All work performed by the AGENCY shall be conducted at such times and in such manner as to not interfere or impede the operations of CSXT. CSXT shall provide a construction watchman at the CROSSING while work is being performed by the AGENCY under the provisions of this Agreement, at the sole expense of the AGENCY.

12) The AGENCY agrees, acknowledges, and understands that CSXT reserves the right to make any changes at any future time in its existing tracks or other facilities, including the installation, maintenance, and operation of any additional track or tracks or other facilities on its right-of-way at the CROSSING. CSXT shall be reimbursed by Agency for the expenses incurred by CSXT with respect to the removal and restoration of the CROSSING in connection with such changes or alterations. The AGENCY agrees to promptly relocate any AGENCY facilities to accommodate any CSXT changes within thirty (30) days of a request by CSXT to do so, at AGENCY's sole cost and expense.

13) The AGENCY agrees that it will install, maintain, and replace all necessary drainage facilities to prevent the accumulation of surface water due to the existence of the CROSSING. Such facilities must first be approved by CSXT and any governing bodies having jurisdiction thereof and operation of the facilities shall also be subject at all time to their approval. An additional license agreement may be required by CSXT, depending upon

the location of such drainage facilities and type, size, depth, and other specifications of the proposed facilities.

14) Lighting facilities adequate to comply with the requirements of the laws of the State of North Carolina covering illumination of the walkway shall be installed, maintained, and replaced at or near the CROSSING by and at the sole cost of AGENCY.

15) Facilities at or near the CROSSING that are not specifically covered by the Project or this Agreement, may not be constructed by AGENCY at or near the CROSSING without the prior written approval of CSXT, which approval is in CSXT's sole discretion. The cost and liability for such facilities, including but not limited to claims for personal injury or death or damage to property of any person or persons whomsoever, shall be the sole responsibility of AGENCY to the extent permitted by law.

16) If at any time CSXT, at AGENCY's request, performs work required to be performed by AGENCY hereunder, the cost and liability for such work, including but not limited to claims for personal injury or death or damage to property of any person or persons whomsoever, shall be the sole responsibility of AGENCY to the extent permitted by law.

17) The AGENCY further covenants to pay CSXT, within thirty (30) days after presentation of the same, all invoices submitted by CSXT under this Agreement. Failure to promptly pay to CSXT amounts billed as due under this Agreement shall constitute default by the AGENCY. In the event the AGENCY fails to pay CSXT any sums due to CSXT under this Agreement, Agency shall pay CSXT an interest rate at the lesser of 1.0% per each month of delinquency or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full. In the event AGENCY fails to comply with

any of the other terms and conditions of this Agreement, then, at the option of CSXT, CSXT may elect, by delivery of notice to AGENCY, not to perform CSXT's obligations under this Agreement, up to and including closing the CROSSING, until the AGENCY cures any such default to CSXT's satisfaction.

18) At the termination of this Agreement as provided above, all rights of the AGENCY shall terminate and the AGENCY shall remove, under CSXT's supervision and direction, at AGENCY's entire cost and expense, said CROSSING and all non-CSXT-owned improvements placed upon the CSXT's right-of-way and restore the ground to its original condition.

19) To the fullest extent permitted by state law, the AGENCY shall indemnify, defend and hold harmless CSXT for assessments or other charges of any kind whatsoever against the CSXT at any time for any portion of public improvements arising out of the existence of the CROSSING.

20) The AGENCY shall not in any way, or at any time, interfere with or obstruct CSXT's right-of-way, the movement of CSXT's trains and other railroad operations, or interfere with the CSXT's use thereof, or the use thereof by CSXT's assigns, invitees, lessees, or licensees.

21) To the fullest extent permitted by state law, the AGENCY shall, and shall require its contractor to, indemnify, defend and hold harmless CSXT, its affiliates, officers, directors, and employees from any and all suits, claims, liability, losses, damages, expenses and costs (including reasonable attorney's fees) incurred by or asserted against CSXT whether for personal injury or death or damage to property of any person or persons whomsoever, relating to, resulting from, or arising out of any future maintenance or

replacement of the CROSSING by CSXT, the performance of work by CSXT required to be performed by AGENCY hereunder, or the use of the CROSSING or AGENCY facilities, including but not limited to pedestrian walkways, at or near the CROSSING and **regardless of whether such injury or damage is caused or alleged to be caused, in whole or in part, by the negligence of CSXT.** Notwithstanding the foregoing, the AGENCY shall have no indemnification obligation for the intentional, wrongful acts of CSXT.

22) At least thirty (30) days prior to AGENCY's performance of any work in connection with the CROSSING, AGENCY or its contractor shall notify CSXT or its authorized representative. CSXT shall review AGENCY's request for approval and/or authorization to proceed. Such approval and/or authorization to proceed shall include (if applicable) the execution of such additional agreement(s) as CSXT deems necessary and CSXT's requirement to furnish protective services including but not limited to flagmen, construction watchmen, field construction inspectors, etc. ("Protective Services") for the protection of CSXT's employees, property and train operations with respect to AGENCY's work activity. Any such Protective Services shall be furnished at AGENCY's sole cost and expense. AGENCY shall abide by all instructions of CSXT's Regional Engineer, or his or her authorized representative, in the performance of any work at the CROSSING.

In addition to, but not in limitation of any of the foregoing provisions, if at any time CSXT should deem it necessary to place Protective Services for the protection of any person or property, during the construction, maintenance, repair, alteration, renewal, or removal at the CROSSING, CSXT shall have the right to place such Protective Services, or other persons, at the sole cost and expense of the AGENCY. The furnishing or failure to furnish Protective Services, or other persons, by the CSXT under this paragraph, however,

shall not release AGENCY from any and all other liabilities assumed by AGENCY under the terms of this Agreement, including its obligations under Paragraph 20 hereof.

23) Installation, maintenance, and replacement of any and all railroad advance warning signs and pavement markings on any road approaching the CROSSING shall be the sole responsibility and cost of the AGENCY, and at its sole expense.

24) The AGENCY hereby acknowledges that it has been notified that its personnel will or may be working in an area containing active fiber-optic transmission cable as well as other cables and other facilities.

25) If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

26) This Agreement will be governed by the laws of the State of North Carolina. It constitutes the complete and exclusive statement of the Agreement between the parties which supersedes all proposals, oral or written, and all other communications between the parties related to the subject matter of this Agreement. Any future change or modification of this Agreement must be in writing and signed by both parties.

27) Upon completion of the Project and except as otherwise provided in this Agreement, if any provision contained in this Agreement is in conflict with, or inconsistent with, any provision in any of the Construction Agreement, the provision contained in this Agreement shall govern and control.

{REMAINDER OF PAGE INTENTIONALLY LEFT BLANK}

IN WITNESS WHEREOF, the CSXT and the AGENCY have caused this instrument
to be executed in their corporate names in duplicate the day first hereinafter written by their
undersigned officials thereunto lawfully authorized.

TOWN OF APEX

CSX TRANSPORTATION, INC.

Name: _____

Name: : _____

Title: _____

Title: _____

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

CONSTRUCTION AGREEMENT

This Construction Agreement (“**Agreement**”) is made as of 31st of August, 2022, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”), and **Town of Apex**, a body corporate and political subdivision of the State of **North Carolina** (“**Agency**”).

EXPLANATORY STATEMENT

1. Agency has proposed to construct, or to cause to be constructed, **widening of Pleasant Plains Rd. including Grading, sidewalks, paving, and signals within CSXT in Apex, Wake County, North Carolina at MP S174.21, DOT No. 630704X** (the “**Project**”).
2. Agency has obtained, or will obtain, all authorizations, permits and approvals from all local, state and federal agencies (including Agency), and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.
3. Agency acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations to promote public interest in this Project, without profit or other economic inducement typical of other Agency contractors; (ii) neither CSXT nor its affiliates (including their respective directors, officers, employees or agents) will incur any costs, expenses, losses or liabilities in excess of payments made to CSXT, by or on behalf of Agency or its contractors, pursuant to this Agreement; and (iii) CSXT retains the paramount right to regulate all activities affecting its property and operations.
4. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. **Project Plans and Specifications**

- 1.1 **Preparation and Approval.** Pursuant to Exhibit A of this Agreement, all plans, specifications, drawings and other documents necessary or appropriate to the design and construction of the Project shall be prepared, at Agency’s sole cost and expense, by Agency or CSXT or their respective contractors. Project plans, specifications and drawings prepared by or on behalf of Agency shall be subject, at CSXT’s election, to the review and approval of CSXT. Such plans, specifications and drawings, as prepared or approved by CSXT, are referred to as the “**Plans**”, and shall be incorporated and deemed

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

a part of this Agreement. Plans prepared or submitted to and approved by CSXT as of the date of this Agreement are set forth in Exhibit B to this Agreement.

1.2 Effect of CSXT Approval or Preparation of Plans. By its review, approval or preparation of Plans pursuant to this Agreement, CSXT signifies only that such Plans and improvements constructed in accordance with such Plans satisfy CSXT's requirements. CSXT expressly disclaims all other representations and warranties in connection with the Plans, including, but not limited to, the integrity, suitability or fitness for the purposes of Agency or any other persons of the Plans or improvements constructed in accordance with the Plans.

1.3 Compliance with Plans. The Project shall be constructed in accordance with the Plans.

2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

2.1 CSXT Work. Subject to timely payment of Reimbursable Expenses as provided by Section 4, CSXT shall provide, or cause to be provided, the services as set forth by Exhibit A to this Agreement. Agency agrees that CSXT shall provide all services that CSXT deems necessary or appropriate (whether or not specified by Exhibit A) to preserve and maintain its property and operations, without impairment or exposure to liability of any kind and in compliance with all applicable federal, state and local regulations and CSXT's contractual obligations, including, but not limited to, CSXT's existing or proposed third party agreements and collective bargaining agreements.

2.2 Agency Work. Agency shall perform, or cause to be performed, all work as set forth by Exhibit A, at Agency's sole cost and expense.

2.3 Conduct of Work. CSXT shall commence its work under this Agreement following: (i) delivery to CSXT of a notice to proceed from Agency; (ii) payment of Reimbursable Expenses (as provided by Section 4.1) as required by CSXT prior to the commencement of work by CSXT; (iii) issuance of all permits, approvals and authorizations necessary or appropriate for such work; and (iv) delivery of proof of insurance acceptable to CSXT, as required by Section 9. The initiation of any services by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The parties intend that all work by CSXT or on CSXT property shall conclude no later than **February 22, 2025**, unless the parties mutually agree to extend such date.

3. Special Provisions. Agency shall observe and abide by, and shall require its contractors ("**Contractors**") to observe and abide by the terms, conditions and provisions set forth in Exhibit C to this Agreement (the "Special Provisions"). To the extent that Agency performs

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

Project work itself, Agency shall be deemed a Contractor for purposes of this Agreement. Agency further agrees that, prior to the commencement of Project work by any third party Contractor, such Contractor shall execute and deliver to CSXT Schedule I to this Agreement to acknowledge Contractor's agreement to observe and abide by the terms and conditions of this Agreement.

4. Cost of Project and Reimbursement Procedures

4.1 Reimbursable Expenses. Agency shall reimburse CSXT for all costs and expenses incurred by CSXT in connection with the Project, including, without limitation: (1) all out of pocket expenses, (2) travel and lodging expenses, (3) telephone, facsimile, and mailing expenses, (4) costs for equipment, tools, materials and supplies, (5) sums paid to CSXT's consultants and subcontractors, and (6) CSXT labor in connection with the Project, together with CSXT labor overhead percentages established by CSXT pursuant to applicable law (collectively, "**Reimbursable Expenses**"). Reimbursable Expenses shall also include expenses incurred by CSXT prior to the date of this Agreement to the extent identified by the Estimate provided pursuant to Section 4.2.

4.2 Estimate. CSXT has estimated the total Reimbursable Expenses for the Project as shown on Exhibit D (the "**Estimate**", as amended or revised). In the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide Agency with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule (as defined by Section 4.3.1), for Agency's approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of such revised Estimate. CSXT may elect, by delivery of notice to Agency, to immediately cease all further work on the Project, unless and until Agency provides such approval and confirmation.

4.3 Payment Terms.

4.3.1 Agency shall pay CSXT for Reimbursable Expenses in the amounts and on the dates set forth in the Payment Schedule as shown on Exhibit E (the "Payment Schedule", as revised pursuant to Section 4.2). CSXT agrees to submit invoices to Agency for such amounts and Agency shall remit payment to CSXT at the later of thirty (30) days following delivery of each such invoice to Agency or, the payment date (if any) set forth in the Payment Schedule.

4.3.2 Following completion of the Project, CSXT shall submit to Agency a final invoice that reconciles the total Reimbursable Expenses incurred by CSXT against the total payments received from Agency. Agency shall pay to CSXT the amount by which Reimbursable Expenses exceed total payments as shown by the final invoice, within thirty (30) days following delivery of such invoice to Agency. In the event

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

that the payments received by CSXT from Agency exceed the Reimbursable Expenses, CSXT shall remit such excess to Agency.

4.3.3 In the event that Agency fails to pay CSXT any sums due CSXT under this Agreement: (i) Agency shall pay CSXT interest at the lesser of 1.0% per month or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full; and (ii) CSXT may elect, by delivery of notice to Agency: (A) to immediately cease all further work on the Project, unless and until Agency pays the entire delinquent sum, together with accrued interest; and/or (B) to terminate this Agreement.

4.3.4 All invoices from CSXT shall be delivered to Agency in accordance with Section 16 of this Agreement. All payments by Agency to CSXT shall be made by certified check and mailed to the following address or such other address as designated by CSXT's notice to Agency:

CSX Transportation, Inc.
P.O. Box 530192
Atlanta, GA 30353-0192

4.4 Effect of Termination. Agency's obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement for any reason.

5. Appropriations Agency represents to CSXT that: (i) Agency has appropriated funds sufficient to reimburse CSXT for the Reimbursable Expenses encompassed by the Estimate attached as Exhibit D; (ii) Agency shall use its best efforts to obtain appropriations necessary to cover Reimbursable Expenses encompassed by subsequent Estimates approved by Agency; and (iii) Agency shall promptly notify CSXT in the event that Agency is unable to obtain such appropriations.

6. Easements and Licenses

6.1 Agency Obligation. Agency shall acquire all necessary licenses, permits and easements required for the Project.

6.2 Temporary Construction Licenses. Insofar as it has the right to do so, CSXT hereby grants Agency a nonexclusive license to access and cross CSXT's property, to the extent necessary for the construction of the Project (excluding ingress or egress over public grade crossings), along such routes and upon such terms as may be defined and imposed by Railroad and as may be designated on the Plans approved by CSXT.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
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- 6.3 Temporary Construction Easements. CSX may grant without warranty to Agency if required temporary non-exclusive easement for access to the extent necessary for the project on terms and conditions, and at a price acceptable to the parties.
- 6.4 Permanent Easements. Insofar as it has the right to do so, CSXT shall grant, without warranty to Agency, easements for the use and maintenance of the Project wholly or partly on CSXT property as shown on the Plans approved by CSXT, if any, on terms and conditions and at a price acceptable to the parties. Upon request by CSXT, Agency shall furnish to CSXT descriptions and plat plans for the easements.
7. Permits. At its sole cost and expense, Agency shall procure all permits and approvals required by any federal, state, or local governments or governmental agencies for the construction, maintenance and use of the Project, copies of which shall be provided to CSXT.
8. Termination
- 8.1 By Agency. For any reason, Agency may, as its sole remedy, terminate this Agreement by delivery of notice to CSXT. Agency shall not be entitled to otherwise pursue claims for consequential, direct, indirect or incidental damages or lost profits as a consequence of CSXT's default or termination of this Agreement or Work on the Project by either party.
- 8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to Agency in the event Agency or its Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to Agency.
- 8.3 Consequences of Termination. If the Agreement is terminated by either party pursuant to this Section or any other provision of this Agreement, the parties understand that it may be impractical for them to immediately stop the Work. Accordingly, they agree that, in such instance a party may continue to perform Work until it has reached a point where it may reasonably and safely suspend the Work. Agency shall reimburse CSXT pursuant to this Agreement for the Work performed, plus all costs reasonably incurred by CSXT to discontinue the Work and protect the Work upon full suspension of the same, the cost of returning CSXT's property to its former condition, and all other costs of CSXT incurred as a result of the Project up to the time of full suspension of the Work. Termination of this Agreement or Work on the Project, for any reason, shall not diminish or reduce Agency's obligation to pay CSXT for Reimbursable Expenses incurred in accordance with this Agreement. In the event of the termination of this Agreement or the Work for any reason, CSXT's only remaining obligation to Agency shall be to refund to Agency payments made to CSXT in excess of Reimbursable Expenses in accordance with Section 4.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

9. Insurance. In addition to the insurance that Agency requires of its Contractor, Agency shall acquire or require its Contractor to purchase and maintain insurance in compliance with CSXT's insurance requirements attached to this Agreement as Exhibit F. Neither Agency nor Contractor shall commence work on the Project until such policy or policies have been submitted to and approved by CSXT's Risk Management Department.

10. Ownership and Maintenance.

• At Grade Crossings

- 10.1 By Agency. Agency shall maintain and repair, at its sole cost and expense, all parts comprising the permanent aspects of the Project, as shown by the Plans, consisting of roadway pavement up to the outer ends of the railroad cross ties, sidewalks, guardrails, and curbs, in good and safe condition to CSXT's satisfaction. In the event Agency fails to do so after reasonable notice from CSXT (unless an emergency condition exists or is imminent in the opinion of CSXT that requires immediate action), CSXT may perform such maintenance and repair, at Agency's sole cost and expense.
- 10.2 By CSXT. CSXT shall maintain and repair the crossing surface between the ends of its cross ties and its signal facilities at the crossing, at Agency's sole cost and expense.
- 10.3 Alterations. Agency shall not undertake any alteration, modification or expansion of the Project, without the prior written approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require. CSXT may undertake alterations of its property, track or facilities and shall be reimbursed by Agency for the expenses incurred by CSXT with respect to the removal and restoration of the crossing in connections with such alteration.

11. Indemnification

- 11.1 Generally. To the maximum extent permitted by applicable law, Agency and its Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, its affiliates, Agency or its Contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, its affiliates, Agency or its Contractors, and environmental damages and any related remediation brought or recovered against CSXT and its affiliates), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of the Contractors, Agency, and their respective agents, employees, invitees, contractors, or its contractors' agents, employees or invitees in the performance of work in connection with the Project or

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

activities incidental thereto, or from their presence on or about CSXT's property. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement.

- 11.2 Compliance with Laws. Agency shall comply, and shall require its Contractors to comply, with any federal, state, or local laws, statutes, codes, ordinances, rules, and regulations applicable to its construction and maintenance of the Project. Agency's Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless with respect to any fines, penalties, liabilities, or other consequences arising from breaches of this Section.
- 11.3 "CSXT Affiliates". For the purpose of this Section 11, CSXT's affiliates include CSX Corporation and all entities, directly or indirectly, owned or controlled by or under common control of CSXT or CSX Corporation and their respective officers, directors, employees and agents.
- 11.4 Notice of Incidents. Agency and its Contractor shall notify CSXT promptly of any loss, damage, injury or death arising out of or in connection with the Project work.
- 11.5 Survival. The provisions of this Section 11 shall survive the termination or expiration of this Agreement.
12. Independent Contractor. The parties agree that neither Agency nor its Contractors shall be deemed either agents or independent contractors of CSXT. Except as otherwise provided by this Agreement, CSXT shall exercise no control whatsoever over the employment, discharge, compensation of, or services rendered by Agency or Agency's Contractors, or the construction practices, procedures, and professional judgment employed by Agency or its Contractor to complete the Project. Notwithstanding the foregoing, this Section 12 shall in no way affect the absolute authority of CSXT to prohibit Agency or its Contractors or anyone from entering CSXT's property, or to require the removal of any person from its property, if it determines, in its sole discretion, that such person is not acting in a safe manner or that actual or potential hazards in, on or about the Project exist.
13. "Entire Agreement" This Agreement embodies the entire understanding of the parties, may not be waived or modified except in a writing signed by authorized representatives of both parties, and supersedes all prior or contemporaneous written or oral understandings, agreements or negotiations regarding its subject matter. In the event of any inconsistency between this Agreement and the Exhibits, the more specific terms of the Exhibits shall be deemed controlling.

**ading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

14. Waiver. If either party fails to enforce its respective rights under this Agreement, or fails to insist upon the performance of the other party's obligations hereunder, such failure shall not be construed as a permanent waiver of any rights or obligations in this Agreement.
15. Assignment. CSXT may assign this Agreement and all rights and obligations herein to a successor in interest, parent company, affiliate, or future affiliate. Upon assignment of this Agreement by CSXT and the assumption of CSXT's assignee of CSXT's obligations under this Agreement, CSXT shall have no further obligation under this Agreement. Agency shall not assign its rights or obligations under this Agreement without CSXT's prior consent, which consent may be withheld for any reason.
16. Notices. All notices, consents and approvals required or permitted by this Agreement shall be in writing and shall be deemed delivered upon personal delivery, upon the expiration of three (3) days following mailing by first class U.S. mail, or upon the next business day following mailing by a nationally recognized overnight carrier, to the parties at the addresses set forth below, or such other addresses as either party may designate by delivery of prior notice to the other party:

If to CSXT: CSX Transportation, Inc.
500 Water St, J301
Jacksonville, FL 32202
Attn: Todd Allton

If to Agency: Town of Apex
PO Box 250
Apex, NC 27502
Attn: Catherine Crosby

17. Severability. The parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.
18. Applicable Law. This Agreement shall be governed by the laws of the State of **North Carolina**, exclusive of its choice of law rules. The parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Wake County, North Carolina, and the parties agree to submit to the personal jurisdiction of any State or Federal court situated in Wake County, North Carolina.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

BY SIGNING THIS AGREEMENT, I certify that there have been no changes made to the content of this Agreement since its approval by the CSXT Legal Department on July 21, 2021.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

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



Town of Apex

By: 

Name: Catherine H. Crosby

Title: Town Manager

CSX TRANSPORTATION, INC.

By: _____

Name: Ed Sparks

Title: Chief Engineer – Bridges, Design & Construction

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

**EXHIBIT A
ALLOCATION OF WORK**

Subject to Section 2.1, work to be performed in connection with the Project is allocated as follows:

- A. Agency shall let by contract to its Contractors:
 - 1. Widen and improve road, sidewalk, and RR signals within CSXT per approved plans, subject to CSXT review and approval.
- B. CSXT shall perform or cause to be performed:
 - 1. Construction engineering and inspection to protect the interests of CSXT.
 - 2. Install new Cantilever, upgrade existing gates/prediction, and install traffic pre-emption at SR 1170 (Pleasant Plains Rd.)

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

EXHIBIT B

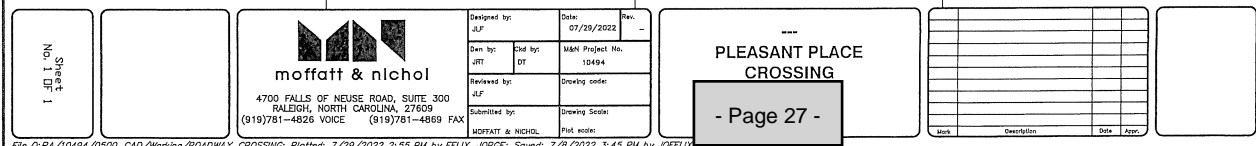
PLANS AND SPECIFICATIONS

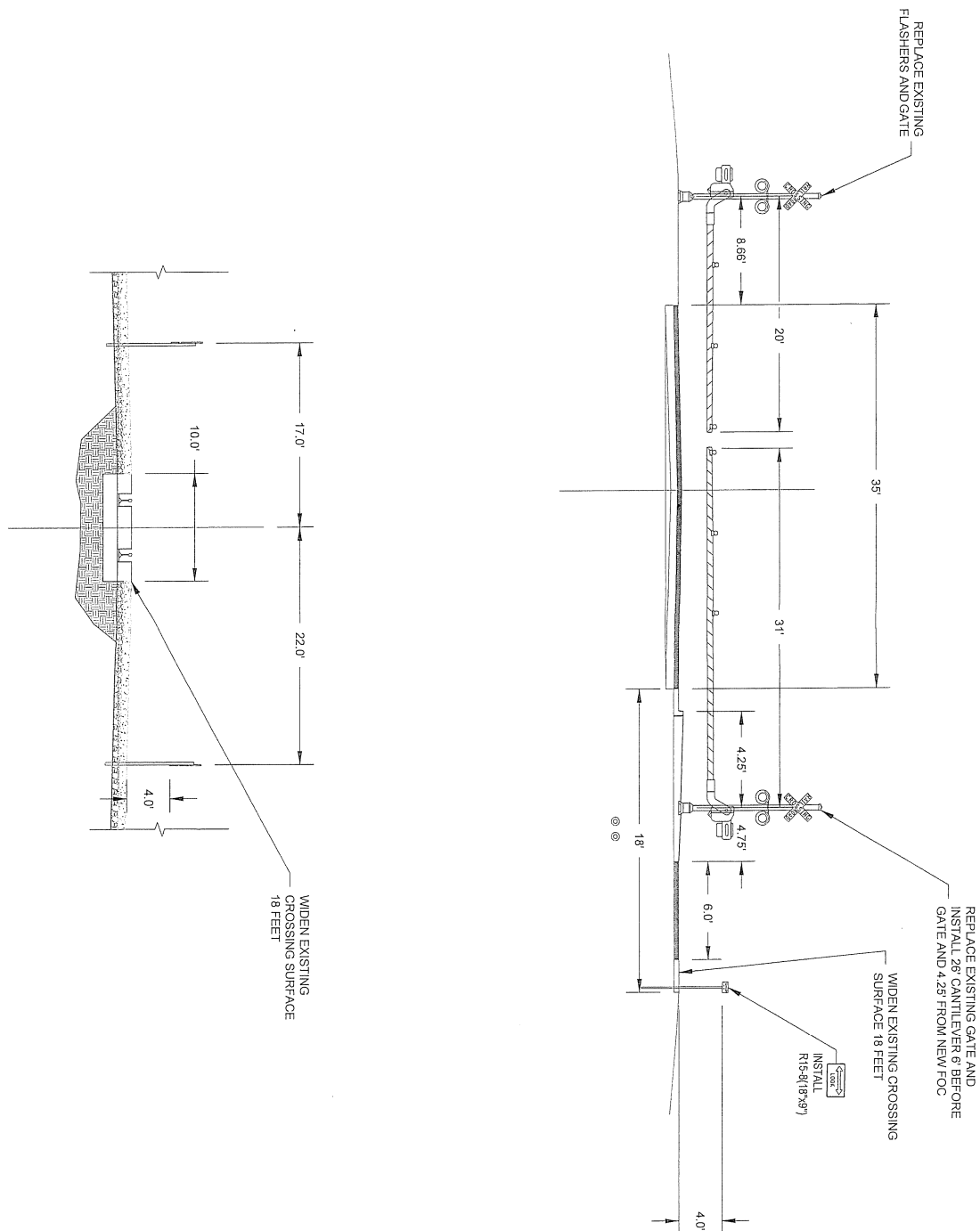
Plans, Specifications and Drawings:

As of the date of this Agreement, the following plans, specifications and drawings have been submitted by Agency to CSXT for its review and approval:

Sheet	Description	Preparer	Date
1	Pedestrian Crossing Plan	JLF - Moffat & Nichol	July 29, 2022

NOTE: In the event subsequent plan submissions are made by Agency to CSXT for review and approval, once approved, said plans shall be considered to be incorporated into this Exhibit B as of the date of CSXT's written approval.





PLEASANT PLACE
CROSSING

- Page 28 -

Mark	Description	Date	App.

Designed by: JLF	Date: 07/29/2022	Rev. -
Drawn by: JLF	Check by: BT	M&N Project No. 10494
Reviewed by: JLF	Drawing code:	
Submitted by: MOFFATT & NICHOL	Drawing Scale:	Plot scale:

moftatt & nichol
4700 FALLS OF NEUSE ROAD, SUITE 300
RALEIGH, NORTH CAROLINA, 27609
(919)781-4826 VOICE (919)781-4869 FAX

Sheet
No. 1 of 1

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

EXHIBIT C

CSXT SPECIAL PROVISIONS

DEFINITIONS:

As used in these Special Provisions, all capitalized terms shall have the meanings ascribed to them by the Agreement, and the following terms shall have the meanings ascribed to them below:

“CSXT” shall mean CSX Transportation, Inc., its successors and assigns.

“CSXT Representative” shall mean the authorized representative of CSX Transportation, Inc.

"Agreement" shall mean the Agreement to which this Exhibit C is made a part thereof and as may be amended from time to time.

“Agency” shall mean the **Town of Apex**.

“Agency Representative” shall mean the authorized representative of **Town of Apex**.

“Contractor” shall have the meaning ascribed to such term by the Agreement.

“Work” shall mean the Project as described in the Agreement.

I. AUTHORITY OF CSXT ENGINEER

The CSXT Representative shall have final authority in all matters affecting the safe maintenance of CSXT operations and CSXT property, and his or her approval shall be obtained by the Agency or its Contractor for methods of construction to avoid interference with CSXT operations and CSXT property and all other matters contemplated by the Agreement and these Special Provisions.

II. INTERFERENCE WITH CSXT OPERATIONS

- A. Agency or its Contractor shall arrange and conduct its work so that there will be no interference with CSXT operations, including train, signal, telephone and telegraphic services, or damage to CSXT’s property, or to poles, wires, and other facilities of tenants on CSXT’s Property or right-of-way. Agency or its Contractor shall store materials so as to prevent trespassers from causing damage to trains, or CSXT Property. Whenever Work is likely to affect the operations or safety of trains, the method of doing such Work shall first be submitted to the CSXT Representative for approval, but such approval shall not relieve Agency or its Contractor from liability in connection with such Work.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

- B. If conditions arising from or in connection with the Project require that immediate and unusual provisions be made to protect train operation or CSXT's property, Agency or its Contractor shall make such provision. If the CSXT Representative determines that such provision is insufficient, CSXT may, at the expense of Agency or its Contractor, require or provide such provision as may be deemed necessary, or cause the Work to cease immediately.

III. NOTICE OF STARTING WORK. Agency or its Contractor shall not commence any work on CSXT Property or rights-of-way until it has complied with the following conditions:

- A. Notify CSXT in writing of the date that it intends to commence Work on the Project. Such notice must be received by CSXT at least ten business days in advance of the date Agency or its Contractor proposes to begin Work on CSXT property. The notice must refer to this Agreement by date. If flagging service is required, such notice shall be submitted at least thirty (30) business days in advance of the date scheduled to commence the Work.
- B. Obtain authorization from the CSXT Representative to begin Work on CSXT property, such authorization to include an outline of specific conditions with which it must comply.
- C. Obtain from CSXT the names, addresses and telephone numbers of CSXT's personnel who must receive notice under provisions in the Agreement. Where more than one individual is designated, the area of responsibility of each shall be specified.

IV. WORK FOR THE BENEFIT OF THE CONTRACTOR

- A. No temporary or permanent changes to wire lines or other facilities (other than third party fiber optic cable transmission systems) on CSXT property that are considered necessary to the Work are anticipated or shown on the Plans. If any such changes are, or become, necessary in the opinion of CSXT or Agency, such changes will be covered by appropriate revisions to the Plans and by preparation of a force account estimate. Such force account estimate may be initiated by either CSXT or Agency, but must be approved by both CSXT and Agency. Agency or Contractor shall be responsible for arranging for the relocation of the third party fiber optic cable transmission systems, at no cost or expense to CSXT.
- B. Should Agency or Contractor desire any changes in addition to the above, then it shall make separate arrangements with CSXT for such changes to be accomplished at the Agency or Contractor's expense.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

V. HAUL ACROSS RAILROAD

- A. If Agency or Contractor desires access across CSXT property or tracks at other than an existing and open public road crossing in or incident to construction of the Project, the Agency or Contractor must first obtain the permission of CSXT and shall execute a license agreement or right of entry satisfactory to CSXT, wherein Agency or Contractor agrees to bear all costs and liabilities related to such access.
- B. Agency and Contractor shall not cross CSXT's property and tracks with vehicles or equipment of any kind or character, except at such crossing or crossings as may be permitted pursuant to this section.

VI. COOPERATION AND DELAYS

- A. Agency or Contractor shall arrange a schedule with CSXT for accomplishing stage construction involving work by CSXT. In arranging its schedule, Agency or Contractor shall ascertain, from CSXT, the lead time required for assembling crews and materials and shall make due allowance therefore.
- B. Agency or Contractor may not charge any costs or submit any claims against CSXT for hindrance or delay caused by railroad traffic; work done by CSXT or other delay incident to or necessary for safe maintenance of railroad traffic; or for any delays due to compliance with these Special Provisions.
- C. Agency and Contractor shall cooperate with others participating in the construction of the Project to the end that all work may be carried on to the best advantage.
- D. Agency and Contractor understand and agree that CSXT does not assume any responsibility for work performed by others in connection the Project. Agency and Contractor further understand and agree that they shall have no claim whatsoever against CSXT for any inconvenience, delay or additional cost incurred by Agency or Contractor on account of operations by others.

VII. STORAGE OF MATERIALS AND EQUIPMENT

Agency and Contractor shall not store their materials or equipment on CSXT's property or where they may potentially interfere with CSXT's operations, unless Agency or Contractor has received CSXT Representative's prior written permission. Agency and Contractor understand and agree that CSXT will not be liable for any damage to such materials and equipment from any cause and that CSXT may move, or require Agency or Contractor to move, such material and equipment at Agency's or Contractor's sole expense. To minimize the possibility of damage to the railroad tracks resulting from the unauthorized use of equipment, all grading or other construction equipment that is left parked near the

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

tracks unattended by watchmen shall be immobilized to the extent feasible so that it cannot be moved by unauthorized persons.

VIII. CONSTRUCTION PROCEDURES

A. General

1. Construction work on CSXT property shall be subject to CSXT's inspection and approval.
2. Construction work on CSXT property shall be in accord with CSXT's written outline of specific conditions and with these Special Provisions.
3. Contractor shall observe the terms and rules of the CSXT Safe Way manual, which Agency and Contractor shall be required to obtain from CSXT, and in accord with any other instructions furnished by CSXT or CSXT's Representative.

B. Blasting

1. Agency or Contractor shall obtain CSXT Representative's and Agency Representative's prior written approval for use of explosives on or adjacent to CSXT property. If permission for use of explosives is granted, Agency or Contractor must comply with the following:
 - a. Blasting shall be done with light charges under the direct supervision of a responsible officer or employee of Agency or Contractor.
 - b. Electric detonating fuses shall not be used because of the possibility of premature explosions resulting from operation of two-way train radios.
 - c. No blasting shall be done without the presence of an authorized representative of CSXT. At least 10 days' advance notice to CSXT Representative is required to arrange for the presence of an authorized CSXT representative and any flagging that CSXT may require.
 - d. Agency or Contractor must have at the Project site adequate equipment, labor and materials, and allow sufficient time, to (i) clean up (at Agency's expense) debris resulting from the blasting without any delay to trains; and (ii) correct (at Agency's expense) any track misalignment or other damage to CSXT's property resulting from the blasting, as directed by CSXT Representative,

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

without delay to trains. If Agency's or Contractor's actions result in delay of any trains, including Amtrak passenger trains, Agency shall bear the entire cost thereof.

- e. Agency and Contractor shall not store explosives on CSXT property.
2. CSXT Representative will:
- a. Determine the approximate location of trains and advise Agency or Contractor of the approximate amount of time available for the blasting operation and clean-up.
 - b. Have the authority to order discontinuance of blasting if, in his or her opinion, blasting is too hazardous or is not in accord with these Special Provisions.

IX. MAINTENANCE OF DITCHES ADJACENT TO CSXT TRACKS

Agency or Contractor shall maintain all ditches and drainage structures free of silt or other obstructions that may result from their operations. Agency or Contractor shall provide erosion control measures during construction and use methods that accord with applicable state standard specifications for road and bridge construction, including either (1) silt fence; (2) hay or straw barrier; (3) berm or temporary ditches; (4) sediment basin; (5) aggregate checks; and (6) channel lining. All such maintenance and repair of damages due to Agency's or Contractor's operations shall be performed at Agency's expense.

X. FLAGGING / INSPECTION SERVICE

- A. CSXT has sole authority to determine the need for flagging required to protect its operations and property. In general, flagging protection will be required whenever Agency or Contractor or their equipment are, or are likely to be, working within fifty (50) feet of live track or other track clearances specified by CSXT, or over tracks.
- B. Agency shall reimburse CSXT directly for all costs of flagging that is required on account of construction within CSXT property shown in the Plans, or that is covered by an approved plan revision, supplemental agreement or change order.
- C. Agency or Contractor shall give a minimum of 10 days' advance notice to CSXT Representative for anticipated need for flagging service. No work shall be undertaken until the flag person(s) is/are at the job site. If it is necessary for CSXT to advertise a flagging job for bid, it may take up to 90-days to obtain this service,

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

and CSXT shall not be liable for the cost of delays attributable to obtaining such service.

- D. CSXT shall have the right to assign an individual to the site of the Project to perform inspection service whenever, in the opinion of CSXT Representative, such inspection may be necessary. Agency shall reimburse CSXT for the costs incurred by CSXT for such inspection service. Inspection service shall not relieve Agency or Contractor from liability for its Work.
- E. CSXT shall render invoices for, and Agency shall pay for, the actual pay rate of the flagpersons and inspectors used, plus standard additives, whether that amount is above or below the rate provided in the Estimate. If the rate of pay that is to be used for inspector or flagging service is changed before the work is started or during the progress of the work, whether by law or agreement between CSXT and its employees, or if the tax rates on labor are changed, bills will be rendered by CSXT and paid by Agency using the new rates. Agency and Contractor shall perform their operations that require flagging protection or inspection service in such a manner and sequence that the cost of such will be as economical as possible.

XI. UTILITY FACILITIES ON CSXT PROPERTY

Agency shall arrange, upon approval from CSXT, to have any utility facilities on or over CSXT Property changed as may be necessary to provide clearances for the proposed trackage.

XII. CLEAN-UP

Agency or Contractor, upon completion of the Project, shall remove from CSXT's Property any temporary grade crossings, any temporary erosion control measures used to control drainage, all machinery, equipment, surplus materials, falsework, rubbish, or temporary buildings belonging to Agency or Contractor. Agency or Contractor, upon completion of the Project, shall leave CSXT Property in neat condition, satisfactory to CSXT Representative.

XIII. FAILURE TO COMPLY

If Agency or Contractor violate or fail to comply with any of the requirements of these Special Provisions, (a) CSXT may require Agency and/or Contractor to vacate CSXT Property; and (b) CSXT may withhold monies due Agency and/or Contractor; (c) CSXT may require Agency to withhold monies due Contractor; and (d) CSXT may cure such failure and the Agency shall reimburse CSXT for the cost of curing such failure.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

EXHIBIT D

INITIAL ESTIMATE ATTACHED

12/22/21

ESTIMATE SUBJECT TO REVISION AFTER: 7/14/2023 DOT NO.: 630704X
 CITY: Apex COUNTY: Wake STATE: NC
 DESCRIPTION: Pleasant Plains Road, Apex, NC, Wake County - SR 1170 - upgrade warning system ; DOT 630704X, Carolinas Zone, Aberdeen Subdivision, MP# S 0174.210.
 ZONE: Carolinas SUB-DIV: Aberdeen MILE POST: S 0174.210
 AGENCY PROJECT NUMBER:

PRELIMINARY ENGINEERING:

212	Contracted & Administrative Engineering Services - CSXT in-house	\$	2,778
212	Contracted & Administrative Engineering Services - CSXT Signal Assistant	\$	10,000
212	Contracted & Administrative Engineering Services - Arcadis	\$	2,171
212	Contracted & Administrative Engineering Services - Signal South LLC	\$	10,313
212	Contracted & Administrative Engineering Services - Crouch Engineering	\$	11,492
	Subtotal	\$	36,754

CONSTRUCTION ENGINEERING/INSPECTION:

212	Contracted & Administrative Engineering Services - Crouch Engineering	\$	47,300
212	Contracted & Administrative Engineering Services - CSXT Signal Assistant	\$	6,500
212	Contracted & Administrative Engineering Services - CSXT	\$	2,500
	Subtotal	\$	56,300

FLAGGING SERVICE: (Contract Labor)

70	Labor (Conductor-Flagman)	0	Days @	\$ 350.00	\$	-
50	Labor (Foreman/Inspector)	9	Days @	\$ 504.00	\$	4,536
70	Additive	187.00%	(Transportation Department)		\$	-
50	Additive	223.00%	(Engineering Department)		\$	10,115
	Subtotal				\$	14,651

SIGNAL & COMMUNICATIONS WORK: \$ 334,038

TRACK WORK: \$ 22,050

PROJECT SUBTOTAL: \$ 463,793

900 **CONTINGENCIES:** 30.00% \$ 139,138

PROJECT TOTAL: ***** \$ 602,931

CURRENT AUTHORIZED BUDGET: ***** \$ -

TOTAL SUPPLEMENT REQUESTED: ***** \$ 602,931

DIVISION OF COST:

Agency	100.00%	\$	602,931
Railroad	0.00%	\$	-
		\$	602,931

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: M Moawad, Crouch Engineering Approved by: Michael Liebelt CSXT Public Project Group
 DATE: 07/14/22 REVISED: 01/00/00 DATE: 07/18/22

ORDER OF MAGNITUDE COST OF SIGNAL REPLACEMENT AT SR 1170, NC0972

SIGNAL WORK:

BUY AMERICA

Material - Field & Consumables		\$	60,862
Material - Sales Tax		\$	6,457
Material - Shop		\$	31,384
Construction Labor		\$	53,285
Shop Labor		\$	2,975
RR Engineering,Preliminary		\$	2,228
RR Engineering,Construction		\$	7,993
Additives to Construction Labor		\$	118,826
Additives to Shop Labor		\$	6,634
Additives to Engineering		\$	-
Equipment Expense		\$	-
Waste Management		\$	300
Contract Engineering		\$	24,859
Freight		\$	6,735
AC Power Service		\$	-
Salvage		\$	(1)
Other		\$	11,500
Subtotal		\$	334,038

PROJECT SUBTOTAL:

\$ 350,538

CONTINGENCIES:

30.00%

\$ 105,161

PROJECT TOTAL:

\$ 455,699

DIVISION OF COST:

Agency	<u>100.00%</u>
Railroad	<u>0.00%</u>

\$	455,699
\$	-

**Widening of road, including grading, sidewalks, paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

EXHIBIT F

INSURANCE REQUIREMENTS

I. Insurance Policies:

Agency and Contractor, if and to the extent that either is performing work on or about CSXT's property, shall procure and maintain the following insurance policies:

1. Commercial General Liability coverage at their sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CG 24 17 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against CSXT and its affiliates (if permitted by state law).
3. Commercial automobile liability insurance with limits of not less than \$1,000,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CA 20 70 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
4. Railroad protective liability insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of \$10,000,000, which insurance shall satisfy the following additional requirements:
 - a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance - Insurance Services Office (ISO) Form CG 00 35.
 - b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.
 - c. Name and Address of Contractor and Agency must appear on the Declarations page.

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

- d. Description of operations must appear on the Declarations page and must match the Project description.
- e. Authorized endorsements must include the Pollution Exclusion Amendment - CG 28 31, unless using form CG 00 35 version 96 and later.
- f. Authorized endorsements may include:
 - (i). Broad Form Nuclear Exclusion - IL 00 21
 - (ii) 30-day Advance Notice of Non-renewal or cancellation
 - (iii) Required State Cancellation Endorsement
 - (iv) Quick Reference or Index - CL/IL 240
- g. Authorized endorsements may not include:
 - (i) A Pollution Exclusion Endorsement except CG 28 31
 - (ii) A Punitive or Exemplary Damages Exclusion
 - (iii) A "Common Policy Conditions" Endorsement
 - (iv) Any endorsement that is not named in Section 4 (e) or (f) above.
 - (v) Policies that contain any type of deductible
- 5. All insurance companies must be A. M. Best rated A- and Class VII or better.
- 6. The CSX OP number or CSX contract number, as applicable, must appear on each Declarations page and/or certificates of insurance.
- 7. Such additional or different insurance as CSXT may require.

II. Additional Terms

- 1. Contractor must submit the original Railroad Protective Liability policy, Certificates of Insurance and all notices and correspondence regarding the insurance policies to:

Insurance Department
CSX Transportation, Inc.
500 Water Street, 14th Floor
Jacksonville, FL 32202
Phone: 904-366-3804

OR

insurancedocuments@csx.com

**Widening of Road, Including Grading, Sidewalks, Paving, and RR Signals
Pleasant Plains Road within CSXT
Apex, Wake County, North Carolina
MP: S 174.21/DOT#: 630704X
CSX OP: NC0972**

2. Neither Agency nor Contractor may begin work on the Project until it has received CSXT's written approval of the required insurance.

SCHEDULE I

CONTRACTOR'S ACCEPTANCE

To and for the benefit of CSX Transportation, Inc. ("CSXT") and to induce CSXT to permit Contractor on or about CSXT's property for the purposes of performing work in accordance with the Agreement dated _____, 20____, between **Town of Apex** and CSXT, Contractor hereby agrees to abide by and perform all applicable terms of the Agreement, including, but not limited to Exhibits C and F to the Agreement, and Sections 3, 9 and 11 of the Agreement.

Contractor: _____

By: _____

Name: _____

Title: _____

Date: _____

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Chief Jason Armstrong

Department(s): Police

Requested Motion

Motion to approve lease with Duke Energy Progress, LLC. and the Town of Apex for Apex Police Department Firearms and Training Site.

Approval Recommended?

Yes

Item Details

Duke Energy Progress, LLC. is offering the Town of Apex a five-year, no-cost lease to use land off Shooting Lane in Wake County (near the Shearon Harris Nuclear Power Plant). The land will be used primarily to create an Apex Police Department firearms range; however, will also be used as joint training location for multi-agency training opportunities and community outreach events.

It should be noted that items 12 and 13 on the attached lease outline specific and possibly additional indemnification and insurance requirements for the use of the property by the Town of Apex.

Additionally, since the Town of Apex is the first to sign the lease, it is requested that permission be granted for Town of Apex Attorney's office to make minor edits to the lease as long as they do not change the substance of the agreement.

Attachments

- Lease Agreement - Duke Energy Progress, LLC.



NORTH CAROLINA

WAKE COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease") is made and entered into as of this ____ day of _____, 2023, by and between **DUKE ENERGY PROGRESS, LLC**, a North Carolina limited liability company ("Lessor") and **TOWN OF APEX**, a North Carolina municipal corporation ("APD");

WITNESSETH:

WHEREAS, LESSOR is the owner of certain lands within the project boundary of the Shearon Harris Nuclear Power Plant (the "Harris Lands");

WHEREAS, it is the desire of APD to lease that portion of the Harris Lands described in **Exhibit A** attached hereto and incorporated herein (the "Leased Premises"), for the construction, maintenance, and operation of a facility for the training of police and other security personnel, for the protection of the citizens and property in the APD; and

WHEREAS, Lessor has agreed to lease the Leased Premises to APD for such purposes, subject to the terms and conditions herein.

NOW THEREFORE, for and in consideration of the terms, covenants, and agreements hereinafter set forth to be paid, kept and performed, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Lessor and APD agree as follows:

1. Lease of Leased Premises. Lessor does hereby demise, lease, and let unto APD the Leased Premises for the construction, maintenance, and operation of a facility for the training of police and other security personnel, for the protection of the citizens and property in the APD, subject to the terms and conditions herein.

