AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, June 16, 2020 at 6:00 PM
Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

PR1 Mayor Jacques Gilbert
Presentation of National Parks and Recreation Month Proclamation

CONSENT AGENDA

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

CN1 Amanda Bunce, Current Planning Manager
Motion to set Public Hearing for the July 21, 2020 Town Council meeting regarding an amendment to the 2045 Land Use Map and Rezoning Application #20CZ01 Depot 499 PUD. The applicant, Stephen Dorn, Lennar, seeks to amend the 2045 Land Use Map classification of approximately 5.41 acres, a portion of 0 Apex Barbecue Road (PIN 0731761944), from Office Employment to High Density Residential and to rezone approximately 200.8 acres located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road from Residential Agriculture (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN2 Sarah Van Every, Senior Planner
Motion to set Public Hearing for the July 21, 2020 Town Council meeting regarding Rezoning Application #20CZ05 West Village PUD Amendment in order to revise a zoning condition related to a buffer. The applicant, Josh Decker, McAdams Company, seeks to rezone approximately 35.36 acres located at 2412 Kelly Road

(PIN 0731331798) from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN3 Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the July 21, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

CN4 John M. Brown, Director

Motion to amend section 15-10 of the Town Code of Ordinances to approve the use of roller skates at the Apex Skate Plaza

CN5 Vance Holloman, Finance Director

Motion to approve a resolution to amend the Town of Apex Local Government OPEB Trust Agreement to reflect changes in the personnel policy that were adopted by Council on June 2, 2020.

CN6 Adam Stephenson, Engineering Supervisor

Motion to award construction contract for 2020 Road Rehabilitation Project (R-20-4) to FSC II, LLC, dba Fred Smith Company and to authorize the Town Manager to execute the contract on behalf of the Town

CN7 Keith McGee, Fire Chief

Motion to approve the Town Manager to sign a one-year extension of the Fire Protection Agreement between Wake County and the Town of Apex.

CN8 Keith McGee, Fire Chief

Motion to authorize the Town Manager to sign an agreement with the City of Raleigh to provide technician level hazardous materials response by the Raleigh Fire Department's Hazardous Materials Response Team within the Town of Apex.

CN9 Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 5/13//2020

CN10 Donna Hosch, Town Clerk

Motion to approve the Minutes of the Regular Council Meeting of May 19, 2020 and the Budget Workshop of May 26, 2020

CN11 Eric Neumann

Motion to approve Capital Project Ordinance Amendment No. 2020-22 to appropriate funds for the Laura Duncan substation

CN12 Vance Holloman, Finance Officer

Motion to Approve Capital Project Ordinance Amendment No. 2020-24 appropriating funds for various capital projects and Budget Amendment No. 17 which provides funding for some of those projects.

CN13 Mike Deaton, Water Resources Director

Motion to approve Capital Project Ordinance Amendment No. 2020-23 to appropriate funds for the Lawrence Crossing Sewer Rehab project and to approve Budget Amendment No. 18 which will appropriate funds for a portion of the cost.

CN14 Drew Havens, Town Manager

Motion to appoint the following persons to the Parks, Recreation, and Cultural Resources Advisory Commission for three year terms effective July 1, 2020 and ending June 30, 2023:

Lisa Gerboth – Initial Appointment

Tom Colwell - Reappointment

Alan Buck - Reappointment

and, to appoint for a one year term July 1, 2020 and ending June 30, 2021 as

Chair: Renee Pheifer - Reappointment

Vice-Chair: Alan Buck - Reappointment

and, to appoint the following persons to the Public Art Committee for three year terms effective July 1, 2020 and ending June 30, 2023:

Sean Durham - Reappointment

Lafayette Trawick – Initial Appointment

and, to appoint for a one year term July 1, 2020 and ending June 30, 2021 as

Chair: Tom Colwell - Reappointment

Vice-Chair: Bethany Bryant - Reappointment

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 Sarah Van Every, Senior Planner

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Tony Karr, Timothy V. Streeter, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Wolfe, Jr., Donna G. Wolfe, William D. Bunce II and Gail E. Bunce and John Terry Paton, (Rezoning Case #19CZ22 Wolfe Properties PUD) property containing 44.357 acres located at 1209, 1401, 1405 and 1409 Wimberly Road and 1000 & 1012 Double Helix Road, Annexation #677 into the Town's corporate limits.

AND

PH2 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #19CZ22 Wolfe Properties PUD and Ordinance. The applicant, Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723504154, 0723508938, & 0723601654) from Rural Residential (RR) & Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

PH3 Sarah Van Every, Senior Planner

Public Hearing and possible motion regarding Rezoning #19CZ23 2524 & 2604 Kelly Road. The applicant, Brian Griffith, seeks to rezone approximately 2.1 acres located at 2524 & 2604 Kelly Road (PINs 0731433004 & 0731424892) from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

PH4 Shelly Mayo, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex ATM Development, LLC (New Hill Holleman Road) property containing 0.981 acres located at 3036 New Hill Holleman Road, Annexation #685 into the Town's corporate limits.

AND

PH5 Shelly Mayo, Planner II

Public Hearing and possible motion to approve Rezoning Application #20CZ02 3036 New Hill Holleman Road and Ordinance. The applicant, Alonzo Wilson for ATM Development, seeks to rezone approximately 0.981 acres from Wake Co. GB to Medium Density-Conditional Zoning (MD-CZ). The proposed zoning is located at 3036 New Hill Holleman Road.

PH6 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ03 James Street. The applicant, Jones & Cnossen Engineering, PLCC, seeks to rezone approximately 4.09 acres for the property located at 1200 James Street (PIN 0741789012), from Medium Density Residential (MD) to Tech/Flex-Conditional Zoning (TF-CZ).

PH7 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jason Lucia and Trish Klenow (1121 Twin Creek Road) property containing 2.938 acres located at 1121 Twin Creek Road, Annexation #689 into the Town's corporate limits.

PH8 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jainix, LLC (Jainix Green) property containing 6.5791 acres located west of 540 and south of Spire Bend (Greenmoor subdivision) Annexation #690 into the Town's corporate limits.

PH9 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance as requested by Planning staff.

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

NB1 John M. Brown, Director
Craig Setzer, Park Operations Manager
Possible Motion to approve implementation of Adopt-A-Park / Adopt-a-Trail Program

NB2 Drew Havens, Town Manager
Discussion and possible motion to make a $20,000 contribution to the Apex Chamber of Commerce/Apex Sunrise Rotary Club Angel Fund, a $20,000 contribution to the Apex Chamber of Commerce for their operational expenses, and to approve Budget Amendment #19 to appropriate Fund Balance to cover these unbudgeted expenditures

NB3 Council Member Audra Killingsworth
Possible motion to approve Resolution recognizing June as LGBTQIA Month

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney
Possible motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e)

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: June 16,2020

Item Details

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

Requested Motion

Presentation of National Parks and Recreation Month Proclamation

Approval Recommended?

Yes

Item Details

As recognized by the U.S. House of Representatives, the month of July I designated as National Parks and Recreation Month.

Attachments

- Proclamation

Town of Apex

Proclamation

from the Office of the Mayor

Parks and Recreation Month 2020

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Town of Apex, North Carolina; and

WHEREAS, our parks and recreation programs are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active, communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Town of Apex recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, BE IT RESOLVED by the Apex Town Council that July is recognized as Parks and Recreation Month in the Town of Apex and all citizens are hereby encouraged to join in "WE ARE PARKS AND RECREATION - JULY 2020" by participating in and experiencing all our public parks and recreation services have to offer.

IN WITNESS THEREOF, I have hereunto set my hand and
caused the Seal of the Town of Apex, North Carolina
to be affixed this the 16th day of June 2020

_____

Jacques K. Gilbert, Mayor

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager
Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the July 21, 2020 Town Council meeting regarding an amendment to the 2045 Land Use Map and Rezoning Application #20CZ01 Depot 499 PUD. The applicant, Stephen Dorn, Lennar, seeks to amend the 2045 Land Use Map classification of approximately 5.41 acres, a portion of 0 Apex Barbecue Road (PIN 0731761944), from Office Employment to High Density Residential and to rezone approximately 200.8 acres located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road from Residential Agriculture (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

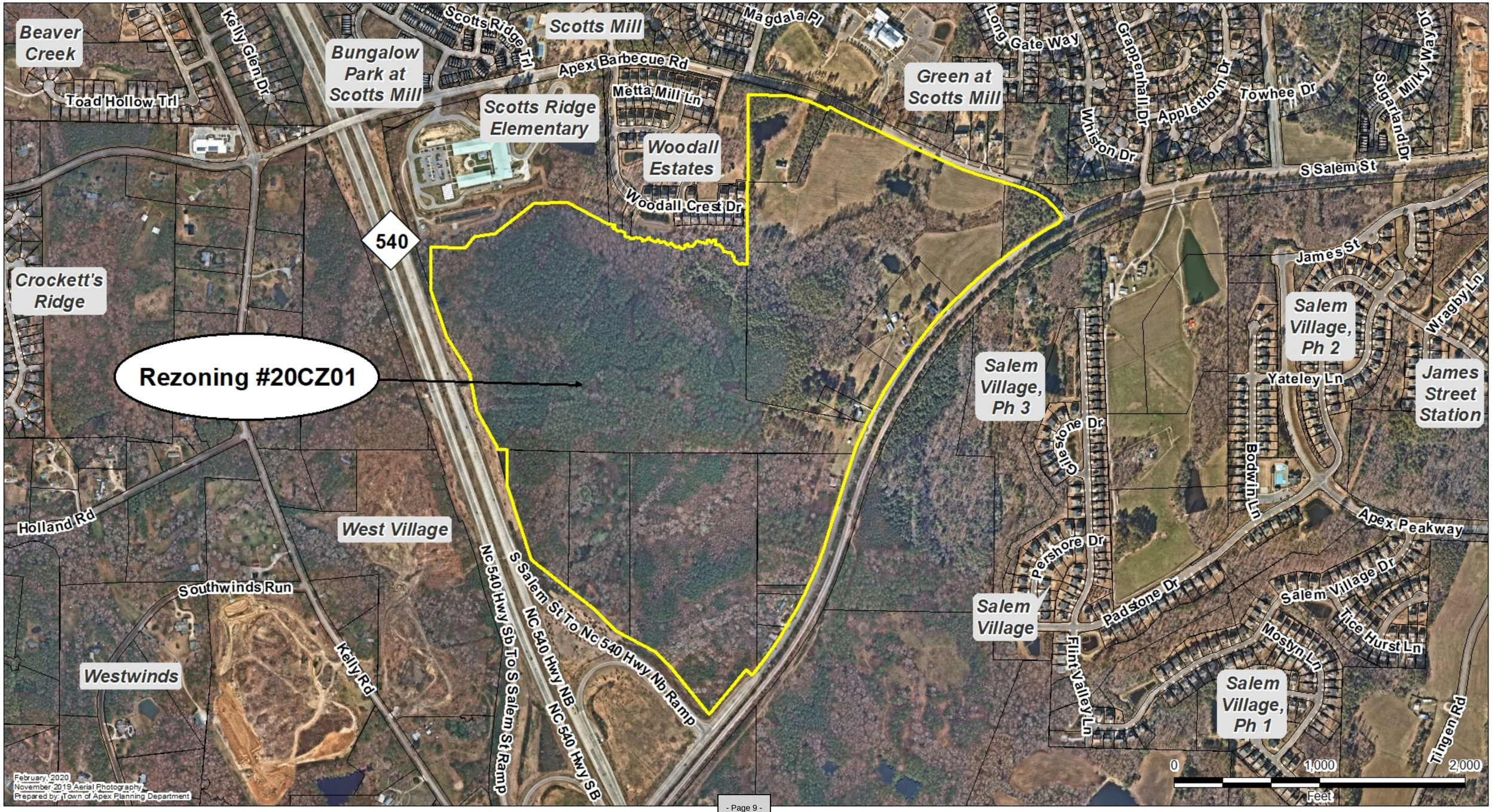
The Planning and Community Development Department recommends approval.

Item Details

The following PINs are included in this rezoning: 0731459383, 0731554102, 0731564395, 0731641147, 0731645370, 0731646532, 0731657166, 0731676714, 0731750984, 0731761944, 0731766588, 0731873224

Attachments

- Vicinity Map
- Application


Beaver Creek
Toad Hollow Trl
Kelly Glen Dr
Bungalow Park at Scotts Mill
Scotts Ridge Trl
Scotts Mill
Magdala Pl
Apex Barbecue Rd
Metta Mill Ln
Scotts Ridge Elementary
Woodall Estates
Woodall Crest Dr
Green at Scotts Mill
Long Gate Way
Whiston Dr
Grappenhall Dr
Appletorn Dr
Towhee Dr
Sugarland Dr
Milky Way Dr
S Salem St
James St
Wragby Ln
Salem Village, Ph 2
Yateley Ln
James Street Station
Bodwin Ln
Apex Peakway
Salem Village Dr
Tice Hurst Ln
Mostyn Ln
Tingen Rd
Salem Village, Ph 1
Padstone Dr
Flint Valley Ln
Pershore Dr
Salem Village
Salem Village, Ph 3
Gibson Dr
540
Crockett's Ridge
Rezoning #20CZ01
Holland Rd
West Village
Southwinds Run
Kelly Rd
Westwinds
Nc 540 Hwy Sb To S Salem St Ramp
S Salem St To Nc 540 Hwy Nb Ramp
NC 540 Hwy NB
NC 540 Hwy SB
February, 2020
November 2019 Aerial Photography
Prepared by: Town of Apex Planning Department
0
1,000
2,000
Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: 20CZ01 Submittal Date: 1/2/2020

Fee Paid $ 5208.00 Check # 114134

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Depot 499

Address(es): See attached sheet on the following page for list of addresses

PIN(s) See attached sheet on the following page for list of PINs

Acreage: 200.80

Current Zoning: RA and B1-CZ Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: High density residential, Medium/High Density Residential, Office Employment, Commercial Services

Requested 2045 LUM Designation: High density residential, Medium/High Density Residential, Office Employment, Commercial Services

See next page for LUM amendment

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

Area classified as mixed use: Acreage: 171.90 acres

Area proposed as non-residential development: Acreage: 51.57acres

Percent of mixed use area proposed as non-residential: Percent: 30%

Applicant Information

Name: Stephen Dorn - Lennar

Address: 1100 Perimeter Park Drive Suite 112

City: Morrisville State: NC Zip: 27560

Phone: 919-465-5925 E-mail: stephen.dorn@lennar.com

Owner Information

Name: See attached sheet on the following page for all owner information

Address:

City: State: Zip:

Phone: E-mail:

Agent Information

Name: Bob Zumwalt - McAdams Co

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-287-0789 E-mail: zumwalt@mcadamsco.com

Other contacts:

OWNER	ADDRESS	CITY	STATE	ZIP	PINs
MEKA, NARENDRA	0 KELLY RD	APEX	NC	27502	731459383
VARYA LLC	1604 S SALEM ST	APEX	NC	27502	731554102
POE ACRES FAMILY FARM LLC	0 APEX BARBECUE RD	APEX	NC	27502	731564395
HUNTER, CAREY B	1525 S SALEM ST	APEX	NC	27502	731641147
SZYMKIEWICZ, PAUL M JIN, WEI	1420 S SALEM ST	APEX	NC	27502	731645370
UTLEY, PAMELA	1420 S SALEM ST	APEX	NC	27502	731646532
POE ACRES FAMILY FARMS LLC	1330 S SALEM ST	APEX	NC	27502	731657166
POE, DARYL POE, JEANNE	6401 APEX BARBECUE RD	APEX	NC	27502	731676714
POE ACRES FAMILY FARMS LLC	1300 S SALEM ST	APEX	NC	27502	731750984
POE ACRES FAMILY FARMS LLC	0 APEX BARBECUE RD	APEX	NC	27502	731761944
POE, WILLIAM DOUGLAS POE, JEAN S	1216 S SALEM ST	APEX	NC	27502	731766588
REGENCY INTERNATIONAL INVESTMENTS LLC	0 APEX BARBECUE RD	APEX	NC	27502	731873224

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 20CZ01 Submittal Date: 1-2-2020

2045 LAND USE MAP AMENDMENT (if applicable)

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

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

Approximately 5.41 acres on the northeast corner of PIN 0731761944 located at 0 Apex Barbecue Road.

Current 2045 Land Use Classification: Office Employment

Proposed 2045 Land Use Classification: High Density Residential

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

The Office Employment Land Use Map Classification allows O&I, TF, PUD, and MEC zoning and High Density Residential allows HDSF, PUD, and TND. Although both allow the desired PUD zoning, the proposed use in this area is multi-family and/or townhouses, and this request will allow the FLUM to match the intended use. High Density Residential will keep the land more consistent with the surrounding areas given the Medium/High Density Residential land directly west and the Medium Density Residential land directly north. High Density Residential is described in the Comprehensive Plan as "townhomes and apartments up to 20 units per acre. . . providing housing options in close proximity to major commercial areas and transportation corridors." An amendment to High Density Residential allows for a smoother transition from the Medium Density Residential land directly north into the Community Mixed Use designated area, which will provide close proximity to commercial uses. This amendment will also allow for smoother transitions between uses throughout the parcel of land, rather than interposing a small area of Office Employment land in a predominantly residential area.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ01 Submittal Date: 1-2-2020

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

	Owner's Name	PIN
1.	See the following sheets for complete list	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 12/31/19 By: Robert Zumwalt

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, William D. Sparrow, a Notary Public for the above State and County, on this the 31 day of December, 2019.

SEAL

WILLIAM D. SPARROW NOTARY PUBLIC WAKE COUNTY, NC MY COMMISSION EXPIRES 9/8/21

[signature]
Notary Public

William D. Sparrow
Print Name

My Commission Expires: 9/8/21

Owner	PIN
SEARS, TONY C SEARS, JUDY T	731329405
MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	731366481
APEX TOWN OF	731407544
MIUCCIO, ANTHONY J TRUSTEE MIUCCIO, MARTHA J TRUSTEE	731424892
NC DEPARTMENT OF TRANSPORTATION	731426540
NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY	731429605
RICHARDS, BARRETT	731433004
FAHEY FAMILY FARM LLC	731434504
FAHEY FAMILY FARM LLC	731434767
FAHEY FAMILY FARM LLC	731435707
KENNEDY, WAYNE V KENNEDY, GEORGIA T	731436017
SM RALEIGH LLC	731441619
NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY	731452647
NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY	731457553
NC DEPARTMENT OF TRANSPORTATION	731459383
WAKE COUNTY BOARD OF EDUCATION	731477630
ROSEWOOD 1322 LLC	731514493
LAMPE, JOHN H	731518904
ROSEWOOD 1322 LLC	731523064
VARYA LLC	731554102
POE ACRES FAMILY FARM LLC	731564395
WOODALL ESTATES OWNERS ASSOCIATION INC	731575313
DAVIS, KYLE DAVIS, KARYN	731577338
BRISSON, LEE C BRISSON, TRACI L	731578308
HOU, SHENGBO GAO, QIAN	731578358
WOODALL ESTATES OWNERS ASSOCIATION INC	731578622
WISE, PATRICK WISE, NOUNIVAN	731579252
SMITH, JONDAN SMITH, CRYSTAL	731579318
SINGAMSETTY, SRIKANTH KARADGE, UMA BABURAO	731579407
ISSLER, PHILIP FREDERICK JR ISSLER, LISA RENEE	731579553
WOODALL ESTATES OWNERS ASSOCIATION INC	731589212
NC TURNPIKE AUTHORITY	731617572
HUNTER, CAREY B	731641147
SZYMKIEWICZ, PAUL M JIN, WEI	731645370
UTLEY, PAMELA	731646532
POE ACRES FAMILY FARMS LLC	731657166
WOODALL ESTATES OWNERS ASSOCIATION INC	731670122
ZAI, YINGKAI LIU, XIAOXUE	731670212
RAJAGOPAL, RAJESH TRUSTEE VENKATACHALAM, PRIYA TRUSTEE	731670262
WANG, XIAOXI WU, YUANTAI	731670338
WOODALL ESTATES OWNERS ASSOCIATION INC	731670443
KEARNEY, PETER KEARNEY, MARY	731670507
WOODALL ESTATES OWNERS ASSOCIATION INC	731670804
SHRESTHA, BIVA OJHA, UNNATI	731670926
JONES, WILLIAM JONES, JENNIFER	731670994
RAJENDRAN, PRABU GOVARDHANAN, SHOBANA	731671222

SUNDARAM, RAMAKRISHNAN	731671282
SIFONTE, DANNY SIFONTE, BERNA	731671942
SAXENA, VIJAY SAXENA, PARUL VIJAY	731672242
HOGAN, JEFFREY A HOGAN, JEANNE M	731672368
WOODALL, ANN C	731672786
CHEN, CHEN MENG, MENG	731673202
POON, KENNETH RONG, MENGQI	731673262
STUNTZ, KIM O'BRIEN, MICHAEL	731673328
WOODALL ESTATES OWNERS ASSOCIATION INC	731673425
CEARA PETERSON, LAURA AMELIA	731673490
POE, DARYL POE, JEANNE	731676714
CAO, ALLEN JUN XU, LILI	731680113
ANTONY, PRAVEEN JACOB, LIJA PUNNAMOOTTIL	731680172
THORNTON, BRIAN GRANBERRY, WENDY	731681131
KOYTEK, ANTHONY J KOYTEK, ANTOINETTE M	731681190
DAVIDSON, STEPHEN REID DAVIDSON, KAYLA BROOK	731681325
LANE, DENTON JOHN LANE, LISA GABRIEL	731682304
LOVELACE, LESLEY ELIZABETH	731682363
MECKES, DOUGLAS R MECKES, GEORGIA S	731682459
PAEZ, MARGARET M	731683289
EMRE, NILAY YILMAZ YILMAZEMRE, ATA	731683321
TERRENTS, BRADY P TERRENTS, AMY C	731683407
BROWN, ARTHUR D III	731683465
YAKEL, JERREL L YAKEL, MELODY L	731684424
CJS APEX ASSEMBLAGE LLC	731731163
POE ACRES FAMILY FARMS LLC	731750984
POE ACRES FAMILY FARM LLC	731756252
POE ACRES FAMILY FARMS LLC	731761944
POE, WILLIAM DOUGLAS POE, JEAN S	731766588
POE, BOBBY W POE, ELIZABETH A	731776890
POE, BOBBY W POE, ELIZABETH A	731776915
CANTRELL, DONALD T CANTRELL, MARY E	731779802
ROMAN CATHOLIC DIOCESES OF RAL NC	731782553
MURPHY, MARK SEAN ANDERSON, DAWN EVE	731788078
MILLER, SAM D MILLER, SARAH C	731789048
CRAFT, SAMUEL CRAFT, MARA	731789098
SALEM VILLAGE OWNERS ASSOCIATION INC	731854079
CJS APEX ASSEMBLAGE LLC	731863120
CANTRELL, DARYL S CANTRELL, JESSICA	731870820
CANTRELL, DANIEL T CANTRELL, COURTNEY	731871830
REGENCY INTERNATIONAL INVESTMENTS LLC	731873224
BRITT, MARJORIE TINGEN	731873793
JON CAPUTO TRUST	731876587
KRUSE, ROBERT KRUSE, ABBEY	731876688
MCKINNISH, LORI	731877367
THOMAS, KIMBERLY H	731877563
SCHREIBER, COREY SCHREIBER, AMBER	731877743

DOYLE, ANDREW DOYLE, LAUREN	731877801
MILAM, MELINDA GAIL	731878546
WHITEHALL MANOR HOMEOWNERS ASSN	731879595
BOBBITT, FRANK C III BOBBITT, MARY L	731880048
PRINCE, MARION C FISH, NANCY P HEIRS	731961764

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 20CZ01 Submittal Date: 1-2-2020

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 #: 20CZ01 Submittal Date: 1-2-2020

Proposed Subdivision/Development Information

Description of location: Southwest corner of S Salem Street and Apex Barbecue Road

Nearest intersecting roads: Apex Barbecue Road and S Salem Street

Wake County PIN(s): 731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657166, 731676714, 731750984, 731761944, 731766588, 731873224

Township: Apex

Contact Information (as appropriate)

Contact person: Stephen Dorn

Phone number: 919-224-9922 Fax number:

Address: 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560

E-mail address: stephen.dorn@lennar.com

Owner: See attached sheet on the following page for all owner information

Phone number: Fax number:

Address:

E-mail address:

Proposed Subdivision/Development Name

1st Choice: Depot 499

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

OWNER	ADDRESS	CITY	STATE	ZIP
MEKA, NARENDRA	0 KELLY RD	APEX	NC	27502
VARYA LLC	1604 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARM LLC	0 APEX BARBECUE RD	APEX	NC	27502
HUNTER, CAREY B	1525 S SALEM ST	APEX	NC	27502
SZYMKIEWICZ, PAUL M JIN, WEI	1420 S SALEM ST	APEX	NC	27502
UTLEY, PAMELA	1420 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1330 S SALEM ST	APEX	NC	27502
POE, DARYL POE, JEANNE	6401 APEX BARBECUE RD	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1300 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	0 APEX BARBECUE RD	APEX	NC	27502
POE, WILLIAM DOUGLAS POE, JEAN S	1216 S SALEM ST	APEX	NC	27502
REGENCY INTERNATIONAL INVESTMENTS LLC	0 APEX BARBECUE RD	APEX	NC	27502

STREET NAME APPROVAL APPLICATION

Application #: 20CZ01 Submittal Date: 1-2-2020

Wake County Approval Date: _____

Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

Information:

Description of location: Southwest corner of S Salem Street and Apex Barbecue Road

Nearest intersecting roads: Apex Barbecue Road and S Salem Street

Wake County PIN(s): 731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657166, 731676714, 731750984, 731761944, 731766588, 731873224

Township: Apex

Contact information (as appropriate)

Contact person: Stephen Dorn

Phone number: 919-224-9922 Fax number: _____

Address: 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560

E-mail address: stephen.dorn@lennar.com

Owner: See attached sheet on the following page for all owner information

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

OWNER	ADDRESS	CITY	STATE	ZIP
MEKA, NARENDRA	0 KELLY RD	APEX	NC	27502
VARYA LLC	1604 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARM LLC	0 APEX BARBECUE RD	APEX	NC	27502
HUNTER, CAREY B	1525 S SALEM ST	APEX	NC	27502
SZYMKIEWICZ, PAUL M JIN, WEI	1420 S SALEM ST	APEX	NC	27502
UTLEY, PAMELA	1420 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1330 S SALEM ST	APEX	NC	27502
POE, DARYL POE, JEANNE	6401 APEX BARBECUE RD	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1300 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	0 APEX BARBECUE RD	APEX	NC	27502
POE, WILLIAM DOUGLAS POE, JEAN S	1216 S SALEM ST	APEX	NC	27502
REGENCY INTERNATIONAL INVESTMENTS LLC	0 APEX BARBECUE RD	APEX	NC	27502

STREET NAME APPROVAL APPLICATION

Application #: 20CZ01 Submittal Date: 1-2-2020

# of roads to be named: _____

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example: Road Name Suffix

Hunter Street

1	To be completed at time of master subdivision	11	
2		12	
3		13	
4		14	
5		15	
6		16	
7		17	
8		18	
9		19	
10		20	

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval Date

WAKE COUNTY STAFF APPROVAL:

GIS certifies that _____ names indicated by checkmark ☑ are approved.
Please disregard all other names.

Comments:

Wake County GIS Staff Approval Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 20CZ01 Submittal Date: 1-2-2020

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

_____

_____
(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.

LENNAR CAROLINAS 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: LENNAR CAROLINAS LLC

BY: _____
Authorized Agent

DATE: 12-31-2019

TOWN OF APEX

BY: _____
Authorized Agent

DATE: _____

NOT ORIGINAL

AGENT AUTHORIZATION FORM

Application #: 20CZ01 Submittal Date: 1-2-2020

Paul Szymkiewicz & Wei Jin 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: 1420 S Salem St, Apex, NC 27502, PIN#0731645370

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Paul Szymkiewicz Digitally signed by Paul Szymkiewicz Date: 2019.12.30 21:34:09 -05'00'

Paul Szymkiewicz 12/30/2019

Type or print name Date

Wei Jin Digitally signed by Wei Jin Date: 2019.12.30 21:35:57 -05'00'

Wei Jin 12/30/2019

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.

NOT ORIGINAL

AGENT AUTHORIZATION FORM

Application #: 20CZ01 Submittal Date: 1-2-2020

Regency International Investments LLC is the owner* of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other:

The property address is: 0 Apex Barbeque Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Ashley Ansara

Regency International Investment, LLC 12/19/2019

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 #: 20CZ01 Submittal Date: 1-2-2020

Poe Acres Family Farm 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: 1330 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

William D. Poe, member/manager

William D. Poe — Type or print name

12-19-19 — Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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 #: 20CZ01 Submittal Date: 1/2/20

Carey B. Hunter 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: 1525 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 22713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Carey B Hunter

Carey B Hunter — 1-2-20

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 #: 20CZ01 Submittal Date: 1-2-2020

Poe Acres Family Farm 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: 1300 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

William D. Poe, member/manager

William D. Poe — 12-19-19

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 #: 20CZ01 Submittal Date: 1-2-2020

Poe Acres Family Farm LLC is the owner* of the property for which the attached application is being submitted:

- ☐ Land Use Amendment
- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: _____

The property address is: 0 Apex Barbeque Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

William D. Poe, Member/Manager

William D. Poe — 12-19-19

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 #: 20CZ01 Submittal Date: 1-2-2020

Poe Acres Family Farm LLC is the owner* of the property for which the attached application is being submitted:

- ☑ Land Use Amendment
- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other:

The property address is: 0 Apex Barbeque Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

William D. Poe, member/manager

William D. Poe — Type or print name

12-19-19 — Date

_____ — Type or print name

_____ — Date

Attach additional sheets if there are additional owners.

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

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 #: 20CZ01 Submittal Date: 1-2-2020

William Douglas Poe and Jean S Poe 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: 1216 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Wm Doug Poe

Wm. Doug Poe — Type or print name — 12-19-19 — Date

Jean S Poe

Jean S Poe — Type or print name — 12-19-19 — 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 #: 20CZ01 Submittal Date: 1-2-2020

Varya 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: 1604 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 22713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Narendra Mena

NARENDRA MENA — Type or print name

12/26/2019 — 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 #: 20CZ01 Submittal Date: 1-2-2020

Pamela Utley 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: 1420 S Salem St, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 22713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Pamela Utley

Pamela Utley — Type or print name — 12-30-19 — Date

Pamela Utley

Pamela Utley — Type or print name — 12-30-19 — 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 #: 20CZ01 Submittal Date: 1-2-2020

Daryl and Jeanne Poe 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: 6401 Apex Barbeque Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Daryl Poe

Daryl Poe — Type or print name — 12/19/19 — Date

Jeanne Poe

Jeanne Poe — Type or print name — 12/19/19 — 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 #: _____ Submittal Date: _____

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

- ☐ Land Use Amendment
- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: _____

The property address is: 0 Kelly Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Narendra Meka

NARENDRA MEKA — 3/27/2020

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 #: _____ Submittal Date: _____

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

- ☐ Land Use Amendment
- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☐ Other: _____

The property address is: 0 Kelly Rd, Apex, NC 27502

The agent for this project is: McAdams Co

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

Agent Name: Bob Zumwalt

Address: 2905 Meridian Parkway, Durham, NC 27713

Telephone Number: 919-361-5000

E-Mail Address: zumwalt@mcadamsco.com

Signature(s) of Owner(s)*

Narendra Meka

NARENDRA MEKA — 3/27/2020

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Robert Zummwalt (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 31 day of December, 2019.

_____ (seal)
Robert Zummwalt
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Robert Zummwalt, 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 SEAL]

WILLIAM D. SPARROW NOTARY PUBLIC WAKE COUNTY, NC MY COMMISSION EXPIRES 9/8/21

_____
Notary Public
State of North Carolina
My Commission Expires: 9/8/21

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

See attached sheet on the following page

BEGINNING AT AN EXISTING IRON PIPE IN THE SOUTHERN RIGHT OF WAY OF APEX BARBECUE ROAD(VARIABLE WIDTH PUBLIC RIGHT OF WAY) SAID PIPE BEING LOCATED SOUTH 34°04'17" WEST 11,877.46 FEET; FROM N.C. GEODETIC MONUMENT STALEY HAVING N.C. GRID COORDINATES OF NORTHING: 727,821.36; EASTING: 2,043,644.97; THENCE SOUTH 63°42'39" EAST 79.06 FEET TO A POINT; THENCE SOUTH 63°12'07" EAST 19.19 FEET TO A POINT; THENCE SOUTH 63°00'53" EAST 34.65 FEET TO A POINT; THENCE SOUTH 62°42'06" EAST 52.19 FEET TO A POINT; THENCE SOUTH 62°33'45" EAST 52.13 FEET TO A POINT; THENCE SOUTH 62°32'40" EAST 50.30 FEET TO A POINT; THENCE SOUTH 62°30'00" EAST 52.14 FEET TO A POINT; THENCE SOUTH 62°39'57" EAST 54.29 FEET TO A POINT; THENCE SOUTH 63°11'12" EAST 53.70 FEET TO A POINT; THENCE SOUTH 63°46'39" EAST 36.41 FEET TO A POINT; THENCE SOUTH 63°46'39" EAST 16.74 FEET TO A POINT; THENCE SOUTH 64°11'19" EAST 51.77 FEET TO A POINT; THENCE SOUTH 64°51'59" EAST 50.37 FEET TO A POINT; THENCE SOUTH 65°24'56" EAST 50.92 FEET TO A POINT; THENCE SOUTH 66°04'17" EAST 49.04 FEET TO A POINT; THENCE SOUTH 66°24'39" EAST 50.52 FEET TO A POINT; THENCE SOUTH 66°41'39" EAST 50.24 FEET TO A POINT; THENCE SOUTH 65°48'34" EAST 13.86 FEET TO AN IRON PIPE; THENCE SOUTH 66°32'39" EAST 82.52 FEET TO AN IRON PIPE; THENCE SOUTH 67°35'05" EAST 51.21 FEET TO AN IRON PIPE; THENCE SOUTH 69°12'49" EAST 51.50 FEET TO AN IRON PIPE; THENCE SOUTH 71°04'07" EAST 51.54 FEET TO AN IRON PIPE; THENCE SOUTH 73°20'50" EAST 101.55 FEET TO AN IRON PIPE; THENCE SOUTH 74°24'52" EAST 161.15 FEET TO AN IRON PIPE; THENCE SOUTH 02°10'02" WEST 7.75 FEET TO A POINT;THENCE SOUTH 88°43'28" EAST 27.86 FEET TO A POINT;THENCE SOUTH 72°42'27" EAST 113.73 FEET TO A POINT; THENCE SOUTH 68°36'15" EAST 83.47 FEET TO A POINT; THENCE SOUTH 58°59'14" EAST 72.35 FEET TO A POINT; THENCE SOUTH 47°32'47" EAST 78.45 FEET TO A POINT; THENCE SOUTH 39°07'25" EAST 73.73 FEET TO A POINT; THENCE SOUTH 33°40'07" EAST 2.16 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 13.47 FEET, WITH A RADIUS OF 3109.27 FEET, WITH A CHORD BEARING OF SOUTH 62°03'14" WEST, WITH A CHORD LENGTH OF 13.47 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 231.61 FEET, WITH A RADIUS OF 3099.28 FEET, WITH A CHORD BEARING OF SOUTH 59°42'22" WEST, WITH A CHORD LENGTH OF 231.55 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 227.89 FEET, WITH A RADIUS OF 2801.54 FEET, WITH A CHORD BEARING OF SOUTH 55°26'30" WEST, WITH A CHORD LENGTH OF 227.83 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 235.06 FEET, WITH A RADIUS OF 3224.08 FEET, WITH A CHORD BEARING OF SOUTH 51°04'54" WEST, WITH A CHORD LENGTH OF 235.00 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 111.80 FEET, WITH A RADIUS OF 4420.37 FEET, WITH A CHORD BEARING OF SOUTH 48°00'18" WEST, WITH A CHORD LENGTH OF 111.80 FEET TO A POINT; THENCE SOUTH 46°03'02" WEST 88.19 FEET TO A POINT; THENCE SOUTH 44°07'53" WEST 105.44 FEET TO A POINT; THENCE SOUTH 42°07'43" WEST 105.85 FEET TO A POINT; THENCE SOUTH 40°06'18" WEST 105.01 FEET TO A POINT; THENCE SOUTH 38°00'20" WEST 106.03 FEET TO A POINT; THENCE SOUTH 36°10'22" WEST 105.24 FEET TO A POINT; THENCE SOUTH 34°13'40" WEST 105.56 FEET TO A POINT; THENCE SOUTH 32°20'31" WEST 104.61 FEET TO A POINT; THENCE SOUTH 30°52'45" WEST 104.13 FEET TO A POINT; THENCE SOUTH 29°32'30" WEST 103.50 FEET TO A POINT; THENCE SOUTH 28°00'14" WEST 104.45 FEET TO A POINT; THENCE SOUTH 26°31'43" WEST 104.64 FEET TO A POINT; THENCE SOUTH 24°59'56" WEST 104.89 FEET TO A POINT; THENCE SOUTH 23°14'59" WEST 39.96 FEET TO A POINT; THENCE SOUTH 23°13'26" WEST 64.95 FEET TO A POINT; THENCE SOUTH 21°18'46" WEST 106.39 FEET TO A POINT; THENCE SOUTH 19°14'15" WEST 106.20 FEET TO A POINT; THENCE SOUTH 17°17'15" WEST 103.90 FEET TO A POINT; THENCE SOUTH 16°16'37" WEST 101.68 FEET TO A POINT; THENCE SOUTH 16°30'48" WEST 98.45 FEET TO A POINT; THENCE SOUTH 17°33'06" WEST 96.04 FEET TO A POINT; THENCE SOUTH 19°12'54" WEST 94.73 FEET TO A POINT; THENCE SOUTH 21°07'08" WEST 95.97 FEET TO A POINT; THENCE SOUTH 23°11'04" WEST 94.28 FEET TO A POINT; THENCE SOUTH 24°54'47" WEST 36.07 FEET TO A POINT; THENCE SOUTH 25°36'27" WEST 21.28 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT

WITH AN ARC LENGTH OF 75.27 FEET, WITH A RADIUS OF 4719.43 FEET, WITH A CHORD BEARING OF SOUTH 26°43'54" WEST, WITH A CHORD LENGTH OF 75.27 FEET TO A POINT; THENCE SOUTH 27°24'30" WEST 54.11 FEET TO A POINT; THENCE SOUTH 29°06'08" WEST 50.34 FEET TO A POINT; THENCE SOUTH 30°10'37" WEST 48.21 FEET TO A POINT; THENCE SOUTH 31°14'39" WEST 49.26 FEET TO A POINT; THENCE SOUTH 32°10'05" WEST 46.54 FEET TO A POINT; THENCE SOUTH 33°12'31" WEST 49.52 FEET TO A POINT; THENCE SOUTH 34°15'48" WEST 48.00 FEET TO A POINT; THENCE SOUTH 35°13'24" WEST 44.88 FEET TO A POINT; THENCE SOUTH 36°06'22" WEST 46.73 FEET TO A POINT; THENCE SOUTH 37°02'59" WEST 45.18 FEET TO A POINT; THENCE SOUTH 37°48'49" WEST 54.89 FEET TO A POINT; THENCE SOUTH 38°28'27" WEST 48.54 FEET TO A POINT; THENCE SOUTH 38°58'15" WEST 15.35 FEET TO A POINT; THENCE NORTH 50°51'23" WEST 1.07 FEET TO A POINT; THENCE SOUTH 39°37'29" WEST 397.38 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF NC HIGHWAY 540(VARIABLE WIDTH RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY NORTH 39°05'29" WEST 390.87 FEET TO A POINT; THENCE NORTH 44°55'16" WEST 172.15 FEET TO A POINT; THENCE NORTH 61°55'05" WEST 301.58 FEET TO A POINT; THENCE NORTH 45°07'57" WEST 238.80 FEET TO A POINT; THENCE NORTH 52°17'53" WEST 532.13 FEET TO A POINT; THENCE NORTH 18°23'28" WEST 529.06 FEET TO A POINT; THENCE NORTH 14°12'08" WEST 264.95 TO A REBAR; THENCE NORTH 14°10'11" WEST 25.98 FEET TO A CONCRETE MONUMENT; THENCE NORTH 29°27'03" WEST 279.28 FEET TO A CONCRETE MONUMENT; THENCE NORTH 10°30'20" WEST 258.11 FEET TO A CONCRETE MONUMENT; THENCE NORTH 31°49'46" WEST 302.09 FEET TO A CONCRETE MONUMENT; THENCE NORTH 19°25'27" WEST 348.05 FEET TO A REBAR; THENCE NORTH 01°06'22" EAST 289.07 FEET TO A POINT IN THE CENTERLINE OF FISH BRANCH; THENCE WITH THE CENTERLINE OF SAID BRANCH SOUTH 62°05'16" EAST 8.68 FEET TO A POINT; THENCE SOUTH 75°58'33" EAST 23.59 FEET TO A POINT; THENCE SOUTH 54°32'13" EAST 16.14 FEET TO A POINT; THENCE SOUTH 28°27'52" EAST 21.06 FEET TO A POINT; THENCE SOUTH 52°11'00" EAST 19.37 FEET TO A POINT; THENCE NORTH 80°16'49" EAST 16.94 FEET TO A POINT; THENCE NORTH 27°19'34" EAST 14.43 FEET TO A POINT; THENCE NORTH 74°27'19" EAST 9.44 FEET TO A POINT; THENCE SOUTH 50°24'04" EAST 7.19 FEET TO A POINT; THENCE SOUTH 36°21'02" EAST 23.88 FEET TO A POINT; THENCE NORTH 39°19'42" EAST 12.17 FEET TO A POINT; THENCE NORTH 05°51'07" WEST 17.89 FEET TO A POINT; THENCE NORTH 50°03'59" EAST 8.76 FEET TO A POINT; THENCE SOUTH 73°12'41" EAST 16.32 FEET TO A POINT; THENCE SOUTH 21°18'53" EAST 18.47 FEET TO A POINT; THENCE SOUTH 72°13'16" EAST 13.54 FEET TO A POINT; THENCE NORTH 61°51'46" EAST 21.65 FEET TO A POINT; THENCE NORTH 74°00'24" EAST 50.54 FEET TO A POINT; THENCE NORTH 19°57'12" EAST 44.74 FEET TO A POINT; THENCE NORTH 06°03'59" WEST 20.11 FEET TO A POINT; THENCE NORTH 35°44'44" EAST 23.04 FEET TO A POINT; THENCE NORTH 69°35'37" EAST 22.30 FEET TO A POINT; THENCE SOUTH 84°36'00" EAST 31.56 FEET TO A POINT; THENCE NORTH 68°46'46" EAST 23.80 FEET TO A POINT; THENCE NORTH 88°42'18" EAST 17.10 FEET TO A POINT; THENCE SOUTH 54°50'03" EAST 18.40 FEET TO A POINT; THENCE NORTH 80°46'03" EAST 40.56 FEET TO A POINT; THENCE NORTH 58°20'09" EAST 25.29 FEET TO A POINT; THENCE NORTH 44°32'26" EAST 24.34 FEET TO A POINT; THENCE NORTH 71°02'31" EAST 19.10 FEET TO A POINT; THENCE NORTH 47°24'16" EAST 37.55 FEET TO A POINT; THENCE NORTH 81°51'36" EAST 25.80 FEET TO A POINT; THENCE NORTH 36°15'39" EAST 27.41 FEET TO A POINT; THENCE NORTH 20°21'02" WEST 17.38 FEET TO A POINT; THENCE NORTH 11°59'13" EAST 2.08 FEET TO A POINT; THENCE NORTH 58°12'58" EAST 29.12 FEET TO A POINT; THENCE NORTH 82°43'32" EAST 21.16 FEET TO A POINT; THENCE NORTH 05°01'51" WEST 12.48 FEET TO A POINT; THENCE NORTH 77°16'23" WEST 12.42 FEET TO A POINT; THENCE NORTH 37°17'58" EAST 22.50 FEET TO A POINT; THENCE NORTH 73°27'07" EAST 34.86 FEET TO A POINT; THENCE NORTH 03°15'44" EAST 13.46 FEET TO A POINT; THENCE NORTH 45°09'32" WEST 11.24 FEET TO A POINT; THENCE NORTH 53°48'21" EAST 6.23 FEET TO A POINT; THENCE SOUTH 68°53'55" EAST 13.88 FEET TO A POINT; THENCE NORTH 60°34'12" EAST 52.94 FEET TO A POINT; THENCE NORTH 78°46'01" EAST 46.77 FEET TO A POINT; THENCE NORTH 67°46'44" EAST 48.56 FEET TO A POINT; THENCE NORTH 74°58'45" EAST 43.00 FEET TO A POINT; THENCE SOUTH

89°36'23" EAST 38.18 FEET TO A POINT; THENCE SOUTH 79°42'51" EAST 22.68 FEET TO A POINT; THENCE SOUTH 29°26'17" EAST 17.84 FEET TO A POINT; THENCE NORTH 69°48'36" EAST 16.45 FEET TO A POINT; THENCE SOUTH 68°17'51" EAST 51.96 FEET TO A POINT;THENCE NORTH 73°12'05" EAST 27.64 FEET TO A POINT; THENCE SOUTH 79°24'02" EAST 15.42 FEET TO A POINT; THENCE SOUTH 74°12'31" EAST 45.28 FEET TO A POINT; THENCE SOUTH 39°16'28" EAST 36.13 FEET TO A POINT; THENCE SOUTH 08°43'30" WEST 18.30 FEET TO A POINT; THENCE SOUTH 50°53'39" EAST 18.00 FEET TO A POINT; THENCE NORTH 88°17'02" EAST 36.36 FEET TO A POINT; THENCE SOUTH 13°58'03" EAST 21.80 FEET TO A POINT; THENCE SOUTH 81°03'00" EAST 42.96 FEET TO A POINT; THENCE SOUTH 30°57'25" EAST 26.88 FEET TO A POINT; THENCE SOUTH 75°54'58" EAST 40.54 FEET TO A POINT; THENCE SOUTH 70°25'00" EAST 15.28 FEET TO A POINT; THENCE NORTH 84°19'40" EAST 27.52 FEET TO A POINT; THENCE SOUTH 80°36'18" EAST 37.25 FEET TO A POINT; THENCE SOUTH 42°44'12" WEST 13.86 FEET TO A POINT; THENCE SOUTH 64°51'55" WEST 13.95 FEET TO A POINT; THENCE SOUTH 64°16'15" EAST 26.38 FEET TO A POINT; THENCE SOUTH 51°02'50" EAST 20.28 FEET TO A POINT; THENCE SOUTH 76°30'27" EAST 49.09 FEET TO A POINT; THENCE SOUTH 02°56'27" WEST 22.78 FEET TO A POINT; THENCE SOUTH 68°53'00" EAST 39.44 FEET TO A POINT; THENCE SOUTH 74°05'57" EAST 21.64 FEET TO A POINT; THENCE NORTH 54°46'33" EAST 12.67 FEET TO A POINT; THENCE SOUTH 78°44'03" EAST 50.69 FEET TO A POINT; THENCE SOUTH 17°24'42" EAST 10.77 FEET TO A POINT; THENCE NORTH 81°02'40" EAST 18.57 FEET TO A POINT; THENCE NORTH 57°30'16" EAST 25.96 FEET TO A POINT; THENCE SOUTH 49°12'49" EAST 22.49 FEET TO A POINT; THENCE SOUTH 75°13'50" EAST 36.68 FEET TO A POINT; THENCE NORTH 43°03'04" EAST 18.03 FEET TO A POINT; THENCE SOUTH 43°29'16" EAST 25.33 FEET TO A POINT; THENCE NORTH 84°54'55" EAST 33.14 FEET TO A POINT; THENCE SOUTH 49°52'36" EAST 29.02 FEET TO A POINT; THENCE NORTH 47°30'27" EAST 22.64 FEET TO A POINT; THENCE SOUTH 44°10'50" EAST 48.34 FEET TO A POINT; THENCE NORTH 77°35'58" EAST 27.83 FEET TO A POINT; THENCE SOUTH 44°55'44" EAST 20.62 FEET TO A POINT; THENCE NORTH 67°39'06" EAST 23.64 FEET TO A POINT; THENCE NORTH 09°17'48" WEST 14.71 FEET TO A POINT; THENCE NORTH 56°08'00" EAST 16.99 FEET TO A POINT; THENCE SOUTH 84°08'50" EAST 9.11 FEET TO A POINT; THENCE SOUTH 21°28'59" EAST 19.37 FEET TO A POINT; THENCE NORTH 77°01'03" EAST 25.20 FEET TO A POINT; THENCE NORTH 52°22'39" EAST 13.09 FEET TO A POINT; THENCE NORTH 34°19'37" EAST 31.41 FEET TO A POINT; THENCE SOUTH 83°30'24" EAST 9.86 FEET TO A POINT; THENCE SOUTH 73°18'34" EAST 60.44 FEET TO A POINT; THENCE NORTH 25°37'49" EAST 32.53 FEET TO A POINT; THENCE SOUTH 40°49'03" EAST 28.47 FEET TO A POINT; THENCE NORTH 36°58'17" EAST 21.69 FEET TO A POINT; THENCE SOUTH 76°44'46" EAST 21.44 FEET TO A POINT; THENCE SOUTH 14°26'49" WEST 27.21 FEET TO A POINT; THENCE SOUTH 86°41'52" EAST 6.78 FEET TO A POINT; THENCE NORTH 87°14'33" EAST 24.64 FEET TO A POINT; THENCE SOUTH 40°22'08" EAST 36.29 FEET TO A POINT; THENCE SOUTH 13°37'04" EAST 24.06 FEET TO A POINT; THENCE SOUTH 82°58'59" EAST 35.03 FEET TO A POINT; THENCE SOUTH 73°33'17" EAST 23.68 FEET TO A POINT; THENCE SOUTH 25°37'21" EAST 34.01 FEET TO A POINT; THENCE SOUTH 06°57'32" EAST 21.00 FEET TO A POINT; THENCE SOUTH 53°23'42" EAST 38.38 FEET TO A POINT; THENCE SOUTH 83°14'09" EAST 8.53 FEET TO A POINT; THENCE NORTH 33°23'35" EAST 11.26 FEET TO A POINT; THENCE SOUTH 68°50'30" EAST 18.96 FEET TO A POINT; THENCE NORTH 81°37'03" EAST 18.18 FEET TO A POINT; THENCE SOUTH 39°21'14" EAST 5.22 FEET TO A POINT; THENCE LEAVING SAID BRANCH NORTH 00°20'56" EAST 1168.68 FEET TO AN IRON PIPE; THENCE SOUTH 88°15'40" EAST 294.44 FEET TO A POINT;THENCE SOUTH 72°25'22" EAST 125.09 FEET TO AN IRON PIPE; THENCE SOUTH 70°34'38" EAST 47.93 FEET TO AN IRON PIPE; THENCE SOUTH 67°51'29" EAST 47.60 FEET TO AN IRON PIPE; THENCE SOUTH 65°15'32" EAST 50.49 FEET TO AN IRON PIPE; THENCE NORTH 22°59'56" EAST 19.98 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 8746939 SQUARE FEET, 200.802 ACRES.

Instruction Packet and Affidavit for
Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezonings (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use <u>their own return address</u> on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

The meeting must be held within specific timeframes and meet certain requirements:

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
    - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
    - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the "send plans" box on the sign-in sheet; applicant shall provide reduced copies upon request.
    - Printed copies must equal the number of notices required to be sent.
    - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
    - "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the handout.
    - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
    - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
    - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
    - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

NOTICE OF NEIGHBORHOOD MEETING

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

12/04/2019

Date

Dear Neighbor:

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

See attached list of addresses — Address(es)

See attached list of PINs — PIN(s)

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

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

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

The attached map illustrates the proposed rezoning of thirteen parcels of land from RA to PUD-CZ to allow for a mix of residential and nonresidential uses. The site will be adjacent to other PUD-CZ zoned properties.

Estimated submittal date: January 2, 2020

MEETING INFORMATION:

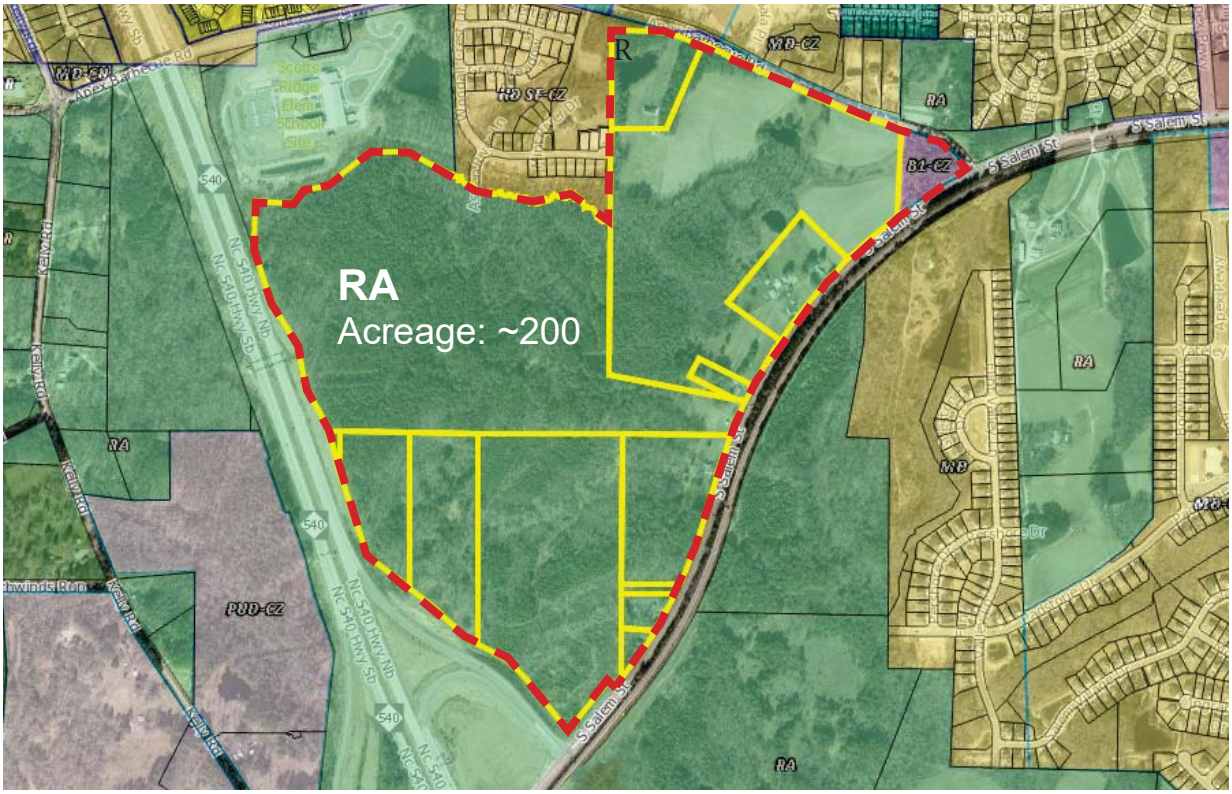
Property Owner(s) name(s):	See attached list of property owners
Applicant(s):	McAdams Co
Contact information (email/phone):	zumwalt@mcadamsco.com / 919-361-5000
Meeting Address:	53 Hunter Street, Apex, NC 27502 (Pinnacle and Zenith Room)
Date of meeting**:	12/19/2019
Time of meeting**:	6:30-8:30

MEETING AGENDA TIMES:

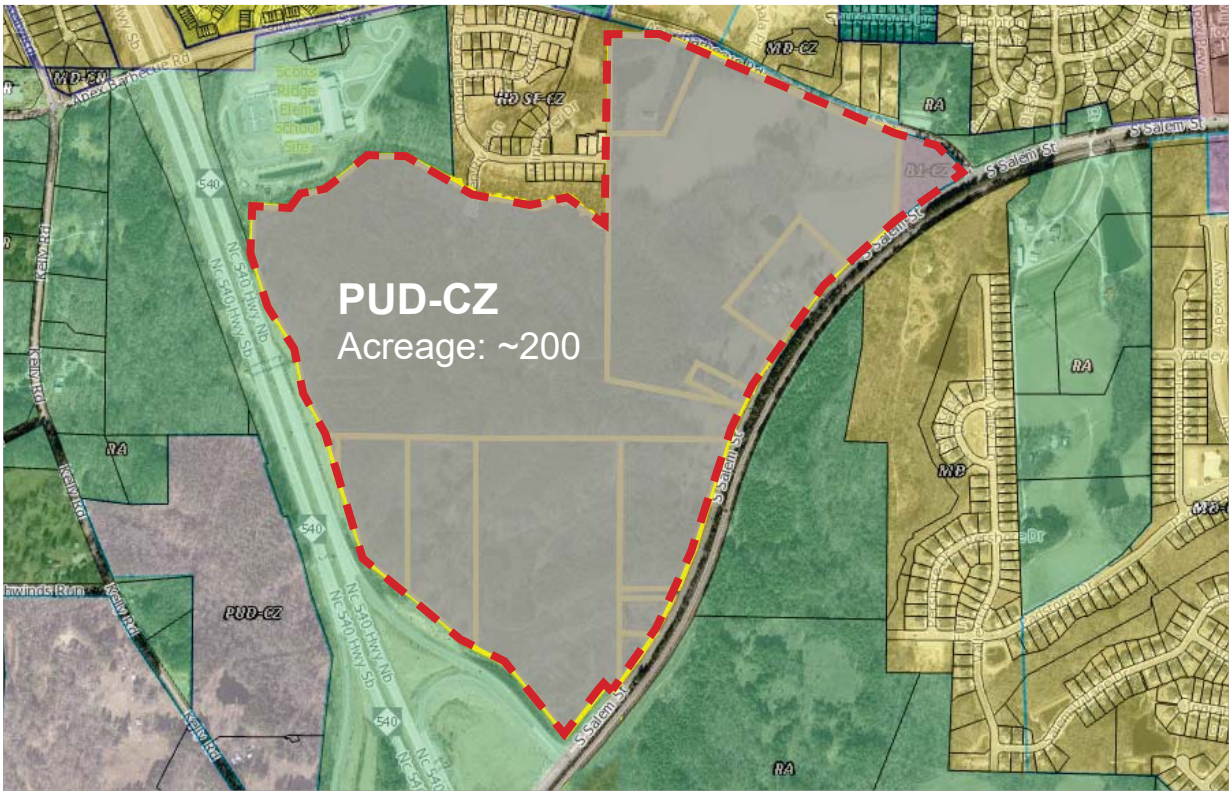
Welcome: 6:30-6:35 Project Presentation: 6:35-6:50 Question & Answer: 6:50-8:30

**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.

SITE ADDRESSES	PINs	PROPERTY OWNERS
0 S SALEM ST	731457553	NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY
0 KELLY RD	731459383	NC DEPARTMENT OF TRANSPORTATION
1604 S SALEM ST	731554102	VARYA LLC
0 APEX BARBECUE RD	731564395	POE ACRES FAMILY FARM LLC
1525 S SALEM ST	731641147	HUNTER, CAREY B
1420 S SALEM ST	731645370	SZYMKIEWICZ, PAUL M JIN, WEI
1420 S SALEM ST	731646532	UTLEY, PAMELA
1330 S SALEM ST	731657166	POE ACRES FAMILY FARMS LLC
6401 APEX BARBECUE RD	731676714	POE, DARYL POE, JEANNE
1300 S SALEM ST	731750984	POE ACRES FAMILY FARMS LLC
0 APEX BARBECUE RD	731761944	POE ACRES FAMILY FARMS LLC
1216 S SALEM ST	731766588	POE, WILLIAM DOUGLAS POE, JEAN S
0 APEX BARBECUE RD	731873224	REGENCY INTERNATIONAL INVESTMENTS LLC



CURRENT ZONING



PROPOSED ZONING

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: Depot 499 Zoning: PUD-CZ

Location: Southwest corner of S Salem Street and Apex Barbecue Road

Property PIN(s): _____ Acreage/Square Feet: 200.80

Property Owner: See attached sheet on the following page for all owner information

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Lennar

Address: 1100 Perimeter Park Drive Suite 112

City: Morrisville State: NC Zip: 27560

Phone: 919-465-5925 Fax: _____ Email: stephen.dorn@lennar.com

Engineer: McAdams

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-361-5000 Fax: _____ Email: zumwalt@mcadamsco.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

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

OWNER	ADDRESS	CITY	STATE	ZIP
NC DEPARTMENT OF TRANSPORTATION	0 KELLY RD	APEX	NC	27502
VARYA LLC	1604 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARM LLC	0 APEX BARBECUE RD	APEX	NC	27502
HUNTER, CAREY B	1525 S SALEM ST	APEX	NC	27502
SZYMKIEWICZ, PAUL M JIN, WEI	1420 S SALEM ST	APEX	NC	27502
UTLEY, PAMELA	1420 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1330 S SALEM ST	APEX	NC	27502
POE, DARYL POE, JEANNE	6401 APEX BARBECUE RD	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	1300 S SALEM ST	APEX	NC	27502
POE ACRES FAMILY FARMS LLC	0 APEX BARBECUE RD	APEX	NC	27502
POE, WILLIAM DOUGLAS POE, JEAN S	1216 S SALEM ST	APEX	NC	27502
REGENCY INTERNATIONAL INVESTMENTS LLC	0 APEX BARBECUE RD	APEX	NC	27502

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 7:00 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/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:	**Non-Emergency Police**	**919-362-8661**

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

Dirt in the Road:	**James Misciagno**	**919-372-7470**

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

Dirt on Properties or in Streams:	**James Misciagno**	**919-372-7470**
	Danny Smith	**Danny.Smith@ncdenr.gov**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	**James Misciagno**	**919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	**James Misciagno**	**919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	**James Misciagno**	**919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	**Mike Deaton**	**919-249-3413**

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

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.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 53 Hunter Street, Apex, NC 27502

Date of meeting: 12/19/19 Time of meeting: 6:30 pm - 8:30 pm

Property Owner(s) name(s): Poe Acres Family Farm LLC, Daryl and Jeanne Poe, William and Jean Poe, Regency International Investments, Carey Hunter, Paul Szymkiewicz, Pamela Utley, NCDOT, Varya LLC

Applicant(s): Lennar

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Amanda Forsythe	603 Knightsbridge	(919)928-260	[redacted]	yes
2.	Jeanne Poe	6401 Apex Barbecue Rd	919-946-7419		yes
3.	Daryl Poe	6401 Apex Barbecue Rd	919-946-141		yes
4.	Lee Brisson	1910 Woodall Crest Dr.	919-291-3262		yes
5.	Doug a Jean Poe	1216 S. Salem St.	919-215-540		Yes
6.	Kyle Davis	1914 Woodall Crest Dr	984-229-7543		Yes
7.	James Galkowski	625 Magdala Place	9196339104		n Yes
8.	Dan Cantrell	6300 Apex Barbecue Rd	919600150		gmail.com/yes
9.	Patrick Wise	1901 WOODALL CREST DR	727.412.153		es
10.	Ramakrishnan Sundaram	1885 woodall crest dr	201.981.454		n Yes
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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Applicant(s): Lennar

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Matt Cowsa / WHM LLC	1401 Grapevine Dr.	919-636-4399	[redacted]	YES
2.	Pamela Howard	1420 S. Salem St. Apex	919-869-6181		Yes
3.	Mary Kearney	1680 Mint River Apex			Yes
4.	Tabitha Smith	1936 Gray Meadow Dr	5126038627		yes
5.	Terry Maloffy	109 Teresia Ct			yes
6.	Karyn Davis	1914 Woodall Crest Dr	678-591-6835		yes
7.	Toni Koyte K	1908 Melba Mill Ln	607-731-336		yes
8.	MIKE OBRIEN	1876 Woodall Crest Dr	919 256 3176		yes
9.	DARYL CANTRELL	6320 APEX BARBECUE	617-838-6891		yes
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

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Applicant(s): Lennar

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	RICHARD MOORE	301 RUSH, NC WAY WIND	919-362-751	[redacted]	✓
2.	Kelly Aguirrechu	306 Village Loop Dr.	305.753.583		✓
3.	DONALD CANTRELL	6340 Apex Barbecue Rd	805 205 3		✓
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Poe Acres Family Farm LLC, Daryl and Jeanne Poe, William and Jean Poe, Regency International Investments, Carey Hunter, Paul Szymkiewicz, Pamela Utley, NCDOT, Varya LLC

Applicant(s): Lennar

Contact information (email/phone): Stephen Dorn / stephen.dorn@lennar.com / 919-224-9922

Meeting Address: 53 Hunter Street, Apex, NC 27502

Date of meeting: 12/19/19 Time of meeting: 6:30 pm - 8:30 pm

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

Question/Concern #1:

How will the cut-through from S. Salem St. to Apex Barbecue Rd. impact traffic in Woodall neighborhood and how will impacts be mitigated? (neighbors expressed concerns regarding Apex Barbecue traffic)

Applicant's Response:

The connection from S. Salem St. to Apex Barbecue Rd. shown in conceptual plans is part of the Town's Thoroughfare plan and will likely be required as part of the project. Our plan includes narrow lanes, on street parking, and tree-lined streets in this area which will encourage slower driving. The Town will review and approve the proposed streets and we will work with the Town to ensure safe streets are provided.