2. Term. The term of this Lease shall be for five (5) years, commencing on _____, 20__ (the "Commencement Date") and expiring at 12:00 midnight on _____, 20__ (the "Initial Term"), unless sooner terminated in accordance with the terms and conditions hereof. Upon expiration of the Initial Term, and provided APD is not in default, this Lease shall automatically renew on _____, 20__, for an additional five (5) year term, unless either party shall give at least sixty (60) days prior written notice to the other party of its intent to terminate this Lease (the Initial Term and such successive periods collectively referred to herein as the "Term"). In the event this Lease shall continue beyond the Initial Term, it shall be upon the same terms and conditions contained herein. This Lease shall create the relationship of landlord and tenant only between Lessor and APD.

3. **Rent.** Lessor is willing to grant this Lease unto APD for no monetary consideration since it is the desire of Lessor that the police and security training benefits of the Leased Premises be made available to APD, so as to add to the quality of life in the area, in addition to the Leased Premises' primary purpose of helping meet the power and energy needs of Lessor's customers.

4. **APD's Use of Leased Premises.** This Lease is granted for the sole purpose of permitting APD to construct, maintain, and operate on the Leased Premises an open air, berm-type firing range for the training of police and security personnel. APD shall not use the Leased Premises for any other purposes without the express written permission of Lessor. APD shall submit to Lessor for advance written approval sufficient documents describing all proposed clearing, construction, and installation on the Leased Premises. After obtaining Lessor's written approval, APD shall have the right to do necessary work consistent with Lessor's written approval. APD's use of the Leased Premises shall not endanger health, create a nuisance, or otherwise be incompatible with Lessor's use of its adjoining property. APD shall identify trees to be cut and removed on the Leased Premises and allow Lessor to exercise an option to leave or remove such marketable timber. Should Lessor exercise the option to remove such timber, a mutually agreed upon time period for such cutting will be established and all proceeds from such timber cutting and sale shall go to Lessor. Before beginning construction activity, APD shall submit to the appropriate governmental agencies, and to Lessor for its written approval, a plan for controlling erosion during and after construction. After construction, APD shall establish a permanent ground cover and APD shall continuously maintain all exposed areas not in active use. No construction, dredging, or filling shall be done in wetlands on the Leased Premises as wetlands are defined in 33 CFR (Code of Federal Regulations) Section 328.3(b). APD will not cause, and will take reasonable measures to prevent, any sewage, garbage, or other polluting substance, (including heated water), chemicals, trash, or other impurities to be discharged, directly or indirectly, from the Premises into Harris Lake.

APD shall have the right to permit other governmental agencies to use the Leased Premises for the purposes stated herein and pursuant to the terms stated herein, provided that APD shall manage and oversee such use by other agencies and such agencies shall sign a statement prior to such use agreeing to abide by all terms of this Lease including, without limitation, all indemnity and insurance provisions.

5. **Lessor's Use of Leased Premises.** Lessor shall bear neither expense nor responsibility of any kind for the preparation of the Leased Premises for APD's use or for maintaining the Leased Premises. APD shall bear all such expenses and all such responsibility. In the event APD ceases to use the Leased Premises for the specific purposes herein expressed and such cessation continues for a period of six (6) consecutive months without Lessor's express written consent, this Lease shall automatically terminate on the date that is 183 days after the date of cessation of use by the APD, without notice, and Lessor shall have the right to take possession of the Leased Premises and to dispose of any personal property or improvements made thereon by APD. It is understood that Lessor's permanent and paramount right to use its land adjoining the Leased Premises is essential to the operation, maintenance, and expansion of Lessor's business and that all rights of APD under this Lease must be and are subordinate to the right of Lessor to make full use of its adjoining property for their business and related purposes. Lessor reserves the right for its officers, directors, employees, agents, and contractors to go upon the Leased Premises

for any reasonable purposes, including but not limited to the right reasonable to inspect and to enter the Leased Premises to determine whether APD is complying with the provision of this Lease; to take upon and remove from the Leased Premises Lessor's signs, tools, machinery, conveyances, equipment, and other facilities of any nature, and with their officers, directors, employees, agents, and contractors engage in and perform any business, inspections, work, construction, repairs, or alterations of the Leased Premises in connection with the operation, maintenance, and expansion of their generating plants, and all improvements, changes, extensions, enlargements, and additions thereto, including construction of pipelines and facilities for communications and the generation, transmission, and distribution of electricity. Except in an emergency, Lessor shall not enter APD's buildings or equipment on the Leased Premises without APD's prior written consent. Lessor has the right but not the obligation to perform any work that they may desire to do with respect to controlling erosion, or as may be necessary or desirable to comply with any statutes, rules, regulations, ordinances, orders, requirements, or other laws of any federal, state, or local government authority or agency. APD shall have the right to utilize the existing road (NCSR 1128) for access to the Leased Premises from NCSR 1134 and to use and maintain the existing driveway entrance into the Leased Premises.

6. Maintenance Responsibilities. During the term of this Lease, Lessor shall have no responsibility to maintain the Leased Premises, including any improvements constructed thereon. APD shall maintain and keep the Leased Premises and improvements constructed thereon clean and in a good state of repair and usable condition.

7. No Waste. APD shall commit no waste with respect to the Leased Premises. At the expiration of this Lease, or at an earlier termination in accordance with any provision hereof; APD agrees to vacate the Leased Premises and leave the same in as good order and condition as they were at the commencement hereof, ordinary wear and tear excepted.

8. Rights Reserved to Lessor Regarding Electric Facilities and Plant Operations. Nothing in this Lease shall be construed to limit or deny in any way the right of Lessor to full and unrestricted access to and use of the Leased Premises for the construction of additional electric generation, transmission, and distribution related facilities, including, but not limited to, the implementation and compliance with approved on-site and off-site emergency plans relating to and in support of the Shearon Harris Nuclear Power Plant, and with regard thereto Lessor specifically reserves the following rights:

- (a) To place or have placed at its expense and at locations chosen by Lessor public alerting signal devices and/or signs on the Leased Premises for the purpose of informing the public as to what action should be taken upon hearing an alerting signal;
- (b) To immediately close the Leased Premises and evacuate or cause to be evacuated all persons therefrom in the event of an emergency as declared by Lessor;
- (c) To enter the Leased Premises at any time for the purpose of assessing radiological effects of its operation, an emergency or for practicing the radiological assessment function;

(d) To conduct on-site counts or studies of the usage of the Leased Premises and, in this regard, APD agrees to furnish to Lessor copies of any such usage data that APD acquires;

(e) To limit the usage of the Leased Premises should usage exceed the figures and assumptions factored into the approved emergency plans relating to and in support of Lessor's Shearon Harris Nuclear Power Plant; and

(f) To enter the Leased Premises at any time for the purpose of verifying operability of or performing maintenance on Lessor-owned equipment used during emergency conditions including Lessor's public alerting signal devices (sirens).

9. No Assignment or Subletting. Neither this Lease nor any extension thereof may be assigned nor may the Leased Premises or any part thereof be sublet without the express written permission of Lessor. APD shall not mortgage, pledge, or otherwise encumber its interest under this Lease or in the Leased Premises.

10. Protection Against Liens. APD shall not permit any mechanics', materialmen's or other types of liens whatsoever to be filed against all or any part of the Leased Premises, nor against APD's leasehold interest in the Leased Premises, by reason of any claims made by, against, through or under APD. If any such lien is filed against the Leased Premises, APD shall cause the same to be discharged of record within ten (10) days after filing thereof. If APD shall fail to discharge such lien within said ten (10) day period, then Lessor may at its election, in addition to any other right or remedy available to it, discharge the lien by paying the amount claimed to be due or by procuring the discharge by giving security or in such other manner as may be allowed by law. If Lessor acts to discharge or secure the lien, then APD shall immediately reimburse Lessor for all sums paid and all costs and expenses (including reasonable attorneys' fees) incurred by Lessor involving such lien, together with interest on the total expenses and costs at the rate of twelve percent (12%) per annum. APD shall give Lessor written notice within three (3) days of the filing of any such lien.

11. Subordination. All rights and privileges granted to APD hereunder shall be subordinate to the rights, obligations, and duties of Lessor under the license issued by the Nuclear Regulatory Docket No. 50-400 License No. NPF-63, as now or hereafter amended or renewed, and in the Federal Power Act, both of which are incorporated herein by reference as part of this Lease to the extent applicable to place APD on notice thereof and APD shall be subject to such orders, rules and regulations, as NRC has issued or may issue from time to time. Lessor specifically reserves the right to use and/or maintain the Leased Premises for project purposes as may be contemplated by said NRC license and the Federal Power Act. Further, APD's receipt and exercise of rights and privileges hereunder shall be subject to all matters of record and Lessor's Mortgage and Deed of Trust dated May 1, 1940, as supplemented, and any other mortgage, deed of trust, lien, or hypothecation for security now or hereafter existing. APD agrees to execute any documents required to effectuate such subordination to the lien of any such mortgage, deed of trust or hypothecation, as the case may be, and failing to do so within ten (10) days after written demand by Lessor, does hereby make, constitute and irrevocably appoint Lessor as APD's attorney in fact and in APD's name, place and stead to do so.

12. Indemnification. APD assumes all risks incident to the use of the Leased Premises and bears the risk of loss or damage by any casualty. To the extent permitted by law, APD shall defend, indemnify, and hold harmless Lessor, its parent(s) and affiliates, and their respective officers, directors, shareholders, employees, agents and contractors from and against any and all claims, losses, demands, liabilities, damages, fines, penalties, costs, and expenses (including without limitation reasonable attorneys' fees) and claims of every kind suffered by or asserted against Lessor arising directly or indirectly from (a) APD's (or any of APD's officials, employees', invitees', licensees', contractors', or agents') use, possession, occupancy, development, maintenance, or improvement of the Leased Premises; (b) any breach or default by APD in the performance of any obligation on APD's part to be performed under the terms and conditions of this Lease; (c) any negligence or misconduct of APD (or APD's officials, employees, invitees, licensees, contractors, or agents), or (d) APD (or any of APD's officials, employees, invitees, licensees, contractors, or agents) non-compliance with applicable law.

13. Insurance. APD shall contract to insure itself and any of its officials, employees, agents, and contractors against liability for wrongful death or negligent or intentional injury or damage to persons or property arising out of matters covered by this Lease, including any contractual liability for personal injury or property damage under this Lease. APD shall name Lessor as an additional insured on such insurance policies. Specifically, APD shall procure and keep in effect during the term of this Lease: (a) Worker's Compensation Insurance with limits required by law for an employer and employer liability insurance; and (b) Comprehensive General Liability insurance with per occurrence minimum limits of \$1,000,000.00 for bodily injury or death and not less than \$500,000.00 property damage per occurrence, or a minimum combined single limit of \$2,000,000.00 per occurrence for bodily injury, death, and damage to property.

14. Waiver of Claims. APD further specifically waives any and all rights or claims for relief against Lessor for damage to APD's property located on the Leased Premises, which damage may arise as a result of any activities or events occurring on Lessor's lands adjoining the Leased Premises and utilized in the construction, operation, maintenance of electric generating facilities thereon.

15. APD's Default. If APD shall violate or otherwise fail to comply with any of the terms or conditions of this Lease, Lessor may declare APD in default by sending a written notice of default to APD outlining the alleged violation(s) and stating a reasonable period of time, no less than thirty (30) days from APD's receipt of the notice of default, in which APD may cure such alleged violation(s). If APD shall fail to cure the alleged violation(s) within the time specified in the notice of default, then Lessor may declare this Lease terminated and enter upon the Leased Premises and take immediate possession thereof, including any improvements constructed thereon.

16. Lessor's Default. If Lessor fails to comply with any of the terms of this Lease or violates any of the conditions hereof, APD may declare Lessor in default by sending a written notice of default to Lessor outlining the alleged violation(s) and stating a reasonable period of time, no less than thirty (30) days from Lessor's receipt of the notice of default, in which Lessor may cure the alleged violation(s). If Lessor fails to cure the alleged violation(s) within the time specified in the notice of default, then APD may declare this Lease terminated.

17. Title to Improvements. Until the termination or expiration of this Lease or any extension or renewal thereof, in whatever manner and whenever terminated, all improvements (including any berm) constructed upon the Leased Premises by APD shall remain the property of APD, and shall be removed by it prior to the date of termination or expiration, unless Lessor consents in writing to specific improvements remaining on the Leased Premises. APD shall repair promptly any damage that may result from removing said improvements. All improvements that with Lessor's written consent are not so removed by APD shall become the property of Lessor. Any improvements that remain on the Leased Premises without Lessor's written consent may be removed by Lessor and APD shall pay for the costs of that removal upon Lessor presenting APD with a written statement of said costs.

18. Laws Affecting Lease. Lessor's utilization of the Harris Nuclear Plant and the adjoining lands, including the Leased Premises, is subject to statutes, rules, regulations, ordinances, orders, requirements, or other laws of federal, state, or local government authorities or agencies. Accordingly, in the event any of said government authorities or agencies impose such laws upon Lessor at any time, or from time to time, that require modification or termination of this Lease, Lessor shall have the right to modify or terminate this Lease to comply fully with any such laws imposed on Lessor. Lessor shall notify APD as soon as is practically possible of any such law necessitating the modification or termination of this Lease.

19. Compliance with Laws. APD shall comply with all applicable federal, state, and local laws, regulations, and ordinances, including those relating to erosion and sedimentation control and environmental, and shall indemnify, defend, and save harmless Lessor from and against any and all accidents, actions, claims, compliance orders, costs, damages, demands, enforcement actions, fines, liabilities, losses, notices of violation or noncompliance, or suits which arise in any way from APD's violation of such laws, regulations, and ordinances.

20. Hazardous Substances. APD shall not cause or permit any Hazardous Substance (defined below) to be used, stored, generated or disposed of on or in the Leased Premises without first obtaining Lessor's written consent. If Hazardous Substances are used, stored, generated or disposed of on or in the Leased Premises, whether with or without Lessor's consent, or if the Leased Premises become contaminated in any manner for which APD is legally liable, APD shall, to the extent permitted by law, indemnify and hold harmless Lessor from any and all claims, damages, fines judgments, penalties, costs, liabilities or losses (including, without limitation, a decrease in value of the Leased Premises or improvements, damages due to loss or restriction of rentable or usable space, or any damages due to adverse impact on marketing of the space, and any and all sums paid for settlement of claims, attorneys' fees, consultant and expert fees) arising during or after the term hereof and arising as a result of such use, storage, generating, disposal, or contamination by APD. This indemnification includes, without limitation, any and all costs incurred due to any investigation of the site or any cleanup, removal or restoration mandated by a federal, state or local agency or political subdivision. Without limitation of the foregoing, if APD causes or permits the presence of any Hazardous Substance on the Leased Premises and such results in contamination, said party shall promptly, at its sole expense, take any and all necessary actions to return the Leased Premises to the condition existing prior to the presence of any such Hazardous Substance on the Leased Premises after first obtaining Lessor's approval for such

remedial action. Pesticides, herbicides, and insecticides, shall not be used on the Leased Premises without the express consent of Lessor.

APD agrees to comply with the United States Environmental Protection Agency's "Best Management Practices for Lead at Outdoor Shooting Ranges" (EPA-902-B-01-001 Revised June 2005 Region 2) in exercising its rights under this Lease.

"Hazardous Substances" shall mean any hazardous wastes, hazardous substances, hazardous constituents, toxic substances or related materials, any substance which is toxic, ignitable, reactive, or corrosive, whether solids, liquids or gases, including but not limited to substances defined as "hazardous waste", "extremely hazardous waste", "hazardous substances," "toxic substances," "pollutants," "contaminants," "radioactive materials," or other similar designations in, or otherwise subject to regulation under, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. §§ 9601 *et seq.*; the Toxic Substance Control Act (TSCA), 15 U.S.C. §§ 2601 *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. §§ 1802 *et seq.*; the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 9601 *et seq.*; The Clean Water Act (CWA), 33 U.S.C. §§ 1251 *et seq.*; the Safe Drinking Water Act, 42 U.S.C. §§ 300(f) *et seq.*; the Clean Air Act (CAA), 42 U.S.C. §§ 7401 *et seq.*; all as amended; any law, rule, or regulation, federal, state or local, now or hereafter in existence, governing or relating to the creation, use, storage, sale, retention, or transportation of hazardous or toxic substances and wastes; in the plans, rules, regulations or ordinances adopted, or other criteria and guidelines promulgated pursuant to the preceding laws or other similar laws, regulations, rule or ordinance now or hereafter in effect; and any other substances, constituents or wastes subject to environmental regulations under any applicable federal, state or local law, regulation or ordinance now or hereafter in effect. "Hazardous Substance" includes but is not restricted to asbestos, polychlorobiphenyls ("PCBs"), and petroleum (in any form or nature).

21. Taxes. Lessor shall pay all taxes assessed and levied against the Leased Premises in its unimproved condition. APD shall indemnify, reimburse, and hold Lessor harmless for any tax increase attributable to any structures, other improvements, and facilities located thereon.

22. Notice. Except as otherwise provided herein, all notices under this Lease shall be in writing and shall be delivered to the other party by personal delivery, commercially recognized overnight courier service, or prepaid U.S. registered or certified mail, return receipt requested, addressed as follows: **If to Lessor:** Duke Energy Progress, LLC, Attn: Data Management, 550 South Tryon Street, DEC22A, Charlotte, NC 28202; **with a copy to:** Duke Energy Progress, LLC, Harris Nuclear Plant, Regulatory Affairs Section, P. O. Box 165, New Hill, NC 27562. **If to APD:** Town of Apex, Attn: Chief Jason Armstrong, Apex Police Department, P.O. Box 250, Apex NC 27502. Notice shall be effective upon the earlier of: (a) actual receipt; or (b) three (3) days after deposit with the U.S. mail service or other commercially recognized overnight courier service. Each party shall be responsible for notifying the other of any change of address.

23. Miscellaneous. (a) **Governing Law.** This Lease shall be governed by and construed in accordance with the laws of the State of North Carolina. (b) **Lessor's Obligations and Limitation of Liability.** In the event that subsequent to the execution of this Lease any State

or Federal statute, or rule adopted thereunder, regulating or affecting any duty or obligation imposed upon Lessor pursuant to this Lease is enacted, amended or repealed, Lessor may, at its option, elect to perform in accordance with such statute or rule amendment, or act of repeal in lieu of complying with the analogous provision of this Lease. If Lessor shall be in default under this Lease, and if as a consequence of such default, APD shall recover a money judgment against Lessor, such judgment shall be satisfied only out of the right, title and interest of Lessor in the Leased Premises as the same may then be encumbered and neither Lessor nor any other person or entity comprising Lessor shall be liable for any deficiency. (c) **Entire Agreement/Modification.** This Lease, and any Exhibits made a part hereof constitute the entire Lease agreement between Lessor and APD. There are no promises or other agreements, oral or written, express or implied, between Lessor and APD other than as set forth in this Lease. Lessor and APD acknowledge that this Lease supersedes all prior agreements, written or oral, between them. No change or modification of, or waiver under, this Lease shall be valid unless it is in writing and signed by Lessor and APD. (d) **Severability.** If any provision of this Lease shall be determined to be invalid or unenforceable or in conflict with any Law of a Federal, State or local government having jurisdiction over this Lease, the validity of the remaining provisions shall not be affected thereby, and every provision of this Lease shall remain in full force and effect and enforceable to the fullest extent permitted by law. (e) **Survival.** The covenants contained in this Lease which, by their terms, require their performance after the expiration or termination of this Lease shall be enforceable notwithstanding the expiration or other termination of this Lease. (f) **Waiver.** Neither Lessor's or APD's waiver of the other's breach of any term, covenant or condition contained in this Lease shall be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition in this Lease. (g) **Lessor's Remedies Cumulative.** The rights and remedies of Lessor provided in this Lease are cumulative and not exclusive and are in addition to any other rights and remedies, now or hereafter provided by Law. (h) **Binding Effect.** The provisions of this Lease shall be binding on and inure to the benefit of the parties hereto, their respective successors and permitted assigns. (i) **Lease Not an Offer.** Lessor gave this Lease to APD for review. It is not an offer to lease. This Lease shall not be binding unless signed by both parties. (j) **Headings.** Headings of paragraphs or subparagraphs are for convenience only and shall not be considered in construing the meaning of the contents. The plural or singular shall be substituted for the other number, in any place in which the context may require such substitution. (k) **Authority.** The individuals signing this Lease personally warrant that they have the right and power to enter into this Lease on behalf of Lessor and APD, to grant the rights granted hereunder and to undertake the obligations undertaken in this Lease. (l) **No Recording.** This Lease shall not be recorded. At the request of either party, the parties shall execute a short-form memorandum of lease, in recordable form, specifying the term of the Lease, a description of the Leased Premises and other provisions that the parties mutually agree to incorporate therein. (m) **Counterparts.** This Lease may be executed in several identical counterparts, each of which shall be deemed to be an original.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, Lessor and APD have caused this Lease to be executed in their respective names by their respective officials hereunto duly authorized all as of the day and year first above written.

LESSOR:

DUKE ENERGY PROGRESS, LLC

By: _____
Name: _____
Title: _____

TOWN OF APEX

By: _____
Name: Catherine Crosby
Title: Town Manager

Attest: _____
Allen Coleman, Town Clerk

EXHIBIT A
(Description of Leased Premises)

A 2.5-acre tract of land owned by Duke Energy Progress, LLC, and located adjacent to Shooting Ln. on the site formerly operated as an open-air firing range and as further identified in the Order Approving Lease of Property by the State of North Carolina Utilities Commission (Docket No. E-2, Sub 333A; Docket No. E-2, Sub 537A). (Picture included below.)



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24th 2023

Item Details

Presenter(s): Steve Adams, Real Estate & Public Utilities

Department(s): Transportation Infrastructure & Development

Requested Motion

Motion to approve an agreement with Duke Energy Progress LLC and authorize the Mayor to execute on behalf of the Town known as "Amendment _Fire Station 2# Ground Lease"

Approval Recommended?

YES

Item Details

The Town of Apex currently leases 4.07 acres at 3045 New Hill Holleman Road for Apex Fire Station #2. Duke Energy Progress is under contract with Wake County to sell portions of their property that surrounds the station. A small portion of our leased area is needed as future collector street to be dedicated by Wake County and Duke Energy has proposed a lease modification to release that area from the lease.

Staff recommends the modification

Attachments

- 1) New Lease agreement
- 2) Area map



AMENDMENT OF GROUND LEASE AGREEMENT

Drawn by or under the direction of:
Smith, Anderson, Blount, Dorsett,
Mitchell & Jernigan, L.L.P. (DWB)
(NO OPINION ON TITLE)

Return Recorded Document to:
Duke Energy Progress, LLC
c/o Data & Document Management
526 South Church Street, ECII-05
Charlotte, N.C. 28202

STATE OF NORTH CAROLINA

Site No. 104538

COUNTY OF WAKE

Land Unit No. 1183057

Project No. 104528 - 859642

THIS AMENDMENT OF GROUND LEASE AGREEMENT (“Amendment”) is made and entered into as of this ____ day of _____ 2023, by and between **DUKE ENERGY PROGRESS, LLC**, a North Carolina limited liability company (f/k/a Duke Energy Progress, Inc. and f/k/a Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.) (“**DEP**” or **Landlord**”), and the **TOWN OF APEX**, an incorporated municipality in Wake County, North Carolina (“**Tenant**”).

WITNESSETH:

WHEREAS, Carolina Power & Light Company, as landlord, and the Apex Volunteer Fire Department – Rural Services, Inc., as tenant, entered into that certain Ground Lease Agreement dated February 1, 1997, as amended and assigned from the Apex Volunteer Fire Department – Rural Services, Inc. to the Town of Apex pursuant to that Assignment and Amendment of Ground Lease dated August 6, 2002, and recorded on October 30, 2013, in Book 15487, Page 2515, Wake County Registry (collectively the “**Ground Lease Agreement**”) regarding that certain tract of land containing 4.348 acres, more or less, located in Buckhorn Township, Wake County, North Carolina being more particularly described in the Ground Lease Agreement and on that plat entitled “Survey For Carolina Power & Light Company Map of C.P.&L’s Harris Plant Lands to be Leased to Apex Volunteer Fire Department, Inc.” recorded in Book of Maps 1996, Page 1781, Wake County Registry (the “**Premises**”); and

WHEREAS, subject to the terms and conditions of this Amendment, Duke Energy Progress, LLC (as successor of the original landlord, Carolina Power & Light Company) and the

Tenant have agreed to amend the Ground Lease Agreement to release a certain portion of the Premises from the terms and conditions of the Ground Lease Agreement in order to allow DEP's

subsequent sale of such released land to Wake County and its future use as a collector road that the Town of Holly Springs has included on its future transportation plan.

NOW THEREFORE, in consideration of the terms, covenants, and agreements hereinafter set forth to be kept and performed, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Recitals. The above-referenced recitals are incorporated herein by reference as if fully set forth herein.

2. Amendment of Premises. The Landlord and Tenant hereby agree that the portion of the Premises containing 0.33 acres (14,283 square feet), more or less, being more particularly described on **Exhibit A** attached hereto and incorporated herein by reference shall be excluded from the Premises and shall be released from the Ground Lease Agreement (hereinafter the "**Released Land**"). The Tenant hereby releases, abandons, and quitclaims unto Landlord any and all of the Tenant's leasehold rights, title, and interest that the Tenant has or claims to have in and to the Released Land by virtue of the Ground Lease Agreement.

3. Recording. Landlord and Tenant agree that this Amendment of Ground Lease Agreement may be recorded in the Wake County Registry with the recording costs to be paid by Landlord.

4. All other terms, covenants, and agreements set forth in the Ground Lease Agreement shall continue in full force and effect, except as otherwise provided in this Amendment. Any capitalized terms used in this Amendment that are not defined or amended herein shall have the same meaning ascribed to them in the Ground Lease Agreement.

5. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

6. This Amendment may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Amendment shall be governed by and construed in accordance with the laws of the State of North Carolina.

[Remainder of Page Intentionally Left Blank. Signatures Appear on Following Pages]

IN WITNESS WHEREOF, Landlord and Tenant, by authority duly given, have executed this Amendment as of the date first above written.

LANDLORD:

DUKE ENERGY PROGRESS, LLC,
a North Carolina limited liability company
(f/k/a Duke Energy Progress, Inc. and f/k/a Carolina Power
& Light Company d/b/a Progress Energy Carolinas, Inc.)

By: _____

Name: Eric J. Rouse

Title: Director, Land Services

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public for _____ County, North Carolina, certify that Eric J. Rouse, either being personally known to me or proven by satisfactory evidence, personally appeared before me this day and acknowledged that he is the Director, Land Services, an authorized representative of DUKE ENERGY PROGRESS, LLC, a North Carolina limited liability company (f/k/a Duke Energy Progress, Inc. and f/k/a Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.), and that he, as Director, Land Services, being authorized to do so, voluntarily executed the foregoing instrument on behalf of the limited liability company in the capacity indicated.

WITNESS my hand and official stamp or seal this _____ day of _____ 2023.

Notary Public
Printed/Typed Name: _____

My Commission Expires: _____

[AFFIX NOTARIAL STAMP OR SEAL]

IN WITNESS WHEREOF, Landlord and Tenant, by authority duly given, have executed this Amendment as of the date first above written.

TENANT:

TOWN OF APEX,
an incorporated municipality in
Wake County, North Carolina

By: _____
The Honorable Jacques Gilbert, Mayor

ATTEST:

By: _____, _____ Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, _____, a Notary Public for _____
County, North Carolina, do hereby certify that _____ either being personally
known to me or proven by satisfactory evidence, personally came before me this day and
acknowledged that (s)he is the _____ Town Clerk of the Town of Apex, and that by authority
duly given and as the act of the Town Council of the Town of Apex, the foregoing instrument
was voluntarily signed in its name by its Mayor, Jacques Gilbert, and attested by herself/himself
as its Clerk.

Witness my hand and notarial seal, this _____ day of _____ 2023.

Notary Public
Printed/Typed Name: _____

My Commission Expires: _____

[AFFIX NOTARIAL STAMP OR SEAL]

EXHIBIT A

(DESCRIPTION OF RELEASED LAND)

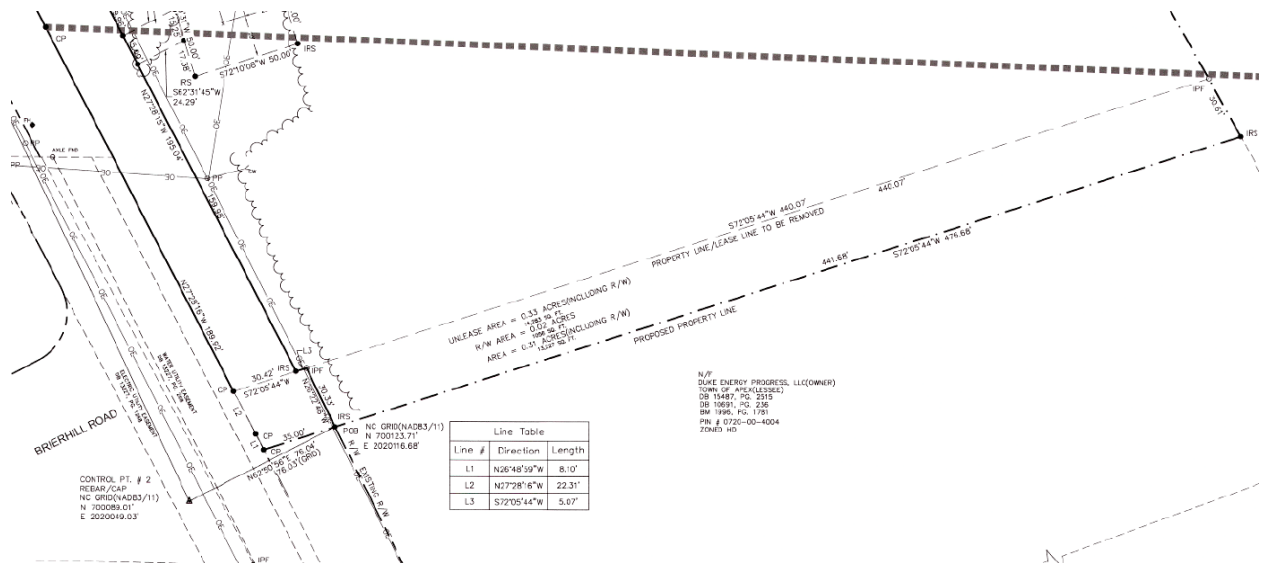
BEING all that tract of land containing an area of 0.33 acres (14,283 square feet) (including right of way), more or less, located in Buckhorn Township, Wake County, North Carolina; and bounded on the north, east, and south by other lands owned, now or formerly, by Duke Energy Progress, LLC and on the west by the centerline of New Hill - Holleman Road (N.C.S.R. 1127); said tract being more particularly described and shown as the “Unlease Area” and by courses based on the North Carolina Grid Coordinate System (NAD83/2011) and distances according to a survey entitled “Exhibit Map Only of Future New Hill Holleman Road EMS Site for Wake County” prepared by McKim & Creed, Inc. dated August 2, 2022 (and last revised October 10, 2022) and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at McKim & Creed, Inc. “Control Point # 2 (Rebar & Cap)” having NC Grid (NAD83/11) Coordinates of Northing = 700,089.01 feet, Easting = 2,020,049.03 feet; thence as a tie line North 62 degrees 50 minutes 56 seconds East 76.04 feet to an iron rod set in the eastern right-of-way line of New Hill – Holleman Road (N.C.S.R. 1127) (right-of-way varies), the TRUE POINT OF BEGINNING; thence from said True Point of Beginning South 72 degrees 05 minutes 44 seconds West 35.00 feet to a calculated point in the centerline of New Hill – Holleman Road (N.C.S.R. 1127) (variable width right-of-way); thence along and with the centerline of New Hill – Holleman Road the following two (2) calls and distances: (1) North 26 degrees 48 minutes 59 seconds West 8.10 feet to a calculated point; and (2) North 27 degrees 28 minutes 16 seconds West 22.31 feet to a calculated point; thence leaving the centerline of New Hill – Holleman Road and with the existing boundary lines of the Premises shown on that survey recorded in Book of Maps 1996, Page 1781, Wake County Registry the following two (2) calls and distances: (1) North 72 degrees 05 minutes 44 seconds East 475.56 feet to an iron pipe found; and (2) South 29 degrees 21 minutes 20 seconds East 30.61 feet to an iron rod set; and thence with a new boundary line for the Premises South 72 degrees 05 minutes 44 seconds West 441.68 feet to an iron rod set, the TRUE POINT OF BEGINNING.

A copy of a portion of the above-referenced “Exhibit Map Only of Future New Hill Holleman Road EMS Site for Wake County” is attached hereto as part of **Exhibit A** and incorporated herein by reference.

(DESCRIPTION OF RELEASED LAND)

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





Property Search

Address, owner, PIN, or REID

Selected Properties: 1

Site Address	Owner
3045 NEW HILL HOLLEMAN RD	DUKE ENERGY PROG INC
3045 NEW HILL HOLLEMAN RD	APEX TOWN OF

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

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 February 14, 2023, on the Question of Annexation - Apex Town Council's intent to annex 5.45 acres, located at 7624 Reams Court, Apex, North Carolina, Annexation No. 743 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

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





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

Annexation Petition #743
7624 Reams Court – 5.45 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 24th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #743
7624 Reams Court – 5.45 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 24th day of January, 2023.

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 #743
7624 Reams Court – 5.45 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 14th day of February, 2023.

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 24th day of January, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

L E G A L D E S C R I P T I O N

Being 5.450 acres known as Lot 10 Castlereagh North – Section III, having Wake County Pin #0733114344, located in Wake County, North Carolina, having a physical address of 7624 Reams Court, Apex, NC 27523, and being more particularly described as follows:

Beginning at an Existing Iron Pipe located in the centerline of Hickory Mountain Road, an existing private road, also being on the current Town of Apex corporate limits, and having NC grid coordinates N – 731527.62' E – 2031023.04', being the point and place of beginning.

THENCE North 88 degrees 41 minutes 31 seconds East for a distance of 653.89 feet along the centerline of Hickory Mountain Road to an EIP;

THENCE South 00 degrees 51 minutes 32 seconds West for a distance of 508.13 feet to an EIP,;

THENCE North 69 degrees 14 minutes 35 seconds West for a distance of 216.37 feet to an EIP,;

THENCE North 80 degrees 04 minutes 38 seconds West for a distance of 428.62 feet to an EIP on the right of way of Reams Court;

THENCE along a curve to the left having a radius of 50.00 feet and an arc length of 67.50 feet, being subtended by a chord of North 06 degrees 08 minutes 21 seconds East for a distance of 62.49 feet to an EIP W/CAP on the right of way of Reams Court;

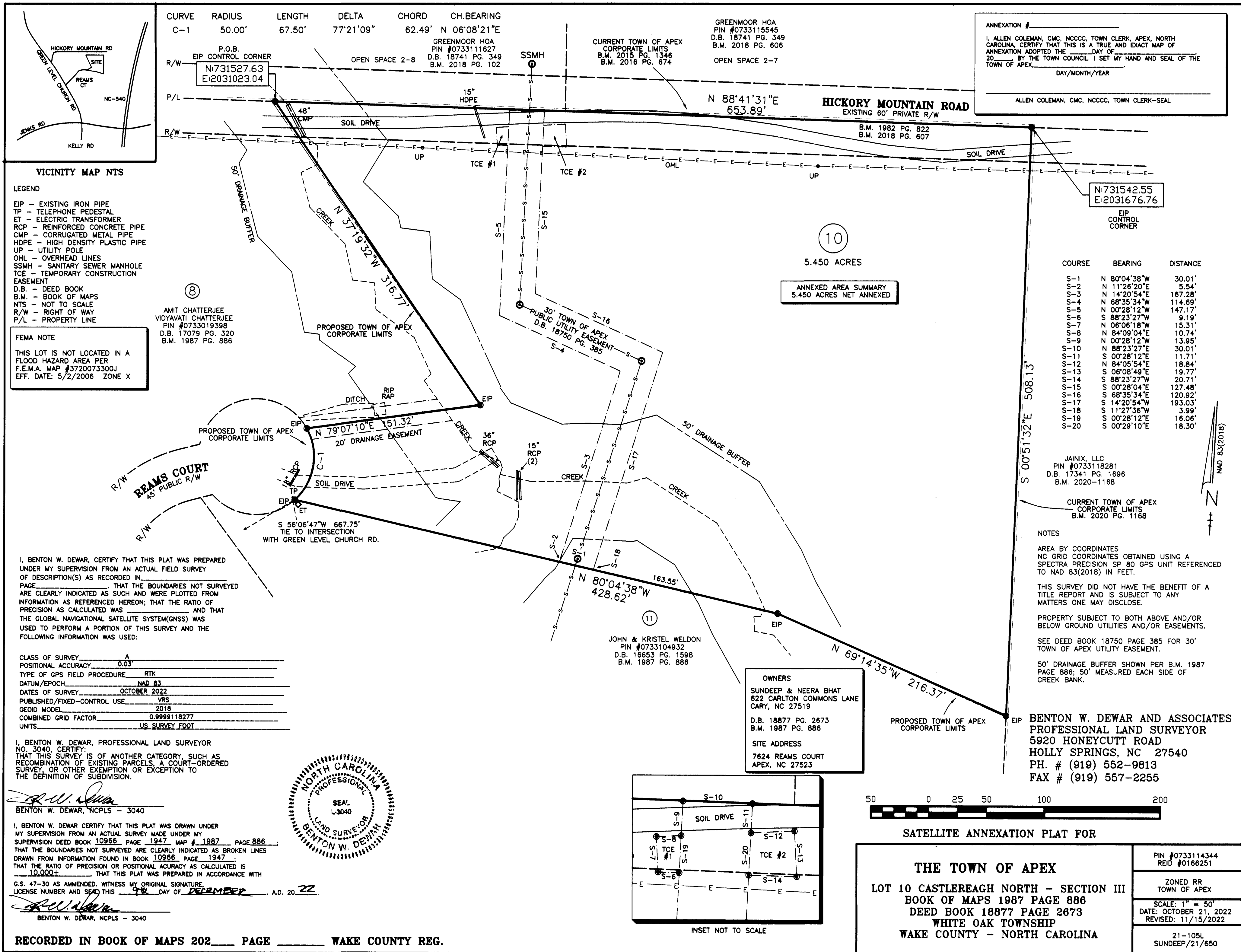
THENCE North 79 degrees 07 minutes 10 seconds East for a distance of 151.32 feet to an EIP,;

THENCE North 37 degrees 19 minutes 32 seconds West for a distance of 316.77 feet to an EIP being the Point and Place of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.45 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 #: 2022-020 Submittal Date: 10-3-2022
Fee Paid: \$ 200.00 Check #: 1388

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

<u>SUNDEEP BHAT</u> Owner Name (Please Print)	<u>0733114344 DEED Book 10966 PAGE 1947</u> Property PIN or Deed Book & Page #
<u>9197981223</u> Phone	<u>SUNDEEBHAT@GMAIL.COM</u> E-mail Address
<u>NEERA BHAT</u> Owner Name (Please Print)	<u>0733114344 DEED Book 10966 PAGE 1947</u> Property PIN or Deed Book & Page #
<u>252 218 2100</u> Phone	<u>BHATNEERA@GMAIL.COM</u> E-mail Address
 Owner Name (Please Print)	 Property PIN or Deed Book & Page #
 Phone	 E-mail Address

SURVEYOR INFORMATION

Surveyor: BENTON W. DEWAR AND ASSOCIATES
Phone: 919 552 9813 Fax: _____
E-mail Address: BENTONDEWAR@GMAIL.COM

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>5.45</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: _____	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>0</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>1</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>RR</u>	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-020

Submittal Date: 10-3-2022

COMPLETE IF SIGNED BY INDIVIDUALS:

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

NEERA BHAT
Please Print

[Signature]
Signature

SUNDEEP BHAT
Please Print

[Signature]
Signature

Please Print

Signature

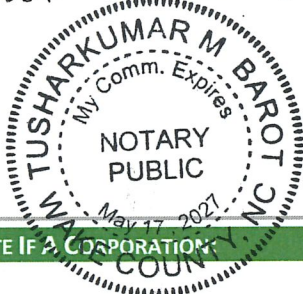
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Tushorkumar Barot, a Notary Public for the above State and County,
this the 29th day of sep, 2022

SEAL



[Signature]
Notary Public

My Commission Expires: May 22nd 2027

COMPLETE IF A CORPORATION:

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

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 #: _____

Submittal Date: _____

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: _____

Exhibit A

BEGINNING at an iron pipe in the right of way line of the cul-de-sac of Reams Court, a corner with Lot 8 of Castlereagh North - Section III; runs thence with the southern line of said Lot 8, North 82 deg. 21 min. 49 sec. East 148.79 feet (corrected bearing and distance) to an iron pipe, another corner with said Lot 8, thence with the eastern line of said Lot 8 North 34 deg. 04 min. 24 sec. West 316.95 feet (corrected bearing and distance) to an iron pipe in the southern line of the land of D. Herman Morris (now or formerly); thence with the southern line of said D. Herman Morris, South 87 deg 59 min. 36 sec. East 654.14 feet (corrected bearing and distance) to an iron pipe, a common corner of the land herein conveyed and the lands of D. Herman Morris and H.E. Roberts (now or formerly); thence with the western line of said D. Herman Morris, South 02 deg. 27 min. 08 sec. West 508.00 feet (corrected distance) to an iron pipe, the northeastern corner of Lot 11 of Castlereagh North - Section III; thence with the northern line of said Lot 11, North 66 deg. 02 min. 18 sec. West 216.64 feet (corrected bearing and distance) to an iron pipe; thence continuing with the northern line of said Lot 11, North 76 deg. 42 min. 49 sec. West 428.24 feet (corrected bearing and distance) to an iron pipe in the right of way of the cul-de-sac of Reams Court; thence with said right of way of Reams Court, in a northerly direction, in a curve to the left having a radius of 50.00 feet, an arc distance of 68.22 feet (corrected distance) to the point and place of BEGINNING, containing 5.449 acres, and BEING all of Lot 10 of Castlereagh North - Section III, as shown on survey dated December 19, 1988, prepared by Smith & Smith Surveyors, Apex, NC, entitled "Property of Timothy A. Daniels & wife, Faith D. Daniels, White Oak Township, Wake County, NC" and reference is herein made to map recorded in Book of Maps 1987, Page 886, Wake County Registry for Castlereagh North, Section III.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 490.00

CONNOR BUNN PLLC

Parcel Identifier No. 0166251

This instrument was prepared by: S. Bryan Radford, a licensed North Carolina attorney. Delinquent taxes, if any to be paid by the closing attorney, S. Bryan Radford, to the county Tax Collector upon disbursement of the closing proceeds.

THIS DEED made this 5th day of January, 2022, by and between:

GRANTOR:	GRANTEE:
DELORIS LEA GIBSON, unmarried	SUNDEEP K. BHAT and wife, NEERA H. BHAT 622 Carlton Commons Lane Cary, NC 27519

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Apex, Wake County, North Carolina and more particularly described as follows:

See Attached Exhibit A.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 10966, Page 1947, Wake County Registry.

All or a portion of the property herein conveyed ____ includes or X does not include the primary residence of a Grantor.

A map showing the above-described property is recorded in Plat Book 1987, Page 886.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to all restrictions, easements, rights of way, permits of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Mrs Deloris Lea Gibson (SEAL)
Print/Type Name: Deloris Lea Gibson

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

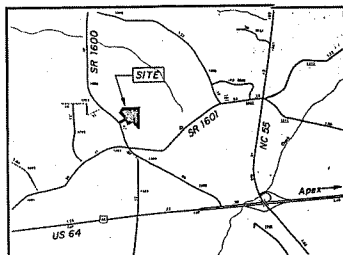
State of NC - County or City of Wilson
I, the undersigned Notary Public of the County or City and State aforesaid, certify that Deloris Lea Gibson - personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.
Witness my hand and Notarial stamp or seal this 11 day of January, 2022.
My Commission Expires: 02-04-2024 Bobbie R. Galloway
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City and State aforesaid, certify that _____
- personally appeared before me this day and
acknowledged the due execution of the foregoing instrument for the purposes therein expressed.
Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.
My Commission Expires: _____

Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City and State aforesaid, certify that _____
- personally appeared before me this day and
acknowledged the _____ he is the _____ of _____
a North Carolina or _____ corporation/limited liability company/general
partnership/limited partnership (strike through the inapplicable), and that by authority duly given and
as the act of such entity, _____ he signed the foregoing instrument in its name on its behalf as its act and
deed.
Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.
My Commission Expires: _____

Notary's Printed or Typed Name



WAKE COUNTY CERTIFICATION
I hereby certify that this record plat has been found to comply with the Subdivision Ordinance of Wake County, North Carolina, and that this plat has been approved for recording in the office of the Register of Deeds of Wake County. I also certify that copies of all necessary approvals from the Wake County Departments Health and Natural Resources, the North Carolina Department of Transportation, Division of Highways, and all other local and state agencies having jurisdiction over the streets, utilities and other improvements have been submitted to me and are on file.

5-29-97
Date
Approval Expires: 5/29/2002 before 5-29-97

E. R. TAYLOR
D. BK. 3515,
PG. 258

D. HERMAN MORRIS - W. BK. 83-E, PG. 375
ZONED R-40W (UNDEVELOPED)

H. E. ROBERTS

VICINITY MAP

I, WILLIAM O. YATES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/1000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 29th DAY OF May, A. D., 1997.

WILLIAM O. YATES
REGISTERED
LAND SURVEYOR
WAKE COUNTY, N. C.
SEAL
L-1387

NORTH CAROLINA - WAKE COUNTY
I, JOAN P. YATES, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT WILLIAM O. YATES, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP THIS 29th DAY OF May, 1997.

JOAN P. YATES
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 13, 1999

NORTH CAROLINA - WAKE COUNTY
THE FOREGOING CERTIFICATE OF JOAN P. YATES, A NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. THIS INSTRUMENT PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE.

THIS 29th DAY OF May, 1997, AT 2:52 O'CLOCK P. M.
KENNETH C. WILKINS - REGISTER OF DEEDS

BY: P. Anne Redd
DEPUTY REGISTER OF DEEDS

CERTIFICATION OF SUBDIVISION REVIEW BY WAKE COUNTY HEALTH DEPT.

I HEREBY CERTIFY THAT LOTS ON THIS SUBDIVISION PLAT FOR Castlereagh North Section III SUBDIVISION HAVE BEEN TENTATIVELY REVIEWED FOR MINIMUM SPACE AND SITING REQUIREMENTS FOR SEWAGE DISPOSAL AND WATER SUPPLY SYSTEM. BASED ON THIS PRELIMINARY REVIEW, IT APPEARS THAT LOTS ON THIS PLAT MEET APPROPRIATE WAKE COUNTY HEALTH DEPARTMENT REGULATIONS. NOTE THAT THIS PRELIMINARY CERTIFICATION DOES NOT REPRESENT APPROVAL OR A PERMIT FOR ANY SITE WORK. FINAL APPROVAL REQUIRES ISSUANCE OF THE APPROPRIATE WAKE COUNTY HEALTH DEPARTMENT PERMITS FOR SPECIFIC USE AND SITING IN ACCORDANCE WITH REGULATIONS IN FORCE AT THE TIME OF PERMITTING.

5/21/97
DATE
W. E. LUMMA
WAKE COUNTY HEALTH DIRECTOR
OR AUTHORIZED REPRESENTATIVE

DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION

APPROVED D. D. Allbrook Jr.
DISTRICT ENGINEER
DATE: 5/20/97

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	BEARING
1	53 58 58	77.50	72.87	39.44	70.31	N34 40 32E
2	22 04 27	122.50	47.20	23.80	46.90	N18 44 17E
3	48 53 29	122.50	98.12	51.86	95.52	N52 43 15E
4	138 15 41	50.00	120.66	131.15	93.44	N81 32 28E
5	77 04 42	50.00	67.28	36.83	62.30	S08 12 39W
6	91 10 23	50.00	78.56	51.03	71.43	N88 39 40W
7	87 57 56	77.50	91.83	52.24	86.64	S41 41 02W
8	53 58 58	122.50	115.34	62.35	111.13	S34 40 32W

LINE	BEARING	DISTANCE
L1	S 07 42 04 W	14.31
L2	S 75 40 00 W	19.04
L3	N 75 40 00 E	19.04
L4	N 07 42 04 E	14.31

OWNER:
ROBERT M. REAMS
ROUTE No. 2, BOX No. 176
APEX, NORTH CAROLINA 27502
919-362-6280

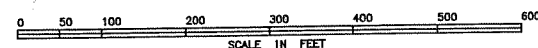
AREA CALCULATIONS ARE BY DMD METHOD.

DISCLOSURE OF CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES
IS FILED IN THE WAKE COUNTY SUBDIVISION ADMINISTRATION
OFFICE OR IN THE OFFICE OF ITS SUCCESSOR AGENCY.

CASTLEREAGH NORTH - SECTION III

WHITE OAK TOWNSHIP
SCALE: 1 IN. = 100 FT.

WAKE COUNTY, N. C.
MARCH 30, 1987



WILLIAM O. YATES LAND SURVEYOR
APEX, NORTH CAROLINA

PROJECT No. 87-33

TAX PARCEL 568-6
PIN 0733-10-2800
ZONE R-40W

RECORDED WAKE COUNTY BOOK 1987 . PAGE 886

Drawn by Gene Berlier

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

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 February 14, 2023, on the Question of Annexation - Apex Town Council's intent to annex 5.367 acres, located at 1305 Holt Road, Apex, North Carolina, Annexation No. 745 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

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





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

Annexation Petition #745
1305 Holt Road – 5.367 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 24th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #745
1305 Holt Road – 5.367 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 24th day of January, 2023.

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 #745
1305 Holt Road – 5.367 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 14th day of February, 2023.

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 24th day of January, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

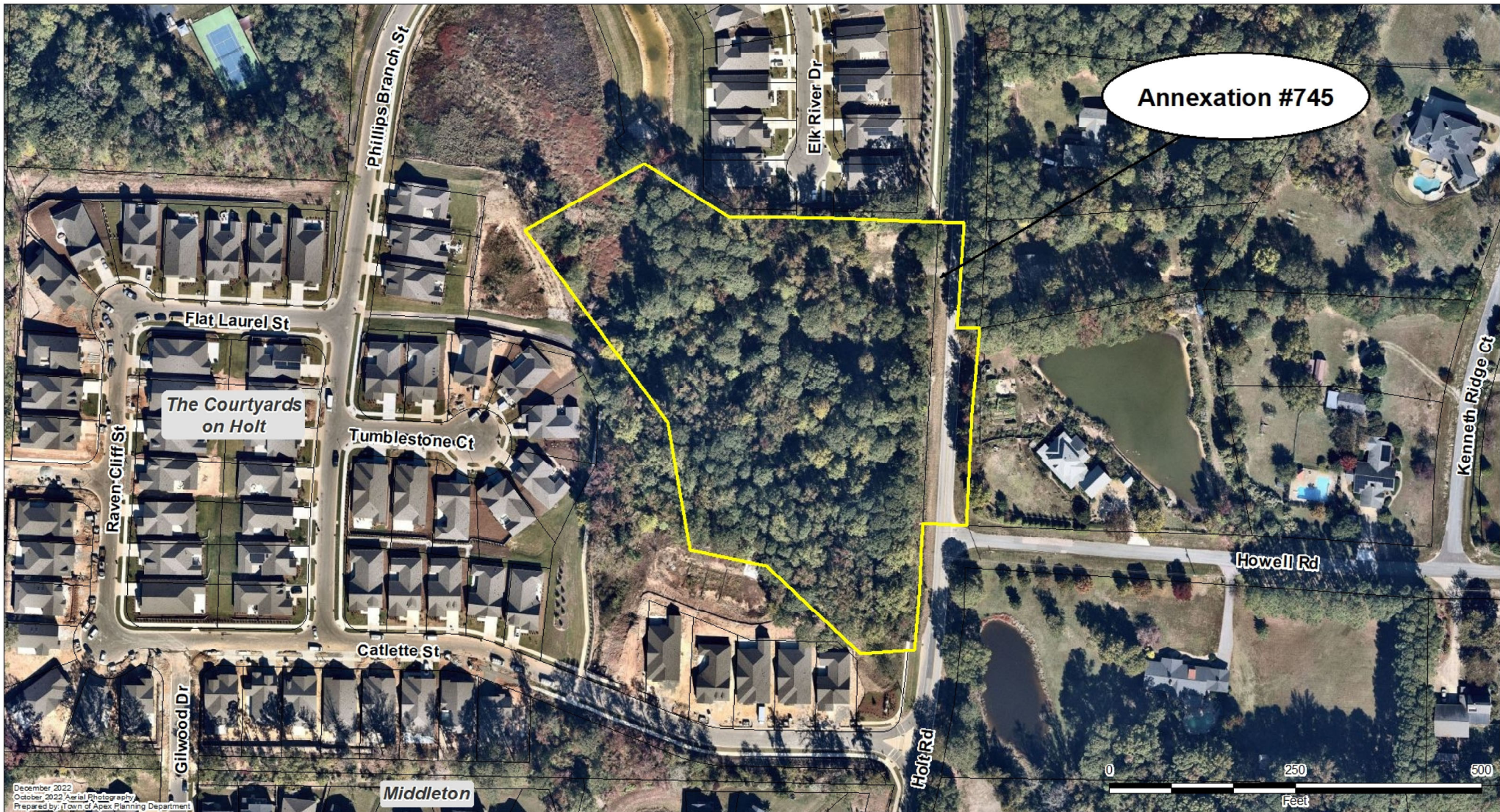
Attachment: Legal Description

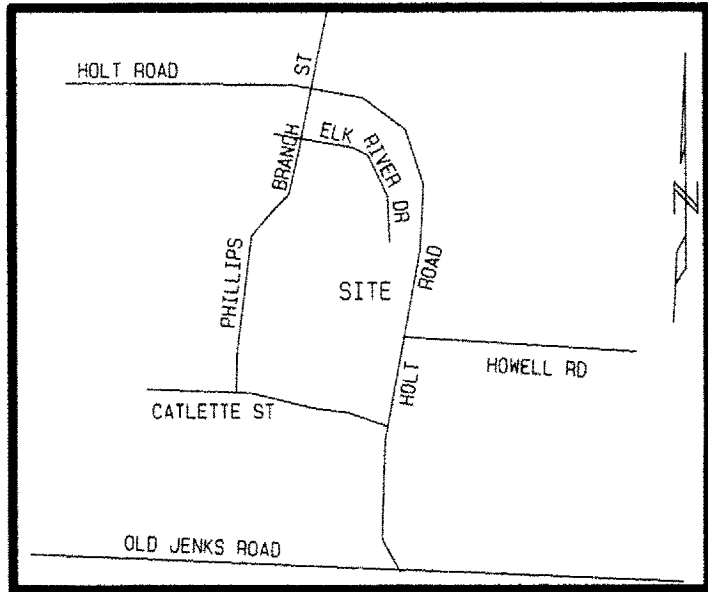
1305 Holt Road

Annexation

Town of Apex

Beginning at a point, said point being the point and place of beginning and being an iron pipe found having NC Grid Coordinates of N 732793.0113 E 2043233.3030 and being N 88° 10' 25" E 3.95' from an iron pipe set in the right-of-way of Holt Road (State Road 1612), thence with said point of beginning S 86° 27' 23" W 69.61' to an iron pipe found, thence N 47° 29' 25" W 174.02' to an iron pipe found, thence N 79° 23' 17" W 104.24' to an iron pipe set, thence N 10° 32' 20" W 175.06' to an iron pipe found, thence N 37° 12' 27" W 321.25' to an iron pipe set, thence N 60° 36' 35" E 183.83' to an iron pipe found, thence S 57° 52' 21" E 134.27' to an iron pipe found, thence S 89° 48' 52" E 288.81' to an iron pipe set, thence S 70° 52' 55" E 31.10' to a point in the centerline of Holt Road (State Road 1612), thence with said centerline S 03° 19' 47" W 153.69' to a point in said centerline, thence N 80° 58' 12" E 30.71' to an iron pipe found in the right-of-way of said road and being a common property corner of PIN 0743-33-4370 & PIN 0743-33-4069 thence with said right-of-way S 03° 20' 06" W 254.85' to a point in the right of way of Holt Road and Howell Road, thence N 85° 45' 06" W 58.93' to a point, thence S 03° 11' 34" W 169.60' to an iron pipe set in the right-of-way of Holt Road, thence S 88° 10' 25" W 3.95' to the point and place of beginning containing 5.367 acres or 223748 square feet as computed by the coordinate method.





VICINITY MAP NOT TO SCALE

I, LEONARD H. SULLIVAN, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10000 +; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 20th DAY OF NOVEMBER, A.D., 2022

SURVEYOR LEONARD H. SULLIVAN JR.
L-2821

LICENSE
NUMBER

ALSO, I CERTIFY:

- THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND
- THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND
- ANY ONE OF THE FOLLOWING:
 - THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - THAT THE SURVEY IS A CONTROL SURVEY.
 - THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 - THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

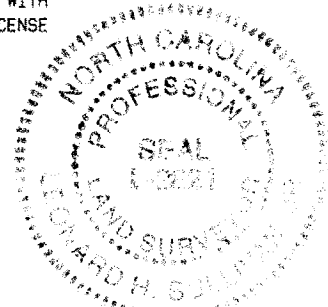
ANNEXION #

I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE DAY OF 20, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX.

DAY/MONTH/YEAR

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

- NOTES:
- AREAS COMPUTED BY COORDINATE METHOD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES MEASURED IN U.S. SURVEY FEET.
 - THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY FACTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 - NOT ALL SUBSURFACE IMPROVEMENTS TO LOT SHOWN HEREON.
 - ANY POINT NOTED AS "CONTROL CORNER" SHALL NOT BE DEEMED ANY MORE OR LESS RELIABLE THAN ANY OTHER POINT SHOWN HEREON.
 - NC GRID COORDINATES BY GPS OBSERVATION, REF NAD 83 (2011)
 - NO NCOS MONUMENT WAS FOUND WITHIN 2000' OF SITE.



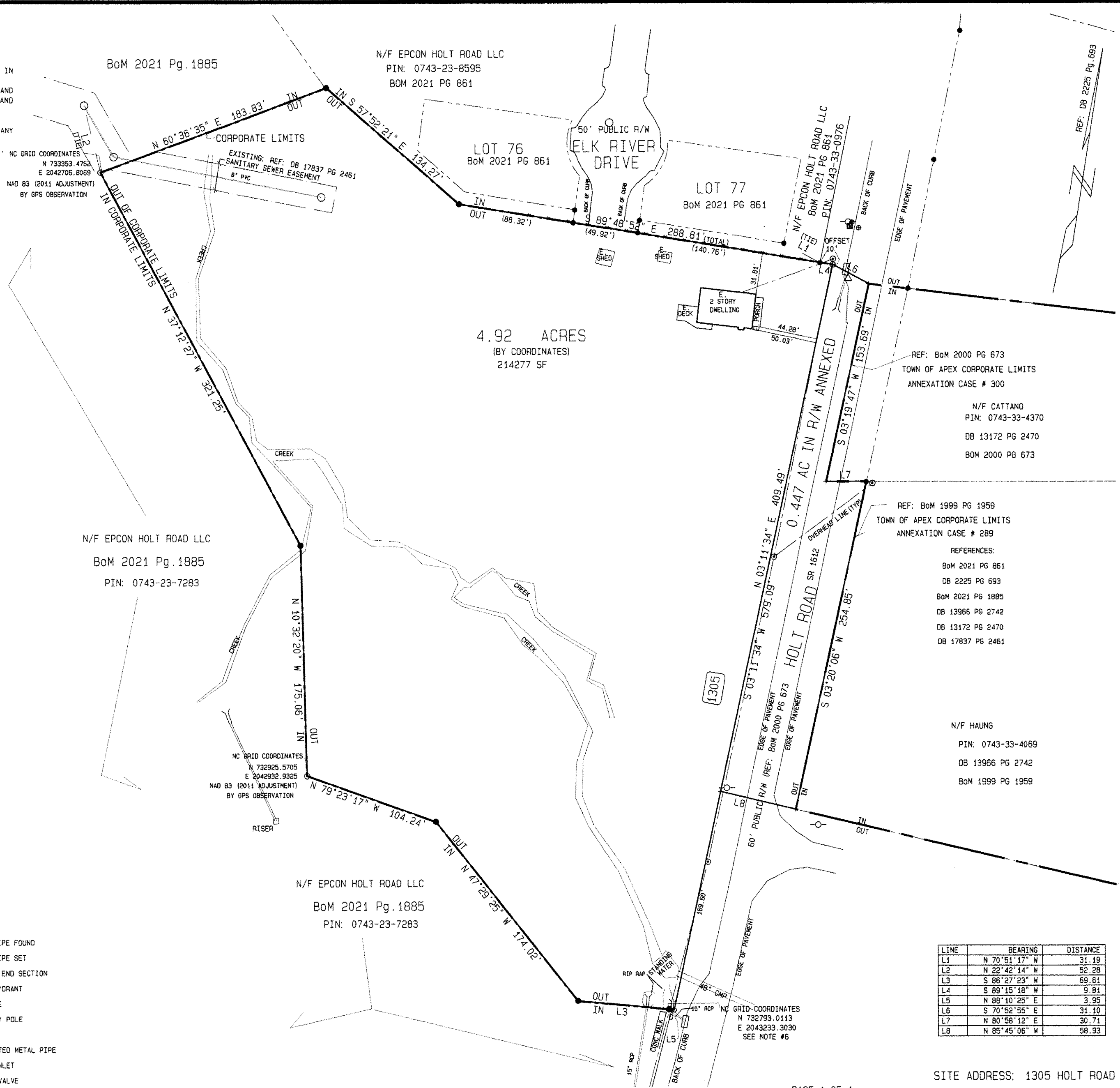
LEGEND:

- IRON PIPE FOUND
- IRON PIPE SET
- FLARED END SECTION
- FIRE HYDRANT
- MANHOLE
- UTILITY POLE
- FENCE
- CMF CORRUGATED METAL PIPE
- CURB INLET
- WATER VALVE
- RCP REINFORCED CONCRETE PIPE
- MASON NAIL SET
- CONCRETE MONUMENT FOUND (BO)
- INDICATES STREET ADDRESS
- EXISTING
- IN INSIDE CORPORATE LIMITS OF APEX
- OUT OUTSIDE CORPORATE LIMITS OF APEX
- COMPUTED POINT

SITE DATA TABLE:

AREA IN R/W TO BE ANNEXED: 0.447 AC
AREA OF PIN 0743-33-1106 TO BE ANNEXED: 4.92 AC
TOTAL AREA TO BE ANNEXED: 5.367 AC

RECORDED IN WAKE COUNTY REGISTRY OF DEEDS BOOK OF MAPS 20222 PAGE



LINE	BEARING	DISTANCE
L1	N 70°51'17\"	31.19
L2	N 22°42'14\"	52.28
L3	S 86°27'23\"	69.61
L4	S 89°15'18\"	9.81
L5	N 88°10'25\"	3.95
L6	S 70°52'56\"	31.10
L7	N 80°58'12\"	30.71
L8	N 85°45'06\"	58.93

PAGE 1 OF 1

SITE ADDRESS: 1305 HOLT ROAD

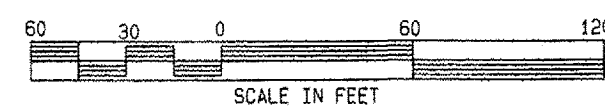
SULLIVAN SURVEYING

1143-D EXECUTIVE CIRCLE CARY, NC 27511
(919) 469-4738 FAX: (919) 469-8447
F-0507

REVISION DATE:

25 OCTOBER 2022
26 OCTOBER 2022
7 NOVEMBER 2022
19 NOVEMBER 2022

OWNER(S):
SRP SIGNATURE HOMES, L.L.C.
2025 KIRKHAVEN ROAD
MORRISVILLE, N.C. 27560-7121
DB 18990 PG 1587



ANNEXATION PLAT FOR THE TOWN OF APEX:

SRP SIGNATURE HOMES LLC PROPERTY

WHITE OAK TOWNSHIP

WAKE COUNTY

SCALE: 1" = 60'

DRAWN BY: TAH

DATE: 25 MARCH 2022

FILE: S:\PACSOFT\2022\1305HO.CRD

NORTH CAROLINA

PIN 0743-33-1106

SURVEYED BY: MAS

JOB # 5471522

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 #: 2022-022
Fee Paid \$ 200.00

Submittal Date: 10-3-2022
Check # 1046

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

SRP Signature Homes, LLC

0743-33-1106

Owner Name (Please Print)

Property PIN or Deed Book & Page #

919-339-5072 (Raj Baksha)

bsrajnc@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: Sullivan Surveying (F-0507)

Phone: 919-469-4738

Fax: 919-469-8447

E-mail Address: sullivanssurveying@yahoo.com

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed: 4.92 ^{5.367}
Population of acreage to be annexed: 0
Existing # of housing units: 1
Proposed # of housing units: 4
Zoning District*: RR

Reason(s) for annexation (select all that apply)

Need water service due to well failure ☐
Need sewer service due to septic system failure ☐
Water service (new construction) ☒
Sewer service (new construction) ☒
Receive Town Services ☒

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-022

Submittal Date: 10-3-2022

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Please Print

Please Print

Please Print

Signature

Signature

Signature

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: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-022

Submittal Date: 10-3-2022

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, SRP Signature Homes, 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 29 day of September, 2022.

Name of Limited Liability Company SRP Signature Homes, LLC

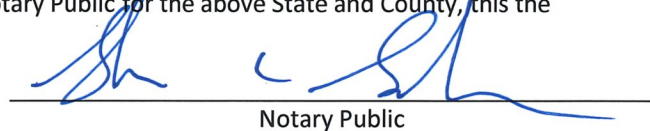
By: _____



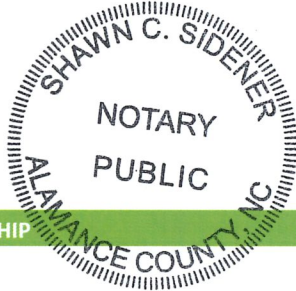
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Shawn C. Sidener, a Notary Public for the above State and County, this the 29 day of September, 2022.


Notary Public

SEAL



My Commission Expires: June 27, 2026

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: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS

IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual

CONTACT INFORMATION

Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

REQUIRED PLAT ITEMS

#	
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

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 February 14, 2023, on the Question of Annexation - Apex Town Council's intent to annex 3.677 acres, located at 2705 Richardson Road, Apex, North Carolina, Annexation No. 751 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

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





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

Annexation Petition #751
2705 Richardson Road – 3.677 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 24th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #751
2705 Richardson Road – 3.677 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 24th day of January, 2023.

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 #751
2705 Richardson Road – 3.677 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 14th day of February, 2023.

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 24th day of January, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

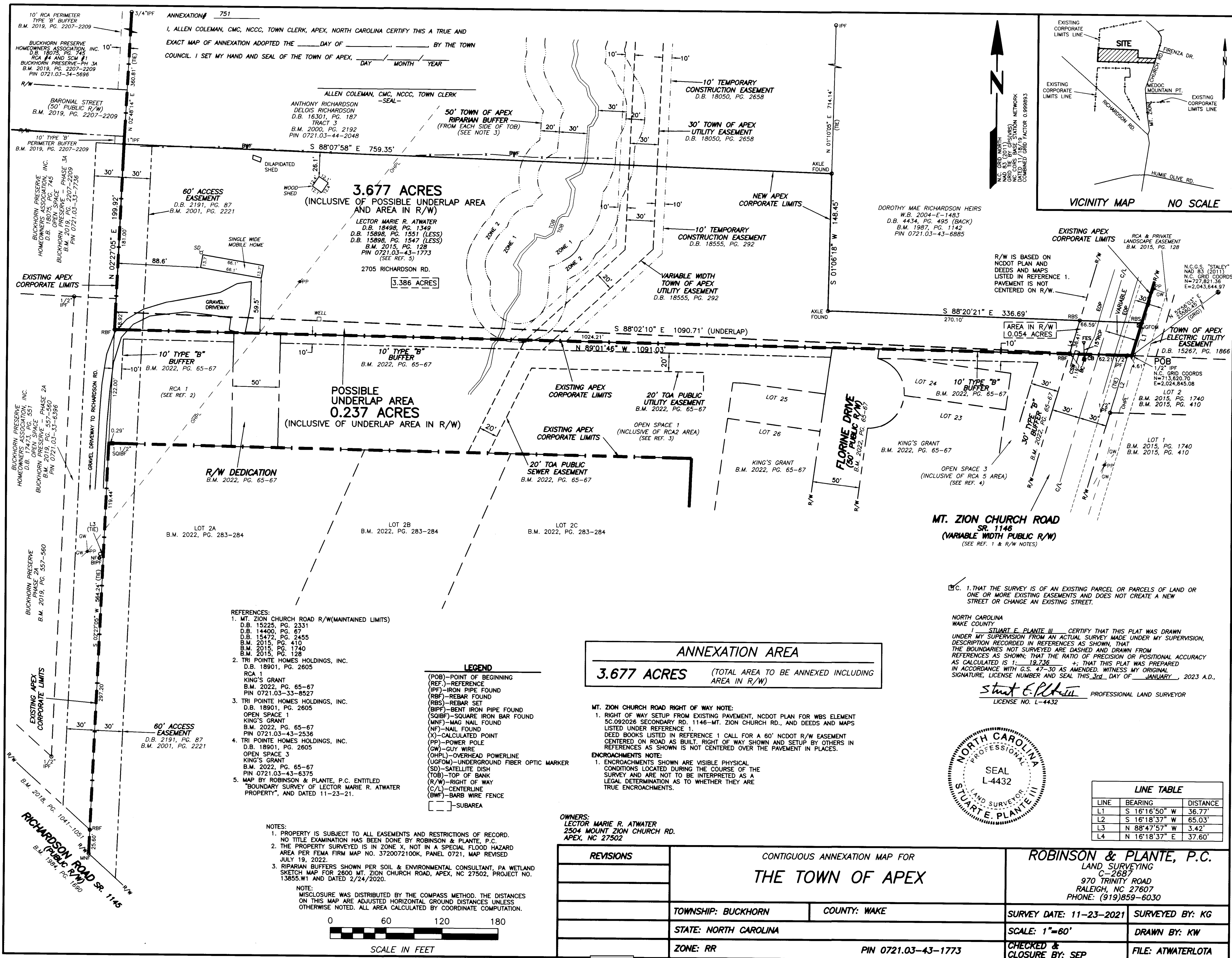
Allen L. Coleman, Town Clerk

Attachment: Legal Description

2705 Richardson Rd Annexation

BEGINNING at a ½" iron pipe found on the eastern right of way of Mt. Zion Church Road (S.R. 1146)(Variable Width Public Right of Way), said iron pipe having N.C. Grid Coordinates (NAD 83/2011) of N=713,620.70, E=2,024,845.08, thence from said BEGINNING point, crossing said right of way, North 89°01'46" West 66.82 feet to a rebar found on the western right of way of Mt. Zion Church Road (S.R. 1146)(Variable Width Public Right of Way), thence leaving said right of way North 89°01'46" West 1,024.21 feet to a rebar found, thence North 02°27'05" East 199.92 feet to a 1"iron pipe found, thence South 88°07'58" East 759.35 feet to an axle found, thence South 01°06'18" West 148.45 feet to an axle found, thence South 88°20'21"East 270.10 feet to a rebar set on the western right of way of Mt. Zion Church Road (S.R. 1146)(Variable Width Public Right of Way), thence crossing said right of way South 88°20'21" East 66.59 feet to a rebar set on the eastern right of way of Mt. Zion Church Road (S.R. 1146)(Variable Width Public Right of Way), thence along said right of way South 16°16'50" West 36.77 feet to the point and place of BEGINNING containing 3.677 Acres more or less.





PETITION FOR VOLUNTARY ANNEXATION Town of Apex, North Carolina



ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [IDT Plans](#).
- **REVIEW BY STAFF:** The Planning and Community Development Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) Mylar annexation plats to the Department of Planning and Community Development by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Department of Planning and Community Development, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

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

Lector Marie R Atwater	0721.03-43-1773
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-427-1681 (Brandon Poythress)	brandon.poythress@halliam.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: Stuart E Plante III of Robinson & Plante, P.C.

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>3.677</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 checked="" type="checkbox"/>
Proposed # of housing units:	<u>1</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>RR</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Lector M. Atwater
Please Print

by Douglas Brown, POA
Signature

Please Print

Signature

Please Print

Signature

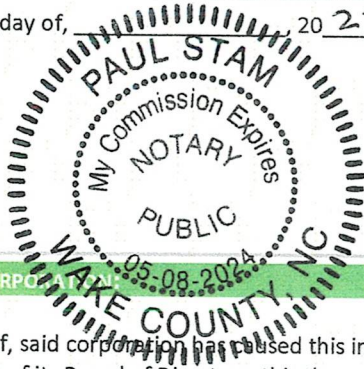
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paul Stam, a Notary Public for the above State and County,
this the 30 day of November, 2022.

SEAL



Paul Stam
Notary Public

My Commission Expires: May 8, 2024

COMPLETE IF A CORPORATION:

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

SEAL

Corporate Name _____

Attest:

By: _____
President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Notary Public

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

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____.

SEAL

Notary Public

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____.

SEAL

Notary Public

My Commission Expires: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS

IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual

CONTACT INFORMATION

Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

REQUIRED PLAT ITEMS

#	
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p>Day/Month/Year</p> <p>_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p>-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

- A. Motion to reappoint Mr. Bill Jensen to the Environmental Advisory Board (EAB) for a three-year (3) term expiring January 31, 2026.
- B. Motion to appoint Mr. Sean Crowell to the Environmental Advisory Board (EAB) for a three-year (3) term expiring January 31, 2026.

Approval Recommended?

Mayor Jacques K. Gilbert recommends both Bill Jensen and Sean Crowell for appointment consideration to the Apex Environmental Advisory Board (EAB)

This recommendation is supported by EAB Chair Katie Schaaf and Vice-Chair Suzanne Mason.

Item Details

The Town Clerk's Office received a total of 3 applications for appointment consideration to the Environmental Advisory Board (EAB). Listed below, in alphabetical order, are the applications and their respective applications are attached. All three candidates are eligible for appointment; however, the Environmental Advisory Board only has two vacancies:

- Conway, Scott M.
- Crowell, Sean
- Kollu, Abigail

Attachments

- Applications



Entry #: 469 - Environmental Advisory Board

Status: Submitted

Submitted: 1/3/2022 8:48 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... ***

- | | |
|---|---|
| <input type="radio"/> Bee City Committee | <input type="radio"/> Planning Board |
| <input type="radio"/> Board of Adjustment | <input type="radio"/> Public Art Committee |
| <input checked="" type="radio"/> Environmental Advisory Board | <input type="radio"/> Transit Advisory Committee |
| <input type="radio"/> Housing Advisory Board | <input type="radio"/> Tree Citizen Advisory Panel |
| <input type="radio"/> Parks & Recreation Advisory Commission | |

Are you affiliated with the development community (developer's engineer, developer, etc.)?

- ☐ Yes ☐ No

How did you hear about this opportunity to serve? *

- ☐ Friend / Neighbor ☒ Town Website ☐ Facebook ☐ Nextdoor ☐ Twitter ☐

Candidate Contact Information**Legal Name ***

Scott	M	Conway
-------	---	--------

Preferred First Name

(if different from Legal first name)

Address *

Apex	North Carolina	27523
------	----------------	-------

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☐ Yes ☐ No

Email ***Mobile Phone *****Alternate Phone (work/home)**

Background Information

Current Employer

Blue Trail Solutions

Current Job Title

Owner

Tell us why you would like to serve? *

I have a high degree of interest in the environment, particularly in Apex with explosive growth. My particular areas of focus are stormwater management and construction debris affecting the environment.

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

I was a member of the Massachusetts Association of Conservation Commissioners, and completed the ConCom training curriculum. I also wrote, led, and passed the local bylaw for the plastic bag ban, and advised others on the county and state level.

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

Grafton (MA) Conservation Commission, Vice Chair, 2016-2019 Grafton (MA) Open Space & Recreation Committee, Chair, 2017-2019 Hassanamessit Woods Committee, 2017-2019 Massachusetts Commission on Lake Quinsigamond, 2016-2019 Lake Castleberry HOA Board of Directors, 2021-current

Entry #: 485 - Environmental Advisory Board

Status: Submitted

Submitted: 5/17/2022 10:58 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... ***

- | | |
|---|---|
| <input type="radio"/> Bee City Committee | <input type="radio"/> Planning Board |
| <input type="radio"/> Board of Adjustment | <input type="radio"/> Public Art Committee |
| <input checked="" type="radio"/> Environmental Advisory Board | <input type="radio"/> Transit Advisory Committee |
| <input type="radio"/> Housing Advisory Board | <input type="radio"/> Tree Citizen Advisory Panel |
| <input type="radio"/> Parks & Recreation Advisory Commission | |

Are you affiliated with the development community (developer's engineer, developer, etc.)?

- ☒ Yes ☐ No

How did you hear about this opportunity to serve? *

- ☐ Friend / Neighbor ☒ Town Website ☐ Facebook ☐ Nextdoor ☐ Twitter ☐

Candidate Contact Information**Legal Name ***

Sean		Crowell
------	--	---------

Preferred First Name

(if different from Legal first name)

Address *

Apex	North Carolina	27502
------	----------------	-------

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☐ Yes ☒ No

Email ***Mobile Phone *****Alternate Phone (work/home)**

Background Information

Current Employer

Loureiro Engineering Associates

Current Job Title

Senior Vice President

Tell us why you would like to serve? *

I have lived in Apex since 2015 and have enjoyed raising my children here, coaching local sports teams and seeing the area grow. I also opened a local office for an Engineering firm that focuses on Environmental Engineering and Brownfields redevelopment. I have a passion for the environment and significant skills associated with engineering development and redevelopment and would love to serve the community through providing my skills to support the responsible continued development of the area.

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

Environmental Engineering (PE) Mechanical Engineering (BS) 20+ Years of experience in Environmental Site Assessment and Remediation Extensive understanding of environmental regulations Extensive experience running a business in the area Local experience coaching sports and working with people 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. *

NA

Entry #: 488 - Environmental Advisory Board

Status: Submitted

Submitted: 5/25/2022 1:39 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... ***

- | | |
|---|---|
| <input type="radio"/> Bee City Committee | <input type="radio"/> Planning Board |
| <input type="radio"/> Board of Adjustment | <input type="radio"/> Public Art Committee |
| <input checked="" type="radio"/> Environmental Advisory Board | <input type="radio"/> Transit Advisory Committee |
| <input type="radio"/> Housing Advisory Board | <input type="radio"/> Tree Citizen Advisory Panel |
| <input type="radio"/> Parks & Recreation Advisory Commission | |

Are you affiliated with the development community (developer's engineer, developer, etc.)?

- ☐ Yes ☒ No

How did you hear about this opportunity to serve? *

- ☐ Friend / Neighbor ☒ Town Website ☐ Facebook ☐ Nextdoor ☐ Twitter ☐

Candidate Contact Information**Legal Name ***

Abigail		Kollu
---------	--	-------

Preferred First Name*(if different from Legal first name)***Address ***

1204 Celestine Place		
Apex	North Carolina	27502

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☒ Yes ☐ No

Email ***Mobile Phone *****Alternate Phone (work/home)**

Background Information**Current Employer**

UNC-Chapel Hill

Current Job Title

Student

Tell us why you would like to serve? *

As a young adult, I want to serve my hometown of Apex, NC by increasing engagement and perspectives on environmental justice and policies in this town. I believe that in order to better impact our community's sustainability, we need education and action from all parties involved, and getting young people involved into such initiatives is key to increasing awareness and the likelihood for environmentally-friendly practices to occur. In addition, as a BIPOC person living in an immigrant family with the added perspectives of LGBTQ+ identities and a passion for accessibility, I want to work with policies in Apex to help increase our authentic engagement with members of the community. I love Apex, and I decided to transfer from Saint Louis University after doing policy work in the St. Louis community because I realized that I have a commitment to Apex, and the state of North Carolina to utilize the lessons I've learned and the passion I have nurtured into one that helps bring equitable change to my hometown.

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

Although I am still in university, I am getting my degree in public health. I was in my former institution's student government, and worked with some of the student communities to discuss environmental justice and accessibility, working with administration to bring about policy changes. My experience working on increasing communication and engagement while advocating for university policy change as well as my work in the St. Louis community with harm-reduction practices related to substance use, the reproductive justice movement both on campus and in the greater St. Louis area, and my initiatives to build community for QTPOC at my school are all exemplary of my commitment to increasing authentic engagement, and my coursework in public health and community wellness give me some background on how environmental health contributes to bettering community health.

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: January 24, 2023

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 Environmental Advisory Board (EAB) for calendar year 2023:

- Suzanne Mason, Chair of the Environmental Advisory Board (EAB)
- John Garrison, Vice-Chair of the Environmental Advisory Board (EAB)

Approval Recommended?

Mayor Jacques K. Gilbert recommends both Suzanne Mason for Chair and John Garrison for Vice-Chair for appointment consideration to the Apex Environmental Advisory Board (EAB)

Item Details

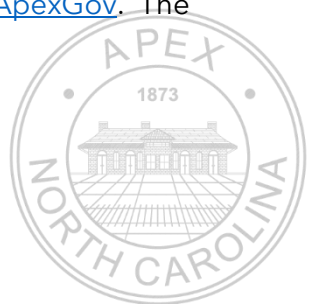
On Thursday, January 19, 2023, the Apex Environmental Advisory Board (EAB) unanimously (8-0) voted to nominate Suzanne Mason to the Chair position for calendar year 2023. Subsequently, the Apex Environmental Advisory Board voted to nominate John Garrison to the Vice-Chair position for calendar year 2023. Both John Garrison and Jason Maynard were nominated for the Vice-Chair position.

The current EAB members were reminded that this vote was a recommendation to the Mayor and the Town Council continues to hold the final appointing authority.

The public is invited to re-watch the Environmental Advisory Board meeting from January 19, 2023, on the Town's Youtube Channel via the following link: <https://www.youtube.com/c/TownofApexGov>. The nomination process begins at 14 minutes and 12 seconds.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to reappoint the following members to the Apex Planning Board for two-year terms effective January 1, 2023 and expiring December 31, 2024:

- Ryan Akers (Wake County)
- Keith Braswell
- Jeff Hastings (Historic Representative - Non-Voting Member)
- Sarah Soh

Approval Recommended?

Mayor Jacques K. Gilbert recommends the following re-appointments to the Apex Planning Board:

- Ryan Akers (Wake County)
- Keith Braswell
- Jeff Hastings (Historic Representative - Non-Voting Member)
- Sarah Soh

Each of the above members wish to be considered for re-appointment.

Item Details

Section 2.1.2 (Planning Board) of the Unified Development Ordinance (UDO) for the Town of Apex states:

- **Membership:** The Planning Board shall consist of nine (9) voting members and one (1) non-voting member.
- **Appointment:** Regular members of the Planning Board from the Town shall be recommended by the Mayor and appointed by the Town Council.
- **Terms:** Members shall be appointed for terms of two (2) years. No member of the Planning Board may serve more than five (5) consecutive two (2) year terms.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

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 Planning Board for calendar year 2023:

- Reginald Skinner, Chair of the Apex Planning Board
- Tina Sherman, Vice-Chair of the Apex Planning Board

Approval Recommended?

Mayor Jacques K. Gilbert appointed both Reginald Skinner as Chair and Tina Sherman as Vice-Chair of the Apex Planning Board for calendar year 2023.

Staff reminded the current Planning Board members that this vote was a recommendation to the Mayor/Town Council.

Item Details

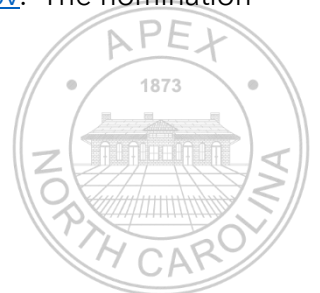
On Tuesday, December 12, 2022, the Apex Planning Board unanimously (9-0) voted to nominate Reginald Skinner to the Chair position and Tina Sherman to the Vice-Chair position for calendar year 2023.

Based on 2.1.2.C.1 of the Unified Development Ordinance for the Town of Apex, the Chair and Vice-Chair of the Apex Planning Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council.

The public is invited to re-watch the Planning Board meeting from December 12, 2022, on the Town's Youtube Channel via the following link: <https://www.youtube.com/c/TownofApexGov>. The nomination process begins at 3 hours, 35 minutes, and 19 seconds.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve a three (3) year contract from February 1, 2023 through January 31, 2026 with Kantola Training Solutions LLC, and authorize the Town Manager to execute the same, for Employee E-Learning Training Services.

Approval Recommended?

Yes

Item Details

The general scope of work is to provide employee online e-learning (training) courses. These online courses will be assigned to new hires as well as existing employees in the Town's Learning Management System and tracked for completion. Details on courses and prices are in the attached contract.

Attachments

- Kantola Multi-Year Contract
- Contract Routing Control Sheet



Kantola Training Solutions License Agreement

This Kantola Training Solutions License Agreement (“*License Agreement*”), effective as of the date of signature on this agreement by and between Kantola Training Solutions, LLC, (“*Licensor*”), with offices located at 55 Sunnyside Avenue, Mill Valley, CA and Town of Apex, (“*Licensee*”) with offices located at 73 Hunter St., Apex, North Carolina 27502.

BACKGROUND:

The Licensor wishes to license workplace training solutions to the Licensee and the Licensee desires to license the workplace training solutions under the terms and conditions stated below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Product:

- 1.1. Under this License Agreement, the Licensor grants to the Licensee a non-exclusive and non-transferable license to use the following training courses and related material (“*Product*”):

Product: Custom Collection

- **Harassment Prevention; A Commonsense Approach**
- **Manager & Non-Manager**
- **Plus, up to six additional courses**

- 1.2. On each anniversary of the execution of this License Agreement, the Licensee will have the right to move to the most recent version of the courses listed above should more recent versions be available.

2. License Fees:

- 2.1. The license fees for the Product are as follows (“*License Fees*”):

Year	# of learners	Price per learner per year	Set-up fee	Total fees
Year 1	550	\$9.99	WAIVED (\$500)	\$5,494.50
Year 2	550	\$9.99	NA	\$5,494.50
Year 3	550	\$9.99	NA	\$5,494.50

- 2.2. Any additional learners will be invoiced at time of addition and will be billed at \$9.99 per learner per year.
- 2.3. All invoiced items will be delivered within the agreed-upon timeframe and will include sales tax, if applicable, and invoices will be payable within 30 days of receipt of the invoice (unless otherwise agreed upon in writing).
- 2.4. Included in the License Fee, Licensor will provide technical services support to the Licensee as needed during normal business hours or by the next business day, Monday through Friday from 7:30 AM to 5:30 PM Pacific time.

- 2.5. The first-year portion of the License Fees will be invoiced on execution of this License Agreement, and fees for subsequent years will be invoiced on the anniversary of the execution of this Agreement.

3. Term:

- 3.1. This Agreement will begin on execution of this License Agreement and will continue for a period of three (3) years, unless terminated early ("**Term**").
- 3.2. The Licensee may terminate this License Agreement for any reason up to 60 days before each anniversary of the execution of this License Agreement ("**Early Termination Notice**") and no further fees will be due for subsequent years.
- 3.3. If Licenser fails to provide the Product as agreed, Licensee may terminate the License Agreement with written notification and Licenser will prorate and refund any remaining License Fees within 30 days of written notification.
- 3.4. At the end of the Term of this License Agreement the Licensee must destroy all copies, if any, of the Product in their possession.
- 3.5. Prior to the end of Term, Licenser will offer terms for renewal to the Licensee.

4. Delivery:

- 4.1. Licenser will provide Licensee with a SCORM 1.2 course that can be uploaded onto a secure password-protected intranet learning management system (LMS)

5. General:

- 5.1. This License Agreement, the incorporated T&Cs and any other incorporated agreements specifically referenced in this License Agreement, constitute the entire understanding between the Parties. This License Agreement can only be modified in writing signed by both the Licenser and the Licensee and does not create or imply any relationship in agency or partnership between the Licenser and the Licensee.

Licensee accepts Licenser's standard terms and conditions ("**T&Cs**"), as amended herein, which can be found at: <https://www.kantola.com/Kantola-Terms-andConditions-CT-365.aspx> and the T&Cs are incorporated herein and made part of this

Agreement. By entering into this Agreement, I confirm that I have read, and I accept the T&Cs as amended, with insertions in bold, underlined text, and deletions in struckthrough text:

Paragraph 14, Second Sentence. For avoidance of doubt, Confidential Information shall include, but is not limited to, personally identifiable information; **however, confidential information shall not include any "public records" as defined by Chapter 132 of the North Carolina General Statutes.**

Paragraph 15. This T&Cs as well as License Agreement, if any, between the Licensee and Licenser will be enforced or construed according to the laws of the State of ~~California~~ **North Carolina**. The parties to this License Agreement submit to the jurisdiction of the courts of the County of **Wake, North Carolina** for the enforcement of these T&Cs and License Agreement if any, or any arbitration award or decision arising from these T&Cs and License Agreement, if any.

- 5.2. This License Agreement may be executed in any number of counterparts, each of which is an original and all of which together evidence the same agreement.

5.3. Licensor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Licensor shall require all of Licensor's employees

to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

5.4. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Licensor hereby warrants and agrees that Licensor 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.

IN WITNESS WHEREOF, the parties have executed and delivered this Kantola Training Solutions License Agreement as of the date first written above

LICENSEE

LICENSOR

By:

By:

DocuSigned by:
Stephanie Palmer
C8480E6730F34FA...

Name: Catherine Crosby

Name: Stephanie Palmer

Title: Town Manager

Title:

Sales Manager

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

Town Finance Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

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

- January 10, 2023 Regular Town Council Meeting

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

- **DRAFT** Minutes - January 10, 2023, Regular Town Council Meeting (**provided under separate cover**)



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Vincent Javerzac and spouse Sanna Ahovaara-Javerzac to install a concrete driveway addition that will encroach 93 square feet onto the Variable width BMP Access Easement and TOA Public Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owners Vincent Javerzac and spouse Sanna Ahovaara-Javerzac (Grantees) for the property described as a residential lot known as Wake County PIN #0713-82-3149, Book of Maps 2016, Page 01291, lot is also known as 470 Grand Highclere Way, Apex, NC 27523. Grantees wish to install certain improvements, more particularly described as a concrete driveway addition that will encroach 93 square feet onto the Variable width BMP Access Easement and TOA Public Utility Easement.

Attachments

- Encroachment Agreement
- Exhibit A



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

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this ____ day of _____, 2023, by and between Vincent Javerzac and spouse Sanna Ahovaara-Javerzac, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0713-82-3149** by the Wake County Revenue Department and more particularly described as **Lot 8** of the subdivision known as **Lake Castleberry Phase 1 & 2** as shown on that certain plat recorded in **Book of Maps 2016, Page 01291**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **470 Grand Highclere Way, Apex, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a Variable width BMP Access Easement and TOA Public Utility Easement as shown on the **Subdivision Plat** hereinafter referred to as the "**Variable width BMP Access Easement and TOA Public Utility Easement**".

WHEREAS, Grantees wish to install certain improvements, more particularly described as a concrete driveway addition that will encroach **93 square feet onto the Variable width BMP Access Easement and TOA Public Utility Easement**, which serves the Residential Lot, hereinafter referred to as

the “**Encroachment,**” all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Variable width BMP Access Easement and TOA Public Utility Easement**.

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

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

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

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

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

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

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

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

To Grantees: Vincent Javerzac and Sanna Ahovaara-Javerzac
470 Grand Highclere Way
Apex, NC 27523

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

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

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

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

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

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

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0713-82-3149, 470 Grand Highclere Way, Apex, NC, 27523**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees obligations possesses adequate financial resources and ownership interest, and Grantees delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEES

By: [Signature]
Vincent Javerzac

By: [Signature]
Sanna Ahovaara-Javerzac

STATE OF NORTH CAROLINA

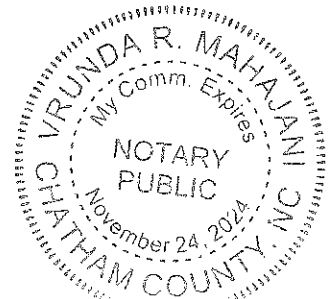
COUNTY OF WAKE [county in which acknowledgement taken]

I, do hereby certify that Vincent Javerzac, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of January, 2023.

Vrunda R Mahajani
[Signature of Notary Public]

My Commission Expires: 11/24/2024



STATE OF NORTH CAROLINA

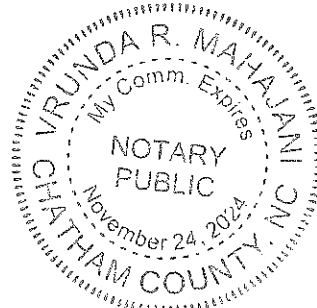
COUNTY OF WAKE [county in which acknowledgement taken]

I, do hereby certify that Sanna Ahovaara-Javerzac, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of January, 2023.