Question/Concern #2:

Are children walking to school included in the traffic study?

Applicant's Response:

It would not be included in the traffic study, but this is a concern for us to take to the Town to review and develop a solution.

Question/Concern #3:

Expressed concern over the increased density that will come. Expressed concerns that development of Poe site was not disclosed by Lennar when homes were purchased in Woodall. Follow-up question: Will there be apartments and what is the time frame of the project?

Applicant's Response:

Yes, there will be apartments in the development. The Future Land Use Map designates the area as mixed use with high-density residential, which includes apartments and townhomes. The build-out of the project is most likely around 10 years.

Question/Concern #4:

What is happening to existing homes on the site?

Applicant's Response:

They will be included in the rezoning.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Applicant(s): Lennar

Contact information (email/phone): Stephen Dorn / stephen.dorn@lennar.com / 919-224-9922

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Question/Concern #5:

Are there height regulations on buildings?

Applicant's Response:

Yes, and those regulations will be outlined in the PUD document. At this time, we believe apartments will most likely be 4 stories and office buildings will be no more than 6 stories.

Question/Concern #6:

Why does the plan include high density residential at the corner of S Salem St and Apex Barbecue road? Traffic is difficult in that area and the speed limit jumps.

Applicant's Response:

Higher density residential is intended to serve as a transition from commercial uses to lower density residential uses. We want to propose a speed limit reduction from 55 mph to 45 mph, however, this will need to be approved by the Town of Apex.

Question/Concern #7:

Is there coordination of the development with the construction of the new Peakway Bridge?

Applicant's Response:

We will coordinate our development with Apex Transportation staff and NCDOT. We do not know the status of the development of the Peakway bridge. However, construction of the bridge should be complete well before this project breaks ground.

Question/Concern #8:

With the plan for greenways throughout the development, how easy will it be for my family to bike over from other neighborhoods with traffic considered? Are there plans to connect the greenways to other areas?

Applicant's Response:

Sidewalks will be installed within the proposed development. We will look for missing pieces of the pedestrian network and may be able to fill in some of the existing gaps. Any off-site sidewalk improvements will require approval by the Town of Apex.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #9:

What is the plan for Apex Barbecue Road?

Applicant's Response:

It will be a 3-lane road with bike lanes. If NCDOT signal warrants are met, a traffic signal may be required at Apex Barbecue Road.

Question/Concern #10:

Is there a plan to talk to State DOT about widening Apex Barbecue Road?

Applicant's Response:

It is a part of our traffic study done by Ramey Kemp & Associates. The traffic study is currently in the works; all counts have already been taken.

Question/Concern #11:

Neighbor concerned over their property backing up to the woods of the development. Will there be any sort of buffer?

Applicant's Response:

Yes, in fact because of the stream on the northern end of the property, there will be a dense riparian buffer of 200 feet (100 feet on either side of the stream) separating your property from the development.

Question/Concern #12:

How long has this project been in the works?

Applicant's Response:

The Town's plans for the site have been in place since 2003. Lennar's involvement began within the last year.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #13:

Is it possible to eliminate some of the access points to the development? Is the street connection to Apex Barbecue Road near Woodall that is shown on the plans required?

Applicant's Response:

The Town will comment and provide their input on this concern upon our submittal, but it is our understanding that we will be required to connect to all streets that are stubbed to the boundaries of the proposed development.

Question/Concern #14:

Will office buildings be constructed without any tenants in place?

Applicant's Response:

No. The current process is rezoning the land to PUD-CZ to allow for a variety of uses. There are no specific businesses or tenants. The non-residential portions of the proposed development will likely be developed for specific tenants at later stages when there are sufficient retail and residential uses in place to attract office tenants. Speculative construction is not likely in this development.

Question/Concern #15:

How will runoff be dealt with for the site? What is the stormwater plan?

Applicant's Response:

It will be outlined in our PUD document to meet or exceed the stormwater management regulations of the Town. Specifics of the stormwater management plan will develop later in the design and engineering process.

Question/Concern #16:

Will the PUD plans be made public?

Applicant's Response:

Yes, they will be made public upon filing with the Town.

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Question/Concern #17:

Will other neighborhoods have access to the amenities of the development?

Applicant's Response:

That is a question to be discussed later and would involve decisions by the HOA.

Question/Concern #18:

Who should I talk to about getting speed bumps in my neighborhood?

Applicant's Response:

There is a petition process, and you would most likely need to speak with the Town Traffic Engineer.

Question/Concern #19:

What is the maximum resident number for the development?

Applicant's Response:

The maximum number of units is 1,350. This includes apartments, townhouses, and single-family homes. We can't provide an exact number for how many people will occupy each unit.

Question/Concern #20:

How will the school system deal with the new students that will come as part of this development?

Applicant's Response:

Wake County Public Schools will be notified of the development as part of the rezoning application. They will use that information as part of their planning for future schools and facilities.

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): Poe Acres Family Farm LLC, Daryl and Jeanne Poe, William and Jean Poe, Regency International Investments, Carey Hunter, Paul Szymkiewicz, Pamela Utley, NCDOT, Varya LLC

Applicant(s): Lennar

Contact information (email/phone): Stephen Dorn / stephen.dorn@lennar.com / 919-224-9922

Meeting Address: 53 Hunter Street, Apex, NC 27502

Date of meeting: 12/19/19 Time of meeting: 6:30 pm - 8:30 pm

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

Question/Concern #21:

What type of buffer is being proposed on Apex Barbecue Road?

Applicant's Response:

A 30' Type Buffer that will include a multi-use trail.

Question/Concern #22:

Applicant's Response:

Question/Concern #23:

Applicant's Response:

Question/Concern #24:

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, Bob Zumwalt, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 53 Hunter Street, Apex, NC 27502 (location/address) on 12/19/19 (date) from 6:30 pm (start time) to 8:30 pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

12/31/19
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, William D. Sparrow, a Notary Public for the above State and County, on this the 31 day of December, 2019.

SEAL

WILLIAM D. SPARROW NOTARY PUBLIC WAKE COUNTY, NC MY COMMISSION EXPIRES 9/8/21

Wm. D. Sparrow
Notary Public

William D. Sparrow
Print Name

My Commission Expires: 9/8/21

DEPOT 499
PLANNED UNIT DEVELOPMENT

South Salem Street and Apex Barbecue Road
Apex, North Carolina | PD PLAN
Case # 20CZ01

LAND PLANNING,
LANDSCAPE ARCHITECTURE +
CIVIL ENGINEER

MCADAMS

DEVELOPER

LENNAR

DEPOT 499

Planned Unit Development
Prepared for The Town of Apex, North Carolina

Submittal Dates

First Submittal:	January 2, 2020
Second Submittal:	February 14, 2020
Third Submittal:	March 13, 2020
Fourth Submittal:	May 14, 2020
Fifth Submittal:	June 5, 2020

Developer
Lennar Corporation
1100 Perimeter Park Drive Suite 112
Morrisville NC 27560

Planner, Engineer, Landscape Architect
McAdams
2905 Meridian Parkway
Durham NC 27113

Traffic Engineer
Ramey Kemp & Associates
5808 Faringdon Place, #100
Raleigh NC 27609

LENNAR

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VICINITY MAP

PROJECT DATA

Name of Project:	Depot 499
Applicant Owner/Developer:	Lennar 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560 919-337-9420
Prepared By:	McAdams 2905 Meridian Parkway Durham, NC 27713 919-361-5000
Current Zoning Designation:	RA and B1-CZ (#09CZ01)
Proposed Zoning Designation:	PUD-CZ
Current 2045 Land Use Map Designation:	Community Mixed Use (High Density Residential/ Commercial Services/ Office Employment); Medium/High Density Residential, Office Employment; and Office Employment/ Commercial Services
Proposed 2045 Land Use Map Designation:	A change is requested for approximately 5.41 acres of land in the northeast corner of PIN 0731761944 from Office Employment to High Density Residential.
Proposed Use:	Mixed-used development with office/institutional, retail, restaurant single-family, townhomes, and multi-family units
Size of Project:	200.80 acres
Area Designated as Mixed Use on 2045 LUM:	171.90 acres
Area of Mixed Use Proposed as Non-residential:	51.57 acres (30% of mixed-used area)
Property Identification Numbers:	731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657166, 731676714, [illegible]0984, 731761944, 731766588, 731873224

PURPOSE STATEMENT

The Depot 499 PUD will consist of residential and nonresidential uses including multi-family units, townhomes, single-family homes, retail, restaurant, and office/institutional space. The proposed development will set aside required resource conservation areas throughout the 200-acre property. Depot 499's concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. The concept is also consistent with the concepts and recommendations of the South Salem Street Small Area Plan. This development will comply with the PUD Development Parameters outlined in §2.3.4.F.1.a.i-vii of the Town of Apex Unified Development Ordinance. The Depot 499 PUD is in accordance with the Development Parameters as follows:

- *The uses to be developed in the PD Plan for the PUD-CZ are those uses permitted in Section 4.2.2, Use Table.*

  » The uses permitted within the Depot 499 PUD are permitted per §4.2.2 of the Town of Apex UDO.

- *The uses proposed in the PD Plan for the PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of the 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 on 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.*

  » Depot 499 is a mixed-used development containing a maximum of:
  - 850 apartment units
  - 650 townhomes / single-family homes (50 single-family maximum)
  - 650,000 square feet of non-residential floor area, including retail, restaurant, civic, and office space

  This mix of uses provides a minimum of 30% non-residential land uses measured by ground floor and supporting parking or infrastructure consistent with Town policy.

- *The dimensional standards in §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.*

  » The proposed dimensional standards are in compliance with the Town of Apex UDO. Development of the parcel will be in compliance with all other requirements of the UDO, North Carolina Building Code, and North Carolina Fire Code.

- *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 Details, and greenway improvements as required by the Town of Apex Parks, Recreation, 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.*

» Public sidewalks will be constructed along the both sides of all streets, going above the Town of Apex UDO standards. To encourage a healthy lifestyle and establish a walkable community, pedestrian greenways will also be incorporated throughout the development connecting all uses and open space amenities. Additionally, the provision of sidepaths along South Salem Street frontage, Apex Barbecue Road frontage, and the main collector through the development will benefit the residents of the neighborhood and surrounding areas by creating complete pedestrian connections along major corridors to the north, east, and west of the property. See conditions 12 and 13 on C2.00.

- *The design of development in the PD Plan for the PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing proposed or proposed street system in the surrounding area indicated that a through street is not essential in the location of the proposed cul-de-sacs, or where sensitive environmental features such as streams, floodplains, or wetlands would be substantially disturbed by making road connections.*

» Depot 499 will create a walkable urban grid of residential and non-residential uses connected by sidewalks, tree-lined streets, and greenways. Cul-de-sacs will be avoided to enhance the connectivity of the development.

- *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.*

» Depot 499 PUD-CZ is consistent with The Town of Apex's Future Land Use Map and compatible with the surrounding land uses. Current zoning surrounding the development includes varying residential densities of HDSF-CZ, MD, and RA as well as PUD-CZ zoning. The Future Land Use Map designates the property as well as its immediate surroundings as Community Mixed Use and Medium/High Density Residential. The 5.41 acres of land designated as Office Employment is requested to change to High Density Residential (see ***Consistency with Land Use Plan).***

- *The development proposed in the PD Plan for the PUD-CZ has architectural and design standards that are exceptional and provide a 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.*

» All multi-family buildings, townhomes, single-family homes, and commercial buildings will be of a higher quality construction than the typical residential or commercial development. Architectural controls for non-residential uses as well as sample elevations illustrating the high-quality appearance of the multi-family units, townhomes, and single-family homes are included with the PUD-CZ application.

All site-specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, Conditional Zoning Districts. The proposed PUD will provide a development density consistent with the 2045 Land Use Plan designation of High Density Residential, Medium/High Density Residential, Office Employment, and Commercial Services in their respective areas. The Advance Apex Plan describes high density residential as “townhomes, triplexes, quadplexes, and apartments no less than 14 dwelling units per acre…located in close proximity to major commercial areas and transportation corridors” and describes medium/high residential use as "single family homes, duplexes, triplexes, quadplexes, townhomes, and apartments no less than 7 and no more than 14 units per acre...providing a variety of housing options located in close proximity to major transportation corridors." Proposed densities are listed in the Design Controls section of this document.

The proposed development incorporates a village commercial core surrounded by high-density residential living. Multi-family units transition to townhomes and single-family homes adjacent to Scott's Ridge Elementary School and the existing single-family development to its east. Retail, restaurant, civic, and office space exist at the southwestern portion of the property along NC 540 providing separation of residential areas from the highway. Riparian buffers and forested land encompass the residential areas to the north and west, and green spaces are incorporated throughout.

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.

P = Permitted Use

* = Subject to limitations - see descriptions following chart.

Permitted Residential Area uses are allowed in Pods A-J and Pod P on PUD Plan Sheet C2.00

Permitted Non-Residential Area uses are allowed in Pods M-O and Q-T on PUD Plan Sheet C2.00

Permitted Mixed-Use Area uses are allowed in Pods K and L on PUD Plan Sheet C2.00

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Residential			
Single-Family	P (pod G only)		
Accessory Apartment	P*		
Townhouse	P		
Multi-family or Apartment Units	P (Pods H, I, J, and east of proposed public road in pod G only)		
Multi-family or Apartment Units (2nd story and above only)		P	P
Condominium (2nd story and above only)		P	P
Congregate living facility	P	P (Pods R, S, T only)	
Family care home	P		
Nursing or convalescent facility		P (Pods R, S, T only)	
Utilities			
Utility, minor	P	P	P
Recreational Uses			
Greenway	P	P	P
Park, Active	P	P	P
Park, Passive	P	P	P
Recreation Facility, private	P		
Entertainment, Indoor		P	P

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Public and Civic Uses			
Ambulatory Health-care Facility with Emergency Dept.		P (Pods R, S, T only)	
Assembly Hall, non-profit/for-profit		P (Pods R, S, T only)	
Church or place of worship		P (Pods R, S, T only)	
Day Care Facility		P (Pods R, S, T only)	
Drop-in or short-term day care		P	P
Government Services		P (Pods R, S, T only)	
Hospital		P (Pods R, S, T only)	
Veterinary Clinic or Hospital		P (Pods R, S, T only)	
School, Public or Private		P (Pods R, S, T only)	
Transportation facility		P* (Pods R, S, T only)	
Vocational School		P (Pods R, S, T only)	
Food and Beverage Service			
Restaurant, general		P	P
Restaurant, drive-through		P*	P*
Bar, nightclub, wine bar, taproom		P*	P*
Office and Research			
Medical or dental clinic or office		P	P
Office, business or professional		P	P
Publishing Office		P	P
Public Accommodation			
Hotel or Motel		P	P*
Retail Sales and Services			
Artisan Studio		P	P
Barber and Beauty Shop		P	P
Book Store		P	P
Building supplies, retail		P*	
Convenience store, with gas sales		P (excluding Pod 0)	
Convenience store, without gas sales		P	P
Dry cleaners and laundry service		P	P
Farmer's market		P	P
Financial Institution, with or without drive-through		P*	P*
Floral Shop		P	P

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Retail Sales and Services (continued)			
Funeral Home		P (Pods R, S, T only)	
Gas and fuel, retail			
Greenhouse or nursery, retail		P	
Grocery, general or specialty		P	P
Health/fitness center or spa		P	P
Newsstand or gift shop		P	P
Personal Service		P	P
Pharmacy, with or without drive-through		P*	P*
Printing and copying services, limited		P	P
Repair services, limited		P	P
Retail sales, general		P	P
Studio for art		P	P
Tailor shop		P	P
Theater		P	
Pet services		P	P
Production			
Microbrewery		P	P
Microdistillery		P	P

*Permitted Uses Subject to Limitations:

Accessory Apartment - Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Transportation facility - Such use shall only be allowed for vehicles serving the use "School, public or private", but is permitted as either a principal or accessory use on a lot.

Drive-through facilities - Any drive-through facility (e.g. restaurant, financial institution, pharamacy) must be located within a multi-tenant building; No free standing drive-through facilities shall be allowed.

Bar, nightclub, wine bar, taproom - Hours of operation Sunday through Thursday shall close by 12 AM and hours of operation Friday through Saturday shall close by 2 AM.

A hotel restaurant or bar with a patio or deck open to the street, shall qualify as vertical integration in mixed-use pods.

Building supplies, retail - The maximum square footage of a building supplies retail store shall be limited to 20,000 square feet.

AFFORDABLE HOUSING

If the Town of Apex has a fund or other mechanism in place by January 1, 2025 to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute to this fund as follows. Prior to building permit, the developer will contribute $100 per residential unit to the Fund. If Fund is not in place at the time of building permit, contributions will be made into an approved escrow account and held until such time the Fund is established. In the event the Fund has not been established by the Town of Apex by January 1, 2025, the money held in escrow will be conveyed to a non-profit organization participating in affordable housing. Affordable housing units may be provided in any development pod within the project. Regardless of development pod, affordable housing area may be counted as non-residential for the purpose of calculating the 30% non-residential threshold within the mixed-use land designation.

DESIGN CONTROLS

Total Project Area: 200.80 acres

Apex 2045 Land Use Plan - Community Mixed-Use Calculation

- Total Project Area within Community Mixed-Use Designation: 171.90 acres
  - » Required Non-Residential Land Area: 51.57 acres (30%)
  - » Proposed Gross Non-Residential Land Area: 51.57 acres (30%)

Overall Density Limitations (across 200.80-acre site)

- Maximum number of apartments: 850
- Maximum number of Townhomes/Single-family: 650 (50 Single-Family Maximum)
- Maximum Non-Residential Floor Area: 650,000 SF

Overall Land Use Breakdown

- Mixed-Use PODS ~1.88 acres
- Non-Residential PODS ~41.08 acres
- Residential PODS ~93.99 acres
- Area within RCA/Buffers/Right-of-Way ~63.85 acres

- **Total** **200.8 acres**

Mixed-Use Land Area (PODs K/L)

- Proposed Land Area ~1.88 acres
- Minimum Vertical Integration:
  - » Residential - 24 units (over retail/office) or;
  - » Office - 10,000 SF (over retail)
  - » Maximum Residential Density 120 units

Non-Residential Land Area (PODs M/N/O/Q/R/S/T)

- Proposed Land Area ~ 41.08 acres
- Maximum SF 650,000 SF

Residential Land Area (PODs A-J/P)

- Proposed Land Area ~93.99 acres
- Maximum Density 1,500 units

Note: Acreage and configuration of PODS is approximate. Final size and configuration will be determined at the time of Master Subdivision Plan or Site Plan based on actual field survey and final design.

Residential Design Controls

Single-Family

- Minimum Lot Size: 2,550 square feet
- Minimum Lot Width: 36 feet
- Minimum Lot Depth: 85 feet
- Maximum Building Height: 45 feet (In Pod G, the first row of lots immediately adjacent to the Woodall subdivision shall not exceed 2 stories unless buffer is increased to a 50' Type A buffer)
- Building Setbacks
  - » Front: 20 feet to garage; 8 feet to building façade
  - » Side: 5 feet
  - » Rear: 15 feet
  - » Alley: 5 feet
  - » Corner: 8 feet

Townhomes

- Minimum Lot Width: 16 feet (alley loaded); 18 feet (front loaded)
- Minimum Lot Depth: 65 feet
- Maximum Building Height: 45 feet (In Pod G, the first row of lots immediately adjacent to the Woodall subdivision shall not exceed 2 stories, unless buffer is increased to a 50' Type A buffer)
- Minimum Building Setbacks - Front Loaded
  - » Front: 5 feet from building façade, 20 feet from garage
  - » Rear: 10 feet
  - » Corner: 8 feet
  - » Building separation: 10 feet
- Minimum Building Setbacks - Alley Loaded
  - » Front: 5 feet
  - » Rear: 5 feet
  - » Corner: 8 feet
  - » Alley: 5 feet
  - » Building separation: 10 feet

Apartments/Condominiums

- Maximum Building Height: 6 stories or 90 feet (the first row of buildings along Apex Barbecue Road shall not exceed 4 stories)
- Minimum Building Height: 4 stories; a maximum of 25% of buildings along S. Salem may be 3 stories
- Minimum Building Setbacks
  - » Front: 10 feet
  - » Rear: 10 feet
  - » Corner: 10 feet
  - » Building separation: 30 feet

Non-Residential Design Controls

- Maximum Building Height: 100 feet
- Minimum Building Height: 1 story
- Minimum Building Setbacks:
  - » Front: 10 feet
  - » Side: 10 feet
  - » Rear: 10 feet
  - » Corner: 15 feet

Mixed-Use Design Controls

- Minimum Building Height: 2 stories
- Maximum Building Height: 80 feet
- Minimum Building Setbacks:
  - » Front: 10 feet
  - » Side: 10 feet
  - » Rear: 10 feet
  - » Corner: 15 feet

Landscaping, Buffering, and Screening

Refer to PUD Preliminary Layout Plan for perimeter and streetscape buffers.

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. The elevations included are a condition of approval. Elevations included are limited examples of multiple options available. 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 Residential Master Subdivision Plan or Site Plan submittal.

Residential areas envisioned for Depot 499 will be comprised of single-family homes, attached townhomes, and multi-family units. In order to create a variety of architectural character along the streetscapes, the project will offer a variety of distinct residential elevations - see examples on the following pages. These elevations will incorporate a natural material selection and earth tone color palette with wood, brick or stone accents, which will help to add diversity to the streetscape.

While each of the architectural offerings proposed will have their own identity, a number of common threads will link the different neighborhoods within Depot 499 including color palettes, materials, roofing, and decorative garage doors. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Additional features used as focal points or key terminus points shall be located within or around the development (i.e. gazebos, fountains, and public art) in order to meet the Community Amenities requirement of the UDO. Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines (all product types):

- Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- All single-family homes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
- All townhomes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 6 inches from average grade across the front of the house to the finished floor level at the front door.
- Front-facing garage doors shall have windows, decorative details or carriage-style adornments on them.
- The garage cannot protrude more than 1 foot out from the front façade or front porch, measured from roof of porch.
- On single-family homes, the roof shall be pitched at 5:12 or greater (not to include porches, bay windows, etc.).
- On townhomes, roof line cannot be a single mass; it must be broken up either horizontally and/or vertically between, at minimum, every other unit.
- House entrances for units with front-facing single-car garages must have a covered porch/stoop area leading to the front door.
- Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.

- Four of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- A varied color palette shall be utilized on single family and townhome units throughout the subdivision and shall include siding, trim, shutter, and accent colors complementing the siding colors.
- Apartment buildings shall be a minimum of 4 stories, however, a maximum of 25% of the apartment buildings along S. Salem may be a minimum of 3 stories.
- All apartment buildings along S. Salem Street shall have interior corridors.
- Recesses and projections shall be provided for at least 50% of each façade on each apartment building.
- A solar PV system shall be installed on at least 10% of the single-family 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 approved number of single-family lots. The lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended.

Proposed Residential Materials

Proposed materials will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap siding
- Board and batten siding
- Shake and shingle siding
- Wood siding
- Stone or synthetic stone
- Brick

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Planning Director to be substantially similar.

Representative Residential Building Elevations

Single-Family Home Elevations

Townhouse Elevations

Townhouse Elevations

Front Elevation 5-Plex

Townhouse Elevations

Townhouse Elevations

Multi-Family Elevations

Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public places. They shall be situated to address the street and provide massing that looks to define the street realm for pedestrians as well as automobiles.
- Every effort shall be made to locate service and loading areas in the rear of structures. Where these features are located on the side of the building along a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Elevations of buildings facing a street shall incorporate detailing in keeping with the character and style of the architectural features on adjacent buildings.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
- Differences of roof height, pitch, ridgelines and materials shall be used to create visual interest and avoid repetition.
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
- Solar conduit shall be provided on every non-residential building that has a flat roof, not to include public or private schools.

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade and other façades located along a public right-of-way may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- 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
- Precast concrete
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Non-residential buildings visible from public view shall be constructed with compatible materials to other uses in the PUD. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

Exterior materials not allowable as part of the residential or non-residential development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal Walls

Public Art

Refer to PUD Preliminary Layout Plan for potential locations dedicated to public art. Two location options are provided and a minimum of one location will be implemented.

PARKING AND LOADING

As part of the review and approval of a Master Subdivision Plan or Site Plan, the Planning Director may approve a parking reduction per UDO Section 8.3.9 *or* a reduction up to fifteen (15) percent in the number of required parking spaces (excluding single-family and townhomes), whichever is greater. The latter may be approved if the reduced number of parking spaces will be sufficient to satisfy the demand for parking, based on evidence provided by a licensed traffic engineer in the form of a parking study or other supporting evidence deemed appropriate by the Planning Director.

Guest parking shall be distributed so that there is at least one guest parking space within 200' of each townhome lot. On-street parallel parking stalls may be used to satisfy guest parking requirements.

SIGNAGE

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

River Basins and Watershed Protection Overlay Districts

This project is located within the Beaver Creek Drainage Basin, which is within the Cape Fear River Basin. Almost all of the project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map, and the northeast corner of the property falls under the Secondary Watershed Protection Overlay District. Accordingly, this PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of Section 6.1.7(B)(1)-(4).

Resource Conservation Areas (RCA) - Required and Provided

This PUD will be subject to, and meet the requirements of, Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts.*

The PUD will provide a minimum of 20% of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and streetfront buffers, stormwater management areas (as permitted by the UDO), and greenway trails.

Floodplain

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

Tree Canopy

The Apex 2045 Land Use Plan designates the majority of this property as Community Mixed-Use. This land use designation prescribes a mix of High Density Residential (over 14 units/acre), Office Employment and Commercial uses. In order to implement this mix of uses in compliance with the land use plan, it will be necessary to remove some tree canopy outside of environmentally protected areas.

As part of the implementation of this community, the project will re-establish a new tree canopy by creating a new urban street grid containing canopy trees within the public rights-of-way, along with vegetated perimeter buffers, pocket parks, community gathering spaces and other open space areas.

To further illustrate the project's commitment to preserving and re-establishing tree canopy in our region, at the time of first site plan submittal, the developer will provide a donation of $10,000 to a local non-profit organization with a mission towards tree preservation and tree replacement. Developer is responsible for providing documentation for qualifying organizations.

Historic Structures

As confirmed by the North Carolina State Historic Preservation Office and Capital Areas Preservation, Inc. there are no historic structures present within the project boundary.

STORMWATER MANAGEMENT

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 24-hour storm events.
- Treatment for the first 1 inch of runoff will provide 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

The project was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on February 26, 2020 and fee-in-lieu of dedication was recommended and unanimously approved.

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
50	Single-Family	$3446.98	$172,349.00
600	Townhomes	$2321.54	$1,392,924.00
850	Apartments	$2044.05	$1,737,442.50
Total	-	-	$3,302,715.50

*Final unit mix will be determined at the time of Master Subdivision.

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

General Roadway Infrastructure

All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex UDO and Transportation Plan.

Water and Sanitary Sewer

All lots within the project will be served by Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of master subdivision plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

At time of master plan, developer may seek a developer agreement with the Town for the oversized waterline sizing along the site frontage, and waterline connection under 540 for partial reimbursement. This upsizing is in excess of what is required to serve the site.

Transit

At least two bus stops shall be provided at locations to be determined at the time of subdivision or site plan approval. In accordance with Apex standards, stops will provide a concrete landing pad between sidewalk and curb, an amenity pad behind the sidewalk to accommodate future shelter, lighting at bus stop location, and a sign post for a future sign.

Walkability

The following facilities will be provided to contribute to a walkable community within and surrounding the Depot 499 development:

- Five-foot wide public sidewalks along both sides of all streets unless otherwise noted
- Six-foot wide private walking trails throughout the development
- A greenway connection to Scott's Ridge Elementary School (subject to WCPSS approval)
- Ten-foot wide sidepaths along South Salem Street frontage, Apex Barbecue Road frontage, and the main collector through the development as shown on Sheet C2.00.
- Construction or payment-in-lieu of approximately 910 linear feet of off-site sidewalks and side paths to complete missing pedestrian connections to the project from adjoining communities as shown on Sheet C2.00.
- Up to two high visibility crosswalks constructed along Apex Barbecue Road (subject to NCDOT and the Town of Apex approval)
- Bicycle and pedestrian facilities along existing road frontage along the boundaries of the PUD shall be installed as each pod is developed, and no later than the completion of Phase 2 as described in the zoning conditions related to traffic imp

Other Utilities and Facilities

Electricity will be provided by Apex Electric. Phone, cable, and gas will provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include street trees within the public right-of-way, benches, trash receptacles, and street and/or pedestrian lights compatible with their context. Other features may include markers, bollards, and unique paving patterns.

SCHOOL ALTERNATIVE

If a school use is pursued on Pods R-T on Land Use Option 1, an alternative transportation alignment is permitted as shown on the plan set. This alignment includes roundabouts to facilitate movements along the collector and out to S. Salem Street at site drive #7 to minimize mixing with school bus movements. School buses will access site drive #7 which Wake County Public School System requires to be an at-grade intersection. If a school use is not pursued on Pods R-T, the original collector alignment will be maintained as shown on Land Use Option 2. This intersection will also be at grade to provide needed access to the commercial and office uses on these high-visibility pods.

If a school is pursued on Pods R-T, the transportation commitments on PUD Plan Sheet C2.00 may be modified by the Town Council at site plan to adjust or reduce commensurate with reduced trip generation and/or modified movements. Traffic improvements may be modified based on a revised TIA with the inclusion of the school.

PHASING PLAN

This PUD will be completed in up to 10 phases. Location of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

The proposed land use is consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019.

The Future Land Use Map designates a majority of the property as Community Mixed Use, which encompasses High Density Residential, Office Employment, and Commercial Services. The remaining northern portion of the property is divided into three classifications - Medium/High Density Residential, Office Employment, and Commercial Services. A Future Land Use Map Amendment is requested for approximately 5.41 acres of land in the northeast corner of PIN 0731761944 from Office Employment to High Density Residential.

The proposed development will align with these uses and include single-family homes, townhomes, apartments, and non-residential uses accordingly. Thirty percent of the Community Mixed Use designated area will be non-residential uses.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO).

TRANSPORTATION IMPROVEMENTS

The following zoning conditions represent the recommendations by Apex staff based on a review of the TIA prepared for the Depot 499 development plan. Reported lane lengths represent storage length and do not include full width deceleration or taper length unless stated otherwise. While not all staff recommendations match what was recommended in the TIA or otherwise recommended by NCDOT, they represent the findings of Apex staff based on an interpretation of the requirements of the UDO to mitigate traffic impacts of the proposed development.

All recommendations are subject to consideration by Town Council, and on state-maintained roadways are ultimately subject to review and approval by NCDOT. NCDOT may reject and/or require alternative improvements compared to zoning conditions approved by Apex on state-maintained roadways. If offsite right of way or easements cannot be acquired by the developer through private negotiation, developer shall request legal assistance from the Town in the interest of obtaining such property for the purposes of satisfying the zoning conditions. If ROW is unable to be obtained, a fee-in-lieu may be accepted per UDO 7.1.7.

"Phase 1" in the following conditions represents improvements required prior to platting no more than 450 townhomes and/or single family homes, and/or certificate of occupancy for no more than 400 apartment dwelling units, and/or certificate of occupancy for no more than 150,000 square feet of commercial development. If a school is pursued on Pods R-T, the transportation commitments on PUD Plan Sheet C2.00 may be modified by the Town Council at site plan pursuant a modified TIA to adjust or reduce commensurate with reduced trip generation and/or modified movements. Addition of a school site in Phase 1 will require an updated TIA to reevaluate Phase 1 improvements which may result in modified and additional required improvements during that phase, subject to Apex and NCDOT approval.

Improvements to be constructed in Phase 1 as defined above:

- Apex Barbecue Road and Kelly Road
  - » Construct a 100 foot westbound left-turn lane on Apex Barbecue Road.
  - » Construct a 175 foot eastbound left-turn lane on Apex Barbecue Road.

"Phase 2" in the following conditions represents improvements required prior to platting no more than 600 townhomes and/or single family homes, and/or certificate of occupancy for no more than 600 apartment dwelling units, and/or certificate of occupancy for no more than 300,000 square feet of commercial development.

Improvements to be constructed in Phase 2 as defined above:

- S. Salem Street and Southbound NC-540 Ramps (Signalized)
  - » Extend the southbound right turn lane on the ramp to provide 375 feet of storage and place it under signalized control rather than free-flow.
  - » Construct an additional westbound through lane on S. Salem Street prior to the interchange, extending through the intersection of NC-540 Northbound Ramps across the bridge and through the intersection of NC-540 Southbound Ramps in order to provide two contiguous westbound through lanes (see alternative below)*.
- S. Salem Street and Northbound NC-540 Ramps (Signalized)
  - » Construct two contiguous westbound through lanes carried from the site frontage across the bridge and through the intersection of Southbound NC-540 Ramps (see alternative below)*.
- *Alternative recommendations for NC 540 Interchange Ramps, Phase 2
  - » *Developer shall construct an additional westbound through lane on S. Salem Street at Southbound NC-540 Ramps starting immediately west of the bridge for a minimum of 200 feet and construct a 200-foot westbound right turn lane on S. Salem Street.
  - » *Developer shall construct an additional 150-foot southbound left turn lane on the Northbound NC-540 Exit Ramp, and begin an additional eastbound/northbound receiving through lane on S. Salem Street, carrying that additional (second) through lane across the development frontage and terminating in a left turn lane at Apex Barbecue Road.
  - » *Developer shall terminate the additional westbound/southbound through lane on S. Salem Street as a right turn lane at the NC 540 Northbound Ramps.
- S. Salem Street and Site Drive 7 (full movement access nearest NC 540)
  - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
  - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
  - » Install a traffic signal once warranted and permitted by NCDOT. If not warranted, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirements to install a traffic signal.
- S. Salem Street and Site Drive 4 (between Site Drive 7 and Site Drive 1)
  - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
  - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.

- S. Salem Street and Site Drive 1 (main access for townhomes & commercial buildings)
  - » Construct an additional southbound through lane on S. Salem Street, converting the right turn lane to a through-right lane.
  - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
  - » Install a traffic signal once warranted and permitted by NCDOT. If not warranted in Phase 2, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirement to install a traffic signal.

  S. Salem Street and Site Drive 3 (limited-movement access for commercial buildings north of Site Drive 1)
  - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
  - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
- S. Salem Street and Site Drive 6 (right-in/right-out access nearest Apex Barbecue Road)
  - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
  - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
- S. Salem Street and Apex Barbecue Road
  - » Convert the existing southbound right turn lane on S. Salem Street to a through lane in order to provide two southbound through lanes carried southward across the site frontage.
  - » Construct a 200-foot southbound right turn lane.
  - » Extend the northbound left turn lane on S. Salem Street to provide 300 feet of storage (*or for alternative NC 540 Interchange improvements, terminate the additional northbound through lane as a left turn lane).
  - » Extend the eastbound left turn lane on Apex Barbecue Road to provide 375 feet of storage.
- Apex Barbecue Road and Kelly Road
  - » Construct a second northbound through lane on Kelly Road that starts 800 feet south of the intersection and continues for approximately 1,000 feet north, dropping off with a 45:1 merge taper beyond the intersection of Grand Kelly Way.
  - » Widen the southbound approach of Kelly Road to provide a two-way left turn lane from Apex Barbecue Road to Karawind Lane.

Improvements required with construction of Site Drives:

- S. Salem Street and Site Drive 7 (full movement access nearest NC 540)
  - » With construction of Site Drive 7, developer shall:
    - › Provide a 150-foot eastbound left turn lane on the driveway.
    - › Construct a 250-foot northbound left turn lane on S. Salem Street.
    - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 7 is constructed prior to Phase 2.
- S. Salem Street and Site Drive 4 (between Site Drive 7 and Site Drive 1)
  - » With construction of Site Drive 4, developer shall:
    - › Provide a minimum of 600 feet of separation between Site Drive 4 and both of the adjacent intersections, Site Drive 7 and Site Drive 1, in order to construct northbound left-over access with 150 feet of storage at Site Drive 4. Otherwise, Site Drive 4 shall be constructed as a right-in/right-out access.
    - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 4 is constructed prior to Phase 2.
- S. Salem Street and Site Drive 1 (main access for townhomes & commercial buildings)
  - » With construction of Site Drive 1, developer shall:
    - › Provide a 150-foot eastbound left turn lane on the driveway.
    - › Construct a 200-foot northbound left turn lane on S. Salem Street.
    - › Construct a 100-foot southbound right turn lane on S. Salem Street.
- S. Salem Street and Site Drive 3 (limited-movement access for commercial buildings north of Site Drive 1)
  - » With construction of Site Drive 3, developer shall:
    - › Construct Site Drive 3 as a right-in/right-out, left-over access.
    - › Construct a 150-foot northbound left turn lane on S. Salem Street.
    - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 3 is constructed prior to Phase 2.
- S. Salem Street and Site Drive 6 (right-in/right-out access nearest Apex Barbecue Road)
  - » With construction of Site Drive 6, developer shall:
    - › Provide right-in/right-out access with a minimum offset of 250 feet from Apex Barbecue Road.
    - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 6 is constructed prior to Phase 2.

- Apex Barbecue Road and Site Drive 5 (right-in/right-out access nearest S. Salem Street)
  - With construction of Site Drive 5, developer shall:
    - Provide right-in/right-out access with a minimum offset of 250 feet from S. Salem Street.
    - Construct a 100-foot eastbound right turn lane on Apex Barbecue Road.
- Apex Barbecue Road and Site Drive 2 / St. Mary Magdalene
  - With construction of Site Drive 2, developer shall:
    - Provide a full movement intersection aligned with the St. Mary Magdalene driveway.
    - Provide a 150-foot northbound left turn lane on the driveway.
    - Construct a 100-foot westbound left turn lane on Apex Barbecue Road.
    - Construct a 100-foot eastbound right turn lane on Apex Barbecue Road.
- Apex Barbecue Road and Scotts Ridge Trail / Woodall Crest Drive
  - Upon opening access to Aspen River Lane, developer shall:
    - Install a double yellow centerline and edge line pavement markings per the Town of Apex major collector street typical section along Aspen River Lane and Woodall Crest Drive to Apex Barbecue Road.
  - Developer shall install a traffic signal once warranted and permitted by NCDOT. If not warranted in Phase 2, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirement to install a traffic signal.

LAND PLANNING,
LANDSCAPE ARCHITECTURE +
CIVIL ENGINEER

MCADAMS

DEVELOPER

LENNAR

DEPOT 499

SOUTH SALEM STREET & APEX BARBECUE ROAD

APEX, NC, 27502

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

PROJECT NUMBER: LEN-19090

DATE: JANUARY 02, 2020

SHEET INDEX

C1.00 EXISTING CONDITIONS
C2.00 PRELIMINARY LAYOUT PLAN
C3.00 PRELIMINARY UTILITY AND STORMWATER PLAN

AERIAL AND VICINTY MAP

1"=1000' SCALE

OWNERS

1. MEKA, NARENDRA
   PIN: 731459383
   0 KELLY RD
   APEX, NC 27502
2. VARYA LLC
   PIN: 731554102
   1604 SALEM ST
   APEX, NC 27502
3. POE ACRES FAMILY FARM LLC
   PIN: 731564395
   0 APEX BARBECUE RD
   APEX, NC 27502
4. HUNTER, CAREY B
   PIN: 731641147
   1525 S SALEM ST
   APEX, NC 27502
5. SZYMKIEWICS, PAUL M JIN, WEI S
   PIN: 731645370
   1420 S SALEM ST
   APEX, NC 27502
6. UTLEY, PAMELA
   PIN: 731646532
   1420 S SALEM ST
   APEX, NC 27502
7. POE ACRES FAMILY FARMS LLC
   PIN: 731657116
   1330 S SALEM ST
   APEX, NC 27502
8. POE, DARYL POE, JEANNE
   PIN: 731676714
   6401 APEX BARBECUE RD
   APEX, NC 27502
9. POE ACRES FAMILY FARMS LLC
   PIN: 731750984
   1300 S SALEM ST
   APEX, NC 27502
10. POE ACRES FAMILY FARMS LLC
    PIN: 731761944
    0 APEX BARBECUE RD
    APEX, NC 27502
11. POE, WILLIAM DOUGLAS POE, JEAN S
    PIN: 731766588
    1216 S SALEM ST
    APEX, NC 27502
12. REGENCY INTERNATIONAL INVESTMENTS LLC
    PIN:731873224
    0 APEX BARBECUE RD
    APEX, NC 27502

SITE DATA

DEVELOPER	LENNAR 1100 PERIMETER PARK DRIVE, SUITE 112 MORRISVILLE, NC 27560
PARCELS	731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657166, 731676714, 731750984, 731761944, 731766588, 731873224 (SEE TABLE ON COVER SHEET FOR OWNER INFORMATION)
SITE AREA	GROSS AREA: 200.80 AC
EXISTING ZONING	RA AND B1-CZ
PROPOSED ZONING	PUD-CZ
RIVER BASIN	CAPE FEAR
WATERSHED OVERLAY	PRIMARY WATERSHED OVERLAY
MAX BUILT UPON AREA (IMPERVIOUS)	70%
2045 LAND USE MAP DESIGNATION	CURRENT 2045 LAND USE MAP DESIGNATION: COMMUNITY MIXED USE (HIGH DENSITY RESIDENTIAL, COMMERCIAL SERVICES, AND OFFICE EMPLOYMENT), MEDIUM/HIGH DENSITY RESIDENTIAL, COMMERCIAL SERVICES, AND OFFICE EMPLOYMENT PROPOSED 2045 LAND USE MAP DESIGNATION: A CHANGE IS REQUESTED FOR APPROXIMATELY 5.41 ACRES OF LAND IN THE NORTHEAST CORNER OF PIN 731761944 FROM OFFICE EMPLOYMENT TO HIGH DENSITY RESIDENTIAL.
PROPOSED USE	MIXED-USE DEVELOPMENT WITH OFFICE, RETAIL, SINGLE-FAMILY, TOWNHOMES, AND MULTI-FAMILY UNITS
MAXIMUM DENSITY	APARTMENTS: 850 TOWNHOMES/SINGLE-FAMILY: 650 (50 SINGLE-FAMILY MAXIMUM) NON-RESIDENTIAL: 650,000 SF
AREA DESIGNATED AS MIXED USE ON 2045 LUM	171.90 AC
AREA OF MIXED USE PROPOSED AS NON-RESIDENTIAL	51.57 AC
MAXIMUM SF OF NON-RESIDENTIAL LAND AREA	650,000 SF
PERCENT OF MIXED USE AREAS PROPOSED AS NON-RESIDENTIAL	30%
BUFFER CALL IDENTIFICATION NUMBER	APEX 17-004

SINGLE-FAMILY		
LOT WIDTH	MINIMUM	36'
LOT DEPTH	MINIMUM	85'
LOT SIZE	MINIMUM	2,550 SF
BUILDING HEIGHT	MAXIMUM	45' (IN POD G, THE FIRST ROW OF LOTS IMMEDIATELY ADJACENT TO THE WOODALL SUBDIVISION SHALL NOT EXCEED 2 STORIES UNLESS BUFFER IS INCREASE TO A 50' TYPE A BUFFER)
SETBACKS	SIDE	5'
	FRONT	8' (HOUSE-BUILDING FACADE) 20' (GARAGE)
	CORNER SIDE	8'
	REAR	15'
	ALLEY	5'
TOWNHOMES		
LOT WIDTH	MINIMUM	16' ALLEY-LOADED / 18' FRONT-LOADED
LOT DEPTH	MINIMUM	65'
BUILDING HEIGHT	MAXIMUM	45' (IN POD G, THE FIRST ROW OF LOTS IMMEDIATELY ADJACENT TO THE WOODALL SUBDIVISION SHALL NOT EXCEED 2 STORIES, UNLESS BUFFER IS INCREASE TO A 50' TYPE A BUFFER.
SETBACKS	SIDE	5'
	FRONT	FRONT-LOADED 5' (HOUSE-BUILDING FACADE) 20' (GARAGE)
		ALLEY-LOADED 5' (HOUSE-BUILDING FACADE)
	CORNER SIDE	8'
	REAR	FRONT-LOADED 10'
		ALLEY-LOADED 5'
	ALLEY	5'
	BUILDING SEPARATION	10'
APARTMENTS		
BUILDING HEIGHT	MAXIMUM	6 STORIES OR 90' (FIRST ROW OF BUILDINGS ALONG APEX BARBECUE ROAD SHALL NOT EXCEED 4 STORIES)
	MINIMUM	4 STORIES; A MAXIMUM OF 25% OF BUILDINGS ALONG S. SALEM MAY BE 3 STORIES
SETBACKS	FRONT	10'
	CORNER SIDE	10'
	REAR	10'
	BUILDING SEPARATION	30'
FEMA FIRM PANEL	3720073100J	
RESOURCE CONSERVATION AREA (RCA)	THE PUD WILL PROVIDE A MINIMUM OF 20% OF THE GROSS PROJECT AREA AS RCA.	

MIXED-USE DESIGN CONTROLS		
MAX BUILDING HEIGHT		80'
MIN BUILDING HEIGHT		2 STORIES
MIN BUILDINGS SETBACKS	SIDE	10'
	FRONT	10'
	CORNER SIDE	15'
	REAR	10'
NON-RESIDENTIAL DESIGN CONTROLS		
MAX BUILDING HEIGHT		100'
MIN BUILDINGS SETBACKS	SIDE	10'
	FRONT	10'
	CORNER SIDE	15'
	REAR	10'

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CONTACT

BOB ZUMWALT
zumwalt@mcadamsco.com
PHONE: 919.361.5000

CLIENT

LENNAR OF THE CAROLINAS
1100 PERIMETER PARK DRIVE SUITE 112
MORRISVILLE, NORTH CAROLINA
PHONE: 919.465.5900

LENNAR

PROJECT DIRECTORY

LENNAR OF THE CAROLINAS
1100 PERIMETER PARK DRIVE SUITE 112
MORRISVILLE, NORTH CAROLINA
PHONE: 919.465.5900

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 036 ROBERT C. ZUMWALT

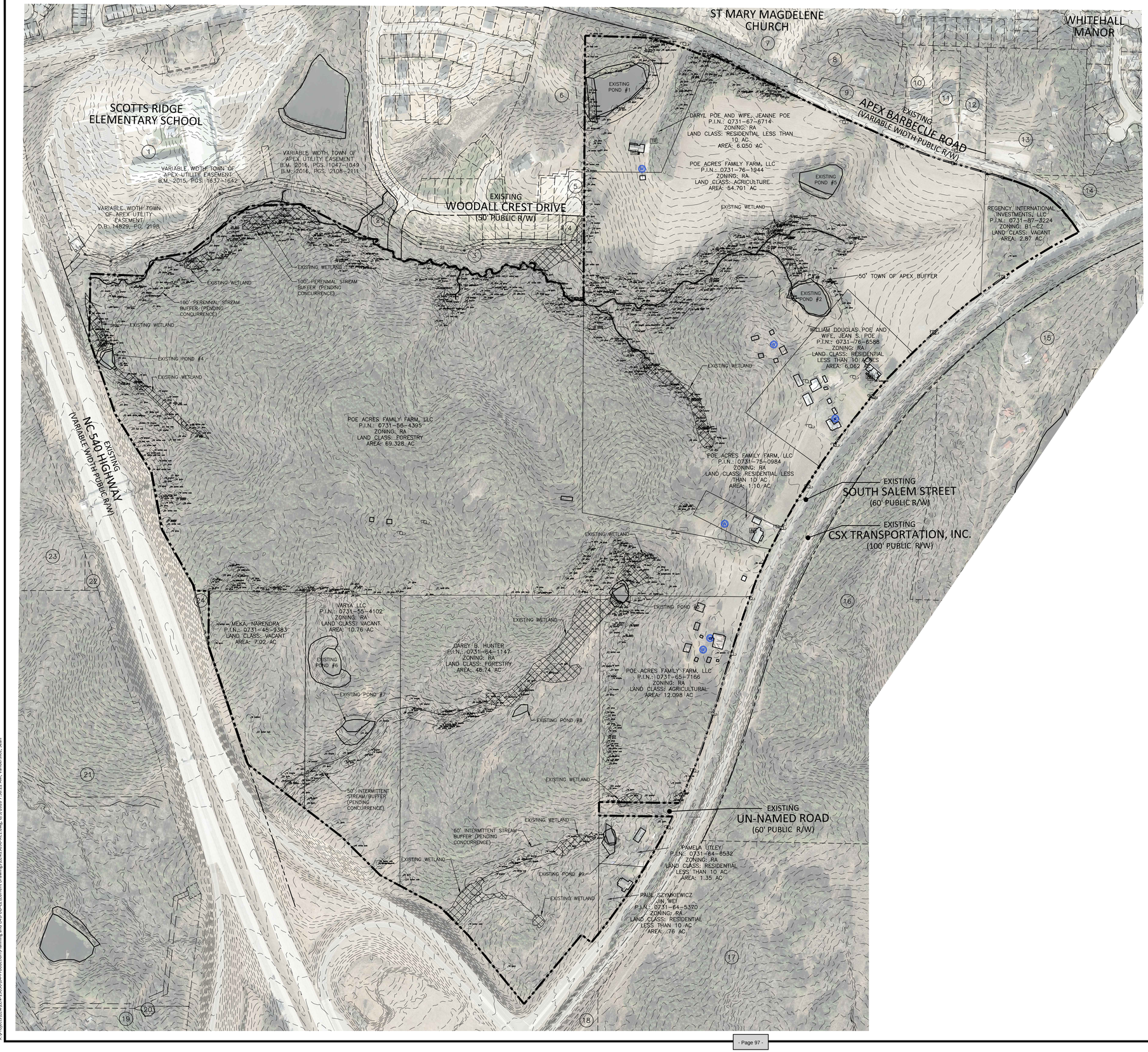
REVISIONS

NO.	DATE	
1	02.14.2020	RESPONSE TO COMMENTS
2	03. 13. 2020	RESPONSE TO COMMENTS
3	05.14. 2020	RESPONSE TO COMMENTS
4	06.05. 2020	RESPONSE TO COMMENTS

PUD-CZ DRAWINGS FOR:

DEPOT 499
APEX, NC, 27502
PROJECT NUMBER: LEN-19090

X:\Projects\LEN\LEN-19090\04-Production\Planning and LA\PUD-CZ\Current Drawing\LLEP\19090-CS1.dwg, 6/3/2020 7:28:24 AM, Vanderslice, Sean



ADJACENT PROPERTY INFORMATION:

1. WAKE COUNTY BOARD OF EDUCATION PIN: 0731477630
2. WOODALL ESTATES OWNERS ASSOCIATION PIN: 0731575313
3. WOODALL ESTATES OWNERS ASSOCIATION PIN: 0731670122
4. POON, KENNETH RONG, MENGQI PIN: 0731673262
5. PETERSON, CEARA AMELIA, LAURA PIN: 0731673490
6. WOODALL, ANN C. PIN: 0731672786
7. ROMAN CATHOLIC DIOCESES OF RAL NC PIN: 0731782553
8. POE, BOBBY W. POE, ELIZABETH A. PIN: 0731776915
9. POE, BOBBY W. POE, ELIZABETH A. PIN: 0731776890
10. CANTRELL, DONALD T. CANTRELL, MARY E. PIN: 0731779802
11. CANTRELL, DARYL S. CANTRELL, JESSICA PIN: 0731870820
12. CANTRELL, DANIEL T. CANTRELL, COURTNEY PIN: 0731871830
13. BRITT, MARJORIE TINGEN PIN: 0731873793
14. MCKINNISH, LORI PIN: 0731877367
15. CJS APEX ASSEMBLAGE LLC PIN: 0731863120
16. POE ACRES FAMILY FARM LLC PIN: 0731756252
17. CJS APEX ASSEMBLAGE LLC PIN: 0731731163
18. HUNTER, CAREY B. PIN: 0731641147
19. FAHEY FAMILY FARM LLC PIN: 0731434504
20. FAHEY FAMILY FARM LLC PIN: 0731435707
21. SM RALEIGH LLC PIN: 0731441619
22. NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731452647
23. MILLS, DOROTHY M. MILLS, DAVID G. TRUSTEE PIN: 0731366481
24. NC DEPARTMENT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731457553

GENERAL NOTES

1. TOPOGRAHIC AND SURROUNDING PARCEL INFORMATION TAKEN FROM TOWN OF APEX LIDAR DATA.
2. PORTION OF BOUNDARY BY SURVEY FROM MCADAMS ALTA SURVEY DATED 11-22-2019, ADDITIONAL BOUNDARY FROM WAKE COUNTY GIS.
3. THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL 3720073100J DATED MAY 2, 2006.
4. THERE ARE NO HISTORIC STRUCTURES ON THE SUBJECT PROPERTY.
5. A DEMOLITION PERMIT WILL NEED TO BE ISSUED PRIOR TO TAKING DOWN THE EXISTING STRUCTURES. A LETTER OF ASBESTOS ABATEMENT WILL NEED TO ACCOMPANY THE APPLICATION FOR PERMIT.
6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.
7. BUFFER CALL IDENTIFICATION NUMBER - APEX 17-004.

LEGEND

- AIR CONDITIONING
- LIGHT POLE
- SEWER MANHOLE
- TELEPHONE BOX
- TELEPHONE PEDESTAL
- TRANSFORMER
- UTILITY POLE
- WELL
- OVERHEAD UTILITY
- RIGHT OF WAY
- SEWER EASEMENT
- SEWER
- STORM DRAINAGE

GRAPHIC SCALE
0 100 200 400
1 inch = 200 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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LENNAR

DEPOT 499
PUD-CZ SET
S. SALEM STREET
APEX, NORTH CAROLINA

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 1555 ROBERT C. ZUMWALT NOTARY PUBLIC

REVISIONS

NO.	DATE	
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2	03. 13. 2020	RESPONSE TO COMMENTS
3	05.14. 2020	RESPONSE TO COMMENTS
4	06.05. 2020	RESPONSE TO COMMENTS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-XC1
CHECKED BY	RCZ
DRAWN BY	SMV
SCALE	1"=200'
DATE	03.13.2020

SHEET

EXISTING CONDITIONS
C1.00

X:\Projects\LEN\LEN-19090\04-Production\Planning and LA\PUD-CZ\Current Drawing\LEN19090-XC1.dwg, 6/3/2020 7:30:22 AM, Vanderslice, Sean

SCOTTS RIDGE ELEMENTARY SCHOOL

ST MARY MAGDELENE CHURCH

WHITEHALL MANOR

APPROXIMATELY 475' OF OFF-SITE SIDE PATH, SEE GENERAL NOTE #12 THIS SHEET

APPROXIMATELY 435' OF OFF-SITE SIDEWALK, SEE GENERAL NOTE #13 THIS SHEET

VARIABLE WIDTH TOWN OF APEX UTILITY EASEMENT B.M. 2015, PGS. 1637-1642

VARIABLE WIDTH TOWN OF APEX UTILITY EASEMENT B.M. 2016, PGS. 1047-1049 B.M. 2016, PGS. 2108-2111

VARIABLE WIDTH TOWN OF APEX UTILITY EASEMENT D.B. 14829, PG. 2198

IF A GREENWAY CONNECTION FROM PROJECT IS DESIRED BY THE SCHOOL THE LOCATION WILL BE COORDINATED AT THE TIME OF MASTER SUBDIVISION PLAN APPROVAL.

EXISTING WOODALL CREST DRIVE (50' PUBLIC R/W)

EXISTING APEX BARBECUE ROAD (VARIABLE WIDTH PUBLIC R/W)

EXISTING NC 540 HIGHWAY (VARIABLE WIDTH PUBLIC R/W)

EXISTING SOUTH SALEM STREET (60' PUBLIC R/W)

EXISTING CSX TRANSPORTATION, INC. (100' PUBLIC R/W)

EXISTING UN-NAMED ROAD (60' PUBLIC R/W)

EXISTING POND #1

SITE DRIVE #2 FULL MOVEMENT

SEE NOTE #14

G TOWNHOMES/SINGLE-FAMILY +/- 11.25 AC

30' TYPE 'A' BUFFER

G TOWNHOMES OR MULTIFAMILY +/- 2.25 AC

30' STREETSCAPE BUFFER

EXISTING WETLAND

SITE DRIVE #5 RIGHT-IN RIGHT-OUT

H MULTI-FAMILY +/- 10.00 AC

O NON-RESIDENTIAL +/- 1.50 AC

SITE DRIVE #6 RIGHT-IN RIGHT-OUT

EXISTING POND #2

15' STREETSCAPE BUFFER

N NON-RESIDENTIAL +/- 6.75 AC

SITE DRIVE #3 RIGHT-IN RIGHT-OUT WITH LEFT OVER

M NON-RESIDENTIAL +/- 4.00 AC

RIGHT-OF-WAY DEDICATION BASED ON 110' REQUIREMENT

L MIXED USE +/- 0.90 AC

K MIXED USE +/- 1.00 AC

SITE DRIVE #1 FULL MOVEMENT

I MULTI-FAMILY +/- 3.75 AC

15' STREETSCAPE BUFFER

EXISTING WETLAND

EXISTING POND #3

EXISTING WETLAND

C TOWNHOMES +/- 18.00 AC

EXISTING WETLAND

100' PERENNIAL STREAM BUFFER (PENDING CONCURRENCE)

EXISTING WETLAND

EXISTING POND #4

EXISTING WETLAND

B TOWNHOMES +/- 6.10 AC

A TOWNHOMES +/- 5.40 AC

100' TYPE 'A' BUFFER

D TOWNHOMES +/- 11.75 AC

E TOWNHOMES +/- 6.10 AC

F TOWNHOMES +/- 7.25 AC

P TOWNHOMES +/- 6.60 AC

T NON-RESIDENTIAL +/- 9.00 AC

SITE DRIVE #4 RIGHT-IN RIGHT-OUT WITH LEFT OVER

J MULTI-FAMILY +/- 6.00 AC

RIGHT-OF-WAY DEDICATION BASED ON 110' REQUIREMENT

S NON-RESIDENTIAL SCHOOL +/- 13.90 AC

50' INTERMITTENT STREAM BUFFER (PENDING CONCURRENCE)

50' INTERMITTENT STREAM BUFFER (PENDING CONCURRENCE)

EXISTING WETLAND

50' TYPE 'A' BUFFER

EXISTING WETLAND

SITE DRIVE #7 FULL MOVEMENT

15' STREETSCAPE BUFFER

R NON-RESIDENTIAL SCHOOL +/- 5.50 AC

LAND USE OPTION 1 (SEE INSET THIS SHEET FOR LAND USE OPTION 2)

LEGEND

PREDOMINANT LAND USE

- NON-RESIDENTIAL CONCEPTUAL DEVELOPMENT BLOCK
- NON-RESIDENTIAL-SCHOOL CONCEPTUAL DEVELOPMENT BLOCK
- TOWNHOMES OR TOWNHOMES/SINGLE-FAMILY CONCEPTUAL DEVELOPMENT BLOCK
- MULTI-FAMILY CONCEPTUAL DEVELOPMENT BLOCK
- MIXED-USE CONCEPTUAL DEVELOPMENT BLOCK
- TOWNHOMES OR MULTIFAMILY DEVELOPMENT BLOCK
- ACTIVE RECREATION/POCKET PARKS
- PASSIVE OPEN SPACE (STREAM BUFFERS/WETLANDS/PONDS/PERIMETER BUFFERS)
- (A) CONCEPTUAL LOCATIONS OF PUBLIC ART (A MINIMUM OF ONE ART PIECE WILL BE PROVIDED) (*SEE PUD DOCUMENT FOR PERMITTED USES IN EACH LAND USE)

VEHICULAR AND PEDESTRIAN CIRCULATION

- MAJOR COLLECTOR STREET
- MINOR COLLECTOR STREET
- LOCAL STREET
- CONCEPTUAL PUBLIC VEHICULAR ACCESS
- CONCEPTUAL PRIVATE VEHICULAR ACCESS
- CONCEPTUAL PROPOSED 6' PRIVATE WALKING TRAIL
- CONCEPTUAL 10' SIDE PATH PATH PER PARKS AND RECREATION MASTER PLAN
- CONCEPTUAL 10' SIDE PATH
- OFF-SITE SIDEWALK (SEE GENERAL NOTE #13)

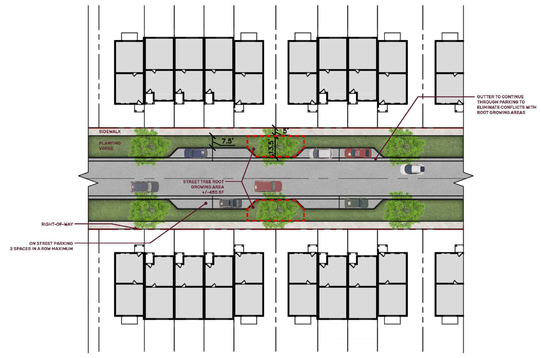
NOTE: LOCATIONS OF VEHICULAR AND PEDESTRIAN CIRCULATION ARE CONCEPTUAL. FINAL LOCATIONS WILL BE DETERMINED AT THE TIME OF SITE PLAN OR MASTER SUBDIVISION PLAN APPROVAL.

GRAPHIC SCALE
0 100 200 400
1 inch = 200 ft.

GENERAL NOTES

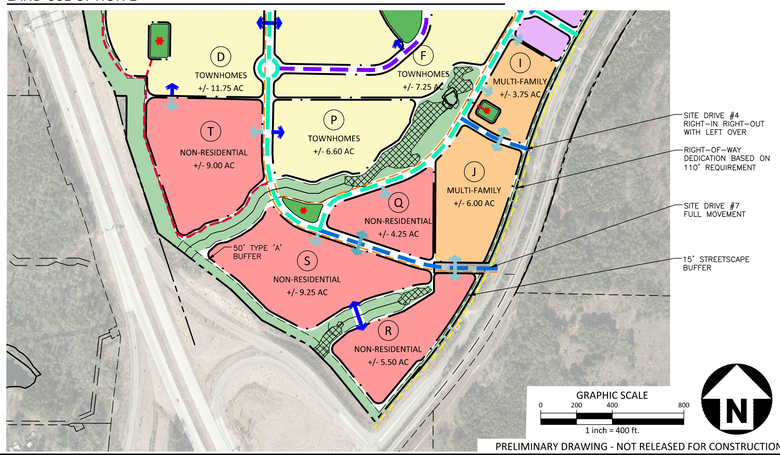
1. REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT
3. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (i.e.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PARING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
4. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
5. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
6. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
7. INTERNAL PUBLIC STREETS SHALL BE DEDICATED TO THE TOWN OF APEX. ROAD STUB-OUTS SHALL BE PROVIDED PER THE TOWN OF APEX REQUIREMENTS.
8. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
9. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
10. PUBLIC AND PRIVATE VEHICULAR ACCESS AND WALKING TRAILS ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY AND ARE SUBJECT TO CHANGE AT TIME OF SITE PLAN OR MASTER SUBDIVISION PLAN APPROVAL.
11. ACREAGE AND CONFIGURATION OF PODS IS APPROXIMATE. FINAL SIZE AND CONFIGURATION WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION OR SITE PLAN BASED ON ACTUAL FIELD SURVEY AND FINAL DESIGN.
12. OFF-SITE SIDE PATH - SUBJECT TO RIGHT-OF-WAY OR EASEMENT ACQUISITION, THE PROJECT WILL CONSTRUCT APPROXIMATELY 475 LF OF OFF-SITE SIDE PATH (10' WIDE) ALONG THE SOUTH SIDE OF APEX BARBECUE ROAD ON WAKE COUNTY PIN 0731-67-6714 PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY IN PODS G AND H. IN THE EVENT RIGHT-OF-WAY OR EASEMENT ACQUISITION IS NOT POSSIBLE, THE PROJECT WILL MAKE A PAYMENT-IN-LIEU FOR CONSTRUCTION OF THIS FACILITY IN ACCORDANCE WITH SECTION 7.1.7 OF THE APEX UDO.
13. OFF-SITE SIDEWALK - SUBJECT TO RIGHT-OF-WAY OR EASEMENT ACQUISITION, THE PROJECT WILL CONSTRUCT APPROXIMATELY 435 LF OF OFF-SITE SIDEWALK (5' WIDE) ALONG THE NORTH SIDE OF SOUTH SALEM STREET ON WAKE COUNTY PIN 0731-87-7367 PRIOR TO THE COMPLETION OF PHASE 2 AS DESCRIBED IN THE ZONING CONDITIONS RELATED TO TRAFFIC IMPACTS. IN THE EVENT RIGHT-OF-WAY OR EASEMENT ACQUISITION IS NOT POSSIBLE, THE PROJECT WILL MAKE A PAYMENT-IN-LIEU FOR CONSTRUCTION OF THIS FACILITY IN ACCORDANCE WITH SECTION 7.1.7 OF THE APEX UDO.
14. THE MINOR COLLECTOR STREET EXTENDING FROM THE MAJOR COLLECTOR STREET AT SOUTH SALEM STREET TO APEX BARBECUE ROAD WILL NOT BE DIRECTLY ACCESSED BY RESIDENTIAL DRIVEWAYS.
15. THE LOCATION OF THE MAJOR COLLECTOR STREET CONNECTION TO SOUTH SALEM STREET IS SUBJECT TO CHANGE BASED ON THE ULTIMATE LAYOUT AND WILL BE DETERMINED IN COORDINATION WITH STAFF DURING MASTER SUBDIVISION REVIEW.

STREET TREE PLACEMENT DIAGRAM



NOTES:
1. STREET TREES ARE PROPOSED WITHIN THE PUBLIC RIGHT-OF-WAY TO ENHANCE THE STREETSCAPE AND PROTECT THE PEDESTRIANS FROM VEHICLES.
2. PLANTING VERGE HAS BEEN EXPANDED TO PROVIDE A CLEAR PLANTING AREA OF 450 SF WITH A MINIMUM WIDTH OF 13.5 FEET. STREET TREES WILL BE LOCATED IN THIS AREA.
3. TREES WILL NOT BE LOCATED WITHIN 5 FEET OF ANY HARDSCAPE OR UTILITY.
4. STREET SECTIONS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF APEX STANDARD SPECIFICATIONS.

LAND USE OPTION 2



GRAPHIC SCALE
0 200 400 800
1 inch = 400 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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LENNAR

DEPOT 499
PUD-CZ SET
S. SALEM STREET
APEX, NORTH CAROLINA

NORTH CAROLINA LANDSCAPE ARCHITECTURE 155 ROBERT C. ZUMWALT
PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS

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4	06.05. 2020	RESPONSE TO COMMENTS

PLAN INFORMATION

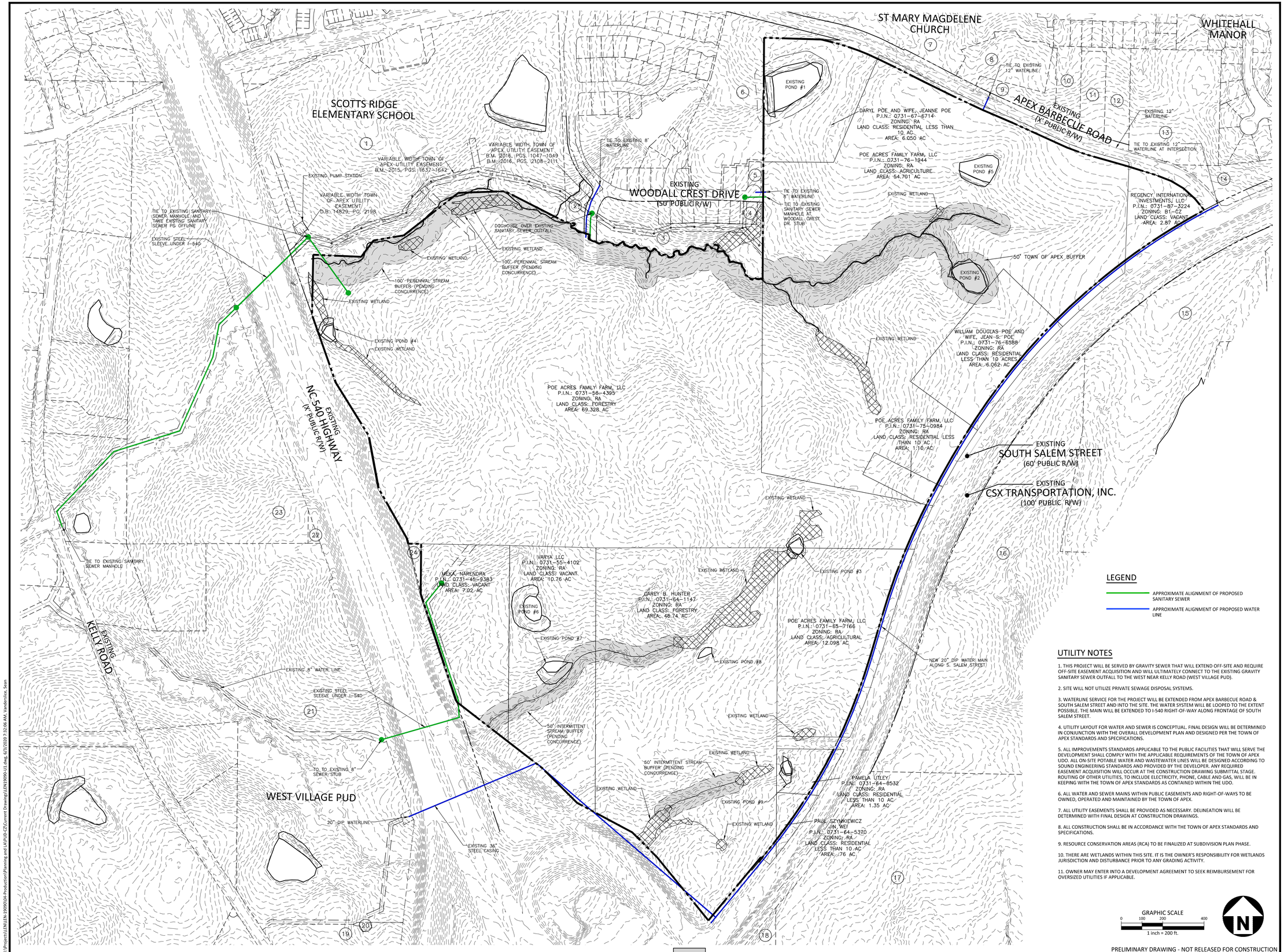
PROJECT NO.	LEN-19090
FILENAME	LEN19090-S1
CHECKED BY	RCZ
DRAWN BY	SMV
SCALE	1"=200'
DATE	03.13.2020

SHEET

PRELIMINARY LAYOUT PLAN

C2.00

X:\Projects\LEN\LEN-19090\04-Production\Planning and LA\PUD-CZ\Current Drawings\LEN19090-S1.dwg, 6/5/2020 11:16:00 AM, Vanderslice, Sean



LEGEND

- APPROXIMATE ALIGNMENT OF PROPOSED SANITARY SEWER
- APPROXIMATE ALIGNMENT OF PROPOSED WATER LINE

UTILITY NOTES

1. THIS PROJECT WILL BE SERVED BY GRAVITY SEWER THAT WILL EXTEND OFF-SITE AND REQUIRE OFF-SITE EASEMENT ACQUISITION AND WILL ULTIMATELY CONNECT TO THE EXISTING GRAVITY SANITARY SEWER OUTFALL TO THE WEST NEAR KELLY ROAD (WEST VILLAGE PUD).

2. SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.

3. WATERLINE SERVICE FOR THE PROJECT WILL BE EXTENDED FROM APEX BARBECUE ROAD & SOUTH SALEM STREET AND INTO THE SITE. THE WATER SYSTEM WILL BE LOOPED TO THE EXTENT POSSIBLE. THE MAIN WILL BE EXTENDED TO I-540 RIGHT-OF-WAY ALONG FRONTAGE OF SOUTH SALEM STREET.

4. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.

5. ALL IMPROVEMENTS STANDARDS APPLICABLE TO THE PUBLIC FACILITIES THAT WILL SERVE THE DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF APEX UDO. ALL ON-SITE POTABLE WATER AND WASTEWATER LINES WILL BE DESIGNED ACCORDING TO SOUND ENGINEERING STANDARDS AND PROVIDED BY THE DEVELOPER. ANY REQUIRED EASEMENT ACQUISITION WILL OCCUR AT THE CONSTRUCTION DRAWING SUBMITTAL STAGE. ROUTING OF OTHER UTILITIES, TO INCLUDE ELECTRICITY, PHONE, CABLE AND GAS, WILL BE IN KEEPING WITH THE TOWN OF APEX STANDARDS AS CONTAINED WITHIN THE UDO.

6. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF APEX.

7. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT CONSTRUCTION DRAWINGS.

8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.

9. RESOURCE CONSERVATION AREAS (RCA) TO BE FINALIZED AT SUBDIVISION PLAN PHASE.

10. THERE ARE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND DISTURBANCE PRIOR TO ANY GRADING ACTIVITY.

11. OWNER MAY ENTER INTO A DEVELOPMENT AGREEMENT TO SEEK REIMBURSEMENT FOR OVERSIZED UTILITIES IF APPLICABLE.

GRAPHIC SCALE
0 100 200 400
1 inch = 200 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-U1
CHECKED BY	RCZ
DRAWN BY	SMV
SCALE	1"=200'
DATE	03.13.2020

SHEET

PRELIMINARY UTILITY AND STORMWATER PLAN

C3.00

X:\Projects\LEN\LEN-19090\04-Production\Planning and LA\PUD-CZ\Current Drawings\LEN19090-U1.dwg, 6/3/2020 7:32:06 AM, VanderVen, Sean

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

Presenter(s): Sarah Van Every, Senior Planner
Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the July 21, 2020 Town Council meeting regarding Rezoning Application #20CZ05 West Village PUD Amendment in order to revise a zoning condition related to a buffer. The applicant, Josh Decker, McAdams Company, seeks to rezone approximately 35.36 acres located at 2412 Kelly Road (PIN 0731331798) from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Vicinity Map
- Application

Village at Crocketts Ridge
Holland Rd
Southwinds Run
Rezoning #20CZ05
Camp Branch Ln
Holland Farm
Westwinds
West Village
Kelly Rd
Termini Dr
S Salem St To Nc 540 Hwy Nb Ramp
540
S Salem St Ramp
Nc 540 Hwy Nb To S
Nc 540 Hwy Sb To S Salem St Ramp
Nc 540 Hwy Sb Ramp
S Salem St To Nc 540 Hwy Sb Ramp
S Salem St
NC 540 Hwy NB
NC 540 Hwy SB
0
500
1,000
Feet
June, 2020
January 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

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 #: 20CZ05 Submittal Date: 5/1/2020

Fee Paid $ 500 Check # Credit Card Payment

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: West Village

Address(es): 2412 Kelly Road

PIN(s) 0731331798

West Village total acreage: 163.34 Acreage: 35.36 (parcel)

Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ (amendment)

Current 2045 LUM Designation: Medium Density Residential and Mixed Use

Requested 2045 LUM Designation: No change

See next page for LUM amendment

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

Area classified as mixed use: Acreage: ~130

Area proposed as non-residential development: Acreage: 55.99 acres

Percent of mixed use area proposed as non-residential: Percent: 43.11%

Applicant Information

Name: Josh Decker

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-361-5000 E-mail: decker@mcadamsco.com

Owner Information

Name: SM Raleigh LLC

Address: 11710 Plaza America Dr Ste 1100

City: Reston State: VA Zip: 20190

Phone: 919.977.8760 E-mail: KetchemBK@stanleymartin.com

Agent Information

Name: Josh Decker

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-361-5000 E-mail: decker@mcadamsco.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 20CZ05 Submittal Date: 5/1/2020

2045 LAND USE MAP AMENDMENT (if applicable)

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

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

N/A

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

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

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ05 Submittal Date: 5/1/2020

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

	Owner's Name	PIN
1.	See attached sheet on the following page for full list of property	
2.	owners.	
3.		
4.		
5.		
6.		
7.		
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11.		
12.		
13.		
14.		
15.		

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

Date: _____ By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

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

_____
Notary Public

SEAL

_____
Print Name

My Commission Expires: _____

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ05 Submittal Date: 5/1/2020

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

	Owner's Name	PIN
1.	See attached sheet on the following page for full list of property	
2.	owners.	
3.		
4.		
5.		
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14.		
15.		

I, BRIAN KETCHEM → FOR SM RALEIGH, LLC, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 4/28/2020 By: [signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Stephanie A. Hedrick, a Notary Public for the above State and County, on this the 28th day of April, 2020.

[signature]
Notary Public

Stephanie A. Hedrick
Print Name

SEAL

STEPHANIE A. HEDRICK NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: 08/02/2020

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Owner's Name	PIN
DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	731149410
SWAMP, STEVEN M SWAMP, CYNTHIA R	731223637
SWAMP, STEVEN M SWAMP, CYTHINA R	731224870
WOODARD, PAT D WOODARD, NANCY P	731225296
CHEELY, GEORGE RAY CHEELY, JEAN S	731232804
COOPER, DAVID L COOPER, BARBARA C	731233180
THOMPSON, MICHAEL F THOMPSON, CLAUDIA L	731233480
IANNONE, JOSEPH V JR	731244392
W TIMBERLAKE, BARBARA JO TRUSTEE TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY TRUST	731254251
SCHARDT, DANIEL SCHARDT, DENISE	731259148
SM RALEIGH, LLC	731311773
SEARS, TONY C SEARS, JUDY T	731329405
SM RALEIGH, LLC	731331798
SEARS, TONY C SEARS, JUDY T	731338590
SEARS, TONY C SEARS, JUDY T	731338863
WHITLEY MILLS LLC	731346671
COUNCIL, GLENWOOD C COUNCIL, LINDA M	731347382
FAHEY FAMILY FARM LLC	731434504
SM RALEIGH LLC	731441619

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

Submitted with original PUD application.

_____

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: _____	TOWN OF APEX
BY: _____ Authorized Agent	BY: _____ Authorized Agent
DATE: _____	DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

SM Raleigh, 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: Amendment to original PUD application

The property address is: 2412 Kelly Rd Apex, NC

The agent for this project is: McAdams

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

Agent Name: Josh Decker

Address: 2905 Meridian Parkway

Telephone Number: 919-361-5000

E-Mail Address: decker@mcadamsco.com

Signature(s) of Owner(s)*

_____

_____ _____

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 #: _____ Submittal Date: _____

SM Raleigh, 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.
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- ☐ Variance
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The property address is: 2412 Kelly Rd Apex, NC

The agent for this project is: McAdams

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

Agent Name: Josh Decker

Address: 2905 Meridian Parkway

Telephone Number: 919-361-5000

E-Mail Address: decker@mcadamsco.com

Signature(s) of Owner(s)*

Brian Kretchman - Director of Land (SM Raleigh, LLC) — Type or print name — 4/28/2020 — 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 #: _____ 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 _____ day of _____, 20_____.

_____ (seal)

_____

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

I, the undersigned, a Notary Public in and for the County of _____, hereby certify that _____, 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: _____

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP

Application #: _____ 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 April, 20__

_____ (seal)

Brian Ketchem - SM Raleigh, LLC

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 Brian Ketchem, 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.

Stephanie A Hedrick 4/28/2020

Notary Public
State of North Carolina
My Commission Expires: 08/02/2020

STEPHANIE A. HEDRICK NOTARY PUBLIC WAKE COUNTY, NC [NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

Beginning at an existing iron pipe located on the northern right-of-way line of Old US Highway 1 and also being the southeastern property comer of lot 2 as shown in Book of Maps 2014, Page 703, Wake County Registry; thence leaving said right-of-way along and with said eastern property line North 39° 04' 21" West a distance of 271.27 feet to a newly set iron pipe; thence North 22° 19' 03" West a distance of201.88 feet to a newly set iron pipe; thence North 82° 14' 22" East a distance of 280.68 feet to an existing iron pipe; thence South 38° 29' 14" East a distance of 84.36 feet to a newly set iron pipe; thence South 48° 51' 39" East a distance of
234.31 feet to a newly set iron pipe located on said northern right-of-way line; thence along and with said right-of-way South 48° 51'39" East a distance of 4.98 feet to an existing iron pipe; thence South 47° 56' 55" West a distance of 40.75 feet to a point; thence South 48° 37' 10" West a distance of 50.54 feet to a point; thence South 50° 43' 16" West a distance of 84.89 feet to a point; thence South 51° 56' 36" West a distance of 53.06 feet to a point; thence South 52° 56' 35" West a distance of 52.31 feet to a point; thence South 54° 05' 42" West a distance of 56.50 feet to the point of beginning, containing 2.7832 acres more or less.

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.

April 9, 2020
Date

Dear Neighbor:
You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

2412 Kelly Road (Address(es)) 0731331798 (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
◉	Rezoning (including Planned Unit Development)	Town Council
○	Major Site Plan	Town Council (QJPH*)
○	Special Use Permit	Town Council (QJPH*)
○	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
An amendment to the current West Village PUD zoning is proposed for the 40' buffer (30' which is undisturbed) on the western side of PIN 0731331798, bordering PIN 0731244392. This amendment will allow grading within the buffer in order to reduce the height of a planned retaining wall to minimize visual impacts for the neighboring property. The graded area will be replanted as a 40' Type A buffer. This revision is isolated to one area and one adjacent property owner and being completed per the adjacent property owner's request.

Estimated submittal date: May 1, 2020

MEETING INFORMATION:

Property Owner(s) name(s):	Stanley Martin Homes
Applicant(s):	McAdams
Contact information (email/phone):	Josh Decker | decker@mcadamsco.com | 704. 219. 7175
Electronic Meeting invitation/call in info:	Zoom https://mcadamsco.zoom.us/j/859669340 (see instruction sheet)
Date of meeting**:	April 22, 2020
Time of meeting**:	5:30-7:30

MEETING AGENDA TIMES:
Welcome: 5:30-5:40 Project Presentation: 5:40-6:00 Question & Answer: 6:00-7:30

**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.

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: West Village Zoning: PUD-CZ

Location: 2412 Kelly Rd, Apex, NC

Property PIN(s): 0731331798 Acreage/Square Feet: 163.34 acres

Property Owner: SM Raleigh LLC

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-361-5000 Email: decker@mcadamsco.com

Developer: Stanley Martin Homes

Address: 11710 Plaza America Dr Ste 1100

City: Reston State: VA Zip: 20190

Phone: 919.977.8760 Fax: Email: KetchemBK@stanleymartin.com

Engineer: McAdams

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-361-5000 Fax: Email: decker@mcadamsco.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) 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

April 9, 2020

RE: Virtual Neighborhood Meeting – Zoom Instructions

Dear Property Owner,

Due to the current circumstances of COVID-19, we will be hosting a virtual neighborhood meeting via Zoom. The meeting will be held on April 22, 2020 and begin at 5:30 PM Eastern Time.

- To attend the meeting via computer, type in the following link in your internet browser:
  https://mcadamsco.zoom.us/j/859669340
  If prompted for a Meeting ID, enter this number: **859 669 340**

- To attend the meeting via phone, you may dial in by your location:
  +1 312 626 6799 US (Chicago)
  +1 646 876 9923 US (New York)
  +1 253 215 8782 US
  +1 301 715 8592 US
  +1 346 248 7799 US (Houston)
  +1 408 638 0968 US (San Jose)
  +1 669 900 6833 US (San Jose)
  877 853 5247 US Toll-free
  888 788 0099 US Toll-free
  Meeting ID: **859 669 340**
  Find your local number: https://mcadamsco.zoom.us/u/adhD7tRx8p

Sincerely,
MCADAMS

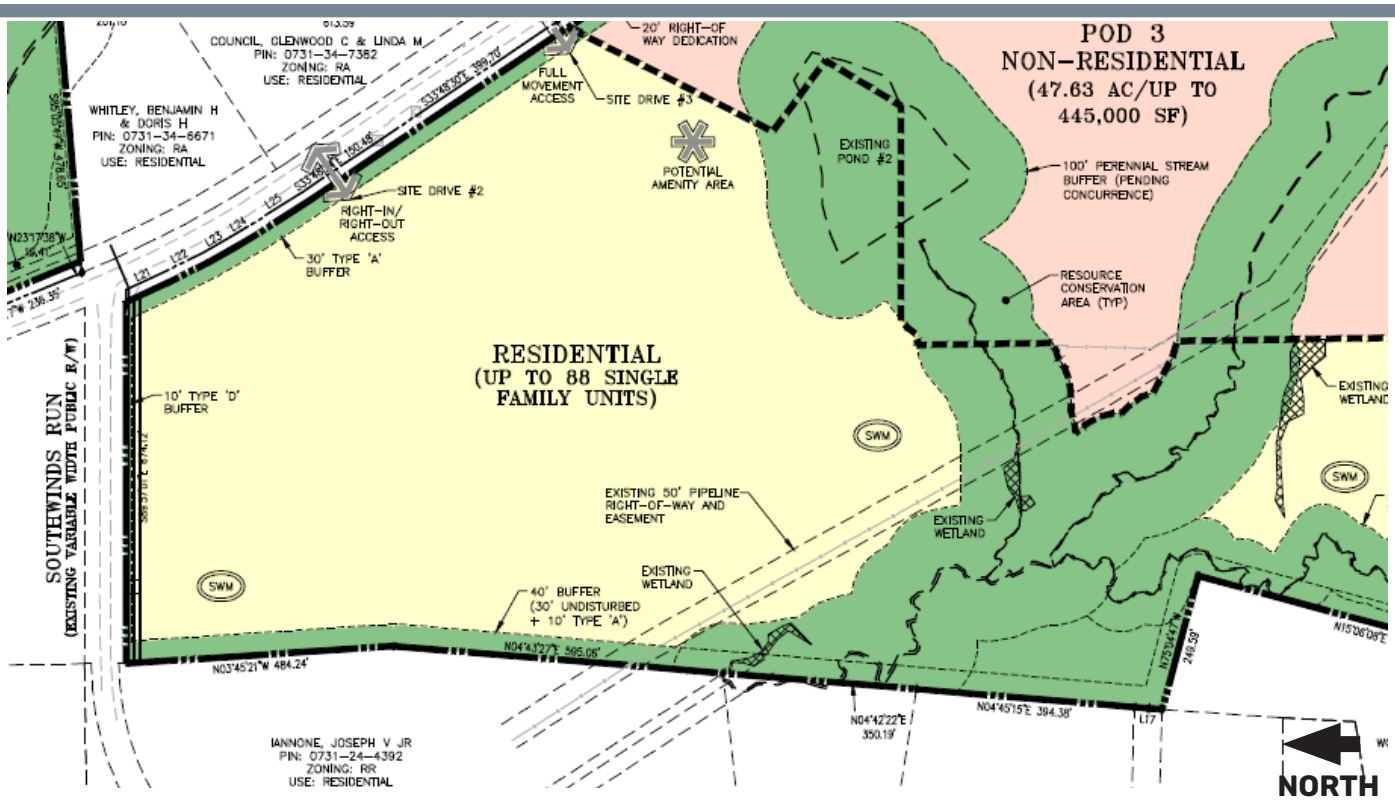
WEST VILLAGE AMENDMENT

2412 KELLY RD APEX, NC

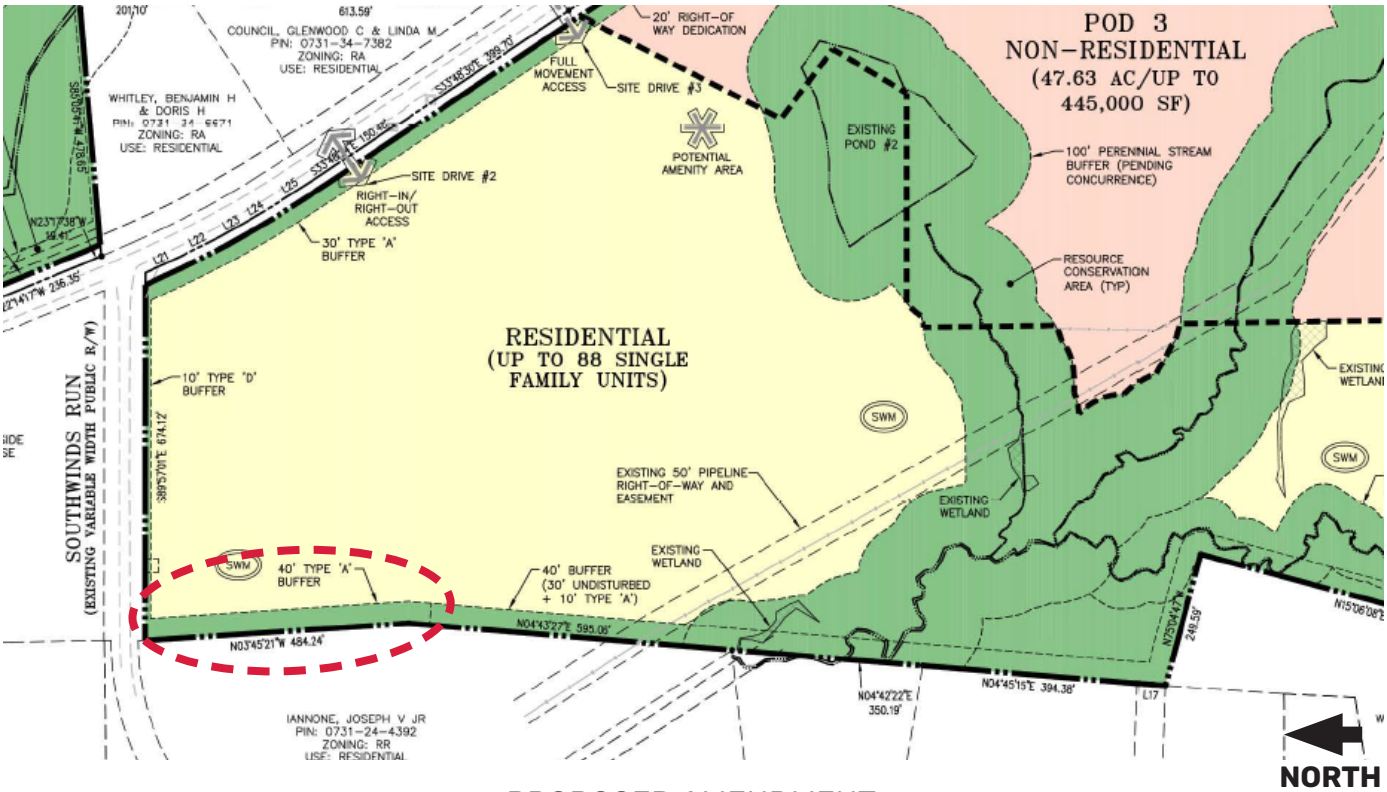
VICINITY MAP

APRIL 2020

McADAMS



CURRENT ZONING CONDITION



PROPOSED AMENDMENT

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/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:	**Non-Emergency Police**	**919-362-8661**

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

Dirt in the Road:	**James Misciagno**	**919-372-7470**

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

Dirt on Properties or in Streams:	**James Misciagno**	**919-372-7470**
	Danny Smith	**Danny.Smith@ncdenr.gov**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	**James Misciagno**	**919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	**James Misciagno**	**919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	**James Misciagno**	**919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	**Mike Deaton**	**919-249-3413**

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

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.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Zoom

Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30

Property Owner(s) name(s): SM Raleigh LLC

Applicant(s): McAdams

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Barbara Hinkle				
2.	Wayne Weaver				
3.	Steve and Cindy Swamp	2701 Southwinds Run			
4.	Pat and Nancy Woodward	2721 Southwinds Run			
5.	Jean Cheely	2601 Southwinds Run			
6.	Doug Whitley	2128 Castle Pines Dr			
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): SM Raleigh LLC

Applicant(s): McAdams

Contact information (email/phone): Josh Decker | decker@mcadamsco.com | 919-361-5000

Meeting Format: Zoom

Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30

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

Question/Concern #1:
Was there a retaining wall on the originally approved plan?

Applicant's Response:
Yes, there was a retaining wall on the original plan.

Question/Concern #2:
Can we improve the Type D buffer on Kelly Rd?

Applicant's Response:
This buffer is designed as street trees and will remain as is on the approved plan.

Question/Concern #3:
What is the price range on the homes for this development?

Applicant's Response:
We are unsure with the current market, but they will most likely be around the 400k range.

Question/Concern #4:
Can you make the Kelly Road buffer a Type A buffer?

Applicant's Response:
We most likely couldn't fit a Type A buffer within the given 10 feet. This buffer will remain a Type D, as it is on the approved plans.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): SM Raleigh LLC

Applicant(s): McAdams

Contact information (email/phone): Josh Decker | decker@mcadamsco.com | 919-361-5000

Meeting Address: Virtual - Zoom Meeting

Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30

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

Question/Concern #1:

Could you look at the amenity near our property (Woodward)? We don't want to much noise coming from that area or children wandering over to our property.

Applicant's Response:

This amenity is a lawn area and is located over 250 feet away from your property. There are not plans to have play equipment here, so noise from children shouldn't be an issue.

Question/Concern #2:

If you want to start building in the fall, you will need to make sure internet service is available. Having better internet service is something we are looking forward to with this new development.

Applicant's Response:

Thank you, that is something we will consider.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Brian Ketchem, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.

3. The meeting was conducted via Zoom (indicate format of meeting) on April 22, 2020 (date) from 5:30 (start time) to 7:30 (end time).

4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

_____ By: _____
Date

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

_____
Notary Public

_____
Print Name

My Commission Expires: _____

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, _____, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

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4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

4/28/2020
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Stephanie A. Hedrick, a Notary Public for the above State and County, on this the 28th day of April, 2020.

SEAL

STEPHANIE A. HEDRICK NOTARY PUBLIC WAKE COUNTY, NC

Stephanie A. Hedrick
Notary Public

Stephanie A. Hedrick
Print Name

My Commission Expires: 08/02/2020

WEST VILLAGE PUD

PD PLAN FOR PUD CZ

APEX, NORTH CAROLINA

Dated November 2, 2015

Revised: December 4, 2015

Revised: January 15, 2016

Revised: April 15, 2016

Revised: May 2, 2016

Revised: July 1, 2016

Revised: July 26, 2016

Revised: August 3, 2016

Revised: May 1, 2020

PREPARED FOR:

Town of Apex

C/O Stanley Martin Homes

4020 Westchase Blvd

Suite 470

Raleigh, NC 27607

PREPARED BY:

THE JOHN R. MCADAMS COMPANY

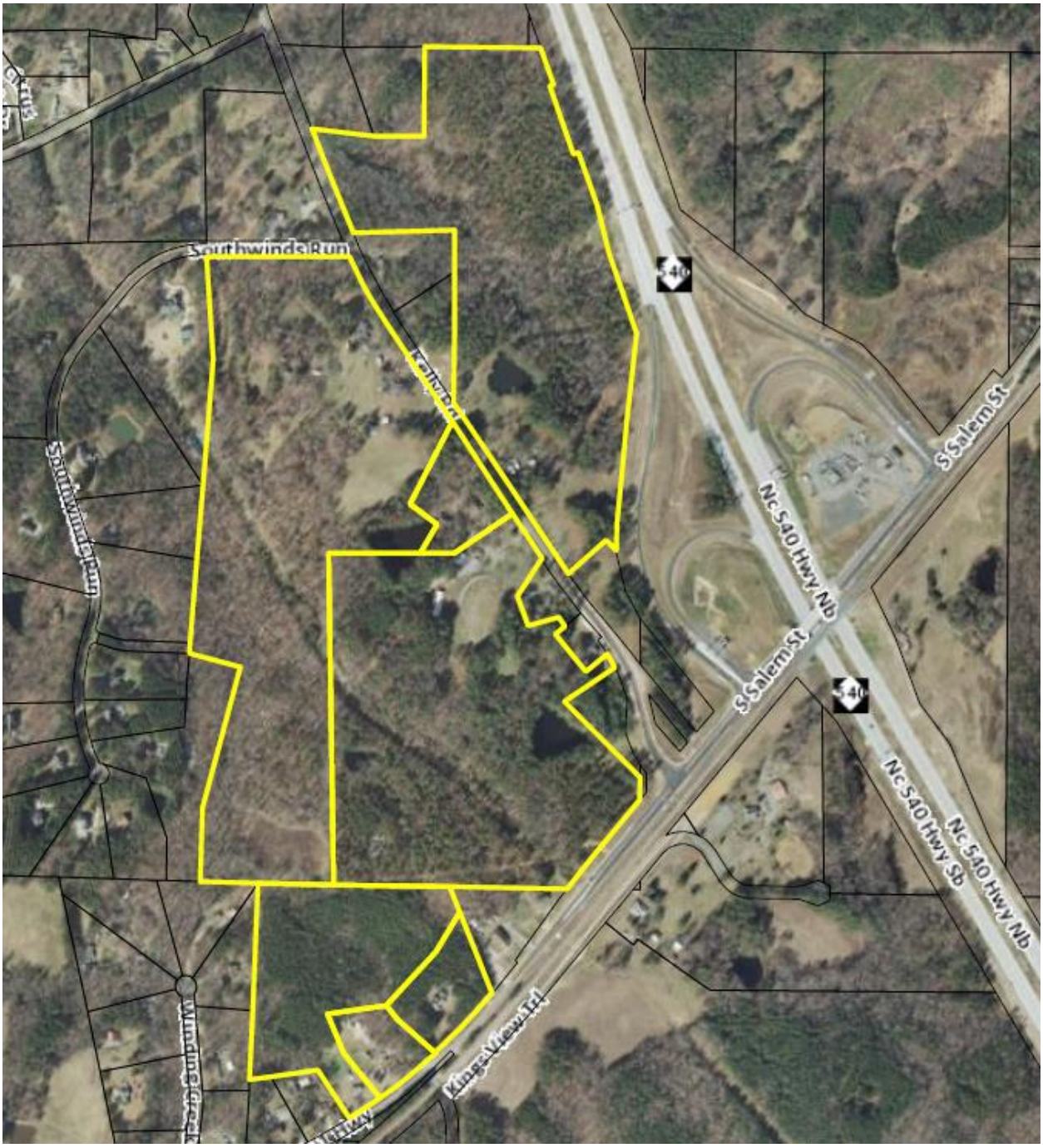
BOB ZUMWALT, RLA

JOSH DECKER, RLA

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents
Section 2: Vicinity Map
Section 3: Project Data
Section 4: Purpose Statement
Section 5: Permitted Uses
Section 6: Proposed Design Controls
Section 7: Proposed Architectural Controls
Section 8: Parking and Loading
Section 9: Signage
Section 10: Natural Resource and Environmental Data
Section 11: Stormwater Management
Section 12: Parks and Recreation
Section 13: Public Facilities
Section 14: Phasing Plan
Section 15: Consistency with Land Use Plan
Section 16: Compliance with UDO

Section 2: Vicinity Map



Section 3: Project Data

A. Name of Project: West Village PUD

B. Applicant

Owner/Developer: Stanley Martin Homes
4020 Westchase Blvd
Suite 470
Raleigh, NC 27607

Prepared By: The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

C. Current Zoning Designation:
Rural Residential (RR), Office & Institutional (O&I-CZ), Conditional Zoning (RA)

D. Proposed Zoning Designation:
PUD-CZ

E. Current 2030 Land Use Map Designation:
Medium Density Residential (single-family homes and townhomes up to 6 units per acre). Mixed-Use (MORR, PUD, TND, MEC, SD). Acreages below are approximate as the line separating Land Use Map uses isn't surveyed. Acreages and ratios below based upon total project acreage of 163.34 acres.

Medium Density Residential Acreage – 33.47 Acres (20.75% of Project Total)
Mixed-Use Acreage – 129.87 Acres (79.25% of Project Total, 38.96 acres required to be non-residential based on minimum 30% requirement

F. Proposed 2030 Land Use Map Designation:
The proposed PUD includes a mix of residential (maximum of 380 units) and non-residential uses (500,000 square feet maximum) which is consistent with the current land use designation of Medium Density Residential and Mixed-Use. Acreages and ratios below based upon total project acreage of 163.34 acres.

Proposed Residential – maximum of 380 units (up to 6 units/acre allowable)

- 3.55 units/residential use acre

Proposed Non-Residential – up to 55.99 acres, up to 500,000 SF

- 43.11% of Mixed-Use designation

G. Area of Tracts and Property Ownership

Total Gross Acreage within PUD: 163.34 Acres
Net Acreage following Right-of-Way Dedication: 161.34

Property Identification Number (PIN):
0731331798
0731441619
0731329405
0731311773
0731318157
0731422153
0731434504
0731441619
0731338590
0731435707
0731434767

Section 4: Purpose Statement

The West Village PUD development concept intends to provide a mix of residential housing opportunities and non-residential uses that are consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. It is the intent of this development to comply with the PUD development parameters and design controls set forth in the Town's UDO (Section 2.3.4 (F) (1)(a)(i)-(vi). More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO.
- Offer a mix of non-residential and residential uses, including single-family detached lots, detached townhomes and attached townhomes. The maximum development density for each uses is provided for in this PUD Plan.
- Demonstrate dimensional standards that are consistent with the UDO, and where variances occur, said variances will be included herein and subject to Council approval.
- Provide a variety of residential and non-residential uses that are linked by a network of connected streets and pedestrian sidewalk and trail networks in a way that promotes connectivity, walkability and healthy lifestyles.

- Provide distinctive style architecture and housing which is compatible with the Land Use Plan and value expectations of surrounding properties.
- The Developer shall provide two locations for public art located within the proposed roundabouts and/or commercial areas, to be coordinated with the Town of Apex.

All site specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts*. The proposed PUD, with a maximum density of 380 units per acre and 500,000 square feet of non-residential uses will provide a development density that is consistent with the 2030 Land Use Plan designations of Medium Density Residential and Mixed-Use. The Peak Plan 2030 describes medium density residential use as primarily single-family and townhomes up to 6 units per acre, a density that will act as a transition between more urbanized areas of Apex to lower density neighborhoods to the west. Not only is the proposed PUD consistent with the future land use plan, it provides an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhood to the north and west. The project will transition from non-residential uses at intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the west. Road improvements, meeting Town of Apex standards, will allow connectivity within the development and to adjoining infrastructure, while a sidewalk network will offer pedestrian linkages as an alternative transportation modality.

Section 5: Permitted Uses

The development will include residential and non-residential uses. Specifically, the permitted uses shall include:

Residential

Housing (front loaded or alley loaded)

- Single-Family
- Townhouse
- Townhouse, detached

Utilities

- Utility, minor

Recreational Uses

- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Non-Residential

Public and Civic Uses

- Assembly Hall, Non-profit/for-profit
- Church
- Cemetery
- Day Care Facility
- School, Public or Private
- Veterinary Clinic or Hospital
- Vocational School
- Drop-in or Short-Term Child Care

Utilities

- Communication Tower, Commercial (limited to the existing tower)
- Utility, minor

Recreational Uses

- Entertainment, Indoor
- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Food and Beverage Service

- Restaurant, drive-through
- Restaurant, general

Office and Research

- Medical or dental clinic or office
- Office, business or professional

Public Accommodation

- Hotel or motel

Retail Sales and Service

- Barber and beauty shop
- Book store
- Building supplies, retail
- Convenience store
- Convenience store with gas sales
- Dry cleaners and laundry service
- Farmer's market
- Financial institution
- Floral shop
- Funeral home
- Gas and fuel, retail
- Greenhouse or nursery, retail
- Grocery, general
- Grocery, specialty
- Health/fitness center or spa
- Laundromat
- Newsstand or gift shop
- Personal service
- Pharmacy
- Printing and copying services, limited
- Retail sales, bulky goods
- Retail sales, general
- Studio for art
- Tailor shop
- Theatre
- Pet services
- Artisan studio

Section 6: Proposed Design Controls

A. Residential Densities and Design Controls Density

- Maximum Units: 380 units
- Maximum built upon area: 70% (impervious)

Single-Family

- Minimum lot size: 7,000 square feet (8,000 SF average, minimum of 10,000 SF within 100' of Westwinds neighborhood off of Southwinds Run)

- Minimum lot width: 55 feet
- Front setback: 20 feet
- Side setback: 5 feet
- Corner side setback: 10 feet
- Rear setback: 15 feet
- Maximum building height: 36 feet (front façade, basements could increase height of floor to roof on rear façade)

Townhomes

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
  18 feet (garage front units)
- Side setback: 0 feet
- Building separation: 16 feet
- Rear setback: 5 feet (alley loaded units)
  10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

Townhomes (Detached)

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
  18 feet (garage front units)
- Side setback: 3 feet
- Corner side setback: 10 feet
- Rear setback: 5 feet (alley loaded units)
  10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

B. Non-Residential Densities and Design Controls

- Maximum Density: 500,000 square feet
- Minimum lot size: 5,000 square feet
- Minimum lot width: None
- Front setback: 5 feet
- Side setback: 5 feet
- Corner side setback: 5 feet
- Rear setback: 5 feet
- Maximum building height: 75 feet; 5 story

- Maximum built upon area: 70% (impervious)

C. Landscaping, Buffering, and Screening

All landscape, buffering and screening standards shall comply with buffer types and widths, shown on sheet C-2 of the PUD plans. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street. The 30' Type E Buffer along Old US HWY 1 frontage shall apply to residential and non-residential uses as shown on sheet C-2. Additionally, a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, as shown on sheet C-2. This is to allow grading within the buffer and reduce retaining wall height to minimize adverse visual impacts for the neighbouring property.

Section 7: Proposed Architectural Controls

The proposed development will exhibit quality architectural aesthetics to establish a neighborhood theme while allowing architectural diversity. Basic architectural controls are included to ensure a consistency of character throughout the development while providing flexibility for variety, thus avoiding monotony.

Three (3) distinct residential areas are envisioned for West Village and will be comprised of attached townhomes, detached townhomes and detached single family homes. While the majority of the homes are likely to have front load garages, it is anticipated a portion of the project will also integrate alley-loaded detached townhomes within at least one or possibly both of the townhome sections. The prevailing architecture scheme proposed is designed to promote a mix of "Americana" and "New Urbanism". There are 2 distinct townhome designs proposed, one is a Lake Cottage series utilizing a more natural material selection and earth tone color palette with wood and stone accents. The second townhome series is identified as an Urban American design series with emphasis on clean lines and alternating materials to provide horizontal relief and additional interest. The color palate will be a soft series of brighter colors to incorporate diversity and vibrancy to the streetscape.

The single family detached homes will involve several different architectural styles including, but not only, Craftsman and Colonial melded into a diverse, eclectic and non-monotonous streetscape. Elevations will include gables, dormers and varying roof pitches to establish variation amongst facades. Colors used in the single family collection are expected to span a broad spectrum but generally softer in nature.

While each of the architectural series proposed will have their own identity, a number of common threads will link the different neighborhoods within West Village including the

extensive use of front porches, metal accent roofs and decorative garage doors. Units shall not be the same color as the adjacent units. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Note: A maximum of 36' allowed. References below should not prohibit variations in height, however similar character, look and style shall be utilized. One story and one and a half story homes are allowable.

URBAN AMERICAN

COLONIAL

LAKE COTTAGE

CRAFTSMAN

WRAP PORCHES WHERE ALLOWED

SINGLE FAMILY HOMES

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community. Wrap porches encouraged on allowable lots.

WEST VILLAGE

APEX, NORTH CAROLINA

IMAGES ARE FOR CONCEPT PURPOSES ONLY

URBAN AMERICAN

COLONIAL

LAKE COTTAGE

CRAFTSMAN

SINGLE FAMILY HOMES - 1 1/2 Story Homes

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community.

OUTDOOR LIVING

OPEN FLOOR PLANS

COVERD PORCHES ON ALL ELEVATIONS

SAMPLE COLOR PALETTE: COMBINES LAKE COTTAGE & URBAN AMERICAN

IMAGES ARE FOR CONCEPT PURPOSES ONLY

WEST VILLAGE
APEX, NORTH CAROLINA

LIGHTER STAIN ACCENTS

WHITE GARAGE DOORS

LIGHT TRIM

SAMPLE COLOR PALETTE - COMBINED LAKE COTTAGE & URBAN AMERICAN

LAKE COTTAGE STYLE
TOWNHOMES
REAR LOAD GARAGE
- Covered Porches
- Stone
- Light Stain & Painted Wood Accents:
- Brackets & Columns
- Light Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
  - Shake, Board & Batten, Lap
- Carriage Style Garage Doors with Glass

WEST VILLAGE
APEX, NORTH CAROLINA

STAINED WOOD COLUMNS

STAINED FRONT DOORS

DARK TRIM & WINDOWS

METAL ROOF ACCENTS

STONE

EXPOSED WOOD BEAMS

COLOR PALETTE INSPIRED BY NATURE

LAKE COTTAGE STYLE
TOWNHOMES
FRONT LOAD GARAGE
- Covered Porches
- Stone
- Wood Accents:
  - -Brackets - Front Doors
  - -Columns - Garage Doors with glass
- Dark Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
  - Shake, Board & Batten, Lap

WEST VILLAGE
APEX, NORTH CAROLINA

IMAGES ARE FOR CONCEPT PURPOSES ONLY

Note: Third story living space may be included, however maximum heights per PUD will not be exceeded.

WHITE GARAGE DOORS WITH GLASS

CLEAN WINDOW GRID PATTERN

METAL ROOF

INDUSTRIAL STYLE LIGHT FIXTURES

COVERED PORCHES

BRIGHT DOOR COLORS

FRESH COLOR PALETTE

URBAN AMERICAN
TOWNHOMES

Fresh Color Palette with Bright Doors
Clean Architectural Lines
Stone Accents
Carriage Garage Doors with Windows
Covered porches
Metal Roof (Accent)

WEST VILLAGE
APEX, NORTH CAROLINA

IMAGES ARE FOR CONCEPT PURPOSES ONLY

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include benches, trash receptacles, street and/or pedestrian lights compatible with their context. Other features may include markers, bollards, pole banners, and unique paving patterns.

Additional features used as focal points or key terminus points may be located within or around the development (i.e. gazebos, fountains, and public art). Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines:

Single-Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 4’ out from the front façade or front porch except where a side load garage condition presents itself.
5. The roof shall be pitched at 5:12 or greater.

Townhomes and Townhomes Detached

6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. All townhomes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
8. Roofline cannot be a single mass; it must be broken up either horizontally and/or vertically between, at minimum, every other unit.
9. Garage doors must have windows, decorative details or carriage-style adornments on them.
10. House entrances for units with front-facing single-car garages must have a prominent covered porch/stoop area leading to the front door.

Proposed Materials

Proposed materials will be of a similar palette to provide consistency of character along with visual interest. Exterior material that may be incorporated into any of the residential building products include:

- Cementitious siding, metal accent roofs
- Wood siding
- Stone or synthetic stone
- Brick

Additional exterior materials that are prohibited include:

- Aluminium siding

Additional building materials may be included with administrative staff approval.

In addition to the above design guidelines, Builders of residential homes shall install conduit from the electric panel box to the attic area appropriate to allow connection of a roof-installed solar panel system.

Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public places.
- Every effort shall be made to locate service and loading areas in the rear of structures. Where these features are located between the building and a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of buildings facing a street shall incorporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences of roof height, pitch, ridgelines and materials shall be used to create visual interest and avoid repetition.

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminium storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- EIFS or synthetic stucco shall not be uses in the first four feet above grade and shall be limited to only 25% of each building façade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Non-residential buildings visible from public view shall be constructed with compatible materials. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

Exterior materials not allowable as a part of the development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal Walls

Section 8: Parking and Loading

All parking standards within the PUD will comply with Section 8.3, *Parking and Loading*, of the Town of Apex's UDO (effective date December 15, 2015).

Section 9: Signage

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO. A Master Sign Plan shall be submitted by the developer that shows detailed location, dimensions, and materials of all signs, in accordance with Section 8.7 referenced above, with any site plan submittal.

Off-Site Signage Conditions

Developer shall design and construct neighborhood sign for adjacent Westwinds community at intersection of Southwinds Run and Kelly Road. A sign easement will be

coordinated with adjacent land owners to confirm location as the location will need to be platted and recorded.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located primarily Cape Fear River Basin. The project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex watershed map. Given this overlay district, this PUD will comply with all built upon area, vegetated conveyances, structural BMP's and riparian stream buffer requirements of Section 6.1.7 (B)(1)-(4).

B. FEMA designated 100 year floodplains

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

C. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*, as provided for within.