Vrunda R Mahajani
[Signature of Notary Public]

My Commission Expires: 11/24/2024



TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ *[county in which acknowledgement taken]*

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

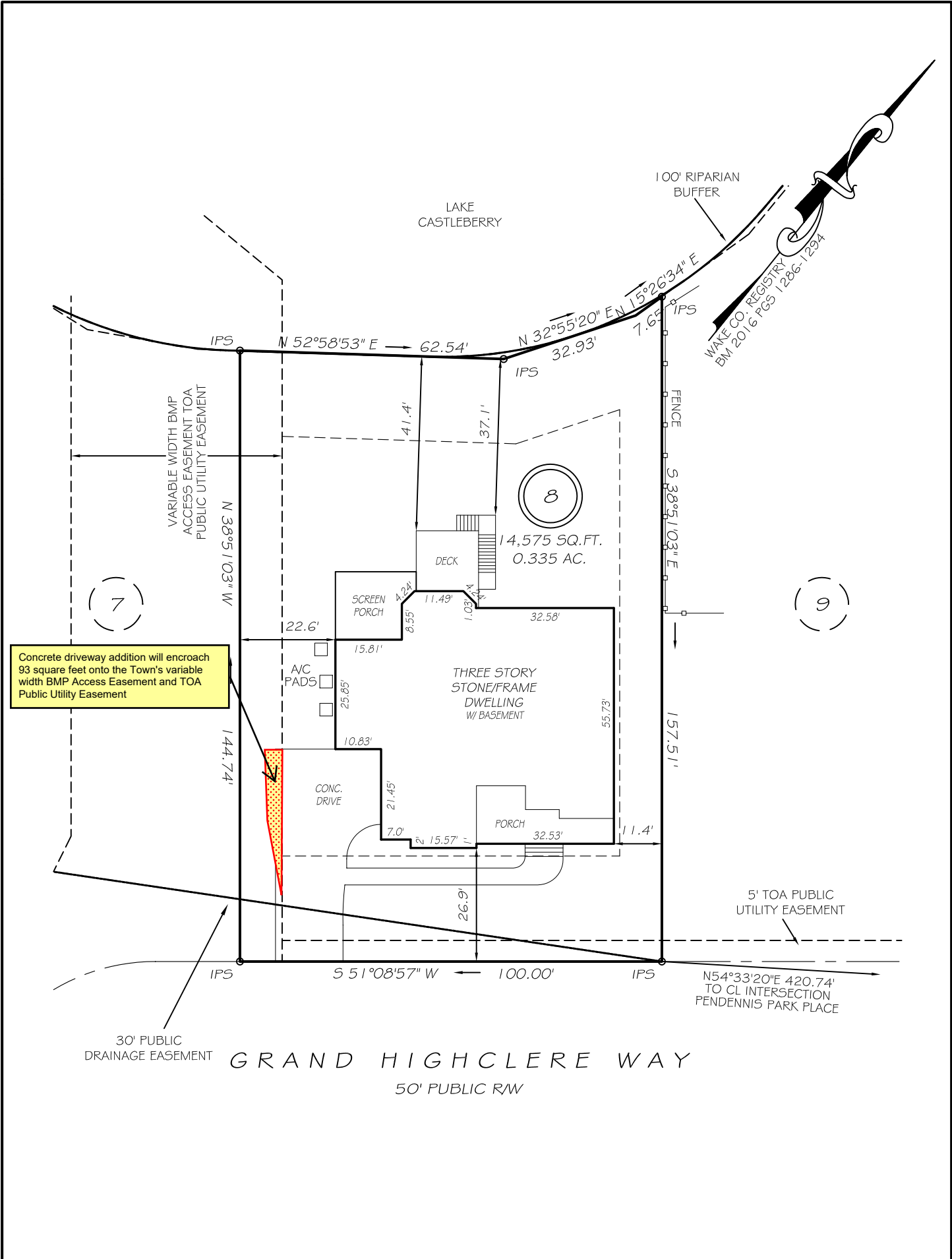
Witness my hand and official stamp or seal, this _____ day of _____, 2023.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

EXHIBIT A



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





GRIFFIN LAND SURVEYING, INC.
P. O. BOX 148
FUQUAY-VARINA, NC 27526
(919) - 567-1963

DRAWN BY KDF	DATE 3/5/19
CHECKED BY MPG	SCALE 1" = 30'

SURVEY FOR
SANNA AHOVAARA-JAVERZAC
& VINCENT JAVERZAC
LAKE CASTLEBERRY
LOT 8
470 GRAND HIGHCLERE WAY
APEX, N.C.
WAKE COUNTY WHITE OAK TOWNSHIP

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Katie Schwing, Senior Planner - Long Range Transit

Department(s): Planning

Requested Motion

Motion to adopt a resolution titled "A Resolution of The Town Council of The Town of Apex, North Carolina, Supporting the Installation of Public Art in the Public Right-of-Way at Select GoApex Bus Stops".

Approval Recommended?

Yes

Item Details

A key goal of the Apex Downtown Master Plan is to work with local and regional artists to implement public art projects along Salem Street that honor its history and vision for the future, and is where one of the stops proposed for art is located

Some of these proposed bus stops are along NCDOT right of way and the North Carolina Department of Transportation (NCDOT) provides an opportunity for the installation of public art in the local rights of way following the NCDOT Public Art in the Right of Way Policy and Encroachment Permit process. The Encroachment Permit applicant, local government agency, or municipal sponsor must provide NCDOT with an adopted local resolution which documents the process for the local community to consider and comment on the proposed art project. This action by Council provides the required local resolution required by the North Carolina Department of Transportation (NCDOT).

Town Staff will soon be issuing a "Call for Artists" to design and paint art on the pavement at twelve (12) select GoApex Bus Stops with preliminary designs and project details to be provided to NCDOT for review before final selections and installations take place to ensure they meet the NCDOT Public Art in the Right of Way Policy guidelines and Encroachment Permit Requirements.

Town Staff have recruited a selection committee consisting of three members of Town Staff, two members of the Public Art Committee, and three members of the Transit Advisory Committee to provide advice on the project, review applications and select applicants.

Attachments

- DRAFT Resolution of Support - Bus Stop Sidwalk Art Project



A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA, SUPPORTING THE INSTALLATION OF PUBLIC ART IN THE PUBLIC RIGHT-OF-WAY AT SELECT GOAPEX BUS STOPS

WHEREAS, per the Town's Public Art Policy, The Apex Town Council recognizes the value and importance of public art in the community and wishes to ensure that public art opportunities and projects are well integrated into the Town's planning process, support economic development, create visual interest, engage the community and enhance the character of Apex; and

WHEREAS, public art supports the Town's strategic goals of: Economic Vitality, which includes the objective to engage in placemaking; A Welcoming Community, which includes the objectives to foster community connections and create a sense of belonging; and High Performing Government, which includes the objective to promote a culture of innovation and creativity; and

WHEREAS, the Advance Apex Transportation Plan includes a plan theme of Sense of Place - to plan, design, and construct spaces and infrastructure that enhance the community's existing identity and promote a sense of place for new developments and enhancement projects; and

WHEREAS, a key goal of the Apex Downtown Master Plan is to work with local and regional artists to implement public art projects along Salem Street that honor its history and vision for the future, and is where one of the stops proposed for art is located;

WHEREAS, Town Staff have recruited a selection committee consisting of three members of Town Staff, two members of the Public Art Committee, and three members of the Transit Advisory Committee to provide advice on the project, review applications and select applicants; and

WHEREAS; some of these proposed bus stops are along NCDOT right of way and the North Carolina Department of Transportation (NCDOT) provides an opportunity for the installation of public art in the local rights of way following the NCDOT Public Art in the Right of Way Policy and Encroachment Permit process; and

WHEREAS, The Encroachment Permit applicant, local government agency, or municipal sponsor must provide NCDOT with an adopted local resolution which documents the process for the local community to consider and comment on the proposed art project; and

WHEREAS, the Town Staff hosted an online survey requesting feedback on the proposed project to install public art on the pedestrian pavement near select GoApex bus Stops between July 14th and September 20th, 2022, advertised on the Apex Transit

News and Updates webpage along with an email to approximately 3,200 subscribers, and a Town Facebook post seen by 1,912 users, and with 72 survey participants and public feedback received from the survey will be used to inform the project implementation, will be provided to the artist applicants to help guide their proposed designs, and will be used by the selection committee in selecting artist designs; and

WHEREAS, Town Staff propose to issue a Call for Artists to design and paint art on the pavement at twelve select GoApex Bus Stops with preliminary designs and project details to be provided to NCDOT for review before final selections and installations take place to ensure they meet the NCDOT Public Art in the Right of Way Policy guidelines and Encroachment Permit Requirements; and

WHEREAS, in order to support local artists, the application scoring process includes a weighting preference for North Carolina artists and the project will provide in-kind provision of art materials and paint for the installation, and a stipend to the selected artists upon completion of installation; and

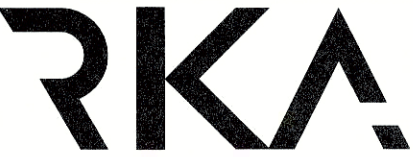
WHEREAS, Town Staff will develop and follow a maintenance plan for the installations to ensure the project meets the intended goals;

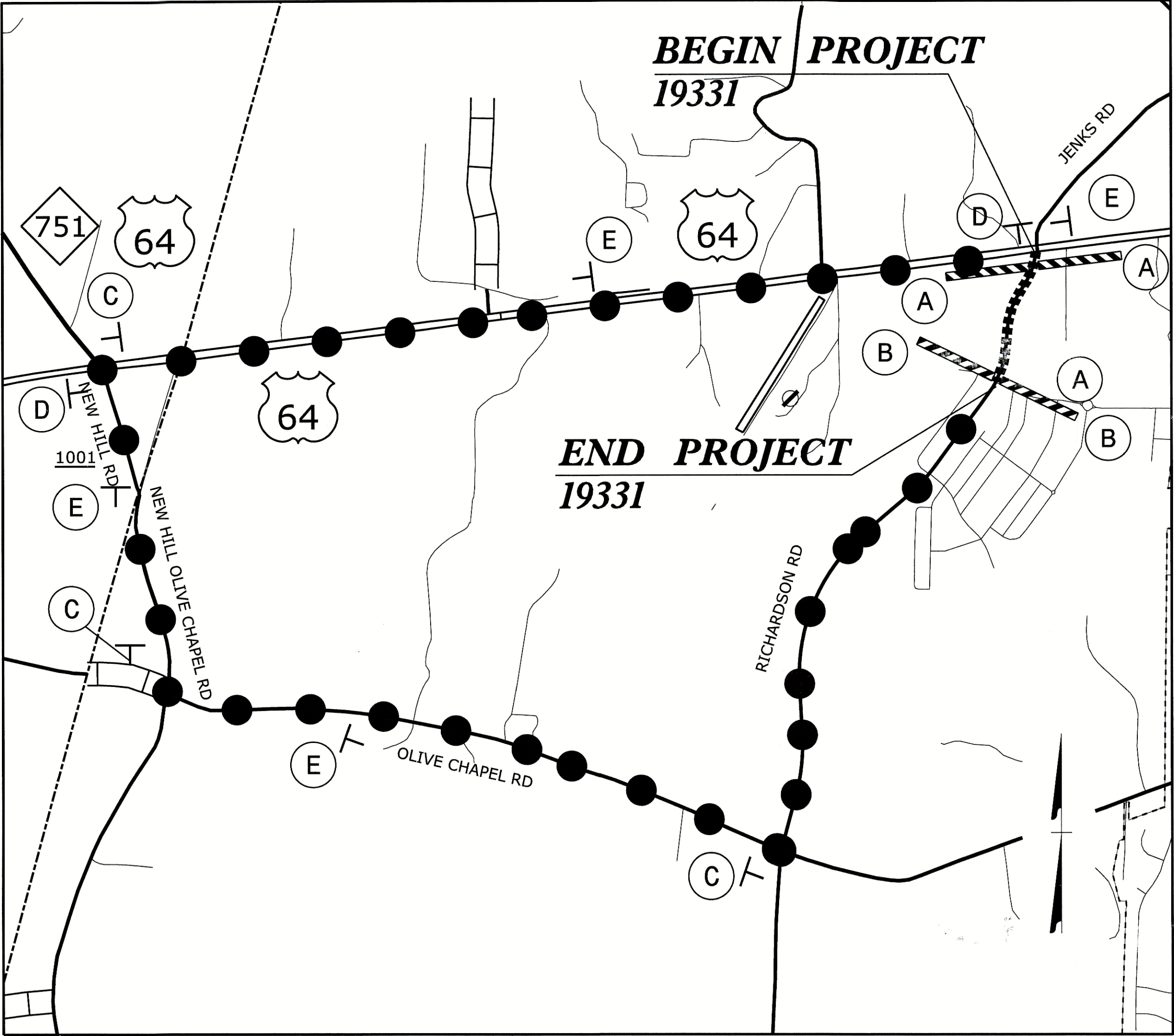
NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Apex is committed to the installation of the proposed GoApex Bus Stop Sidewalk Art project, in keeping with the North Carolina DOT Public Art in the Right of Way Policy.

ADOPTED THIS _____ day of _____, 20____.

Mayor

Town Clerk

PROJ. REFERENCE NO.	SHEET NO.
19331	TMP - 3
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	
 RKA RAMEY KEMP ASSOCIATES 5808 Farlington Place Raleigh, North Carolina 27609 Phone: 919-872-5115 NC License No. C-0910 www.rameykemp.com	



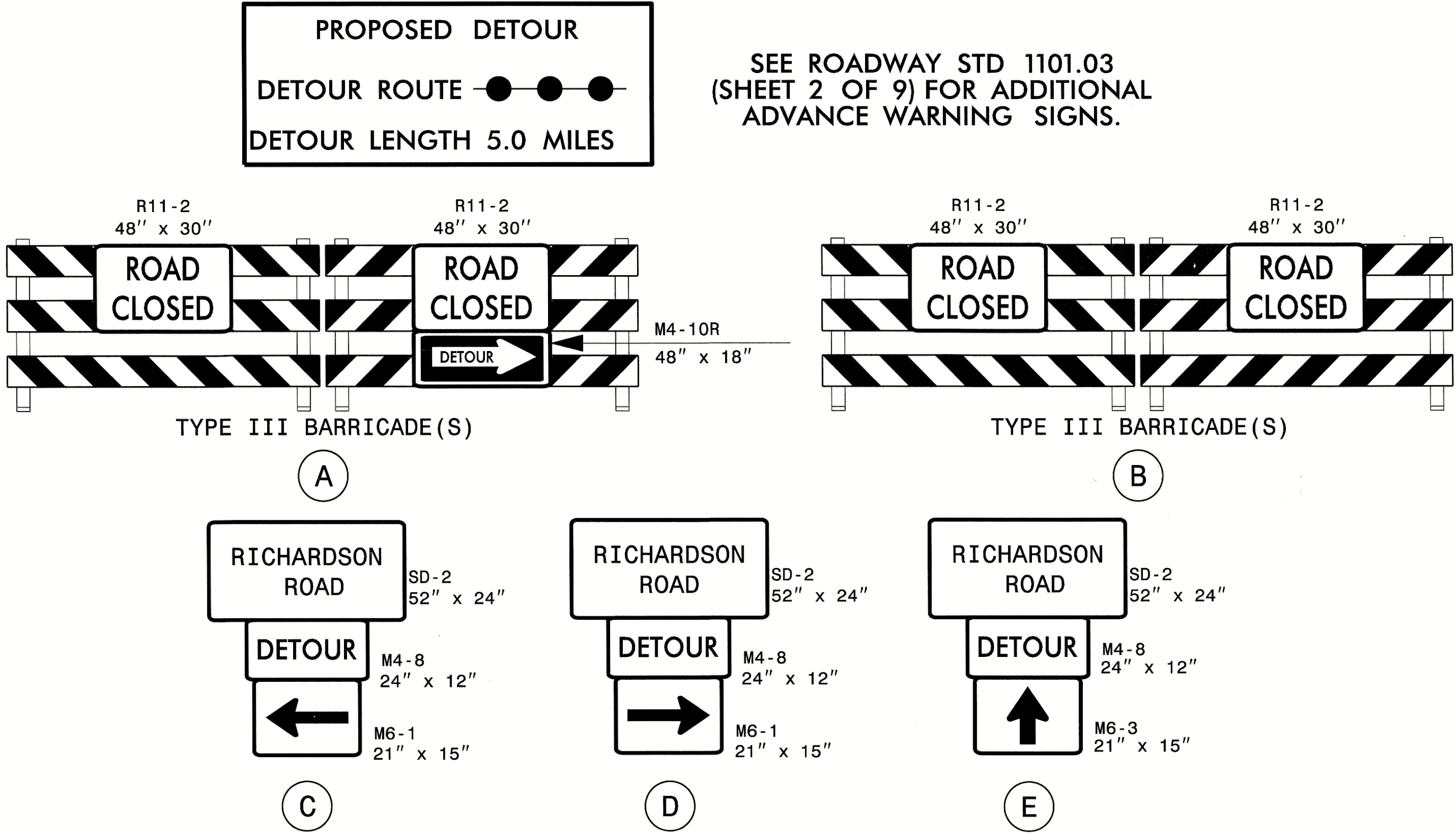
MANAGEMENT STRATEGY

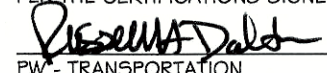
CLOSE RICHARDSON ROAD BETWEEN U.S. HWY 64 & CORE BANKS STREET TO THRU TRAFFIC TO CONSTRUCT THE ROADWAY IMPROVEMENTS USING AN OFF-SITE DETOUR.




PHASING NOTES

THE CONTRACTOR SHALL MAINTAIN ACCESS TO THE EXISTING DRIVEWAYS AS DIRECTED BY THE ENGINEER.

- STEP 1: PRIOR TO ANY CONSTRUCTION OPERATIONS, PLACE AND COVER OFF-SITE DETOUR SIGNING AS SHOWN ON TMP-3 AND IN ACCORDANCE WITH RSD 1101.03 (SHEET 2 OF 9).
- STEP 2: USING OFF-SITE DETOUR, UNCOVER DETOUR SIGNS, CLOSE -L- RICHARDSON ROAD AND CONSTRUCT ROADWAY IMPROVEMENTS UP TO AND INCLUDING FINAL SURFACE COURSE. USING ROADWAY STANDARD DRAWING 1101.02 (SHEET 3 OF 14), CLOSE THE OUTSIDE EASTBOUND LANE OF US 64 TO CONSTRUCT TIE IN.
- STEP 3: PLACE FINAL PAVEMENT MARKINGS ON -L- (RICHARDSON ROAD) AS SHOWN ON PAVEMENT MARKING PLANS.
- STEP 4: REMOVE BARRICADES AND DETOUR SIGNS AND OPEN -L- (RICHARDSON ROAD) TO TRAFFIC. REMOVE REMAINING TRAFFIC CONTROL DEVICES AND SIGNING.



THE SIGNATURES AFFIXED BELOW CERTIFY THAT THIS SHEET HAS BEEN REVIEWED AND APPROVED SOLELY PER THE CERTIFICATIONS SIGNED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS.			
	DATE	3/6/20	DATE
FW - TRANSPORTATION		WR - STORMWATER	
BUILDING INSPECTIONS	DATE	PLANNING	DATE
WR - UTILITY ENGINEERING	DATE	PLANNING - TRANSPORTATION	DATE
ELECTRIC	DATE	FIRE	DATE
WR - S&E	DATE	PARKS, RECREATION & CULTURAL RES.	DATE

APPROVED:  DATE: 2/25/2020			
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve a temporary closure of Richardson Road from US 64 to Core Banks Street for the purposes of widening to a four-lane median-divided roadway and constructing turn lanes and traffic signals on US 64 as part of the Sweetwater zoning obligations for development build-out of the commercial phases, with an estimated time of closure beginning on March 27, 2023 and ending on May 27, 2023.

Approval Recommended?

Yes

Item Details

Richardson Road from US 64 to Core banks Street is an existing two-lane median-divided roadway. The zoning conditions for the Sweetwater development require this section to be improved to a four-lane median-divided roadway. Additionally, dual left turn lanes are required for Richardson Road at US 64 as well as dual U-turn lanes east of Richardson Road with traffic signals to be installed at both locations.

In order to allow completion of the aforementioned improvements, NCDOT and Town staff have approved an offsite detour plan to be implemented for the duration of construction. It should be noted that the existing symmetrical median-divided two-lane shoulder section is more difficult to widen under existing traffic vs. an asymmetrical 2-lane section. The requested schedule allows time for the developer to notify residents, order materials, and builds in extra days for weather delays if encountered. The developer stated they need to close the roadway due to constructability of the storm piping which crosses the roadway and removal and reconfiguration of the center median.

Existing traffic counts on Richardson Road collected south of Core Banks Street in fall 2022 over a week-long period averaged approximately 4,100 vehicles per day. The approved detour plan routes traffic to New Hill Road/New Hill Olive Chapel Road and Olive Chapel Road. Local trips will still have access to other residential and collector streets within and connecting to Sweetwater, and drivers may instead choose to use Kelly Road as their preferred detour route. Town staff will provide information to the public via social media and the Town's website prior to the start of construction. Police, Fire, EMS and Wake County Public Schools will be notified in advance of the closure.

Attachments

- Offsite detour plan



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: 01/24/2023

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve the updated FY23 Position Authorizations list.

Approval Recommended?

Yes

Item Details

As a follow-up to the position changes approved by Town Council at the January 10, 2023 meeting, the updated FY23 Authorized Positions list is being presented for approval. The list includes all authorized positions for FY23, their updated titles (if applicable), and new grades based off the recently adopted new pay plan.

Attachments

- FY23 Position Authorizations List **(provided under a separate cover)**



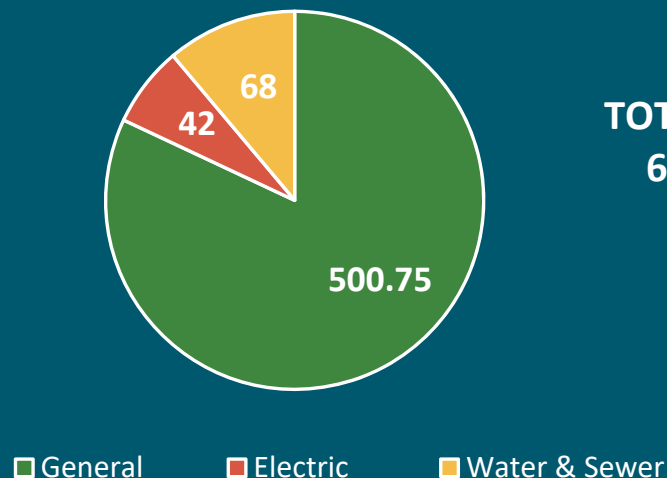
FY23 Authorized Positions



Full Time

7	Administration
7	Budget & Performance Management
4	Communications
5	Community Development and Neighborhood Connections
2	Diversity, Equity, and Inclusion
4	Economic Development
42	Electric
21.25	Finance
114	Fire
12	Human Resources
17	Information Technology
24	Building Inspections & Permits
4	Legal
54.75	Parks, Recreation, and Cultural Resources
21	Planning
126.75	Police & Emergency Communications
52	Public Works
3	Town Clerk
22	Transportation & Infrastructure Development
68	Water Resources

By Fund



TOTAL FTEs
610.75

By Department



Administration

7

	FT	PT	FTE	Grade
Town Manager	1		1	N/A
Deputy Town Manager	1		1	SL305
Assistant Town Manager	2		2	SL304
Management Analyst	1		1	M10
Senior Executive Assistant (Town Administration)	1		1	M09
Receptionist	1		1	M05

Budget, Performance, & Strategy

7

	FT	PT	FTE	Grade
Budget & Performance Director	1		1	SL301
Lead Budget & Performance Analyst	1		1	M11
Budget & Performance Analyst	3		3	M10
Sustainability Program Coordinator	1		1	M09
Sustainability Specialist	1		1	M08

Communications

4

	FT	PT	FTE	Grade
Communications Director	1		1	SL301
Communications Coordinator	1		1	M10
Digital Media Specialist	1		1	M08
Multimedia Specialist	1		1	M08

Community Development & Neighborhood Connections

5

	FT	PT	FTE	Grade
Community Development and Neighborhood Connections Direct	1		1	SL302
Housing Program Manager	1		1	M13
Senior Housing Specialist	1		1	M12
Community Engagement Coordinator	1		1	M10
Housing Technician	1		1	M08

Diversity, Equity, and Inclusion

2

	FT	PT	FTE	Grade
Diversity, Equity, and Inclusion Director	1		1	SL301
DEI Coordinator	1		1	M10

Economic Development

4

	FT	PT	FTE	Grade
Economic Development Director	1		1	SL301
Small Business Manager	1		1	M10
Small Business Specialist	1		1	M07
Economic Development Specialist	1		1	M05

Electric

42

	FT	PT	FTE	Grade
Electric Utilities Director	1		1	SL302
Electric Programs & Tech Coordinator	1		1	M07
Program Support Specialist	1		1	M05
Electric Line Technician Apprentice/I/II/III/Journey	15		15	E6/E8/E9/E10/E11
Utility Locate Technician - Lead	1		1	E7
Powerline Right of Way Technician	4		4	E7
Utility Locate Technician	3		3	E6
Senior Electrical Engineer	1		1	E14
Electric Technical Services Manager	1		1	E14
Electric Operations Manager	1		1	E14
Electric Crew Field Supervisor	4		4	E12
Electric Engineering Assistant	2		2	E12
Electric Operations Assistant	1		1	E12
Electric Technical Services Specialist I/II	2		2	E10/E11
Electric Utilities Specialist	1		1	E11
Powerline Forester	1		1	E11
Powerline Trainee/Arborist	2		2	E9/E10

Finance

21.25

	FT	PT	FTE	Grade
Finance Director	1		1	SL302
Accounting Manager	1		1	M12
Purchasing and Contracts Manager	1		1	M11
Customer Service & Billing Manager	1		1	M11
Finance & Utility Accountant	1		1	M10
Assistant Customer Service Manager	1		1	M10
Payroll Administrator	1		1	M08
Accounting Specialist	1	1	1.75	M07
Buyer	1		1	M07
Senior Utility Customer Service Specialist	5		5	M06
Accounts Payable Technician	1		1	M05
Utility Customer Service Specialist	3		3	M05
Inventory & Warehouse Specialist	2		2	M05
Utility Billing Clerk		1	0.50	M04

Fire & Rescue

114

	FT	PT	FTE	Grade
Fire Chief	1		1	SL303
Assistant Fire Chief	3		3	M14
Admin Logistics Coordinator	1		1	M07
Fire Battalion Chief	6		6	F109
Fire Marshal	1		1	F109
Fire Captain	3		3	F107
Deputy Fire Marshal	1		1	F107
Fire Training Coordinator	2		2	F107
Fire Lieutenant	21		21	F104
Fire Engineer	24		24	F103
Cadet/Firefighter/Senior Firefighter	48		48	F102
Fire Inspector	1		1	F101
Senior Program Support Specialist	1		1	M06
Program Support Specialist	1		1	M05

Human Resources

12

	FT	PT	FTE	Grade
Human Resources Director	1		1	SL302
Assistant Human Resources Director	1		1	M15
Human Resources Total Rewards Manager	1		1	M13
Safety & Risk Manager	1		1	M13
Senior Training & Development Consultant	1		1	M12
Human Resources Data & Systems Administrator	1		1	M10
Senior Talent Acquisition Consultant	1		1	M10
Talent Acquisition Consultant	1		1	M09
Human Resources Consultant	2		2	M09
Executive Assistant	1		1	M07
Human Resources Technician	1		1	M07

Information Technology

17

	FT	PT	FTE	Grade
Information Technology Director	1		1	SL302
Information Technology Manager	1		1	M13
GIS Administrator	1		1	M12
Information Technology Supervisor	2		2	M12
IT Security & Compliance Analyst	1		1	M11
Information Technology Analyst	5		5	M11
Information Technology Specialist	4		4	M10
GIS Specialist	1		1	M09
GIS Technician	1		1	M08

Building Inspections & Permits

24

	FT	PT	FTE	Grade
Inspections & Permits Director	1		1	SL301
Building Code Supervisor	2		2	M12
Plans and Permits Supervisor	1		1	M12
Building Code Official I/II/III	13		13	M08/M10/M11
Senior Plans Examiner	1		1	M11
Plans Examiner	3		3	M08
Permit Specialist	2		2	M06
Senior Program Support Specialist	1		1	M06

Legal Services

4

	FT	PT	FTE	Grade
Town Attorney	1		1	N/A
Deputy Town Attorney	1		1	M16
Assistant Town Attorney	1		1	M14
Legal Assistant	1		1	M07

Parks, Recreation, and Cultural Resources

54.75

	FT	PT	FTE	Grade
Parks, Rec and CR Director	1		1	SL301
Assistant Parks, Recreation, and Cultural Resources Director	1		1	M15
Park Manager	1		1	M12
Parks Operations Manager	1		1	M12
Parks Planning & Project Manager	1		1	M12
PRCR Center Manager (Community, Senior, Cultural Arts)	3		3	M11
Parks Operations Supervisor	1		1	M10
Special Events Coordinator	1		1	M09
Athletics & Grounds Supervisor	1		1	M09
Recreation Program Supervisor	4		4	M09
Parks & Greenways Planning Tech	1		1	M08
Cultural Arts Specialist	1		1	M08
Executive Assistant	1		1	M07
Athletics & Grounds Team Leader	3		3	M07
Cultural Arts Marketing and Event Specialist	1		1	M07
Parks Operations Team Leader	4		4	M07
Marketing & Programs Coordinator	1		1	M07
Recreation Customer Service Specialist	4	4	7	M06
Athletic and Grounds Technician	1		1	M05
Parks Operations Worker I/II	6		6	M05
Parks Attendant	8		8	M04
Facility Attendant		1	0.75	M04
Athletics & Grounds Worker	5		5	M04

Planning

21

	FT	PT	FTE	Grade
Planning Director	1		1	SL302
Planning Manager	1		1	M13
Long Range Planning Manager	1		1	M13
Planner/Planner II/Senior Planner	7		7	M09/M10/M12
Senior GIS Analyst	1		1	M11
Zoning Compliance Supervisor	1		1	M11
Sr Zoning Compl. Officer-Lndscpg	1		1	M10
Lead Planning Technician	1		1	M09
GIS Specialist	1		1	M09
Zoning Compliance Officer/Senior Zoning Compliance Officer	3		3	M08/M09
Planning Technician	2		2	M08
GIS Technician	1		1	M08

Police

126.75

	FT	PT	FTE	Grade
Police Chief	1		1	SL303
Deputy Police Chief	1		1	M16
Police Captain	4		4	P207
Police Lieutenant	6		6	P206
Police Sergeant	11		11	P205
Police Corporal	7		7	P204
Police Officers (I/II/Master/Senior)	69		69	P200/P201/P202/P203
Compliance Manager	1		1	M12
Communications Center Manager	1		1	M12
Compliance Specialist	1		1	M10
Digital Forensics Technician	1		1	M09
Accreditation Specialist	1		1	M08
Police Records Supervisor	1		1	M08
Police Crisis Counselor	1		1	M08
Crime Analyst	1		1	M08
Victim Advocate	1		1	M08
Executive Assistant	1		1	M07
Administrative Coordinator		1	0.75	M07
Communications Shift Supervisor	4		4	M07
Telecommunicator I, II, Senior	8		8	M06/M07
Evidence Tech/Quartermaster	2		2	M06
Police Records Technician	3		3	M05

Public Works

52

	FT	PT	FTE	Grade
Public Works Director	1		1	SL301
Public Works Operations Manager	1		1	M12
Facilities & Grounds Manager	1		1	M11
Solid Waste Operations Supervisor	1		1	M10
Facility Services Supervisor	1		1	M10
Fleet Services Supervisor	1		1	M10
Streets Operations Supervisor	1		1	M10
PW Data Operations Analyst	1		1	M10
Grounds Maintenance Supervisor	1		1	M08
PW Data Operations Specialist	1		1	M08
Fleet Crew Leader	1		1	M07
Street Maintenance Field Crew Supervisor	3		3	M07
Senior Facility Maint. Mechanic	1		1	M07
Solid Waste Field Crew Supv.	1		1	M07
Facility Maintenance Mechanic	5		5	M06
Senior Program Support Specialist	1		1	M06
Street Signs Technician	1		1	M06
Fleet Services Mechanic I/Senior	3		3	M06/M07
Program Support Specialist	1		1	M05
Solid Waste Equipment Operator	11		11	M05
Street Maintenance Worker/Senior	8		8	M04/M05
General Maintenance Worker	5		5	M04
Street Signs Worker	1		1	M04

Town Clerk

3

	FT	PT	FTE	Grade
Town Clerk	1		1	SL300
Deputy Town Clerk	1		1	M09
Legislative Assistant	1		1	M07

Transportation & Infrastructure

22

	FT	PT	FTE	Grade
Transportation & Infrastructure Development Director	1		1	SL302
Transportation Engineering Mgr	1		1	M14
Traffic Engineering Manager	1		1	M14
Senior Capital Projects manager	1		1	M13
Professional Engineer/Traffic Safety Engineer	2		2	M12
Development Services Manager	1		1	M12
Infrastructure Inspections Manager	1		1	M12
Utilities Acquisition Specialist	1		1	M11
Engineering Projects Coordinator	1		1	M10
Infrastructure Inspector/Senior	5		5	M10
Engineering Specialist	1		1	M10
Development Specialist	1		1	M09
Development Technician	1		1	M06
Program Support Specialist	2		2	M05
Capital Projects Inspector	2		2	M11

Water Resources

68

	FT	PT	FTE	Grade
Water Resources Director	1		1	SL303
Stormwater Engineering Mgr	1		1	M14
Utilities Engineering Manager	1		1	M14
Senior Engineer	1		1	M13
Utilities Operations Manager	1		1	M13
WRF Manager	1		1	M13
Stormwater Field Services Supervisor	1		1	M12
WRF Supervisor	1		1	M11
Utilities Specialist	2		2	M11
Water Quality Supervisor	1		1	M11
Utility Engineer Intern	2		2	M11
Water Resources Specialist	1		1	M11
Stormwater Specialist I/II	3		3	M09/M10
Collections System Supervisor	1		1	M10
Laboratory Supervisor	1		1	M10
Utility Maintenance Supervisor	1		1	M10
Pump Maintenance Supervisor	1		1	M10
Water Resources Program Coordinator	1		1	M09
Water Field Crew Supervisor	1		1	M09
Utility Field Crew Supervisor	3		3	M09
GIS Specialist	1		1	M09
Stormwater Utility Coordinator	1		1	M09
Meter Services Supervisor	1		1	M09
WRF Operator/Mechanic I/II/III/IV	4		4	M07/M08/M09
Heavy Equipment Operator	2		2	M07
Pump Maintenance Mechanic	3		3	M07
Senior Laboratory Analyst	1		1	M07
Grounds Maintenance Team Lead	1		1	M06
Senior Meter Technician	2		2	M06
Utility Maintenance Worker/Senior/Technician	20		20	M05/M06
Senior Program Support Specialist	2		2	M06
Meter Technician	2		2	M05
Grounds Maintenance Technician	2		2	M04

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ27 Tingen Road Residential. Jeff Roach for Peak Engineering and Design, PLLC, Inc. is the petitioner for the property located at 1010 Tingen Road.

Approval Recommended?

Planning Department recommends approval.

Item Details

Rezoning Case #21CZ27 was approved at the January 10, 2023 Town Council meeting.

Attachments

- Statement and Ordinance



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 2.27 ACRES LOCATED AT 1010 TINGEN ROAD FROM RESIDENTIAL AGRICULTURAL (RA) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL-CONDITIONAL ZONING (HDMF-CZ)

#21CZ27

WHEREAS, Joseph V. Iannone, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of October 2021 (the “Application”). The proposed conditional zoning is designated #21CZ27;

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 #21CZ27 before the Planning Board on the 12th day of December 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of December 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ27. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ27;

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 #21CZ27 before the Apex Town Council on the 10th day of January 2023;

WHEREAS, the Apex Town Council held a public hearing on the 10th day of January 2023. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ27 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium/High Density Residential. This designation on the 2045 Land Use Map includes the zoning district High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) and the Apex Town Council has further considered that the proposed rezoning to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will provide affordable housing, consistent with the goals of Advance Apex and the Apex Affordable Housing Plan. The proximity of the site to schools, transit, and downtown make it an ideal location for affordable housing. The reduction in buffer width and change from 10-foot side path to 5-foot sidewalk is consistent with the draft Affordable Housing Incentive Zoning Manual. The proposed townhome use is consistent with the townhome development to the south. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 4 to 0 approved Application #21CZ27 rezoning the subject tract located at 1010 Tingen Road from Residential Agricultural (RA) to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ).

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

Ordinance Amending the Official Zoning District Map #21CZ27

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 Residential Agricultural (RA) to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ) District, subject to the conditions stated herein.

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

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

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. Townhouse | 5. Park, passive |
| 2. Multi-family or apartment | 6. Greenway |
| 3. Utility, minor | 7. Recreation facility, private |
| 4. Park, active | |

Zoning Conditions:

1. Residential architectural standards:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 - c. For the homes, roof pitch shall be 5:12 or greater for 75% of the building designs.
 - d. Garage doors must have windows, decorative details or carriage-style adornments on them.
 - e. Front facades shall have horizontal relief achieved using recesses and projections.
 - f. A varied color palette shall be utilized on homes throughout the subdivision and shall include varied trim, shutter, and accent color complementing the siding color.
 - g. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - h. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Bay window	• Wrap-around porch or side porch
• Recessed window	• Two or more building materials
• Decorative window	• Decorative brick/stone
• Trim around the windows	• Decorative trim

Ordinance Amending the Official Zoning District Map #21CZ27

- Decorative shake
- Decorative air vents on gables
- Decorative cornice
- Column on gable
- Portico
- Balcony
- Dormer
- Decorative gable

2. A 10' Type A Landscape Buffer is proposed along adjacent property lines. A 30' Type B Town of Apex Throughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar, pollen, berries, and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design and Development Manual or otherwise approved by Planning staff.
5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.
9. The project shall be one-hundred percent (100%) affordable housing through a partnership with an affordable housing provider. Said provider shall establish the housing affordability standards to provide residential units to buyers making less than one-hundred percent (100%) of the Area Median Income (AMI) for the Raleigh MSA. 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 the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the "Affordable Period"). Examples of an Affordable Housing Provider include, without limitation, Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, or a similar entity identified prior to construction of the new residential units.
10. Existing sidewalk along Tingen Road is sufficient and construction and/or fee-in-lieu for the 10' Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Future stub street extensions shall be provided to the west (PIN 0741-26-1618) and to the north (PIN 0741-26-6820).

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."

Ordinance Amending the Official Zoning District Map #21CZ27

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

**Legal Description of Property of
Joseph V. Iannone, Jr.
1010 Tingen Road, Apex, NC
PIN 0741-26-4605**

The area described herein is encompassing of PIN 0741-26-4605 located in White Oak Township in Wake County, NC.

At an Existing Concrete Monument (ECM) located in the northwest corner of the aforementioned property, the common property corner with N/F Isoline M. Byrd (PIN 0741.09-26-1618) and the Wake County Board of Education parcel (Apex Elementary School PIN 0741.09-25-5385), the point described as the **POINT AND PLACE OF BEGINNING**;

thence S 87° 40' 19" E 129.84' along the common boundary with Wake County Board of Education property to an existing iron pipe in the northwest corner of the adjacent N/F John & James L. Amoroso (PIN 0741.10-26-6820);

thence S 02° 17' 00" E 106.59' along the western property line of the previously noted Amoroso property to an existing iron pipe;

thence S 88° 16' 28" E 215.58' along the southern property line of the previously noted Amoroso property to an existing iron pipe in the northwest corner of the N/F John & James L. Amoroso property (PIN 0741.10-26-6639);

thence S 16° 40' 12" W 51.01' along the western boundary of the Amoroso property (PIN 0741.10-26-6639) to an existing iron pipe at the common corner with the N/F Reginald & Tony Judd (PIN 0741.10-26-6614);

thence S 18° 06' 27" W 70.20' along the western boundary of the N/F Reginald & Tony Judd (PIN 0741.10-26-6614) to an existing iron pipe;

thence S 73° 24' 21" E 139.32' along the southern boundary of the N/F Reginald & Tony Judd (PIN 0741.10-26-6614) to a computed point in the western right-of-way line of Tingen Road;

thence along the western right-of-way of Tingen Road for the following two calls:

- S 18° 22' 11" W 128.78' to a computed point;
- S 26° 55' 13" W 14.61' to a computed point;

thence N 69° 14' 31" W 232.35' along the northern property line of the N/F Westhaven Townhomes HOA property (PIN 0741-26-1195) to a new iron pipe;

thence N 85° 57' 48" W 189.63' along the northern property line of the N/F Westhaven Townhomes HOA property to an existing iron pipe in the southeast corner of the N/F Isoline M. Byrd property (PIN 0741.09-26-1618);

thence N 01° 24' 14" E 289.75' along the eastern boundary of the N/F Isoline M. Byrd property to an existing concrete monument, said point being the **POINT AND PLACE OF BEGINNING** containing 2.2690 acres more or less. Said property is identified as Lot 1 on the survey by Smith & Smith, Surveyors, P.A. entitled "Existing Conditions Survey for Joseph V. Iannone Jr." dated June 14, 2021.

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Motion to approve Statement of the Town Council for Rezoning Case #22CZ20 The Preserve at Holt. EarthCentric Engineering Inc. is the petitioner for the property located at 1305 Holt Road.

Approval Recommended?

Planning Department recommends approval.

Item Details

Rezoning Case #22CZ20 was denied at the January 10, 2023 Town Council meeting.

Attachments

- Statement of the Town Council



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605
ADDRESSING ACTION ON ZONING PETITION #22CZ20**

Raj Baksha, SRP Signature Homes, LLC., owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of October 2022 (the "Application"). The proposed conditional zoning is designated #22CZ20.

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 #22CZ20 before the Apex Planning Board on the 12th day of December 2022.

The Apex Planning Board held a public hearing on the 12th day of December 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ20. A motion was made by the Apex Planning Board to recommend approval; the motion passed with a vote 6-2 for the application for #22CZ20.

Pursuant to 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 #22CZ20 before the Town Council on the 10th day of January 2023.

The Apex Town Council held a public hearing on the 10th day of January 2023. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #22CZ20 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Apex Town Council by a vote of 4 to 0 rejected Application #22CZ20 rezoning the subject tract located at 1305 Holt Road from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).

Although the rezoning is consistent with the 2045 Land Use Map which designates this area as Medium Density Residential, and permits the zoning district Medium Density Residential-Conditional Zoning (MD-CZ) within those land use designations, the Apex Town Council finds that the proposed rezoning is not compatible with the character of the surrounding land uses. The denial of the proposed rezoning is reasonable and in the public interest because the proposed use and architectural standards are not compatible with the adjacent age restricted housing community and the proposed development would not provide the density required to deliver pedestrian connectivity along Holt Road.

ATTEST:

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 24, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Motion 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 January 10, 2023.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Attachments

- Statement of Town Council



STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF JANUARY 10, 2023

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 10th day of January 2023.

The Apex Town Council held a public hearing on the 10th day of January 2023. Dianne Khin, Planning Director, presented the Planning Board's vote to recommend approval by a vote of 8-0 at the public hearing.

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

The Town Council on the 10th day of January 2023 by a vote of 4-0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of January 10, 2023 are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Secs. 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses* and 4.3.6 *Use Classifications, Industrial Uses* in order to create the use "Warehousing fulfillment center", change the definitions of "Truck terminal" and "Warehousing, general", and to change the use "Wholesaling, general" to "Wholesaling distribution center" served to modernize and clarify the uses per industry definitions.
2. The amendment to UDO Sec. 6.1 *Watershed Protection Overlay Districts* in order to change all references to "Environmental Engineering Manager" to "Stormwater Engineering Manager" was related to a recent change in position title.
3. The amendments to UDO Secs. 6.1.11 *Riparian Buffers* and 6.1.13 *Modifications by Variance* in order to modify the single-family residential riparian buffer requirements and riparian buffer variance standards, and to provide updated references to state law, served to allow administrative buffer authorizations in zone 3, reducing the amount of time and expense single-family homeowners faced in making improvements to their properties and reducing the variance caseload for the Board of Adjustment, and to ensure consistency with state law.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 24, 2023

Item Details

Presenter(s): Shawn Purvis, Deputy Town Manager

Department(s): Finance

Requested Motion

Town Council to receive an overview of the Town's finances as they stand midway through the fiscal year.

Approval Recommended?

N/A

Item Details

Staff will provide a brief, high-level presentation on the current financial status of the Town's major funds, including significant revenue and expenditure trends.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 24, 2023

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Motion to adopt a proclamation designating the month of January 2023 as Human Trafficking Prevention Month in the Town of Apex.

Approval Recommended?

Yes

Item Details

Each year, the month of January recognizes the importance of knowing about human trafficking. The United States President declared January 2023 Human Trafficking Prevention Month. Additionally, the North Carolina Governor and the Chief Justice have both declared January as Human Trafficking Awareness Month. The purpose of these declarations is both a recognition that human trafficking in the United States and North Carolina exists and to educate our residents about this issue.

Human Trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person through the use of force, fraud, or coercion, for the purpose of forced labor or sexual servitude.

The Town of Apex is committed to bolstering efforts that target bringing an end to human trafficking and raising awareness about realities and needs of survivors.

Attachments

- Proclamation





"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Human Trafficking Prevention Month 2023

from the Office of the Mayor

WHEREAS, Human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person through the use of force, fraud, or coercion, for the purpose of forced labor or sexual servitude; and

WHEREAS, Human trafficking is a 32-billion dollar a year global criminal enterprise as well as an abhorrent civil and human rights violation; and

WHEREAS, North Carolina ranks #12 in number of reported cases of human trafficking per year in the nation; and

WHEREAS, Human trafficking has been documented to affect individuals of every gender and socioeconomic status, women, girls, and economically disadvantaged individuals are disproportionately trafficked; and

WHEREAS, The number of support resources and restoration opportunities for survivors is currently not sufficient; and

WHEREAS, The Town of Apex is committed to bolstering efforts that target bringing an end to human trafficking and raising awareness about the realities and needs of survivors.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim, The Month of January 2023, Human Trafficking Prevention Month in the Town of Apex, and urge the residents of Apex to support efforts and take action in this month and all months that follow to help end human trafficking.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 24th day of January 2023

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 24, 2023

Item Details

Presenter(s): Amanda Grogan, Budget & Performance Management Director

Department(s): Budget & Performance Management

Requested Motion

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2023-2024 Annual Budget.

Approval Recommended?

Yes

Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated. This Pre-Budget Hearing has been advertised on the Town's website, social media, and posted in the lobby at Town Hall.

A budget prioritization tool for citizen input has been developed and will be available on the Town's website. The tool consists of a short survey that classifies Town services under seven categories (Recreation and Cultural Opportunities, Transportation and Infrastructure, Environmental Sustainability, Economic Stability and Growth, Community Development, Public Safety and Vibrant and Accessible Downtown) and allows the public to rank components of each in order of importance to them. The results will be provided to Town Council.

Any written comments received by USPS or through the advertised special email address, annual.budget@apexnc.org, will be forwarded to Town Council.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 24, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

This Public Hearing was continued at the November 29, 2022 Town Council meeting. Public Hearing and possible motion to approve Rezoning Application #22CZ13 2021 N Salem St PUD. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 6 acres from Residential Agriculture (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning Board held a public hearing on November 14, 2022 and by a vote of 8-0 recommended approval with the additional conditions offered by the applicant.

Planning staff previously recommended approval of Rezoning #22CZ13 2021 N Salem St PUD. Since the Planning Board's recommendation, the applicant has added a condition that would allow the historic house to be removed. Capital Area Preservation has determined that the house is historic and should be preserved and a report has been received stating that the house can be relocated. Therefore, Planning staff's current recommendation is approval only if the applicant removes the following condition:

"In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:

- a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
- b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and
- c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise."

Item Details

The property to be rezoned is identified as PIN 0742891824.

Attachments

- Staff Report
- Vicinity Map
- Application
- Planning Board Report to Town Council



STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

January 24, 2023 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: 2021 North Salem Street
Applicant/Agent: Brendie Vega, WithersRavenel
Owners: Susan R. Jewett & William C. Mann

PROJECT DESCRIPTION:

Acreage: ±6 acres
PIN: 0742891824
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR); Residential Agricultural (RA)	Single-family residential (Salem Woods Subdivision)
South:	Light Industrial (LI)	N. Salem Street; Office (Economy Exterminators); Vacant; Veterinary Clinic (Town & Country Veterinary Hospital)
East:	Residential Agricultural (RA)	Single-family residential
West:	Rural Residential (RR)	Single-family residential (Salem Woods Subdivision)

EXISTING CONDITIONS:

The subject property is located on the northwest side of North Salem St just east of Greenlea Dr. There are several existing structures on the property, some of which are historic. Based on the report from Capital Area Preservation (CAP), the house and two outbuildings should be preserved onsite or relocated to an appropriate location. CAP states that 90% of the original historic fabric remains intact for the 1941 period cottage, a Tudor-Revival style building that is unique in Apex. Despite vandalism, the structure remains intact and can be relocated or reused. The two outbuildings are identified as the frame wash/guest house and a tobacco curing barn.

NEIGHBORHOOD MEETING:

The applicant conducted neighborhood meetings on April 19, 2022 and June 8, 2022. 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 high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students. School expansion or construction within the next five years may address concerns at the high school level.

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

January 24, 2023 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map designates the subject property as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation. The proposed rezoning includes a maximum of 40 dwelling units and maximum density of 6.7 units per acre.

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

Permitted Uses:

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

- Accessory apartment
- Park, active
- Utility, minor
- Townhouse
- Park, passive

Proposed Design Controls:

Density

The PUD Plan proposes an overall maximum residential density of 6.7 dwelling units per acre. The overall residential development shall not exceed 40 dwelling units.