The PUD will preserve a minimum of 27% (including 2% required if the site is mass graded) of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA's are provided as stormwater management areas, and greenway trails which necessarily contribute to a walkable community as the project intends. RCA is transferrable from locations shown as a part of the exhibits associated with this PUD document. However, the minimums stated shall be met prior to full build out of the project. On-site ponds are intended to be drained and based on the outcome of those processes, developable land may be created and RCA relocated.

D. Landscaping, Buffering and Screening

This PUD will be subject to, and meet the requirements of Section 8.2.6 of the UDO, *Buffering* as provided for within. Please note the perimeter buffer associated with the

westernmost property line has been increased above the minimum 10’ required buffer in order to provide additional screening to the residential land located to the west of the project area. While a majority of this westernmost buffer includes 30’ of undisturbed buffer and 10’ of Type A (40’ total), a portion of the 40’ buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, creating a 40’ Type A buffer, as shown on sheet C-2. Allowing grading in this portion of the buffer will allow for reduced retaining wall height, as requested by the neighbouring property owner.
The PUD will contain the following landscape buffers to separate adjacent land uses:

- Type A: Opaque
  This buffer functions as an opaque screen from the ground to a height of at least 6 feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet at time of planting. Screening plants for the type a buffer shall be evergreen and between 5 and 6 feet tall at the time of installation (see plant standards sec. 8.2.2(b)). At least 50 percent of the required trees and 100 percent of the shrubs must be evergreen species.

- Type B: Semi-Opaque
  This buffer serves as a semi-opaque screen from the ground to a height of between 3 and 6 feet with openings no greater than 10 feet. Trees shall obtain a height of between 18 and 40 feet at maturity and have no unobstructed openings greater than 20 feet between canopies at maturity. Large trees shall be spaced no wider than 40 feet at time of planting, and small trees shall be spaced no more than 20 feet. At least 75 percent of the required shrubs must be evergreen species.

- Type D: Streetfront
  This buffer is intended to provide a softening of the view of a particular property from the street, without eliminating views to and from the property. This shall include at least one large type tree for every 1,000 square feet of buffer, or two small trees for every 1,000 square feet of buffer. Large trees may not be spaced more than 30 feet apart, and small trees no more than 15 feet apart. At maturity, these trees shall reach a height of at least 20 feet. A streetfront buffer is required along all private and public streets except thoroughfares and controlled access highways. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no

streetscape buffers will be required based on the option to alley load homes or buildings on the street.

- Type E: Streetscape Buffers Along Thoroughfares.
  Streetscape buffers are required on all thoroughfares as shown on the adopted thoroughfare map. Streetscape buffers are to remain undisturbed to the maximum extent practicable except where no existing vegetation is present. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street.

E. Any historic structures present

One historic structure exists within Non-Residential Pod 1 and is shown on the Existing Conditions Plan and noted on the Preliminary Layout and Phasing Plan.

Prior to approval of a site plan for Non-Residential Pod 1 (subject property), a Historic Preservation Easement and Rehabilitation Agreement shall be established for historic structure(s) on the site with Capital Area Preservation (or such other agency as designated by the Town of Apex). The specific terms of the Historic Preservation Easement and Rehabilitation Agreement shall be as agreed to by the Owner and Capital Area Preservation (or such other agency as designated by the Town).

Efforts associated with removing, restoring or maintaining this structure will occur as a part of the non-residential development associated with this development pod. However, as a part of the road widening effort if conflicts arise as a part of required transportation or utility improvements, efforts to address this structure may happen prior to the non-residential development. Activities relating to the historic structure will be done in compliance with applicable UDO requirements, including Section 2.2.8.

Section 11: Stormwater Management

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, 25 year and 24 hour storm events.

- Treatment for the first 1 inch of runoff will provide for 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, retention ponds, bio-retention areas, or other approved devices consistent with the NC DWQ Stormwater BMP Manual and the Town of Apex UDO.

Section 12: Parks and Recreation

This project is pending review by the Parks, Recreation, and Cultural Resources Advisory Commission.

No Units*	Housing Type	Fee Per Unit**	Total Fees
88	Single-family	$3,206.19	$282,144.72
292	Townhomes	$2,146.92	$626,900.64

**Final unit mix will be determined at the time of Master Subdivision and shall allow for up to 380 total units.*
***Fees are based upon approval date and runs with project with exception of the increase in total unit count.*

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F) (1) (f) and be designed according to sound engineering standards. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure:**
  All proposed roadway infrastructure will be consistent with the Town of Apex UDO and Transportation Plan (updated in 2011), and the Traffic Impact Analysis approved by the Town of Apex and NCDOT. An internal road network will be provided in accordance with the Town's UDO. All road networks will promote connectivity wherever possible to adjacent neighborhoods, undeveloped property, nearby points of interest, and municipal destinations. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible.

Roadway Phasing – Prior to time of the fifty-first certificate of occupancy associated with the residential located off of Old US HWY 1, the second point of access (southernmost portion of Street A), necessary portion of the southernmost roundabout and Street B

shown shall be constructed. As a part of the non-residential development in Pod 3, the roundabout proposed on Kelly Road shall be constructed along with the portion of Street A tying back to the southernmost roundabout. Prior to time of the first certificate of occupancy associated with Pod 3, Street A will be complete the connection from Kelly Road and Old US HWY 1.

- **Off-Site Transportation Conditions:**

  The project will also provide the following off-site transportation conditions:

All recommendations on state maintained roadways are subject to NCDOT review and approval as part of the driveway permits and encroachment agreements. Build 2018 refers to the first plat of residential development or as otherwise determined by Apex Town Council during the review and approval of subdivision plans. Build 2020 refers to the first plat of commercial development or as otherwise determined by Apex Town Council during the review and approval of commercial site plans. Internal Protected Storage Length (IPS) refers to the required minimum distance from the intersection along the proposed driveway or street before any full movement commercial driveway access or public street intersection will be allowed.

Developer shall provide right-of-way dedication along Kelly Road and Old US 1 based on a 100-foot right-of-way. Where Old US 1 abuts railroad right-of-way the developer shall be responsible for dedicating public right-of-way 70 feet from roadway centerline along the project frontage or as otherwise required to accommodate a 100-foot road right-of-way exclusive of railroad right-of-way.

Street 'A' and Street 'B' (including Kelly Road at Site Drive #4)

- Street 'A' shall be constructed as a 3-lane 38-foot curb and gutter street with 5-foot sidewalk on both sides on 62-foot public right-of-way.
- Street 'B' shall be constructed as a 2-lane 39'-foot curb and gutter street with on-street parking and 6-foot sidewalk on both sides on 53-foot public right-of-way.
- Residential driveway access shall not be permitted along Streets 'A' and 'B'.
- Prior to platting the 51st residential unit in the Residential area located adjacent to Old US 1, developer shall construct and dedicate as public Street 'A' from Site Drive #5 to the roundabout at Street 'B', roundabout serving Street 'A' at Street 'B', and Street 'B' from Site Drive #6/Pleasant Plains Road to the roundabout at Street 'A'.
- Prior to the first certificate of occupancy within POD 3, developer shall construct and dedicate as public Street 'A' from the roundabout at Street 'B' to Kelly Road at Site Drive #4 and construct a roundabout on Kelly Road at Site Drive #4. The roundabout will serve a 4-lane divided roadway to the north and 2-lane roadway to the south for Build 2020.

Kelly Road at Olive Chapel Road

- Developer shall construct a 200-foot eastbound right turn lane and a 300-foot additional westbound left turn lane on Olive Chapel Road (with southbound receiving through lane on Kelly Road) for Build 2020.

Kelly Road at Apex Barbecue Road

- Developer shall construct a 400-foot eastbound left turn lane, 350-foot westbound left turn lane, 350-foot northbound left turn lane, 150-foot northbound right turn lane, 350-foot southbound left turn lane, and 200-foot southbound right turn lane for Build 2020.

Kelly Road at Southwinds Run

- Developer shall construct a 100-foot northbound left turn lane on Kelly Road, an additional (second) northbound through lane through the intersection to drop as a right turn at Site Drive #1, and begin an additional (second) southbound through lane immediately south of Southwinds Run for Build 2020.

Old US 1 at Kelly Road

- Developer shall construct a 100-foot westbound right turn lane on Old US 1 for Build 2018.
- Developer shall convert the intersection to right-in/right-out as well as construct an additional westbound through lane, beginning at the NC 540 Southbound off-ramp as a free-flow right turn exiting the ramp, along with a 200-foot westbound right turn lane on Old US 1 for Build 2020.
- Prior to platting the 300th residential unit, the developer will complete a signal warrant analysis at the intersection of Old US 1 and Kelly Road to determine if a traffic signal is warranted at the intersection. If the signal is warranted and approved for installation by NCDOT, the developer will permit and install the traffic signal. However, if Street “A” through POD 3 is under construction prior to installation of the signal, then the requirement for the signal shall be waived and the Kelly Road / Old US 1 intersection shall be converted to a Right-In/Right-Out as required in the improvements for the commercial development.

NC 540 Ramps at Old US 1

- Developer shall provide a free-flow right turn lane for the NC 540 Southbound off-ramp and additional receiving through lane continuing west to drop as a right turn at Site Drive #6 on Old US 1 for Build 2020.

Old US 1 at Pleasant Plains Road & Site Drive #6

- Developer shall construct Site Drive #6 with a through-right lane and a 200-foot left turn lane for Build 2018.
- Developer shall construct a 200-foot eastbound left turn lane and 200-foot westbound left turn lane on Old US 1 for Build 2018.
- Developer shall install a traffic signal once warranted and approved by NCDOT and install communication with the NC 540 traffic signals.
- Developer shall construct an additional westbound through lane on Old US 1 to drop as a right turn lane at Site Drive #6 for Build 2020.
- Developer shall construct an additional eastbound through lane on Old US 1 beginning 400 feet west of Site Drive #6 for Build 2020.

Kelly Road at Site Drive #1

- Developer shall construct Site Drive #1 as a right-in and right-out only providing 100 feet IPS and a 100-foot northbound right turn lane on Kelly Road for Build 2018.
- Developer shall construct an additional northbound through lane on Kelly Road to drop as a right turn lane at Site Drive #1 for Build 2020.

Kelly Road at Site Drive #2

- Developer shall construct Site Drive #2 as a right-in and right-out only providing 100 feet IPS for Build 2018.
- Developer shall construct an additional northbound through lane and an additional southbound through lane on Kelly Road at Site Drive #2 for Build 2020.

Kelly Road at Site Drive #3

- Developer shall construct Site Drive #3 with a 100-foot eastbound right turn lane and a 100-foot westbound right turn lane on the Site Drive #3 approaches adjacent to through-right lanes with 200 feet IPS for Build 2018.
- Developer shall construct 100-foot northbound and 100-foot southbound left turn lanes on Kelly Road for Build 2018.
- Developer shall construct an additional (second) southbound through lane and additional (second) northbound through lane on Kelly Road at Site Drive #3 for Build 2020.

Old US 1 at Site Drive #5

- Developer shall construct Site Drive #5 as a full-movement intersection with 200-foot dual southbound left turn lanes and a 200-foot southbound right turn lane providing 300 feet IPS providing connectivity to both the residential and commercial phases for Build 2020.

- Developer shall construct an additional (second) westbound through lane and add a 200-foot westbound right turn lane on Old US 1 for Build 2020.
- Developer shall construct a 300-foot eastbound left turn lane and an additional (second) eastbound through lane on Old US 1 dropping 1000 feet east of the intersection for Build 2020.

- **Electric Charging Stations:**
  Developer shall provide 2 charging stations, one within the residential and one within the non-residential for electric vehicles within the overall project. In addition to these committed stations, two additional charging stations will be installed as part of the overall project.

- **Water & Sewer Utilities:**
  All **water and sanitary sewer** service will be provided by the developer and conform to the Town of Apex Public Works and Utilities Department requirements. Preliminary location and tie in points are shown on sheet C-3 and C-4 of the PUD plans. The water extension shown along Kelly Road to Old US HWY 1, alternatively, could be located through Pod – 3 Commercial and southernmost residential accomplishing the intent of the routing shown on sheet C-3 and C-4. The ultimate routing will be dictated by timing of commercial development, roadway construction internal to the site and timing commitment related to the extension. However, this will be coordinated with the Town of Apex at time of site plan and construction documents.

  Developer to provide $75,000 in escrow for use by the Westwinds community for insurance associated with community wells, for use in drilling new wells or to extend public water into the community as a primary or secondary water source. Ultimately, the well-related use of the funds will be determined by the Westwinds community. Land owners will be required to annex into the Town of Apex prior to making any connections to public water services provided by the Town.

- **Other Utilities:**
  Electricity will be provided by Apex Electric. Phone, cable and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD will be completed in up to 10 phases. Location of phases will be determined at the time of Master Subdivision Review and Approval.

Section 15: Consistency with the Land Use Plan

The proposed development is consistent with the 2030 Land Use Map's goals and objectives. The project contains both medium density residential and mixed-use designations. In accordance with this designation, the plan proposes a mix of uses that include single-family detached lots, townhomes and non-residential uses. The proposed development is situated at the intersection of Old US HWY 1 and NC HWY 540, positioning the project at a key location for future non-residential uses. As such, the project is allocating 34.28% of the total site area to accommodate non-residential uses. However, as it relates to the Mixed-Use designation, 43.11% of that total area has been allocated for non-residential uses.

The neighborhood is designed to provide an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhoods to the north and west. The project will transition from non-residential uses at the intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the northwest.

All uses within the project will be designed with an interconnected system of walkable streets, trails, open spaces and recreational amenities, providing for a highly desirable place for Apex residences to work, shop, eat and live.

Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with all applicable sections of the Town's Unified Development Ordinance (UDO).

WEST VILLAGE

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

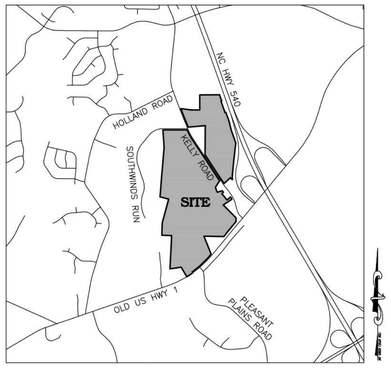
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA
PROJECT NUMBER: SMH-17000

DATE: MAY 1, 2020

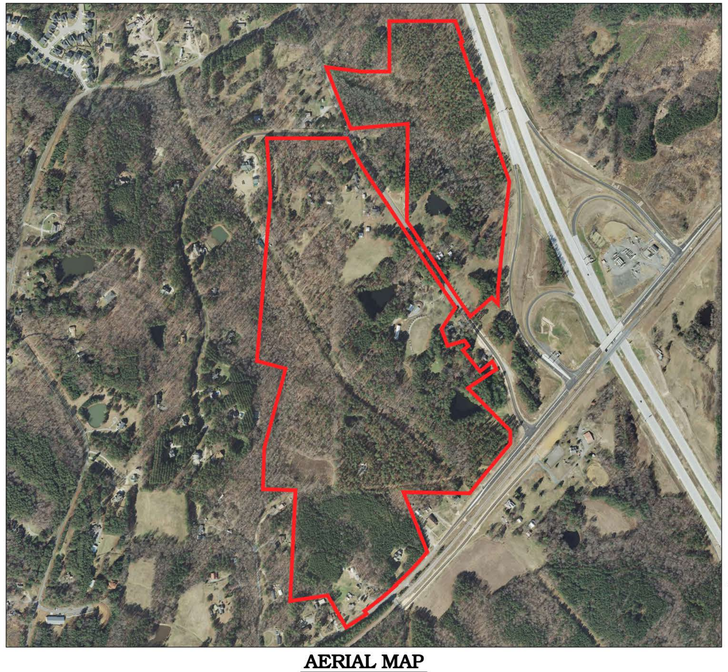
PLANNED DEVELOPMENT PLAN FOR:
WEST VILLAGE
APEX, NORTH CAROLINA
SMH-17000

SHEET INDEX

C-1 EXISTING CONDITIONS PLAN
C-2 PRELIMINARY LAYOUT & PHASING PLAN
C-3 PRELIMINARY UTILITY & STORMWATER MANAGEMENT PLAN
C-4 PRELIMINARY SANITARY SEWER OUTFALL



VICINITY MAP
NTS



AERIAL MAP
NTS

DEVELOPER:
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM
PHONE: 919-977-8760
EMAIL: KetchumBK@stanleymartin.com

OWNERS

1. SM RALEIGH LLC
PIN: 0731-44-1619
ZONING: PUD-CZ
USE: VACANT

2. FAHEY FAMILY FARM LLC
PIN: 0731-43-4504
ZONING: PUD-CZ
USE: RESIDENTIAL

3. FAHEY FAMILY FARM LLC
PIN: 0731-43-5707
ZONING: PUD-CZ
USE: VACANT

4. FAHEY FAMILY FARM LLC
PIN: 0731-43-4767
ZONING: PUD-CZ
USE: VACANT

5. SM RALEIGH LLC
PIN: 0731-33-1798
ZONING: PUD-CZ
USE: VACANT

6. SEARS, TONY C & JUDY T
PIN: 0731-33-8590
ZONING: PUD-CZ
USE: FORESTRY

7. SEARS, TONY C & JUDY T
PIN: 0731-33-8863
ZONING: PUD-CZ
USE: FORESTRY

8. SEARS, TONY C & JUDY T
PIN: 0731-32-9405
ZONING: PUD-CZ
USE: FORESTRY

9. SEARS, TONY C & JUDY T
PIN: 0731-42-2153
ZONING: PUD-CZ
USE: FORESTRY

10. SM RALEIGH
PIN: 0731-31-1773
ZONING: PUD-CZ
USE: VACANT

11. J&M STROUP LLC
PIN: 0731-31-8157
ZONING: PUD-CZ
USE: RESIDENTIAL

SITE DATA

DEVELOPER	STANLEY MARTIN HOMES 4020 WESTCHASE BLVD, SUITE 190 RALEIGH, NC 27607				
PARCELS	0731-44-1619	0731-33-1798	0731-42-2153		
	0731-43-4504	0731-33-8590	0731-31-1773		
	0731-43-5707	0731-33-8863	0731-31-8157		
	0731-43-4767	0731-32-9405			
	(SEE TABLE ON COVER SHEET FOR OWNER INFORMATION)				
SITE AREA	GROSS: 163.34 AC				
	R/W DEDICATION: 2.00 AC				
	NET: 161.34 AC				
EXISTING ZONING	PUD-CZ				
PROPOSED ZONING	PUD-CZ				
RIVER BASIN	CAPE FEAR				
WATERSHED OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT				
MAX BUILT UPON AREA (IMPERVIOUS)	LESS THAN 70% (IMPERVIOUS)				
2030 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL (MAX 6 DU/AC) & MIXED-USE				
EXISTING USE	RESIDENTIAL				
PROPOSED USE	UP TO 393 TOTAL RESIDENTIAL UNITS (SINGLE FAMILY & TOWNHOMES) UP TO 500,000 SF NON-RESIDENTIAL RECREATIONAL FACILITY (PRIVATE), PARK (ACTIVE), PARK (PASSIVE), UTILITY (MINOR) MIX OF USES RESIDENTIAL: 105.35 AC (65.30%) NON-RESIDENTIAL: 55.99 AC (34.70%)				
DENSITY	393 UNITS / 105.84 AC = 3.71 UNITS/AC				
		SINGLE FAMILY	TOWNHOME	TOWNHOME DETACHED	NON-RESIDENTIAL
LOT WIDTH	MINIMUM	55'	22'	22'	50'
LOT SIZE	MINIMUM	7,000 SF*	N/A	N/A	5,000 SF
	AVERAGE	8,000 SF	N/A	N/A	N/A
	*MINIMUM LOT SIZE FOR SINGLE FAMILY LOTS WITHIN 100' OF FAR WESTERN PROPERTY LINE (ADJACENT TO WESTWINDS SUBDIVISION) SHALL BE 10,000 SF				
SETBACKS	SIDE	5'	0'	3'	5'
	FRONT	20'	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE	5'
	CORNER SIDE	10'	16' BUILDING SEPARATION	10' BUILDING SEPARATION	5'
	REAR	15'	10'; OR 5' TO ALLEY-LOADED GARAGE	10'; OR 5' TO ALLEY-LOADED GARAGE	5'
BUILDING HEIGHT	MAXIMUM	36'	45' (3-STORY)	45' (3-STORY)	75' (5-STORY)
FEMA FIRM PANEL	3720073100J				
RESOURCE CONSERVATION AREA (RCA)	27% MINIMUM (43.56 AC) INCLUDES 2% REQUIRED IF SITE IS MASS GRADED				

TRANSPORTATION ZONING CONDITIONS

1. ALL RECOMMENDATIONS ON STATE MAINTAINED ROADWAYS ARE SUBJECT TO NCDOT REVIEW AND APPROVAL AS PART OF THE DRIVEWAY PERMITS AND ENCROACHMENT AGREEMENTS. BUILD 2018 REFERS TO THE FIRST PLAT OF RESIDENTIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY APEX TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF SUBDIVISION PLANS. BUILD 2020 REFERS TO THE FIRST PLAT OF COMMERCIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY APEX TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF COMMERCIAL SITE PLANS. INTERNAL PROTECTED STORAGE LENGTH (IPS) REFERS TO THE REQUIRED MINIMUM DISTANCE FROM THE INTERSECTION ALONG THE PROPOSED DRIVEWAY OR STREET BEFORE ANY FULL MOVEMENT COMMERCIAL DRIVEWAY ACCESS OR PUBLIC STREET INTERSECTION WILL BE ALLOWED.
2. DEVELOPER SHALL PROVIDE RIGHT-OF-WAY DEDICATION ALONG KELLY ROAD AND OLD US 1 BASED ON A 100-FOOT RIGHT-OF-WAY. WHERE OLD US 1 ABUTS RAILROAD RIGHT-OF-WAY THE DEVELOPER SHALL BE RESPONSIBLE FOR DEDICATING PUBLIC RIGHT-OF-WAY TO FEET FROM ROADWAY CENTERLINE ALONG THE PROJECT FRONTAGE OR AS OTHERWISE REQUIRED TO ACCOMMODATE A 100-FOOT ROAD RIGHT-OF-WAY EXCLUSIVE OF RAILROAD RIGHT-OF-WAY.
3. STREET 'A' AND STREET 'B' (INCLUDING KELLY ROAD AT SITE DRIVE #4)
   - STREET 'A' SHALL BE CONSTRUCTED AS A 3-LANE 38-FOOT CURB AND GUTTER STREET WITH 5-FOOT SIDEWALK ON BOTH SIDES ON 62-FOOT PUBLIC RIGHT-OF-WAY.
   - STREET 'B' SHALL BE CONSTRUCTED AS A 2-LANE 39'-FOOT CURB AND GUTTER STREET WITH ON-STREET PARKING AND 6-FOOT SIDEWALK ON BOTH SIDES ON 53-FOOT PUBLIC RIGHT-OF-WAY.
   - RESIDENTIAL DRIVEWAY ACCESS SHALL NOT BE PERMITTED ALONG STREETS 'A' AND 'B'.
   - PRIOR TO PLATTING THE 51ST RESIDENTIAL UNIT IN THE RESIDENTIAL AREA LOCATED ADJACENT TO OLD US 1, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM SITE DRIVE #5 TO THE ROUNDABOUT AT STREET 'B', ROUNDABOUT SERVING STREET 'A' AT STREET 'B', AND STREET 'B' FROM SITE DRIVE #6/PLEASANT PLAINS ROAD TO THE ROUNDABOUT AT STREET 'A'.
   - PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY WITHIN POD 3, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM THE ROUNDABOUT AT STREET 'B' TO KELLY ROAD AT SITE DRIVE #4 AND CONSTRUCT A ROUNDABOUT ON KELLY ROAD AT SITE DRIVE #4. THE ROUNDABOUT WILL SERVE A 4-LANE DIVIDED ROADWAY TO THE NORTH AND 2-LANE ROADWAY TO THE SOUTH FOR BUILD 2020.
4. KELLY ROAD AT OLIVE CHAPEL ROAD
   - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND RIGHT TURN LANE AND A 300-FOOT ADDITIONAL WESTBOUND LEFT TURN LANE ON OLIVE CHAPEL ROAD (WITH SOUTHBOUND RECEIVING THROUGH LANE ON KELLY ROAD) FOR BUILD 2020.
5. KELLY ROAD AT APEX BARBECUE ROAD
   - DEVELOPER SHALL CONSTRUCT A 400-FOOT EASTBOUND LEFT TURN LANE, 350-FOOT WESTBOUND LEFT TURN LANE, 350-FOOT NORTHBOUND LEFT TURN LANE, 150-FOOT NORTHBOUND RIGHT TURN LANE, 350-FOOT SOUTHBOUND LEFT TURN LANE, AND 200-FOOT SOUTHBOUND RIGHT TURN LANE FOR BUILD 2020.
6. KELLY ROAD AT SOUTHWINDS RUN
   - DEVELOPER SHALL CONSTRUCT A 100-FOOT NORTHBOUND LEFT TURN LANE ON KELLY ROAD, AN ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE THROUGH THE INTERSECTION TO DROP AS A RIGHT TURN AT SITE DRIVE #1, AND BEGIN AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE IMMEDIATELY SOUTH OF SOUTHWINDS RUN FOR BUILD 2020.
7. OLD US 1 AT KELLY ROAD
   - DEVELOPER SHALL CONSTRUCT A 100-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2018.
   - DEVELOPER SHALL CONVERT THE INTERSECTION TO RIGHT-IN/RIGHT-OUT AS WELL AS CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE, BEGINNING AT THE NC 540 SOUTHBOUND OFF-RAMP AS A FREE-FLOW RIGHT TURN EXITING THE RAMP, ALONG WITH A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
8. NC 540 RAMPS AT OLD US 1
   - DEVELOPER SHALL PROVIDE A FREE-FLOW RIGHT TURN LANE FOR THE NC 540 SOUTHBOUND OFF-RAMP AND ADDITIONAL RECEIVING THROUGH LANE CONTINUING WEST TO DROP AS A RIGHT TURN AT SITE DRIVE #6 ON OLD US 1 FOR BUILD 2020.
9. OLD US 1 AT PLEASANT PLAINS ROAD & SITE DRIVE #6
   - DEVELOPER SHALL CONSTRUCT SITE DRIVE #6 WITH A THROUGH-RIGHT LANE AND A 200-FOOT LEFT TURN LANE FOR BUILD 2018.
   - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND LEFT TURN LANE AND 200-FOOT WESTBOUND LEFT TURN LANE ON OLD US 1 FOR BUILD 2018.
   - DEVELOPER SHALL INSTALL A TRAFFIC SIGNAL ONCE WARRANTED AND APPROVED BY NCDOT AND INSTALL COMMUNICATION WITH THE NC 540 TRAFFIC SIGNALS.
   - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE ON OLD US 1 TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #6 FOR BUILD 2020.
   - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL EASTBOUND THROUGH LANE ON OLD US 1 BEGINNING 400 FEET WEST OF SITE DRIVE #6 FOR BUILD 2020.
10. KELLY ROAD AT SITE DRIVE #1
    - DEVELOPER SHALL CONSTRUCT SITE DRIVE #1 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS AND A 100-FOOT NORTHBOUND RIGHT TURN LANE ON KELLY ROAD FOR BUILD 2018.
    - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE ON KELLY ROAD TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #1 FOR BUILD 2020.
11. KELLY ROAD AT SITE DRIVE #2
    - DEVELOPER SHALL CONSTRUCT SITE DRIVE #2 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS FOR BUILD 2018.
    - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE AND AN ADDITIONAL SOUTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #2 FOR BUILD 2020.
12. KELLY ROAD AT SITE DRIVE #3
    - DEVELOPER SHALL CONSTRUCT SITE DRIVE #3 WITH A 100-FOOT EASTBOUND RIGHT TURN LANE AND A 100-FOOT WESTBOUND RIGHT TURN LANE ON THE SITE DRIVE #3 APPROACHES ADJACENT TO THROUGH-RIGHT LANES WITH 200 FEET IPS FOR BUILD 2018.
    - DEVELOPER SHALL CONSTRUCT 100-FOOT NORTHBOUND AND 100-FOOT SOUTHBOUND LEFT TURN LANES ON KELLY ROAD FOR BUILD 2018.
    - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE AND ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #3 FOR BUILD 2020.
13. OLD US 1 AT SITE DRIVE #5
    - DEVELOPER SHALL CONSTRUCT SITE DRIVE #5 AS A FULL-MOVEMENT INTERSECTION WITH 200-FOOT DUAL SOUTHBOUND LEFT TURN LANES AND A 200-FOOT SOUTHBOUND RIGHT TURN LANE PROVIDING 300 FEET IPS PROVIDING CONNECTIVITY TO BOTH THE RESIDENTIAL AND COMMERCIAL PHASES FOR BUILD 2020.
    - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) WESTBOUND THROUGH LANE AND ADD A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
    - DEVELOPER SHALL CONSTRUCT A 300-FOOT EASTBOUND LEFT TURN LANE AND AN ADDITIONAL (SECOND) EASTBOUND THROUGH LANE ON OLD US 1 DROPPING 1000 FEET EAST OF THE INTERSECTION FOR BUILD 2020.

THE JOHN R. McADAMS COMPANY, INC.
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Durham, North Carolina 27713
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(800) 733-5646 ▪ McAdamsCo.com
Contact: Josh Decker
decker@mcadamsco.com

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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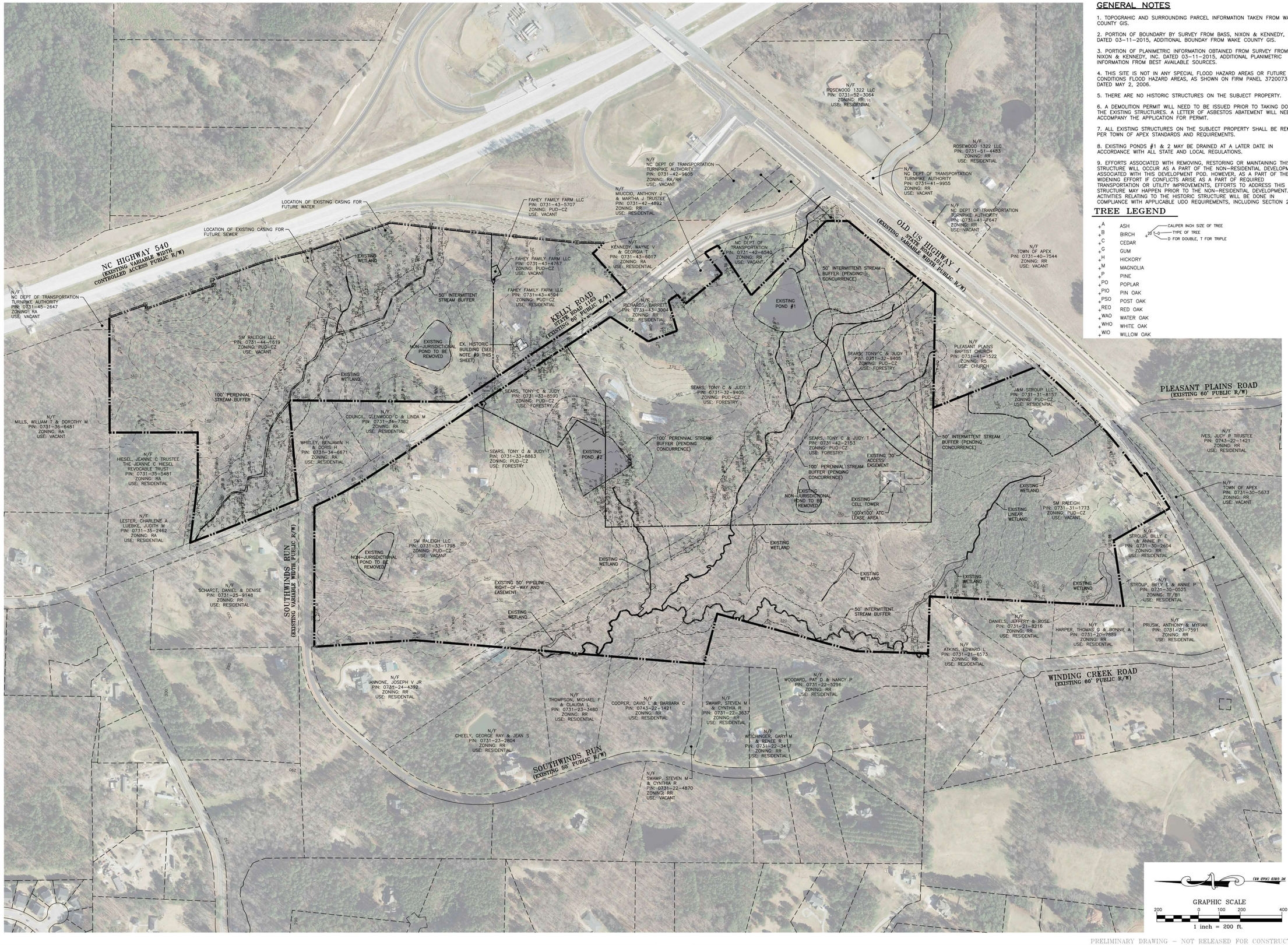

GENERAL NOTES

1. TOPOGRAHIC AND SURROUNDING PARCEL INFORMATION TAKEN FROM WAKE COUNTY GIS.

2. PORTION OF BOUNDARY BY SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL BOUNDAY FROM WAKE COUNTY GIS.

3. PORTION OF PLANIMETRIC INFORMATION OBTAINED FROM SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL PLANIMETRIC INFORMATION FROM BEST AVAILABLE SOURCES.

4. THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL 3720073100J DATED MAY 2, 2006.

5. THERE ARE NO HISTORIC STRUCTURES ON THE SUBJECT PROPERTY.

6. A DEMOLITION PERMIT WILL NEED TO BE ISSUED PRIOR TO TAKING DOWN THE EXISTING STRUCTURES. A LETTER OF ASBESTOS ABATEMENT WILL NEED TO ACCOMPANY THE APPLICATION FOR PERMIT.

7. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.

8. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.

9. EFFORTS ASSOCIATED WITH REMOVING, RESTORING OR MAINTAINING THIS STRUCTURE WILL OCCUR AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT ASSOCIATED WITH THIS DEVELOPMENT POD. HOWEVER, AS A PART OF THE ROAD WIDENING EFFORT IF CONFLICTS ARISE AS A PART OF REQUIRED TRANSPORTATION OR UTILITY IMPROVEMENTS, EFFORTS TO ADDRESS THIS STRUCTURE MAY HAPPEN PRIOR TO THE NON-RESIDENTIAL DEVELOPMENT. ACTIVITIES RELATING TO THE HISTORIC STRUCTURE WILL BE DONE IN COMPLIANCE WITH APPLICABLE UDO REQUIREMENTS, INCLUDING SECTION 2.2.8.

TREE LEGEND

A	ASH	20 T-D — CALIPER INCH SIZE OF TREE; TYPE OF TREE; D FOR DOUBLE, T FOR TRIPLE
B	BIRCH	
C	CEDAR	
G	GUM	
H	HICKORY	
M	MAGNOLIA	
P	PINE	
PO	POPLAR	
PIO	PIN OAK	
PSO	POST OAK	
REO	RED OAK	
WAO	WATER OAK	
WHO	WHITE OAK	
WIO	WILLOW OAK	

THE JOHN R. McADAMS COMPANY, INC.
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McADAMS

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 4170 JOSHUA A. DECKER

REVISIONS:

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607

WEST VILLAGE

KELLY ROAD & OLD US HIGHWAY 1

APEX, NORTH CAROLINA

EXISTING CONDITIONS PLAN

PROJECT NO.	ORL-15000
FILENAME:	ORL15000-XC1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1"=200'
DATE:	05-01-2020
SHEET NO.	C-1

McADAMS

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S40°32'07"W	71.72
L2	S41°36'33"W	53.02
L3	S42°59'16"W	53.35
L4	S44°03'19"W	53.17
L5	S45°07'59"W	53.49
L6	S46°17'03"W	53.01
L7	S47°08'27"W	49.64
L8	S47°56'55"W	40.75
L9	S48°37'10"W	50.54
L10	S50°43'16"W	84.89
L11	S51°56'36"W	53.06
L12	S52°36'35"W	52.31
L13	S54°05'42"W	56.50
L14	S54°04'47"W	21.64
L15	S56°04'32"W	95.13
L16	S57°13'06"W	90.86
L17	N04°40'34"E	50.02
L21	S24°58'58"E	73.12
L22	S26°40'10"E	79.58
L23	S29°35'51"E	60.12
L24	S30°35'44"E	44.59
L25	S32°44'34"E	108.36

PHASING NOTES

1. THE PROPERTY WILL BE DEVELOPED IN UP TO 10 PHASES. THE TIMING AND AMOUNT OF PHASES WILL BE DEFINED AT THE TIME OF SITE PLAN REVIEW.

2. ACCESS POINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO TOWN OF APEX AND NCDOT REVIEW AT TIME OF SITE PLAN REVIEW.

3. LIMITS OF LAND DISTURBANCE WITHIN EACH PHASE TO BE FINALIZED AT SITE PLAN PHASE.

4. PUBLIC UTILITIES SHALL BE PROVIDED FOR EACH PHASE.

5. ROADWAY PHASING – PRIOR TO TIME OF THE FIFTY–FIRST PLATTED LOT ASSOCIATED WITH THE RESIDENTIAL LOCATED OFF OF OLD US HWY 1, THE SECOND POINT OF ACCESS (SOUTHERNMOST PORTION OF STREET 'A'), NECESSARY PORTION OF THE SOUTHERNMOST ROUNDABOUT AND STREET 'B' SHOWN SHALL BE CONSTRUCTED. AS A PART OF THE NON–RESIDENTIAL DEVELOPMENT IN POD 3, THE ROUNDABOUT PROPOSED ON KELLY ROAD SHALL BE CONSTRUCTED ALONG WITH THE PORTION OF STREET 'A' TYING BACK TO THE SOUTHERNMOST ROUNDABOUT. PRIOR TO TIME OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY COMMERCIAL WITHIN POD 3, STREET 'A' WILL BE FULLY CONSTRUCTED, CONNECTING KELLY ROAD TO OLD US HWY 1.

SITE NOTES

1. REFER TO PUD DOCUMENT FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.

2. NO SITE DEVELOPMENT ACTIVITY INCLUDING BUT NOT LIMITED TO TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING, SHALL OCCUR UNTIL REQUIRED PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR BY CALLING 919–249–3426.

3. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100–YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC).

4. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (SUCH AS, BUT NOT LIMITED TO, RCA AND CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS, AND RIGHTS–OF–WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.

5. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.

6. THE SCREENING OF TRASH CONTAINERS (INCLUDING DUMPSTERS AND ROLL–OUT CARTS), OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, ON THE GROUND, OR ON BUILDINGS SHALL MEET THE REQUIREMENTS FOUND IN SECTION 8.2.8 OF THE UNIFIED DEVELOPMENT ORDINANCE; SPECIFICALLY SCREENING MUST BE DONE SO THAT:

A. IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.

B. SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.

C. SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.

D. ANY GROUND–MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX–FEET TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.

E. DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT–FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS TALLER; AND BE BUILT OF MASONRY MATERIAL.

7. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.

8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (i.e.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PARKING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.

9. NO SIGNS ARE APPROVED AS PART OF THE PUD–CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.

10. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.

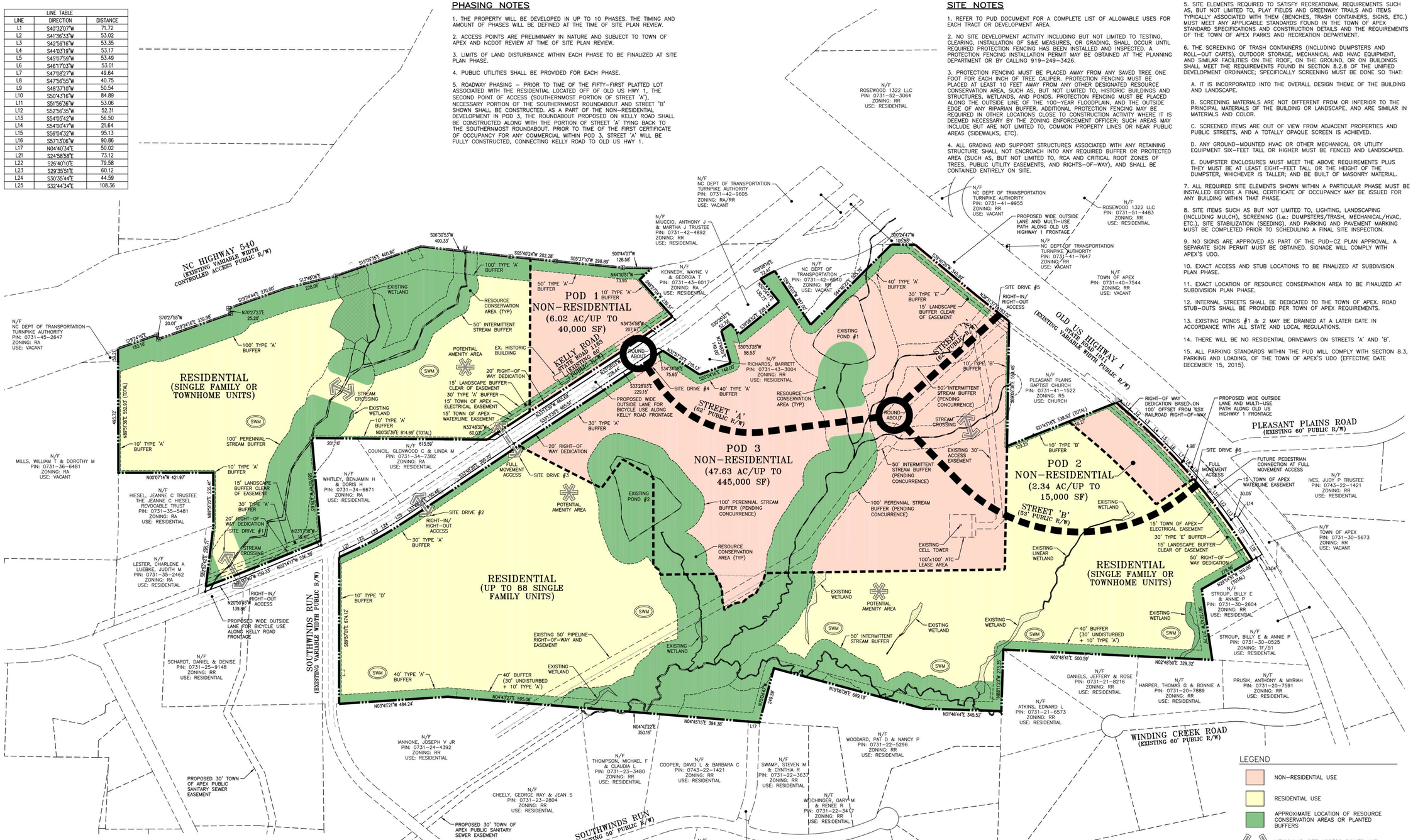
11. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.

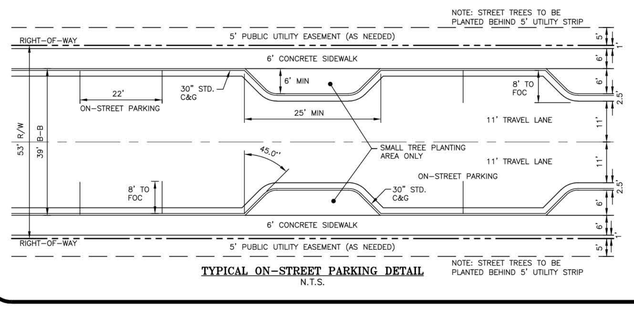
12. INTERNAL STREETS SHALL BE DEDICATED TO THE TOWN OF APEX. ROAD STUB–OUTS SHALL BE PROVIDED PER TOWN OF APEX REQUIREMENTS.

13. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.

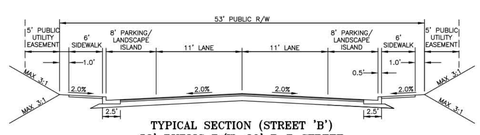
14. THERE WILL BE NO RESIDENTIAL DRIVEWAYS ON STREETS 'A' AND 'B'.

15. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH SECTION 8.3, PARKING AND LOADING, OF THE TOWN OF APEX'S UDO (EFFECTIVE DATE DECEMBER 15, 2015).

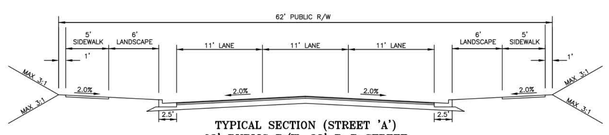




TYPICAL ON–STREET PARKING DETAIL
N.T.S.



TYPICAL SECTION (STREET 'B')
53' PUBLIC R/W, 39' B–B STREET
(TWO WAY WITH PARKING OR PLANTING AREA BOTH SIDES)
N.T.S.



TYPICAL SECTION (STREET 'A')
62' PUBLIC R/W, 38' B–B STREET
(TWO WAY WITH MIDDLE TURNING LANE)
N.T.S.

LEGEND

- NON–RESIDENTIAL USE
- RESIDENTIAL USE
- APPROXIMATE LOCATION OF RESOURCE CONSERVATION AREAS OR PLANTED BUFFERS
- VEHICULAR SITE ACCESS POINTS AND APPROXIMATE STREAM CROSSING LOCATIONS
- POSSIBLE LOCATION OF AMENITY AREA (1 TOTAL ON SITE)
- SWM APPROXIMATE LOCATION OF STORMWATER MANAGEMENT FACILITY

NOTE: ALL ITEMS IN LEGEND OTHER THAN VEHICULAR SITE ACCESS POINTS ARE SHOWN CONCEPTUALLY, FINAL LOCATION OF AMENITIES, RCA, & STORMWATER MANAGEMENT FACILITIES WILL BE DETERMINED AT THE TIME OF SITE PLAN.

GRAPHIC SCALE
200 0 100 200 400
1 inch = 200 ft.

PRELIMINARY DRAWING – NOT RELEASED FOR CONSTRUCTION

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Durham, North Carolina 27713
License No.: C-0293
(800) 733-5646 • McAdamsCo.com

McADAMS

NORTH CAROLINA LANDSCAPE ARCHITECTURE No. 1770 REGISTERED PROFESSIONAL JOSHUA A. DECKER

REVISIONS:
1.

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA

PRELIMINARY LAYOUT & PHASING PLAN

PROJECT NO.	ORL–15000
FILENAME:	ORL15000–S1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1"=200'
DATE:	05–01–2020
SHEET NO.	C-2

McADAMS

X:\Projects\ORL\ORL–15000\Planning\PUD–Rezoning\Current Drawings\ORL15000–S1.dwg, 4/14/2020 3:41:39 PM, updegrove, 1:1

UTILITY NOTES

1. THIS PROJECT WILL BE SERVED BY GRAVITY SEWER THAT WILL EXTEND OFF-SITE AND REQUIRE OFF-SITE EASEMENT ACQUISITION AND WILL ULTIMATELY CONNECT TO THE EXISTING GRAVITY SANITARY SEWER OUTFALL TO THE WEST NEAR THE MANORS AT BELLA CASA.

2. SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.

3. WATERLINE SERVICE FOR THE PROJECT WILL BE EXTENDED FROM KELLY ROAD AND INTO THE SITE. THE WATER SYSTEM WILL BE LOOPED TO THE EXTENT POSSIBLE. THE MAIN WILL BE EXTENDED TO OLD US HIGHWAY 1 AND ALONG FRONTAGE.

4. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.

5. ALL IMPROVEMENTS STANDARDS APPLICABLE TO THE PUBLIC FACILITIES THAT WILL SERVE THE DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF APEX UDO. ALL ON-SITE POTABLE WATER AND WASTEWATER LINES WILL BE DESIGNED ACCORDING TO SOUND ENGINEERING STANDARDS AND PROVIDED BY THE DEVELOPER. ANY REQUIRED EASEMENT ACQUISITION WILL OCCUR AT THE CONSTRUCTION DRAWING SUBMITTAL STAGE. ROUTING OF OTHER UTILITIES, TO INCLUDE ELECTRICITY, PHONE, CABLE AND GAS, WILL BE IN KEEPING WITH THE TOWN OF APEX STANDARDS AS CONTAINED WITHIN THE UDO.

6. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF APEX.

7. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT CONSTRUCTION DRAWINGS.

8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.

9. RESOURCE CONSERVATION AREAS (RCA) TO BE FINALIZED AT SUBDIVISION PLAN PHASE.

10. THERE ARE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND DISTURBANCE PRIOR TO ANY GRADING ACTIVITY.

STORMWATER NOTES

1. POST-DEVELOPMENT RUNOFF FLOW LEAVING NEWLY DEVELOPED SITES SHALL NOT EXCEED PRE-DEVELOPMENT PEAK RUNOFF CONDITIONS FOR THE 1-YEAR AND 10-YEAR, 24-HOUR STORM EVENT PEAK FLOWS IN ACCORDANCE WITH THE APEX UDO.

NC HIGHWAY 540 (EXISTING VARIABLE WIDTH CONTROLLED ACCESS PUBLIC R/W)
KELLY ROAD (STATE ROAD 1100) (EXISTING 60' PUBLIC R/W)
OLD US HIGHWAY 1 (STATE ROAD 1011) (EXISTING VARIABLE WIDTH PUBLIC R/W)
PLEASANT PLAINS ROAD (EXISTING 60' PUBLIC R/W)
WINDING CREEK ROAD (EXISTING 60' PUBLIC R/W)
HOLLAND ROAD
SOUTHWINDS RUN (EXISTING VARIABLE WIDTH PUBLIC R/W)
SOUTHWINDS RUN (EXISTING 50' PUBLIC R/W)
STREET 'A' (65' PUBLIC R/W)
STREET 'B' (65' PUBLIC R/W)
WESTWINDS SUBDIVISION
EXISTING POND #1
EXISTING POND #2
EXISTING WETLAND
EXISTING LINEAR WETLAND
EXISTING CELL TOWER
100'x100' ATC LEASE AREA
LOCATION OF EXISTING CASING FOR FUTURE WATER
LOCATION OF EXISTING CASING FOR FUTURE SEWER
PROPOSED 20" WATER LINE
PROPOSED POINT OF CONNECTION TO EX. 24" WATER LINE (LOCATION TO BE FIELD VERIFIED)
PROPOSED SEWER LINE, 8"-16" TO BE DETERMINED BY DOWNSTREAM SEWER CAPACITY STUDY
PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN
PROPOSED 30' TOWN OF APEX PUBLIC SANITARY SEWER EASEMENT
PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN
EXISTING STREAM (TO BE FIELD VERIFIED)
EXISTING 50' PIPELINE RIGHT-OF-WAY AND EASEMENT
EXISTING 30' ACCESS EASEMENT
RIGHT-OF WAY DEDICATION BASED ON 100' OFFSET FROM 'SSX' RAILROAD RIGHT-OF-WAY
40' BUFFER (30' UNDISTURBED + 10' TYPE 'A')
50' INTERMITTENT STREAM BUFFER (PENDING CONCURRENCE)
100' PERENNIAL STREAM BUFFER (PENDING CONCURRENCE)
100' PERENNIAL STREAM BUFFER
50' INTERMITTENT STREAM BUFFER
15' LANDSCAPE BUFFER CLEAR OF EASEMENT
15' TOWN OF APEX ELECTRICAL EASEMENT
15' TOWN OF APEX WATERLINE EASEMENT
20' RIGHT-OF WAY DEDICATION
50' RIGHT-OF WAY DEDICATION
10' TYPE 'A' BUFFER
30' TYPE 'A' BUFFER
40' TYPE 'A' BUFFER
10' TYPE 'B' BUFFER
30' TYPE 'E' BUFFER
10' TYPE 'D' BUFFER
SWM

N/F ROSEWOOD 1322 LLC PIN: 0731-52-3064 ZONING: RR USE: RESIDENTIAL
N/F ROSEWOOD 1322 LLC PIN: 0731-51-4483 ZONING: RR USE: RESIDENTIAL
N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-41-9955 ZONING: RR USE: VACANT
N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-41-7647 ZONING: RR USE: VACANT
N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-42-9605 ZONING: RA/RR USE: VACANT
N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-42-6540 ZONING: RR USE: VACANT
N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-45-2647 ZONING: RA USE: VACANT
N/F MILLS, WILLIAM T & DOROTHY M PIN: 0731-36-6481 ZONING: RA USE: VACANT
N/F HIESEL, JEANNE C TRUSTEE THE JEANNE C HIESEL REVOCABLE TRUST PIN: 0731-35-5481 ZONING: RA USE: RESIDENTIAL
N/F LESTER, CHARLENE A LUEBKE, JUDITH M PIN: 0731-35-2462 ZONING: RA USE: RESIDENTIAL
N/F SCHARDT, DANIEL & DENISE PIN: 0731-25-9148 ZONING: RR USE: RESIDENTIAL
N/F MULCCIO, ANTHONY J & MARTHA J TRUSTEE PIN: 0731-42-4892 ZONING: RR USE: RESIDENTIAL
N/F KENNEDY, WAYNE V & GEORGIA T PIN: 0731-43-6017 ZONING: RA USE: RESIDENTIAL
N/F RICHARDS, BARRETT PIN: 0731-43-3004 ZONING: RR USE: RESIDENTIAL
N/F COUNCIL, GLENWOOD C, & LINDA M PIN: 0731-34-7382 ZONING: RA USE: RESIDENTIAL
N/F WHITLEY, BENJAMIN H & DORIS H PIN: 0731-34-6671 ZONING: RA USE: RESIDENTIAL
N/F TOWN OF APEX PIN: 0731-40-7544 ZONING: RR USE: VACANT
N/F PLEASANT PLAINS BAPTIST CHURCH PIN: 0731-41-1522 ZONING: RS USE: CHURCH
N/F IVES, JUDY P TRUSTEE PIN: 0743-22-1421 ZONING: RR USE: RESIDENTIAL
N/F TOWN OF APEX PIN: 0731-30-5673 ZONING: RR USE: VACANT
N/F STROUP, BILLY E & ANNIE P PIN: 0731-30-2604 ZONING: RR USE: RESIDENTIAL
N/F STROUP, BILLY E & ANNIE P PIN: 0731-30-0525 ZONING: TF/R1 USE: RESIDENTIAL
N/F DANIELS, JEFFERY & ROSE PIN: 0731-21-8216 ZONING: RR USE: RESIDENTIAL
N/F HARPER, THOMAS G & BONNIE A PIN: 0731-20-7889 ZONING: RR USE: RESIDENTIAL
N/F PRUSIK, ANTHONY & MYRIAH PIN: 0731-20-7591 ZONING: RR USE: RESIDENTIAL
N/F ATKINS, EDWARD L PIN: 0731-21-6573 ZONING: RR USE: RESIDENTIAL
N/F IANNONE, JOSEPH V JR PIN: 0731-24-4392 ZONING: RR USE: RESIDENTIAL
N/F THOMPSON, MICHAEL F & CLAUDIA L PIN: 0731-23-3480 ZONING: RR USE: RESIDENTIAL
N/F COOPER, DAVID L & BARBARA C PIN: 0743-22-1421 ZONING: RR USE: RESIDENTIAL
N/F SWAMP, STEVEN M & CYNTHIA R PIN: 0731-22-3637 ZONING: RR USE: RESIDENTIAL
N/F WOODARD, PAT D & NANCY P PIN: 0731-22-5296 ZONING: RR USE: RESIDENTIAL
N/F CHEELY, GEORGE RAY & JEAN S PIN: 0731-23-2804 ZONING: RR USE: RESIDENTIAL
N/F WEICHINGER, GARY M & RENEE R PIN: 0731-22-3417 ZONING: RR USE: RESIDENTIAL
N/F SWAMP, STEVEN M & CYNTHIA R PIN: 0731-22-4870 ZONING: RR USE: VACANT

LEGEND
- PERENNIAL AND INTERMITTENT STREAM BUFFERS
- SWM — APPROXIMATE LOCATION OF STORM WATER MANAGEMENT FACILITY
- APPROXIMATE ALIGNMENT OF PROPOSED SANITARY SEWER
- APPROXIMATE ALIGNMENT OF PROPOSED WATER LINE

GRAPHIC SCALE
200 0 100 200 400
1 inch = 200 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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Durham, North Carolina 27713
License No.: C-0293
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NORTH CAROLINA PROFESSIONAL SEAL 33628 ENGINEER EVAN C. AKERS

REVISIONS:

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA

PRELIMINARY UTILITY & STORMWATER MANAGEMENT PLAN

PROJECT NO.	ORL-15000
FILENAME:	ORL15000-U1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1"=200'
DATE:	05-01-2020
SHEET NO.	C-3

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PROPOSED POINT OF CONNECTION TO EX. 8" SANITARY SEWER (LOCATION TO BE FIELD VERIFIED)

PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN

PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN

PROPOSED POINT OF CONNECTION TO EX. 24" WATER LINE

PROPOSED 20" WATER LINE

PROPOSED 30' SANITARY SEWER EASEMENT

N/F CLARK, SUSAN T PIN: 0721-96-3687 ZONING: RR USE: VACANT

N/F CROCKETTS RIDGE PHASE II INC PIN: 0731-05-4167 ZONING: MO-CU USE: VACANT

N/F LEE, JAMES D & KARMA F PIN: 0721-94-7973 ZONING: RR USE: VACANT

N/F CARTER, THOMAS A PIN: 0731-14-0691 ZONING: RR USE: RESIDENTIAL

N/F BAKER, MYRTLE B HEIRS PIN: 0731-14-9865 ZONING: RR USE: VACANT

N/F TIMBERLAKE, BARBARA JO PIN: 0731-25-4251 ZONING: RA/RR USE: RESIDENTIAL

N/F MILLS, WILLIAM T & DOROTHY M PIN: 0731-36-6481 ZONING: RA USE: VACANT

N/F NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY PIN: 0731-48-2647 ZONING: RA USE: VACANT

N/F LESTER, CHARLENE A LUEBKE, JUDITH M PIN: 0731-35-2462 ZONING: RA USE: RESIDENTIAL

N/F HIESEL, JEANNE C TRUSTEE THE JEANNE C HIESEL REVOCABLE TRUST PIN: 0731-35-5481 ZONING: RA USE: RESIDENTIAL

N/F SCHARDT, DANIEL & DENISE PIN: 0731-25-9148 ZONING: RR USE: RESIDENTIAL

N/F DONNELLY, TIMOTHY L & CYNTHIA O PIN: 0731-14-9410 ZONING: RR USE: RESIDENTIAL

N/F IANNONE, JOSEPH V JR PIN: 0731-24-4392 ZONING: RR USE: RESIDENTIAL

N/F WHITLEY, BENJAMIN H & DORIS H PIN: 0731-34-8671 ZONING: RA USE: RESIDENTIAL

N/F COUNCIL, GLENWOOD C & LINDA M PIN: 0731-84-7382 ZONING: RA USE: RESIDENTIAL

N/F CHEELY, GEORGE RAY & JEAN S PIN: 0731-23-2804 ZONING: RR USE: RESIDENTIAL

N/F THOMPSON, MICHAEL F & CLAUDIA L PIN: 0731-23-3480 ZONING: RR USE: RESIDENTIAL

CROCKETTS RIDGE SUBDIVISION

VILLAGE AT CROCKETTS RIDGE SUBDIVISION

WOODLANDS CREEK WAY

COPPER RIDGE CT

UMBRIA COURT

THE MANORS AT BELLA CASA SUBDIVISION

NAPOLI DRIVE

STEEPLE CHASE BEND

HOLLAND FARM SUBDIVISION

CAMP BRANCH LANE

HOLLAND ROAD

SOUTHWINDS RUN (EXISTING VARIABLE WIDTH PUBLIC R/W)

NC HIGHWAY 540 (EXISTING VARIABLE WIDTH CONTROLLED ACCESS PUBLIC R/W)

KELLY ROAD (EXISTING 60' PUBLIC R/W)

10' TYPE 'A' BUFFER

100' TYPE 'A' BUFFER

30' TYPE 'D' BUFFER

20' RIGHT-OF WAY DEDICATION

100' PERENNIAL STREAM BUFFER

50' INTERMITTENT STREAM BUFFER

EXISTING WETLAND

40' TYPE 'A' BUFFER

40' BUFFER (30' UNDISTURBED + 10' TYPE 'A')

EXISTING 60' PIPELINE RIGHT-OF-WAY AND EASEMENT

EXISTING POND #2

SWM

LEGEND

- PERENNIAL AND INTERMITTENT STREAM BUFFERS
- SWM — APPROXIMATE LOCATION OF STORM WATER MANAGEMENT FACILITY
- APPROXIMATE ALIGNMENT OF PROPOSED SANITARY SEWER
- APPROXIMATE ALIGNMENT OF PROPOSED WATER LINE

GRAPHIC SCALE

200 0 100 200 400

1 inch = 200 ft.

NC GRID (NAD 83)

PRELIMINARY DRAWING – NOT RELEASED FOR CONSTRUCTION

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Durham, North Carolina 27713
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(800) 733-5646 • McAdamsCo.com

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NORTH CAROLINA PROFESSIONAL SEAL 33628 ENGINEER MEGAN C. AKERS

REVISIONS:

1	

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27607

WEST VILLAGE

KELLY ROAD & OLD US HIGHWAY 1

APEX, NORTH CAROLINA

PRELIMINARY SANITARY SEWER OUTFALL

PROJECT NO.	ORL-15000
FILENAME:	ORL15000-U1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1"=200'
DATE:	05-01-2020
SHEET NO.	C-4

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X:\Projects\ORL\ORL-15000\Planning\PUD-Rezoning\Current Drawings\ORL15000-U1.dwg, 4/14/2020 3:43:42 PM, Updegrove, Rich

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Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager
Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the July 21, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

UDO Amendments Summary

Requested by the Planning Committee:

1. Amendments to Sec. 2.3.4.F *Planned Development Districts, Standards* in order to increase the RCA reduction that can be approved by Town Council and add additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning and Traditional Neighborhood-Conditional Zoning districts.

2. Amendments to Sec. 8.1.2.A *Resource Conservation Area, Establishment of RCA* in order to reduce the ratio of off-site RCA to on-site RCA and to amend the standards and process for the approval of off-site RCA.

3. Amendments to Sec. 8.1.2.C *Resource Conservation Area, Size of the RCA* in order to decrease the amount of RCA required inside the Apex Peakway and increase the amount of RCA required south and west of NC 540 with certain exemptions. Amendments to Sec. 8.2.6 *Buffering* in order to update section references based on changes in Sec. 8.1.2.C.

Requested by Planning Staff:

4. Amendments to Sec. 4.2.1 *Use Table, General* in order to add subsection I *Prohibited Uses in Residential Districts* in order to prohibit parking on residential property that is not accessory to the residential use.

5. Amendments to Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* in order to exempt multi-family dwellings over four (4) units from the prohibition on slab on grade foundations.

6. Amendments to Sec. 9.1.2.B *Design Standards, Applicability* in order to expand the applicability of the design standards for residential development to all zoning districts while retaining the exemption for one- and two-family dwellings.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 16,2020

Item Details

Presenter(s): John M. Brown, Director

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to amend section 15-10 of the Town Code of Ordinances to approve the use of roller skates at the Apex Skate Plaza

Approval Recommended?

Yes

Item Details

The use of roller skates is not currently permitted at the Rogers Family Skate Plaza. The Parks, Recreation and Cultural Resources Advisory Commission unanimously recommends amending Section 15-10 of the Town Code of Ordinances to allow roller skates at the skate plaza.

Attachments

- Revised Ordinance

TOWN OF APEX, NORTH CAROLINA

ORDINANCE NO. 2020-0616-20

AN ORDINANCE AMENDING TOWN CODE CHAPTER 15, SECTION 15-10, "REGULATION OF SKATE PARKS"

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

Section 1. **That Section 15-10 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text:**

Sec. 15-10. - Regulation of skate plazas.

(a) Skate plaza is defined as any town-owned facility specifically designed, constructed, and designated by on-site signage as an area in which a person may engage in skateboarding, inline skating, roller skating, and riding a non-motorized scooter. A non-motorized scooter is defined as a human-powered vehicle with a handlebar, deck, and wheels that do not exceed five inches in diameter.

(b) It shall be unlawful to use any other conveyance of any type within a skate plaza, including but not limited to bicycles ~~or roller skates~~.

(c) Any person using or riding a skateboard, inline skates, roller skates, or non-motorized scooter in a skate plaza or in any parks and recreation facility in which a skate plaza is located shall wear a protective helmet with the chin strap securely fastened under the chin, and protective elbow pads and knee pads. Participants ten years old and under must be supervised by an adult at all times.

(d) It shall be unlawful for the parent or guardian of any minor child to knowingly permit such minor child to use the skate plaza in violation of this section.

(e) Violations of this section shall be deemed infractions pursuant to G.S. 14-4, punishable by a fine of up to $25.00 and any other costs as prescribed by law. In addition, violations may be addressed through administrative remedies imposed by rule enacted by the director of parks, recreation and cultural resources including expulsion from the skate plaza and the facility in which it is located.

(Ord. No. 2015-0407-13, § 1, 4-7-2015; Ord. No. 2015-0519-17, § 1, 5-19-2015; Ord. No. 2015-0818-33, § 1, 8-18-2015)

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

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

Section 4. **Effective Date. This Ordinance shall be effective upon adoption.**

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

TOWN OF APEX, NORTH CAROLINA

_____
Jacques K. Gilbert
Mayor

Approved As To Form:

_____
Laurie L. Hohe
Town Attorney

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June, 16, 2020

Item Details

Presenter(s): Vance Holloman, Finance Director
Department(s): Finance

Requested Motion

Motion to approve a resolution to amend the Town of Apex Local Government OPEB Trust Agreement to reflect changes in the personnel policy that were adopted by Council on June 2, 2020.

Approval Recommended?

Yes

Item Details

Exhibit A to the OPEB trust agreement, as modified November 6, 2019, is being modified to reference the eligibility changes approved by Council on June 2, 2020. The changes include the policy of eligibility for OPEB benefits upon separation from Town service and discontinuing offering OPEB to employees hired on or after July 1, 2020.

Attachments

- Resolution
- Amendment to the OPEB Trust Agreement

RESOLUTION NO. 20-0616-04

RESOLUTION TO AMEND THE TOWN OF APEX LOCAL GOVERNMENT OPEB TRUST AGREEMENT

WHEREAS, on May 21, 2019, the Town Council of the Town of Apex established a Local Government Other Post-Employment Benefits Trust ("Original OPEB Trust") pursuant to N.C.G.S. § 159-30.1 for the purpose of paying post-employment benefits for which the Town of Apex is liable; and

WHEREAS, subsequent to the adoption of the Original OPEB Trust Agreement, the Employer Identification Number assigned by the Internal Revenue Service was issued in the name of "Town of Apex Local Government OPEB Trust"; and

WHEREAS, on November 19, 2019, the Town Council of the Town of Apex replaced the Original OPEB Trust pursuant to N.C.G.S. § 159-30.1 by adoption of a revised trust agreement accurately designating the name of the trust as "Town of Apex Local Government OPEB Trust" as reflected in the Internal Revenue Service Employer Identification Number assignment (the "OPEB Trust Agreement"); and

WHEREAS, the Town Council has determined that it is advisable and in the best interests of the Town of Apex to revise the town's personnel policy to eliminate the retiree health insurance benefit for Employees hired on or after July 1, 2020; and

WHEREAS, the Town has determined that it is advisable and in the best interest of the Town of Apex to amend the OPEB Trust Agreement to reflect the changes in post-employment benefits available to Employees hired after July 1, 2020 by adoption of the attached Amendment to Agreement Establishing Other Post-Employment Benefits Trust.

NOW, THEREFORE, BE IT RESOLVED, that

The Town Council of the Town of Apex hereby amends the OPEB Trust Agreement by adoption of the trust agreement amendment attached hereto.

ADOPTED By the Town Council of the Town of Apex, this 16th day of June 2020.

_____

Donna B. Hosch, MMC, NCCMC, Town Clerk

AMENDMENT TO AGREEMENT ESTABLISHING
OTHER POST-EMPLOYMENT BENEFITS TRUST

This **Amendment** to Trust Agreement is entered into as of the 16th day of June, 2020, by and between the Town of Apex, North Carolina (hereinafter the "Employer") and the Town Manager, Human Resources Director, and Finance Officer (the "Trustees");

R E C I T A L S :

WHEREAS, the governing body of the Employer adopted a resolution dated May 21, 2019 adopting an Agreement Establishing "Local Government Other Post-Employment Benefits Trust" ("**OPEB Trust Agreement**"); and

WHEREAS, subsequent to the adoption of the OPEB Trust Agreement, the Employer Identification Number assigned by the Internal Revenue Service was issued in the name of "Town of Apex Local Government OPEB Trust"; and

WHEREAS, the governing body of the Employer adopted a resolution dated November 19, 2019 adopting a replacement of the OPEB Trust Agreement for the purposes of accurately designating the name of the trust as "Town of Apex Local Government OPEB Trust" as reflected in the Internal Revenue Service Employer Identification Number assignment; and

WHEREAS, on June 2, 2020 the governing body of the Employer amended its personnel policy to state that Employees hired on or after July 1, 2020 are not eligible for retiree health insurance; and

WHEREAS, the governing body of the Employee desires to amend the OPEB Trust Agreement to reflect this change in policy through adoption of this Amendment.

NOW THEREFORE, for good and valuable consideration, the parties hereto agree as follows:

1. Exhibit A of the OPEB Trust Agreement is hereby amended to read as follows:

EXHIBIT A

The benefits earned by Town of Apex employees are set out in the Town of Apex Personnel Policy, January 1, 2019, Article VI, Employee Benefits, Section 3, Retiree Health Insurance as may be amended from time to time by action of the Town Council.

2. This Amendment to the OPEB Trust Agreement may be executed in an original and any number of counterparts by the Employer and Trustees, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 16th day of June, 2020.

TRUSTEES

Drew Havens, Town Manager

Mary Beth Manville, Human Resources Director

Vance Holloman, Finance Officer

EMPLOYER

TOWN OF APEX, NORTH CAROLINA

By: _____

Title: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

Presenter(s): Adam Stephenson, Engineering Supervisor
Department(s): Public Works & Transportation

Requested Motion

Motion to award construction contract for 2020 Road Rehabilitation Project (R-20-4) to FSC II, LLC, dba Fred Smith Company and to authorize the Town Manager to execute the contract on behalf of the Town

Approval Recommended?

Yes

Item Details

The scope of work includes curb replacement, drainage improvement, pavement repairs, resurfacing, and pavement markings and includes the following locations:

- Beckett Crossing Subdivision Phase 2
- Crockett's Ridge & Village at Crockett's Ridge Subdivision
- Pine Plaza Drive from Lake Pine Drive to ~0.11 miles west of Shepherds Vineyard Drive
- Shepherds Vineyard Drive from US 64 to Pine Plaza Drive

Sealed bids for construction and furnishing of all materials were received and opened on Friday, May 29, 2020. It is the recommendation of staff that the contract be awarded to FSC II, LLC, dba Fred Smith Company as the lowest responsive bidder. The cost of this work is covered in the 2019-2020 department annual budget.

BID SUMMARY

FRED SMITH COMPANY	$ 900,420.25
BARNHILL CONTRACTING COMPANY	$ 918,897.40
GELDER & ASSOCIATES	$ 1,009,534.53
S T WOOTEN CORP	$ 1,017,234.25
CAROLINA SUNROCK	$ 1,152,430.79
DANIELS INC OF GARNER	$ 1,277,296.10
ENGINEER'S ESTIMATE	*$ 1,519,003.00*

Attachments

- Contract document
- Notice of Award
- Bid tabulation
- Vicinity map

STATE OF NORTH CAROLINA **PURCHASE ORDER #**
COUNTY OF WAKE **STANDARD CONSTRUCTION CONTRACT**

THIS AGREEMENT is entered into this ____ day of _____, 2020 by and between, **FSC II, LLC, dba Fred Smith Company**, a North Carolina Limited Liability Corporation with its principal business offices located at **701 Corporate Center Dr Ste 101, Raleigh, NC 27607** (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

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

1. SCOPE OF SERVICES.

The Contractor shall furnish all labor, material, and equipment necessary to perform and complete the work as identified in the attached "R-20-4 Road Rehabilitation Project" at the locations and to the specifications outlined in attached documents identified in Sections 2 and 29 of this Agreement. In the event of a conflict between any of the attached documents and this Agreement, this Agreement shall control.

2. SPECIFICATIONS.

Contractor shall perform the services in accordance with the attached documents specified below which are hereby incorporated into this Agreement:

1. Plan sheets
2. Town of Apex Standard Specifications and Standard Details
3. NCDOT 2018 Standard Specifications for Roads and Structures
4. NCDOT 2018 Roadway Standard Drawings
5. US DOT Manual on Uniform Traffic Control Devices, including any NC Supplement

3. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence the work required in this Agreement no later than **90** days after the date of execution of this Agreement and complete the work within **150** days after the date of commencement. If Contractor has not satisfactorily performed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. In the alternate, the Town in its sole discretion may for each calendar day past this contract time receive **$200** per day as liquidated damages. Any changes to the schedule(s) provided in this Agreement or the Specifications must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor based on the price and quantities reflected on the "R-20-4 Bid Tabulation" as those numbers pertain to the **Fred Smith Company** bid. The total bid, which is not to be exceeded, is in the amount of **$900,420.25**. Contractor shall submit a monthly invoice for partial payments based on the components that have been completed.

Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all invoices. Town shall pay Contractor's invoices within thirty (30) days

of invoice unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. CHANGE ORDERS.

No changes in work may proceed unless a Change Order is approved by the Town. In the event a change in work is requested, Contractor shall provide a complete breakdown of all labor and material costs with the Change Order request. The breakdown shall include the Contractor's allowance for overhead and profit not to exceed 10% of the net cost of the change with work provided directly by the Contractor. All Change Order approvals shall be in writing.

6. INDEMNIFICATION.

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

7. APPLICABILITY OF LAWS AND REGULATIONS.

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

8. E-VERIFY COMPLIANCE.

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

9. ANTI-HUMAN TRAFFICKING.

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

10. QUALITY AND WORKMANSHIP.

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

11. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of $1,000,000, commercial automobile liability insurance in the minimum amount of $2,000,000, and provide certificates of such insurance naming the Town of Apex as an additional insured by endorsement to the policies. If the policy has a blanket additional insured provisi[illegible]actor's insurance shall be primary and non-

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

12. PRE-PROJECT SAFETY REVIEW MEETING.

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

13. DEFAULT.

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

14. TERMINATION FOR CONVENIENCE.

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

15. NOTICE.

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

TO CONTRACTOR:
FSC II, LLC, dba Fred Smith Company
Attn: Deyna Ackerman
701 Corporate Center Dr Ste 101
Raleigh, NC 27607

TO TOWN:
Town of Apex
Attn: Adam Stephenson
PO Box 250
Apex, NC 27502

16. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

17. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waive[illegible] and signed by the parties. No waiver of any

breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

18. CONSTRUCTION.

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

19. NO REPRESENTATIONS.

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

20. SEVERABILITY.

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

21. COUNTERPARTS.

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

22. MODIFICATION.

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

23. BINDING EFFECT.

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

24. ASSIGNMENT.

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

25. INDEPENDENT CONTRACTOR.

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

26. NON-APPROPRIATION.

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

27. IRAN DIVESTMENT ACT CERTIFICATION REQUIRED BY N.C.G.S. 147-86.60

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

28. CONTRACTOR'S WARRANTIES

The Contractor hereby warrants and represents that it will be responsible for the maintenance and correction of any work completed pursuant to this Agreement that is defective at construction or may become defective due to negligence or faulty workmanship or materials for a period of one (1) year after final acceptance by the Town of the work performed.

29. BOND REQUIREMENTS

Contractor agrees to provide the Town of Apex with a contract payment bond and a contract performance bond each in an amount equal to 100 percent of the amount of the Agreement. All bonds shall be in accordance with N.C.G.S. 44A-33. The corporate surety furnishing the bonds shall be authorized to do business in the State of North Carolina. Failure to provide acceptable bonds shall be just cause for rescinding the award of the Agreement and forfeiture of the bid bond or bid deposit.

30. INCORPORATION OF DOCUMENTS

The following attached documents are hereby incorporate by reference into this Agreement as if fully set forth herein:

A. Bid Advertisement
B. Bid Form
C. Bid Form Submission
D. Notice of Award
E. Notice to Proceed

F. Special Provisions/Specifications
G. Plan Sheets/Maps
H. Addenda
I. Certificate of Insurance

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ____ day of _____, 2020.

Contractor

Name: FSC II, LLC dba Fred Smith Company
Name of Contractor (type or print)

By: Thomas J Johnson Jr
(Signature)

Title: Vice President

Attest:

(Secretary, if a corporation)

Town of Apex

Town Manager

Attest:

Town Clerk

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

Finance Director

NOTICE OF AWARD

To: FSC II, LLC, dba Fred Smith Company
Attn: Thomas T. Johnson
701 Corporate Center Dr Ste 101
Raleigh, NC 27607

Re: **2020 Road Rehabilitation (R-20-4)**

The Town has considered the Bid received from you on May 29, 2020 for the above referenced work. You are hereby notified that your bid has been accepted.

As stipulated in the contract document, you are required to furnish the required Performance Bond, Payment Bonds, and Insurance Certificate within fourteen (14) calendar days from the date of this Notice to you.

If you fail to furnish said bonds within fourteen days from the date of this Notice, the Town will be entitled to consider all your rights arising out of the Town's acceptance of your Bid as abandoned and as a forfeiture of your Bid Bond. The Town will be entitled to such other rights as may be granted by law.

TOWN OF APEX

BY: _____ _____
Andrew L. Havens, Town Manager DATE

ACCEPTANCE OF NOTICE
Receipt is hereby acknowledged by:

BY: _____ _____
DATE

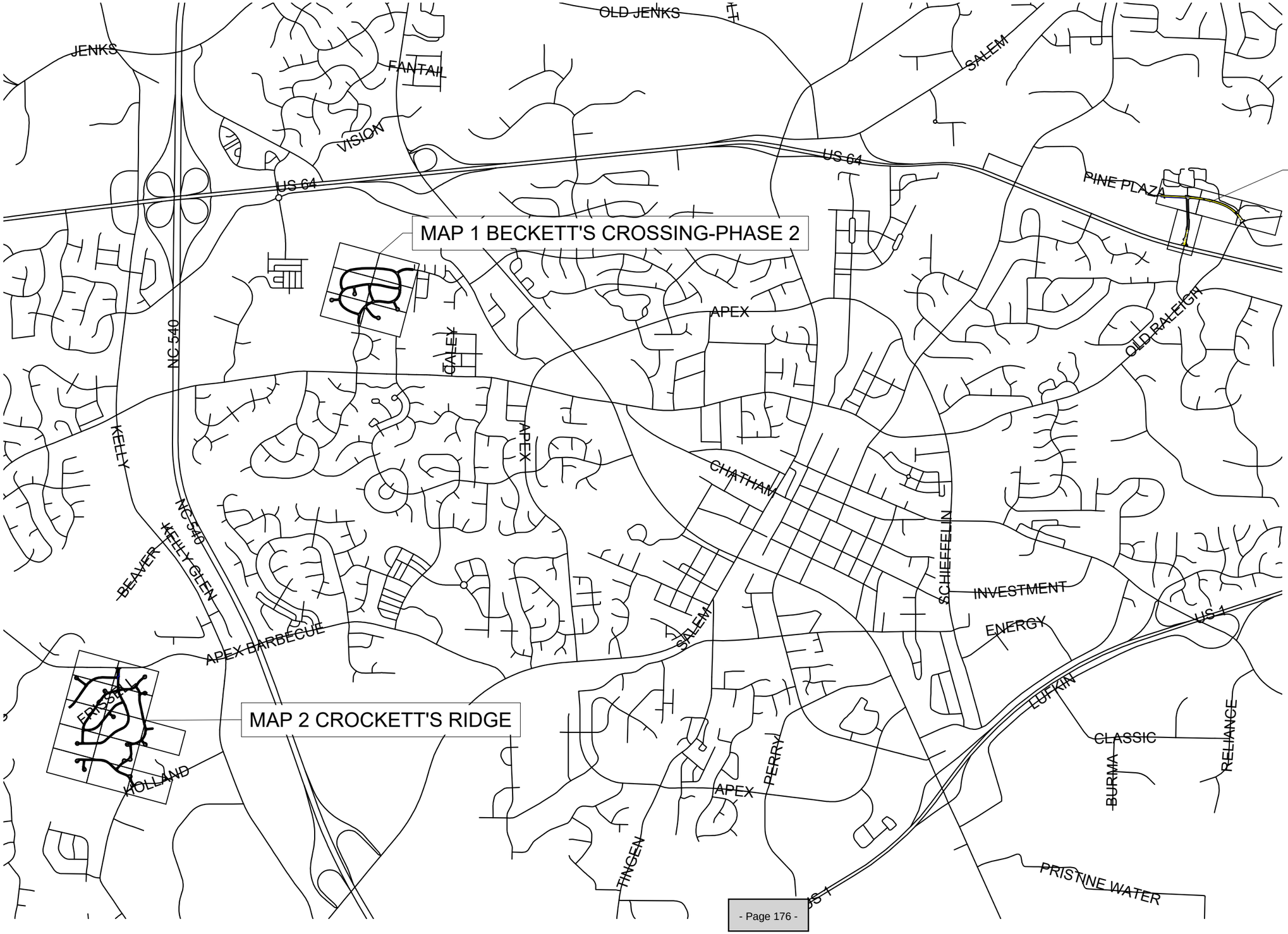
FRED SMITH CO	$	900,420.25
BARNHILL CONTRACTING CO	$	918,897.40
GELDER & ASSOCIATES	$	1,009,534.53
S T WOOTEN CORP	$	1,017,234.25
CAROLINA SUNROCK	$	1,152,430.79
DANIELS INC OF GARNER	$	1,277,296.10
ENGINEER'S ESTIMATE	*$*	*1,519,003.00*

					ENGINEER'S ESTIMATE		FRED SMITH CO		BARNHILL CONTRACTING CO	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	607	MILLING, 0" TO 1.25" DEPTH	19,720	SY	$ 3.15	$ 62,118.00	$1.25	$ 24,650.00	$ 2.07	$ 40,820.40
2	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	4,330	TN	$ 60.82	$ 263,350.60	$43.00	$ 186,190.00	$ 53.20	$ 230,356.00
3	620	ASPHALT BINDER FOR PLANT MIX	497	TN	$ 520.76	$ 258,817.72	$495.00	$ 246,015.00	$ 375.00	$ 186,375.00
4	800	MOBILIZATION	1	LS	$ 72,333.48	$ 72,333.48	$37,000.00	$ 37,000.00	$ 16,000.00	$ 16,000.00
5	816	AGGREGATE SHOULDER DRAIN	753	LF	$ 30.00	$ 22,590.00	$42.25	$ 31,814.25	$ 35.00	$ 26,355.00
6	846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	624	LF	$ 62.90	$ 39,249.60	$40.00	$ 24,960.00	$ 40.00	$ 24,960.00
7	846	CONCRETE SIDEWALK - REMOVE & REPLACE	6	SY	$ 100.00	$ 600.00	$100.00	$ 600.00	$ 100.00	$ 600.00
8	846	CONCRETE CURB RAMP - REMOVE & REPLACE	1	EA	$ 2,000.00	$ 2,000.00	$2,500.00	$ 2,500.00	$ 2,500.00	$ 2,500.00
9	1089	TRAFFIC CONTROL	1	LS	$ 30,000.00	$ 30,000.00	$7,500.00	$ 7,500.00	$ 11,000.00	$ 11,000.00
10	1205	PAINT PAVEMENT MARKING LINES 4"	4,364	FT	$ 1.19	$ 5,193.16	$0.35	$ 1,527.40	$ 0.35	$ 1,527.40
11	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 120 MIL	4,364	FT	$ 2.81	$ 12,262.84	$1.90	$ 8,291.60	$ 1.90	$ 8,291.60
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	134	FT	$ 4.00	$ 536.00	$4.00	$ 536.00	$ 4.00	$ 536.00
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 120 MIL	99	FT	$ 4.50	$ 445.50	$4.00	$ 396.00	$ 4.00	$ 396.00
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 120 MIL	88	FT	$ 12.00	$ 1,056.00	$15.00	$ 1,320.00	$ 15.00	$ 1,320.00
15	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOLS 90 MIL	5	EA	$ 200.00	$ 1,000.00	$185.00	$ 925.00	$ 185.00	$ 925.00
16	SP	PATCHING EXISTING PAVEMENT	4,320	TN	$ 144.43	$ 623,937.60	$62.00	$ 267,840.00	$ 74.50	$ 321,840.00
17	SP	ADJUSTMENT OF VALVE BOXES	116	EA	$ 462.50	$ 53,650.00	$110.00	$ 12,760.00	$ 50.00	$ 5,800.00
18	SP	ADJUSTMENT OF MANHOLES	119	EA	$ 462.50	$ 55,037.50	$255.00	$ 30,345.00	$ 205.00	$ 24,395.00
19	SP	REPLACEMENT OF VALVE BOXES	10	EA	$ 462.50	$ 4,625.00	$475.00	$ 4,750.00	$ 500.00	$ 5,000.00
20	SP	SPEED HUMPS	3	EA	$ 3,400.00	$ 10,200.00	$3,500.00	$ 10,500.00	$ 3,300.00	$ 9,900.00
					TOTAL:	**$ 1,519,003.00**	TOTAL:	**$ 900,420.25**	TOTAL:	**$ 918,897.40**

					GELDER & ASSOCIATES		S T WOOTEN CORP		CAROLINA SUNROCK	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	607	MILLING, 0" TO 1.25" DEPTH	19,720	SY	$2.30	$ 45,356.00	$1.02	$ 20,114.40	$ 2.50	$ 49,300.00
2	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	4,330	TN	$53.00	$ 229,490.00	$60.51	$ 262,008.30	$ 49.25	$ 213,252.50
3	620	ASPHALT BINDER FOR PLANT MIX	497	TN	$475.00	$ 236,075.00	$425.50	$ 211,473.50	$ 500.00	$ 248,500.00
4	800	MOBILIZATION	1	LS	$25,000.00	$ 25,000.00	$22,842.80	$ 22,842.80	$ 18,000.00	$ 18,000.00
5	816	AGGREGATE SHOULDER DRAIN	753	LF	$40.00	$ 30,120.00	$42.25	$ 31,814.25	$ 38.00	$ 28,614.00
6	846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	624	LF	$40.00	$ 24,960.00	$40.00	$ 24,960.00	$ 65.00	$ 40,560.00
7	846	CONCRETE SIDEWALK - REMOVE & REPLACE	6	SY	$65.00	$ 390.00	$100.00	$ 600.00	$ 162.60	$ 975.60
8	846	CONCRETE CURB RAMP - REMOVE & REPLACE	1	EA	$1,200.00	$ 1,200.00	$2,500.00	$ 2,500.00	$ 3,250.00	$ 3,250.00
9	1089	TRAFFIC CONTROL	1	LS	$25,000.00	$ 25,000.00	$11,000.00	$ 11,000.00	$ 17,574.44	$ 17,574.44
10	1205	PAINT PAVEMENT MARKING LINES 4"	4,364	FT	$0.37	$ 1,614.68	$0.35	$ 1,527.40	$ 0.45	$ 1,963.80
11	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 120 MIL	4,364	FT	$2.00	$ 8,728.00	$1.90	$ 8,291.60	$ 1.35	$ 5,891.40
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	134	FT	$4.20	$ 562.80	$4.00	$ 536.00	$ 4.50	$ 603.00
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 120 MIL	99	FT	$4.20	$ 415.80	$4.00	$ 396.00	$ 4.95	$ 490.05
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 120 MIL	88	FT	$15.75	$ 1,386.00	$15.00	$ 1,320.00	$ 10.75	$ 946.00
15	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOLS 90 MIL	5	EA	$194.25	$ 971.25	$185.00	$ 925.00	$ 277.00	$ 1,385.00
16	SP	PATCHING EXISTING PAVEMENT	4,320	TN	$82.00	$ 354,240.00	$82.25	$ 355,320.00	$ 100.00	$ 432,000.00
17	SP	ADJUSTMENT OF VALVE BOXES	116	EA	$50.00	$ 5,800.00	$150.00	$ 17,400.00	$ 325.00	$ 37,700.00
18	SP	ADJUSTMENT OF MANHOLES	119	EA	$75.00	$ 8,925.00	$250.00	$ 29,750.00	$ 325.00	$ 38,675.00
19	SP	REPLACEMENT OF VALVE BOXES	10	EA	$450.00	$ 4,500.00	$475.00	$ 4,750.00	$ 525.00	$ 5,250.00
20	SP	SPEED HUMPS	3	EA	$1,600.00	$ 4,800.00	$3,235.00	$ 9,705.00	2500	$ 7,500.00
					TOTAL:	**$ 1,009,534.53**	TOTAL:	**$ 1,017,234.25**	TOTAL:	**$ 1,152,430.79**

					DANIELS INC OF GARNER	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
1	607	MILLING, 0" TO 1.25" DEPTH	19,720	SY	$2.25	$ 44,370.00
2	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	4,330	TN	$104.00	$ 450,320.00
3	620	ASPHALT BINDER FOR PLANT MIX	497	TN	$300.00	$ 149,100.00
4	800	MOBILIZATION	1	LS	$7,500.00	$ 7,500.00
5	816	AGGREGATE SHOULDER DRAIN	753	LF	$46.00	$ 34,638.00
6	846	CURB & GUTTER, STANDARD (30") - REMOVE & REPLACE	624	LF	$44.00	$ 27,456.00
7	846	CONCRETE SIDEWALK - REMOVE & REPLACE	6	SY	$750.00	$ 4,500.00
8	846	CONCRETE CURB RAMP - REMOVE & REPLACE	1	EA	$1,760.00	$ 1,760.00
9	1089	TRAFFIC CONTROL	1	LS	$6,250.00	$ 6,250.00
10	1205	PAINT PAVEMENT MARKING LINES 4"	4,364	FT	$0.70	$ 3,054.80
11	1205	THERMOPLASTIC PAVEMENT MARKING LINES 4" 120 MIL	4,364	FT	$2.10	$ 9,164.40
12	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 90 MIL	134	FT	$3.00	$ 402.00
13	1205	THERMOPLASTIC PAVEMENT MARKING LINES 8" 120 MIL	99	FT	$4.10	$ 405.90
14	1205	THERMOPLASTIC PAVEMENT MARKING LINES 24" 120 MIL	88	FT	$12.50	$ 1,100.00
15	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOLS 90 MIL	5	EA	$169.00	$ 845.00
16	SP	PATCHING EXISTING PAVEMENT	4,320	TN	$104.00	$ 449,280.00
17	SP	ADJUSTMENT OF VALVE BOXES	116	EA	$225.00	$ 26,100.00
18	SP	ADJUSTMENT OF MANHOLES	119	EA	$450.00	$ 53,550.00
19	SP	REPLACEMENT OF VALVE BOXES	10	EA	$450.00	$ 4,500.00
20	SP	SPEED HUMPS	3	EA	$1,000.00	$ 3,000.00
					TOTAL:	**$ 1,277,296.10**

R-20-4 ROAD REHABILITATION PROJECT



NORTH CAROLINA PROFESSIONAL SEAL 27917 ENGINEER ADAM L. STEPHENSON

April 30, 2020

TOWN OF APEX
73 HUNTER STREET
APEX, NC 27502

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Motion to approve the Town Manager to sign a one-year extension of the Fire Protection Agreement between Wake County and the Town of Apex.

Approval Recommended?

Yes

Item Details

The current Fire Protection agreement is a 10-year agreement that expires on July 1, 2020. Due to the coronavirus pandemic, there hasn't been sufficient opportunity to complete another 10-year agreement. Therefore, Wake County is asking that we extend the current agreement for an additional year to provide time to negotiate a new long-term fire protection agreement.

Attachments

- FY21 Fire Protection Agreement - Extension

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FIRE PROTECTION AGREEMENT AMENDMENT

This **AMENDMENT** made and entered into the 27h day of May, 2020, by and between the County of Wake, a body politic and corporate of the State of North Carolina, hereinafter referred to as "**COUNTY**" and Town of Apex hereinafter referred to as "**TOWN**";

WITNESSETH

That **WHEREAS**, the **COUNTY** and **TOWN** have an existing legal contract specifying services, terms and conditions under which the **TOWN** provides specified services to the **COUNTY**; and,

WHEREAS, said contract, dated the first day of July 2010, was officially signed by both parties; and,

WHEREAS, said contract specified the compensation to be received by **TOWN** from the **COUNTY**, and the terms of said contract; and,

WHEREAS, **COUNTY** desires to continue **TOWN'S** services for an additional period of 12 months to the current contract; and,

COPY

WHEREAS, the **TOWN** has accepted this continuation and is desirous of a continued relationship with the **COUNTY** to provide these services.

NOW, **THEREFORE**, and in consideration of the continued services offered by the **TOWN** and agreed to by the **COUNTY**, the **COUNTY** and **TOWN** mutually agree to amend the **TERM** of the contract dated the first day of July 2010, as it relates to the expiration term to read "first day of July 2020."

1. Replace Section 18, in its entirety with the following:

SECTION 18. INSURANCE AND INDEMNIFICATION

16A. Insurance. The Town shall obtain and keep in force during the term of this Agreement and any subsequent renewals of this Agreement the following minimum insurance coverages, annually providing the Wake County Finance Department with a certificate of insurance. All required insurance shall be procured from insurance companies licensed to do business in North Carolina with a Best's Insurance Guide Rating of no less than A- and a financial size category of no less than VII; or the Volunteer Safety Workers' Compensation Fund owned and operated by the State of North Carolina. The Town shall be responsible for purchasing such insurance coverage for both regular employees and volunteers. Coverage shall be maintained continuously during the term of this agreement.

A. Worker's Compensation, with limits for Coverage A: Statutory for State of North Carolina, and Coverage B – Employers Liability: $100,000 each accident/$100,000 disease each employee/$500,000 disease.

B. General Liability, Including Medical Malpractice/Errors and Omissions, with limits not less than $1,000,000 per occurrence or incident, including contractual liability.

C. Commercial Auto Liability, with limits not less than $1,000,000 per accident for bodily injury and property damage, including coverage for owned, hired, and non-owned vehicles.

D. Auto Physical Damage Coverage for any vehicle, including permanently attached equipment, listed by the Town on the Fire Tax District replacement schedule, regardless of whether owned by County or Town. Each vehicle shall be insured on an Agreed Value basis. Values will be provided by Wake Fire Services at the end of each calendar year. Wake County shall be Loss Payee for any County-owned or leased vehicle used in provision of contract services. For the purpose of this section, "Agreed Value" is the value agreed upon by the insured and the insurer at the beginning of the policy period but may be amended by endorsement.

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E. Blanket Portable Equipment Coverage, on a guaranteed replacement cost basis, for any portable equipment used in the provision of contract services.

F. Umbrella or Excess Liability, with limits not less than $2,000,000, providing excess coverage over the underlying Employer's Liability; General Liability including Medical Malpractice/Errors and Omissions Liability; Auto Liability; and Public Officials Management Liability. There shall not be any "drop down deductibles" in areas where underlying coverage is not required but an Umbrella Policy provides coverage.

G. Fidelity/Employee Dishonesty Coverage, covering all employees and volunteers, with limits not less than $100,000.

H. Business Auto Policy: Coverage with minimum limits of $1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.

I. Public Officials Management Liability: Coverage with minimum limits of $1,000,000.00 per claim and $2,000,000.00 aggregate. If the Town utilizes a funded reserve pursuant to adoption of a Resolution in accordance with 160A-485, then the Town's Risk Manager shall provide a letter of self-insurance confirming coverage for wrongful acts related to Fire Department management, including appropriate expenditure of funds and employment practices.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Wake County shall be included as additional insured on the General Liability, including Medical Malpractice/Errors and Omissions; Auto Liability, Management/Directors and Officers Liability; Umbrella Liability, and any other policy covering property owned by Wake County or where Wake County has funds at risk. Any policy insuring a vehicle owned by Wake County shall include Wake County as an Additional Insured Lessor and as a Loss Payee.

16B. Indemnification. The Town shall indemnify and save harmless Wake County from any and all liability and expenses including attorney's fees, court costs, and other costs incurred by Wake County which are caused by the negligence or willful misconduct of the Town, its agents, or employees, up to the limits of insurance specified herein; provided that such liability arises out of acts for which any defense of governmental, statutory, or common law immunity is not available. The indemnification provided for herein shall not be construed as a waiver of any applicable defense of governmental, statutory, or common law immunity, and shall not prevent the Town or County from asserting any defense of such immunity; provided that if a court of competent jurisdiction determines that no such immunity applies, then the indemnity provided for herein shall apply.

COPY

2. All other rights, terms, and considerations currently contained in this contract remain in effect.

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by both parties this amendment in two (2) copies, each of which shall be deemed to be an original, on the day and year first above written.

THE COUNTY OF WAKE **TOWN OF APEX**

By_____ **By**_____
Wake County Fire Services Director Apex Town Manager

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

_____
WAKE COUNTY FINANCE DIRECTOR

This person is responsible for monitoring the contract performance requirement is Darrell Alford.

_____ Department Head Initials

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Motion to authorize the Town Manager to sign an agreement with the City of Raleigh to provide technician level hazardous materials response by the Raleigh Fire Department's Hazardous Materials Response Team within the Town of Apex.

Approval Recommended?

Yes

Item Details

This agreement enables the Town to receive hazard materials mitigation response from the City of Raleigh Fire Department's (RFD) Hazardous Materials Team. This agreement includes an annual cost based on the Town paying a proportionate share of the RFD's annual Hazardous Materials Response Team cost.

Attachments

- Service Level Agreement between the City of Raleigh and the Town of Apex Regarding the Delivery of Hazardous Materials Response Team Services

SERVICE LEVEL AGREEMENT

BETWEEN

THE CITY OF RALEIGH AND TOWN OF APEX

REGARDING THE DELIVERY OF

HAZARDOUS MATERIALS RESPONSE TEAM SERVICES

This Service Level Agreement (the "Agreement" or "Service Level Agreement"), is entered into upon the execution date of this Agreement, (the "Effective Date"), by and between the **CITY OF RALEIGH, NORTH CAROLINA,** a municipal corporation organized under the laws of the State of North Carolina (hereinafter "City of Raleigh" or "City") and **APEX, NORTH CAROLINA,** a public body politic and corporate (hereinafter "Apex" or "Jurisdiction"); collectively referred to herein as "the Parties";

WITNESSETH

WHEREAS, the JURISDICTION'S Governing Body desires to provide the highest level of emergency services possible to the citizens of Apex in the most effective and efficient means possible; and

WHEREAS, the JURISDICTION does not maintain a hazardous materials response team to serve incorporated areas in the JURISDICTION; and

WHEREAS, the CITY maintains a hazardous materials response team to serve areas within its jurisdictional limits; and

WHEREAS, CITY is party to an agreement with the State of North Carolina, through which CITY's hazardous materials response team has been designated as a "Regional Response Team" by the State of North Carolina Department of Public Safety ("Regional Hazardous Materials Emergency Response Team Agreement" executed on July 1, 2016); and

WHEREAS, in the JURISDICTION'S authority, there exists a need to provide a team of competent personnel with adequate equipment and training to respond to emergencies involving chemical, hazardous, radioactive and other toxic or highly dangerous materials in areas under the authority of the JURISDICTION and the CITY that are in addition to the specific class of emergencies for the CITY's regional hazardous materials response team; and

WHEREAS, it is neither effective nor efficient for each unit of government to create and maintain the full response capacity required for response to such emergencies solely within

its own jurisdiction, but it is both effective and efficient to provide for such responses within both jurisdictions using combined resources; and

WHEREAS, the CITY has such an existing hazardous material response capacity and is willing to provide hazardous material response services to and in the JURISDICTION; and

WHEREAS, the Parties pursuant to the authority of Chapter 160A-461 *et seq*. of the North Carolina General Statutes, are authorized to enter into this Interlocal Agreement in order to pursue the above stated goals.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the CITY and JURISDICTION agree as follows:

ARTICLE I
PURPOSE

1.01 The purpose of this Agreement is to define the rights and obligations of the JURISDICTION and CITY with respect to the delivery of hazardous materials response team services by CITY to JURISDICTION.

ARTICLE II
COOPERATION

2.01 The JURISDICTION and CITY will cooperate and use their best efforts to ensure that the various provisions of this Agreement are fulfilled. The Parties agree in

good faith to undertake resolutions of disputes, if any, in an equitable and timely manner and in accordance with the provisions of this Agreement.

ARTICLE III
DEFINITIONS

3.01 AGREEMENT. "Agreement" means this document as approved by appropriate action through ordinance, resolution, or other method, pursuant to the ordinances, resolutions, or charter of the governing bodies of the JURISDICTION and City.

3.02 CITY OF RALEIGH MANAGER. "City of Raleigh Manager" means the Manager of the City of Raleigh, duly appointed by the City of Raleigh Council.

3.03 FIRE CHIEF. "Fire Chief" means the Fire Chief of the City of Raleigh Fire Department, duly appointed by the City of Raleigh Manager.

3.04 FISCAL YEAR. "Fiscal Year" means the period commencing on July 1 of any calendar year and concluding on June 30 of the following calendar year.

3.05 JURISDICTION FIRE CHIEF. "JURISDICTION Fire Chief" means the Fire Chief of the JURISDICTION's fire department, duly appointed by the JURISDICTION Governing Body.

3.06 MATERIAL BREACH. "Material Breach" means a failure by either Party to perform a term of the Agreement which is an essential bargained-for element of the Agreement.

3.07 RFD. "RFD" means the City of Raleigh Fire Department.

3.08 REGIONAL RESPONSE TEAM. "Regional Response Team" means a team comprised of State of North Carolina Fire & Rescue Commission Certified Hazardous Materials Level 2 or Level II responders (formerly Hazardous Materials Technician) under contract with the State to provide response to a hazardous materials or terrorist emergency at the direction of the Department of Public Safety, Division of Emergency Management.

3.09 STATE AUTHORIZED MISSION. "State Authorized Mission" means a hazardous materials incident which has been authorized to respond to by a Regional Response Team by authority of the State Secretary of the Department of Public

Safety or his/her designee pursuant to the N.C. Guidelines for tiered response or for emergency response when it meets the guidelines for a tiered response.

ARTICLE IV
TERM

4.01 INITIAL TERM. The term of this Agreement shall begin on the Effective Date and shall continue through June 30, 2021 (the "Initial Term").

4.02 RENEWAL TERM(S). Upon the expiration of the Initial Term, this Agreement shall automatically be renewed for up to ten (10) successive additional one (1) year terms running concurrent with the fiscal year (July 1-June 30), unless either Party terminates this Agreement in accordance with Article V.

ARTICLE V
TERMINATION AND AMENDMENT

5.01 TERMINATION BECAUSE OF MATERIAL BREACH. In the event that either Party materially breaches this Agreement; the other Party shall deliver written notice of the breach and request to cure. If such breach is not cured within thirty (30) days of the written notice thereof, the non-breaching Party may, without further notice or demand, in addition to all other rights and remedies provided in this Agreement, at law or in equity, terminate this Agreement and recover any damages to which it is entitled as a result of said breach.

5.02 TERMINATION UPON SIX (6) MONTH'S NOTICE. Either Party may terminate its participation in this Agreement, with or without breach, by giving written notice to the other Party of intent to terminate, at least six (6) months prior to the termination date, or effective date of the renewal term.

5.03 TERMINATION UPON FAILING TO MAKE FINANCIAL COMMITMENTS. In the event that either Party fails to properly authorize and appropriate any necessary financial commitments, including execution of an Amendment as required, the other Party may, but is not required, to deliver written notice of intent to terminate within thirty (30) days. The Parties agree to exercise good faith efforts to participate in the Amendment process. If the required Amendment is not executed, then the termination is effective upon the expiration of the thirty (30) days, unless extended by agreement of the Parties. This provision is intended to be used to ensure a pre-audited funding commitment from each party.

5.04 BANKRUPTCY/INSOLVENCY. If any Party applies for or consents to the appointment of a receiver, trustee or similar officer for it or any substantial part of its property or assets, or any such appointment is made without such application or consent by such Party and remains undischarged for sixty (60) days, or files a petition in bankruptcy or makes a general assignment for the benefit of creditors, then such action shall constitute a material breach of this Agreement not requiring

notice and opportunity to cure, and the other Party may terminate effective immediately.

5.05 COOPERATION. In the event of termination pursuant to any subsection hereunder, the terminating Party shall **not** be relieved of any existing and unperformed obligations, including funding obligations, incurred up until the effective date of termination.

5.06 NON-EXCLUSIVE REMEDIES. No remedy provided in this Agreement shall be considered exclusive of any other remedy in law or in equity.

5.07 NOTICE. Any written or electronic notice required by this section shall be delivered to the Parties at the following addresses:

For City of Raleigh:	City Manager City of Raleigh Post Office Box 590 Raleigh, NC 27602
With a copy to	City Attorney City of Raleigh Post Office Box 590 Raleigh, NC 27602
For Town of Apex:	Apex Town Manager Post Office Box 250 Apex, NC 27502
With a copy to	Apex Town Attorney Post Office Box 250 Apex, NC 27502

5.08 Notices shall be deemed delivered on the date sent if addressed as set forth herein. Either party may notify the other of a change of address, which will only be effective by written notice. As necessary, day to day communication may occur between the JURISDICTION and City. All issues of concern discussed by either party must be resolved within 30 business days or in a mutually agreed time in writing.

5.09 AMENDMENT. If any Party desires to amend the terms or conditions of this Agreement, then the proposed amendment and the reasons for the proposed amendment shall be communicated in writing to the other Party. If the Parties agree to the proposed amendment, then the amendment shall be effected by entering a written amendment to the Agreement. An amendment that does not change the

substantive or financial commitments of the Agreement may be executed by the JURISDICTION Fire Chief and the City of Raleigh Manager. Any other amendment to the terms of this Agreement to be effective must be in the form of a written instrument properly authorized and executed by the governing boards of each Party to this Agreement. Any amendment to this Agreement to be effective must be in writing and signed by both Parties.

5.10 This amendment shall be authorized and executed by the governing boards of the Parties, and pre-audited by the respective Finance Officers of each Party making a financial commitment.

ARTICLE VI
PERSONNEL STATUS

6.01 FIRE CHIEF and all RFD personnel referred to in this Agreement shall be employees of the City, shall be under the direction and control of the City, and subject to all City personnel policies and ordinances. The City shall follow its standard procedures in employing RFD personnel.

ARTICLE VII
VEHICLES AND EQUIPMENT

7.01 The CITY shall purchase and equip all necessary hazardous materials response team vehicles and equipment to ensure proper operation as a Regional Response Team, and that all such property purchased by the CITY shall remain the property of the CITY.

7.02 Any vehicles or equipment owned by the JURISDICTION prior to and during this agreement shall remain the property of the JURISDICTION.

7.03 Both Parties shall be responsible for the maintenance and replacement of vehicles and equipment in which they own.

ARTICLE VIII
ANNUAL PAYMENT OF SERVICES

8.01 The annual payment of services to be paid to the CITY by the JURISDICTION is for the CITY to maintain the readiness, appropriate manpower, available equipment and vehicles, and training of personnel to adequately respond and mitigate

hazardous materials incidents outside of the CITY, but within the JURISDICTION's authority.

8.02 The JURISDICTION shall pay to the CITY an annual amount cost share based on the current annual hazardous materials program costs of the CITY and a pro rata share of the JURISDICTION's population as compared to the population of Wake County as a whole. The annual population figure shall be provided and updated annually by the Wake County Planning Department. The CITY shall provide updated annual amounts to the JURISDICTION before the start of each fiscal year with an updated Exhibit B.

8.03 The JURISDICTION shall remit payment to the CITY for the current fiscal year in one (1) lump payment, due before the end of July, OR in two (2) increments, with the first payment due before the end of July and the second payment due before the end of January. If the JURISDICTION utilizes two (2) payments, the first payment shall be 50% of the total annual amount due to the CITY. The second payment shall be the remaining balance due of the annual payment to the CITY.

ARTICLE IX
PER INCIDENT PAYMENT OF SERVICES

9.01 The per incident payment of services to be paid to the CITY by the JURISDICTION is to reimburse the CITY for when the following costs are incurred by the CITY as result of an actual incident that requires a hazardous materials team response:

a. For incidents exceeding eight (8) hours in duration that do not meet the requirements of a state-authorized mission, per the fee schedule detailed in Exhibit C. The billable rates are per hour per person dispatched to the incident. When such instances occur, the CITY will invoice the JURISDICTION for the amount due.

b. For incidents that require the use of supplies and equipment that must be replaced to maintain program readiness. When such instances occur, the CITY will invoice the JURISDICTION for the amount due, regardless of the incident duration, if not declared a state-authorized mission.

c. For any municipality/jurisdiction that does not participate in an annual payment of services. When this occurs, the billable hours begin at time of dispatch to the in-service time of the hazmat units, per hour per person as detailed in Exhibit C, unless declared a state-authorized mission.

9.02 Any per incident payment of services due to the CITY from the JURISDICTION as result of a hazardous materials response incident shall be separate and apart from

the annual payments due to the CITY by the JURISDICTION pursuant to Article VIII of this Agreement.

9.03 The JURISDICTION may attempt to collect reimbursement for per incident costs for when a responsible party exists that is deemed responsible for the incident, however any amount due to the CITY shall by paid directly by the JURISDICTION.

9.04 The CITY shall notify the JURISDICTION of any reimbursement of the CITY from the State of North Carolina for any authorized regional hazardous materials team response in the JURISDICTION but outside the CITY's corporate limits. The CITY shall request STATE mission numbers for any incident that may be covered.

9.05 The CITY shall reimburse JURISDICTION for the JURISDICTION's portion of revenues received from the State of North Carolina for regional hazardous materials emergency response services. In no event shall the CITY receive compensation from the State of North Carolina and the JURISDICTION for the same services without reimbursing the JURISDICTION for the JURISDICTION's proportional share of revenues qualifying for the reimbursement.

9.06 The Parties shall each provide to the other any requested copies of documentation of payment or reimbursements of fees for services or expenses from a third party.

ARTICLE X
SCOPE OF SERVICES

10.01 The CITY agrees that, pursuant to its designation as a state "Regional Response Team," and for the duration of this Agreement, it shall (a) take such action(s) as required to maintain and retain "Regional Response Team" status, and (b) diligently pursue all reimbursements to which CITY is entitled by its agreement with the State of North Carolina in connection with its "Regional Response Team" status.

10.02 The CITY shall maintain a trained hazardous materials team and appropriate levels of supporting equipment and personnel as required by CITY's agreement with the State of North Carolina in connection with its "Regional Response Team" status.

10.03 The CITY shall allow designated JURISDICTION officials to activate the hazardous materials team for incidents occurring outside the CITY and within their respective territorial boundaries.

10.04 The CITY shall utilize the National Incident Management System and supporting standard operating procedures when responding to hazardous materials incidents, provided that control of conditions associated with containment of hazardous

material and directions for reduction of public exposure will be under the authority of the hazardous materials team.

10.05 The CITY shall ensure that RFD employees responding to hazardous materials incidents are trained to the appropriate level of response as required by CITY's agreement with the State of North Carolina in connection with its "Regional Response Team" status.

10.06 The CITY shall assist, to the extent possible, in the identification of persons, or entities responsible for hazardous materials incidents so that JURISDICTION and/or the State of North Carolina may pursue collection of funds from the responsible parties.

10.07 The CITY shall designate a representative to meet and confer with JURISDICTION representatives to discuss the overall management of hazardous material response operations and to serve as a central point of contact with the JURISDICTION.

10.08 The CITY shall complete and submit a hazardous materials response form at the conclusion of each response to the JURISDICTION but outside the corporate limits of the CITY. The form attached hereto and incorporated herein as Exhibit A, ("Hazardous Materials Response Form") will detail supplies and equipment consumed during the response.

10.09 To extent permitted by North Carolina law, the CITY shall defend, indemnify and hold harmless the JURISDICTION from all loss, liability, claims or expenses arising out of bodily injury, including death, to any person or persons or property damage caused solely by the negligence or willful misconduct of the CITY, except to the extent the same are caused by the negligence or willful misconduct of the JURISDICTION. Notwithstanding the above, nothing herein shall be construed to be a waiver of the CITY'S defense of governmental immunity. Notwithstanding the foregoing, to the extent that CITY does not purchase a contract of insurance to meet this requirement, CITY shall not be deemed to have waived its governmental immunity as otherwise provided by law.

10.10 The JURISDICTION shall serve as the liaison between the CITY's hazardous materials response team and any responding agency within the JURISDICTION, so that in the event of an incident, a coordinated working relationship for the safety of the public and all personnel involved will be enhanced.

10.11 The JURISDICTION shall participate in joint training sessions at JURISDICTION's discretion with the CITY to build a stronger working relationship.

10.12 The CITY and JURISDICTION AGREE that the following compensation received by the CITY from the State of North Carolina for regional hazardous materials response services are subject to proportional reimbursement by the CITY to the

JURISDICTION during the end-of-year reconciliation only to the extent that such compensation is actually received by CITY:

a. Compensation for training, workers compensation, program administration, or any other administrative compensation excluding "response costs" as defined by the State of North Carolina as "expenses resulting from the activation, demobilization, administrative activities and costs incurred by the regional response team in responding to, mitigating, and the recovery from an authorized hazmat or terrorist incident."

b. "Response costs" as defined by the State of North Carolina for any authorized regional hazardous materials team response to a hazmat or terrorist incident in JURISDICTION but outside the corporate limits of CITY.

ARTICLE XI
COMPLAINTS AND APPEALS

11.01 Complaints from the parties to this Agreement shall be forwarded to the FIRE CHIEF or his/her designee, as soon as possible. In the event that the complaint pertains to the FIRE CHIEF, complaint should be filed with City Manager or his/her designee.

11.02 In the event that either (or both) of the parties to this Agreement disagree with the action of the FIRE CHIEF or his/her designee, the parties to this Agreement may appeal the directive or action to the City OR JURISDICTION Fire Chief as appropriate.

11.03 The parties further agree not to take or support any action that would impair the delivery of hazardous materials services, including (but not limited to) actions that

would unnecessarily slow the response of said services or create confusion among the parties.

ARTICLE XII
MODIFICATION

12.01 Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement and signed by the parties hereto.

ARTICLE XIII
RECORDS AND INSPECTION

13.01 The JURISDICTION and the City agree that each party hereto, will cooperate with the State, JURISDICTION, or municipal Auditor, or any of their duly authorized representatives, at any time during normal business hours; and further, that such auditor shall have access to, and the right to examine, audit, excerpt, and transcribe any books, documents, papers, and records, which are pertinent to the accounting practices and procedures of the other party hereto and involve transactions relating to this Agreement.

13.02 The JURISDICTION and the City agree to maintain all records relative to this Agreement during the period in which hazardous materials response services are used as defined in this Agreement, and for an additional period as prescribed by law, or absent such prescription, for five (5) years beyond the expiration date of the Agreement.

13.03 In the event that legislation is passed by either the United States Congress or the North Carolina General Assembly delimiting public access to the financial, operational, or other relevant records of public safety systems, the State, JURISDICTION, or municipal auditor conducting such review shall, to the extent permitted by law, agree to maintain as confidential any information or data permitted to be excluded from public access and review. Such protected information and data shall, to the extent permitted by law, not be included in written findings of an auditor nor discussed in any forum open to the public. The JURISDICTION Attorney, shall identify, in writing, the information or data excluded from public access and review, and shall provide the list of exclusions to each party to this Agreement and to the City Attorney of the City of Raleigh. The

JURISDICTION and the City agree to include such restrictions in any public solicitations or contracts for audit services.

ARTICLE XIV
DATA PRIVACY

14.01 City and JURISDICTION agree to abide by all applicable Federal and State laws and regulations and confidential information concerning individuals and/or data including, but not limited to information made non-public by such laws or regulation.

ARTICLE XV
RELATIONSHIP OF PARTIES

15.01 Wake JURISDICTION and the City of Raleigh are, and shall remain, independent contractors with respect to any service or function performed under this Agreement. Except as provided for in this Agreement, each Party shall select the means, method, and manner of performing their respective services herein. Each party is an independent contractor and shall not represent itself or be deemed as an officer, agent or employee of the other party for any purpose. Nothing under this Agreement is intended or should be construed in any manner to create a partnership or venture between the Parties.

15.02 Each party agrees that it will obey all State and Federal statutes, rules, and regulations which are applicable to any responsibility or duty outlined herein. The JURISDICTION represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any personnel of the JURISDICTION, the City, or other persons engaged in the performance of any work or services under this Agreement, shall have no contractual relationship with any other party, and shall not be employees of any other party. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind whatsoever from the other party, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Worker's Compensation, Re-Employment Insurance, disability, severance pay, or retirement.

15.03 Any claims that might arise under the Unemployment Compensation Act, the Worker's Compensation Act of the State of North Carolina, or any other applicable Federal or State law, rule, or regulation on behalf of said personnel, arising out of employment or alleged employment, including, without limitation, claims of discrimination against either party, its officers, agents, contractors, or employees, shall in no way be the responsibility of the other party. To the extent permitted, and as limited by North Carolina law, each party shall defend, indemnify, and hold

the other party, its officers, agents, and employees harmless from any and all such claims.

ARTICLE XVI
NON-ASSIGNMENT

16.01 Neither party shall assign any portion of this Agreement or the rights and responsibilities hereunder to another person or entity who is not a party to this Agreement without the prior written consent of the other party to this Agreement.

ARTICLE XVII
NON-APPROPRIATION

17.01 Wake JURISDICTION and the City of Raleigh are governmental entities, and the Agreement validity is based upon the availability of public funding under the authority of their respective statutory mandates.

17.02 In the event that funds are not available and not appropriated to the program specified in this Agreement, then this Agreement shall automatically expire without penalty to either party.

17.03 It shall be the duty of the CITY to inform the JURISDICTION in the event of non-appropriation or if program funding changes plus or minus 10%.

17.04 In the event of a legal change in either party's statutory authority, mandate, and mandated functions which adversely affects the authority to continue performing obligations under this Agreement, then this Agreement shall automatically expire without penalty to either party.