Lot Width:

The minimum lot width is 18 ft.

Height

The maximum building height shall be: 42-feet; 2-stories maximum.

Setbacks

Proposed Minimum Setbacks		
Townhouse – front loaded	Front (from garage to lot line)	19'
	Front (from garage to back of sidewalk)	20'
	Side	5'
	Corner side	10'
	Rear	10'
	Building to building	10'

Buffers

The following buffers are proposed by this PUD:

Perimeter Buffers:	UDO Required	Proposed
Eastern Boundary	20' Type B	20' Type B
Northern Boundary	20' Type B	20' Type B
Southern Boundary (N. Salem Street)	30' Type B Undisturbed; 50' Type A/B Disturbed*	30' Type B Undisturbed; 50' Type B Disturbed**
Western Boundary	20' Type B	20' Type B



**Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard.*

***An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.*

Built Upon Area

The proposed maximum built upon area is 70%.

Resource Conservation Area

This PUD shall be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4 *Planned Development Districts*. The site shall dedicate a minimum of 20% of the overall site area upon site plan submittal.

Parking

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

Signage

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

The sign(s) for *Section X. Environmental Advisory Board Recommendations* 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.

Architectural Standards

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

A. Residential Development

Single Family Attached (Townhouses):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. 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:
 - Windows
 - Trim around the windows
 - Decorative air vents on gable
 - Decorative gable

**CULTURAL RESOURCES:**

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures. Capital Area Preservation has evaluated the site and determined that three (3) structures should be preserved on site or relocated and preserved in another location within Apex's planning jurisdiction. These structures are the 1941 period cottage, the frame wash/guest house, and a tobacco curing barn.

The applicant is proposing the following:

- In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:
 - a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
 - b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and
 - c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.

PUBLIC FACILITIES:

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park. A capacity study shall be provided during Construction Drawing submittal.

Extension of water shall be provided to the proposed development with access to water via a 12" waterline on N. Salem St.

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

STORMWATER MANAGEMENT:

This proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

AFFORDABLE HOUSING:

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership unit (Affordable Housing Units) shall be constructed on-site 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 each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Units to memorialize the affordable housing terms and conditions.



The 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 Affordable Housing Unit lot prior to the issuance of a building permit for such lot 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. Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan and the Town of Apex Standard Specification and Standard Details.

- **Roadways:**

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

- **Pedestrian Facilities:**

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., and along both sides of all internal streets, including cul-de-sac(s).

Prior to platting the 10th lot in the neighborhood, the Developer will extend a 5' sidewalk approximately 250 feet along the north side of N. Salem St (2161 N Salem St) to the western limits of existing sidewalk at the Salem Pointe Subdivision. Developer will attempt to obtain the required right-of-way and/or easements for construction of this sidewalk from the property owners of 2161 N Salem St. If the required right-of-way and/or easements cannot be obtained by that time, a Fee-in-Lieu in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed. Any performance guarantee provided for this section of sidewalk shall be released upon acceptance of said fee-in-lieu by the Town.

- **Transit:**

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

January 24, 2023 Town Council Meeting



ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Install signage near environmental sensitive areas in order to:	
- Reduce pet waste near SCM drainage areas	Added
- Eliminate fertilizer near SCM drainage areas	Added
Install pervious surface and pavements where practicable (e.g. when parking maximums are exceeded).	Added
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 around the sign is RCA and is not be disturbed.	Added
Install pet waste stations in neighborhoods	Added
Existing trees greater than 12" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.	Added (18" trees)
Increase the buffer around the whole development to a minimum 30 feet wide type "A" buffer.	Not Added
Prewire all homes for solar photovoltaic (PV) installations per town specifications.	Added
Minimize the extent possible protrusions on south facing roofs and/or attempt to concentrate protrusions in one location.	Not Added
Install a solar PV system of minimum 4 kilowatts on 14 homes. Suggest the homes with south facing roofs.	Added PV systems on 4 homes
For non-residential common area, include International Dark Sky Association compliance standards.	
- Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Not Added
- Lighting that minimizes the emission of blue light to reduce glare shall be used.	Added
- Lighting with a color temperature of 3000K or less shall be used for outside installations.	Added

The applicant has provided the following EAB Conditions:

1. The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
2. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
3. The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
4. The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.
5. A minimum off 4 native hardwood tree species shall be used for the landscaping on site.
6. All homes shall be pre-configured with conduit for a solar energy system.



7. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
8. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
9. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
10. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
11. A minimum 4kW solar PV system shall be installed on at least four (4) 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 lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
12. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
13. Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the 2021 N. Salem St PUD project at their June 29, 2022 meeting. The Commission made a unanimous recommendation for a fee-in-lieu of dedication. The recommendation is based on 2022 rates and proposed maximum lot count provided:

Single-family attached Units: $\$2,528.25 \times 40 = \$101,130$

Staff note: The fee-in-lieu rate is based on the date of PUD approval, not on the date of the Commission's recommendation.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on November 14, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff previously recommended approval of Rezoning #22CZ13 2021 N Salem St PUD. Since the Planning Board's recommendation, the applicant has added a condition that would allow the historic house to be removed. Capital Area Preservation has determined that the house is historic and should be preserved and a report has been received stating that the house can be relocated. Therefore, Planning staff's current recommendation is approval only if the applicant removes the following condition:

"In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:

- a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
- b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and



- c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.”

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the site as Medium Density Residential. The proposed PUD is consistent with that land use classification. The proposed rezoning allows for a maximum of 6.7 dwelling units per acre, which contributes to an overall density that supports future transit within the Transit Oriented Development (TOD) Context Area, as adopted with Advance Apex.

While the proposed rezoning encourages compact infill development, serves future transit with the provision of a bus stop on North Salem Street, and provides one affordable housing unit, it is not reasonable and in the public interest in that it would allow the demolition of a historic home to facilitate a subdivision without the need to wait 4 years from the date of demolition.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:***Standards***

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

1) *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

(a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ



shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
 - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
 - (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component; or
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:



- (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
- (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
- (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed



for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of 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 Map.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

January 24, 2023 Town Council Meeting



- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



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>22CZ13</u>	Submittal Date:	<u>5/2/22</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: 2021 N Salem St.

Address(es): 2021 N Salem St., Apex, NC 27523

PIN(s) 0742891824

Acreage: 6.00

Current Zoning: RA - Residential Agriculture Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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

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

Area classified as mixed use:	Acreage:	<u>0.00</u>
Area proposed as non-residential development:	Acreage:	<u>0.00</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0.00</u>

Applicant Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Owner Information

Name: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: E-mail:

Agent Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ13

Submittal Date: 5/2/22

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.

The proposal is consistent with the 2045 Land Use Map. Planned Unit Development is an allowable zoning district in the Medium Density Residential land use map classification and the proposed conditions maintain the density within the 3-7 dwelling units per acre range.

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 PUD-CZ district is appropriate for the proposed location because it will be compatible with the surrounding uses. There is an existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place.

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

There are no supplemental standards listed for attached townhouse units.

PETITION PROCESS INFORMATION

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

The development will minimize adverse impact. It will have landscaped buffers on all sides which will ameliorate any disturbance to neighbors and visually screen the development. Limiting the permitting uses to townhouse units will significantly reduce any impacts to surrounding properties.

Adding less than 40 units will create minimal disturbance. Traffic will be directed away from adjacent properties onto N. Salem Street. This should not impact the road's capacity.

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 development minimizes environmental impacts. The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impacts. SCMs will be provided in compliance with Town standards.

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 site will have minimal impact on public facilities. Based on discussions with the Town, it is our understanding that there will be sufficient public facilities to accommodate the 40 or less units in the development. Further discussion can be held at the construction phase.

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 CZ district will prove beneficial for residents of the Town in relation health, safety, and/or welfare. The land use will assist in satisfying housing needs and promoting density, a goal of the Town's comprehensive plan. Additionally, the development will decrease potential overcrowding and increase the tax base, supporting public services and as a result the health, safety, and welfare of all residents.

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

The CZ district's land use is not substantially detrimental to adjacent properties. Instead, the land use assist in solidifying the residential nature of the area, increasing land values and the subsequent desirability to reside in neighboring properties.

PETITION PROCESS INFORMATION

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

The proposed CZ will not constitute a nuisance or hazard as residential traffic generates modest noise and therefore the land use is consistent with the character of traffic in the vicinity of the proposed rezoning. Moreover, traffic generated by the 40 or less units will minimally impact surrounding roads in the metrics of both noise and volume, by redirecting traffic

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

The proposed Conditional Zoning District land use will comply with all standards imposed on it by all other applicable provisions of the Town's ordinance, for use, layout, and general development characteristics. Close consideration was given to the ordinance in the development of this proposal.

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, along said right of way the following courses and distances: Thence, S46°40'56"W, 159.24 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, 218.52 feet to a point; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 263,285 square feet or 6.04 acres, more or less.

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13

Submittal Date: 5/2/22

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13 Submittal Date: 5/2/22

Proposed Subdivision/Development Information

Description of location: 2021 North Salem Street

Nearest intersecting roads: N Salem Street and Greenlea Drive

Wake County PIN(s): 0742891824

Township: White Oak

Contact Information (as appropriate)

Contact person: Brendie Vega

Phone number: (919) 469-3340 Fax number: _____

Address: 115 MacKenan Drive

E-mail address: bvega@withersravenel.com

Owner: Susan R. Jewett & William C. Mann

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: _____

2nd Choice (*Optional*): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff _____ Date _____

AGENT AUTHORIZATION FORMApplication #: 22CZ13Submittal Date: 22CZ13

_____ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

DocuSigned by:
Susan Castlebury

Susan Castlebury

4/29/2022

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.

AGENT AUTHORIZATION FORM

Application #: 22CZ13

Submittal Date: 22CZ13

_____ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

William C. Mann 4-30-22

William C Mann

4/30/2022

Type or print name

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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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.

FILED

STATE OF NORTH CAROLINA

COUNTY OF WAKE

2021 JUN 17 PM 2:00
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE CO., C.S.C. 20-CVS-6957

RY

WILLIAM C. MANN and SUSAN
CASTLEBURY,

Plaintiff,

v.

SUSAN RAWLINGS JEWETT, ANN SINCLAIR
FREEMAN GAZENBEEK, JUDITH LOUISE
FREEMAN, JOY RUTH FREEMAN TILLEY,
WILLIAM HARDIN FREEMAN, ALBERT
WOMBLE, CHARLES MANN, RACHEL
JORDAN, GERALD MANN, PHILIP MANN,
KENNETH MANN, and DAVID MANN,

Defendants.

CONSENT JUDGMENT

This matter appearing before the Court after resolution by the appropriate parties at a mediated settlement conference, and with the consent of the appropriate parties, the Court enters the following:

FINDINGS OF FACT

1. Plaintiffs filed suit asserting causes of action for Quiet Title and Declaratory Judgment regarding proper title in a parcel of Wake County real property located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and further described in that deed recorded in the Wake County Registry in Book 686, Page 436 (the "Property").

2. The following Defendants did not answer, plead, or appear: ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUIS FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, and DAVID

MANN. They each were subsequently found in Default upon motion of Plaintiffs. (These specific defendants are collectively referred to as the “Defaulting Defendants.”)

3. Defendant SUSAN RAWLINGS JEWETT (“Jewett”) answered Plaintiffs’ Complaint and asserted Counterclaims against Plaintiffs, identical Crossclaims against Defaulting Defendants, and Affirmative Defenses. Jewett’s Counterclaims and Crossclaims sought relief under claims to Quiet Title and for Declaratory Judgment regarding ownership of the Property; Adverse Possession after both twenty and seven years; Betterments; and Waiver, Estoppel, and/or Laches.

4. Plaintiffs filed a Reply to Jewett’s Counterclaims and Affirmative Defenses. Defaulting Defendants did not.

5. Upon motion by Jewett, Defaulting Defendants were also found in default on Jewett’s crossclaims.

CONCLUSIONS OF LAW

6. The Court has jurisdiction over the subject matter and parties to this case.

7. All necessary parties have been joined and properly served.

8. Plaintiffs and Defaulting Defendants are cousins, identically situated, and the proper residuary heirs under the will of Pauline Bradley, probated in Wake County file 82-E-527.

9. Jewett is the heir under the will of Marsha Reams, probated in Wake County file 09-E-1938.

10. The matters for which the Parties sought declaratory relief are appropriate for determination pursuant to N.C.G.S. § 1-253.

NOW WHEREFORE, with the Consent of the appropriate parties, the Court hereby orders and adjudges as follows:

1. The Property is to be sold to satisfy the claims of the various parties.
2. Private sale of the Property is authorized.
3. Title to the real property located in Wake County located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and more further described in that deed recorded with the Wake County Registry in Book 686, Page 436 is vested in fee simple to the following parties as tenants-in-common: WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.
4. A Memorandum is to be recorded with the Wake County Register of Deeds to provide notice of this Judgment.
5. The Plaintiffs shall have full authority to list, contract for, sell, and convey fee simple title to the Property without need of joinder by any other party. Plaintiffs' execution of all documents, governmental applications, and authorizations related to the sale of the Property shall be binding upon Defaulting Defendants and of the nature of acting as attorneys-in-fact as described in N.C.G.S. § 32C-2-204(2) for Defaulting Defendants.
6. Jewett shall bear no expense related to the listing, contract for, or sale of the Property.
7. Jewett shall receive the first \$180,000.00 realized from the closing of the sale of the property with no offset of any kind.
8. The Property shall be listed for sale by a licensed real estate broker within sixty (60) days after entry of this Judgment.

9. The Property shall remain continuously listed and good faith efforts made to effectuate a sale until a sale is finalized.
10. The sale must be to a third-party and cannot be to any Party to this action.
11. The Property shall not be sold for a sum insufficient to pay Jewett \$180,000.00.
12. Jewett shall be paid from the proceeds from closing directly by the closing attorney, payment to be made to Jewett and delivered to her attorney, Sandra Martin Clark, Manning Fulton & Skinner, PO Box 20389, Raleigh, NC 27619-0389
13. The proceeds of the sale, after Jewett shall be paid \$180,000.00, shall first go to Plaintiffs for attorney fees and costs incurred in this matter. Thereafter, the remaining proceeds shall be evenly divided between WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.
14. Entry of this Judgment, along with the contemporaneous entry of a Consent Declaratory Judgment resolves all outstanding claims of the parties and constitutes a final Judgment.
15. The Parties hereto, their heirs, purchasers, and assigns, and anyone claiming through them (including the Defaulting Defendants), agree and are deemed to release each other from any and all claims relating to the ownership, occupancy, rents, profits, proceeds or condition of the Property, except as specifically set forth above.

This 12 day of May, 2021.

CONSENTED TO:

Plaintiffs:


WILLIAM C. MANN

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP


SEAN G. DELANEY

SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

SUSAN RAWLINGS JEWETT

WILLIAM C. SMITH

20 cws6957

This 15 day of May, 2021.

CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

WILLIAM C. MANN

SEAN G. DELANEY



SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

SUSAN RAWLINGS JEWETT

WILLIAM C. SMITH

This 7 day of July, 2021.


SUPERIOR COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

WILLIAM C. MANN

SEAN G. DELANEY


SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.



SUSAN RAWLINGS JEWETT



WILLIAM C. SMITH

Prepared by: Sean G. Delaney, Esq.
Return to : Hatch, Little & Bunn, LLP, P.O. Box 527, Raleigh, NC 27602

MEMORANDUM OF TITLE BY JUDGMENT

Property: 2021 North Salem Street, Apex, NC 27523
Real Estate ID: 0007533
PIN: 0742891824
Mailing Address: 200 Singleton Street, Raleigh, NC 27606

This Notice is made and given this 8th day of July, 2021. By Judgment entered by the Superior Court of Wake County in file number 20-CVS-6957, title to the above-described property is vested in the following individuals:

WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN
GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY,
WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL
JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN,
AND DAVID MANN.

Attention is directed to the final Judgment entered in 20-CVS-6957 for full explanation of the rights and powers of the parties.

HATCH, LITTLE & BUNN, LLP
Attorneys for William C. Mann and
Susan Castlebury



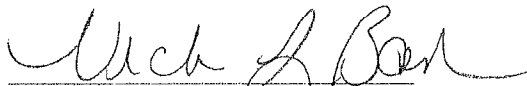
Sean G. Delaney

Submitted electronically by "Hatch Little and Bunn LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

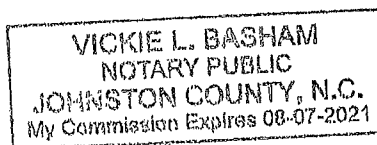
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **SEAN G. DELANEY**

Date: July 8, 2021


Official Signature of Notary


Printed Name of Notary Public

My Commission expires: _____



AFFIDAVIT OF OWNERSHIP

Application #: 22CZ13

Submittal Date: 5-2-22

The undersigned, Brendie Vega (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 2021 N Salem St., Apex, NC 27523 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 6/11/2009, and recorded in the Wake County Register of Deeds Office on 6/11/2009, in Book 09-E Page 1938.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 2nd day of May, 2022.

Brendie Vega (seal)

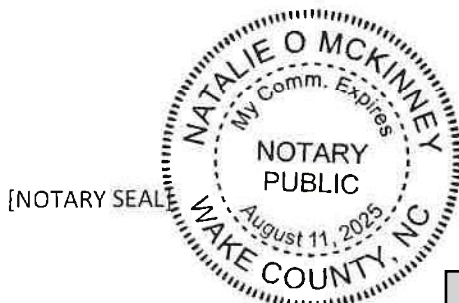
Brendie Vega

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



Natalie O. McKinney
Notary Public

State of North Carolina

My Commission Expires: 8/11/2025

Developer Company Information	
Company Name	Baker Residential
Company Phone Number	9842752223
Developer Representative Name	Mark Bowles
Developer Representative Phone Number	9196561291
Developer Representative Email	mbowles@bakerresidential.com

New Residential Subdivision Information	
Date of Application for Subdivision	May 2, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2021 N Salem St., Apex, NC 27523
REID(s)	0007533
PIN(s)	0742891824

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

Lot by Lot Development <i>Information</i>																	
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					10	30		2,100	2,100	\$400k	\$500k	2026	40				
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



15 December 2021

Mr. V. Mark Bowles
Director of Land Acquisition, Raleigh
Baker Residential
7001 Weston Parkway, Suite 150
Cary, NC 27513

RE: **2021 N Salem St. – Wetland/Stream Delineation Memo**

Mr. Bowles:

Upon your authorization Spangler Environmental, Inc. (SEI) visited the subject property, located at 2021 N Salem St., Wake County, North Carolina (Wake County PIN# 0742891824) on 30 November 2021 to determine if the subject property contains Waters of the United States (WOTUS), or waters of the state subject to the Clean Water Act (CWA), the Isolated Wetland and other state Rules, the Neuse Buffer Rules and/or Wake County ordinances.

Wetland Delineation/Stream Determination:

During the field investigation SEI did not identify any wetland or stream features in the project area. The 1970 Natural Resources Conservation Service Soil Survey map (Sheet 56) and the 2019 Cary, NC USGS Quadrangle do not depict any stream features within the property, and therefore no NC Protected Riparian Buffer areas are located on the site.

Attached is a map showing the property boundary over an aerial photo, as well as USGS and NRCS maps.

Conclusions & Recommendations:

Based on the absence of wetland and stream features delineated by SEI during the site reconnaissance, we recommend that additional steps be taken to obtain regulatory confirmation prior to site development activities. Specifically, we recommend that a Preliminary Jurisdictional Determination (PJD) be requested from USACE. Should you wish to proceed with the PJD, please advise and we will provide scope and fee for this.

Please feel free to contact us should you have questions regarding these data or recommendations.

Sincerely,
Spangler Environmental, Inc.

Lisa Long
Environmental Scientist – Land & Water Resources

Ward Marotti
Director – Land & Water Resources

Attachments:

Stream and Wetland Delineation Map
USGS Topographic Map
NRCS Soil Survey Map

References:

1. Wake County GIS website.
2. USGS Cary, NC 7.5 Minute Topographic Quadrangle (2019).
3. Natural Resource Conservation Service. Soil Survey of Wake County (1970) (Sheet 56).

Vega, Brendie

Subject: FW: 2021 N. Salem street pics

Attachments: House 2.jpg; House 4.jpg; House 6.jpg; 2021 N Salem Street letter 6-8-22.pdf



From: Scott Thompson <scott@jsthompson.com>

Sent: Wednesday, June 8, 2022 4:54 PM

To: Scott Thompson <scott@jsthompson.com>

Subject: 2021 N. Salem street pics







































Sincerely,

Scott

(Sent from my cell phone; please pardon typos and brevity)

J. Scott Thompson, PE
President
J.S. Thompson Engineering, Inc.
606 Wade Avenue
Raleigh, NC. 27605

----- This message may contain proprietary information of Baker Residential. The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s). This e-mail is not intended to create or constitute a legal agreement between sender and receiver or to modify any agreement which may already exist. Only authorized persons of the organization have the ability to enter the Company into a binding agreement. If you received this message in error, please notify the sender and destroy the message.



2021 N Salem St

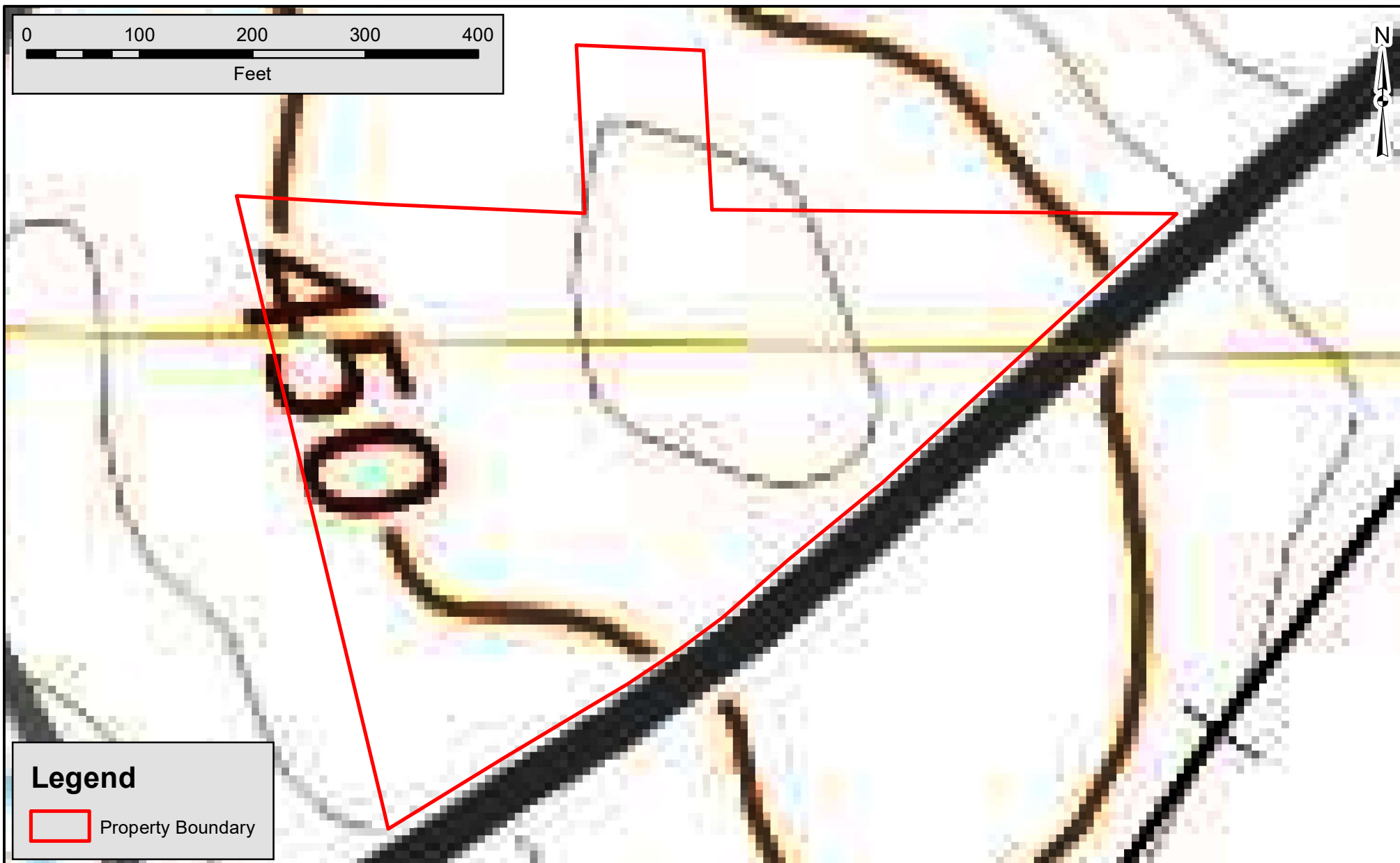
2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116



4338 Bland Road
Raleigh, North Carolina
- Page 204 -
(919) 875-4288
www.SpanglerEnvironmental.com

**Stream & Wetland
Delineation Map**

Map Source:
Wake County GIS



2021 N Salem St

2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116



4338 Bland Road
Raleigh, North Carolina
(919) 875-4288
www.SpanglerEnvironmental.com

- Page 205 -

USGS Topographic Map

Map Source:
USGS Cary, NC 7.5 Minute
Topographic Quadrangle (2019)



2021 N Salem St

2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116



4338 Bland Road
Raleigh, North Carolina 27606
(919) 875-4288
www.spanglerenvironmental.com

- Page 206 -

NRCS Soil Survey Map

Map Source:
NRCS 1970 Soil Survey of
Wake County (Sheet 56)

April 4, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on April 19, 2022, at the Halle Cultural Arts Center of Apex. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting
Location: Halle Cultural Arts Center of Apex
Address: 237 N Salem St., Apex, NC, 27502
Time: 6 pm - 8 pm

The purpose of this meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel



Brendie Vega, AICP
Director of Planning

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.

04/04/2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

2021 North Salem St.

0742891824

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	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)):

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is about 30
townhouse units.

Estimated submittal date: May 2, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: The Halle Cultural Arts Center, 237 N. Salem St., Apex, NC 27502

Date/Time of meeting**: April 19th 6 pm - 8 pm

Welcome: 6 pm Project Presentation: 6:15 pm Question & Answer: 6:45 pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: _____ Email: _____

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: _____ Fax: _____ Email: _____

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: _____ Fax: _____ Email: bvega@withersravenel.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
---	-----------------------------	---------------------

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470
------------------------------	------------------------	---------------------

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

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
---	---	---------------------

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:	Non-Emergency Police	919-362-8661
----------------------------	-----------------------------	---------------------

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

Dirt in the Road:	James Misciagno	919-372-7470
--------------------------	------------------------	---------------------

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

Dirt on Properties or in Streams:	James Misciagno Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
--	--	--

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	James Misciagno	919-372-7470
--------------	------------------------	---------------------

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	James Misciagno	919-372-7470
---------------	------------------------	---------------------

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	James Misciagno	919-372-7470
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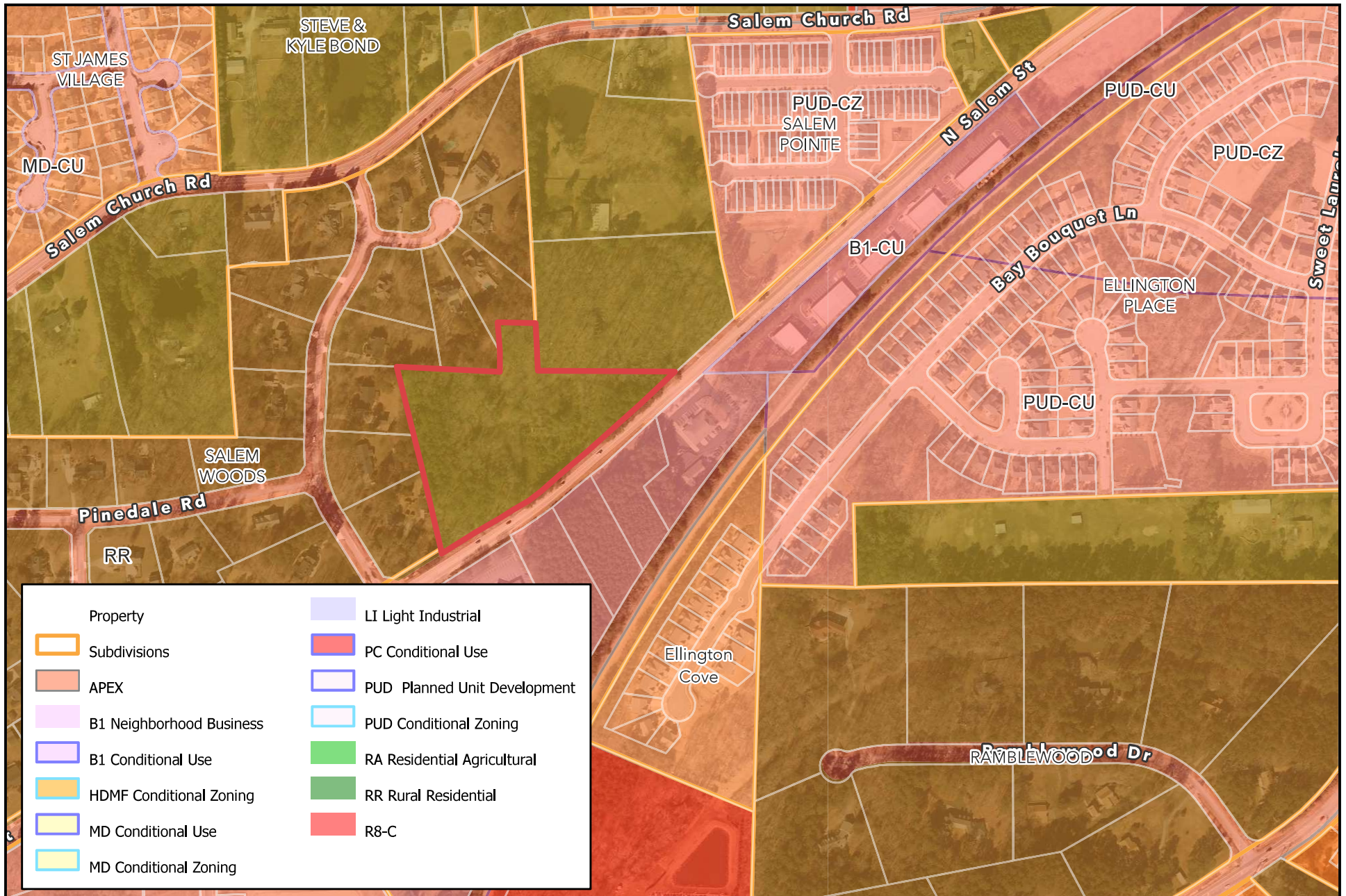
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
-------------------------------------	----------------------	---------------------

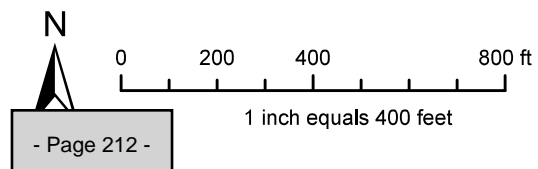
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

Electric Utility Installation:	Rodney Smith	919-249-3342
---------------------------------------	---------------------	---------------------

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



Zoning Exhibit



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.

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St., Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

Property Owner(s) name(s): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

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.	John Economy EXT	1000 CARR FREE COVE	919-669-2800		yes
2.	ANN MORGAN	2160 N. SALEM ST	919-781-6691		yes
3.	GREGORY COLEMAN	2729 TOWNEDGE CT	919-461-5729		yes
4.	WILLIAM R. MANN	2509 EAGLE WATCH CT.	919-851-3745		yes
5.	JUDY HEILSNIS	200 SINGLETON ST.	919-924-4841		yes
6.	Brendie Vega	1506 Fair Weather Ct	919-5355212		
7.	Caroline Richardson	1375 Wilmington Rte	803 603 2883		WithersRavenel.com
8.	Mark Bowles	1375 Wilmington St.	919-656-1291		
9.	ED TANG	7001 Winton Pkwy Cary 27513	919-238-0338		
10.		115 Mackenaw Dr.			
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): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

Contact information (email/phone): bvega@withersravenel.com

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:

Traffic. Residents expressed concern about the visibility along N Salem St. They also were worried about increased traffic volumes.

Applicant's Response:

The applicant explained that they would be working closely with NCDOT and the Town of Apex to determine a safe location for neighborhood access along N Salem St. The applicant explained that a TIA would not be required for a project of this size.

Question/Concern #2:

Buffers and RCAs. Residents asked about the placement, width, and opacity of the perimeter and streetscape buffers on the site.

Applicant's Response:

The applicant displayed a concept plan with the required buffers. They explained that Resource Conservation Areas would not be disturbed.

Question/Concern #3:

Density. The neighbors asked for an explanation of how the density was calculated.

Applicant's Response:

The applicant explained that the density was based on gross, not net, acreage.

Question/Concern #4:

Timeline. Residents wanted to know the timeline for approvals and construction.

Applicant's Response:

The builder provided a tentative timeline. Rezoning would be addressed by Council in the fall. Construction would likely begin approximately one year later at the earliest.

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): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

Contact information (email/phone): bvega@withersravenel.com

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:

Housing Product. Residents asked about the product type.

Applicant's Response:

The builder explained that the townhome product would be two stories with an attic on some units. The builder also provided examples of its existing developments including McKenzie Ridge and Weddington. The homes are planned to have slab foundations.

Question/Concern #2:

Stormwater Management. Residents asked about plans for stormwater runoff.

Applicant's Response:

The applicant shared that there would be at least two stormwater ponds on the side to collect and treat runoff. The locations shown on the existing concept plan are approximate.

Question/Concern #3:

Tree Health. One resident shared that her property was experiencing tree decay and disease. She asked how the applicant would protect existing trees.

Applicant's Response:

The applicant explained that tree protection fencing would be required during construction. In addition, disturbance is not permitted in Resource Conservation Areas and most buffers.

Question/Concern #4:

Applicant's Response:

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

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

I, Brendie Vega, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 237 N Salem St, Apex, NC 27502 (location/address) on April 19, 2022 (date) from 6 p.m. (start time) to 8 p.m. (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.

5/2/2022
Date

By: Brendie Vega

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Natalie O. McKinney, a Notary Public for the above State and County, on this the 2nd day of May, 2022.

SEAL



Natalie O. McKinney
Notary Public
Natalie O. McKinney
Print Name

My Commission Expires: 8/11/2025

May 24, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a virtual neighborhood meeting on June 8th, 2022. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting
Location: Virtual
Address: WebEx - Register at <https://bit.ly/3ISXWdL>
Time: 5:00 pm - 7:00 pm

Dear resident,

On April 19th, 2022 we held a neighborhood meeting for a rezoning of 2021 N. Salem St. One of the residents in attendance at that neighborhood meeting pointed out that the mailing included "30 dwelling units," as the proposed number of townhomes to be in the rezoning. We sincerely apologize for this error as we are requesting up to 40 dwelling units as part of our rezoning request. In light of the error on the notice, we will be holding a second neighborhood meeting. This meeting will be virtual.

The purpose of the meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel



Brendie Vega, AICP
Director of Planning

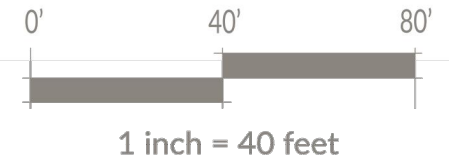
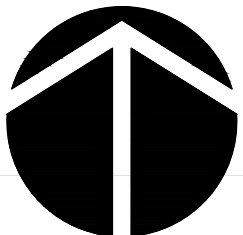
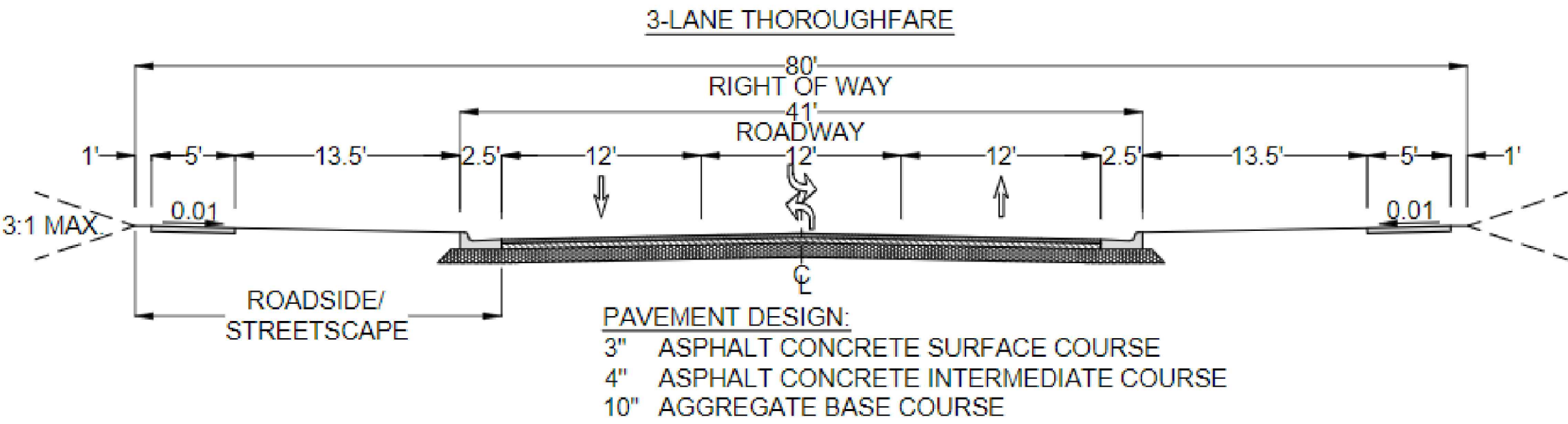
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LEGEND

- PERIMETER BUFFER
- CONCEPTUAL ROAD CONNECTION
- CONCEPTUAL SCM LOCATION
- OPEN SPACE
- TOWNHOMES

NOTE: REQUIRED RCA 20%
PER UDO SECTION 8.1.2.C.4



*This plan is conceptual and illustrates design intent. The plan has not been reviewed or approved by the Town of Apex.

No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL PUD PLAN

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

NOTICE OF NEIGHBORHOOD MEETING

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

05/24/2022

Date



Use the QR code or register
at: <https://bit.ly/3ISXWdL>

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
2021 North Salem St. 0742891824

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	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)):

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is
up to 40 townhouse units.

Estimated submittal date: June 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: <https://bit.ly/3ISXWdL> or call-in at US Toll +1-415-655-0001 / Access Code: 24303922232

Date/Time of meeting**: June 8th, 2022 / 5:00 pm - 7:00 pm

Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:30 pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: _____ Email: _____

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: _____ Fax: _____ Email: _____

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: 919-535-5212 Fax: _____ Email: bvega@withersravenel.com

Builder (if known): Baker Residential

Address: same as developer

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
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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.

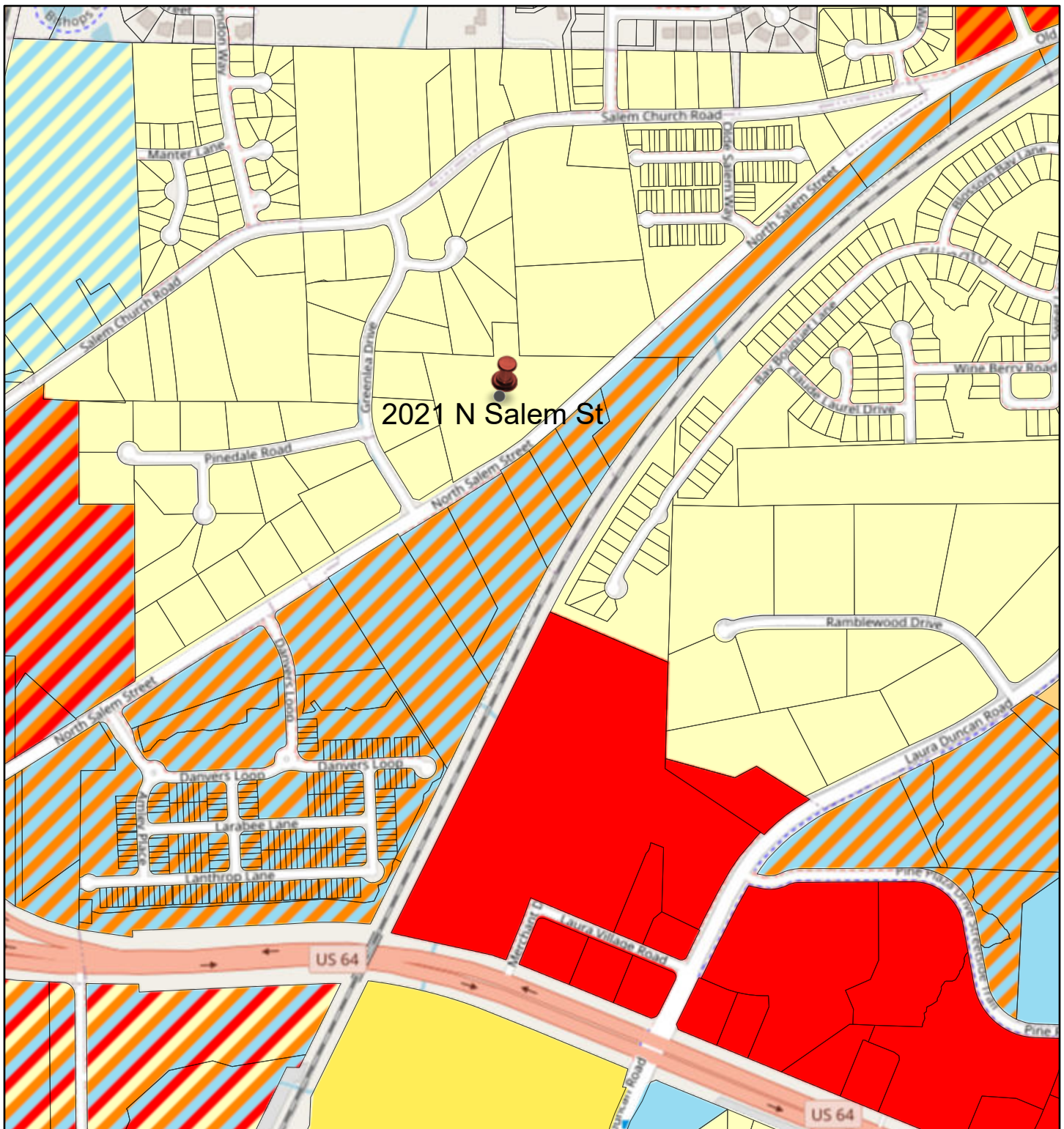
Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.

2021 N Salem Street - Future Land Use Map



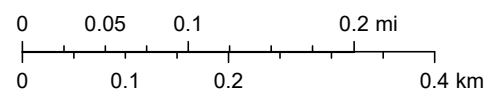
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Future Land Use

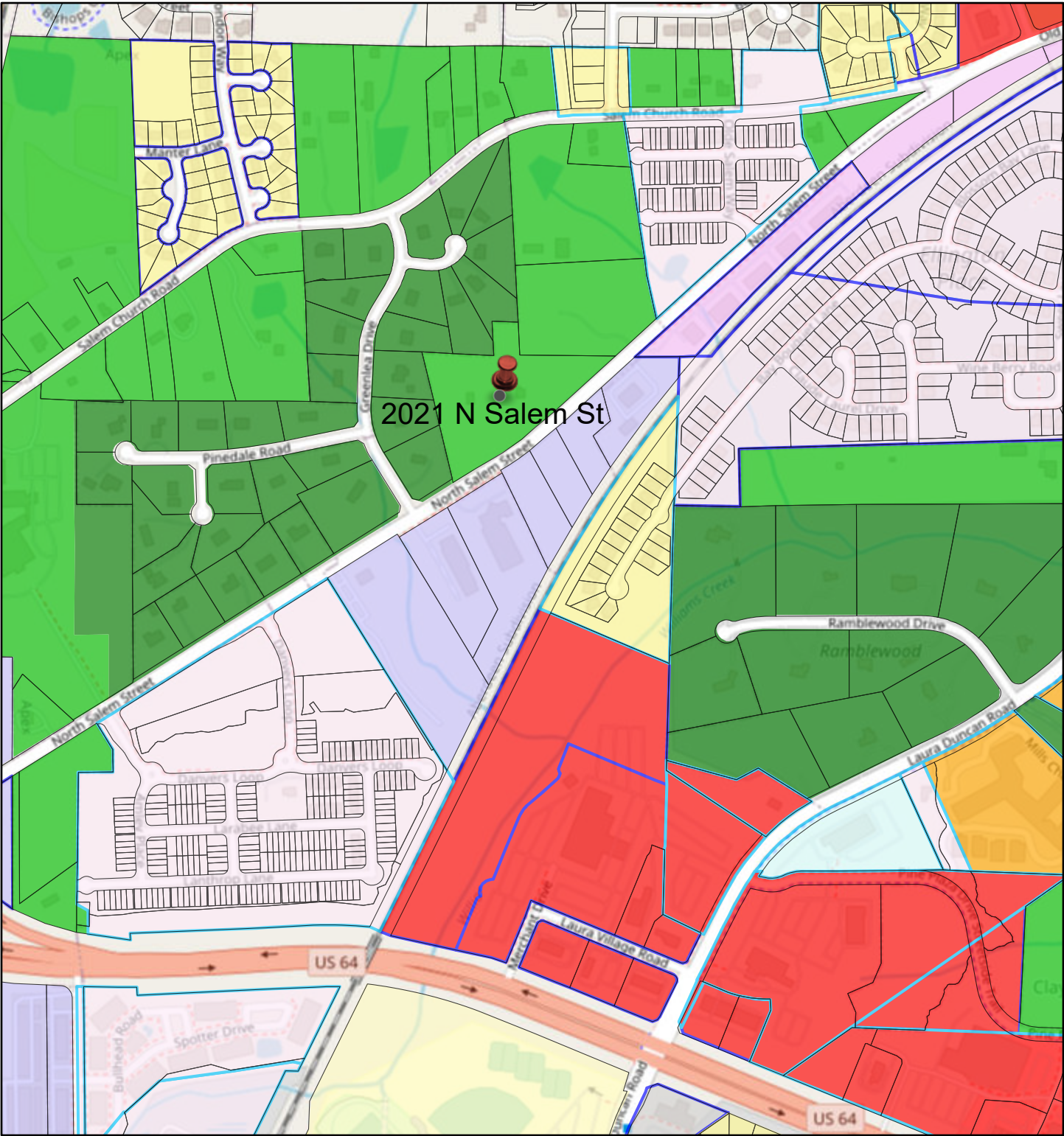
- Protected Open Space
- Rural Density Residential
- Golf Course
- Low Density Residential
- Low Density Residential, Office Employment
- Low Density Residential, Commercial Services

Medium Density Residential



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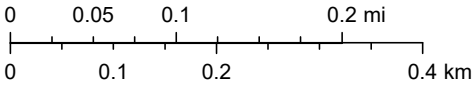
2021 N Salem St Zoning



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- Parcels (Zoom In to See)
- Zoning Districts
- B1 Neighborhood Business
- B1 Conditional Use
- HDMF Conditional Zoning
- MD Medium Density Residential
- MD Conditional Use
- MD Conditional Zoning
- LD Low Density Residential
- LI Light Industrial
- LI Conditional Use
- O&I Conditional Use
- PC Planned Commercial



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Attendance Count	Event Name	Event Start Date	Event Start Time	Event End Time	Event/Recording Duration	User Type	FirstName
1	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Brendie
2	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Host	WithersRavenel
3	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Rose
4	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	christian
6	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Ann
7	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Ed

LastName	Email	Attended	Join Time	Registration Date/Time	Registration ID	Okay to send email	Phone
Vega		Yes	4:55 pm New York Time			0 No	1-
Raleigh		Yes	4:48 pm New York Time			0 No	1-
Motley-Abbott		Yes	4:55 pm New York Time	June 8, 2022 4:06 pm New York Time	815956	No	1-
campbell		Yes	5:03 pm New York Time	June 8, 2022 5:03 pm New York Time	885048	No	1-
Morgan		Yes	5:00 pm New York Time	June 8, 2022 2:31 pm New York Time	203194	No	1-9197816691
Tang		Yes	5:01 pm New York Time			0 No	1-

All sessions in Eastern Daylight Time (New York, GMT-04:00)

Session detail for 'N. Salem St. Neighborhood Meeting ':

*Attention to Duration ratio: Attentiveness based on total duration of the event.

**Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

Participant	Audio Type	Name	Date	Invited	Registered	Start time	End time	Duration	*Attention to Duration ratio	**Attention to Attendance ratio
1		WithersRavenel Raleigh	6/8/2022	No	No	4:48 PM	7:02 PM	135 mins	100%	100%
2		WithersRavenel Raleigh	6/8/2022	No	No	4:56 PM	7:02 PM	127 mins	94%	100%
3		christian campbell	6/8/2022	No	Yes	5:05 PM	6:08 PM	64 mins	47%	100%
4		christian campbell	6/8/2022	No	Yes	5:03 PM	5:05 PM	3 mins	2%	100%
5		Ed Tang	6/8/2022	Yes	No	5:01 PM	5:44 PM	43 mins	32%	100%
6		ann morgan	6/8/2022	No	Yes	5:06 PM	6:51 PM	106 mins	79%	100%
7		Rose Motley-Abbott	6/8/2022	No	Yes	5:00 PM	5:43 PM	44 mins	32%	100%
8	Call-in	Call-in User_2	6/8/2022			5:01 PM	5:52 PM	51 mins		

June 10, 2022

**RE: Baker Residential – 2021 N. Salem St.
Neighborhood Meeting Summary
2021 North Salem Street PUD Project No. 22CZ13
WR Project No. 02211366.00**

1. Rose: What are the structures CAP has identified
 - ▶ **Brendie: There are about 7 structures**
 - ▶ **The 2-story brick house and the tobacco barn**
2. Rose: what about the trees
 - ▶ **We are looking at a stormwater pond on the NE**
 - ▶ **There will have that 20-foot buffer and houses have to be at least 10 feet from it**
3. Rose: For the peninsula, you said the trees would be undisturbed?
 - ▶ **Brendie: Yes, that is what we anticipate at this time**
4. David: Where will the entrance be located? It wouldn't be where the old driveway was, correct?
 - ▶ **Brendie: correct, we have shown it where we think site distance will be best but it is subject to Apex and NCDOT approval**
 - 1) Rose's husband, David: that's good
5. Rose: would trees be preserved?
 - ▶ **Brendie: yes, there will be trees preserved, at this time it is too early to tell which but we will try to save those in the peninsula and those in the perimeter buffers**
 - a. Rose: what will that mean?
 - ▶ **Brendie: Those that we can save we will have tree protection fencing around them**
6. Rose Abbott: it was originally 30, not 40 townhomes?
 - ▶ **Brendie: It was always intended to be 40 units, the first letter unfortunately went out with a typo. We discovered the typo at the first neighborhood meeting when a neighbor brought it up.**
7. Rose's husband, David: what are you planning to do with the pump house?
 - ▶ **Brendie: it will be removed, and this project will connect to public utilities**
8. Rose: when is the public hearing?
 - ▶ **Brendie: we have submitted our application, we have received comments and we will resubmit the application on Friday, once we have addressed comments we will move to public hearings, We submitted last month in May, August 8th and 23rd will be the earliest we can go. It's always possible we could get delayed. You will get a letter about 2 weeks prior to the hearing from the Town of Apex and you can also sign up on the Town's website for alerts on public hearings.**

9. Rose's husband, David: do you have any info on active construction?

- ▶ **Brendie: Infrastructure, and road improvements will start first, once complete and inspected, then it will go into vertical construction of the homes. The road work could be as soon as next summer.**
- ▶ **Ed: Home construction may end in 2025.**

10. David Abbott: Is that a 3-lane section for N Salem?

- ▶ **Ed: yes, the town has amended the Transportation plan in this area to a 3-lane section.**

11. Rose: Baker is the builder?

- ▶ **Brendie: yes, Baker is the developer and builder.**

Sincerely,

WithersRavenel



Brendie Vega, AICP, CNU-A
Director of Planning

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, Edward Tang, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual via WebEx (location/address)
on June 8, 2022 (date) from 5:00 PM EST (start time) to 7:00 PM EST (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8/1/2022

Date

By: Edward Tang

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 1st day of August, 2022.

SEAL



Karen Hancock
Notary Public
Karen Hancock
Print Name

My Commission Expires: 5-13-2025

2021 N SALEM ST

PLANNED UNIT DEVELOPMENT

Apex, North Carolina

First Submittal May 2, 2022

Revisions

June 10, 2022

July 8, 2022

October 10, 2022

Planning Board – November 11, 2022

Town Council – January 16, 2023

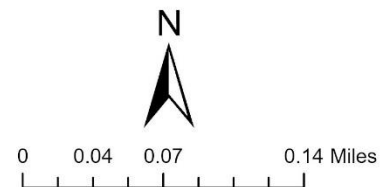
TABLE OF CONTENTS

I.	Vicinity Map	3
II.	Project Information.....	4
III.	Purpose Statement	5
IV.	Permitted Uses.....	6
V.	Proposed Conditions.....	6
VI.	Design Controls	8
VII.	Architectural Controls.....	9
VIII.	Signage	9
IX.	Parking and Loading.....	9
X.	Environmental Advisory Board Recommendations.....	9
XI.	Natural Resource and Environmental Data	10
XII.	Stormwater Management	11
XIII.	Public Facilities Requirements	11
XIV.	Phasing.....	12
XV.	Affordable Housing	12
XVI.	Consistency with Advance Apex 2045	13
XVII.	Consistency with the UDO	13
XVIII.	Consistency with Thoroughfare and Collector Street Plan Map	13
XIX.	Consistency with the Parks & Recreation Master Plan	14
XX.	Consistency with the Bicycle and Pedestrian System Plan.....	14

I. VICINITY MAP



N. Salem St. Parcel



II.PROJECT INFORMATION

Project	2021 N Salem St. PUD
PIN	0742891824
Preparer Information	WithersRavenel 115 MacKenan Drive Cary, NC 27511 Brendie Vega, AICP, CNU-A Ed Tang, PE P: 919.469.3340 bvega@withersravenel.com etang@withersravenel.com
Attorney	Morningstar Law Group Jason Barron jbarron@morningstarlawgroup.com
Current Zoning Designation	Residential Agriculture (RA)
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)
Current 2045 Land Use Map Designation	Medium Density Residential
Area of Tract	6.00 acres

III. PURPOSE STATEMENT

A. Unified Development Ordinance (UDO) Sections 2.3.4.F.1.

- ◆ The PD Plan encourages cluster and compact development to the greatest extent possible. The PD plan will provide the required right-of-way dedication to the recently adopted amendment for a 3-lane section along North Salem Street. The layout provides one point of access to N. Salem St. and a stub to the eastern parcel which remains a single-family, large lot residential home. The internal pedestrian network will connect to the sidewalk provided along N. Salem St.
- ◆ The development is compatible in character with the townhomes in the area with a density between 3-7 dwelling units per acre.
- ◆ The site is near several commercial areas which allow future residents to access many necessities while minimizing vehicle trips traveled and trip length.
- ◆ The PD Plan proposes architectural standards that are exceptional and provide high-quality design while incorporating energy saving features.

B. Conditional Zoning Standards - UDO Sections 2.3.3.F.1-10

- ◆ The PUD Plan is consistent with the 2045 Land Use Map, which has identified this area as Medium Density Residential which allows for single-family homes, duplexes, and townhouses. The proposed conditions maintain the density within the 3-7 dwelling units per acre range required by the zoning district.
- ◆ The proposed development is adjacent to existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place to the east. Therefore, the proposed development is consistent with the developing residential character of the area.
- ◆ The zoning district supplemental standards do not apply to the uses in this proposed development.
- ◆ Adverse impacts will be minimal since there are currently similar residences in the surrounding area that are served by the Town.
- ◆ The proposed District will meet or exceed the Town's requirements which are meant to protect the health, safety, and welfare of the Town and ETJ residents.
- ◆ There will be no substantial detriment to the adjacent properties. The addition of residential at a slightly higher density than what is existing will not be a substantial detriment to adjacent properties.
- ◆ The use will not constitute a nuisance or hazard as residential uses are inherently intended for the use, enjoyment, and safety of residents in their homes.
- ◆ The proposed Conditional Zoning district use will meet or exceed the applicable provisions of the Ordinance except where noted in this document and as permitted by the Conditional Zoning process.

IV. PERMITTED USES

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

- ◆ Townhouse
- ◆ Accessory apartment
- ◆ Utility, Minor
- ◆ Park, Active
- ◆ Park, Passive

V. PROPOSED CONDITIONS

1. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
2. The development shall provide an amenity pad and lighting consistent with the Town of Apex standards to accommodate a future bus stop and shelter along the North Salem Street frontage. The location of the bus stop along the project's frontage is subject to review and approval by the Town of Apex and NCDOT. Additional right-of-way dedication required to accommodate the bus stop will be determined at time of subdivision plan. If additional right-of-way is required, it may encroach into the required buffer and shall not impact the site's calculation of RCA.
3. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
4. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
5. Prior to platting the 10th lot in the neighborhood, the Developer will extend a 5' sidewalk approximately 250 feet along the north side of N. Salem St (2161 N Salem St) to the western limits of existing sidewalk at the Salem Pointe Subdivision. Developer will attempt to obtain the required right-of-way and/or easements for construction of this sidewalk from the property owners of 2161 N Salem St. If the required right-of-way and/or easements cannot be obtained by that time, a Fee-in-Lieu in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed. Any performance guarantee provided for this section of sidewalk shall be released upon acceptance of said fee-in-lieu by the Town.
6. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
7. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.

8. A minimum 4kW solar PV system shall be installed on at least four (4) 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 lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
9. Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual.
10. Historic Structures. In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:
 - a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
 - b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and
 - c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.

VI. DESIGN CONTROLS

A. Intensity and Density

Maximum Density	6.7 dwelling units per acre		
Maximum Dwelling Units	40		
Maximum Building Height	42 ft; 2 stories maximum		
Setbacks, Townhouses	Front: 19 ft from garage to lot line and 20ft from garage to back of sidewalk	Side: 5 ft Corner Side: 10 ft Building to Building: 10 ft	Rear: 10 ft
Minimum Lot Width	18 ft		
Maximum Built Upon Area Permitted	70%		
Maximum Built Upon Area Proposed	Up to 70%		

B. Perimeter Buffers

North	20 ft Type B
South (N. Salem St.)	30 ft Undisturbed Type B* 50 ft Disturbed Type B *
East	20 ft Type B
West	20 ft Type B

*An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.

VII. ARCHITECTURAL CONTROLS

Townhouses

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. 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. The visible side of a townhome on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
 - Windows
 - Trim around the windows
 - Decorative air vents on gable
 - Decorative gable

VIII. SIGNAGE

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

IX. PARKING AND LOADING

The parking requirements of the Town of Apex UDO Section 8.3 will be met.

X. ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

The 2021 N. Salem St. PUD was heard at the EAB on April 21, 2022. The applicant has agreed to the following conditions:

Water Quality

The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.

Planting and Landscaping

The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.

A minimum of 4 native hardwood tree species shall be used for the landscaping on site.

A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.

Waste Reduction

The project shall install at least one (1) pet waste station per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.

Clean Energy

All homes shall be pre-configured with conduit for a solar energy system.

XI. NATURAL RESOURCE AND ENVIRONMENTAL DATA

A. Watershed

The property in the PD Plan is located in the Primary Overlay District and the Williams Creek Basin (Neuse River Basin).

B. FEMA Floodplain

No regulatory FEMA mapped floodplain exists on site.

C. Resource Conservation Area

The site is subject to the Resource Conservation Area requirements outlined in the Town of Apex UDO in Section 8.1. A minimum of 20% of the overall site area will be set aside to satisfy the requirements for the resource conservation area (RCA) upon subdivision plan submittal.

D. Cultural Resources

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures. The applicant met with Capital Area Preservation (CAP) staff on site to assess the structures on the property. Several historic structures were found, including a 1930's Tudor style home, barns, and sheds. The Tudor home has been vandalized and appears to have significant structural damage.

XII. STORMWATER MANAGEMENT

The proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

XIII. PUBLIC FACILITIES REQUIREMENTS

A. Sanitary Sewer Service

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park.

A capacity study shall be provided during Construction Drawing submittal.

B. Water Service

Extension of water shall be provided to the proposed development with access to water 12" water line on N. Salem St.

C. Gas and Electric Service

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

D. Roadways

The subdivision will have an internal public roadway network. The transportation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details.

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

E. Transit

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the future Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is proposed to be located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

F. Pedestrian Facilities

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., in accordance with the Transportation Plan & UDO.

Sidewalks shall be provided on both sides of all internal streets, including cul-de-sac(s).

G. Parks and Recreation Dedication

A fee-in-lieu of dedication will be provided per UDO Section 14.1.2 Exemptions.

XIV. PHASING

The site is anticipated to be completed in one phase.

XV. AFFORDABLE HOUSING

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site 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 Unit 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 each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Unit to memorialize the affordable housing terms and conditions. The 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 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. Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

XVI. CONSISTENCY WITH ADVANCE APEX 2045

The proposed development is consistent with the Advance Apex 2045 Plan and Future Land Use Map.

The Apex 2045 Future Land Use Map identifies the subject parcels as Medium Density Residential. Medium Density Residential lands are characterized by single-family homes, duplexes, quadplexes, and townhomes with densities no less than three (3) and no more than seven (7) dwelling units per acre. Medium Density Residential provides a transition from the more urbanized areas of Apex to low-density neighborhoods.

The proposed density of 6.7 dwelling units per acre meet the Medium Density Residential standards. The proposed townhome use also meets the Medium Density Residential standards. Lastly, if established, the proposed development will soften the land use transition between large rural lands and residential neighborhoods and commercial areas.

XVII. CONSISTENCY WITH THE UDO

The proposed development is consistent with all applicable requirements of the Town of Apex UDO.

XVIII. CONSISTENCY WITH THOROUGHFARE AND COLLECTOR STREET PLAN MAP

The proposed development will be consistent with the Thoroughfare and Collector Street Plan.

XIX. CONSISTENCY WITH THE PARKS & RECREATION MASTER PLAN

The proposed development is in the extraterritorial jurisdiction and is not located within any future Parks & Recreation trails or projects.

XX. CONSISTENCY WITH THE BICYCLE AND PEDESTRIAN SYSTEM PLAN

The proposed development will comply with the BPS Plan.

PLANNED UNIT DEVELOPMENT

2021 N. SALEM STREET

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

1ST SUBMITTAL: MAY 2, 2022
2ND SUBMITTAL: JUNE 10, 2022
3RD SUBMITTAL: JULY 8, 2022
PLANNING BOARD SUBMITTAL: JULY 25, 2022

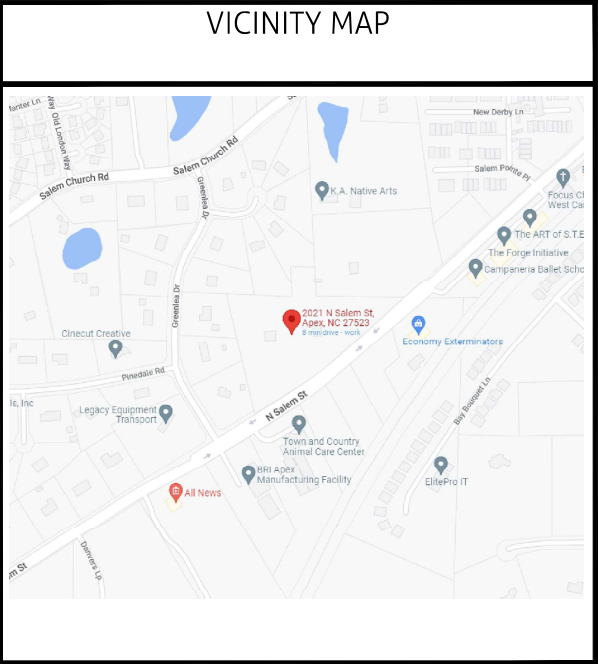
SITE DATA								
LAND OWNERS:		SUSAN JEWETT AND WILLIAM C. MANN 200 SINGLETON ST RALEIGH, NC 27606						
2045 LAND USE PLAN DESIGNATION		CURRENT	MEDIUM DENSITY RESIDENTIAL					
		PROPOSED	NO CHANGE					
SITE ZONING		CURRENT	RESIDENTIAL AGRICULTURAL (RA)					
		PROPOSED	PUD-CZ					
AREA OF TRACTS IN PROPOSED PUD		0742-88-1824	6.04 AC.					
REQUESTED SEWER CAPACITY		300 GPD PER DWELLING UNIT X 40 UNITS = 12,000 GPD						
PARKING REQUIREMENTS		TOWNHOMES: 2 SPACES PER UNIT PLUS 0.25 FOR GUEST PARKING						
PARKING PROVIDED		TOWNHOMES: 2 SPACES PER UNIT X 40 UNITS = 80 SPACES TOWNHOMES GUEST PARKING: 0.25 FOR GUEST PARKING X 40 UNITS = 10 SPACES TOTAL = 90 SPACES						
RESIDENTIAL DENSITY		MAXIMUM		6.7 DU/ACRE				
PROPOSED UNITS		MAXIMUM		40 UNITS				
BUILDING HEIGHT		MAXIMUM		42 FT - 2.5 STORY				
TOWNHOUSE SETBACKS		FRONT	20 FT**	REAR	10 FT	SIDE	5 FT	10 FT BUILDING TO BUILDING
		CORNER SIDE		10 FT				
WATERSHED		PROPERTY LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.						
REQUIRED RCA		20% PER UDO SECTION 8.1.2.C.4						
MAX. BUILT UPON AREA		70% IMPERVIOUS						
HISTORIC STRUCTURES		ACCORDING TO THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE'S RECORDS, THE SUBJECT SITE DOES CONTAIN HISTORIC STRUCTURES.						
COMMUNITY AMENITIES		PERMANENT FEATURES MAY INCLUDE, BUT NOT LIMITED TO: FIRE PIT WITH SEATING, BENCHES ALONG PEDESTRIAN PATHWAYS, LAWN GAME SPACES, PEDESTRIAN PLAZAS WITH PLANTERS. COMMUNITY AMENITIES SHALL MEET THE REQUIREMENTS OF UDO SECTION 8.4						
SITE BUFFERS		NORTH		20' TYPE B BUFFER				
		WEST		20' TYPE B BUFFER				
		SOUTH (N. SALEM ST)		UNITS ORIENTED AWAY FROM THE STREET. 30' TYPE B BUFFER				
**19' FROM GARAGE TO LOT LINE AND 20' FROM GARAGE TO BACK OF SIDEWALK								

NOTE: THE PARCEL AT 2021 N. SALEM STREET DOES NOT ABUT AN EXISTING OR PLANNED PARK OR GREENWAY. PER UDO SECTION 14.1.2, THE PROPOSED SUBDIVISION MEETS THE EXEMPTION FOR SUBDIVISIONS CONTAINING 45 SINGLE FAMILY ATTACHED UNITS OR LESS AND ONLY THE PAYMENT OF FEES-IN-LIEU SHALL FOLLOW THE PUBLISHED TOWN OF APEX FEE SCHEDULE. THE RATE OF THE FEE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL OF THE REZONING, IS BASED ON A MAXIMUM OF 40 ATTACHED UNITS AND RUNS WITH THE LIFE OF THE PROJECT. IF APPROVED IN 2022, THE RATE WOULD BE \$2,528.25 FOR SINGLE FAMILY ATTACHED UNITS.


TRANSPORTATION ZONING CONDITIONS	
1.	DEVELOPMENT FRONTAGE IMPROVEMENTS ON N. SALEM STREET, SHALL BE CONSTRUCTED BASED ON A MINIMUM 41' BACK TO BACK CURB AND GUTTER 3-LANE THOROUGHFARE ON A MINIMUM 80' ROW (40' FROM ROADWAY CENTERLINE) WITH 5' SIDEWALK. A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROPOSED ON N. SALEM STREET, TO BE LOCATED A MINIMUM OF 500 FT EAST OF GREENLEA DRIVE, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.
2.	A CENTER LEFT TURN LANE SHALL BE EXTENDED ALONG THE PROPERTY FRONTAGE BETWEEN GREENLEA DRIVE AND THE ECONOMY EXTERMINATORS DRIVEWAY AND PROVIDE A LEFT TURN LANE FOR ACCESS TO THE DEVELOPMENT, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.



INDEX OF SHEETS	
0	COVER
1	EXISTING CONDITIONS
2	CONCEPTUAL PUD PLAN
3	CONCEPTUAL UTILITY PLAN
4	CONCEPTUAL STORMWATER PLAN
5	ARCHITECTURAL ELEVATIONS



PREPARED BY:

WithersRavenel

Engineers | Planners | Surveyors

115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP
BVEGA@WITHERSRAVENEL.COM

CIVIL ENGINEER: ED TANG, PE
ETANG@WITHERSRAVENEL.COM

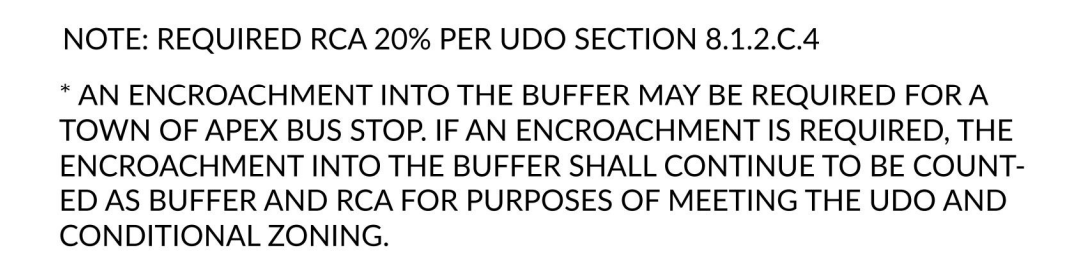
DEVELOPER

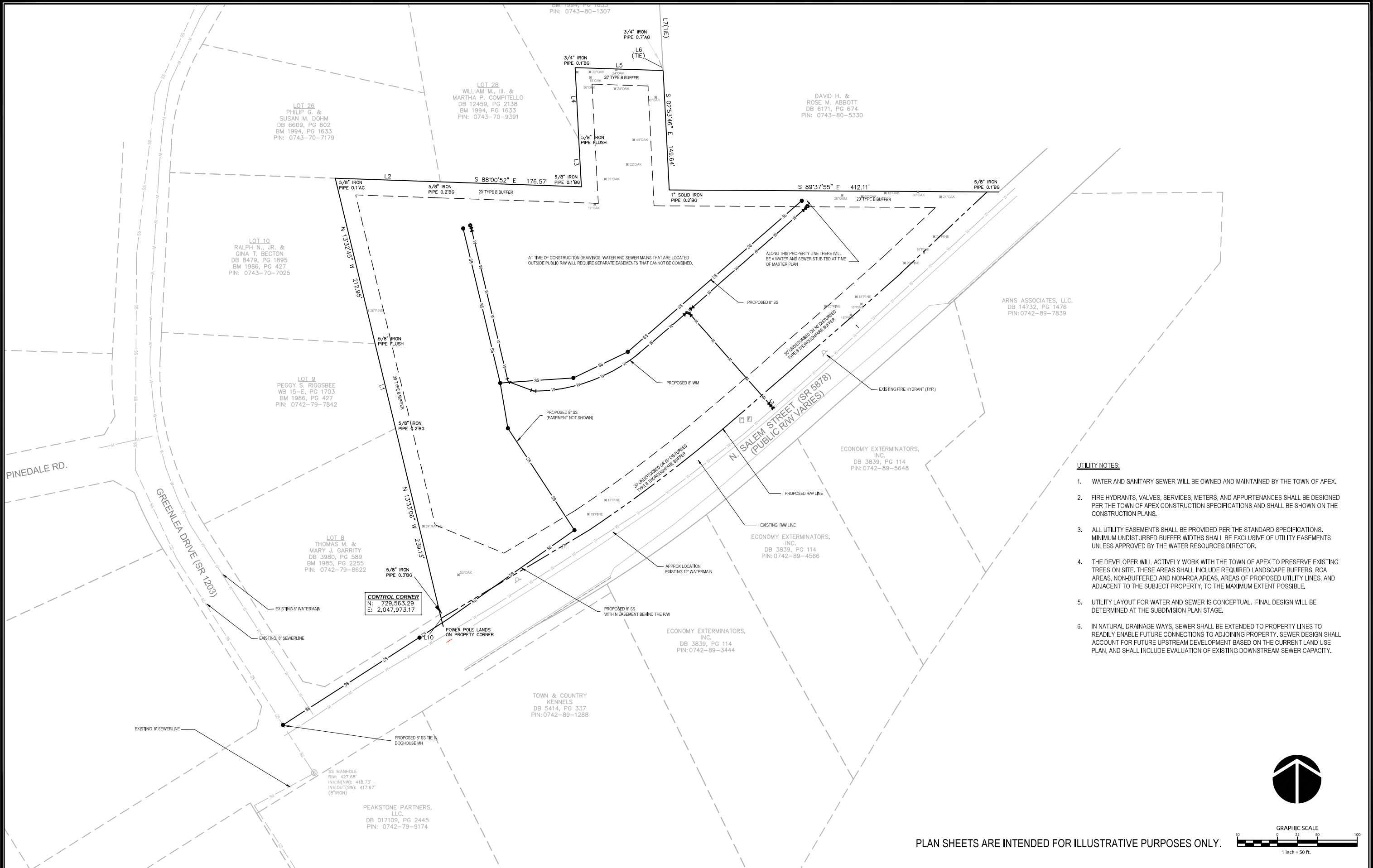
BAKER RESIDENTIAL OF THE CAROLINAS

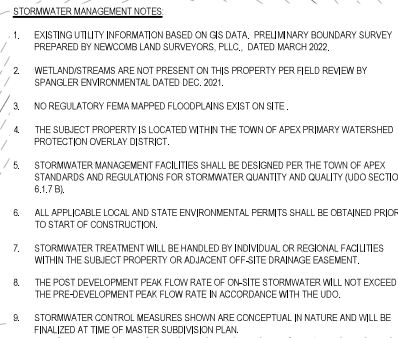
7001 WESTON PKWY, SUITE 150
CARY, NC 27513

ATTN: MARK BOWLES

1. THE PROJECT WILL BE COMPLETED IN A SINGLE PHASE.
2. THE ULTIMATE CROSS SECTION OF N. SALEM STREET IS A 3 LANE THOROUGHFARE WITH 80' OF R/W. THE PROJECT WILL DEDICATE ADDITIONAL 10' OF R/W TO COMPLETE THE NEARSIDE WIDENING OF THE ROAD TO HALF THE SECTION.
3. SCM LOCATIONS SHOWN ARE CONCEPTUAL.

2






PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.



TYPICAL FRONT LOAD TOWNHOME ELEVATIONS

ELEVATIONS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

No.	Revision	Date	By	Designer WR	Scale <i>AS NOTED</i>	<div style="text-align: center;"> <h1>2021 N. SALEM STREET PUD</h1> <p>APEX WAKE COUNTY NORTH CAROLINA</p> </div>	<div style="text-align: center;"> <h1>ARCHITECTURAL ELEVATIONS</h1> </div>	 WithersRavenel Engineers Planners Surveyors <small>115 MacKenran Drive Cary, NC 27511 t: 919.469.3340 license #: F-1479 www.withersravenel.com</small>	Sheet No. <div style="font-size: 2em; font-weight: bold; text-align: center;">5</div>
				Drawn By WR	Date 04/20/2022				
				Checked By ET	Job No. 02211366.0				

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±6 acres

PIN(s): 0742891824

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



Legislative Considerations:

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

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

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:

Conditions as presented (including 5 new conditions attached). Planning Board cautions Council that not preserving historic house at this site would set precedent for future historic properties.

- ☐ *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 14th day of November 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.11.14 18:02:42
-05'00'

Dianne Khin, Director of Planning and
Community Development

2021 N Salem St PUD

Zoning Conditions

New Conditions as of November 11, 2022

1. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
2. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
3. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
4. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
5. A minimum 4kW solar PV system shall be installed on at least four (4) 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 lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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/Authorized Agent: Brendie Vega, WithersRavenel

Property Address: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit <https://www.apexnc.org/> on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite <https://www.apexnc.org/> el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD**

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/Authorized Agent: Brendie Vega, WithersRavenel

Property Address: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit <https://www.apexnc.org/> on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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/imag>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: July 26 – August 8, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite <https://www.apexnc.org/> el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de julio - 8 de agosto de 2022



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 #22CZ13
2021 N Salem St PUD
Project Location: 2021 N Salem Street
Applicant or Authorized Agent: Brendie Vega
Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/26/2022
Date

Shianne F. Kline
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 26 day of July, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 6/19/2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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: Brendie Vega, WithersRavenel

Property Addresses: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~August 8, 2022~~ **September 12, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (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: Brendie Vega, WithersRavenel

Dirección de la propiedad: 2021 N Salem Street

Superficie: ±6 acres

Números de identificación de la propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~August 8, 2022~~ **September 12, 2022 4:30 PM**
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>

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.apexnc.org/emap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/19192>

Dianne F. Kien, AICP
Director of Planning and Community Development

Published Dates: July 26 – ~~August 8~~ **September 12, 2022**



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEPHONE 919-249-3426

CONTINUED
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (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 las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Brendie Vega, WithersRavenel
Dirección de la propiedad: 2021 N Salem Street
Superficie: ±5 acres
Números de identificación de la propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/TownofApexgov>

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.apexnc.org/Maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38922>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de julio – ~~8 de agosto~~ **12 de septiembre de 2022**



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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: Brendie Vega, WithersRavenel

Property Addresses: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (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: Brendie Vega, WithersRavenel

Dirección de la propiedad: 2021 N Salem Street

Superficie: ±6 acres

Números de identificación de la propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de octubre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION OF
PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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/imsos>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <http://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13
2021 N Salem St PUD

Project Location: 2021 N Salem Street

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 23, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022

Date

Sharon F. Khan

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

3

day of

October

, 202

2



Joshua Killian

Notary Public

My Commission Expires:

6 / 17 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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/Authorized Agent: Brendie Vega, WithersRavenel

Property Address: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

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 members 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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios 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: 25 de octubre de 2022 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

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/Authorized Agent: Brendie Vega, WithersRavenel
Property Address: 2021 N Salem Street
Acreage: 16 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/t/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 members 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.calgisnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/78397>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: October 3 - 25, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (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/Agente autorizado: Brendie Vega, WithersRavenel
Dirección de las propiedad: 2021 N Salem Street
Superficie: 16 acres
Número de identificación de las propiedad: 0742891824
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios 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: 25 de octubre de 2022 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39395>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 3 – 25 de octubre de 2022



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 #22CZ13
2021 N Salem St PUD

Project Location: 2021 N Salem St

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 3, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022
Date

Shane F. Khan
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

3

day of

October

, 202

2



Joshua Killian
Notary Public

My Commission Expires:

6 / 17 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

**This item will not be heard on October 25, 2022;
it will be re-advertised at a later date.**

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/Authorized Agent: Brendie Vega, WithersRavenel

Property Address: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: ~~October 25, 2022~~ 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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 members 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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

**Este asunto no será presentado el 25 de octubre de 2022;
se volverá a anunciar en otra fecha posterior.**

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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios 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: **25 de octubre de 2022 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13

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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~October 10, 2022~~ **November 14, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (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: Brendie Vega, WithersRavenel

Dirección de la propiedad: 2021 N Salem Street

Superficie: ±6 acres

Números de identificación de la propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~10 de octubre de 2022~~ **14 de noviembre de 2022**
4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION OF
PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ13

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.1.1, 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: Brendie Vega, WithersRavenel
Property Addresses: 2021 N Salem Street
Acreage: 16 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: ~~October 10, 2022~~ **November 14, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/TownofApexgov>

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://map.apexnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/38932>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: September 23 ~~October 10~~ **November 14, 2022**



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

2021 N SALEM ST PUD (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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie: ±6 acres

Número de identificación de las propiedad: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios 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: 29 de noviembre de 2022 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 y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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/Authorized Agent: Brendie Vega, WithersRavenel

Property Address: 2021 N Salem Street

Acreage: ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

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 members 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, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ13
2021 N SALEM ST PUD

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/Authorized Agent: Brendie Vega, WithersRavenel
Property Address: 2021 N Salem Street
Acreage: ±6 acres
Property Identification Number (PIN): 0742891824
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/TownofApexnow>.

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 members 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://maps.relateinc.com/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/41396. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 7 - 29, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TEL: 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDU) 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/Agente autorizado: Brendie Vega, WithersRavenel

Dirección de las propiedades: 2021 N Salem Street

Superficie: 15 acres

Número de identificación de las propiedades: 0742891824

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

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: 29 de noviembre de 2022 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.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/472>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 7 – 29 de noviembre de 2022



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 #22CZ13
2021 N Salem St PUD

Project Location: 2021 N Salem St

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 7, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy and mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/7/2022
Date

Maureen Fikhen
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

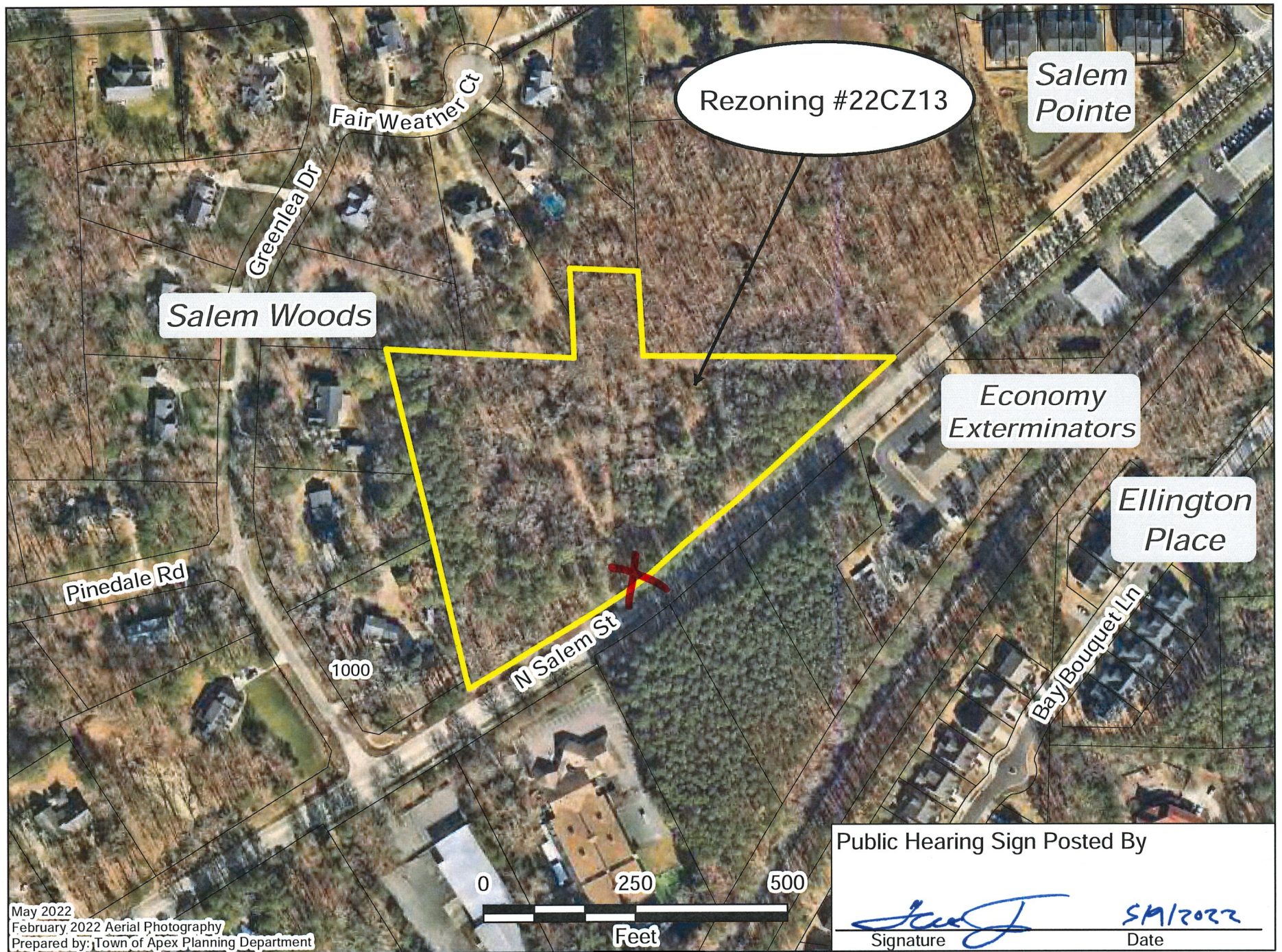
State and County, this the 7th day of November, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024

SEAL





Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

June 24, 2022

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: May 1, 2022
- Name of development: 22CZ13 2021 N. Salem St PUD
- Address of rezoning: 2021 N. Salem St.
- Total number of proposed residential units: 40
- 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



Apex Historic Resource Report

Property Name: Pauline & Lexi Bradley Farm

Location: 2021 N. Salem Street

Date of Visit: January 19, 2022

Survey Number: WA4795

PIN Number: 0742891824

Updated: August 1, 2022

Classification:

- ☒ Local Inventory
- ☐ Study List for the National Register of Historic Places
- ☐ National Register of Historic Places (Individual/District)
- ☐ Apex Historic Landmark

Observations:

After examination of the property, we are of the opinion that 90% of the original historic fabric remains intact for the 1941 period cottage. Nearly everything original to this main house appears to be present, but recent acts of vandalism have damaged some of those original elements and humidity has deteriorated the drywall. This Tudor-Revival style building is unique in Apex, specifically the use of textured colored bricks and a mix of ashlar stone in a grand entry and front-facing chimney with an exemplary front entry door. Wood floors, windows, a mantle, and custom built-ins all appear to be original and have survived over the years despite the recent acts of vandalism.

In a letter dated August 1, 2022, Mike Blake of Wolfe House and Building Movers stated that the building can be relocated (see attached). Based on this letter and the conclusions of CAP's previous report, the building should be relocated and reused either on site or relocated to an appropriate setting somewhere else in the jurisdiction of Apex.

There is a large collection of outbuildings on this property as well. Many are deteriorated, but there are a few buildings in somewhat good condition. Particularly, the frame wash/guest house, and a tobacco curing barn constructed of hand-hewn logs with chinking. The large cattle barn, previously believed to be in good condition, has been heavily damaged in recent months such that it is no longer a candidate for preservation. The other two buildings described above should be relocated with the house or to another appropriate setting.

Historic Integrity:

House

- ☒ Yes
- ☐ No

Outbuildings (frame wash/guest house, tobacco curing barn)

- ☒ Yes
- ☐ No

I, Jeremy Bradham, inspected the above property, state that this report provides an accurate representation of the historic integrity of the property as of:

Date 8/1/2022

Signature _____

08/01/22

Mr. Mark Bowles
Baker Residential
7001 Weston Parkway Suite 150
Cary NC, 27512

Reference - evaluation of 2021 N Salem Street, Apex NC for relocation.

This home is a overall 45 x 56 foot brick veneer home. Mr. Bowles stated there was interested parties in saving the home on site and off site.

The home has been unoccupied for a period of time; The home was open; doors, windows and basement allowing moisture in all areas of the home. All interior walls and floors contained moisture. Generally we guarantee drywall for relocation (some minor cracks) but do the dampness the dry wall will probably need to be replaced at the new site. Would recommend experts in moisture examine the home. Probably all interior will need to be replaced. Would recommend checking for termites and powder post beetles. The owners or owners contractor will, clear all trees away from the home, remove all debris from around and underneath home , including but not limited to heat and air systems including ductwork, remove any piping hanging lower than two inches, make sure all wiring is tacked up in a proper manner; mark any underground tanks including but not limited to gas, septic, water, oil; disconnect all utilities at the street and at the home, prepare ingress or egress to the new site, grading a route 15 feet wider than the home for on site relocation, have the new footing in the ground ahead of time, top of interior grade to be flush with top of footings, new foundation plans to be reviewed before work begins; this allows Wolfe miss where new interior piers will be constructed with our steel layout. (as much as possible) A ten percent deposit and contracts signed to be place on our work schedule.

You have two options as in move with the brick or without the brick. As stated earlier this home as well as could be seen has some foundation failure, showing brick separation. We lift from the top of the vents up or the bottom of the floor joist. We need approximately 3.5 feet of crawlspace to remove our steel. If we carry the brick veneer, your new foundation will not match the existing brick veneer- Measures will be required to either paint or some type of foundation coating to make the existing brick work with the old brick. This home is approximately 30 feet tall as is - add 5 more feet for relocation over the road. The wires will be very expensive to move to allow the home to relocate over NC roads. (many thousands) Wolfe will cut holes into the foundation wall to allow ingress of a latticework of steel beams. These beams will support the home during the relocation process. We will install several timber cribs in the the basement to support steel and to allow us to roll off of the basement. We will lift the home using the Buckingham Unified Jacking System. This system facilitates all jacks lifting in unison with equal amounts of extension. After lifting approximately six feet, we will install the Buckingham Self-Propelled Dolly System (wheel configurations). We will relocate the home to the new site and leave in level position over



(610) 488-1020

a footing that has been prepared by others. After sufficient foundation has been constructed by others to support the home we will remove our equipment.

Our estimate for relocation on site with the brick is \$96,400.00

Without the brick 84,500.00

To estimate off site I will need a location.

The only insurance that covers a home being relocated is for the mover to have either a cargo or riggers endorsement attached to their GL Policy, General liability or Builders risk will not cover the home. The state of NC requires a mover to have \$50,000.00 of cargo or riggers if moving on NC roads. None is required if working off road. Wolfe House Building movers carries \$1,000,000.00 per occurrence of cargo.

We appreciate the opportunity of submitting this proposal and look forward to working with you on this project,

Sincerely,

Wolfe House Building Movers By Mike Blake

Sarah Van Every

From: Liz Loftin
Sent: Monday, October 10, 2022 11:17 AM
To: Amanda Bunce; Dianne Khin; Sarah Van Every
Subject: FW: 2021 N Salem St

Please see Jeremy's response below.



Liz Loftin, AICP
Senior Planner
PO Box 250 | 73 Hunter Street | Apex, NC 27502
919-249-3439 | www.apexnc.org

Email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Jeremy Bradham <jbradham@cappresinc.org>
Sent: Monday, October 10, 2022 11:11 AM
To: Liz Loftin <Liz.Loftin@apexnc.org>
Cc: Gary Roth <groth@cappresinc.org>
Subject: Re: 2021 N Salem St

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Hey Liz,

This issue of integrity in respect to the interior is something new and has come out of nowhere. It was not brought up once in the past 7 months since our initial review and numerous subsequent discussions with the developer. Our 90% figure is based on the fact that 90% of original fabric remains. Most everything was intact, and we made it known during the initial evaluation. Moisture mitigation is a part of restoration, but that does not render the historic materials a loss. Everything we stated continues to be true, and drywall is usually something that always has to be replaced. The house mover's opinion revolves around liability for materials so that he is not responsible for materials damaged during the move that he believes are vulnerable when moving (ie. drywall).

Over the past 7 months, the developer has repeatedly expressed concerns about structural integrity with respect to moving the house. First, there was the concern of it could even be moved with potential settling and cracks in respect to the house's structural integrity. Once a letter from a house mover confirmed that it could be moved, the concerns then shifted to having to move the structure and pay for the move and find a new suitable location for the house. The move has been the only significant issue brought forward in these past 7 months, never an issue of the interior's integrity as now suggested.

In the end, this situation is very much like the Phillips House with Staley Smith and the Crossroads Dealership. Both houses have basements and the same level of integrity, and the only difference is that the Phillips House had a new lot nearby to which it could be moved.

If they were to provide a report from another qualified historic preservation expert, one that also meets the Secretary of Interior's Professional Qualification Standards, to provide a second opinion that states otherwise, then they should try to do so. If the same logic were applied to every other house saved in Apex under the Apex UDO, then all the interiors would have been gutted, but that has never been needed in many of these other houses that were neglected (Tom Olive House, Mills House, Phillips House, Upchurch-Williams House). We have seen other houses in far worse shape that were restored under a rehab agreement and easement, and all original architectural elements were repaired and nothing needed to be gutted as suggested by the house mover here.

Please let me know if you have any further questions!

Jeremy E. Bradham
Preservation Specialist
Capital Area Preservation, Inc.

On Oct 10, 2022, at 8:54 AM, Liz Loftin <Liz.Loftin@apexnc.org> wrote:

Good Morning,
I just received the email below concerning the rezoning on North Salem and the Planning Board meeting is today at 4:30pm. Since this will come up as a question, are you able to elaborate and provide something in writing that we can pass along to the Board?

Link to Planning Board agenda and the item is #4:
<https://www.apexnc.org/DocumentCenter/View/41079/10102022-PB-Agenda>



Liz Loftin, AICP
Senior Planner
PO Box 250 | 73 Hunter Street | Apex, NC 27502
919-249-3439 | www.apexnc.org

Email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Vega, Brendie <bvega@withersravenel.com>
Sent: Friday, October 7, 2022 5:35 PM
To: Sarah Van Every <Sarah.VanEvery@apexnc.org>
Cc: Amanda Bunce <Amanda.Bunce@apexnc.org>; Tang, Ed <etang@withersravenel.com>; Cowles, June <jcowles@withersravenel.com>; Mark Bowles <mbowles@bakerresidential.com>; Jason Barron <jbarron@morningstarlawgroup.com>
Subject: N Salem St

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Hi Sarah,

I know you all have a very full agenda on Monday. I did want to let you know that we disagree with CAPs assessment that 90% of the original historic fabric remains intact... They talk about the wood floors, mantles, etc.



They reference the August letter from Mike Blake, who stated that the interior will probably all “interior will need to be replaced.” Due to moisture damage, the things CAP listed as surviving probably have moisture and mold that has to be removed.



I think having to gut the interior due to moisture damage, plus the visible structural damage do not amount to 90% of the fabric being intact. If you could please quantify that for the Planning Board, on how they got to 90% and how you all are supporting it? We will be bringing it up on Monday.

Thank you,

Brendie Vega, AICP, CNU-A

Director of Planning

WithersRavenel

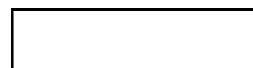


137 S Wilmington Street | Suite 200 | Raleigh, NC 27601

Office: 919.469.3340 | Direct: 919.535.5212

Mobile: 919.656.8976

bvega@withersravenel.com



[CONFIDENTIALITY AND NONDISCLOSURE](#)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 24, 2023

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ23 Yellowbridge PUD Amendment. The applicant, Tucker Ennis, Lennar Carolinas LLC., seeks to rezone approximately 48.2331 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2813 and 2817 US 64 Highway West.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on January 9, 2023 and voted unanimously to recommend approval of the rezoning with the amendment offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0722743789 and 0722752304.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #22CZ23 Yellowbridge PUD Amendment

January 24, 2023 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: 2813 & 2817 US 64 Highway West
Applicant/Agent: Tucker Ennis, Lennar Carolinas, LLC.
Owner: Yellowbridge Capital, LLC.