ARTICLE XVIII
NO THIRD-PARTY BENEFICIARIES

18.01 This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the Parties hereto, and shall not

confer any rights or remedies upon any person or entity other than the Parties hereto.

ARTICLE XIX
NO WAIVER OF SOVEREIGN IMMUNITY

19.01 Nothing in this Agreement shall be construed to mandate purchase of insurance by JURISDICTION pursuant to N.C.G.S. 153A-435; or to be inconsistent with JURISDICTION's "Resolution Regarding Limited Waiver of Sovereign Immunity" enacted October 6, 2003; or to in any other way waive either Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against JURISDICTION or City of Raleigh for any reason if otherwise available as a matter of law.

ARTICLE XX
NO WAIVER OF QUALIFIED IMMUNITY

20.01 No officer, agent or employee of either Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

ARTICLE XXI
ENTIRE AGREEMENT, MERGER, MODIFICATION

21.01 The entire Agreement between the parties is contained herein and that this Agreement supersedes all oral arguments, previous written agreements, and negotiations between the JURISDICTION and the City regarding hazardous materials response services. Notwithstanding the above, it is the intent of the

parties that the rights and obligations of this Agreement shall be applicable solely to the hazardous materials response services outlined herein.

21.02 Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement and signed by the parties hereto.

ARTICLE XXII
SEVERABILITY

22.01 If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.

ARTICLE XXIII
COUNTERPARTS

23.01 This Agreement may be executed in several counterparts, each of which shall be deemed an original.

ARTICLE XXIV
NON-DISCRIMINATION

24.01 To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Agreement. The parties further agree, to the extent permitted by law, to conform with the provisions and intent of City of Raleigh Ordinance 1969-889, as amended. This provision is hereby incorporated into this Agreement for the benefit of the City of Raleigh and its residents, and may be enforced by action for specific performance, injunctive relief, or other remedy as provided by law. This provision shall be binding on the successors and assigns of the parties with reference to the subject matter of this Agreement.

ARTICLE XXV
APPLICABLE LAW

25.01 All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Agreement shall be Wake County Civil Superior Court or the

United States District Court for the Eastern District of North Carolina, Western Division.

25.02 The JURISDICTION and the City agree to comply with all applicable Federal and State laws, as well as local ordinances relating to non-discrimination, affirmative action, public purchases, contracting, employment including worker's compensation and state labor wage provisions, and surety deposits required for construction contracts.

ARTICLE XXVI
E-VERIFY

26.01 The Parties shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq.

ARTICLE XXVII
IRAN DIVESTMENT

27.01 Any vendor hired by the City to perform work related to this agreement shall comply with the requirements of the Iran Divestment Act by certifying that 1) it does not appear on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 143-6A-4 and published on the State Treasurer's website at www.nctreasurer.com/Iran and 2) it will not utilize any subcontractor that appears on the Final Divestment List in the performance of duties under this Agreement.

ARTICLE XXVIII
FORCE MAJEURE

28.01 Neither the JURISDICTION nor the City shall be liable for any failure, delay or interruption in service or for any failure or delay in the performance of any obligation under this Agreement due to strikes, walkouts, acts of God,

governmental restriction, enemy action, civil commotion, unavoidable casualty, unavailability, or other similar acts beyond the reasonable control of either Party.

ARTICLE XXIX
INCORPORATION OF DOCUMENTS/COMPLETE AGREEMENT

29.01 This Agreement, and any documents incorporated by reference, including specifically Exhibit A, Exhibit B, and Exhibit C, represents the entire Agreement between the parties and supercedes all prior oral or written statements, or agreements between the parties for hazardous materials response team services for any incorporated or unincorporated area of Wake County. The City of Raleigh may enter into separate agreements for hazardous materials response team services for any incorporated areas of Wake County directly with the municipalities served.

29.02 Specifically incorporated into this Agreement are the following attachments, or if not physically attached, are incorporated fully herein by reference:

- Exhibit A – Hazardous Materials Response Form
- Exhibit B – Hazardous Materials Response Distribution of Costs
- Exhibit C – Hazardous Materials Response Fee Schedule

In cases of conflict between this Agreement and any of the above incorporated attachments or exhibits, the terms of this Agreement shall prevail.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, intending to be legally bound hereby, and with the authority vested in them by resolution of their respective governing boards, the parties have caused this Interlocal Agreement to be executed and delivered as of the date first above written.

CITY OF RALEIGH, NORTH CAROLINA By: _____ City Manager	This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act. _____ Finance Officer City of Raleigh, North Carolina
ATTEST: By: _____ **Clerk** [Seal]	This instrument is approved as to form and legal sufficiency. _____ City Attorney
APEX, NORTH CAROLINA By: _____ Town Manager	This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act. _____ Finance Director Apex, North Carolina
[Seal] **ATTEST:** _____ By _____ Clerk	This instrument is approved as to form and legal sufficiency. _____ Town Attorney

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 16, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

Requested Motion

Motion to approve the Apex Tax Report dated 5/13//2020

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on June 1, 2020, approved and accepted the tax report dated 5/23/2020.

Attachments

- Tax Report

WAKE COUNTY
NORTH CAROLINA

Wake County Tax Administration

Rebate Details

04/01/2020 - 04/30/2020

APEX

DATE	TIME	PAGE
05/13/2020	2:19:19 PM	1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
752892	16.71	0.00	1.67	0.00	18.38	04/03/2020	0006488280	2015	2015	000000	EDGE SERVICES GROUP, INC
752789	6.18	0.00	0.62	0.00	6.80	04/02/2020	0006514935	2019	2019	000000	ALL BOOKED UP
752788	6.38	0.00	0.64	0.00	7.02	04/02/2020	0006514935	2018	2018	000000	ALL BOOKED UP
752896	3.07	0.00	0.31	0.00	3.38	04/03/2020	0006488280	2019	2019	000000	EDGE SERVICES GROUP, INC
752895	3.07	0.00	0.31	0.00	3.38	04/03/2020	0006488280	2018	2018	000000	EDGE SERVICES GROUP, INC
752894	2.81	0.00	0.28	0.00	3.09	04/03/2020	0006488280	2017	2017	000000	EDGE SERVICES GROUP, INC
752893	2.81	0.00	0.28	0.00	3.09	04/03/2020	0006488280	2016	2016	000000	EDGE SERVICES GROUP, INC
SUBTOTALS FOR BUSINESS ACCOUNTS	**41.03**	**0.00**	**4.11**	**0.00**	**45.14**		**7 Properties Rebated**				
BUSINESS REAL ESTATE ACCOUNTS											
753946	2.91	0.00	0.00	0.00	2.91	04/28/2020	0000429455	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753949	7.26	0.00	0.00	0.00	7.26	04/28/2020	0000439849	2019	2019	000000	LAKE CASTLEBERRY OWNERS ASSOCIATION INC
753947	3.32	0.00	0.00	0.00	3.32	04/28/2020	0000429454	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753948	2.91	0.00	0.00	0.00	2.91	04/28/2020	0000429453	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753945	3.74	0.00	0.00	0.00	3.74	04/28/2020	0000429802	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753944	3.74	0.00	0.00	0.00	3.74	04/28/2020	0000431075	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUNTS											
753943	3.74	0.00	0.00	0.00	3.74	04/28/2020	0000431076	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753939	3.74	0.00	0.00	0.00	3.74	04/28/2020	0000431078	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
753938	3.32	0.00	0.00	0.00	3.32	04/28/2020	0000434174	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	**34.68**	**0.00**	**0.00**	**0.00**	**34.68**		**9 Properties Rebated**				
INDIVIDUAL PROPERTY ACCOUNTS											
754657	19.00	0.00	0.00	0.00	19.00	04/29/2020	0006907753	2020	2019	000000	WHITE, MICHAEL ALLEN
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**19.00**	**0.00**	**0.00**	**0.00**	**19.00**		**1 Properties Rebated**				
TOTAL REBATED FOR APEX	**94.71**	**0.00**	**4.11**	**0.00**	**98.82**		**17 Properties Rebated for City**				

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 16, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

Requested Motion

Motion to approve the Minutes of the Regular Council Meeting of May 19, 2020 and the Budget Workshop of May 26, 2020

Approval Recommended?

Yes

Item Details

N/A

Attachments

- Minutes of the May 19, 2020 Regular Meeting
- Minutes of the May 26, 2020 Budget Workshop

This meeting was additionally conducted by use of simultaneous communication

REGULAR TOWN COUNCIL MEETING

Tuesday, May 19, 2020 at 6:00 PM
Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order, read a statement of inclusion and diversity related to religion, and led the Invocation followed by a moment of silence. Mayor Gilbert then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Pro Tem Nicole Dozier
Presentation of Proclamation declaring Asian American Pacific Islander Heritage Month

Mayor Pro Tem Dozier read an opening statement embracing the history and heritage of Asian American Pacific Islanders. Each Council Member shared in the reading of +the Proclamation.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk
Minutes of the April 23, 2020 Budget Workshop, the April 27, 2020 Special Meeting, and the May 5, 2020 Regular Meeting

CN2 Donna Hosch, Town Clerk
Sell-back of cemetery plots to the Town from Mr. and Mrs. Dalton in the amount of $1,200.00

CN3 Steve Adams, Real Estate and Public Utilities Specialist
Contract between the Town and Jordan Oil company to trade portions of property as related to the construction of the Apex Senior Center

CN4 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 5, 2020

CN5 Russell H. Dalton, PE, Senior Transportation Engineer
Ordinance amending Section 20-164 with the addition of subsection (37) to enforce a No Parking restriction along both sides of both directions of Great Lawn Road and along both sides of Sunflower Road

CN6 Laurie Hohe, Town Attorney
Repealing the Remote Participation Policy for Meetings of the Apex Town Council adopted on March 17, 2020

CN7 Drew Havens, Town Manager
Amending the current Apex Farmers Market Special Event Permit to allow for drive-thru pickup along Seaboard Street on Saturday, May 16, 23, and 30, and June 6, 13, 20, and 27, and Friday, July 3, to close marked parking spaces along the east side of Seaboard Street from 8:00 a.m. until 1:00 p.m. these days.

CN8 Jenna Shouse, Long Range Planner
Temporarily dedicating and marking eight existing on-street parking spaces along Hunter Street to serve as a bus layover location for GoApex Route 1 beginning in March 2021

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Mahaffey seconded the motion.
The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Town Manager Havens requested that Public Hearing 05 be heard prior to Public Hearing 04.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda with the requested change. Council Member Stallings made the motion; Council Member Dozier seconded the motion.
The motion carried by a 5-0 vote.

PUBLIC FORUM

Bridgett Taylor spoke about Council representing and honoring their oaths. Council should let the U.S. Constitution convey its actions so as to not impede upon the rights to which each individual is entitled. Ms. Taylor spoke about government Orders related to COVID-19 not being consistent with the Constitution. Civil rights under the Color of Law had been taken away.

PUBLIC HEARINGS

PH1 Dianne Khin, Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex 1800 N Salem, LLC property containing 1.97 acres located at 1800 N Salem Street, Annexation #688 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to adopt the Ordinance; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote.

PH2 Shannon Cox, Long Range Planning Manager

Amendment to the Bicycle, Pedestrian, and Equestrian Plan map of the Comprehensive Transportation Plan; the Bike Network map of the Comprehensive Bicycle Plan; and the Parks, Recreation, Greenways, and Open Space Master Plan map

Staff oriented Council to the Amendment. The Planning Board unanimously recommended approval. The Amendment would be shared with the Parks, Recreation, and Cultural Resources Commission at their next meeting. Planning staff and Parks and Recreation staff recommended approval.

Council stated that because of the design of the map, it was a bit difficult to read. Even so, combining the maps could have some value.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Amendment; Council Member Killingsworth seconded the motion.
The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager
Various Amendments to the Unified Development Ordinance

Staff oriented Council to the Amendments. The Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Amendments; Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

PH5 Jenna Shouse, Long Range Planner
Associated Amendments to the Transit Plan Map of the Comprehensive Transportation Plan

Staff oriented Council to the Amendments. Responding to Council, staff answered questions related to the routes and their associated stops. Staff and the Transit Committee unanimously recommended approval of the Amendments. The Planning Board recommended approval of all Amendments except route 311. They additionally expressed concern about GoTriangle not being able to adequately obtain public input on the service changes to route 305. If Council had concern about route 311, staff suggested asking GoTriangle delay the service changes to January 2021.

Responding to Council, staff elaborated on how adjustments were balanced based on ridership data, transfers, and wait times. Jennie Green (remotely), Transit Service Planner with GoTriangle, clarified ridership according to data they have collected.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Amendments; Council Member Gantt seconded the motion.

Council expressed concern about Planning Board comments related to public input for route 311 and if Council was satisfied with the response from GoTriangle. Staff stated the

change had been studied and that there had been public engagement for the long-range planning efforts. Staff clarified that Council could approve the Amendment and submit comment to GoTriangle that the service change be delayed until January.

Council Member Dozier amended her motion to approve the Amendments to the Transit Plan Map and the Comprehensive Transit Plan consistent with the time that there would be an increase in route 305 or January 2021; Council Member Gantt seconded the motion.
The motion carried by a 5-0 vote.

PH4 Shawn Purvis, Assistant Town Manager
Order Closing a portion of the right-of-way (ROW) located between two Sweetwater Property Owner Association Open Space tracts

Staff stated this was a realignment so that the road could be completed. Responding to Council, staff stated that the typography in the area did not quite line up.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Order; Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

PH6 Shawn Purvis, Assistant Town Manager
To receive citizen input on the Fiscal Year 2020-2021 Annual Budget including proposed economic development expenditures

Staff stated this budget was a culmination of past meetings, a public hearing, and workshops. A brief overview of the budget was presented, staff stating the budget was basically flat.

Mayor Gilbert declared the Public Hearing open.

Read from Elizabeth Brunner : *Hello: I feel strongly that there should not be any increased fees passed to town residents, given the pandemic, the recession, and the high unemployment rate. This is a time for compassion, when every penny counts to many local families. For example, our sewer rate already seems extremely high and should not increase. Similarly, the Municipal Vehicle Tax should not be increased. Instead, the town should look for ways to decrease all fees and taxes applied to individuals.*

The property tax rate should come down to the neutral rate of $.3493. Many local homeowners saw an extreme increase in the county's appraised value of their home. I've owned my 1957 house for seventeen years and plan to live here for the rest of my life. Since I do want to sell, the housing market is irrelevant. But the increased property tax is an extraordinary burden, especially this year.

I am glad that sideways, pedestrian amenities, and a local bus route appear to be budget priorities.

Read from Carl Ziller : *Six years ago in 2015, Apex voters approved $15 million in bonds for road projects, including the completion of the Apex Peakway. So far we have nothing but paper to show for it. The last mayor ran on that platform and nothing came of it. Traveling in, around, and through Apex would be much easier and less congested with the Peakway completed. We are talking about a bridge on the west side, and the Hwy55 to Schiefflin Road both of which have had plans out for years now. The Peakway should be a high priority for the town which would benfit both the residents and businesses along it. Start making the developers shoulder the financial responsibility of parks and/or park space in this booming housing market. Can this project be expedited, and when will contracts be awards and construction begin?*

Mayor Gilbert declared the Public Hearing closed.

Council discussed when there could be a follow up budget meeting, consensus being Tuesday, May 26th, at 4:00 p.m. For this upcoming meeting, Council asked for a possible response to what the County will be providing as far as cash assistance resulting from COVID-19.

OLD BUSINESS

OB1 Shawn Purvis, Assistant Town Manager

Receipt of information regarding Executive Order 124 and the Town's suspension of utility late fees and disconnects, including the Town's proposed payment plan agreement

Staff stated this was to ask direction on letting its previous direction expire or to extend it. A payment plan would be devised based on this direction. He stated that we could delay disconnects and delay late fees further or extend the payment plan.

Council stated that in order to support the citizenry, she wished to extend what is currently in place and that we keep in close contact with other levels of government and cash assistance in supporting municipalities.

Council questioned if there was concern for the amount of money owed to the Town which was rising exponentially. Council stated she was concerned about people first over the amount of money owed the Town.

Council stated she also preferred to extend the payment plan and suspend disconnections.

Council stated he was concerned that the money would be gone forever and that taxpayers would be responsible for lost revenue. Staff explained efforts could be put in place, i.e., letters, to encourage those who can pay to pay.

Council stated he felt some of the amounts could be recoverable. He wondered if there was a middle ground to not make disconnects and to encourage people to pay as well.

Staff stated a payment plan agreement letter was being drafted. In that letter, we could easily remind citizens that the suspension does not remove the obligation to pay at some point – we cannot legally waive these payments. No letters have been sent since March. Staff, responding to Council, stated that bills show uncollected amounts. There was further conversation about the type of letter/notice to be sent.

There was brief discussion surrounding Council comment that he would never want to see utilities disconnected. Council was in agreement with extending the current suspension date.

Council questioned if we could separate out commercial and residential, staff stating this would be a lot of work because of the way our system is set up. Responding to Council, staff stated there hasn't been a lot of chatter on this subject. Many municipalities have tied themselves to Executive Order 124 and have payment plans and letters ready to be sent out.

Staff stated we will send out letters giving guidance on the payment plan. We will begin working with the public to try to get people who can pay to start moving in that direction. Council questioned what the increase would be in rates for those amounts we would not be able to recover.

Council Member Mahaffey made a motion to postpone the disconnect date to August 31st and to direct staff to try to convert balances to payment plans and to report progress to Council on a monthly basis; Council Member Killingsworth seconded the motion.

Council spoke briefly about our advocacy with the County on funding, payment plans, and programs which would help citizens with payment.

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

_____
Jacques K. Gilbert, Mayor

This meeting was additionally conducted by use of simultaneous communication

TOWN COUNCIL BUDGET WORKSHOP

Tuesday, May 26, 2020 at 4:00 PM
Third Floor Training Room at Apex Town Hall, 73 Hunter Street

Council and Administration

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order.

Staff presented a high-level overview of the budget. Responding to Council, staff clarified how rate changes will impact each household. Adjustments in Funds were related to COVID-19. Sales tax calculations were explained, going from worst to best case scenarios. There is a mix of what other municipalities are doing for property tax, although most are going above revenue neutral.

Staff presented its cost-cutting methods and stated that Council had been previously informed as to what Capital items had been cut. Staff presented options as to how we might move forward with other potential cuts. He explained how we get from what management wants vs. what Council wants. Personnel items could be adjusted, and this would free up money for projects. Staff spoke about OPEB expenses and how this could be affected. Staff explained how Fund Balance could be used to cover Revenue shortfalls.

Staff spoke about the proposed 7% salary increase and how delaying this until October could work. He did not advise delaying OPEB. He felt we would be okay even if these two expenses were incurred beginning in July. The draft budget would be managed as it was presented, and staff explained how this could be done. We don't want to cut back on services. Staff again talked about delaying the 7% increase, which would normally happen on October 1st. He explained that there would not be personnel cuts or furloughs.

Council Chair of the Personnel Committee stated she believed staff understood this was a health crisis and what Council is trying to do to help staff. Council stated there was a commitment to a living wage prior to COVID. She felt staff would understand they still would have a salary that is decent. Staff stated that the initial conversation with staff was for the increase to be effective July 1st. However, he felt that the move to October 1st could be explained. Staff felt this date change was responsible and would make the current budget more comfortable. He spoke about staying away from employee impacts. OPEB could be recovered, and how this could be done was explained. We are already paying for these benefits.

Conversation ensued about the possibility of delaying projects. Council spoke about the funding which would be coming in to the County. Staff stated we have reached out to the County but have not heard back from them. Previously, the thought was that some funding would be used to help with utility bills. However, we don't have the final say on that. Council stated there would need to be another meeting by the County to discuss the $150 million funding. Municipalities have asked for $75 million of this funding to come to them, the decision being made that the County would distribute the funds. Council was disappointed that there was not a policy out yet on this funding.

Staff provided an update on the Beaver Creek intersection. Most projects are dependent upon money from DOT, and these monies will be delayed. Staff spoke about Powell Bill money and how it might be affected. Conversation ensued about projects being delayed until it's determined funding will be coming in.

Staff stated that if the budget were to stay as it was, people would understand that some projects won't happen. We will not start projects just in case monies don't come in. Reiterating what was heard from Council, staff stated that the 7% increase would be delayed to October 1st. He explained what else could be cut from the budget.

Council stated he was in favor of delaying the 7% increase to October 1st and to not make other possible personnel cuts. Staff would find other monies in Capital to cut. If things were to look good throughout the year, then we could start back up with projects. Discussion by Council about whether OPEB trust expense should be delayed.

Council spoke about the impact of asking people to stay at home. More utilities will be used by doing so. Therefore, she questioned an increase in rates as some would be unable to pay them. Conversation ensued along these lines. Staff stated the solid waste increase was from the provider.

The consensus of Council was to fund additional OPEB trust, delay the salary increase to October 1st and to match that amount 2 to 1 with reductions in Capital. Council also wished a solid message to employees explaining the crisis and the Town's values.

Staff explained why some things cannot be funded from Fund Balance. He talked more about the increase in rates and how the budget was balanced with the rates presented.

Council spoke about affordable housing, and how there may be a program coming through to help with newer homes. He asked where our figures came from for affordable housing and was there a need in the community. Staff stated the figures were based on a combination of need and the ability to manage projects. The affordable housing program is independent of the budget. Staff explained how these types of programs have worked elsewhere. We want to make a big difference with a little bit of money.

Both Town Managers agreed that Apex is in better shape than other municipalities. Council would be provided a list based on what was heard in this workshop of what had been removed and the respective dollar amounts.

ADJOURNMENT

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

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

_____
Jacques K. Gilbert, Mayor

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

Presenter(s): Eric Neumann
Department(s): Electric Utility Department

Requested Motion

Motion to approve Capital Project Ordinance Amendment No. 2020-22 to appropriate funds for the Laura Duncan substation

Approval Recommended?

Yes

Item Details

The Project Ordinance Amendment will appropriate $45,000 in funds for the purchase of equipment related to the Laura Duncan Substation upgrades. The source of funding for the Project Ordinance Amendment will be funds currently appropriated in the Electric Fund's FY 2019-2020 operating budget.

Attachments

- Capital Project Ordinance Amendment No. 2020-22

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2020-22

66 - Electric Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

Transfer from Electric Fund	45,000
Total Revenues	**$45,000**

Section 2. The expenditures anticipated are:

Laura Duncan Substation Upgrades	45,000
Total Expenditures	**$45,000**

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

Adopted this the 2nd day of June, 2020.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16,2020

Item Details

Presenter(s): Vance Holloman, Finance Officer
Department(s): Finance

Requested Motion

Motion to Approve Capital Project Ordinance Amendment No. 2020-24 appropriating funds for various capital projects and Budget Amendment No. 17 which provides funding for some of those projects.

Approval Recommended?

Yes

Item Details

The Towns pf Apex and Cary entered into agreements for construction of a wastewater treatment plant and phase III of a water treatment plant. These projects are essentially complete and in operation. The Town continues to receive reimbursement request for costs incurred to finalize the projects. We anticipate the funds appropriated by Amendment 2020-24 will be sufficient to cover all such remaining costs. Funding for the wastewater treatment plant will come from interest earnings and transfers already deposited in the Project Fund. Funding for the water treatment plant will be transferred in from the Water Sewer Capital Reserve Fund as authorized by Budget Amendment No, 17.

Amendment 2020-24 also appropriates funds for costs to be incurred in connection with the White Oak Pump Station. The Town receives reimbursements from developers for all cost incurred. Approximately one half of the additional amount appropriated has already been received and deposited in the Project Fund.

In the Recreation Capital Project Fund a bill associated with acquiring land was received after the project had been closed. Amendment 2020-24 appropriates funds to cover that costs. The source of funding is interest earnings already on deposit in the Project Fund.

On May 7, 2019 the Council approved a transfer from the Water Sewer Capital Reserve Fund (HB463) to the Water Sewer Capital Project Fund. Staff inadvertently failed to transfer the funds prior to June 30, 2019 when the budgetary authorization lapsed. Staff request that the Council reestablish the authorization for the transfer through Budget Amendment No. 17 and the transfer will be made prior to June 30, 2020.

Attachments

- Capital Project Ordinance Amendment No, 2020-24
- Budget Ordinance Amendment No. 17

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2020-24

62 - Wastewater Treatment Plant Project Fund

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

Section 1. The revenues anticipated for the projects are:

Interest Earnings	$250,000
Transfer from Water Sewer Reserve Fund	$350,000
Total Revenues	**$600,000**

Section 2. The expenditures anticipated are:

Regional Wastewater Treatment Plant	$600,000
Total Expenditures	**$600,000**

65 - Water Sewer Capital Project Fund

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

Section 3. The revenues anticipated for the projects are:

Developer Reimbursements	$140,000
Transfer from Water Sewer Reserve Fund	$650,000
Total Revenues	**$790,000**

Section 4. The expenditures anticipated are:

White Oak Pump Station	$140,000
Water Treatment Plant Phase III	$650,000
Total Expenditures	**$790,000**

67 - Recreation Capital Project Fund

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

Section 5. The revenues anticipated for the projects are:

Interest Earnings-Debt Proceeds	$1,036
Total Revenues	**$1,036**

Section 6. The expenditures anticipated are:

Capital Outlay-Land	$1,036
Total Expenditures	**$1,036**

Section 7. Within five (5) days after adoption, copies of this Amendment shall be filed with the

Adopted this the 16th day of June, 2020.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

Town of Apex
FY 2019-2020 BUDGET ORDINANCE AMENDMENT NUMBER 17

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

WATER SEWER RESERVE FUND

Section 1. Revenues

Appropriated Fund Balance		$650,000
	Total	$650,000

Section 2. Expenditures

Transfer to Water Sewer Project Fund		$650,000
	Total	$650,000

WATER SEWER RESERVE FUND (HB 463)

Section 3. Revenues

Appropriated Fund Balance		$425,000
	Total	$425,000

Section 4. Expenditures

Transfer to Water Sewer Project Fund		$425,000
	Total	$425,000

Adopted this the 16th day of June, 2020.

Jacques K. Gilbert, Mayor

Attest:

Donna B. Hosch, MMC, NCCMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Motion to approve Capital Project Ordinance Amendment No. 2020-23 to appropriate funds for the Lawrence Crossing Sewer Rehab project and to approve Budget Amendment No. 18 which will appropriate funds for a portion of the cost.

Approval Recommended?

Yes

Item Details

The Project Ordinance Amendment will appropriate $625,000 in funds for the Lawrence Crossing Sewer Rehab project ($400,000 is budgeted in the FY 2019-2020 operating budget for this purpose). This project will replace an aging 24-inch gravity sewer outfall with a new 12-inch sewer line. The 24-inch line formerly conveyed over half of the town's sewer flow. The completion of the Western Wake Regional WRF in 2014 diverted most of this flow. It is more cost effective to replace and downsize to a 12-inch line than to install a liner in the 24-inch pipe.

The source of funding for the Project Ordinance Amendment will be the $400,000 currently appropriated in the Water & Sewer Fund and $250,000 of fund balance appropriated to provide the remainder of the funding. These amounts will be transferred to the Water Sewer Project Fund.

Attachments

- Capital Project Ordinance Amendment No. 2020-23
- Budget Ordinance Amendment No. 18

Town of Apex
FY 2019-2020 BUDGET ORDINANCE AMENDMENT NUMBER 18

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

WATER SEWER FUND

Section 1. Revenues

Appropriated Fund Balance		$250,000
	Total	$250,000

Section 2. Expenditures

Transfer to Water Sewer Project Fund		$250,000
	Total	$250,000

Adopted this the 16th day of June, 2020.

Jacques K. Gilbert, Mayor

Attest:

Donna B. Hosch, MMC, NCCMC, Town Clerk

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2020-23

65 - Water/Sewer Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

Transfer from Water/Sewer Fund	625,000
Total Revenues	**$625,000**

Section 2. The expenditures anticipated are:

Lawrence Crossing Sewer Rehab	625,000
Total Expenditures	**$625,000**

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

Adopted this the 16th day of June, 2020.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: June 16, 2020

Item Details

Presenter(s): Drew Havens, Town Manager
Department(s): Administration

Requested Motion

Motion to appoint the following persons to the Parks, Recreation, and Cultural Resources Advisory Commission for three year terms effective July 1, 2020 and ending June 30, 2023:

Lisa Gerboth – Initial Appointment
Tom Colwell - Reappointment
Alan Buck - Reappointment

and, to appoint for a one year term July 1, 2020 and ending June 30, 2021 as

Chair: Renee Pheifer - Reappointment
Vice-Chair: Alan Buck - Reappointment

and, to appoint the following persons to the Public Art Committee for three year terms effective July 1, 2020 and ending June 30, 2023:

Sean Durham - Reappointment
Lafayette Trawick – Initial Appointment

and, to appoint for a one year term July 1, 2020 and ending June 30, 2021 as

Chair: Tom Colwell - Reappointment
Vice-Chair: Bethany Bryant - Reappointment

Approval Recommended?

Item Details

A request for interest forms was announced via the Town's social media platforms and website, forms were received and provided to the Mayor and Town Council per standing direction of the Town Council.

Attachments

- Listing of current Commission and Committee members

Parks, Recreation and Cultural Resources

Member	1st Appointment	Chair	Vice Chair	Current Term Expires
Matthew Carusona	2019			6/30/2022
Jeff Roach	2010		2013, 2014, 2015	6/30/2022
Lance Brown	2019			6/30/2022
Alan Buck	2017		2019	6/30/2020
Tom Colwell (Public Art)	2014			6/30/2020
Jessica Conard	2017			6/30/2020
Mike Kanters	2015			6/30/2021
Lisa Esterrich	2018			6/30/2021
Renee Pfeifer *	2015	2019	2017, 2018	6/30/2021
* Chair and Vice Chair are one year appointments and need to be made every July				
* All appointments (unless filling a vacant seat) are for 3 years				

Public Art

Member	1st Appointment	Chair	Vice Chair	Current Term Expires
Ewan Pritchard	2019			6/30/2022
Anissa Ortize	2019			6/30/2022
Laura Holley	2018			6/30/2020
Sean Durham	2018			6/30/2020
Jane Wolfgang	2018			6/30/2021
Bethany Bryant *	2018		2018, 2019	6/30/2021
Tom Colwell *	2018	2018		6/30/2021
* Chair and Vice Chair are one year appointments and need to be made every July				
* All appointments (unless filling a vacant seat) are for 3 years				
Tom Colwell serves as Chair by virtue of his seat on the PRCR Advisory Commission and this Committee being				
a sub-committee of the PRCR Advisory Commission				

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

Presenter: Sarah Van Every, Senior Planner
Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Tony Karr, Timothy V. Streeter, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Wolfe, Jr., Donna G. Wolfe, William D. Bunce II and Gail E. Bunce and John Terry Paton, (Rezoning Case #19CZ22 Wolfe Properties PUD) property containing 44.357 acres located at 1209, 1401, 1405 and 1409 Wimberly Road and 1000 & 1012 Double Helix Road, Annexation #677 into the Town's corporate limits.

AND

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

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

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2020-0616-13
ANNEXATION PETITION NO. #677
Wolfe Properties PUD

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on June 16, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-58.1, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 16, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Plat of Wimberly Townes for the Town of Apex, Taylor Land Consultants, PLLC, dated September 30, 2019" and recorded in Book of Maps book number 2020 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

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

Adopted this the 16th day of June 2020.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

BEGINNING at a point in the approximate center of Wimberly Road – NCSR 1603 (60' Public Right-of-Way), said point being located S 89°21'41" W a distance of 34.70' from an existing ½" iron pipe (bent), said iron pipe and having North Carolina State Plane Coordinates of North: 730,187.88, East: 2,024,486.20; thence from said beginning point and with the approximate center of Wimberly Road, the following three calls:

1. N 28°28'40" W a distance of 47.63' to a point;
2. thence with a curve turning to the right with an arc length of 310.02', with a radius of 3,925.50', with a chord bearing of N 26°12'54" W, with a chord length of 309.94' to a point;
3. thence N 23°57'09" W a distance of 96.18' to a point;

Thence leaving center of Wimberly Road, S 86°11'46" E a distance of 216.89' to an existing 3/4" iron pipe; thence S 85°45'45" E a distance of 1,118.89' to an existing 1" iron pipe; thence S 85°46'48" E a distance of 99.95' to an existing ¾" iron pipe; thence N 00°10'17" E a distance of 927.55' to an existing ¾" iron pipe; thence S 67°39'28" E a distance of 247.90' to an existing ½" iron pipe; thence S 49°40'39" E a distance of 166.19' to an existing ½" iron pipe; thence S 32°39'55" E a distance of 376.10' to an existing ½" iron pipe; thence S 50°46'48" E a distance of 91.31' to an existing ½" iron pipe; thence S 00°32'58" W a distance of 696.25' to an existing 1" iron pipe; thence S 89°04'35" W a distance of 331.33' to an existing ½" iron pipe; thence S 06°41'35" E a distance of 419.20' to an existing ½" iron pipe; thence S 01°35'27" W a distance of 886.66' to a point in the approximate center of Wimberly Road; thence with the approximate center of Wimberly Road, the following four calls:

1. N 62°13'45" W a distance of 60.30' to a point;
2. thence with a curve turning to the right with an arc length of 529.51', with a radius of 4,201.73', with a chord bearing of N 57°21'05" W, with a chord length of 529.16' to a point;
3. thence N 54°07'46" W a distance of 77.11' to a point;
4. thence N 53°37'44" W a distance of 95.66' to a point;

Thence leaving center of Wimberly Road, N 00°34'26" W a distance of 474.33' to an existing ½" iron pipe; thence S 89°41'26" W a distance of 150.96' to an existing axle; thence N 01°58'45" E a distance of 469.32' to an existing ½" iron pipe; thence S 89°21'41" W a distance of 774.45' to the original Point of Beginning.

The above described tract containing 1,932,177 square feet (44.357 acres)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0616-13, adopted at a meeting of the Town Council, on the 16th day of June 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 18th day of June 2020.

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 677 Submittal Date: 10/2/19

Fee Paid $ 200 Check # 1356

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

(see attached list)

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

Owner Name (Please Print) | Property PIN or Deed Book & Page #

Phone | E-mail Address

Surveyor Information

Surveyor:

Phone: Fax:

E-mail Address:

Annexation Summary Chart

Total Acreage to be annexed: 44.357

Population of acreage to be annexed:

Existing # of housing units:

Zoning District*: R-40W Low Der

Reason for annexation: (select one)

Receive Town Services X

Other (please specify)

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

PIN	Owner	Mail Address 1	Mail Address 2	Site Address
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	1405 WIMBERLY RD
722598851	WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767	1409 WIMBERLY RD
723406397	RONK, SARAH W WOLFE, WILLIE T JR	1209 WIMBERLY RD	APEX NC 27523-6771	1209 WIMBERLY RD
723504154	WOLFE, DONNA G BUNCE, WILLIAM D II	1401 WIMBERLY RD	APEX NC 27523-6767	1401 WIMBERLY RD
723508938	BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975	1012 DOUBLE HELIX RD
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	1000 DOUBLE HELIX RD

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 sheets)

TONY R. KARR _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, J Isaiah Purdie, a Notary Public for the above State and County, this the 27 day of, September, 2019.

ISAIAH PURDIE SEAL NOTARY PUBLIC MY COMMISSION EXPIRES AUGUST 18, 2024 WAKE COUNTY NC

J Isaiah Purdie
Notary Public

My Commission Expires: 8-18-2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

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.)

Tony Karr
Please Print _____ Signature

Timothy V. Streeter
Please Print _____ Signature

Billy Ray Wolfe
Please Print _____ Signature

Sarah W. Ronk
Please Print _____ Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Manisha Gamage, a Notary Public for the above State and County, this the 23rd day of September, 2019.

MANISHA GAMAGE NOTARY PUBLIC WAKE COUNTY, NC My Comm. Expires May 3, 2021

SEAL

Manisha Gamage
Notary Public

My Commission Expires: 05-03-2021

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 #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Tony Karr
Please Print _____ Signature

Timothy V. Streeter
Please Print _____ Signature

Billy Ray Wolfe
Please Print Billy Ray Wolfe Signature

Sarah W. Ronk
Please Print _____ Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Loreta Bufi Ivanova, a Notary Public for the above State and County, this the 23rd day of September, 2019.

SEAL

LORETA BUFI IVANOVA NOTARY PUBLIC WAKE COUNTY, NC My Commission Expires 6-07-20

Notary Public Loreta Bufi Ivanova

My Commission Expires: 06-07-2020

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 #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Tony Karr
Please Print _____ Signature

Timothy V. Streeter
Please Print _____ Signature

Billy Ray Wolfe
Please Print _____ Signature

Sarah W. Ronk Sarah Wolfe Ronk
Please Print Sarah W. Ronk Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jessica L Lawrence a Notary Public for the above State and County, this the 30 day of, September, 2019.

SEAL

Jessica L Lawrence
NOTARY PUBLIC
Wake County, NC
My Commission Expires August 25, 2024

Notary Public

My Commission Expires: August 25th 2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

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.)

~~Willie T. Wolfe, Jr. and Donna G. Wolfe~~

Please Print _____ Signature _____

William D. Bunce II and Gail E. Bunce

Please Print _____ Signature _____

~~John Terry Paton~~

Please Print _____ Signature _____

Please Print _____ Signature _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jennifer W. Palermo, a Notary Public for the above State and County, this the 26TH day of September, 2019.

Jennifer W. Palermo
Notary Public

SEAL

Jennifer W. Palermo
Notary Public
Wake County, North Carolina

My Commission Expires: 25 October 2020

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.)

~~Willie T. Wolfe, Jr. and Donna G. Wolfe~~ _____

Please Print Signature

~~William D. Bunce II and Gail E. Bunce~~ _____

Please Print Signature

John Terry Paton _____

Please Print Signature

_____ _____

Please Print Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cory Wolfe, a Notary Public for the above State and County, this the 25th day of September, 2019.

SEAL

CORY WOLFE NOTARY PUBLIC WAKE COUNTY, NC

_____
Notary Public

My Commission Expires: September 30th, 2023

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 SIGNED BY INDIVIDUALS:

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

Please Print	Signature
Willie T. Wolfe, Jr. and Donna G. Wolfe	Willie T. Wolfe Jr. / Donna G. Wolfe
~~William D. Bunce II and Gail E. Bunce~~	
~~John Terry Paton~~	

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cory Wolfe, a Notary Public for the above State and County, this the 25th day of September, 2019.

CORY WOLFE NOTARY PUBLIC WAKE COUNTY, NC

Notary Public

SEAL

My Commission Expires: September 30th, 2023

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: _____

PIN	Owner	Mail Address 1	Mail Address 2	Site Address
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	1405 WIMBERLY RD
722598851	WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767	1409 WIMBERLY RD
723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771	1209 WIMBERLY RD
723504154	WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767	1401 WIMBERLY RD
723508938	BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975	1012 DOUBLE HELIX RD
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	1000 DOUBLE HELIX RD

ANNEXATION AREA

BEGINNING at a point in the approximate center of Wimberly Road – NCSR 1603 (60’ Public Right-of-Way), said point being located S 89°21’41” W a distance of 34.70' from an existing ½” iron pipe (bent), said iron pipe and having North Carolina State Plane Coordinates of North: 730,187.88, East: 2,024,486.20; thence from said beginning point and with the approximate center of Wimberly Road, the following three calls:

1. N 28°28'40" W a distance of 47.63' to a point;
2. thence with a curve turning to the right with an arc length of 310.02', with a radius of 3,925.50', with a chord bearing of N 26°12'54" W, with a chord length of 309.94' to a point;
3. thence N 23°57'09" W a distance of 96.18' to a point;

Thence leaving center of Wimberly Road, S 86°11'46" E a distance of 216.89' to an existing 3/4” iron pipe; thence S 85°45'45" E a distance of 1,118.89' to an existing 1” iron pipe; thence S 85°46'48" E a distance of 99.95' to an existing ¾” iron pipe; thence N 00°10'17" E a distance of 927.55' to an existing ¾” iron pipe; thence S 67°39'28" E a distance of 247.90' to an existing ½” iron pipe; thence S 49°40'39" E a distance of 166.19' to an existing ½” iron pipe; thence S 32°39'55" E a distance of 376.10' to an existing ½” iron pipe; thence S 50°46'48" E a distance of 91.31' to an existing ½” iron pipe; thence S 00°32'58" W a distance of 696.25' to an existing 1” iron pipe; thence S 89°04'35" W a distance of 331.33' to an existing ½” iron pipe; thence S 06°41'35" E a distance of 419.20' to an existing ½” iron pipe; thence S 01°35'27" W a distance of 886.66' to a point in the approximate center of Wimberly Road; thence with the approximate center of Wimberly Road, the following four calls:

1. N 62°13'45" W a distance of 60.30' to a point;
2. thence with a curve turning to the right with an arc length of 529.51', with a radius of 4,201.73', with a chord bearing of N 57°21'05" W, with a chord length of 529.16' to a point;
3. thence N 54°07'46" W a distance of 77.11' to a point;
4. thence N 53°37'44" W a distance of 95.66' to a point;

Thence leaving center of Wimberly Road, N 00°34'26" W a distance of 474.33' to an existing ½" iron pipe; thence S 89°41'26" W a distance of 150.96' to an existing axle; thence N 01°58'45" E a distance of 469.32' to an existing ½" iron pipe; thence S 89°21'41" W a distance of 774.45' to the original Point of Beginning.

The above described tract containing 1,932,177 square feet (44.357 acres)

SATELLITE ANNEXATION PLAT
of
WIMBERLY TOWNES
FOR THE TOWN OF APEX

WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LAST REVISED DECEMBER 2, 2019

VICINITY MAP
1" = 2000'

LEGEND & NOMENCLATURE

○	Existing Iron Pipe (unless noted otherwise)
●	New 3/4" Iron Pipe
■	Concrete Monument Set
⊙	Computed Point
D.B.	Deed Book
B.M.	Book of Maps
Pg.	Page
S.F.	Square Feet
Ac.	Acres
S.T.	Sight Triangle
000	Address

SURVEYOR NOTES:

1. All distances shown are horizontal ground measurements in U.S. Survey Feet.
2. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose
3. Areas calculated by CAD software (coordinate geometry).
4. This plat is for annexation purposes only. All improvements, easements not shown hereon.

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCE OR SALES

SURVEYOR CERTIFICATION

I, Jeremy Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Book referenced etc.)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book referenced; that the ratio of precision or positional accuracy as calculated exceeds 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.
Furthermore this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision

Witness my original signature, license number and seal this 30th day of September, A.D.,2019.

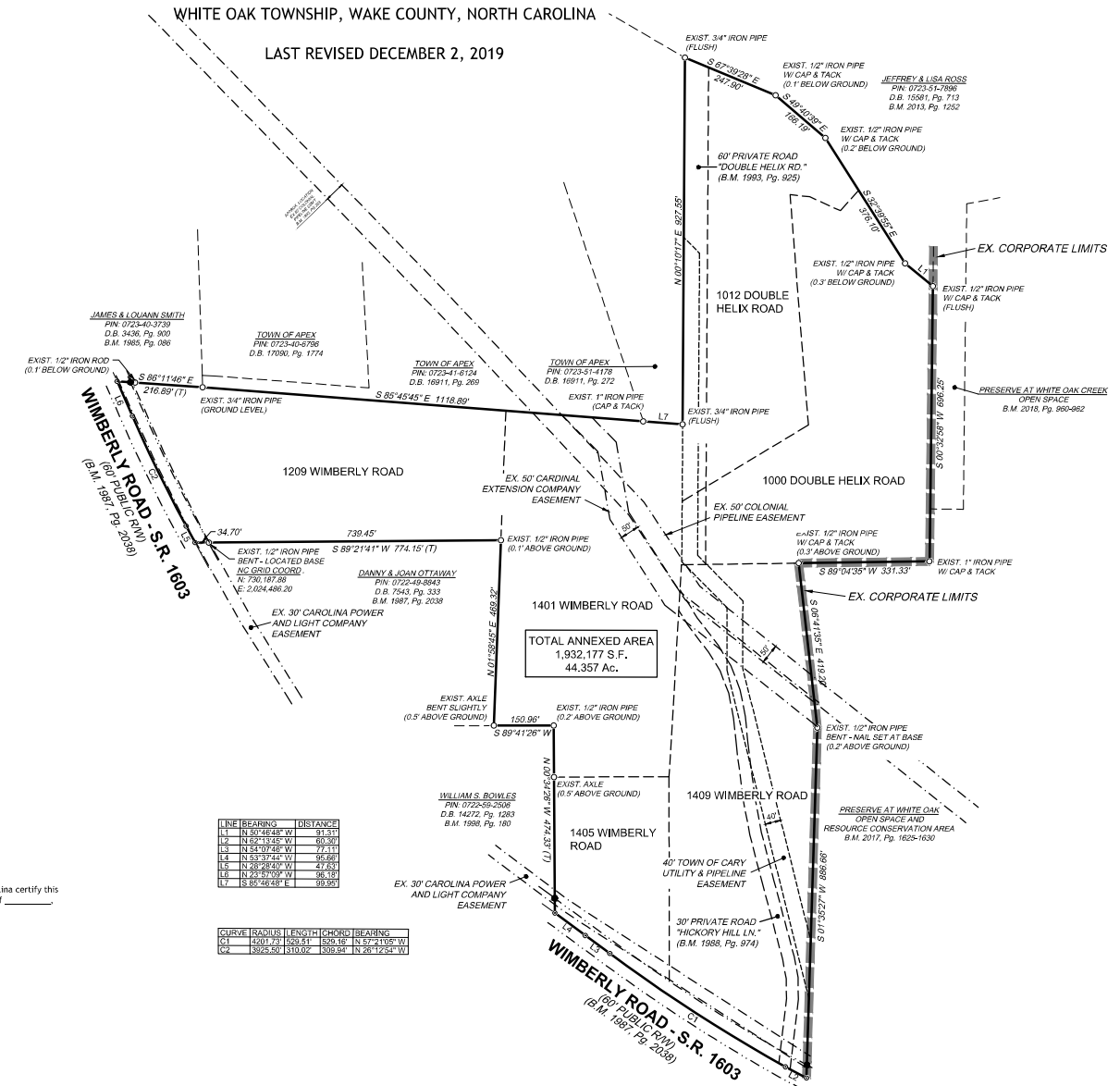
Professional Land Surveyor
License Number: L-3841

TAYLOR
LAND CONSULTANTS PLLC
License No P-0829
1600 Olive Chapel Road, #140
Apex, NC 27502
(919) 801-1104

ANNEXATION # _____

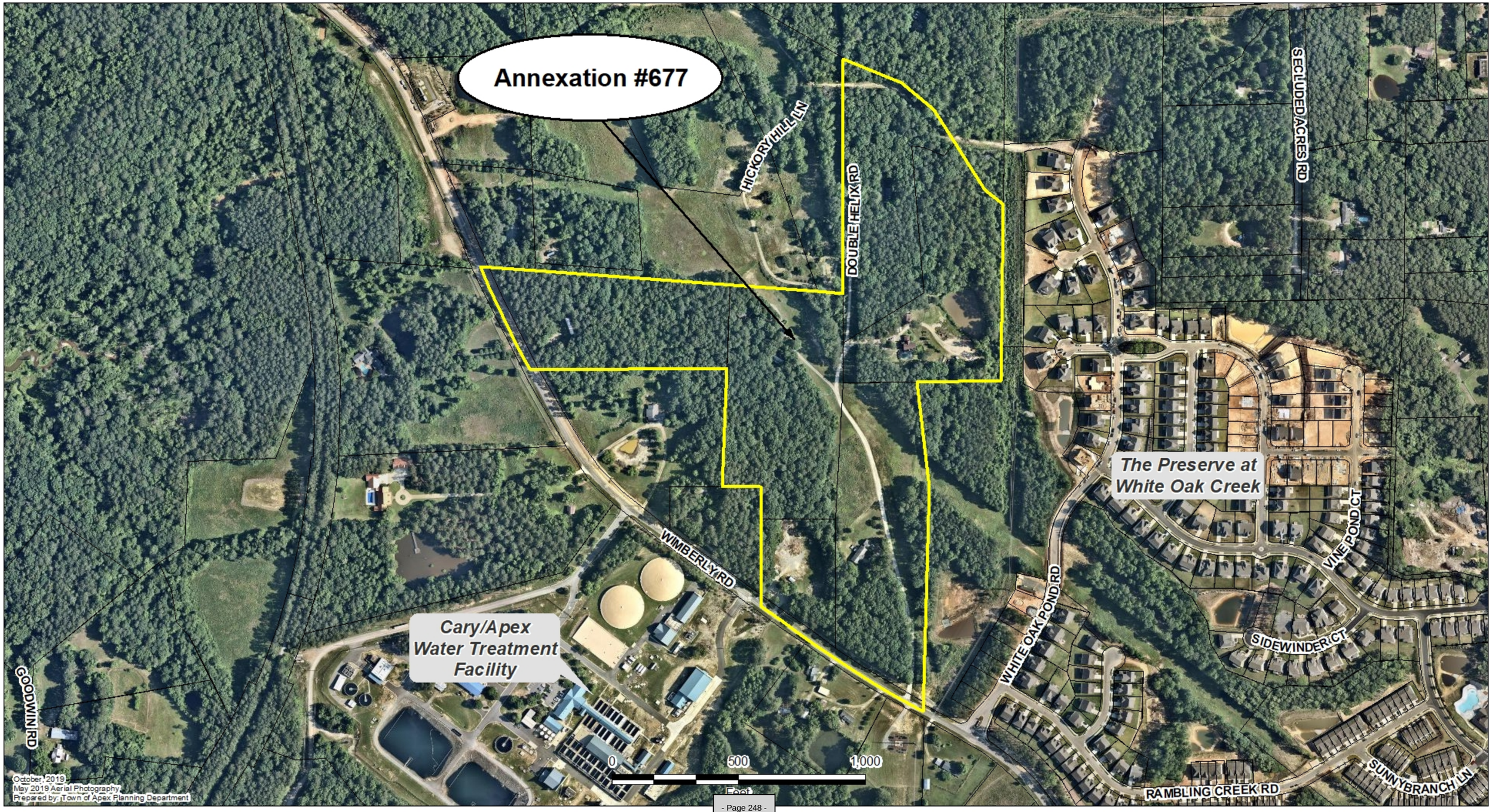
I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the ____ day of _____, 2020, by the Town Council. I set my hand and seal of the Town of Apex, ____, ____, ____
Day Month Year

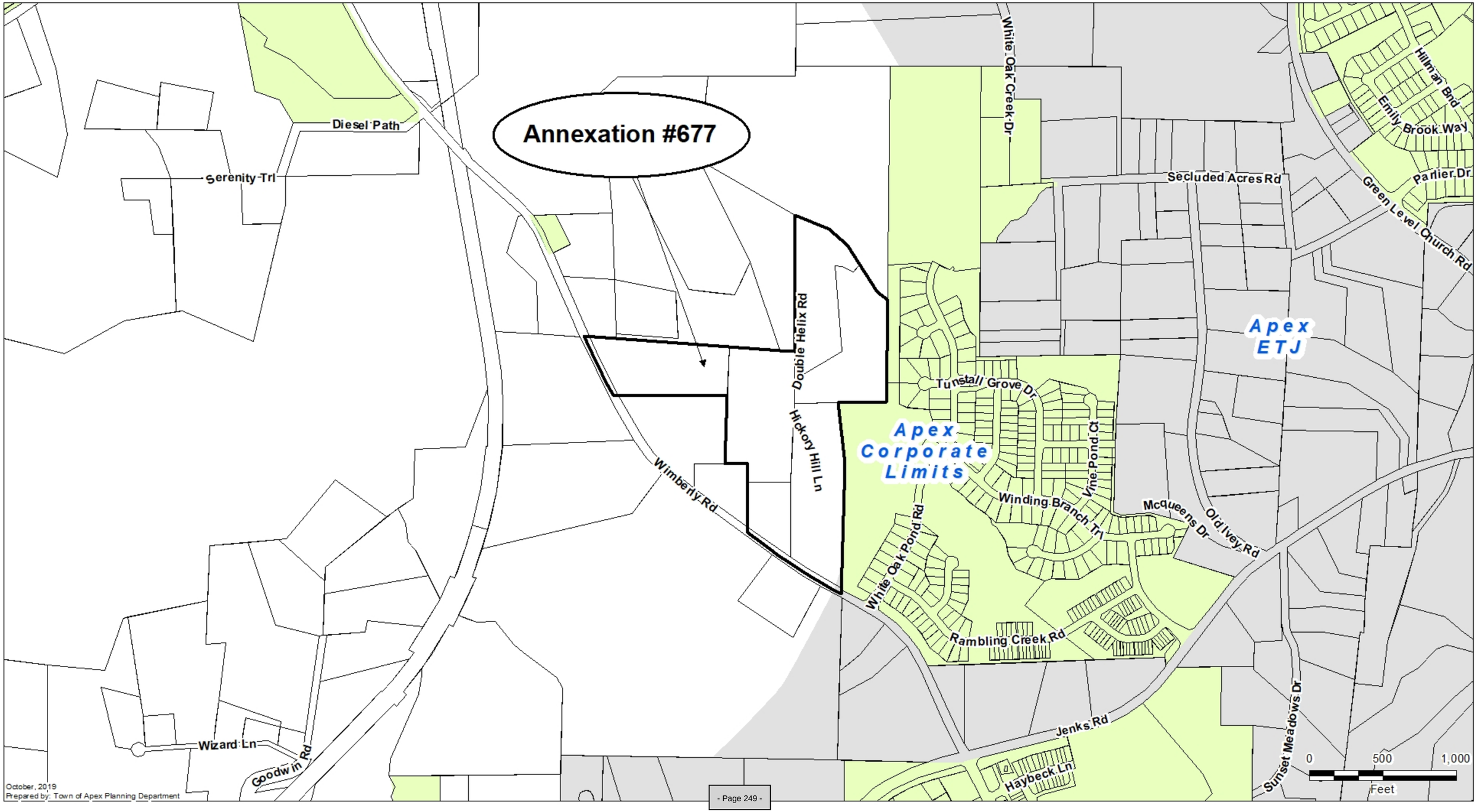
_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

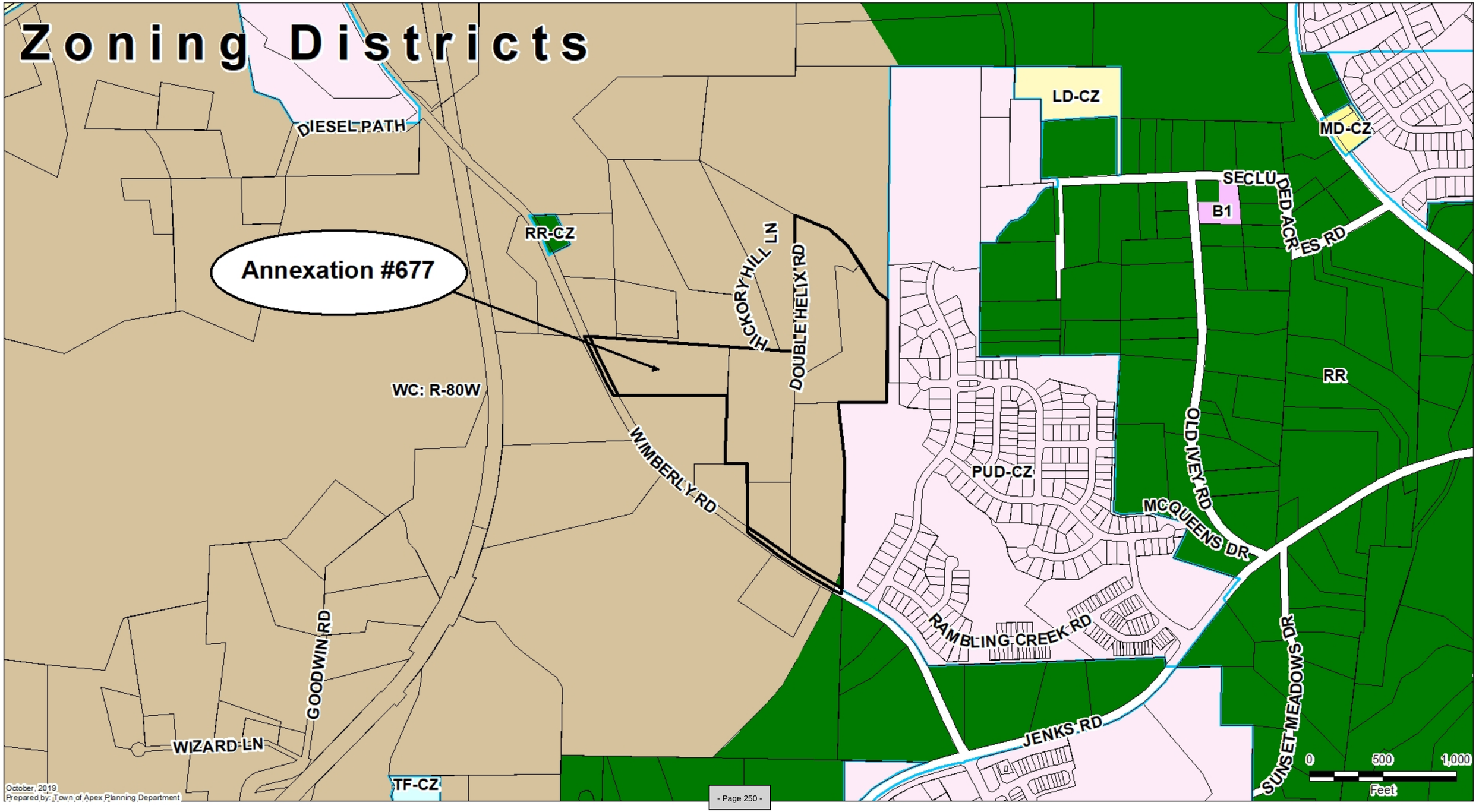


LINE	BEARING	DISTANCE
L1	N 50°46'48" W	91.31'
L2	N 62°13'45" W	60.36'
L3	N 54°07'46" W	77.11'
L4	N 53°37'44" W	95.66'
L5	N 28°28'49" W	47.65'
L6	N 23°57'09" W	96.18'
L7	S 85°46'48" E	99.95'

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	4201.73'	529.51'	529.16'	N 57°21'05" W
C2	3925.50'	310.02'	309.94'	N 26°12'54" W


Annexation #677
HICKORY HILL LN
DOUBLE HELIX RD
SECLUDED ACRES RD
The Preserve at White Oak Creek
VINE POND CT
SIDEWINDER CT
WHITE OAK POND RD
WIMBERLY RD
Cary/Apex Water Treatment Facility
GOODWIN RD
RAMBLING CREEK RD
SUNNY BRANCH LN
0
500
1,000
Feet
October 2019
May 2019 Aerial Photography
Prepared by: Town of Apex Planning Department


Annexation #677
Diesel Path
Serenity Trl
White Oak Creek Dr
Hillman Bnd
Emily Brook Way
Secluded Acres Rd
Parlier Dr
Green Level Church Rd
Double Helix Rd
Hickory Hill Ln
Apex ETJ
Tunstall Grove Dr
Apex Corporate Limits
Vine Pond Ct
Winding Branch Trl
Wimberly Rd
McQueens Dr
Old Ivey Rd
White Oak Pond Rd
Rambling Creek Rd
Jenks Rd
Wizard Ln
Goodwin Rd
Haybeck Ln
Sunset Meadows Dr
0
500
1,000
Feet
October, 2019
Prepared by: Town of Apex Planning Department


Zoning Districts
DIESEL PATH
RR-CZ
Annexation #677
HICKORY HILL LN
DOUBLE HELIX RD
WC: R-80W
WIMBERLY RD
LD-CZ
MD-CZ
SECLUDED ACRES RD
B1
RR
OLD IVEY RD
PUD-CZ
MCQUEENS DR
RAMBLING CREEK RD
SUNSET MEADOWS DR
JENKS RD
GOODWIN RD
WIZARD LN
TF-CZ
0
500
1,000
Feet
October, 2019
Prepared by: Town of Apex Planning Department

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 16, 2020

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #19CZ22 Wolfe Properties PUD and Ordinance. The applicant, Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723504154, 0723508938, & 0723601654) from Rural Residential (RR) & Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on June 8, 2020 and unanimously recommended approval of the rezoning with the additional conditions offered by the applicant.