PROJECT DESCRIPTION:

Acreage: ±48.2331 acres
PINs: 0722743789 & 0722752304
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Medium Density Residential and Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Highway District (HD); Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31)	Commercial; US 64 Highway West; Single- family Residential (Westford subdivision)
South:	Planned Unit Development-Conditional Use (PUD-CU #04CU15)	Single-family Residential (Stratford at Abbington subdivision)
East:	Rural Residential (RR); Medium Density Residential (MD)	Vacant; Single-family Residential (Abbington subdivision)
West:	Rural Residential (RR)	Vacant

EXISTING CONDITIONS:

The properties are situated on the south side of US 64 Highway West, adjacent to Chantclair Drive. The properties are north of Stratford at Abbington, west of Abbington, and east of Sweetwater subdivisions. The property located on 2817 US 64 Highway West is vacant with existing vegetation and a stream that bisects the property from west to east; and the property located on 2813 US 64 Highway West contains residential structures.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 24, 2022. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning as this rezoning is a PUD amendment for an architectural condition.

STAFF REPORT

Rezoning #22CZ23 Yellowbridge PUD Amendment

January 24, 2023 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Medium Density Residential and Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designations.

PLANNED UNIT DEVELOPMENT PLAN:

The intent of this PUD amendment is to amend Rezoning Case #22CZ06 Yellowbridge PUD in the following way:

The current Residential District Design Guideline #6 for single-family detached homes:

6. Garages on the front façade of a home that faces the street shall not exceed 30% of the total width of the house and garage together.

The following Residential District Design Guideline #6 for single-family detached homes shall be amended to:

6. 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.

No further changes are proposed.

ENVIROMENTAL ADVISORY BOARD:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2. The proposed rezoning is to amend a zoning condition for architectural standards.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ23 Yellowbridge PUD Amendment as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 9, 2023 and unanimously recommended approval with the 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 subject properties as Medium Density Residential and Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

Approval of the proposed rezoning is reasonable and in the public interest because it will provide additional flexibility with architectural design with no other changes to the approved PUD standards.



The proposed changes are generally consistent with the approved residential developments to the south and east.

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.
- 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.





Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

December 1, 2022

Via Town of Apex IDT

Lauren Staudenmaier
Planner
Town of Apex
73 Hunter Street
Apex, NC 27502

RE: Yellowbridge Planned Unit Development Amendment; PINs 0722752304
and 0722743789 (the "Property")

Dear Lauren,

This letter is to inform you of a proposed PUD Amendment to amend the PUD Text as follows:

Residential District Design Guideline 6 for Single-Family detached homes on Pg. 14 shall be amended as follows by adding the language shown in underline and deleting the language shown in strikethrough:

6. Garages on the front façade of homes that face the street shall not exceed 350% of the total width of the house and garage together.

This is the only change proposed by the PUD Amendment.

Sincerely,

A blue ink signature of Matthew J. Carpenter, written in a cursive style.

Matthew J. Carpenter



Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

November 1, 2022

Via Town of Apex IDT

Dianne Khin

Director of Planning and Community Development

Town of Apex

73 Hunter Street

Apex, NC 27502

RE: Planned Unit Development Amendment; PINs 0722752304 and
0722743789 (the "Property")

Dianne,

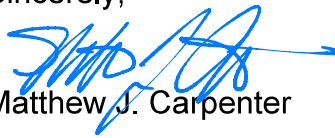
On September 13, 2022, the Apex Town Council voted to rezone the Property to Planned Unit Development Conditional ("PUD-CZ")(the "Rezoning") to facilitate the development of Yellowbridge, a community with single-family detached homes, townhomes, and commercial uses along US-64. The approval included development standards and conditions in the PUD text (the "PUD Text") and concept plan (the "Concept Plan").

Prior to the September 13 Town Council meeting, after several meetings and conversations with neighbors, the developer added additional architectural commitments to the PUD Text to require all single-family detached homes to have crawl space foundations, front porches, and decorative features, and replaced the single-family detached elevations on pg. 16 of the PUD Text with new elevations (the "New Elevations").

The developer was unaware that the New Elevations were inconsistent with Residential District design guideline 6 on pg. 14 of the PUD Text ("Standard 6") which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend Standard 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the New Elevations. The proposed amendment is more specifically set forth in **Exhibit A** to this letter.

The remaining design standards and conditions in the PUD Text and Concept Plan will remain as approved by Town Council on September 13.

Sincerely,



Matthew J. Carpenter

Exhibit A to Letter re Yellowbridge PUD Amendment

ARCHITECTURAL STANDARDS

Yellowbridge 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. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~50% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. 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 rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

PLANNED UNIT DEVELOPMENT APPLICATION

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

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

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Yellowbridge
Address(es): 2813 and 2817 US 64 Hwy W
PIN(s) 0722743789 and 0722752304

_____ Acreage: 48.2331
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ w/ amended conditions
Current 2045 LUM Designation: Medium Density Residential/Commercial Services
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒ No ☐

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

Area classified as mixed use:	Acreage:	<u>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: Lennar Carolinas, 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: Yellowbridge Capital, LLC
Address: 113 Mill Point Road
City: Kitty Hawk State: NC Zip: 27949-4082
Phone: N/A E-mail: N/A

Agent Information

Name: Lennar Carolinas, LLC attn. Tucker Ennis
Address: 1100 Perimeter Park Drive, Suite 112
City: Morrisville State: NC Zip: 27560
Phone: (919) 835-4032 E-mail: tucker.ennis@lennar.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____

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.

The proposed uses and density are not changing and are therefore consistent with the property's LUM designations.

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 uses and density are not changing and are therefore consistent with the property's LUM designations.

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

The proposed uses will comply with regulations in the PUD Text and supplemental standards in the UDO.

PETITION PROCESS INFORMATION

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

The PUD Text and Concept Plan include mitigating conditions that will not change.

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 the PUD minimizes environmental impacts and will not be changed by the proposed amendment.

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 PUD Amendment will not have an adverse impact on public facilities.

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

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on the health, safety, or welfare of residents.

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

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on adjacent properties.

PETITION PROCESS INFORMATION

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

The proposed uses will not change and will not constitute 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.

The proposed development will meet standards of the PUD and UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: 2813 and 2817 US 64 Hwy W
Nearest intersecting roads: US 64 Hwy W and Kellyridge Dr.
Wake County PIN(s): 0722743789 and 0722752304
Township: White Oak

Contact Information (as appropriate)

Contact person: Lennar Carolinas, LLC c/o Matthew Carpenter
Phone number: (919) 835-4032 Fax number: N/A
Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601
E-mail address: matthewcarpenter@parkerpoe.com
Owner: Yellowbridge Capital, LLC
Phone number: _____ Fax number: _____
Address: 113 Mill Point Road, Kitty Hawk, NC 27949-4082
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Yellowbridge
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

2813 and 2817 US 64 Hwy W

(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.

Yellowbridge Capital, 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:

CUSTOMER: Yellowbridge Capital, LLC

TOWN OF APEX

BY: Tucker Ennis

BY: _____

Authorized Agent

Authorized Agent

DATE: 11/1/2022

DATE: _____

AGENT AUTHORIZATION FORM**Application #:** _____**Submittal Date:** _____

Yellowbridge Capital, LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 2813 and 2817 US 64 Hwy W, Apex, NC, 27523

The agents for this project are: Tucker Ennis and Stephen Dorn

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

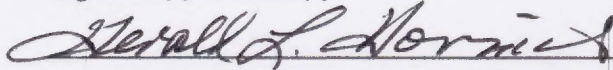
Agent Names: Tucker Ennis and Stephen Dorn

Address: 1100 Perimeter Park Drive, Suite 112, Morrisville, NC 27560

Telephone Number: (919) 835-4032

E-Mail Address: tucker.ennis@lennar.com

Signature(s) of Owner(s)*



Gerald Hornick, as Manager of Yellowbridge Capital, LLC

Type or print name

10/25/22

Date

GERALD L. HORNICK

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 #:

Submittal Date:

The undersigned, Tucker Ennis (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 2813 and 2817 US 64 Hwy W 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. 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).
4. To Affiant's knowledge, no claim or action has been brought against the owners of the property 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 25th day of OCT, 2022.



Tucker Ennis

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

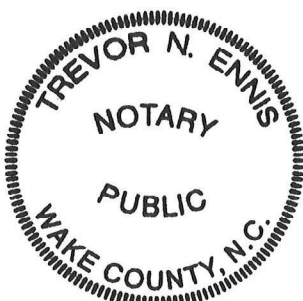


Notary Public

State of North Carolina

My Commission Expires: MAY 1ST, 2027

[NOTARY SEAL]



18 of 20

Planned Unit Development-Conditional
Zoning Application

Exhibit A
To Owner Affidavit for
Yellowbridge Rezoning
Legal Description

PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbington – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbington, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbington subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbington, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbington Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbington Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence along said southern right of way line North 82°54'26" East 331.57 feet to a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43" West 189.14 feet to a set iron rod on the southern right of way line of U.S.

Highway 64; thence along said southern right of way line the following two courses: (1) North 82°54'26" East 265.68 feet to a set iron rod; and (2) North 82°53'08" East 305.02 feet to a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbingtion subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbingtion subdivision South 02°25'07" East 148.61 feet to the point of beginning.

Containing 48.2331 acres, more or less, and being all of Lot "B" as said lot is shown and so designated on that certain plat entitled "Subdivision, Property of Gaither Bryant Garner, Jr. and Gerald L. Hornick" recorded in Book of Maps 1984, Page 1516, Wake County Registry, TOGETHER WITH all of Tract 1 as said tract is shown and so designated on that certain plat entitled "Division for Gerald L. Hornick, et ux and G. Bryant Garner, et ux" recorded in Book of Maps 2003, Page 474, Wake County Registry, LESS AND EXCEPT the area dedicated as public right of way for Chantclair Drive as recorded in Deed Book 11778, Page 1490, Wake County Registry.

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	Lennar Carolinas, LLC
Company Phone Number	c/o Matthew Carpenter, 919-835-4032
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	matthewcarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	unknown, Rezoning submittal 3/1/2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Yellowbridge
Address of Subdivision (if unknown enter nearest cross streets)	2813 & 2817 US 64 West
REID(s)	
PIN(s)	0722743789 and 0722752304

Projected Dates Information	
Subdivision Completion Date	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	<u>40</u>											unknown	2026				
Townhomes	<u>130</u>											unknown	2026				
Condos																	
Apartments																	
Other																	

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

October 10, 2022

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
2813 and 2817 US 64 Hwy W 0722743789 and 0722752304

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

Application Type		Approving Authority
<input checked="" type="radio"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/>	Major Site Plan	Town Council (QJPH*)
<input type="radio"/>	Special Use Permit	Town Council (QJPH*)
<input checked="" type="radio"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See attached notice letter.

Estimated submittal date: November 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Electronic Meeting invitation/call in info: See attached notice letter

Date of meeting**: October 24, 2022

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: October 10, 2022

Re: Development approvals for 2831 US 64 Hwy W (PIN 0722743789) and 2817 US 64 Hwy W (PIN 0722752304)(collectively, the "Property")

On September 13, Apex Town Council voted to rezone the Property to Planned Unit Development Conditional (PUD-CZ)(the "Rezoning") to allow the development of Yellowbridge, a residential community with small scale commercial uses along US-64 (the "Project"). With the Rezoning complete, the developer is ready to move forward with the Project and is holding a **neighborhood meeting October 24 at 6:00 PM** to discuss next steps with the community which will include filing a Residential Master Subdivision Plan (the "Subdivision Plan") and Planned Unit Development Amendment (the "PUD Amendment").

The Subdivision Plan will follow the Concept Plan approved by Council on September 13, but provide greater engineering detail as to specific site elements. The PUD Amendment will revise one of the architectural conditions (as shown in the attached) to be consistent with the architectural elevations approved as part of the Rezoning.

During the meeting, the applicant will describe the nature of the applications and field any questions from the public. Enclosed are: (1) the previously approved PUD Concept Plan; (2) text of the PUD Amendment; (3) a project contact information sheet; and (4) 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:
Enter the following meeting ID: 811 0900 8782
Enter the following password: 990517

To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 811 0900 8782 #
Enter the Participant ID: #
Enter the Meeting password: 990517 #

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 J. Carpenter

SITE AND UTILITY NOTES:

1. DEVELOPER ACCESS AND USER RIGHTS: CONDITIONS SHALL BE MET TO FAVOR SUSTAINABLE ACCESS AND PROPORTIONALITY OF ACCESS TO THE PROJECT. ACCESS SHALL BE COORDINATED WITH A LOCAL GROUPING OF LOCAL PEOPLE WITH A VISION AND A PROPOSAL.
2. ALL ZONING PLANS SHALL BE PROVIDED FOR ALL TYPES OF FUTURE DEVELOPMENT. ALL ZONING PLANS SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND OTHER CRITERIA AS APPLICABLE FOR THE DEVELOPMENT:
 - a. ENVIRONMENTAL IMPACTS SHALL BE SUBJECT TO A FULL CONFORMANCE WITH ALL APPLICABLE REGULATORY ACTIVITIES.
 - b. PROJECTS SHALL BE SUBJECT TO ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS AND STANDARDS FOR THE PROTECTION OF THE ENVIRONMENT AND PROPOSED PROJECTS SHALL BE SUBJECT TO ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS AND STANDARDS FOR THE PROTECTION OF THE ENVIRONMENT.
 - c. PROJECTS SHALL BE REQUIRED TO AVOID OR REDUCE DOWN-TO-POW, IMPACTS OF OTHER PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS.
3. PROJECTS SHALL BE REQUIRED TO OBTAIN MASTER PLANS AND/OR MASTER PLANS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS.
4. PROJECTS SHALL BE REQUIRED TO OBTAIN MASTER PLANS AND/OR MASTER PLANS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS, AND/OR CHANGES TO EXISTING PROJECTS.

POTENTIAL ACCESS POINTS:

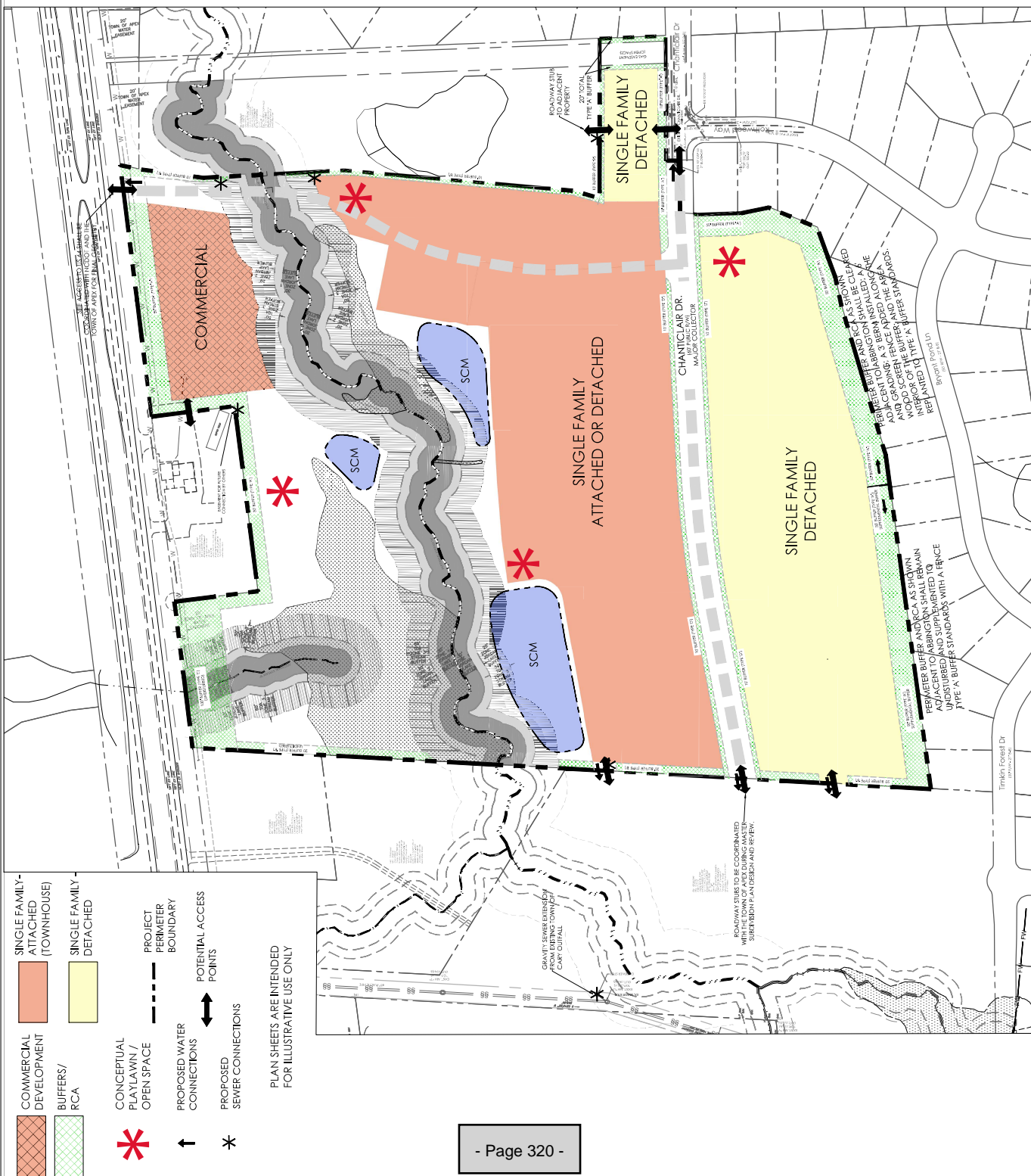
Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PSD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the left of the time of Master Subdivision (in approval).



202
8
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**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**

1) CONC
SCALE: 1"=100'



ARCHITECTURAL STANDARDS

Yellowbridge 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. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~30% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. 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 rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

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: Yellowbridge Zoning: Rural Residential (RR)

Location: 2813 and 2817 US 64 Hwy W

Property PIN(s): 0722743789 and 0722752304 Acreage/Square Feet: 48.24 acres

Property Owner: Yellowbridge Capital, LLC

Address: 113 Mill Point Road

City: Kitty Hawk State: NC Zip: 27949-4082

Phone: n/a Email: n/a

Developer: Lennar Carolinas, LLC

Address: 1100 Perimeter Park Drive, Suite 112

City: Morrisville State: NC Zip: 27560

Phone: c/o Matthew Carpenter, 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): Same as Developer

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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 via zoom
Date of meeting: October 24, 2022 Time of meeting: 6:00 PM
Property Owner(s) name(s): Yellowbridge Capital, LLC
Applicant(s): Lennar Carolinas

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.	See attached attendance list				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

**Yellowbridge PUD Amendment
Neighborhood Meeting Attendance Roster
October 24, 2022**

Steve Ritchie
Polly Petrino
Kate Macdonnell
Jen Curtis-Maury
Chip Allen
Jeremy Brewer
Penny Grieci
C.J. Bottitta
Jason Hornick
Gerald Hornick
Kelley McLaughlin
Brant Gifford

*Contact information as received but has been redacted for filing.

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): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas

Contact information (email/phone): _____

Meeting Address: Online via zoom

Date of meeting: October 24, 2022

Time of meeting: 6:00 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:

Request to amend architectural commitment 6 in PUD Text.

Applicant's Response:

When we committed to the revised architectural commitments and elevations, we were unaware that they were inconsistent with condition 6 which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend condition 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the provided architectural elevations. All other conditions in the PUD Text and Concept Plan will remain the same.

Question/Concern #2:

How many total units?

Applicant's Response:

160 total units including 40 single-family detached and 120 townhomes. The only change to the existing zoning is to the single architectural commitment concerning garage width. The remaining conditions and design guidelines, including total unit count, will remain the same.

Question/Concern #3:

Who will maintain the undeveloped commercial property while the residential portion is being developed?

Applicant's Response:

The developer will maintain the commercial property until a commercial project is planned. The intent is to keep the commercial portion wooded in the interim.

Question/Concern #4:

Will there be stop signs at the intersection of Chantclair and Rothwood, and if so, how many?

Applicant's Response:

Yes, although final stop sign configuration will not be known until later in the process and will be dictated by Town transportation staff.

Notice List for Neighborhood Meeting

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
0 BRYANT POND LN	0722731969	ABBINGTON COMMUNITY ASSN INC	PPM INC OF RALEIGH	11010 RAVEN RIDGE RD
1113 ROTHWOOD WAY	0722841609	ABERNATHY, JOHN	1113 ROTHWOOD WAY	RALEIGH NC 27614-8837
2617 BRYANT POND LN	0722649347	ALLEN, CHESTER W IV ALLEN, ELENI N	2617 BRYANT POND LN	APEX NC 27502-4308
0 US 64 HWY W	0722652622	ANS TRUST THE	KATHIE L RUSSELL TRUSTEE	APEX NC 27502-4318
2605 BRYANT POND LN	0722741431	BAILEY, JAMES EDWARD BAILEY, SUZANNE C	2605 BRYANT POND LN	727 W HARGETT ST STE 109
101 TIMBERLEA CT	0722853496	BANKS, WAYNE BANKS, DEOGRATIAS A	101 TIMBERLEA CT	RALEIGH NC 27603-1669
2599 BRYANT POND LN	0722742422	BECKER, SHANNON V BECKER, DEBRA LYNN	2599 BRYANT POND LN	APEX NC 27502-4318
103 TIMBERLEA CT	0722852554	BISI, JOHN EMERSON TRUSTEE JOHN EMERSON BISI FAMILY LIVING TRUST	103 TIMBERLEA CT	APEX NC 27502-4310
2672 TIMKEN FOREST DR	0722645333	BREWER, JEREMY JOE TRUSTEE BREWER, PAULA MARIE TRUSTEE	2672 TIMKEN FOREST DR	APEX NC 27502-4642
503 LYNDENBURY DR	0722842758	BRIDENBAUGH, DAVID N BRIDENBAUGH, CONNE L	503 LYNDENBURY DR	APEX NC 27502-4315
1119 ROTHWOOD WAY	0722840599	BURLESON, RYAN W L BURLESON, BETSY L	1119 ROTHWOOD WAY	APEX NC 27502-9644
2598 BRYANT POND LN	0722742283	CARTWRIGHT, TIMOTHY J CARTWRIGHT, MELISSA S	2598 BRYANT POND LN	APEX NC 27502-4308
308 LYNDENBURY DR	0722855248	CHIAODO, DYLAN CHIAODO, HALEY	308 LYNDENBURY DR	APEX NC 27502-4311
1125 ROTHWOOD WAY	0722840570	COOLING, KEVIN TRUSTEE COOLING, JOANNE TRUSTEE	1125 ROTHWOOD WAY	APEX NC 27502-9619
2666 TIMKEN FOREST DR	0722646334	CURTIS-MAURY, MATTHEW F CURTIS-MAURY, JENNIFER	2666 TIMKEN FOREST DR	APEX NC 27502-4308
400 LYNDENBURY DR	0722854199	DECOURCY, J RUSS DECOURCY, DONNA M	400 LYNDENBURY DR	APEX NC 27502-4315
1106 ROTHWOOD WAY	0722748778	ECKERSBERG, JOHN J I ECKERSBERG, AMANDA J	1106 ROTHWOOD WAY	APEX NC 27502-9645
100 TIMBERLEA CT	0722852274	FAST, SCOTT H TRUSTEE FAST, MARY KATHERINE TRUSTEE	100 TIMBERLEA CT	APEX NC 27502-4309
2575 BRYANT POND LN	0722748502	FLESHMAN, JAMES BRETT FLESHMAN, KARA N	2575 BRYANT POND LN	APEX NC 27502-9642
501 LYNDENBURY DR	0722842888	FOULKES, MICHAEL J FOULKES, ELIZABETH H	501 LYNDENBURY DR	APEX NC 27502-4310
405 CHANTICLAIR DR	0722844846	GANNON, TRAVIS GANNON, DANIELE	405 CHANTICLAIR DR	APEX NC 27502-9644
2628 BRYANT POND LN	0722649161	GARRETT, PATRICK JAMES GARRETT, MELISSA BETH	2628 BRYANT POND LN	APEX NC 27502-9729
505 LYNDENBURY DR	0722842679	GARRY, ADAM T	505 LYNDENBURY DR	APEX NC 27502-4317
2654 TIMKEN FOREST DR	0722648203	GREEN, BRYAN GREEN, ERIN	2654 TIMKEN FOREST DR	APEX NC 27502-9644
1132 ROTHWOOD WAY	0722747405	HARRIS, SHARITA A	1132 ROTHWOOD WAY	APEX NC 27502-4315
1107 ROTHWOOD WAY	0722841709	HERSHKOWITZ, MICHAEL THOMAS HERSHKOWITZ, SHARON MARIE	1107 ROTHWOOD WAY	APEX NC 27502-4309
2611 BRYANT POND LN	0722740440	HIBDON-ROBERTSON, JULIA LYNN	2611 BRYANT POND LN	APEX NC 27502-4308
2587 BRYANT POND LN	0722744407	HOBART, BARRY /TR HOBART, DEBORAH LYNN /TR	2587 BRYANT POND LN	APEX NC 27502-4318
1126 ROTHWOOD WAY	0722747554	JOHNS, ROBERT A JOHNS, CLAIRE A	1126 ROTHWOOD WAY	APEX NC 27502-4310
1120 ROTHWOOD WAY	0722748601	KISER, JEFFERSON B III KISER, DENISE C	1120 ROTHWOOD WAY	APEX NC 27502-4309
404 CHANTICLAIR DR	0722855042	LAMB, KIMBERLY S LAMB, JONATHAN E	404 CHANTICLAIR DR	APEX NC 27502-4309
112 LANGSHIRE CT	0722852790	LAUFFER, MATTHEW S LAUFFER, LISA C	112 LANGSHIRE CT	APEX NC 27502-9646
405 LYNDENBURY DR	0722852045	LOGSDON, JAMES M LOGSDON, KIMBERLY D	405 LYNDENBURY DR	APEX NC 27502-9621
1101 GOLIATH LN	0722643165	LOYD, FRANK ROYAL LOYD, AMY S	1101 GOLIATH LN	APEX NC 27502-9643
2671 TIMKEN FOREST DR	0722645123	MACDONELL, JAMES L MACDONELL, KATHARINE G	2671 TIMKEN FOREST DR	APEX NC 27523-7803
1140 ROTHWOOD WAY	0722746321	MACNAUGHTON, IAN R MACNAUGHTON, AMANDA M	1140 ROTHWOOD WAY	APEX NC 27502-4316
1105 GOLIATH LN	0722643056	MARY L WALKIEWICZ TRUST	1105 GOLIATH LN	APEX NC 27502-4309
2592 BRYANT POND LN	0722743285	MATHEWS, JAMES CHRISTOPHER TRUSTEE MATHEWS, HOLLY KATHERINE TRUSTEE	2592 BRYANT POND LN	APEX NC 27523-7803
2808 US 64 HWY W	0722850629	MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA	2808 US 64 HWY W	APEX NC 27502-4311
0 US 64 HWY W	0722861231	MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA J	7231 CARPENTER FIRE STATION RD	CARY NC 27519-8611
2661 TIMKEN FOREST DR	0722646134	MITCHELL, JENNIFER D	2661 TIMKEN FOREST DR	CARY NC 27519-8611
115 LANGSHIRE CT	0722852843	PARKER, WILLIAM P II PARKER, SUSAN R	115 LANGSHIRE CT	APEX NC 27502-4316
1137 ROTHWOOD WAY	0722749305	PEPE, RICHARD L PEPE, CHRISTINE	1137 ROTHWOOD WAY	APEX NC 27502-9621
2651 TIMKEN FOREST DR	0722647017	PETERSON, KIRK PETERSON, CINDI	1137 ROTHWOOD WAY	APEX NC 27502-4308
403 LYNDENBURY DR	0722852155	PETERSON, THAREN WAYNE PETERSON, RACHEL LOVE	2651 TIMKEN FOREST DR	APEX NC 27502-4316
2623 BRYANT POND LN	0722648353	PETRINO, RAYMOND J PETRINO, POLLY M	403 LYNDENBURY DR	APEX NC 27502-9643
402 LYNDENBURY DR	0722854046	POPKO, BRIAN J LEVEDAKOU, ELENI N	2623 BRYANT POND LN	APEX NC 27502-4318
1101 ROTHWOOD WAY	0722841808	RITCHIE, STEVEN H RITCHIE, CHRISTA VENO	402 LYNDENBURY DR	APEX NC 27502-9645
2593 BRYANT POND LN	0722743414	ROZET, TIMOTHY DANIEL ROZET, KATHLEEN SCANDURA	1101 ROTHWOOD WAY	APEX NC 27502-4308
2584 BRYANT POND LN	0722744288	SAMBORSKI, CHRISTOPHER WILLIAM TRUSTEE SAMBORSKI, KARELYN JO TRUSTEE	2593 BRYANT POND LN	APEX NC 27502-4310
2660 TIMKEN FOREST DR	0722647323	SCHMIDTKE, JOSEPH A SCHMIDTKE, VERONIKA	2584 BRYANT POND LN	APEX NC 27502-4311
1146 ROTHWOOD WAY	0722746202	SIVON, AMIE CAROL SIVON, JASON MICHAEL	2660 TIMKEN FOREST DR	APEX NC 27502-4315
504 LYNDENBURY DR	0722844765	SMITH, JEFFREY D SMITH, AMY N	1146 ROTHWOOD WAY	APEX NC 27502-4309
0 BRYANT POND LN	0722644046	SWEETWATER PROPERTY OWNERS ASSOCIATION, INC	621 W JONES ST	RALEIGH NC 27603-1408
113 LANGSHIRE CT	0722862012	TASTET, LANCE J TASTET, SYLVIA B	113 LANGSHIRE CT	CARY NC 27513-5616
2812 US 64 HWY W	0722761436	TAYLOR MORRISON OF CAROLINAS INC	113 LANGSHIRE CT	APEX NC 27502-9621
1131 ROTHWOOD WAY	0722749453	TOMASI, EDWARD JAMES TOMASI, COLETTE MARIE	15501 WESTON PKWY STE 100	CARY NC 27513-8636
0 US 64 HWY W	0722684575	TTM DEVELOPMENT LLC	1131 ROTHWOOD WAY	APEX NC 27502-4308
2616 BRYANT POND LN	0722740129	VANZANTEN, JOHN HOLLIS JR VANZANTEN, HEIDI JILL RAFFK	1131 ROTHWOOD WAY	APEX NC 27502-4308
2581 BRYANT POND LN	0722744590	VERMETTE, MARK E VERMETTE, ELIZABETH S	2616 BRYANT POND LN	APEX NC 27502-4317
1100 ROTHWOOD WAY	0722748868	VORA, JAY VORA, ALYSSA K	2581 BRYANT POND LN	APEX NC 27502-4310
0 ACTON ST	0722667310	WESTFORD APARTMENTS WEH LP	1100 ROTHWOOD WAY	APEX NC 27502-4309
0 ACTON ST	0722665208	WESTFORD COMMERCIAL WEH LP	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265
2900 US 64 HWY W	0722667508	WHITE, ALAN WHITE, STEPHANIE A	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265
102 TIMBERLEA CT	0722852327	YELLOWBRIDGE CAPITAL LLC	56 HUNTER ST STE 110	APEX NC 27502-2325
2817 US 64 HWY W	0722752304	ZUMWALT, ROBERT ZUMWALT, SUSAN	102 TIMBERLEA CT	APEX NC 27502-9642
1114 ROTHWOOD WAY	0722748669	APEX TOWN OF	113 MILL POINT RD	KITTY HAWK NC 27949-4082
		Current Tenant	1114 ROTHWOOD WAY	APEX NC 27502-4309
		Current Tenant	PO BOX 250	APEX NC 27502-0250
		Current Tenant	504 Lyndenbury DR	APEX NC 27502
		Current Tenant	2813 US 64 HWY W	APEX NC 27502
		Current Tenant	2901 US 64 HWY W	APEX NC 27502
		Current Tenant	3001 US 64 HWY W	APEX NC 27502

Created by Town of Apex Planning and Community Development
Date Created: 10/6/2022

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

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

I, 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 online via Zoom (location/address) on October 24 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/25/2022
Date

By: [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, on this the 25th day of October, 20 22.



Amy W. Stephenson
Notary Public
Amy W. Stephenson
Print Name

My Commission Expires: 10/2/2023

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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: ±48.2331 acres

PIN(s): 0722743789 & 0722752304

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential and Commercial Services

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: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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 Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

- ☐ *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:

As presented.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 9 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 9th day of January 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.01.09 16:51:06
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ23 Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

Property Addresses: 2813 and 2817 US 64 Highway West

Acreage: ±48.24 acres

Property Identification Numbers (PINs): 0722743789 and 0722752304

2045 Land Use Map Designation: Medium Density Residential/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: January 9, 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/41377>.

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 #22CZ23
Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC
Property Addresses: 2813 and 2817 US 64 Highway West
Acreage: ±48.24 acres
Property Identification Numbers (PINs): 0722743789 and 0722752304
2045 Land Use Map Designation: Medium Density Residential/Commercial Services
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)
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: January 9, 2023 6:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexlive>

If you are unable to attend, you may provide a written statement by email to public-hearings@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.caroline.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/41733. 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/31177>

Dianne F. Khin, AEP
Planning Director

Published Dates: December 16, 2022-January 9, 2023



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEPHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23
Yellowbridge PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los t...
Ordenanzas de Desarrollo Unificado (UDO) del
Junta de Planificación de Apex. El propietario de...
Enfrentando Tucker Ennis, Lennar Carolinas LLC

202-602 y con la Sección 2.2.11 de la...
efician las audiencias públicas ante la



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23

Yellowbridge 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: Tucker Ennis, Lennar Carolinas LLC

Dirección de las propiedades: 2813 and 2817 US 64 Highway West

Superficie: ±: 48.24 acres

Números de identificación de las propiedades: 0722743789 and 0722752304

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: 9 de enero 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/41377>.

Dianne F. Khin, AICP
Directora de Planificación

Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41737>

Dianne F. Khin, AICP
Planning Director

Published Dates: December 16, 2022-January 9, 2023

**TOWN OF APEX**
P.O. BOX 250
APEX, NORTH CAROLINA 27502
TEL: 919/460-3426 FAX: 919/460-3428

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23
Yellowbridge PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDU) 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: Tucker Ennis, Lennar Carolinas LLC
Dirección de las propiedades: 2813 and 2817 US 54 Highway West
Superficie: ±: 48.24 acres
Números de identificación de las propiedades: 0722743789 and 0722752304
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22C206)
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: 9 de enero 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/townofapexlive>

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, Teri Pedersen (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. Todos los partes interesados pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí <https://map.apexnc.org/Map>. Puede ver el Mapa de Uso Territorial para 2045 aquí www.apexnc.org/DocumentCenter/View/41728. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-240-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41737>

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022



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 #22CZ23
Yellowbridge PUD Amendment

Project Location: 2813 and 2817 US 64 Highway West

Applicant or Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

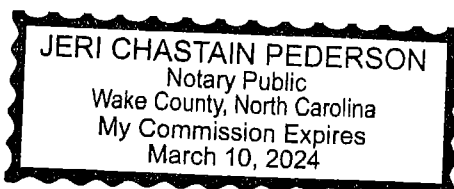
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12/19/2022
Date

Shianne F. Khuri
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above
State and County, this the 19 day of December, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ23 Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

Property Addresses: 2813 and 2817 US 64 Highway West

Acreage: ±48.2331 acres

Property Identification Numbers (PINs): 0722743789 and 0722752304

2045 Land Use Map Designation: Medium Density Residential and Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: January 24, 2023 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 members 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/41377/22CZ23>.

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 #22CZ23

Yellowbridge 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:

Agente autorizado: Tucker Ennis, Lennar Carolinas LLC

Dirección de las propiedades: 2813 and 2817 US 64 Highway West

Superficie: ±: 48.2331 acres

Números de identificación de las propiedades: 0722743789 and 0722752304

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential and Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: 24 de enero de 2023 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/41377/22CZ23>.


Dianne F. Khin, AICP
Directora de Planificación



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.apexnc.org/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/475. 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/41377/22CZ23>.

Dianne F. Shin, AICP
Planning Director

Published Dates: January 3-January 24, 2023

**TOWN OF APEX**
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23
Yellowbridge PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Agente autorizado: Tucker Ennis, Lennar Carolinas LLC
Dirección de las propiedades: 2813 and 2817 US 64 Highway West
Superficie: s: 48.2331 acres
Números de identificación de las propiedades: 0722743789 and 0722752304
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential and Commercial Services
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)
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: 24 de enero de 2023 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=7nwn0fapexg4>

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.apexnc.org/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/475. 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/41377/22CZ23>.

Dianne F. Shin, AICP
Directora de Planificación

Fechas de publicación: 3 de enero de 2023- 24 de ene



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 #22CZ23
Yellowbridge PUD Amendment

Project Location: 2813 and 2817 US 64 Highway West

Applicant or Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 3, 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.

1/3/2023

Date

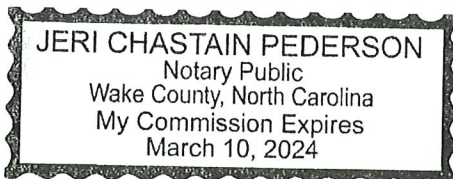
Shanae F. Khin

Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 3 day of January, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 24, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ24 Apex Gateway Ph 1 (Project Real Amendment). The applicant, Maggie Houston, Beacon Development, seeks to rezone approximately 132.11 acres from Light Industrial-Conditional Zoning (LI-CZ #22CZ02) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a public hearing on January 9, 2023 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900).

Attachments

- Staff Report
- Vicinity Map
- Application
- Planning Board Report to Town Council



STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)
104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 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: 104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751
Applicant: Maggie Houston, Beacon Development
Owners: Chatham Development Group, LLC and Peggy G. Gray Trustee

PROJECT DESCRIPTION:

Acreage: +132.11
PINs: 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)
Current Zoning: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)
Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)
2045 Land Use Map: Industrial Employment
Town Limits: Inside

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Chatham County Residential District 5 (R-5); Chatham County Residential District 1 (R-1)	Vacant (Army Corps land)
South:	Chatham County Residential District 1 (R-1)	US Hwy 64; Vacant
East:	Wake County Residential (R-80W)	Single-family Residential; Vacant
West:	Chatham County Residential District 1 (R-1); Chatham County Light Industrial-Conditional Use (CU-IND-L)	NC Hwy 751; Single-family Residential; Metal shop buildings

Existing Conditions:

The subject properties total +/-132.11 acres and are located in the northeast quadrant of US Hwy 64 and NC Hwy 751. There are two (2) single-family dwellings and related structures on the site that are proposed to be removed prior to development of the site. A majority of the site is wooded. There is a small pond at the northern end of the site and a buffered stream that runs along the eastern side of the property.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on September 19, 2022. The neighborhood meeting report is attached.

2045 Land Use Map:

The area to be rezoned is designated as Industrial Employment on the 2045 Land Use Map. Employment Center. The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) is consistent with the proposed Industrial Employment land use classification.

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)
104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



Purpose of the Rezoning:

The current zoning was approved with a zoning condition that requires all existing trees greater than 18" in diameter that are removed by site development to be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements. This commitment was made prior to the applicant completing a tree survey of the properties; without the survey, the applicant underestimated the number of trees meeting this condition.

Due to the number of existing trees 18" in diameter and greater that would be impacted by the proposed development, the applicant would have to remove existing trees less than 18" in diameter in order to have adequate room to meet the replanting requirement on site. The applicant has little opportunity to plant trees elsewhere in Town.

Therefore, the applicant has proposed to amend the zoning condition to increase the size of the trees required to be replaced from 18" to 24" and has also proposed to replace at least 140 trees that are 18" in diameter. Changes to this zoning condition (Environmental Condition #1) are shown in bold below.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- | | |
|--|---|
| 1. Government Service | 18. Parking Lot, Commercial |
| 2. Communication Tower, Commercial (S) | 19. Glass Sales |
| 3. Communication Tower, Public Safety (S) | 20. Health/Fitness Center or Spa |
| 4. Utility, Minor | 21. Truck Terminal |
| 5. Wireless Support Structure | 22. Building Supplies, Wholesale |
| 6. Wireless Communication Facility | 23. Laboratory, Industrial Research |
| 7. Broadcasting Station (radio & television) | 24. Machine or Welding Shop |
| 8. Radio and Television Recording Studio | 25. Warehousing |
| 9. Commissary | 26. Woodworking or Cabinetmaking |
| 10. Restaurant, General | 27. Wholesaling, General |
| 11. Dispatching Office | 28. Brewery |
| 12. Medical or Dental Office or Clinic | 29. Distillery |
| 13. Medical or Dental Laboratory | 30. Manufacturing and Processing |
| 14. Office, Business or Professional | 31. Manufacturing and Processing, Minor |
| 15. Pilot Plant | 32. Microbrewery |
| 16. Research Facility | 33. Microdistillery |
| 17. Parking Garage, Commercial | |

Use Conditions:

1. Machine or welding shop: This use is allowed with the exception of welding associated with automobiles.

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)

104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



2. Building supplies, wholesale: This use shall not exceed 200,000 square feet and shall not include more than 15% of the building's square footage as outdoor storage.
3. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking must be fully screened from any public right-of-way.

Environmental Conditions:

1. Existing trees greater than **24"** in diameter **and at least 140 existing trees greater than 18" in diameter** that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.
2. 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.
3. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
4. The project shall preserve a minimum of 15% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers, and/or common area in the development.
5. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.
6. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply where loading docks are proposed along a building facade.
7. The project shall plant only drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.
8. At least (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
9. The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.
10. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

Architectural Conditions - Industrial

1. 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.
2. The building shall have more than one parapet height.
3. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
4. 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.

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)

104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



Architectural Conditions - Commercial

1. 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. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The percentage of brick required on the facades will be 65 percent for a single story building, 50 percent for a two story building, and only the first floor for a three story building.
2. 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.
3. Buildings on corners are to be treated as gateways with quality design.
4. Corner buildings shall match or exceed the height of adjacent buildings.
5. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
6. 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.
7. 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 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance.
8. 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.
9. 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.
10. Simple parapet roof edges with varying coping shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
11. The building shall have more than one parapet height.
12. Roof features may include hip roofs or awnings with metal or shingle roofs.
13. Buildings shall be architecturally compatible by way of colors and use of materials. The building exterior shall have more than one material color.
14. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - a. Brick masonry
 - b. Decorative concrete block (either integrally colored or textured)
 - c. Stone accents
 - d. Aluminum storefronts with anodized or pre-finished colors.
 - e. EIFS cornices and parapet trim.

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)

104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



- f. Precast concrete
 - g. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
15. Exterior materials that shall not be allowed are as follows:
- a. Vinyl siding
 - b. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - c. Metal walls
16. 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
17. Soffit and fascia materials shall be EIFS, architectural metal panels (ACM), or tongue and groove wood.

Transportation Conditions

1. Development shall dedicate public right-of-way for the future interchange at US 64 and NC 751 consistent with the area shown in Exhibit 1. This area is based on the outermost limit of interchange concepts evaluated by the North Carolina Department of Transportation at the time of rezoning. This dedication shall be included in development plans and occur at the time of Subdivision Final Plat or Site Plan Final Plat, whichever occurs first, for any parcel(s) adjacent to US 64 and NC 751 as applicable. If NCDOT has approved an interchange design prior to the first Subdivision Final Plat or Site Plan Final Plat that is less than shown on Exhibit 1, the development shall only be required to dedicate the right-of-way shown in the approved interchange design.
2. Development shall dedicate a 60 foot right-of-way with 30' Public Road Construction Easement on each side for a public roadway extending from NC 751 to the eastern boundary of the rezoned parcels. The location of the connection to NC 751 is subject to NCDOT and Town review and approval. The terminus at the eastern edge of the rezoned parcels is subject to Town review and approval. The right-of-way and Public Road Construction Easement shall be directly adjacent to the highway buffer of the right-of-way dedicated accommodating the future interchange at US 64 and NC 751. The development shall contribute a \$1,000,000 payment-in-lieu for the future construction of the collector road.
3. All lots within the development shall have frontage on a public street. The development shall construct a minimum of two stub street connections to adjacent parcels that have no frontage along public streets or only have frontage along NC 751. The location of the stub streets shall be subject to Town review and approval.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on October 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Adhere to a minimum tree replacement requirement of 24-inch diameter.	Added

The following is an excerpt from the EAB meeting minutes:

The Board discussed the value of keeping the existing recommendation for replacing 18-inch hardwood trees. Staff and the project representative explained the difficulty that they were having finding sufficient

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)

104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



space to replace the trees that would need to be removed in order to develop the property. After discussing the practical difficulties, Board member Garrison made a motion to change the tree replacement requirement from 18-inch diameter trees to 24-inch. Board member Adams seconded, Vice Chair Mason voted no, and the motion carried 5-1.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment) with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 9, 2023 and unanimously recommended approval with the conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the subject properties as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) is consistent with that Land Use Classification. The proposed rezoning to LI-CZ will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

Approval of the rezoning is reasonable and in the public interest because the proposed change to the current tree replacement zoning condition will allow for replanting without the need to clear smaller trees. The intent of the zoning condition is to retain tree canopy and the proposed change will allow for the retention of more mature tree canopy and less disturbance of areas that can otherwise be protected.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the LI-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.

STAFF REPORT

Rezoning #22CZ24 Apex Gateway Ph 1 (Project Real amendment)

104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

January 24, 2023 Town Council Meeting



- 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.



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 #: 22CZ24 Submittal Date: 11-1-22
Fee Paid: \$1000

Project Information

Project Name: Apex Gateway Phase 1
Address(es): 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751
PIN(s): 17900, 95398, 73702, 71694, 60523
Acreage: 132.11
Current Zoning: LI-CZ Proposed Zoning: LI-CZ
Current 2045 LUM Classification(s): Employment Center (Chatham County)
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☐

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

Area classified as mixed use:	Acreage:	<u>0</u>
Area proposed as non-residential development:	Acreage:	<u>132.11</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0</u>

Applicant Information

Name: Maggie Houston
Address: 500 East Morehead Street, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: (704) 926-1403 E-mail: maggie@beacondevelopment.com

Owner Information

Name: SEE ATTACHED FOR ALL OWNER INFORMATION
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Walker Gorham
Address: 500 East Morehead Street, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: (704) 926-1403 E-mail: walker@beacondevelopment.com
Other contacts: Maggie Houston (maggie@beacondevelopment.com)
Gray Harrell (Gray@beacondevelopment.com)

PETITION INFORMATIONApplication #: 22CZ24 Submittal Date: 11-1-22

An application has been duly filed requesting that the property described in this application be rezoned from LI-CZ to LI-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>Government Service</u>	21	<u>Truck Terminal</u>
2	<u>Communication Tower, Commercial (S)</u>	22	<u>Building Supplies, Wholesale</u>
3	<u>Communication Tower, Public Safety (S)</u>	23	<u>Laboratory, Industrial Research</u>
4	<u>Utility, Minor</u>	24	<u>Machine or Welding Shop</u>
5	<u>Wireless Support Structure</u>	25	<u>Warehousing</u>
6	<u>Wireless Communication Facility</u>	26	<u>Woodworking or Cabinetmaking</u>
7	<u>Broadcasting Station (radio & television)</u>	27	<u>Wholesaling, General</u>
8	<u>Radio and Television Recording Studio</u>	28	<u>Brewery</u>
9	<u>Commissary</u>	29	<u>Distillery</u>
10	<u>Restaurant, General</u>	30	<u>Manufacturing and Processing</u>
11	<u>Dispatching Office</u>	31	<u>Manufacturing and Processing, Minor</u>
12	<u>Medical or Dental Office or Clinic</u>	32	<u>Microbrewery</u>
13	<u>Medical or Dental Laboratory</u>	33	<u>Microdistillery</u>
14	<u>Office, Business or Professional</u>	34	
15	<u>Pilot Plant</u>	35	
16	<u>Research Facility</u>	36	
17	<u>Parking Garage, Commercial</u>	37	
18	<u>Parking Lot, Commercial</u>	38	
19	<u>Glass Sales</u>	39	
20	<u>Health/Fitness Center or Spa</u>	40	

PETITION INFORMATION

Application #:

22CZ24

Submittal Date:

11-1-22

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.