Item Details

Attachments

- Vicinity Map
- Application
- Staff Report

All property owners within three hundred (300) feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road

Applicant/Owner: Josh Swindell, Envision Homes, LLC/Tony Streeter & Timothy V. Karr, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Jr and Donna G. Wolfe, William D. II and Gaile E. Bunce, and John Terry Paton.

PROJECT DESCRIPTION:

Acreage: 43.52 ± acres

PINs: 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654

Current Zoning: Wake County R-80W & Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Low Density Residential

Town Limits: Outside ETJ; a portion of PIN 0722598851 is within the ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County R-80W	Single-family Residential; Vacant ; Future Town Park
South:	Wake County R-80W; Rural Residential (RR)	Wimberly Road; Single-family Residential; Cary/Apex Water Treatment Facility
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30)	Single-family Residential (The Preserve at White Oak Creek)
West:	Wake County R-80W	Wimberly Road and Single-family Residential

Existing Conditions:

The subject properties are located north and east of Wimberly Road. Several of the properties contain residential structures, but are otherwise wooded. Hickory Hill Lane and Double Helix Road (private drives) transverse the site north from Wimberly Road. A Colonial Pipeline easement bisects the property northwest to southeast.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on October 1, 2019. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning is consistent with that land use classification.

WCPSS COORDINATION:

This rezoning was submitted prior to the agreement with the Wake County Public School System to provide a Letter of Impact for rezonings allowing residential development.

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. Residential:
   Single family (Minimum Lot Size = 6,000 sf)
   Townhouse (Minimum Width = 20')
   Accessory apartment
2. Utilities:
   Utility, Minor
3. Recreational Uses:
   Greenway
   Park, active
   Park, passive
   Recreational facility, private
4. Government Services – Limited to Parcel #1 as shown on the PUD Plan

Permitted Design Controls:

1. **Maximum Density**
   Maximum residential density for the project is 3.0 units per gross acre.
   Maximum number of units is 130.

2. **Maximum Height of the Buildings**
   Single-family residential – 42', 2-stories
   Townhouse - 50', 3-stories

3. **Minimum Building Setbacks**
   <u>Single-family Residential, detached</u>
   From Buffer or RCA – 10'
   Front Yard – 10' Minimum
   Side Yard – 5' Minimum (no aggregate)
   Corner Side yard – 10' Minimum
   Rear Yard – 10' Minimum
   Driveways from Back of Sidewalk to Garage – 20' (12' minimum width)

   <u>Townhouse</u>
   From Buffer or RCA – 10'
   Front Yard – 10' Minimum
   Side Yard (end units) – 5' Minimum
   Rear Yard – 10' Minimum
   From Public Right-of-Way to Garage – 18' Minimum where no sidewalk is present
   From Public Right-of-Way to Garage – 20' Minimum where sidewalk is present

Building Side to Side – 10'
Building Side to Rear – 30'
Building Rear to Rear – 40'

Non-residential uses:
Front Yard – 10' Minimum
Side – 8' Minimum
Corner – 15' Minimum
Rear Yard – 25' Minimum
Parking from Buffer – 5'
Building from Buffer/RCA – 10'

4. **Percentage of Built Upon Area**
The UDO allows for a maximum 70 percent (70%) of built upon area in a PUD project and the Wolfe Properties PUD will not exceed that amount.

5. **Perimeter Buffers**

Perimeter Buffers:	**Required**	**Proposed**
Western property boundary (abutting Wimberly Rd)	30' Type B (undisturbed) 50' Type B (disturbed)	30' Type B (undisturbed) 50' Type B (disturbed)
Western property boundary (abutting PINs 0722592506, 0722498843, 0723514178)	20' Type B	20' Type B
Eastern property boundary	10' Type B	20' Type B
Southern property boundary (along Wimberly Road)	30' Type B (undisturbed) 50' Type B (disturbed)	30' Type B (undisturbed) 50' Type B (disturbed)
Southern property boundary (abutting PINs 0722592506, 0722498843)	20' Type B	20' Type B
Northern property boundary (abutting PIN 0723517896)	20' Type B	100' No Clear Cut Buffer (deed restriction)
Northern property boundary (abutting Town property and PIN 0723-40-3729)	20' Type B	10' Type B 20' Type A (if Government Services are proposed)

- *If Parcel 1 (as identified on the PUD Layout) is combined with parcels to the north, then no buffer shall be required for PINs 0723-40-3739, 6796, and 0723-41-6124.*

The PD plans show buffers around the site to provide visual breaks between uses and public roads. We are proposing a 30' Type B buffer along Wimberly Road assuming the buffer is undisturbed. If the buffer is disturbed it shall be increased to a 50' Type B buffer. The perimeter buffers have been shown to be a 20' Type B buffer with the exception of property that abuts Town property; this shall be 10' Type B buffer. If Government Services are proposed, the buffers shall be a Type A. A 100' no clear cut buffer is a deed restriction buffer along the property line that abuts property with PIN: 0723-51-7896. The only disturbance permitted within this buffer shall be a driveway to serve the referenced PIN and the installation of a fence within the buffer near the common property line. Such fence shall not be chain link.

6. **Percentage of Resource Conservation Area**
   The PUD is providing at least 25% of the total area for Resource Conservation Area (RCA) and landscape buffers. For this project that will equate to 10.88 acres of required RCA area. If the single-family lots are mass graded, then the project shall dedicate an additional 5% RCA. This project proposes to dedicate 10.90 acres and will increase that area if mass graded.

   Existing deciduous trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative site location approved by Town Planning Staff, above and beyond standard UDO requirements.

7. **Stormwater Management**
   Wolfe Properties PUD will meet all applicable requirements and standards as described in UDO Section 6.1. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1 year and 10 year storm events. This project will commit to providing attenuation for the 2 year and 25 year storms as well.

   Wolfe Properties PUD will use approved devices to control the stormwater sediment runoff. These devices may include wet detention basins, constructed wetlands, bioretention areas, sand filters or any other approved stormwater control measure. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

Architectural Standards:

<u>Single-Family Detached Residential Standards</u>

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.
3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a home on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements:
   - Windows
   - Bay window
   - Recessed window
   - Decorative window
   - Trim around the windows
   - Wrap around porch or side porch
   - Two or more building materials
   - Decorative brick/stone
   - Decorative trim
   - Decorative shake
   - Decorative air vents on gable
   - Decorative gable
   - Decorative cornice
   - Column
   - Portico
   - Balcony
   - Dormer
6. All windows on a side elevation shall have decorative trim, shutters, or shall be a bay window.
7. Front porches, when provided, shall be at least six-feet (6') deep.
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.

9. Eaves shall project at least 12 inches from the wall of the structure.
10. House entrances may be placed at finished grade or a raised floor with crawl space.
11. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
12. A minimum of 50% of all single family homes will be restricted to have a master bedroom located on the first floor of the building. However, up to 50% of the homes shall be permitted to have a master bedroom not on the first floor. These units shall be identified on the final plat.

Townhouse Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. There shall be one roof element such as a gable or dormer on each unit.
3. Garage doors must contain windows, decorative details or carriage-style adornments.
4. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than one foot out from the front façade or front.
6. All exterior windows shall have decorative trim on all four sides.
7. On corner lots, the side elevation facing the public street shall contain at least two decorative elements such as but not limited to:
   - Trim around the windows
   - Two or more building materials
   - Decorative brick/stone
   - Side Entry

Non-residential Use Standards

1. EIFS or synthetic stucco shall not be used in the first four feet above grade.
2. The building exterior shall have more than one (1) material color.
3. The building shall have more than one parapet height.
4. The following exterior materials shall not be permitted: vinyl siding, metal walls, and painted, smooth-faced concrete block (decorative blocks are acceptable).

Economy Housing:
Where economy housing is housing that can be purchased by a household that earns approximately the median household income for Apex, Wolfe Properties PUD will address economy housing by providing a minimum of 10% of the total number of units of the development, as determined at the Master Subdivision phase. The townhouse units shall have a minimum width of 18' and maximum width of 20' with no garages and allowable parking in compliance with Section 8.3, however they shall adhere to all other setback and architectural conditions set forth in the PUD Plan.

Pedestrian Connectivity:
All internal public streets will have sidewalks on both sides of the street. Bicycle and pedestrian improvements associated with subdivision plans for any development made pursuant to this plan shall comply with the adopted Comprehensive Transportation Plan.

Public Facilities:
As shown on the PUD Utility Plan, the sanitary sewer connection will connect to an existing sewer manhole and line near the northern end of Double Helix Road. Water distribution service will be provided to this project by eight-inch waterline connection to the existing twelve-inch waterline along Wimberly Road.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:
The Parks, Recreation, and Cultural Resources Advisory Commission heard this item at their February 26, 2020 meeting and unanimously recommended a land dedication in the location provided in the PUD Plan, located contiguous to the southern boundary of the future park property along the frontage of Wimberly Road to comply with Sec. 14.1.3 *Standards of* Dedication. The total acreage to be dedicated will be determined by the total unit count at the time of Master Subdivision Plan approval. They also recommended the reservation of a Public Greenway Easement along one of the Utility Easement corridors to provide access to the Park for the Wolfe Properties PUD as well as the Preserve at White Oak Creek with the location being determined at the time the Master Subdivision Plan approval.

Potential Public Safety Station #6

1. Zoning condition for environmental assessment: A Phase I environmental assessment will be completed on the property to be dedicated to the Town and provided to the Town prior to construction plan approval.
2. Zoning Condition for land dedication: If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, the land dedication will occur by January 31, 2021 or prior to construction plan approval of Public Safety Station #6 (PSS #6), whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed.
3. Zoning Condition for road improvements: If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, road improvements for the collector street will be completed from Wimberly Road to just past the planned public safety station driveway no later than February 28, 2022 or prior to the certificate of occupancy, whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed.
4. Zoning condition for If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, a temporary driveway permit signed by NCDOT will suffice for Construction Drawing approval, provided the final driveway permit application has been submitted to NCDOT; any changes from the temporary driveway permit to the final driveway permit will be the responsibility of the developer, and this shall in no way release the developer from all other applicable requirements prior to Construction Drawing approval.
5. In the event the Town has not provided notice to the applicant of the decision to use the land for PSS #6 by August 3, 2020, the developer will be given an additional amount of time, equivalent to the length of time the Town's decision is delayed beyond August 3, 2020, to complete all conditions.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:
The proposed PUD is consistent with the Apex Transportation Plan. The proposed PUD provides a minor collector street through the site that will stub to the north for future extension, as shown on the Thoroughfare and Collector Street Plan.

A TIA was submitted in compliance with UDO Section 13.19. The project offers, subject to NCDOT review and approval the following off-site roadway improvements:

1. Green Level West and Wimberly Road Intersection: The developer shall construct a northbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. Construction of curb and gutter will be limited to only along the 50-foot deceleration along the sidewalk and storm drainage structures will only be placed in areas as necessary to continue existing drainage patterns and not restrict existing structures.

2. Wimberly Road and Jenks Road Intersection: The developer shall construct a southbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. No curb & gutter will be installed. Vegetated conveyances will be utilized to stay consistent with current conditions and no upgrades to existing storm drainage infrastructure.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of #19CZ22 Wolfe Properties PUD with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard this item at their June 8, 2020 meeting and unanimously recommended approval of the rezoning with the additional 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:

Approval of the rezoning is reasonable because the proposed Planned Unit Development-Conditional Zoning district is consistent with the Low Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow for additional land for a future public park and development of single-family residential uses that will be compatible with the single-family uses to the north, south, and east. The proposed rezoning will also maintain the character and appearance of the area.

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 two percent (2%) provided that:

(i) The PD Plan for PUD-CZ includes a non-residential component; or

(ii) The PD Plan for PUD-CZ has an overall density of 6 residential units per acre or more.

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 Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

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

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

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

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

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

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

March 13, 2019

Tommy Pate, P.E.
Mott MacDonald
7621 Purfoy Road, Suite 115
Fuquay-Varina, NC 27526

Subject: **Staff summary and comments for the Wolfe Properties PUD TIA, 11/22/2019**

Mr. Pate:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The TIA studied access to the proposed development at the following two intersections:

- Wimberly Road and Site Access 1
- Wimberly Road and Site Access 2

The intersections of Jenks Road and Wimberly Road as well as the intersection of Green Level West Road and Wimberly Road were also studied in the TIA.

Trip Generation

The proposed development is expected to consist of 70 single-family homes and 50 townhome units. It's projected to generate approximately 19 new trips entering and 60 new trips exiting the site during the weekday A.M. peak hour and 65 new trips entering and 39 new trips exiting the site during the weekday P.M. peak hour. The proposed development is projected to generate a total of 1,086 new trips on the adjacent roadway network.

Background traffic

Background traffic consists of 2% annual background traffic growth compounded to build out year 2025, and the following approved developments:

- Lake Castleberry (40% built, 60% development traffic)
- The Preserve at White Oak Creek (75% built, 25% development traffic)
- Westford Residential (50% built, 50% development traffic)
- Westford Commercial
- Weddington

Trip Distribution and Assignment

The trip distribution to and from the development was assumed to be as follows:

- 20% to/from the east via Jenks Road
- 65% to/from the west via Jenks Road
- 10% to/from the east via Green Level West Road
- 5% to/from the west via Green Level West Road

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 4 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "*NA"* is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2019** - Existing year 2019 traffic.
- **No Build 2025** – Projected year (2025) with background growth, approved development traffic from others, and committed transportation improvements by others where applicable.
- **Build 2025 –** Projected year (2025) with background traffic, background improvements, and site build-out including recommended improvements where applicable.

Wimberly Road and Site Access 1 (unsignalized)

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Wimberly Road and Site Access 1	
	Build 2025
Overall	NA
Westbound (Site Drive 1)	*A / A*[2]
Northbound (Wimberly Road)	*NA*
Southbound (Wimberly Road)	*A / A*[1]

1. Level of service for left turn movement on free-flowing approach.
2. Level of service for stop-controlled minor street approach.

TIA recommendations:

- The TIA recommends construction of a full movement westbound approach with a single lane of ingress and a single lane of egress. Based on traffic volumes, a southbound left turn lane is not warranted per NCDOT's *Warrants for Left and Right Turn Lanes* or recommended on Wimberly Road.

Apex staff recommendations:

- Apex staff concur with the recommendation. Based on the analysis, all approaches are projected to operate at LOS A in the Build condition.

Wimberly Road and Site Access 2 (unsignalized)

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Wimberly Road and Site Access 2	
	Build 2025
Overall	NA
Westbound (Site Access 2)	*A / B*[2]
Northbound (Wimberly Road)	*NA*
Southbound (Wimberly Road)	*A / A*[1]

1. Level of service for left turn movement on free-flowing approach.
2. Level of service for stop-controlled minor street approach.

TIA recommendations:

- The TIA recommends construction of a full movement westbound approach with a single lane of ingress and a single lane of egress. Based on traffic volumes, a southbound left turn lane is not warranted per NCDOT's *Warrants for Left and Right Turn Lanes* or recommended on Wimberly Road.

Apex staff recommendations:

- Apex staff concurs with the recommendation. Based on the analysis, all approaches are projected to operate at LOS B or better in the Build condition.

Jenks Road and Wimberly Road (unsignalized)

Table 3. A.M. / P.M. Unsignalized Peak Hour Levels of Service Jenks Road and Wimberly Road/Westford Street B			
	Existing 2019	**No Build 2025**	**Build 2025**
Overall	NA	NA	NA
Eastbound (Jenks Road)	*A / A*[1]	*A / A*[1]	*A / A*[1]
Westbound (Jenks Road)	*A / A*[1]	*A / A*[1]	*A / A*[1]
Northbound (Westford Street B)	*A / B*[2]	*B / B*[2]	*B / C*[2]
Southbound (Wimberly Road)	*B / B*[2]	*B / B*[2]	*B / C*[2]

1. Level of service for left turn movement on free-flowing approach.
2. Level of service for stop-controlled minor street approach.

TIA recommendations:

- The TIA does not recommend any improvements at this intersection. Analysis results indicated both minor street approaches to operate at LOS C or better during both A.M. and P.M. peak hours with 95th percentile queues to be less than 50 feet in length.

Apex staff recommendations:

- Based on NCDOT's *Warrants for Left and Right Turn Lanes*, the southbound approach of Wimberly Road warrants a right turn lane with 50 feet of full width deceleration and a 100-foot taper. Apex staff recommends construction of the right turn lane, subject to NCDOT review and approval.

Green Level West Road and Wimberly Road (unsignalized)

Table 4. A.M. / P.M. Unsignalized Peak Hour Levels of Service Green Level West Road and Wimberly Road			
	Existing 2019	**No Build 2025**	**Build 2025**
Overall	NA	NA	NA
Eastbound (Green Level West Road)	*NA*	*NA*	*NA*
Westbound (Green Level West Road)	*A / A*[1]	*A / A*[1]	*A / A*[1]
Northbound (Wimberly Road)	*A / B*[2]	*B / B*[2]	*B / B*[2]

1. Level of service for left turn movement on free-flowing approach.
2. Level of service for stop-controlled minor street approach.

TIA recommendations:

- The TIA does not recommend any improvements at this intersection. Analysis results indicated the minor street approach to operate at LOS B or better during both A.M. and P.M. peak hours with 95th percentile queues to be less than 50 feet in length.

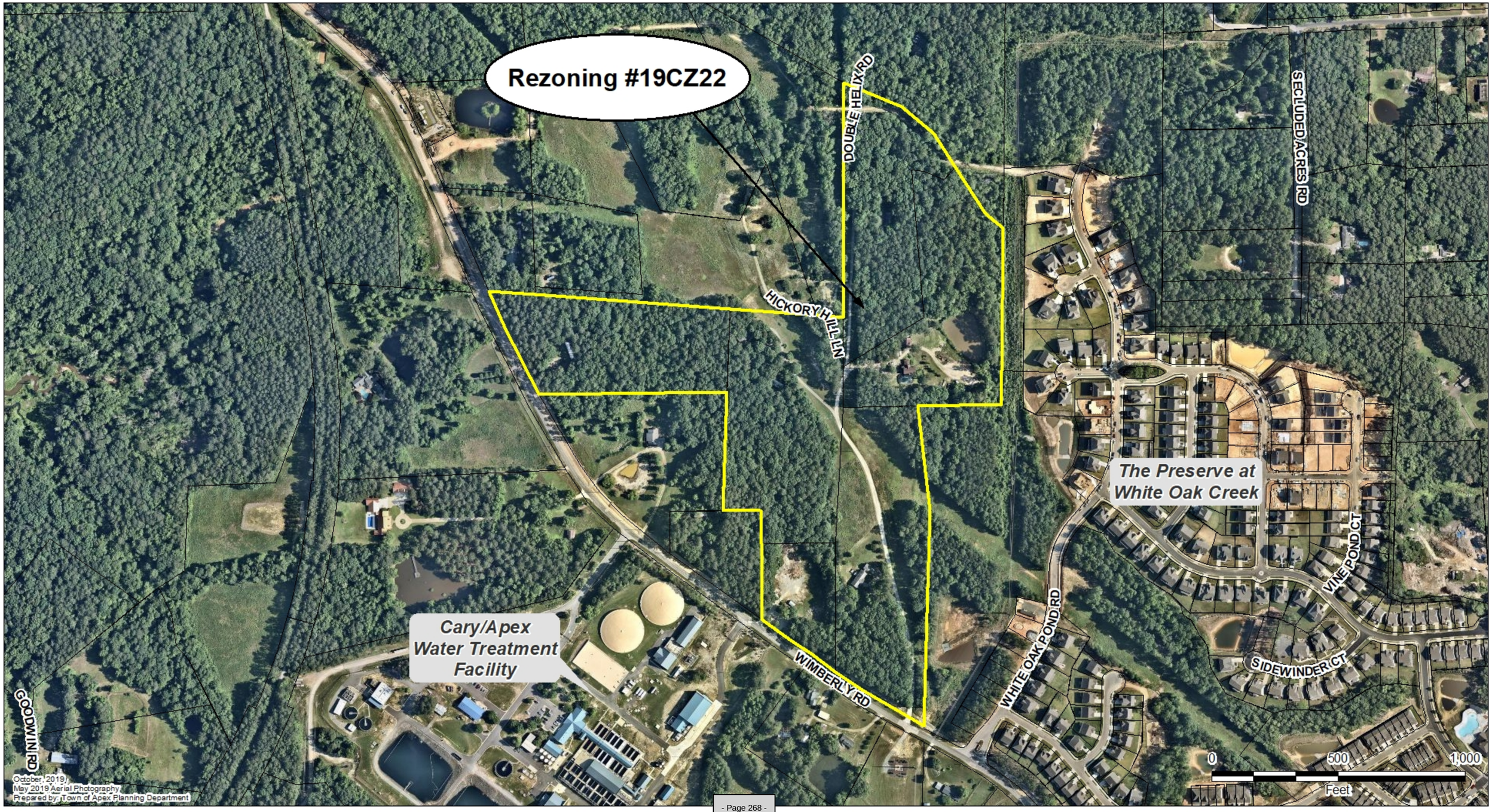
Apex staff recommendations:

- Based on NCDOT's *Warrants for Left and Right Turn Lanes*, the northbound approach of Wimberly Road warrants a right turn lane with 50 feet of full width deceleration and a 100-foot taper. Apex staff recommends construction of the right turn lane, subject to NCDOT review and approval.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed. All recommendations are subject to review by Town Council prior to approval.

Sincerely,

Serge Grebenschikov
Traffic Engineer
919-372-7448


Rezoning #19CZ22
DOUBLE HELIX RD
SECLUDED ACRES RD
HICKORY HILL LN
The Preserve at White Oak Creek
VINE POND CT
SIDEWINDER CT
WHITE OAK POND RD
WIMBERLY RD
Cary/Apex Water Treatment Facility
GOODWIN RD
October, 2019
May 2019 Aerial Photography
Prepared by: Town of Apex Planning Department
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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 #: 19CZ22 Submittal Date:

Fee Paid $ Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Wolfe Properties PUD

Address(es): 1405, 1409, 1209, 1401 Wimberly Road and 1012 & 1000 Double Helix Road

PIN(s) 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, and 0723601654

Acreage: 43.39 ac

Current Zoning: R-80W Low Density & Rural Residential (RR) Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Low Density Residential

Requested 2045 LUM Designation:

See next page for LUM amendment

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Envision Homes, LLC - Josh Swindell

Address: 441 Six Forks Road, Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 E-mail: josh@envisionhomesnc.com

Owner Information

Name: See Attached

Address:

City: State: NC Zip:

Phone: E-mail:

Agent Information

Name: Envision Homes, LLC - Josh Swindell

Address: 441 Six Forks Road, Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 E-mail: josh@envisionhomesnc.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 19CZ22 Submittal Date: 10/2/2019

2045 LAND USE MAP AMENDMENT (if applicable)

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

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

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

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

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 19CZ22 Submittal Date: 10/2/2019

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

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

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

Date: 10/1/19 By: Wendy Loeffler

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Amanda L. Lane, a Notary Public for the above State and County, on this the 1st day of October, 2019.

Amanda Lane
Notary Public

Amanda L Lane
Print Name

SEAL

AMANDA L LANE NOTARY PUBLIC My Commission Expires 2-11-2023 JOHNSTON COUNTY, NC

My Commission Expires: 2/11/2023

PIN	Owner	Mail Address 1	Mail Address 2	Mail Address 3
722484517	CARY TOWN OF APEX TOWN OF	PO BOX 8005	CARY NC 27512-8005	
722492593	OTTAWAY, DANNY LEE OTTAWAY,	10401 CHAPEL HILL RD	MORRISVILLE NC 27560-8710	
722498843	OTTAWAY, DANNY L OTTAWAY,	C/O TRUSS BUILDERS	10401 CHAPEL HILL RD	MORRISVILLE NC 27560-8710
722585884	CARY TOWN OF	PO BOX 8005	CARY NC 27512-8005	
722592506	BOWLES, WILLIAM S	1325 WIMBERLY RD	APEX NC 27523-6773	
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	
722598851	WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767	
722681610	POOLE, TERRY D	1440 WIMBERLY RD	APEX NC 27523-9660	
722681879	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722682925	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722683832	MUDIVARTHY, SAINANDAN	2649 RAMBLING CREEK RD	APEX NC 27523-7806	
722689944	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722692062	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722692098	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722692653	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722693134	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
722693260	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
723318165	SMITH, JAMES M	1125 WIMBERLY RD	APEX NC 27523-9679	
723400229	VANDE, BERG BRUCE ALAN VANDE,	1204 WIMBERLY RD	APEX NC 27523-6770	
723403739	SMITH, JAMES M SMITH, LOUANN J	1125 WIMBERLY RD	APEX NC 27523-9679	
723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771	
723406796	APEX TOWN OF	STEVEN ADAMS	PO BOX 250	APEX NC 27502-0250
723416124	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250	
723419356	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250	
723504154	WOLFE, WILLIE T JR WOLFE,	1401 WIMBERLY RD	APEX NC 27523-6767	
723508938	BUNCE, WILLIAM D II BUNCE, GAIL	7617 SNAFFLEBIT LN	APEX NC 27502-3975	
723514178	TOWN OF APEX	PO BOX 250	APEX NC 27502-0250	
723517896	ROSS, JEFFREY A ROSS, LISA L	1104 DOUBLE HELIX RD	APEX NC 27523-6750	
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	
723604250	GUPTA, SANJEEV GUPTA, REKHA	2713 TUNSTALL GROVE DR	APEX NC 27523-8038	
723604354	WOO, HYUN J LEE, DAVID W	2712 TUNSTALL GROVE DR	APEX NC 27523-8038	
723604570	ENGLISH, JON	2609 SUNNYBROOK FARM DR	APEX NC 27523-8037	
723604640	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	

723604780	SCHROEDER, JEFFREY THOMAS	2604 SUNNYBROOK FARM DR	APEX NC 27523-8037	
723604881	POTYANDY, MICHAEL OONWALA,	558 WHITE OAK POND RD	APEX NC 27523-8035	
723604981	SEDDON, WENDY DAWN SEDDON,	554 WHITE OAK POND RD	APEX NC 27523-8035	
723605145	SATPATHY, CHANDAN	2709 TUNSTALL GROVE DR	APEX NC 27523-8038	
723605348	REYNA, ERIN MARIE REYNA,	2708 TUNSTALL GROVE DR	APEX NC 27523-8038	
723605590	ARRANAGU, ESWAR BABU	2605 SUNNYBROOK FARM DR	APEX NC 27523-8037	
723605783	INMAN, NICHOLAS GRANT INMAN,	2600 SUNNYBROOK FARM DR	APEX NC 27523-8037	
723606076	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
723606173	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
723606270	WONG, SAMUEL J WONG, ASHLEY	600 WHITE OAK POND RD	APEX NC 27523-8036	
723606337	LAUB, KHRISTOPHER BERNARD	2704 TUNSTALL GROVE DR	APEX NC 27523-8038	
723606574	BANDA, SANDEEP SINGIREDDY,	2601 SUNNYBROOK FARM DR	APEX NC 27523-8037	
723607985	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	
723614091	MACK, RONALD WILLIAM MACK,	550 WHITE OAK POND RD	APEX NC 27523-8035	
723616735	TAYLOR MORRISON OF CAROLINAS	15501 WESTON PKWY STE 100	CARY NC 27513-8636	

PIN	Owner	Mail Address 1	Mail Address 2	Deed Book	Deed Page	Deed Acres
722592506	BOWLES, WILLIAM S	1325 WIMBERLY RD	APEX NC 27523-6773	14272	1283	2.80
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	13792	2642	2.75
723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771	7489	860	7.12
723504154	WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767	9075	2649	9.02
723508938	BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975	9896	658	7.00
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	15672	2496	8.23

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 19CZ22 Submittal Date: 10/2/2019

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 #: 19CZ22 Submittal Date: 10/2/2019

Proposed Subdivision/Development Information

Description of location: Northwest corner of Wimberly Road and Hickory Hill Lane

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

Wake County PIN(s): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938 and 0723601654

Township: White Oak

Contact Information (as appropriate)

Contact person: Andrew Petty, PE - The Curry Engineering Group, PLLC

Phone number: 919-552-0849 Fax number:

Address: 205 S Fuquay Avenue, Fuquay Varina, NC 27526

E-mail address: andy@curryeng.com

Owner: Josh Swindell - Envision Homes, LLC

Phone number: 919-389-7595 Fax number:

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

E-mail address: josh@envisionhomesnc.com

Proposed Subdivision/Development Name

1st Choice:

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

STREET NAME APPROVAL APPLICATION

Application #: 19CZ22 Submittal Date: 10/2/2019

Wake County Approval Date: _____

Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

Information:

Description of location: Northwest corner of Wimberly Road and Hickory Hill Lane

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

Wake County PIN(s): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938 and 0723601654

Township: White Oak

Contact information (as appropriate)

Contact person: Andrew Petty, PE - The Curry Engineering Group, PLLC

Phone number: 919-552-0849 Fax number: _____

Address: 205 S Fuquay Avenue, Fuquay Varina, NC 27526

E-mail address: andy@curryeng.com

Owner: Josh Swindell - Envision Homes, LLC

Phone number: 919-389-7595 Fax number: _____

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

E-mail address: josh@envisionhomesnc.com

STREET NAME APPROVAL APPLICATION

Application #: 19CZ22 Submittal Date: 10/2/2019

# of roads to be named: _____

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example: Road Name Suffix

Hunter Street

1	_____	11	_____
2	_____	12	_____
3	_____	13	_____
4	_____	14	_____
5	_____	15	_____
6	_____	16	_____
7	_____	17	_____
8	_____	18	_____
9	_____	19	_____
10	_____	20	_____

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval Date

WAKE COUNTY STAFF APPROVAL:

GIS certifies that _____ names indicated by checkmark ☑ are approved.
Please disregard all other names.

Comments:

Wake County GIS Staff Approval 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

Wolfe Properties PUD

_____

(the "Premises")

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

Envision Homes, LLC, 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: Envision Homes, LLC

BY: _____
Authorized Agent

DATE: 12.4.19

TOWN OF APEX

BY: _____
Authorized Agent

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 19CZ22 Submittal Date: 10/2/2019

Billy Ray Wolfe 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: 1409 Wimberly Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-3897595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

*

Billy Ray Wolfe — 9-23-19

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.

DocuSign Envelope ID: 3FB75D52-F2AE-4111-A6EA-E3091F0AB6B5

AGENT AUTHORIZATION FORM

Application #: 19CZ22 Submittal Date: 10/2/2019

John Terry Paton 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: 1000 Double Helix Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

DocuSigned by:
310A10B427694DF

John Terry Paton — 9/23/2019

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 #: 19CZ22 Submittal Date: 10/2/2019

Tony Karr and Timothy V. Streeter 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: 1405 Wimberly Road

The agent for this project is:

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

DocuSigned by: F991F47BA48C457...

Tony Karr 9/23/2019

Type or print name Date

DocuSigned by: 999A9ED81B3E475...

Timothy V. Streeter 9/23/2019

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 #: 19CZ22 Submittal Date: 10/2/2019

Sarah W. Ronk 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: 1209 Wimberly Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

Sarah W. Ronk

Sarah W. Ronk
Type or print name

Sept 23 2019
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 #: _____ Submittal Date: _____

The undersigned, Tony Karr and Timothy V. Streeter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1405 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/15/2009, and recorded in the Wake County Register of Deeds Office on 12/14/2009, in Book 013792 Page 02642.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1405 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1405 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22nd day of November, 2019

_____ (seal)

(AW) Amaris Watkins TONY KARR

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

AMARIS WATKINS
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 11-06-2024

[NOTARY SEAL]

Amaris Watkins
Notary Public
State of North Carolina
My Commission Expires: 11-06-2024

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Sarah W. Ronk (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 1209 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/30/1997, and recorded in the Wake County Register of Deeds Office on 5/30/1997, in Book 007489 Page 00860.

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 1209 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1209 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22nd day of November, 2019.

Sarah W. Ronk (seal)

Sarah W. Ronk

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 Sarah Wolfe Ronk, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC ID, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Anelbi Gray
NOTARY PUBLIC
Wake County, NC
My Commission Expires July 25, 2024

[NOTARY SEAL]

Anelbi Gray
Notary Public
State of North Carolina
My Commission Expires: 07/25/2024

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Willie T. Wolfe, Jr and Donna G. Wolfe (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 1401 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 8/24/2001, and recorded in the Wake County Register of Deeds Office on 9/14/2001, in Book 009075 Page 02649.

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 1401 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1401 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 15 day of November, 2019.

Willie T Wolfe Jr. Donna G Wolfe (seal)

Willie T. Wolfe Jr. Donna G Wolfe

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 Willie T. Wolfe, Jr. & Donna G. Wolfe Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's Licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

DEANNE M WARREN NOTARY PUBLIC WAKE COUNTY, NC [NOTARY SEAL]

Deanne M. Warren
Notary Public
State of North Carolina
My Commission Expires: 01/06/2024

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Tony Karr and Timothy V. Streeter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1405 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/15/2009, and recorded in the Wake County Register of Deeds Office on 12/14/2009, in Book 013792 Page 02642.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1405 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1405 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 15th day of Nov, 2019.

_____ (seal)
Timothy V. Streeter
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 Timothy V. Streeter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Timothy V. Streeter, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

MANISHA GAMAGE NOTARY My Comm. Expires May 3, 2021 PUBLIC WAKE COUNTY, NC

[NOTARY SEAL]

_____
Notary Public
State of North Carolina
My Commission Expires: 05.03.2021

Manisha Gamage

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, John Terry Paton (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1000 Double Helix Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/29/2014, and recorded in the Wake County Register of Deeds Office on 5/29/2014, in Book 015672 Page 02496.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1000 Double Helix Rd, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1000 Double Helix Rd no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12th day of November, 2019.

_____ (seal)
John Terry Paton
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 John T. Paton, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

CORY WOLFE NOTARY PUBLIC WAKE COUNTY, NC
[NOTARY SEAL]

_____
Notary Public
State of North Carolina
My Commission Expires: September 30th, 2023

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Billy Ray Wolfe (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 1409 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/1/1997, and recorded in the Wake County Register of Deeds Office on 1/10/1997, in Book 007294 Page 00114.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1409 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1409 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 19 day of November, 2019.

Billy Ray Wolfe (seal)

Billy Ray Wolfe
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 Billy Ray Wolfe, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

[NOTARY SEAL] KAREN W. WATKINS NOTARY PUBLIC WAKE COUNTY, NC

Karen W. Watkins
Notary Public
State of North Carolina
My Commission Expires: 9/21/2021

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, William D. Bunce II and Gail E. Bunce (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1012 Double Helix Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 2/3/2003, and recorded in the Wake County Register of Deeds Office on 2/5/2003, in Book 009896 Page 00658.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1012 Double Helix Rd, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1012 Double Helix Rd, no one has 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 18th day of November, 2019.

Gail E Bunce (seal)

William D Bunce II GAIL E BUNCE

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, NC, hereby certify that William D. Bunce, II and Gail E. Bunce, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's (Personally Known), personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Jennifer W. Palermo
Notary Public
Wake County, North Carolina

[NOTARY SEAL]

Jennifer W. Palermo
Notary Public
State of North Carolina
My Commission Expires: October 25, 2020

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

1209 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 730,593.08 and East 2,024,286.65; thence from said beginning point, the following calls:

- S 86°11'46" E a distance of 182.99' to a point;
- S 85°45'45" E a distance of 769.81' to a point;
- S 01°58'45" W a distance of 328.13' to a point;
- S 89°21'41" W a distance of 740.23' to a point;
- N 28°28'40" W a distance of 63.48' to a point;
- a curve turning to the right with an arc length of 307.65', with a radius of 3895.50', with a chord bearing of N 26°12'54" W, with a chord length of 307.57' to a point;
- N 23°57'09" W a distance of 80.40' to the Point of Beginning.

The above described tract containing 309,217 square feet (7.099 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1401 Wimberly Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 730,196.13 and East 2,025,225.6; thence from said beginning point, the following calls:

- N 01°58'45" E a distance of 328.13' to a point;
- S 85°45'45" E a distance of 349.08' to a point;
- S 85°46'48" E a distance of 99.95' to a point;
- S 00°17'40" W a distance of 355.27' to a point;
- S 03°11'05" W a distance of 537.08' to a point;
- S 89°38'42" W a distance of 291.42' to a point;
- N 00°34'26" W a distance of 130.32' to a point;
- S 89°41'26" W a distance of 150.96' to a point;
- N 01°58'45" E a distance of 469.32' to the Point of Beginning.

The above described tract containing 392,670 square feet (9.014 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1405 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 729,291.13 and East 2,025,364.73; thence from said beginning point, the following calls:

- N 00°34'26" W a distance of 306.48' to a point;
- N 89°38'42" E a distance of 291.42' to a point;
- S 00°12'43" E a distance of 516.89' to a point;
- A curve turning to the right with an arc length of 162.31', with a radius of 4171.73', with a chord bearing of N 54°51'15" W, with a chord length of 162.30' to a point;
- N 54°07'46" W a distance of 77.08' to a point;
- N 53°37'44" W a distance of 118.09' to a point;
- N 00°34'26" W a distance of 306.48' to the Point of Beginning.

The above described tract containing 119,882 square feet (2.752 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1409 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 728,871.53 and East 2,026,004.45; thence from said beginning point, the following calls:

- N 62°13'45" W a distance of 45.22' to a point;
- A curve turning to the right with an arc length of 363.19', with a radius of 4171.73', with a chord bearing o fN 58°27'47" W, with a chord length of 363.07' to a point;
- N 00°12'43" W a distance of 516.89' to a point;
- N 03°11'05" E a distance of 537.08' to a point;
- N 89°00'32" E a distance of 296.40' to a point;
- S 06°41'35" E a distance of 419.20' to a point;
- S 01°35'27" W a distance of 853.23' to a point;
- N 62°13'45" W a distance of 45.22' to the Point of Beginning.

The above described tract containing 410,586 square feet (9.426 acres)

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

1000 Double Helix Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 730,146.11 and East 2,026,310.56; thence from said beginning point, the following calls:

- S 89°04'35" W a distance of 331.33' to a point;
- S 89°00'32" W a distance of 296.40' to a point;
- N 00°17'40" E a distance of 160.60' to a point;
- N 58°39'41" E a distance of 373.67' to a point;
- N 04°43'53" W a distance of 584.42' to a point;
- S 83°51'56" E a distance of 49.88' to a point;
- S 65°54'24" E a distance of 85.43' to a point;
- N 41°41'56" E a distance of 69.17' to a point;
- S 32°39'55" E a distance of 219.03' to a point;
- S 50°46'48" E a distance of 91.31' to a point;
- S 00°32'58" W a distance of 696.25' to the Point of Beginning.

The above described tract containing 358,904 square feet (8.239 acres)

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

1012 Double Helix Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 731,418.45 and East 2,025,687.51; thence from said beginning point, the following calls:

- S 67°39'28" E a distance of 247.90' to a point;
- S 49°40'39" E a distance of 166.19' to a point;
- S 32°39'55" E a distance of 157.06' to a point;
- S 41°41'56" W a distance of 69.17' to a point;
- N 65°54'24" W a distance of 85.43' to a point;
- N 83°51'56" W a distance of 49.88' to a point;
- S 04°43'53" E a distance of 584.42' to a point;
- S 58°39'41" W a distance of 373.67' to a point;
- N 00°17'40" E a distance of 194.66' to a point;
- N 00°10'17" E a distance of 927.55' to the Point of Beginning;

The above described tract containing 304,410 square feet (6.988 acres)

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.

September 4, 2019
Date

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

1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Dr
Address(es)

0722595328, 0722598851, 0723406397, 0723504154, 0723508938 & 0723601654
PIN(s)

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

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☑	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
120 units - 70 single family detached and 50 townhomes. Town of Apex owned land attached for future park is shown for reference only. The park is NOT part of this Rezoning or Master Subdivision Plan

Estimated submittal date: October 1, 2019

MEETING INFORMATION:

Property Owner(s) name(s):	Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, Wm & Gail Bunce,
Applicant(s):	Envision Homes, LLC Willie & Donna Wolfe and John Paton
Contact information (email/phone):	Josh Swindell - Josh@envisionhomesnc.com, 919-389-7595
Meeting Address:	Coldwell Banker Office 2nd Fl Conference Rm, 100 Connemara Rd, Cary
Date of meeting**:	Monday, September 16, 2019
Time of meeting**:	6:00 - 8:00 pm

MEETING AGENDA TIMES:
Welcome: 6:00 pm Project Presentation: 6:15 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.

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: Wolfe Properties PUD Zoning: PUD-CZ

Location: 1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Drive

Property PIN(s): See attached Sheet Acreage/Square Feet: 43.39

Property Owner: See attached Sheet

Address:

City: State: Zip:

Phone: Email:

Developer: Envision Homes, LLC

Address: 4441 Six Forks Road Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 Fax: Email: josh@envisionhomesnc.com

Engineer: The Curry Engineering Group, PLLC

Address: 205 S. Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: 919-552-0849 Fax: Email: andy@curryeng.com

Builder (if known): TBD

Address:

City: State: Zip:

Phone: Fax: Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

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

PIN	Owner	Mail Address 1	Mail Address 2	Site Address
0722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	1405 WIMBERLY RD
0722598851	WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767	1409 WIMBERLY RD
0723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771	1209 WIMBERLY RD
0723504154	WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767	1401 WIMBERLY RD
0723508938	BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975	1012 DOUBLE HELIX RD
0723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	1000 DOUBLE HELIX RD

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: Coldwell Banker Office 2nd Fl Conference Rm, 100 Connemara Rd, Cary

Date of meeting: September 16, 2019 Time of meeting: 6 PM

Property Owner(s) name(s): See attached in packet

Applicant(s): Envision Homes, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Andy Petty / Curry Engineering	205 S. Fuquay Avenue Fuquay-Varina, NC 27526	919-552-0849	andy@curryeng.com	
2.	Joe Barker /EH	4700 Falls of Neuse Raleigh, NC	[redacted]		
3.	Jennifer Mueck	550 White Oak Road Apex			
4.	Josh Swindell	4700 Falls of Neuse Rd. Raleigh, NC			
5.	John Hton	1000 Double Helix Rd Apex NC			
6.	Billy & Alexia Wolfe	1409 Wimberly Rd. Apex NC 27523			
7.	Erik Sullivan	5529 Sunlight Dr.			
8.	Lisa Ross	1104 Double Helix Rd			
9.	Jeffrey Ross	1104 Double Helix Rd			
10.	Lorna Wolfe	1401 Wimberly Rd			
11.	Dean Bunck	1012 Double Helix			
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): See attached

Applicant(s): Envision Homes

Contact information (email/phone): Josh Swindell - josh@envisionhomesnc.com

Meeting Address: 100 Connemara Drive, Cary, NC

Date of meeting: 9/16/19 Time of meeting: 6 PM

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

Question/Concern #1:

Property is currently county zoned R-80W - Are you matching density and impervious for R-80W? Neighbor stated adjacent development matched R-40 for density.

Applicant's Response:

No we are not matching density or impervious limitations for R-80W because we will now be in the Town of Apex, not under the county's UDO. We will have to meet all stormwater regulations set forth in the Town of Apex, not the county.

Question/Concern #2:

What are you doing for existing culverts to protect them from being blown out?

Applicant's Response:

We will address culvert sizes during the construciton drawings phase of the project but the project will have to comply with the Town of Apex standards.

Question/Concern #3:

Density for Townhomes versus single family

Applicant's Response:

The overall project density is limited to 3 DU/A. Its not specific by use.

Question/Concern #4:

How does the access easement to the north remain?

Applicant's Response:

We will have to have our attorney review the easement language for the access easement however, an easement will still be provided to a public right of way so that there is still a public access easement to the existing properties.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): _____

Applicant(s): _____

Contact information (email/phone): _____

Meeting Address: _____

Date of meeting: _____ Time of meeting: _____

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

Question/Concern #1:

There is a deed restriction requiring a 100' undisturbed no clear cutting buffer as part of the Bunce property. Why is that not shown on the plans? Neighbor provided deed to applicant.

Applicant's Response:

We were not aware of this deed restriction. We will have our attorney review the document for validity. If it is determined this is a legal deed restriction on the property the buffer will be honored.

Question/Concern #2:

How are the existing mailboxes for existing homes being handled?

Applicant's Response:

We will coordinate with the USPS but they will be relocated to the nearest pubic right of way

Question/Concern #3:

Will there be a privacy fence put up? Concern for trespassing

Applicant's Response:

This will be determined at the building and construction level. Typically we do not put up privacy fences unless strictly required or requested by the home buyer.

Question/Concern #4:

Will we be notified for Planning Board and Town Council Meetings?

Applicant's Response:

Yes. Notices will come from the Town of Apex, not the developer for rezoning. Master Subdivision is staff approval only.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): _____

Applicant(s): _____

Contact information (email/phone): _____

Meeting Address: _____

Date of meeting: _____ Time of meeting: _____

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

Question/Concern #1:

Do you know the location of the fire station as part of the TOA Park Project?

Applicant's Response:

No we do not know that location.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Wendy Loeffler, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Coldwell Banker, 100 Connemara Rd, Cary (location/address) on September 16, 2019 (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.

10/1/19
Date

By: Wendy Loeffler

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Amanda L Lane, a Notary Public for the above State and County, on this the 1 day of October, 2019.

SEAL

AMANDA L LANE NOTARY PUBLIC My Commission Expires 2-11-2023 JOHNSTON COUNTY, NC

Amanda L Lane
Notary Public

Amanda L Lane
Print Name

My Commission Expires: 2/11/2023

WOLF PROPERTIES PUD REZONING & MASTER SUBDIVISION

NEIGHBORHOOD MEETING PACKET

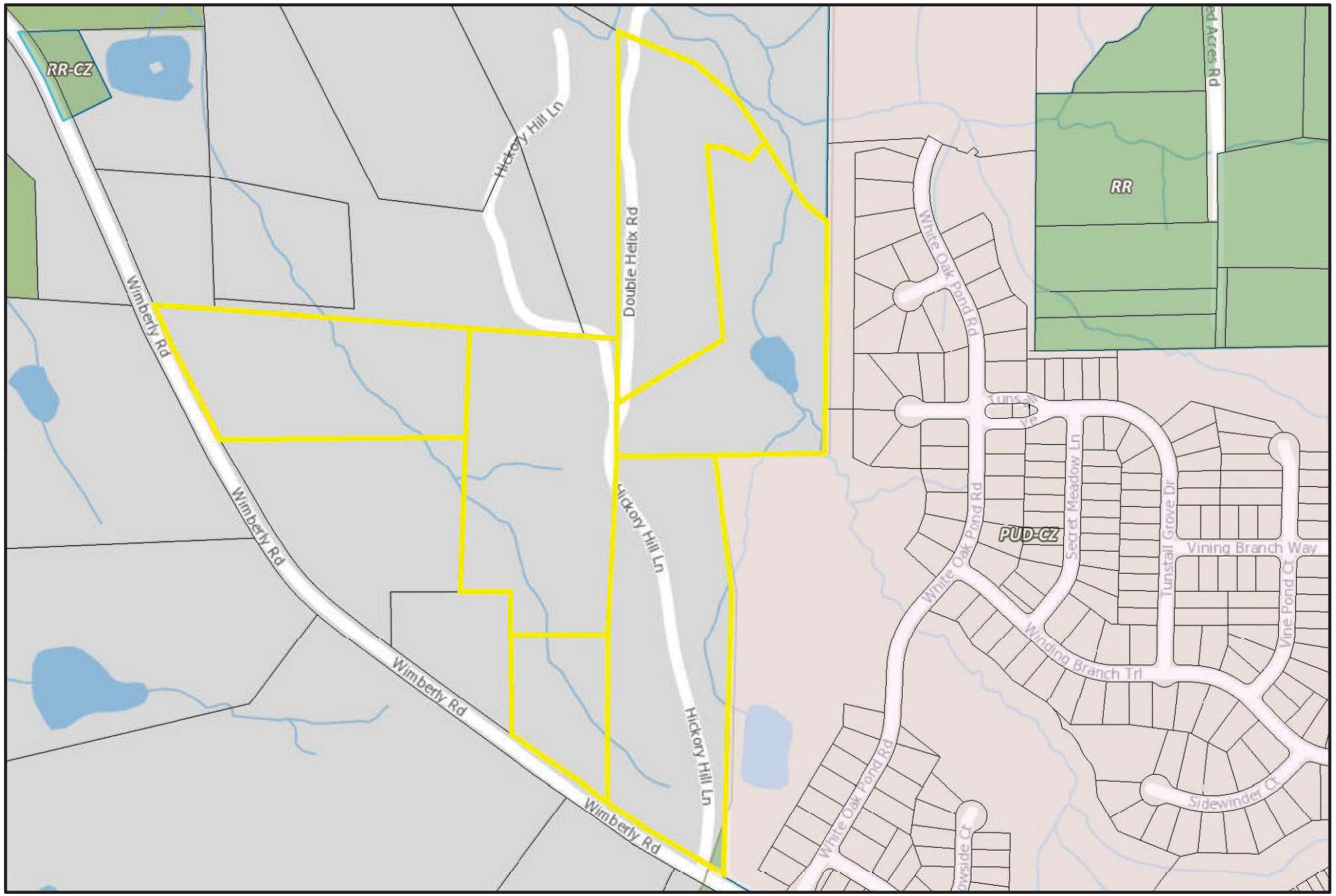
Meeting Location – 100 Connemara Drive, 2nd Floor Conference Room
Cary, NC 27519
Meeting Date – Monday September 16, 2019

Packet Information

1. Vicinity Map
2. Existing Zoning & Land Use Map
3. Proposed Subdivision Layout
4. Project Contact Information Sheet
5. Common Construction Issues & Who to Call Sheet

Contact Information

Andrew Petty, PE
Vice President / Senior Engineer
Curry Engineering Group
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526
919.552.0849
andy@curryeng.com



Wolfe Properties PUD

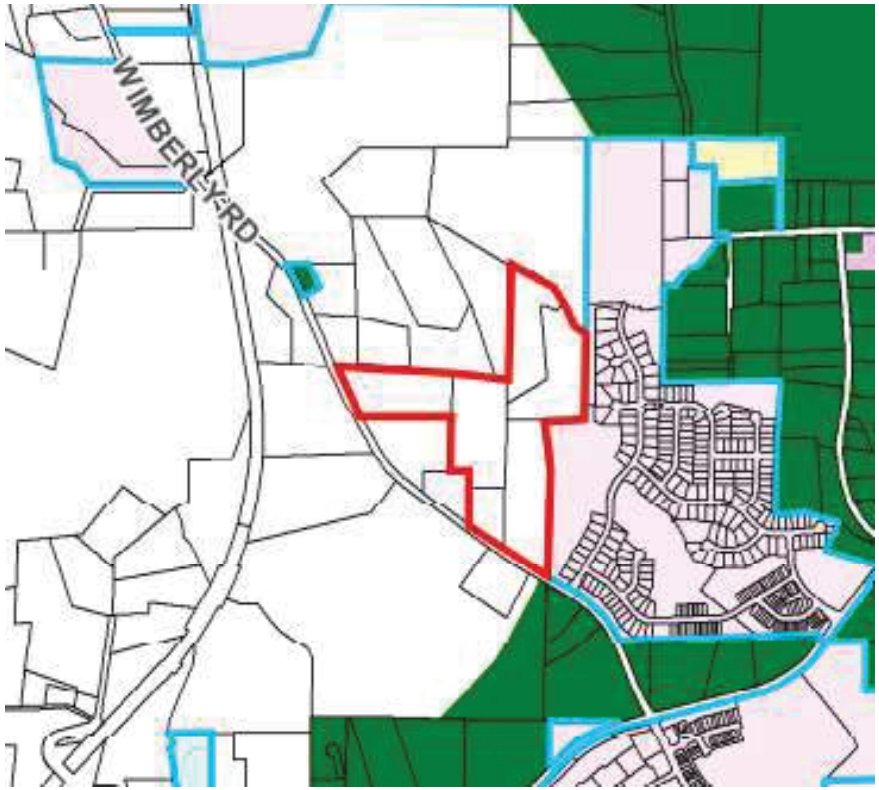
N

0 215 430 860 ft

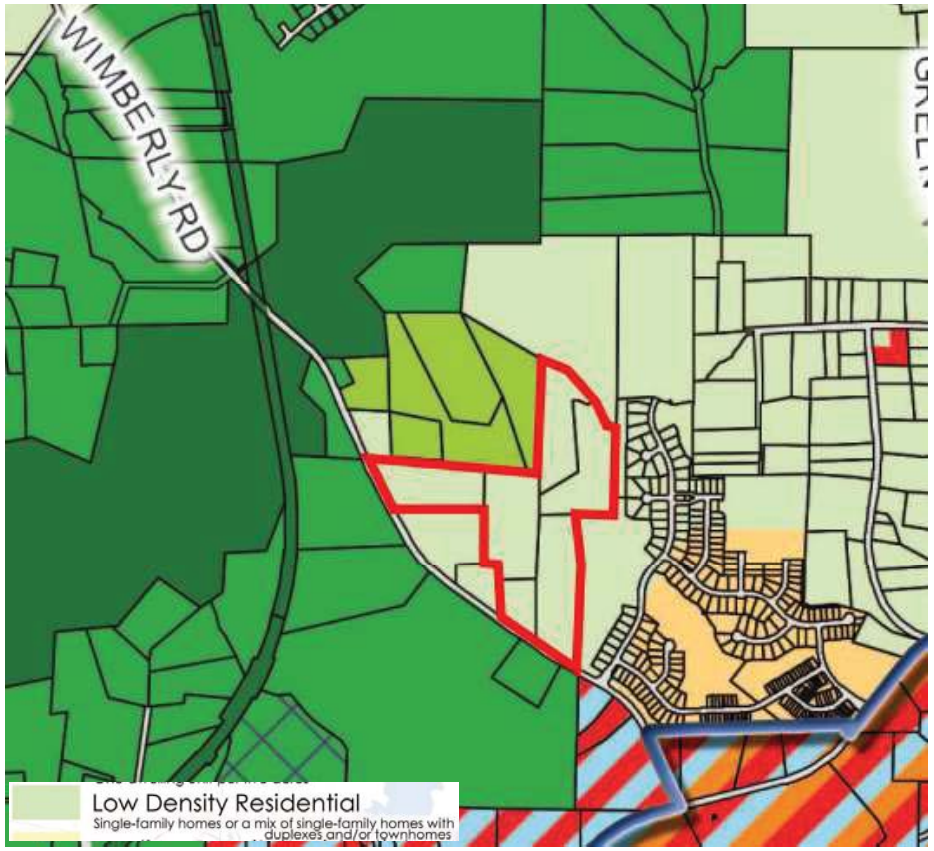
1 inch = 400 feet

Disclaimer

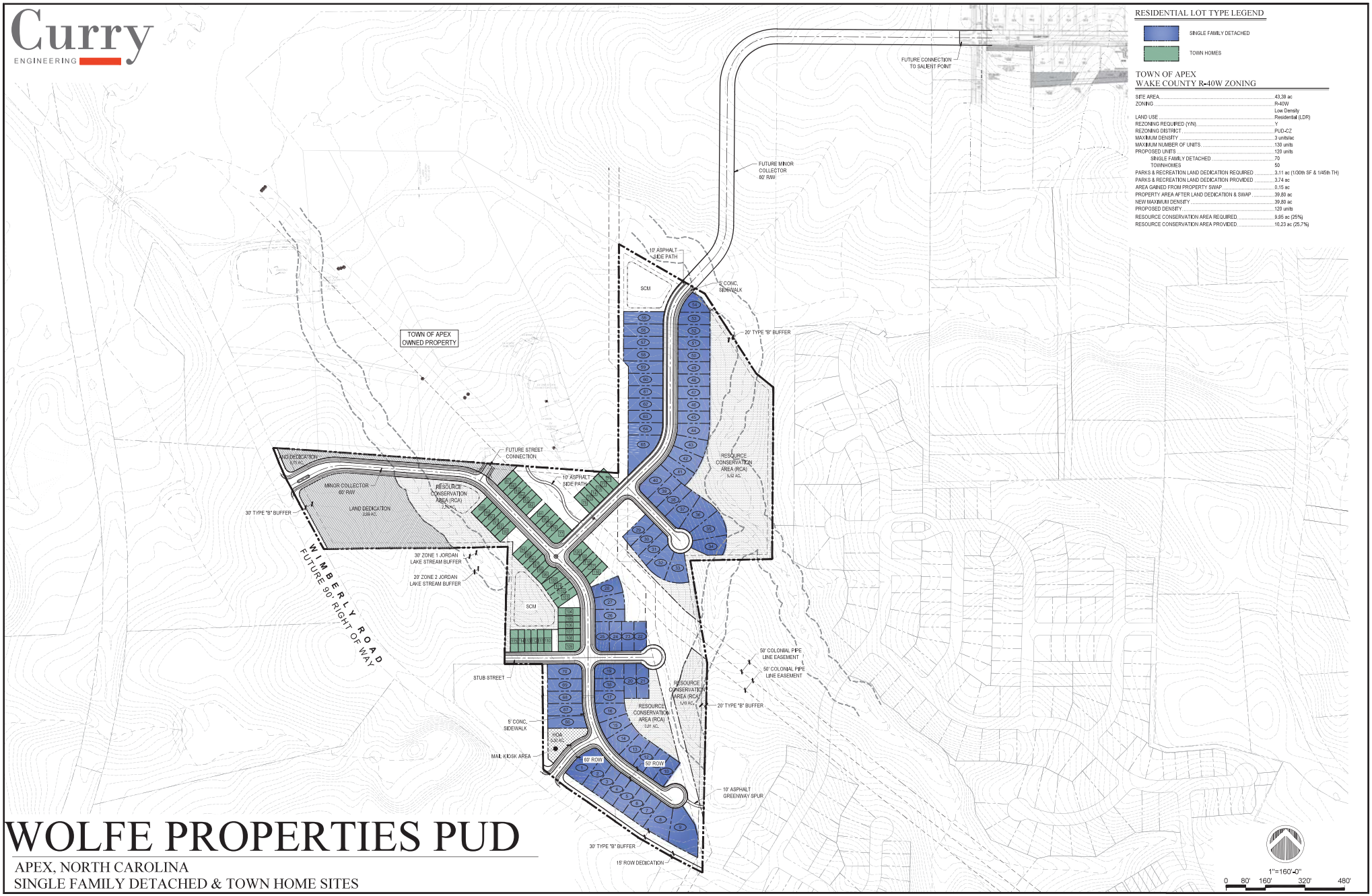
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are ***NOT*** *surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



Zoning Map - Wake County Zoned R-80W



2045 Land Use Plan - Low Density Residential



WOLFE PROPERTIES PUD

APEX, NORTH CAROLINA
SINGLE FAMILY DETACHED & TOWN HOME SITES

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: Wolfe Properties PUD Zoning: PUD-CZ

Location: 1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Drive

Property PIN(s): See attached Sheet Acreage/Square Feet: 43.39

Property Owner: See attached Sheet

Address:

City: State: Zip:

Phone: Email:

Developer: Envision Homes, LLC

Address: 4441 Six Forks Road Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 Fax: Email: josh@envisionhomesnc.com

Engineer: The Curry Engineering Group, PLLC

Address: 205 S. Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: 919-552-0849 Fax: Email: andy@curryeng.com

Builder (if known): TBD

Address:

City: State: Zip:

Phone: Fax: Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

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

Prepared for:

ENVISION HOMES, LLC
4441 Six Forks Road
Suite 106-117
Raleigh, NC 27609

PD PLAN
Wolfe Properties PUD
A PLANNED UNIT DEVELOPMENT
Town of Apex, North Carolina

October 1, 2019
Revised December 6, 2019
Revised February 14, 2020
Revised March 13, 2020
Revised May 6, 2020
FINAL VERSION – June 10, 2020

Curry
ENGINEERING

Prepared by:

Andrew Petty, PE
The Curry Engineering Group, PLLC
PO Box 2018
205 S. Fuquay Avenue
Fuquay-Varina, N
(919)552-0849

Curry
ENGINEERING

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T (919) 552-0849
F (919) 552-2043
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526

CURRY ENGINEERS EST. 10 NORTH CAROLINA

2.0 Vicinity Map

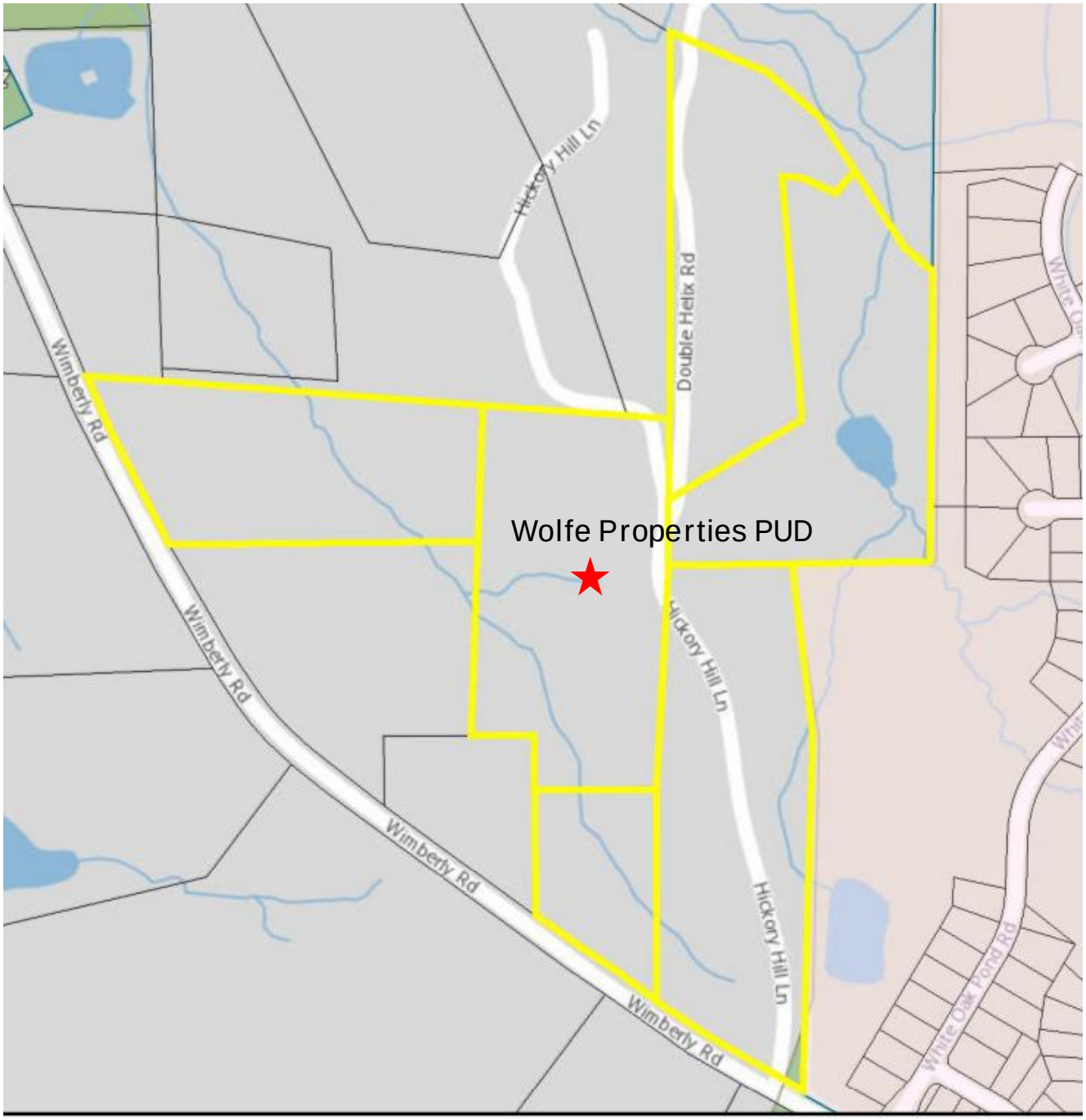


Figure 1 - Vicinity Map – Courtesy of Wake County iMaps 2019

3.0 Project Data

3.1 Project Name: **Wolfe Properties PUD**

3.2 Owner/Developer: **Envision Homes, LLC**
4441 Six Forks Road, Suite 106-117
Raleigh, NC 27609
(919) 389-7595

3.3 Prepared By: **The Curry Engineering Group, PLLC**
205 S Fuquay Avenue
Fuquay-Varina, NC 27526
(919) 552-0849

3.4 Designated Single Point of Contact: Andrew Petty, PE
The Curry Engineering Group, PLLC

3.5 Current and Proposed Zoning of the Property:

Current Zoning:	County R-80 W & Town of Apex RR
Proposed Zoning:	PUD-CZ

3.6 Current and Proposed Land Uses:

Current:	Residential, Vacant
Proposed:	Residential

3.7 Current and Proposed 2045 Land Use Designation:

Current:	Low Density Residential
Proposed:	Low Density Residential

4.0 Purpose Statement

Wolfe Properties PUD is a proposed residential project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). The project contains six parcels under contract by Envision Homes, LLC. The project is located along Wimberly Road and adjacent to the Preserve at White Oak development. These parcels are all designated as Low Density Residential on the 2045 Land Use Map.