Please refer to the attached page(s) following Page 7 of this package for all proposed Zoning Conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed LI-CZ District is consistent with the Chatham County Land Use Map. The Land Use Map identifies this area of the County as a Future Employment Center (751 Employment Center). The objective of the Employment Center is to act as a targeted area to provide a job-generating setting. The proposed CZ District will bring employment opportunities upon development; including employment opportunities as a regional headquarters beverage distribution company.

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 LI-CZ District is compatible with the surrounding area. The land is located at the north east quadrant of US 64 and NC 751, both of which are major arterials. Additionally, the area of Chatham County proposed to be rezoned and annexed in to the Town of Apex has been identified as a Future Employment Center; which rezoning the land to the proposed LI-CZ District will help provide employment opportunities over the existing zoning.

PETITION INFORMATION

Application #: 22CZ24 Submittal Date: 11-1-22

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

Supplemental standards in Section 4.4 exist for several of the allowed uses (listed below). Depending on the uses proposed at the time of Site Plan review, the supplemental standards will be met.

Uses with Supplemental Standards: Government Service, Communication Tower (commercial and public safety), Utility (minor), Wireless Support Structure, Wireless Communication Facility, Commissary, Restaurant (general), Medical or Dental Laboratory, Office/Business or Professional, Pilot Plant, Parking Garage (commercial), Parking Lot (commercial), Machine or Welding Shop, Brewery, Distillery, Microbrewery, Microdistillery.

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.

Design with the proposed LI-CZ District's use will minimize adverse effects onto the adjacent lands and will meet the Town's Design Ordinance accordingly to ensure impacts are minimized. A traffic impact analysis will be performed and submitted at the time of site plan review to confirm no adverse impacts or mitigate adverse impacts of traffic. Furthermore, there are several conditions associated with this rezoning request that will aide in minimizing noise, lighting, and visual impacts to adjacent lands.

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 LI-CZ District proposes the following environmental based conditions:

Existing trees greater than 24" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements, Increase design storm pre- and post-attenuation requirement to the 25-year storm, Install signage near environmental sensitive areas in order to eliminate fertilizer near SCM drainage area, Preserve tree canopy where possible and replace with native trees where unable to preserve, Plant trees designed for efficiency, Include landscaping that requires less irrigation, Install signage near Resource Conservation Area (RCA), Install timers or light sensors or smart lighting technology, Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

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 LI-CZ District use intends to avoid adverse impacts on public facilities. The proposed development will positively benefit the the potable water and wastewater facilities (utility mains proposed to be extended). There will be no negative impacts to the road system (Traffic Impact Analysis will be prepared during development plan review phase) or the police, fire, and EMS facilities. There will be no impact on the park and school facilities as the CZ District will not allow for residential use.

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.

Health, safety, or welfare of the Town of Apex residents will not be affected, the LI-CZ District proposes several Rezoning Conditions to ensure such. At the time of Site Plan review, any proposed development will comply with all Town of Apex standards.

PETITION INFORMATION

Application #: 22CZ24 Submittal Date: 11-1-22

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

The proposed LI-CZ District is not detrimental to adjacent properties, but will benefit the adjacent properties. The development of this LI-CZ District will include extension of the potable water and wastewater mains to serve this vicinity of the Town, which will provide adjacent properties an opportunity to connect to the public services.

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 LI-CZ District will not constitute nuisance or hazard due to traffic impact or noise. A traffic impact analysis will be conducted at the time of Site Plan review based on the proposed zoning to ensure there will be no traffic concerns or mitigate traffic concerns on the surrounding roadway infrastructure. The LI-CZ District will comply with landscape buffering requirements set forth in the Town of Apex Code of Ordinances to minimize noise nuisance.

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 LI-CZ District will contain a development that will comply with all Town of Apex requirements from site planning, utility, stormwater, erosion control, and traffic standards.

USE CONDITIONS

1. Machine or welding shop: This use is allowed with the exception of welding associated with automobiles.
2. Building supplies, wholesale: This use shall not exceed 200,000 square feet and shall not include more than 15% of the building's square footage as outdoor storage.
3. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking must be fully screened from any public right-of-way.

ENVIRONMENTAL CONDITIONS

1. Existing trees greater than 24" in diameter and at least 140 existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.
2. 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.
3. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
4. The project shall preserve a minimum of 15% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers, and/or common area in the development.
5. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.
6. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply where loading docks are proposed along a building facade.
7. The project shall plant only drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.
8. At least (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
9. The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.
10. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

ARCHITECTURAL CONDITIONS - INDUSTRIAL

1. 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.
2. The building shall have more than one parapet height.
3. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
4. 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.

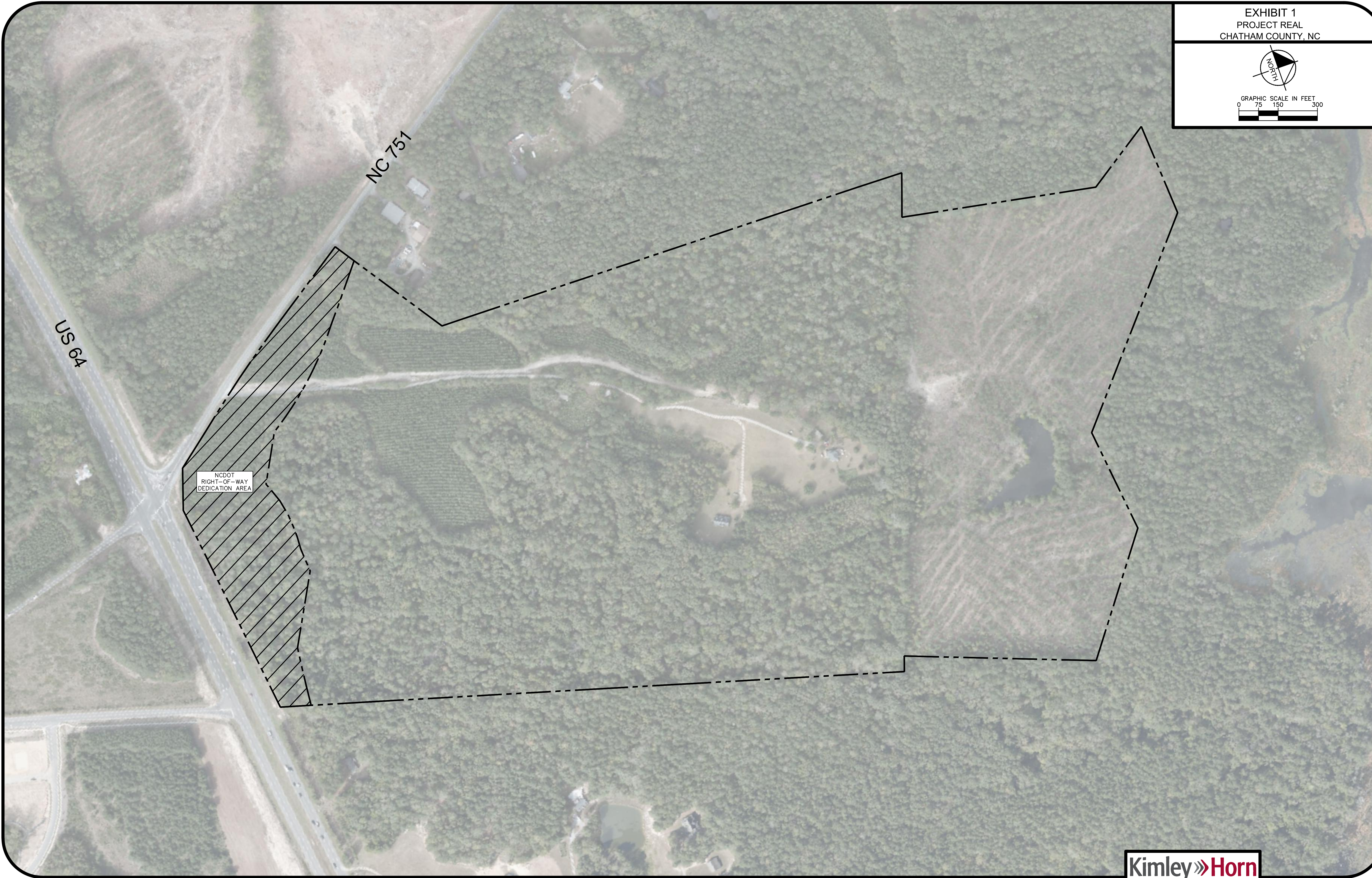
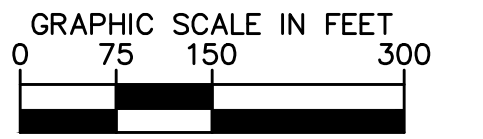
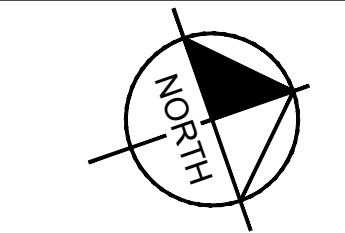
ARCHITECTURAL CONDITIONS – COMMERCIAL

1. 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. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The percentage of brick required on the facades will be 65 percent for a single story building, 50 percent for a two story building, and only the first floor for a three story building.
2. 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.
3. Buildings on corners are to be treated as gateways with quality design.
4. Corner buildings shall match or exceed the height of adjacent buildings.
5. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
6. 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.
7. 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 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance.
8. 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.
9. 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.
10. Simple parapet roof edges with varying coping shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
11. The building shall have more than one parapet height.
12. Roof features may include hip roofs or awnings with metal or shingle roofs.
13. Buildings shall be architecturally compatible by way of colors and use of materials. The building exterior shall have more than one material color.
14. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - a. Brick masonry
 - b. Decorative concrete block (either integrally colored or textured)
 - c. Stone accents
 - d. Aluminum storefronts with anodized or pre-finished colors.
 - e. EIFS cornices and parapet trim.
 - f. Precast concrete
 - g. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
15. Exterior materials that shall not be allowed are as follows:
 - a. Vinyl siding
 - b. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - c. Metal walls
16. 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

17. Soffit and fascia materials shall be EIFS, architectural metal panels (ACM), or tongue and groove wood.

TRANSPORTATION CONDITIONS

1. Development shall dedicate public right-of-way for the future interchange at US 64 and NC 751 consistent with the area shown in Exhibit 1. This area is based on the outermost limit of interchange concepts evaluated by the North Carolina Department of Transportation at the time of rezoning. This dedication shall be included in development plans and occur at the time of Subdivision Final Plat or Site Plan Final Plat, whichever occurs first, for any parcel(s) adjacent to US 64 and NC 751 as applicable. If NCDOT has approved an interchange design prior to the first Subdivision Final Plat or Site Plan Final Plat that is less than shown on Exhibit 1, the development shall only be required to dedicate the right-of-way shown in the approved interchange design.
2. Development shall dedicate a 60 foot right-of-way with 30' Public Road Construction Easement on each side for a public roadway extending from NC 751 to the eastern boundary of the rezoned parcels. The location of the connection to NC 751 is subject to NCDOT and Town review and approval. The terminus at the eastern edge of the rezoned parcels is subject to Town review and approval. The right-of-way and Public Road Construction Easement shall be directly adjacent to the highway buffer of the right-of-way dedicated accommodating the future interchange at US 64 and NC 751. The development shall contribute a \$1,000,000 payment-in-lieu for the future construction of the collector road.
3. All lots within the development shall have frontage on a public street. The development shall construct a minimum of two stub street connections to adjacent parcels that have no frontage along public streets or only have frontage along NC 751. The location of the stub streets shall be subject to Town review and approval.



SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING BOUNDED ON THE NORTH BY US GOVERNMENT LAND, ON THE SOUTH BY THE ROADS NC 751 AND US 64, ON THE WEST BY BARBOUR KATHLEEN B PARCEL (BM 92 PG 43), LONG JOHN W AND LONG FAYE C PARCEL (BM 92 PG 43), ALUCINO WILLIAM J AND ALUCINO BARBARA J PARCEL (BM 11 PG 9), DROEGE BRENT MICHAEL PARCEL (BM 2014 PG 0320) AND DROGE INVESTMENTS LLC PARCEL (DB 1949 PG 612), AND ON THE EAST BY TRAN HUNG AND NGUYEN LIEN PARCEL (BM 1993 PG 603), ABBOT O WAYNE PARCEL (BM 2009 PG 216), DIACUMSKI JASON PARCEL (BM 2009 PG 216), BISHOP HELEN A AND BISHOP WILLIAM H PARCEL (BM 2009 PG 216), ABBOTT O WAYNE PARCEL (BM 2009 PG 216) AND US GOVERNMENT LAND (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE (SAID PIPE BEING INSIDE OF A 1 3/4 INCH IRON PIPE), SAID 1/2 INCH IRON PIPE BEING SOUTH 0 DEGREES 24 MINUTES 11 SECONDS EAST A DISTANCE OF 141.41 FEET FROM AN EXISTING 1/2 INCH IRON PIPE, THE POINT OF COMMENCING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727970.55' EASTING: 2014637.34'), SAID POINT OF COMMENCING BEING THE NORTHEAST CORNER OF THAT PARCEL CONVEYED TO PHILIP MICHAEL MCLAIN AND WIFE BY DEED 1395 PAGE 247, DESCRIBED AS TRACT D, SAID 1/2 IRON PIPE BEING THE TRUE POINT OF BEGINNING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727829.13' EASTING: 2014636.46'), SAID POINT OF BEGINNING BEING NORTH 3 DEGREES 22 MINUTES 52 SECONDS A DISTANCE OF 2,685.98 FEET FROM AN EXISTING NGS MONUMENT STAMPED "FIN" (PID AB2852).

THENCE RUNNING IN A CLOCKWISE DIRECTION SOUTH 71 DEGREES 07 MINUTES 23 SECONDS EAST A DISTANCE OF 169.65 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE NORTH 10 DEGREES 18 MINUTES 21 SECONDS EAST A DISTANCE OF 749.23 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE NORTH 33 DEGREES 58 MINUTES 49 SECONDS WEST A DISTANCE OF 289.54 FEET TO A 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5554); THENCE NORTH 86 DEGREES 14 MINUTES 51 SECONDS EAST A DISTANCE OF 357.10 FEET TO A 4 INCH BY 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5555); THENCE SOUTH 49 DEGREES 31 MINUTES 1 SECOND EAST A DISTANCE OF 901.76 FEET TO A CALCULATED POINT; THENCE NORTH 83 DEGREES 19 MINUTES 1 SECOND EAST A DISTANCE OF 405.10 TO AN EXISTING 1/2 INCH IRON PIPE; SOUTH 53 DEGREES 24 MINUTES 19 SECONDS EAST A DISTANCE OF 530.32 FEET TO A CALCULATED POINT ON THE CHATHAM-WAKE COUNTY LINE; THENCE LEAVING CHATHAM-WAKE COUNTY LINE, SOUTH 20 DEGREES 29 MINUTES 52 SECONDS WEST A DISTANCE OF 733.29 FEET TO A CALCULATED POINT ON THE TRACT 1 NORTHERN LINE; THENCE LEAVING PEGGY G TRUSTEE SOUTHERN LINE SOUTH 71 DEGREES 27 MINUTES 2 SECONDS EAST A DISTANCE OF 59.40 FEET TO AN EXISTING 1 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE WITH THE COUNTY LINE BETWEEN CHATHAM COUNTY AND WAKE COUNTY, DESCRIBED AS LINE "F" IN BOOK OF MAPS 61 PAGE 68 THE FOLLOWING BEARINGS AND DISTANCES, SOUTH 15 DEGREES 53 MINUTES 52 SECONDS WEST A DISTANCE OF 823.61 FEET TO AN EXISTING 1 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 56 MINUTES 17 SECONDS WEST A DISTANCE OF 66.32

FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 50 MINUTES 58 SECONDS WEST A DISTANCE OF 241.91 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 52 MINUTES 53 SECONDS WEST A DISTANCE OF 911.62 FEET TO AN EXISTING 1 INCH IRON PIPE; THENCE SOUTH 15 DEGREES 46 MINUTES 19 SECONDS WEST A DISTANCE OF 343.72 FEET TO A CALCULATED POINT IN THE NORTHERN LINE OF US 64 HIGHWAY 200 FOOT RIGHT OF WAY; THENCE WITH THE NORTHERN LINE OF US 64 HIGHWAY AND LEAVING CHATHAM-WAKE COUNTY LINE SOUTH 82 DEGREES 51 MINUTES 36 SECONDS WEST A DISTANCE OF 837.66 FEET TO A CALCULATED POINT; THENCE NORTH 71 DEGREES 52 MINUTES 46 SECONDS WEST A DISTANCE OF 161.00 FEET TO AN EXISTING 5/8" IRON ROD ON THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY; THENCE WITH THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY NORTH 38 DEGREES 43 MINUTES 21 SECONDS WEST A DISTANCE OF 157.84 FEET TO A CALCULATED; THENCE A CURVE HAVING A RADIUS OF 6,670 FEET, A LONG CHORD BEARING OF NORTH 38 DEGREES 34 MINUTES 29 SECONDS WEST A DISTANCE OF 245.92 FEET TO A CALCULATED POINT; THENCE A CURVE HAVING A RADIUS OF 6,270 FEET, A LONG CHORD BEARING OF NORTH 35 DEGREES 35 MINUTES 11 SECONDS WEST A DISTANCE OF 249.29 FEET TO A CALCULATED POINT; THENCE NORTH 34 DEGREES 15 MINUTES 32 SECONDS WEST A DISTANCE OF 374.51 FEET TO A CALCULATED POINT; THENCE LEAVING THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY AND WITH THE SOUTHERN LINE OF BARBOUR TRACT (BB 92 PAGE 43) NORTH 55 DEGREES 38 MINUTES 45 SECONDS EAST A DISTANCE OF 2.24 FEET TO AN EXISTING 1 3/4 INCH IRON ROD WITH SQUARE METAL TOP; THENCE CONTINUING WITH THE SOUTHERN LINE OF BARBOUR TRACT NORTH 55 DEGREES 38 MINUTES 45 SECONDS EAST A DISTANCE OF 505.51 FEET TO AN EXISTING 1 3/4 INCH IRON ROD WITH SQUARE METAL TOP; THENCE WITH THE EASTERN LINE OF BARBOUR TRACT NORTH 0 DEGREES 25 MINUTES 8 SECONDS EAST A DISTANCE OF 99.99 FEET TO AN EXISTING 1 INCH IRON PIPE; THENCE WITH THE EASTERN LINE OF LONG TRACT (BM 92 PG 43) AND TRACT B-1 (BM 11 PG 9) NORTH 0 DEGREES 41 MINUTES 44 SECONDS EAST A DISTANCE OF 1298.14 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE WITH THE EASTERN LINE OF LOT 1 (BM 2014 PG 0320) NORTH 0 DEGREES 42 MINUTES 32 SECONDS EAST A DISTANCE OF 280.64 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE WITH TRACT C EASTERN LINE (DB 1949 PG 612) NORTH 1 DEGREE 3 MINUTES 8 SECONDS EAST A DISTANCE OF 171.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,754,539 SQUARE FEET OR 132.11 ACRES, MORE OR LESS.

AND BEING A PORTION OF THE LAND CONVEYED TO JEAN CARROL MILLS GOODWING, MARGARET KING MILLS, REGINALD HORTON MILLS, JR. AND WILLIAM STEPHEN MILLS BY DEED BOOK 657 PAGE 863, DESCRIBED AS TRACT 1 AND TRACT 2 IN DEED BOOK LQ PAGE 235, AND BEING ALL OF THE LAND CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 95 PAGE 462, DESCRIBED AS LOT 1. AND BEING ALL OF THE LAND CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 97 AT PAGE 471, DESCRIBED AS LOT 2, AND BEING ALL OF THE LAND CONVEYED TO GRAY PEGGY G TRUSTEE BY DEED BOOK 1919 PAGE 1134.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ24

Submittal Date: _____

The undersigned, PEGGY G GRAY TRUSEE (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 Off NC Highway 751 Apex, NC 27523 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 4/12/2017, and recorded in the Wake County Register of Deeds Office on 5/1/2017, in Book 1919 Page 1134.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

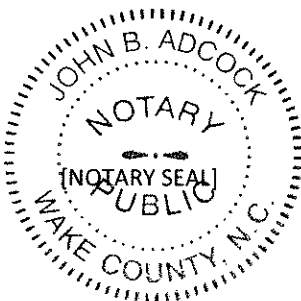
This the 22nd day of December, 2021.

Peggy G. Gray (seal)
Peggy G. Gray, Trustee

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 Pegg G. Gray, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's n/a, 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: 25 JAN 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTIONApplication #: 22CZ24

Submittal Date: _____

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING THE LAND CONVEYED TO GRAY PEGGY G TRUSTEE BY DEED BOOK 1919 PAGE 1134, (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE (SAID PIPE BEING INSIDE OF A 1 3/4 INCH IRON PIPE), SAID 1/2 INCH IRON PIPE BEING SOUTH 39 DEGREES 6 MINUTES 2 SECONDS EAST A DISTANCE OF 252.95 FEET FROM AN EXISTING 1/2 INCH IRON PIPE, THE POINT OF COMMENCING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727970.55' EASTING: 2014637.34'), SAID POINT OF COMMENCING BEING THE NORTHEAST CORNER OF THAT PARCEL CONVEYED TO PHILIP MICHAEL MCLAIN AND WIFE BY DEED 1395 PAGE 247, DESCRIBED AS TRACT D, SAID 1/2 IRON PIPE BEING THE TRUE POINT OF BEGINNING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727774.24' EASTING: 2014796.99').

THENCE RUNNING IN A COUNTER-CLOCKWISE DIRECTION AND WITH THE NORTHERN LINE OF THE PORTION OF THAT PARCEL CONVEYED JEAN CARROL MILLS GOODWING, MARGARET KING MILLS, REGINALD HORTON MILLS, JR. AND WILLIAM STEPHEN MILLS BY DEED BOOK 657 PAGE 863, AND DESCRIBED AS TRACT 1 AND TRACT 2 IN DEED BOOK LQ PAGE 235, SOUTH 71 DEGREES 07 MINUTES 45 SECONDS EAST A DISTANCE OF 708.11 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK, THENCE CONTINUING WITH THE NORTHERN LINE OF TRACT 1 BEING ALSO THE NORTHERN LINE OF THAT PARCEL CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 95 PAGE 462, DESCRIBED AS LOT 1, SOUTH 71 DEGREES 08 MINUTES 24 SECONDS EAST A DISTANCE OF 311.22 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH PINK CAP AND TACK, THENCE LEAVING LOT 1 NORTHERN LINE AND CONTINUING WITH TRACT 1 NORTHERN LINE SOUTH 71 DEGREES 14 MINUTES 02 SECONDS EAST A DISTANCE OF 656.10 FEET TO A CALCULATED POINT, THENCE LEAVING TRACT 1 NORTHERN LINE NORTH 20 DEGREES 29 MINUTES 52 SECONDS EAST A DISTANCE OF 733.29 FEET TO A CALCULATED POINT ON THE CHATHAM-WAKE COUNTY LINE, THENCE LEAVING CHATHAM-WAKE COUNTY LINE NORTH 53 DEGREES 24 MINUTES 19 SECONDS WEST A DISTANCE OF 530.32 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE SOUTH 83 DEGREES 19 MINUTES 1 SECOND WEST A DISTANCE OF 405.10 TO A CALCULATED POINT, THENCE NORTH 49 DEGREES 31 MINUTES 1 SECOND WEST A DISTANCE OF 901.76 FEET TO A 4 INCH BY 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5555), THENCE SOUTH 86 DEGREES 14 MINUTES 51 SECONDS WEST A DISTANCE OF 357.10 FEET TO A 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5554), THENCE SOUTH 33 DEGREES 58 MINUTES 49 SECONDS EAST A DISTANCE OF 289.54 FEET TO AN EXISTING 1/2 INCH

AGENT AUTHORIZATION FORMApplication #: 22CZ24

Submittal Date: _____


PEGGY G GRAY TRUSTEE

_____ 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: Off NC Highway 751 Apex, NC 27523The agent for this project is: Beacon Development Company☐ I am the owner of the property and will be acting as my own agentAgent Name: Walker GorhamAddress: 500 E Morehead St, Suite 200Telephone Number: 704-597-7757E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*


Peggy G. Gray, Trustee
Type or print name

12/22/2021
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 22CZ24

Submittal Date: _____

Mills Chatham Development Group, 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: 106 NC-751, Apex, NC 27523

The agent for this project is: Hager Rand

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

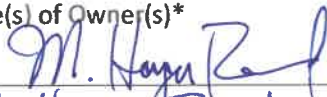
Agent Name: Hager Rand

Address: 3214 Hillsborough Road, Durham, NC 27705 / mail to: PO BOX 2627, DURHAM, NC 27705

Telephone Number: 919-383-1531

E-Mail Address: hager@durhamcoke.com

Signature(s) of Owner(s)*


M. Hager Rand

Type or print name

7/28/2022

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 #: 22CZ24

Submittal Date: _____

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

This the 28TH day of July, 2022.

M. Hager Rand

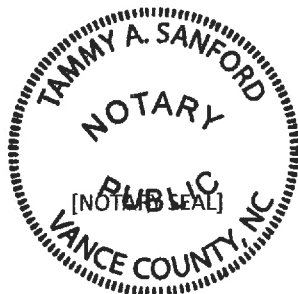
(seal)

M. Hager Rand

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Vance

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



Tammy A. Sanford

Notary Public

State of North Carolina

My Commission Expires: 4-18-23

NOTICE OF NEIGHBORHOOD MEETING

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

8/31/2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

104 NC HWY 751, 106 NC HWY 751 0712 0055 1996, 0712 00 56 6821,
106 OFF NC HWY 751, OFF NC HWY 751 0712 00 55 1996, 0712 00 57 5776

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input checked="" type="checkbox"/>	Major Site Plan	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 PROPOSAL IS FOR A MULTI-BUILDING DEVELOPMENT INCLUDING ASSOCIATED PARKING, DRIVE AISLES AND LANDSCAPING. THIS PROPOSAL ALSO INCLUDES THE MODIFICATION OF A PREVIOUSLY APPROVED REZONING CONDITION TO REVISE THE TREE REPLACEMENT TO BE CONSISTENT WITH THE TOWN OF APEX UDO STANDARDS.

Estimated submittal date: 10/1/2022

MEETING INFORMATION:

Property Owner(s) name(s): Mills Chatham Investment Properties, LLC; Peggy G Gray Trust
Applicant(s): Beacon Development Company
Contact information (email/phone): maggie@beacondevelopment.com
Meeting Address: Virtual (See final page of packet for dial in number)
Date/Time of meeting**: 9/19/2022 at 5:00 PM

Welcome: 5:00-5:15 PM Project Presentation: 5:15-5:30 PM Question & Answer: 5:30-7:00 PM

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Apex Gateway Phase 1 Zoning: LI-CZ

Location: 104 NC Hwy 751, 106 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Property PIN(s): 0712 00 56 6821, 0712 00 55 1996, 0712 00 55 1996, 0712 00 57 5776 Acreage/Square Feet: 132.11 AC / 5,754,712 SF

Property Owner: Mills Chatham Investment Properties, LLC; Peggy G Gray Trust

Address: 3214 Hillsborough Road, Durham, NC 27705 ; 1221 Broad St Apt 215, Fuquay Varina, NC 27526

City: - State: - Zip: -

Phone: - Email: -

Developer: Beacon Development Company

Address: 500 E Morehead St, Suite 200

City: Charlotte State: NC Zip: 28202

Phone: 704-597-7757 Fax: - Email: walker@beacondevelopment.com

Engineer: Advanced Civil Design, Inc.

Address: 51 Kilmayne Drive, Suite 102

City: Cary State: NC Zip: 27511

Phone: 919-481-6290 Fax: - Email: jwhitacre@advancedcivildesign.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, 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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
---	-----------------------------	---------------------

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470
------------------------------	------------------------	---------------------

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

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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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
----------------------------	-----------------------------	---------------------

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

Dirt in the Road:	James Misciagno	919-372-7470
--------------------------	------------------------	---------------------

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

Dirt on Properties or in Streams:	James Misciagno Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
--	--	--

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	James Misciagno	919-372-7470
--------------	------------------------	---------------------

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	James Misciagno	919-372-7470
---------------	------------------------	---------------------

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	James Misciagno	919-372-7470
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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
-------------------------------------	----------------------	---------------------

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.

Virtual Meeting Log in Information

Join Zoom Meeting

<https://us02web.zoom.us/j/5848957659>

Meeting ID: 584 895 7659

One tap mobile

+13092053325,,5848957659# US

+13126266799,,5848957659# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

Meeting ID: 584 895 7659

AERIAL MAP
NC 751 & US 64
CHATHAM COUNTY, NC



GRAPHIC SCALE IN FEET
0 150 300 600



KimleyHorn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: 919-677-2000 FAX: 919-677-2050
WWW.KIMLEY-HORN.COM

CONTACT: DANIELLE HAMMOND, P.E. (DANIELLE.HAMMOND@KIMLEY-HORN.COM)

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, CODE RESEARCH, OR CONTACT WITH THE CITY, COUNTY, ETC.



LEGEND

---	Prop. Right of Way	~ ~ ~	Ex. Wetlands
---	Prop. Right of Way	---	Ex. Property Line
---	Ex. Property Line	---	Property Line
---	Property Line	---	Setback Line
---	Setback Line	---	Easement Line
---	Easement Line	---	

FLOOD NOTE

By graphic plotting only this property is not located in special flood hazard zone by the federal Emergency Management Agency on Flood Insurance Rate Map, Community Panel No. 3720071200K with an effective date of July 19, 2022, in Wake County North Carolina. No field surveying was performed to determine this zone.

GRAPHIC SCALE

(IN FEET)
1 inch = 150 ft.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual
Date of meeting: September 19, 2022 Time of meeting: 5:00pm - 7:00pm
Property Owner(s) name(s): Mills Chatham Development Group, LLC, Peggy G Gray Trust
Applicant(s): Beacon Development Company

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.	Tim McKeever	816 NC-751			X
2.	Steph McKeever	816 NC-751			X
3.	Robert Long	314 NC-751			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Mills Chatham Development Group, LLC & Peggy G Gray Trust

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / maggie@beacnodevelopment.com / 704-926-1403

Meeting Address: Virtual

Date of meeting: September 19, 2022

Time of meeting: 5:00pm - 7:00 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:

Concerned about having one access road into the site from NC 751. Can another access be added along US 64?

Applicant's Response:

We'd like to have another access along US 64, but NCDOT will not allow new access points along this road.

The proposed access on NC 751 is the furthest from the NC 751 & US 64 intersection. This is proposed as a signalized intersection and will provide a southbound left hand turn into our site as well as a northbound right hand turn into our site.

Question/Concern #2:

Concerned about the timing and phasing for traffic improvements.

Applicant's Response:

The offsite traffic improvements for this project will be required to be completed before certificate of occupancy is granted for the proposed development. These offsite improvements will be constructed concurrently with proposed buildings and other infrastructure.

Question/Concern #3:

Concerned with safety and speed limit along NC 751.

Applicant's Response:

We want to make NC 751 a more safer route and will bring this up with our Traffic Engineer and NCDOT.

Question/Concern #4:

Concerned with collisions at intersection of NC 751 and US 64.

Applicant's Response:

Yes, this intersection has been identified as a safety concern by NCDOT. All proposed improvements will be done to current NCDOT standards and will hopefully help alleviate concerns until NCDOT future improvements are funded.

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): Mills Chatham Development Group, LLC & Peggy G Gray Trust

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / maggie@beacnodevelopment.com / 704-926-1403

Meeting Address: Virtual

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Time of meeting: 5:00pm - 7:00 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:

Is a pump station still being planned? Will utilities be stubbed to adjacent properties?

Applicant's Response:

Yes, a pump station is still planned to serve the area. Ultimately, the pump station and proposed utilities will have the capacity to serve the surrounding area and future development, however utilities won't necessarily be stubbed to every adjacent property.

The proposed utilities will have access to it from adjacent property owner via easements and/or right of way dedication.

Question/Concern #2:

Who owns and is responsible for the utilities?

Applicant's Response:

The developer is responsible for constructing and paying (subject to partial reimbursement from the Town) for the utilities based on Town's standards. Once constructed, public water and sewer will be owned and and operated by the Town.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Maggie Houston, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Microsoft Teams (Virtual) (location/address)
on September 19, 2022 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

9/23/2022
Date

By: Maggie Houston

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Meredith E Swanzy, a Notary Public for the above State and County, on this the 23rd day of September, 20 22.



Meredith E Swanzy
Notary Public
Meredith E Swanzy
Print Name

My Commission Expires: September 23, 2023

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ24 Apex Gateway Ph 1 (Project Real Amendment)

Planning Board Meeting Date: January 9, 2023



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: +/- 132.11

PIN(s): 071200566821, 071200551996, 071200575776
(Parcels 60523, 95398, 71694, 73702, 17900)

Current Zoning: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)

2045 Land Use Map: Industrial Employment

Town Limits: Inside

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 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: 22CZ24 Apex Gateway Ph 1 (Project Real Amendment)

Planning Board Meeting Date: January 9, 2023



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: 22CZ24 Apex Gateway Ph 1 (Project Real Amendment)

Planning Board Meeting Date: January 9, 2023



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: 22CZ24 Apex Gateway Ph 1 (Project Real Amendment)

Planning Board Meeting Date: January 9, 2023



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Tina Sherman

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

As presented.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 9 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 9th day of January 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.01.09 17:03:28
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ24

Apex Gateway Ph 1 (Project Real amendment)

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Acreage: ±132.11 acres

Property Identification Numbers (PINs): 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Land Use Map Designation: Industrial Employment

Existing Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

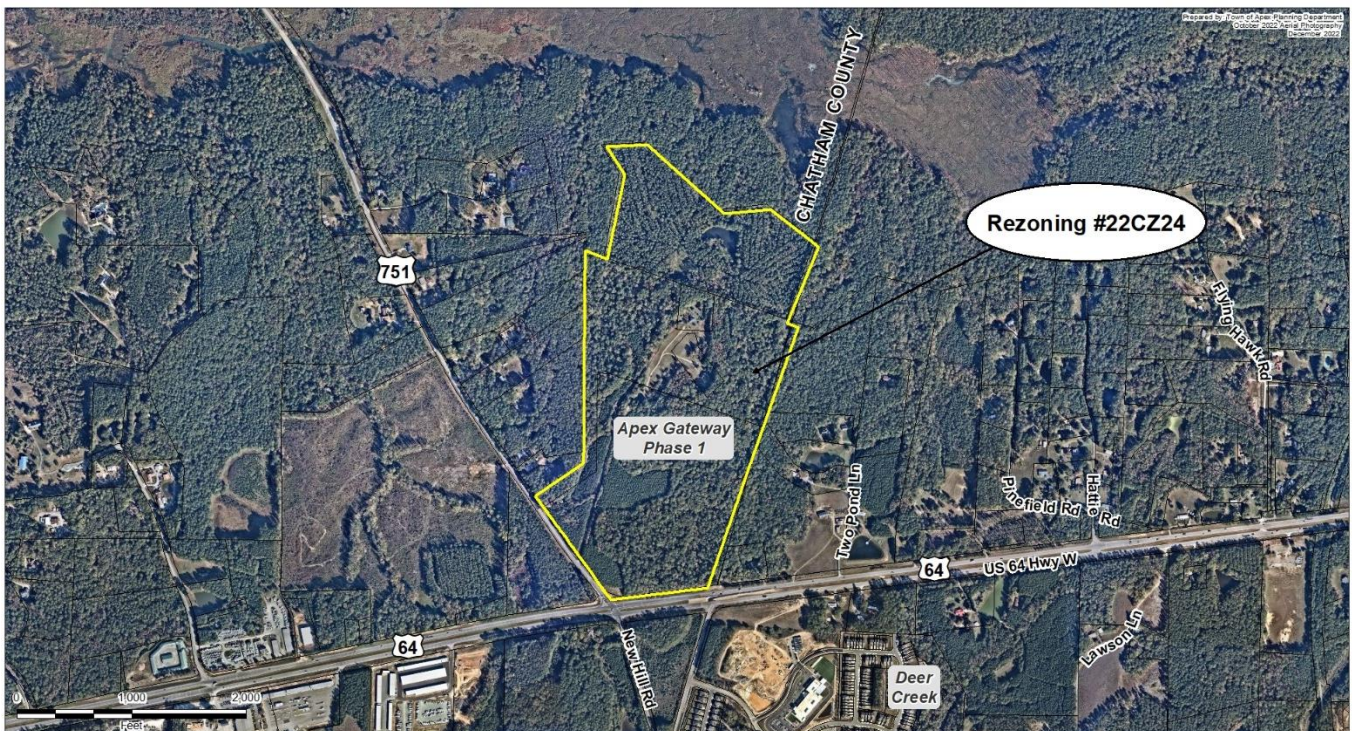
Planning Board Public Hearing Date and Time: January 9, 2023 4:30 PM

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/41378>.

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 #22CZ24

Apex Gateway Ph 1 (Project Real amendment)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Superficie: ±132.11 acres

Números de identificación de las propiedades: 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Designación en el Mapa de Uso Territorial para Chatham County: Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-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: 9 de enero 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/41378>.

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 #22CZ24****Apex Gateway Ph 1 (Project Real amendment)**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Acreage: ±132.11 acres

Property Identification Numbers (PINs): 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Land Use Map Designation: Industrial Employment

Existing Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: January 9, 2023 4:30 PM

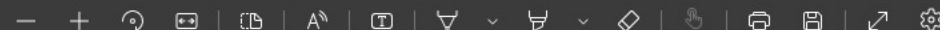
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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/41378>.

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ24
Apex Gateway Ph 1 (Project Real amendment)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Superficie: ±132.11 acres

Números de identificación de las propiedades: 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Designación en el Mapa de Uso Territorial para Chatham County: Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-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: 9 de enero 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.apexinc.org/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4178. 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/41378>.

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 #22CZ24 Apex Gateway Ph 1
(Project Real amendment)

Project Location: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Applicant or Authorized Agent: Maggie Houston

Firm: Beacon Development

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 December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor, Chatham County Tax Administration Office, 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.

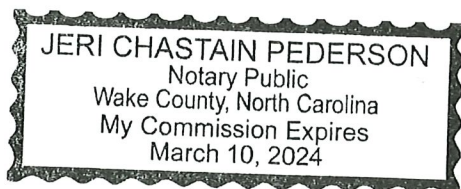
12/19/2022
Date

Mianne F. Khin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 19 day of December, 202 2.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ24

Apex Gateway Ph 1 (Project Real amendment)

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Maggie Houston, Beacon Development

Authorized Agent: Walker Gorham, Beacon Development

Property Addresses: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Acreage: ±132.11 acres

Property Identification Numbers (PINs): 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Land Use Map Designation: Industrial Employment

Existing Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-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: January 24, 2023 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 members 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/41378>.

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 #22CZ24

Apex Gateway Ph 1 (Project Real amendment)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Maggie Houston, Beacon Development

Agente autorizado: Walker Gorham, Beacon Development

Dirección de las propiedades: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Superficie: ±132.11 acres

Números de identificación de las propiedades: 071200566821, 071200551996, 071200575776 (Parcels 60523, 95398, 71694, 73702, 17900)

Designación en el Mapa de Uso Territorial para Chatham County: Industrial Employment

Ordenamiento territorial existente de las propiedades: Light Industrial-Conditional Zoning (LI-CZ #22CZ02)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

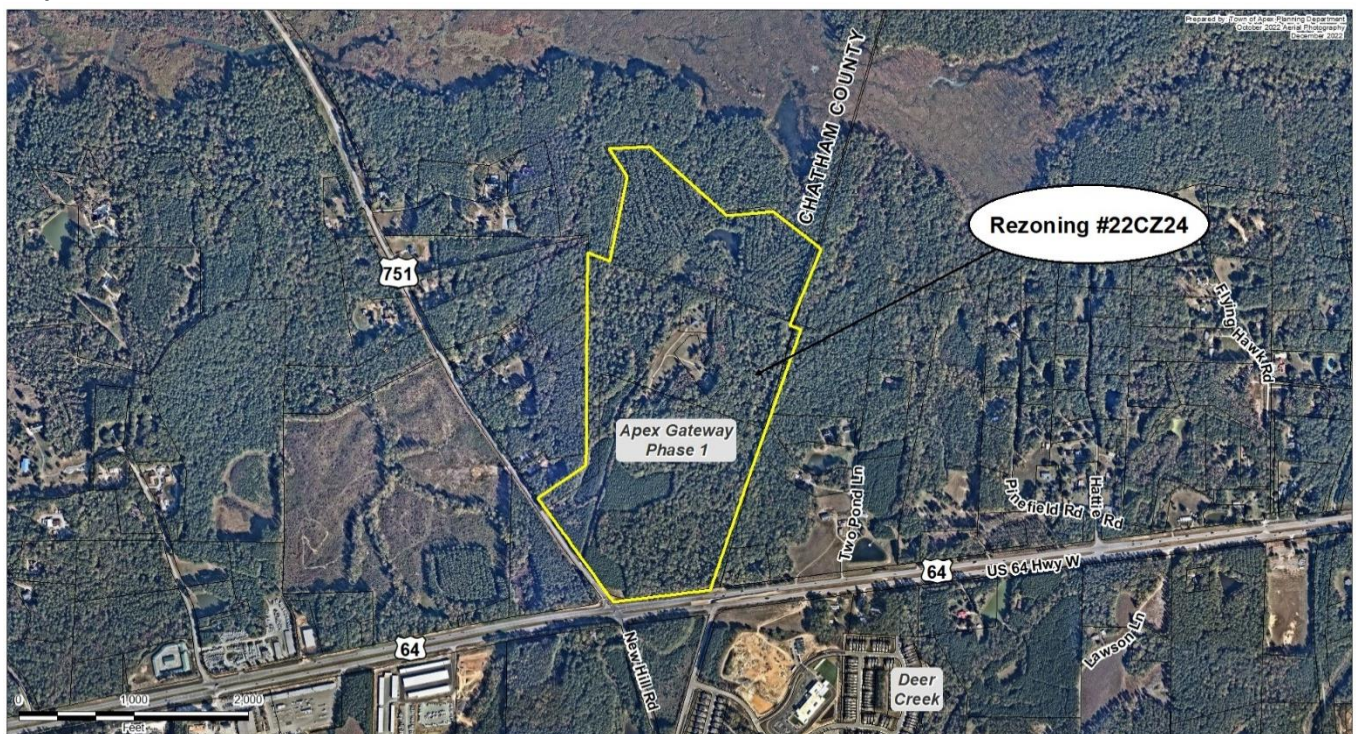
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de enero de 2023 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/41378>.

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 #22CZ24 Apex Gateway Ph 1
(Project Real amendment)

Project Location: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Applicant or Authorized Agent: Maggie Houston

Firm: Beacon Development

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 January 3, 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, Chatham County Tax Administration Office, and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

1/3/2023
Date

Shiraine F. Khin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

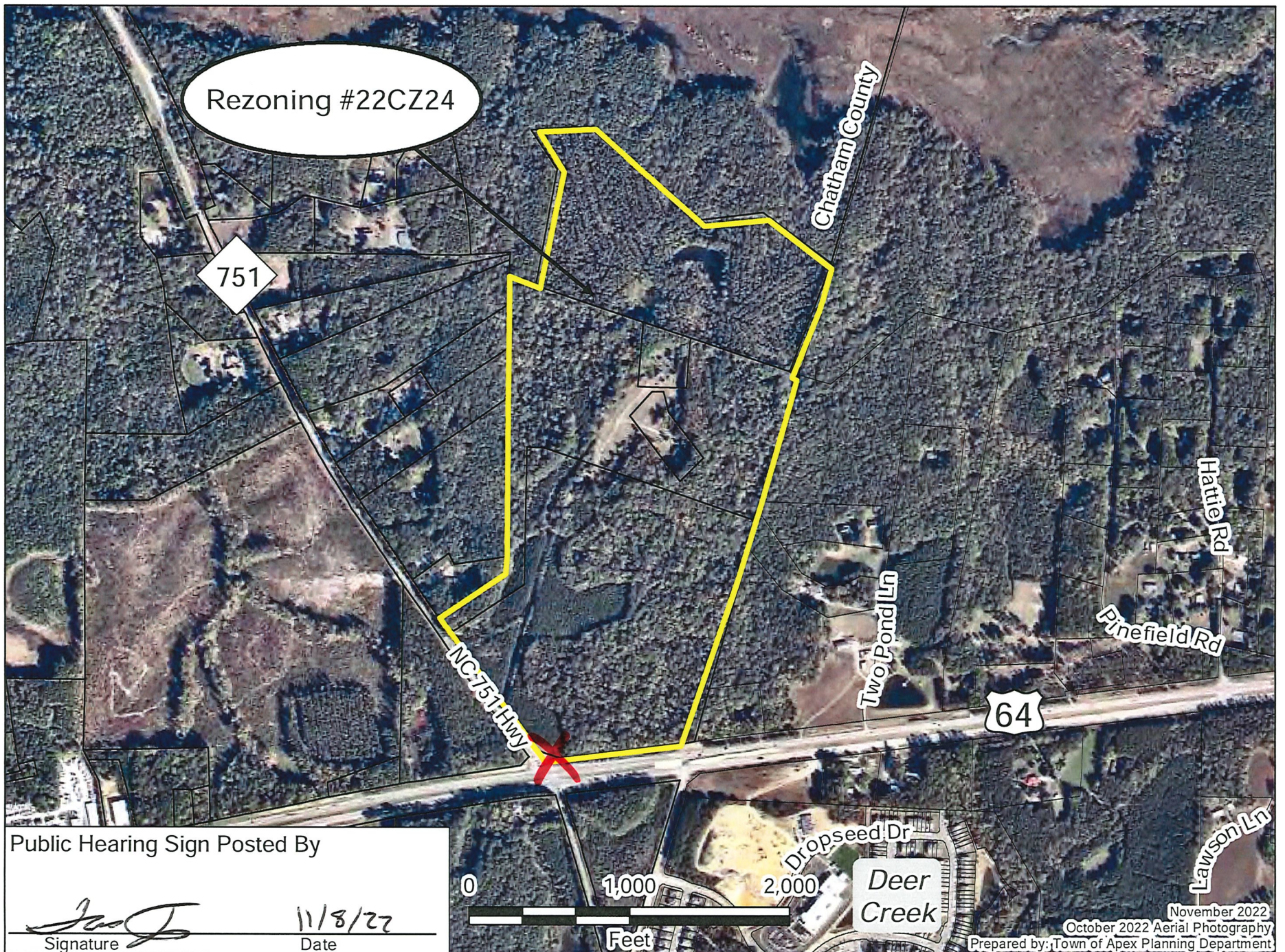
State and County, this the 3 day of January, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: January 24, 2023

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Services

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(3) to discuss the handling of the matters: Town of Apex v. Marcia M. Lund; 22-CVS-11706 and Town of Apex v. Susan S. Mills, et al; 22-CVS11707

Approval Recommended?

Yes

Item Details

NCGS §143-318.11 (3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: January 24, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Approval Recommended?

Yes

Item Details

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."

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: January 24, 2023

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(6) for a personnel matter

Approval Recommended?

Yes

Item Details

NCGS §143-318.11 (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."

Attachments

- N/A