The proposal to rezone this property to PUD-CZ is in keeping with the town's objectives to create high quality developments with a small town feel. This development will be a pedestrian friendly community with sidewalks along both sides of the internal public streets and sidewalk stubs to the future Town of Apex Park. The project will cluster small lots and multi-family dwelling units near the future town park to create a community feel and ensure the future park is an amenity to the community. This development will enhance the value of the surrounding properties by providing quality residential development for the areas as a mixed residential development.

5.0 Permitted Uses

The Town of Apex UDO allows a mixture of uses in the PUD zoning district and the owners have chosen to further restrict the allowable uses as listed below:

Residential Uses
Single family (Minimum Lot Size = 6,000 sf)
Townhome (Minimum Width = 20')
Accessory Apartment

Utilities
Utility, minor

Recreational Uses
Greenway
Park, active
Park, passive
Recreational facility, private

Government Services – Limited to Parcel #1 and #2 as shown on the PUD Plan.

6.0 Design Controls

6.1 Maximum Densities

Maximum residential density for the project is 3.0 units per gross acre or a maximum of 130 units. The total gross acreage for the property is 43.52. This development proposes 130 units.

6.2 Proposed Maximum Height of the Buildings and Number of Stories

Single Family Maximum Height – 42’ Single Family Maximum Stories – 2
Townhouses – Maximum Height – 50’ Townhouses Maximum Stories – 3

6.3 Proposed Minimum Building Setbacks

Residential Single Family Detached
From Buffer or RCA – 10’
Front Yard – 10’ Minimum
Side Yard – 5’ Minimum (no aggregate)
Corner Side Yard – 10’ Minimum
Rear Yard – 10’ Minimum
Driveways from Back of Sidewalk to Garage – 20’ (12’ minimum width)

Townhouses
From Buffer or RCA – 10’
Front Yard – 10’ Minimum
Side Yard (end units) – 5’ Minimum
Rear Yard – 5’ Minimum
From Public Right-of-Way to Garage – 18’ Minimum where no sidewalk is present
From Public Right-of-Way to Garage – 20’ Minimum where sidewalk is present
Building Side to Side – 10’
Building Side to Rear – 30’
Building Rear to Rear – 40’

6.4 Percentage of Built upon Area

The UDO allows for a maximum 70 percent of built upon area in PUD project and the Wolfe Properties PUD will not exceed that amount.

6.5 Perimeter Buffers

The PD plans show buffers around the site to provide visual breaks between uses and public roads. We are proposing a 30’ Type B buffer along Wimberly Road assuming the buffer is under disturbed. If the buffer is disturbed it shall be increased to a 50’ Type B buffer. The perimeter buffers have been shown to be a 20’ Type B buffer with the exception of property that abuts Town property; this shall be 10’ Type B buffer. If Government Services are proposed, the buffers shall be a Type A. A 100’ no clear cut buffer is a deed restriction buffer along the

property line that abuts property with PIN: 0723-51-7896. The only disturbance permitted within this buffer shall be a driveway to serve the referenced PIN and the installation of a fence within the buffer near the common property line. Such fence shall not be chain link.

6.6 Economy Housing Condition

Where economy housing is housing that can be purchased by a household that earns approximately the median household income for Apex, Wolfe Properties PUD will address economy housing by providing a minimum of 10% of the total number of units of the development, as determined at the master subdivision phase. The townhouse units shall have a minimum width of 18' and a maximum width of 20' with no garages and allowable parking in compliance with Section 8.3 however they shall adhere to all other setback and architectural conditions set forth in the PUD plan.

7.0 Architectural Standards

7.1 Single Family Detached Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. Garage doors must contain windows, decorative details or carriage-style adornments.

3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.

4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.

5. The visible side of a home on a corner lot facing the public street shall contain at least 2 decorative elements such as, but not limited to, the following elements.
    - Windows
    - Bay Window
    - Recessed Window
    - Decorative Window
    - Trim around the Windows
    - Wrap around porch or Side Porch
    - Two or More Building Materials
    - Decorative Brick/Stone
    - Decorative Trim
    - Decorative Shake
    - Decorative Air Vents on Gable
    - Decorative Gable
    - Decorative Cornice
    - Column
    - Portico
    - Balcony
    - Dormer

6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.

7. Front porches, when provided, shall be at least six-feet (6') deep.

8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.

9. Eaves shall project at least 12 inches from the wall of the structure.

10. The roof shall be pitched at 5:12 or greater for 75% of the building designs. These lots will be identified on the Master Subdivision Plan

11. A minimum of 50% of all single family homes will be restricted to have a master bedroom located on the first floor of the building. However, up to 50% of the homes shall be permitted to have a master bedroom not on the first floor. These units shall be identified on the final plat.

7.2 Residential Townhome Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. There shall be one roof element such as a gable or dormer on each unit.

3. Garage doors must contain windows, decorative details or carriage-style adornments.

4. House entrances for units with front facing single-car garages must have a covered porch/stoop area leading to the front door.

5. The garage cannot protrude more than one foot out from the front façade or front porch.

6. All exterior windows shall have decorative trim on all four sides.

7. On corner lots, the side elevation facing the public street shall contain at least two decorative elements such as but not limited to:

    - Trim around windows
    - Two or more building materials
    - Decorative brick/stone
    - Side Entry

7.3 Non-Residential Use Standards

1. EIFS or synthetic stucco shall not be used in the first four feet above grade.

2. The building exterior shall have more than one (1) material color.

3. The building shall have more than one parapet height.

4. The following exterior materials shall not be permitted: vinyl siding, metal walls, and painted, smooth-faced concrete block (decorative blocks are acceptable).

8.0 Parking and Loading

Parking and loading requirements for the residential areas shall conform to the parking standards listed in the Town of Apex UDO Section 8.3.

9.0 Signs

Signage for this project will comply with UDO section 8.7. The developer shall submit a master sign plan that shows signage locations and details of signage patterns throughout the development.

10.0 Natural Resource and Environmental Data

10.1 This project is located in the Jordan Lake drainage basin which is in the Cape Fear Basin. This project currently falls just outside the primary watershed protection overlay district as shown on the Town of Apex watershed maps; however once annexed it will be in the primary watershed protection overlay district.

10.2 The is no FEMA mapped floodplain on the site as shown on FEMA FIRM Map Number 3720072300 or 3720072201, dated May 2, 2006.

10.3 There are no known historic structures on this project.

10.4 The PUD is required to provide at least 25% of the total area for Resource Conservation Area and landscape buffers. If the residential single family lots are mass graded, then the project shall dedicate an additional 5% RCA. For this project that will equate to 10.88 acres of required RCA area. This project proposes to dedicate 10.90 acres and will increase that area if mass graded.

10.5 Existing deciduous trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative site location approved by Town Planning Staff.

11.0 Stormwater Management

Wolfe Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1 year and 10 year storm events. This project will commit to providing attenuation for the 2 year and 25 year storms as well.

Wolfe Properties PUD will use approved devices to control the stormwater sediment runoff. These devices may include wet detention basins, constructed wetlands, bioretention areas, sand filters or any other approved stormwater control measure. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

12.0 Parks and Recreation

The Wolfe Properties PUD was reviewed by the Parks, Recreation and Cultural Resources Advisory Commission on February 26th, 2020 and they unanimously recommended a land dedication in the location provided in the PUD Plan, located contiguous to the southern boundary of the future park property along the frontage of Wimberly Road to comply with Sec 14.1.3 Standards of Dedication. The total acreage to be dedicated will be determined by the total unit count at the time of Master Subdivision Plan approval. They also recommended the reservation of a Public Greenway Easement along one of the Utility Easement corridors to provide access to the Park for the Wolfe Properties PUD as well as the Preserve at White Oak Creek with the location being determined at the time the Master Subdivision Plan approval.

Additionally, to assist the Town of Apex with future plans, the project offers the following conditions:

1. Zoning condition for environmental assessment: A Phase I environmental assessment will be completed on the property to be dedicated to the Town and provided to the Town prior to construction plan approval.

2. Zoning condition for land dedication: If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, the land dedication will occur by January 31, 2021 or prior to construction plan approval of Public Safety Station #6 (PSS #6), whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed.

3. Zoning condition for road improvements: If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, road improvements for the collector street will be completed from Wimberly Road to just past the planned public safety station driveway no later than February 28, 2022 or prior to the certificate of occupancy, whichever comes later. If the land will be used for park purposes, the timing specified in the UDO will be followed.

4. Zoning condition for timing of CD approval: If the Town of Apex determines that it wants the land dedication for the purposes of a public safety station versus park land, a temporary driveway permit signed by NCDOT will suffice for Construction Drawing approval, provided the final driveway permit application has been submitted to NCDOT; any changes from the temporary driveway permit to the final driveway permit will be the responsibility of the developer, and this shall in no way release the developer from all other applicable requirements prior to Construction Drawing approval."

5. In the event the Town has not provided notice to the applicant of the decision to use the land for PSS #6 by August 3, 2020, the developer will be given an additional amount of time, equivalent to the length of time the Town's decision is delayed beyond August 3, 2020, to complete all conditions.

13.0 Public Facilities

All internal public streets will have sidewalks on both sides of the street. Roadway improvements will be required along Wimberly Road and these improvements will be coordinated with the Town of Apex and NCDOT. The roadway widening along Wimberly Road shall be based on the Town of Apex's thoroughfare plan. The project will provide a minor collector street through the subdivision that will stub to north for future extension as shown on the town's thoroughfare plan. Bicycle and pedestrian improvements associated with subdivision plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time of subdivision plan approval as provided for in the UDO.

In compliance with the Town of Apex's UDO Section 13.19.4, the project offers, subject to NCDOT review and approval the following off-site roadway improvements:

1. Green Level West and Wimberly Road Intersection: The developer shall construct a northbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. Construction of curb and gutter will be limited to only along the 50-foot deceleration along the sidewalk and storm drainage structures will only be placed in areas as necessary to continue existing drainage patterns and not restrict existing structures.

2. Wimberly Road and Jenks Road Intersection: The developer shall construct a southbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. No curb & gutter will be installed. Vegetated conveyances will be utilized to stay consistent with current conditions and no upgrades to existing storm drainage infrastructure.

As shown on the PUD Utility Plan, the sanitary sewer connection will connect to an existing sewer manhole and line near the northern end of Double Helix Road. Water distribution service will be provided to this project by eight inch waterline connection to the existing twelve inch waterline along Wimberly Road.

14.0 Phasing

The project shall be developed in multiple phases and construction would likely start in 2020.

15.0 Consistency with Land Use Plan

The Town of Apex 2045 Land Use Map currently designates these parcels as Low Density Residential. We believe this PUD is appropriate for the area and is consistent with the current intent of the Town Council.

16.0 Compliance with the UDO

The proposed plans for Wolfe Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

17.0 Land Use Notes

17.1 This project will require the formation of a Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

17.2 Any existing houses on the properties will be either moved or removed from the site.

END OF REPORT

Curry
ENGINEERING

Tract 2

EXHIBIT "B"

WOLFE PROPERTIES PUD

APEX, NORTH CAROLINA
SINGLE FAMILY DETACHED & TOWN HOME SITES

Proposed Permanent Access Easement

TOWN OF APEX OWNED PROPERTY

RESIDENTIAL LOT TYPE LEGEND

- 50' WIDE SINGLE FAMILY LOTS
- TOWNHOME LOTS
- WETLANDS
- COMMON AREAS HOA
- LAND DEDICATED TO TOWN OF APEX
- PONDS & SCM

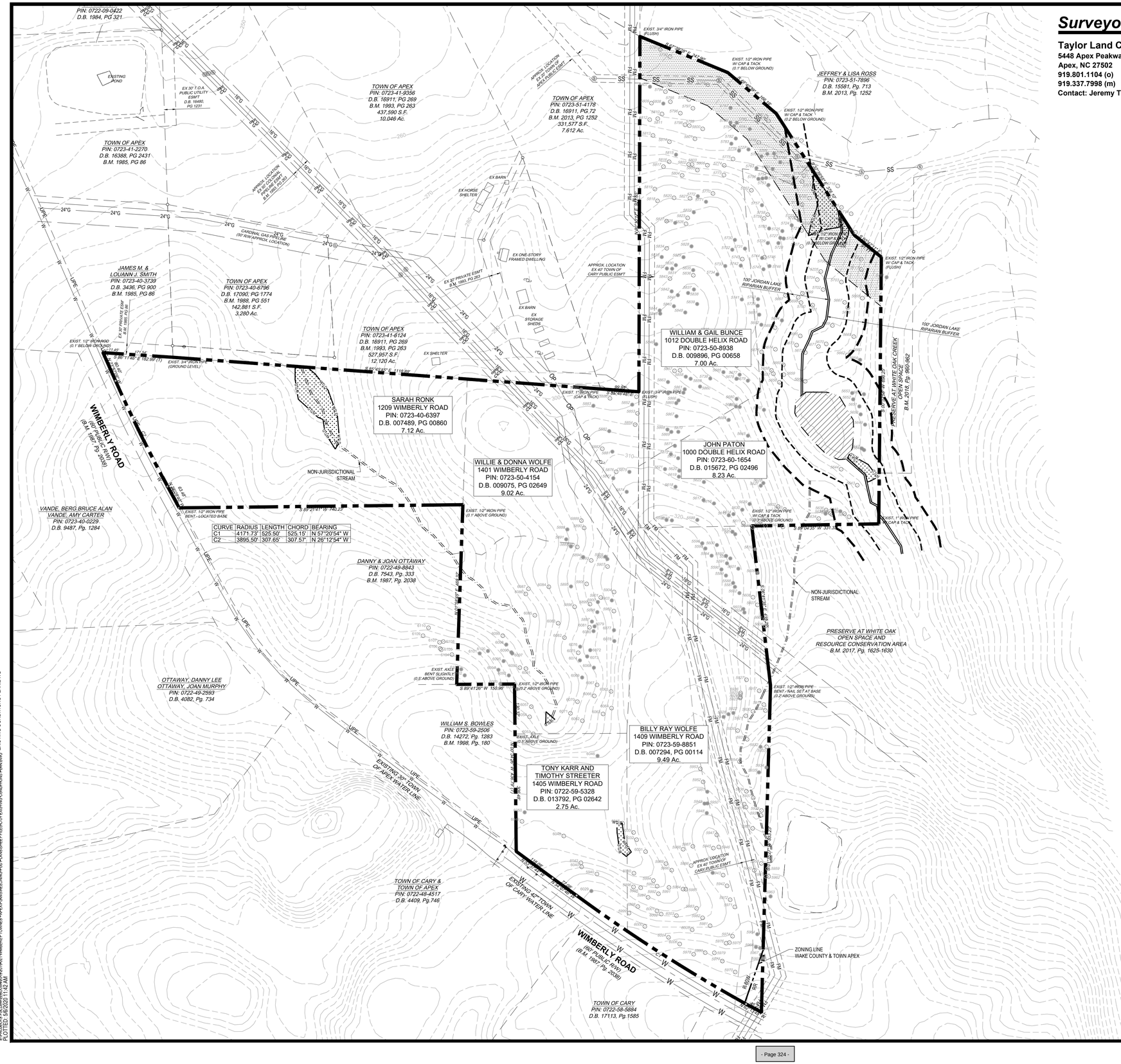
TOWN OF APEX
WAKE COUNTY R-40W ZONING

SITE AREA	43.52 ac
ZONING	R-40W Low Density Residential (LDR)
LAND USE	
REZONING REQUIRED (Y/N)	Y
REZONING DISTRICT	PUD-CZ
MAXIMUM DENSITY	3 units/ac
MAXIMUM NUMBER OF UNITS	130 units
PROPOSED UNITS	121 units
SINGLE FAMILY DETACHED	55
TOWNHOMES	66
PARKS & RECREATION LAND DEDICATION REQUIRED	3.30 ac (1/30th SF & 1/45th TH)
PARKS & RECREATION LAND DEDICATION PROVIDED	3.37 ac
PROPOSED DENSITY	2.78 units/ac
RESOURCE CONSERVATION AREA REQUIRED	9.95 ac (25%)
RESOURCE CONSERVATION AREA PROVIDED	11.82 ac (27.2%)

End of Subdivision Road stubbing to the proeprty line of Tract 1

Grantee to allow Grantor within this area to stub the subdivision road

1"=120'-0"
0 60' 120' 180' 360'



Surveyor:

Taylor Land Consultants
5448 Apex Peakway
Apex, NC 27502
919.801.1104 (o)
919.337.7998 (m)
Contact: Jeremy Taylor, PLS

GENERAL NOTES:

1. THIS PLAN IS NOT INTENDED FOR PLATTING OR RECORDATION. THE INTENT OF THIS PLAN IS TO ILLUSTRATE THE EXISTING FEATURES, STRUCTURES AND TOPOGRAPHY OF THE PROPERTY. TOPOGRAPHY SHOWN ON THIS IS PLAN IS PER WAKE COUNTY GIS - FOR PRELIMINARY USE ONLY.
2. THE INFORMATION SHOWN ON THIS PLAN WAS PROVIDED AND DEVELOPED BY OTHERS. CURRY ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION. THE INFORMATION SHOWN REPRESENTS A FIELD SURVEY CONDUCTED SEPTEMBER 2019.
3. THE ENGINEER UNDERSTANDS THE SURVEY INFORMATION PROVIDED TO MEET THE FOLLOWING CRITERIA:
   - MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
   - THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
   - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
   - PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
   - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. EXISTING CONDITIONS SHOWN DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON SITE. CONTRACTOR TO FIELD VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION.
5. PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.
6. PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT NOR CONTAIN ANY HISTORIC STRUCTURES PER THE "WAKE COUNTY INVENTORY OF HISTORIC STRUCTURES - APEX JURISDICTION."
7. FOR SURFACE WATER INFORMATION, REFER TO APEX STREAM BUFFER DETERMINATION LETTER APEX #19-004

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SCALE: 1 IN = 120 FT
120' 60' 0 120' 240'
SCALE IN FEET HORIZONTAL

SEAL

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042911 ANDREW S. PETT

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

REVISIONS		
4.	TOWN OF APEX COMMENTS	12/6/2019

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORIZ. SCALE: 1" = 120'
ORIG SHEET SIZE: 24 x 36

WOLFE PROPERTIES PUD - PD PLANS
EXISTING CONDITIONS PLAN

Curry ENGINEERING
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526
T (919) 552-2849
F (919) 552-2043
NC LIC. NO. P-0789

C-01

Z:\PROJECTS FOLDER\2019\2019021 WIMBERLY\CIVIL\ZONING\2019021 WIMBERLY ZONING PUD PLANS.DWG EXISTING CONDITIONS PLAN.DWG
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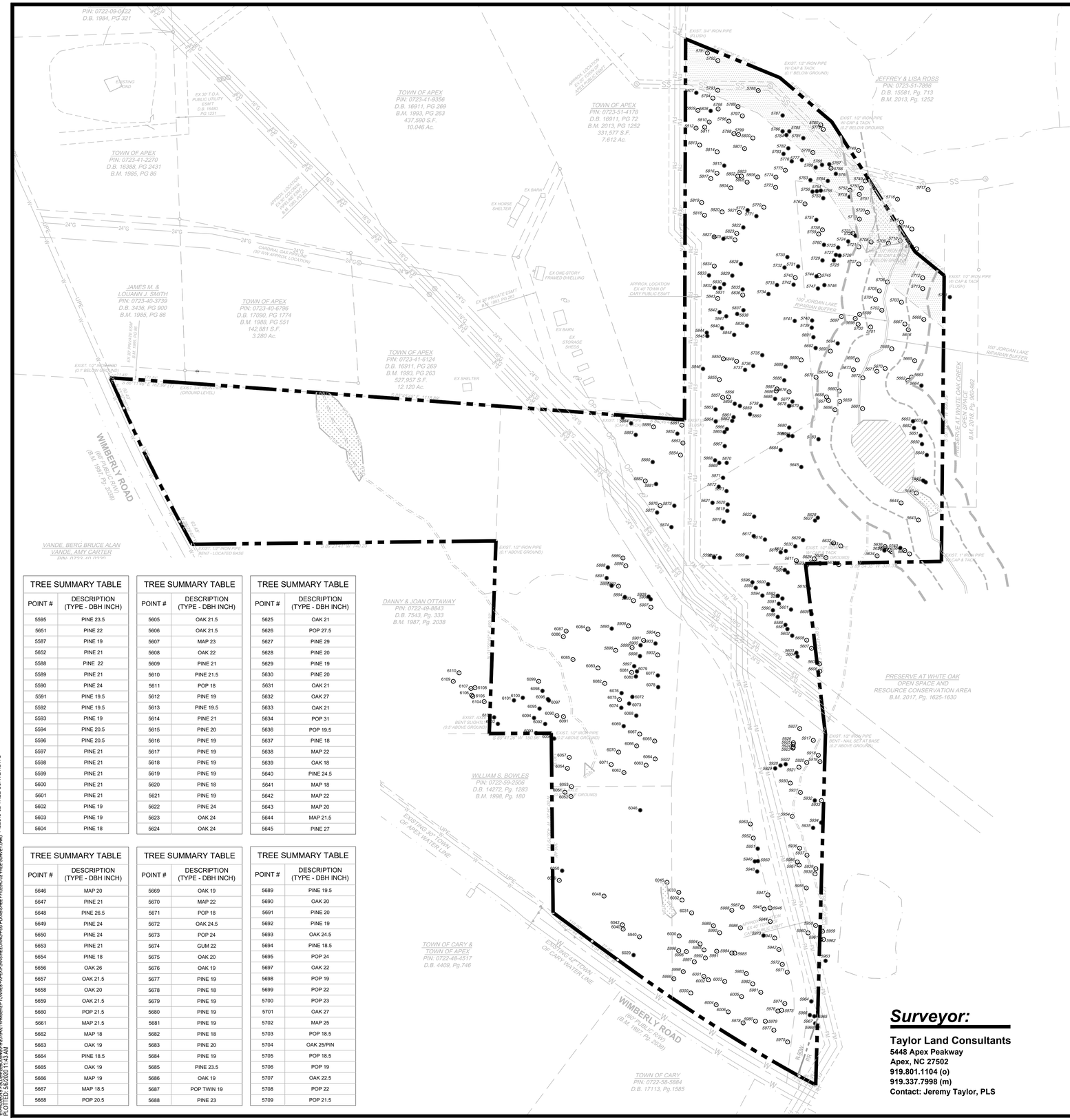
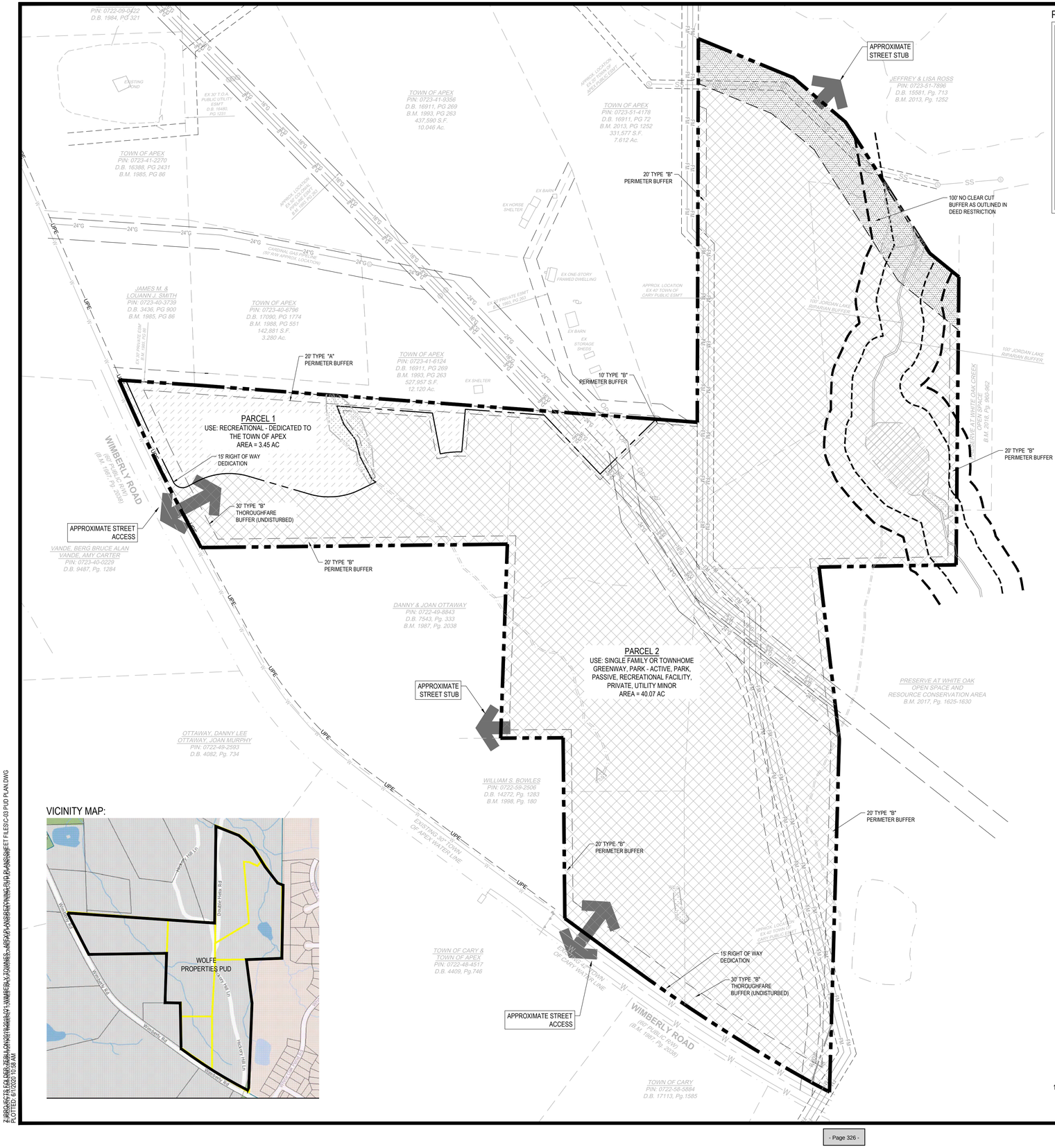

TOWN OF APEX
PIN: 0723-41-9356
D.B. 16911, PG 269
B.M. 1993, PG 263
437,590 S.F.
10.046 Ac.
TOWN OF APEX
PIN: 0723-51-4178
D.B. 16911, PG 72
B.M. 2013, PG 1252
331,577 S.F.
7.612 Ac.
JEFFREY & LISA ROSS
PIN: 0723-51-7806
D.B. 15581, Pg. 713
B.M. 2013, Pg. 1252
TOWN OF APEX
PIN: 0723-41-2270
D.B. 16388, PG 2431
B.M. 1985, PG 86
JAMES M. & LOUANN J. SMITH
PIN: 0723-40-3739
D.B. 3436, PG 900
B.M. 1985, PG 86
TOWN OF APEX
PIN: 0723-40-6796
D.B. 17090, PG 1774
B.M. 1988, PG 551
142,881 S.F.
3.280 Ac.
TOWN OF APEX
PIN: 0723-41-6124
D.B. 16911, PG 269
B.M. 1993, PG 263
527,957 S.F.
12.120 Ac.
PRESERVE AT WHITE OAK
OPEN SPACE AND
RESOURCE CONSERVATION AREA
B.M. 2017, Pg. 1625-1630
PRESERVE AT WHITE OAK CREEK
OPEN SPACE AND
RESOURCE CONSERVATION AREA
B.M. 2016, Pg. 960-962
DANNY & JOAN OTTAWAY
PIN: 0722-49-8843
D.B. 7543, Pg. 333
B.M. 1987, Pg. 2038
WILLIAM S. BOWLES
PIN: 0722-59-2506
D.B. 14272, Pg. 1283
B.M. 1998, Pg. 180
TOWN OF CARY &
TOWN OF APEX
PIN: 0722-48-4517
D.B. 4409, Pg.746
TOWN OF CARY
PIN: 0722-58-5884
D.B. 17113, Pg.1585
VANDE, BERG BRUCE ALAN
VANDE, AMY CARTER
WIMBERLY ROAD
(PUBLIC R/W)
(B.M. 1987, Pg. 2038)
EXISTING 30" TOWN OF APEX WATER LINE
EXISTING 12" TOWN OF CARY WATER LINE
EXISTING STRUCTURE TO BE REMOVED
EXISTING STRUCTURE TO REMAIN
100' JORDAN LAKE RIPARIAN BUFFER
EXIST. 1/2" IRON PIPE W/ CAP & TACK (0.1' BELOW GROUND)
EXIST. 1/2" IRON PIPE W/ CAP & TACK (0.1' ABOVE GROUND)
EXIST. 1" IRON PIPE W/ CAP & TACK
EXIST. 3/4" IRON PIPE (FLUSH)
EXIST. 1/2" IRON PIPE BENT - NAIL SET AT BASE (0.2' ABOVE GROUND)
EXIST. 1/2" IRON PIPE BENT SLIGHTLY (0.5' ABOVE GROUND)
EXIST. 1/2" IRON PIPE (0.1' ABOVE GROUND)
EXIST. 3/4" IRON PIPE (GROUND LEVEL)
EXIST. 1/2" IRON PIPE (0.1' BELOW GROUND)
EXIST. 3/4" IRON PIPE (USIG)
EXISTING BUILDING
EXISTING POND
EX. BARN
EX. HORSE SHELTER
EX. ONE-STORY FRAMED DWELLING
EX. BARN
EX. STORAGE SHEDS
EX. SHELTER
EX. 30' PRIVATE ESMT. B.M. 1993, PG 263
EX. 30' PRIVATE ESMT. B.M. 1988, PG 551
EX. 30' T.O.A. PUBLIC UTILITY ESMT. D.B. 16480, PG 1231
CARDINAL OAK TERRACE (60' R/W APPROX. LOCATION)
APPROX. LOCATION EX. 40' TOWN OF CARY PUBLIC ESMT.
APPROX. LOCATION EX. 40' TOWN OF CARY PUBLIC ESMT.
APPROX. LOCATION EX. 40' TOWN OF CARY PUBLIC ESMT.
EX. 40' TOWN OF CARY PUBLIC ESMT. B.M. 2016, PG 960-962



VICINITY MAP:

PROJECT COMMITTED TRANSPORTATION ELEMENTS:

IN COMPLIANCE WITH THE TOWN OF APEX'S UDO SECTION 13.19.4, THE PROJECT OFFERS, SUBJECT TO NCDOT REVIEW AND APPROVAL THE FOLLOWING OFF-SITE ROADWAY IMPROVEMENTS:

1. GREEN LEVEL WEST AND WIMBERLY ROAD INTERSECTION: THE DEVELOPER SHALL CONSTRUCT A NORTHBOUND TAPER RIGHT TURN LANE ON WIMBERLY ROAD WITH 50-FOOT OF FULL WIDTH DECELERATION AND A 100-FOOT TAPER PRIOR TO THE FIRST PLAT. CONSTRUCTION OF CURB AND GUTTER WILL BE LIMITED TO ONLY ALONG THE 50-FOOT DECELERATION ALONG THE SIDEWALK AND STORM DRAINAGE STRUCTURES WILL ONLY BE PLACED IN AREAS AS NECESSARY TO CONTINUE EXISTING DRAINAGE PATTERNS AND NOT RESTRICT EXISTING STRUCTURES.

2. WIMBERLY ROAD AND JENKS ROAD INTERSECTION: THE DEVELOPER SHALL CONSTRUCT A SOUTHBOUND TAPER RIGHT TURN LANE ON WIMBERLY ROAD WITH 50-FOOT OF FULL WIDTH DECELERATION AND A 100-FOOT TAPER PRIOR TO THE FIRST PLAT. NO CURB & GUTTER WILL BE INSTALLED. VEGETATED CONVEYANCES WILL BE UTILIZED TO STAY CONSISTENT WITH CURRENT CONDITIONS AND NO UPGRADES TO EXISTING STORM DRAINAGE INFRASTRUCTURE.

GENERAL NOTES:

1. THIS PLAN IS NOT INTENDED FOR PLATTING OR RECORDATION. THE INTENT OF THIS PLAN IS TO ILLUSTRATE THE EXISTING FEATURES, STRUCTURES AND TOPOGRAPHY OF THE PROPERTY. TOPOGRAPHY SHOWN ON THIS IS PLAN IS PER WAKE COUNTY GIS - FOR PRELIMINARY USE ONLY.
2. THE INFORMATION SHOWN ON THIS PLAN WAS PROVIDED AND DEVELOPED BY OTHERS. CURRY ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION. THE INFORMATION SHOWN REPRESENTS A FIELD SURVEY CONDUCTED SEPTEMBER 2019.
3. THE ENGINEER UNDERSTANDS THE SURVEY INFORMATION PROVIDED TO MEET THE FOLLOWING CRITERIA:
   - MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
   - THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
   - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
   - PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
   - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. EXISTING CONDITIONS SHOWN DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON SITE. CONTRACTOR TO FIELD VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION.
5. PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.
6. PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT NOR CONTAIN ANY HISTORIC STRUCTURES PER THE "WAKE COUNTY INVENTORY OF HISTORIC STRUCTURES - APEX JURISDICTION."

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SITE DATA:

DEVELOPMENT NAME	WOLFE PROPERTY PUD
PROPERTY ADDRESS	SEE EXISTING CONDITIONS PLAN
PUD TOTAL AREA	43.52 ACRES
PUBLIC ROAD R/W DEDICATION (WIMBERLY ROAD)	0.42 AC
WAKE COUNTY PINS	SEE EXISTING CONDITIONS PLAN
CURRENT ZONING	R-80W (COUNTY) & RR (TOWN)
PROPOSED ZONING	PLANNED UNIT DEVELOPMENT (PUD-CZ)
RCA/BUFFER AREA	
REQUIRED	10.88 AC (25%)
RCA PROPOSED	10.90 AC.(25%)
CURRENT 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL
PROPOSED 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL
PROPOSED MAXIMUM BUILDING HEIGHT	42 FEET - SF 50 FEET - TH
PROPOSED TOWNHOME NUMBER OF STORIES	3
PROPOSED RESIDENTIAL DENSITY	3 UNITS/ACRE
PROPOSED PARKING REQUIREMENTS	2 SPACES PER UNIT PLUS GUEST PARKING AT 1SPACE/4 UNITS
WATERSHED DISTRICT	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT CAPE FEAR

PROPOSED MINIMUM BUILDING SETBACKS

SINGLE FAMILY DETACHED
FROM BUFFER OR RCA - 10'
FRONT YARD - 10' MINIMUM
SIDE YARD - 5' MINIMUM (NO AGGREGATE)
CORNER SIDE YARD - 10' MINIMUM
REAR YARD - 10' MINIMUM
DRIVEWAYS FROM BACK OF SIDEWALK TO GARAGE - 20' MIN.

TOWNHOMES
FROM BUFFER OR RCA - 10'
FRONT YARD - 5' MINIMUM
SIDE YARD (END UNITS) - 5' MINIMUM
REAR YARD - 5' MINIMUM
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 18' MIN. WHERE NO SIDEWALK IS PRESENT
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 20' MIN. WHERE SIDEWALK IS PRESENT
BUILDING SIDE TO SIDE - 10'
BUILDING SIDE TO REAR - 30'
BUILDING REAR TO REAR - 40'

SEAL

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ANDREW S. PEET

REVISIONS
4. TOWN OF APEX COMMENTS 12/6/2019

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORIZ. SCALE: 1" = 120'
ORIG SHEET SIZE: 24 X 36

WOLFE PROPERTIES PUD - PD PLANS
PUD PLAN

Curry ENGINEERING
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526
T (919) 552-0849
F (919) 552-2043
NC LIC. NO. P-0789

C-03

Z:\PROJECTS FOLDER\2019\2019-021 WIMBERLY RD, FUQUAY\CAD\SHEET FILES\C-03 PUD PLAN.DWG
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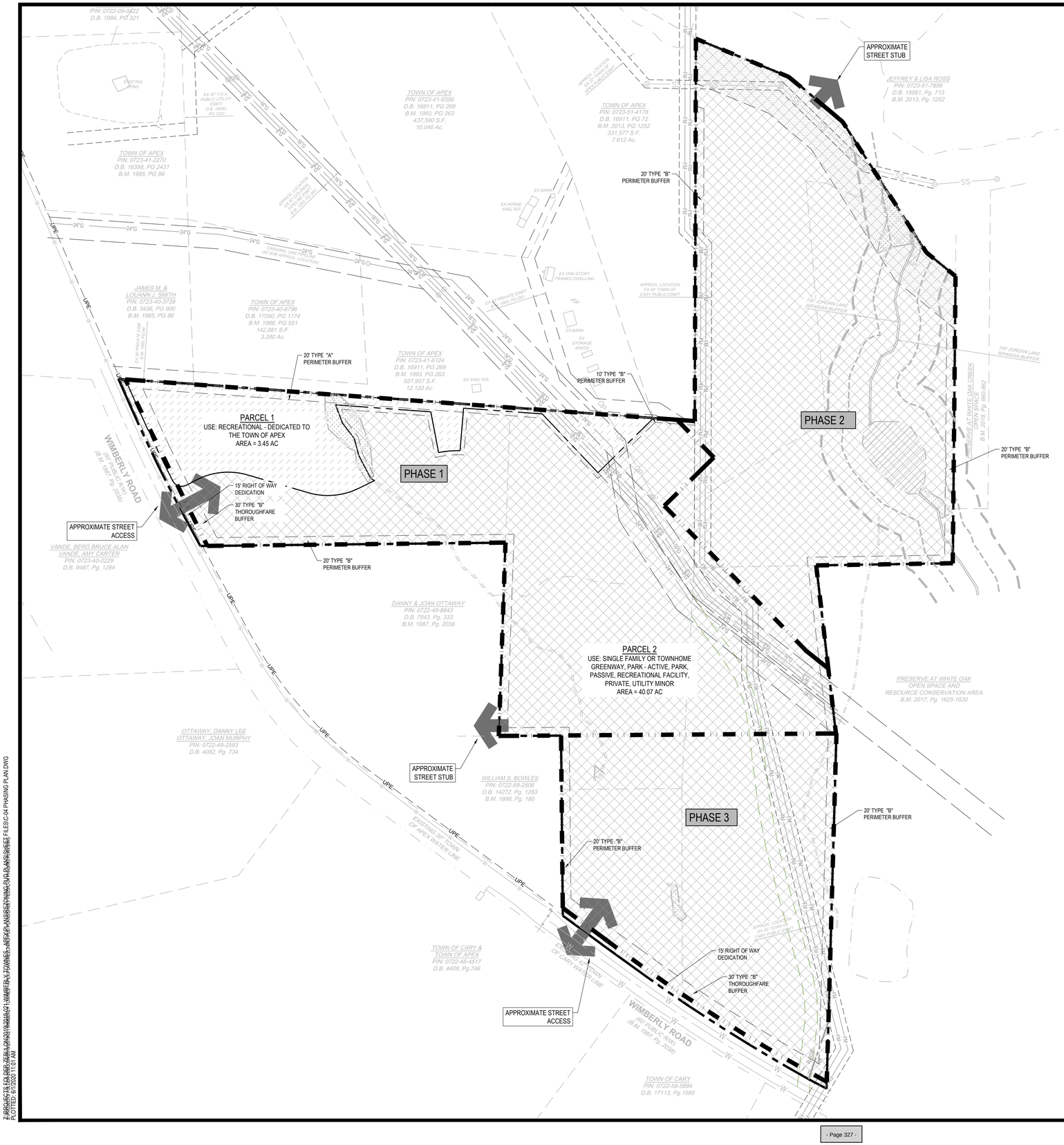

PHASING NOTES:

1. THE PHASE LINES SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE DURING THE MASTER SUBDIVISION PLAN PROCESS.
2. THE PHASE NUMBERS ARE DIAGRAMMATIC ARE ARE NOT NECESSARILY THE ORDER IN WHICH THE PHASES WILL BE CONSTRUCTED. THE DEVELOPER HAS THE ABILITY TO DEVELOP THESE PHASES IN ANY ORDER DEPENDING ON THE AVAILABILITY OF MUNICIPAL SERVICES.

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER, SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
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4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SCALE: 1 IN = 120 FT

120' 60' 0 120' 240'

SCALE IN FEET
HORIZONTAL

SEAL

PRELIMINARY
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NORTH CAROLINA PROFESSIONAL ENGINEER
ANDREW S. PFEIFFER

REVISIONS		
4.	TOWN OF APEX COMMENTS	12/6/2019

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORZ. SCALE: 1" = 120'
ORIG SHEET SIZE: 24 x 36

WOLFE PROPERTIES PUD - PD PLANS

PHASING PLAN

205 S. Fuquay Avenue
Fuquay-Varina, NC 27526
T (919) 552-5849
F (919) 552-2043
NC LIC. NO. P-0789

Curry ENGINEERING

C-04

Z:\PROJECTS FOLDER_REVIT\2019\2019-021\WIMBERLY_ROAD_PROPERTIES_-_REZONING PUD PLANS_2019\C-04 PHASING PLAN.DWG
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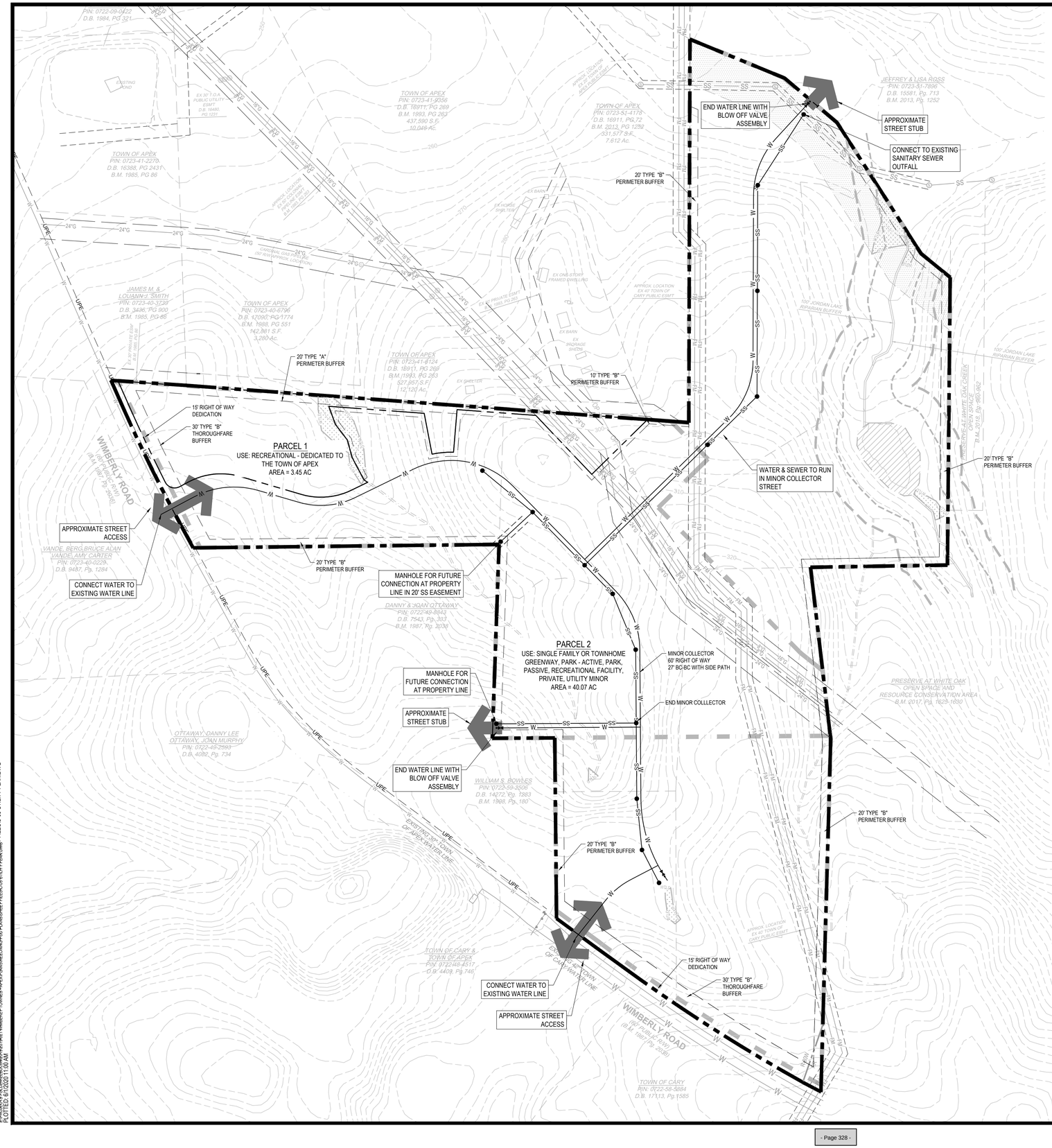

GENERAL NOTES:

PLANNING NOTES:

1. THE PARCEL AREAS AND RCA AREAS ARE APPROXIMATE AND MAY CHANGE AT THE TIME OF MASTER SUBDIVISION PLAN APPROVALS.
2. THE LOCATION AND ALIGNMENT OF THE MINOR RESIDENTIAL STREET SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE MANAGED BY THE OWNER/DEVELOPER OF EACH PARCEL.
4. THE MINOR RESIDENTIAL STREET SHALL HAVE SIDEWALK ON ONE SIDE OF THE STREET.INTERNAL PUBLIC STREET CONNECTIONS TO THE MINOR RESIDENTIAL STREET SHALL MEET TOWN OF APEX STANDARDS AND SPECIFICATIONS.
5. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
6. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
7. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
8. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
9. TOWN OF APEX ELECTRIC UTILITIES CONTACT IS RODNEY SMITH AT 919-249-3342.

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
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SCALE: 1 IN = 120 FT

120' 60' 0 120' 240'

SCALE IN FEET
HORIZONTAL

SEAL

NORTH CAROLINA PROFESSIONAL ENGINEER ANDREW S. PEET

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

REVISIONS		
		12/5/2019
A.	TOWN OF APEX COMMENTS	

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORZ. SCALE: 1" = 120'
ORIG SHEET SIZE: 24 x 36

WOLFE PROPERTIES PUD - PD PLANS
UTILITY PLAN

Curry ENGINEERING
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CURRY ENGINEERING COMPANY, LLC
NC LIC. NO. P-0709

C-05

Z:\PROJECTS FOLDER_2019_JOBS\2019-021 WIMBERLY ROAD\2019-021 WIMBERLY ROAD.DWG
PLOTTED: 6/1/2020 11:00 AM

Cottage 2 Story

Wimberly Road

12.03.19

ENVISION HOMES
a better life

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Farmhouse 2 Story

Wemberly Road

12.03.19

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Euro Two Story

Wimberly Road

12.03.19

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Rustic Farmhouse 1 1/2 Story

Wimberly Road

12.03.19

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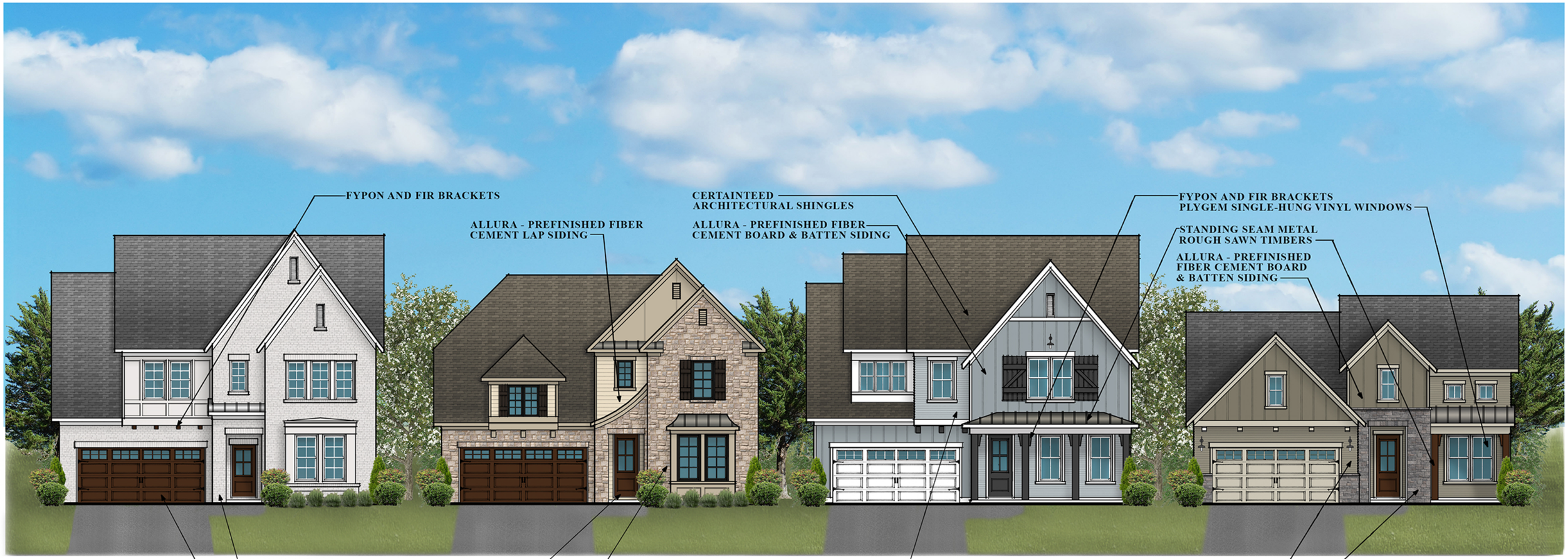

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Wimberly Road Streetscape

12.16.19

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32’ End Unit | 26’ Interior Unit Elev ‘A’ | 26’ Interior Unit Elev ‘B’ | 26’ Interior Unit Elev ‘A’ | 32’ End Unit

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Wimberly Road Streetscape

12.20.19

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MOTT MACDONALD

Wolfe Properties PUD

Traffic Impact Analysis

November 2019

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Wolfe Properties PUD

Traffic Impact Analysis

November 2019

11/22/2019

Issue and revision record

Revision	Date	Originator	Checker	Approver	Description

Document reference: 501379362-003

Information class: Standard

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This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it.

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Executive Summary

Project Location and Description

A residential development consisting of 70 single-family homes and 50 townhomes is being proposed on the east side of Wimberly Road, between Green Level West Road and Jenks Road, in Apex, NC. Per the site plan, the proposed development will provide two full accesses along Wimberly Road. The northern driveway (Access #1) is approximately 0.9 miles south of Castleberry Road, while the southern driveway (Access #2) is approximately 0.4 miles north of Jenks Road. The development is anticipated to be fully constructed by 2025. **Figure ES-1** shows the study area, while the site plan is provided in **Figure ES-2**.

Background Information

A scoping meeting was held between staff from Mott MacDonald, Curry Engineering, NCDOT and the Town of Apex at the NCDOT District Office in Wake County on September 13, 2019 to discuss the proposed development. It was agreed that following existing and future intersections would be included in the study area:

- Wimberly Road (SR 1603) and Green Level West Road (SR 1605)
- Wimberly Road and Jenks Road (SR 1601)
- Wimberly Road and Access #1
- Wimberly Road and Access #2

Traffic analyses were performed for the study area intersections listed above for three scenarios, as follows:

- **Existing (2019)** – analyzes current conditions (traffic data from turning movement counts, aerial photography, site visit and existing traffic control information).
- **Background (2025)** – estimates future (2025) conditions based on an average annual growth rate (AAGR) of 2% and traffic from nearby developments that have not yet been fully constructed.
- **Build (2025)** – combines the anticipated traffic from the proposed development and the Background (2025) volumes

Background (2025) Analysis

To be consistent with TIAs that have previously been prepared in the area, future year traffic estimates were developed by applying an overall annual growth rate (AAGR) of 2% to the 2019 traffic volumes. In addition, site trips from the following developments were included in the Background (2025) scenario analysis:

- Tunstall Property (Preserve at White Oak Creek)
- Westford
- Council-Smith (Weddington Smith Roberts PUD)
- Lake Castleberry

Trip Generation

The development is proposed to consist of 70 single-family homes and 50 townhomes. Based on NCDOT guidance, the development is anticipated to generate 1,086 daily trips, 79 AM peak hour trips (19 entering, 60 exiting) and 104 PM peak hour trips (65 entering, 39 exiting).

Findings

As reported, the proposed development is not anticipated to significantly affect delay at the study area intersections. The following driveway configurations should be considered.

Wimberly Road and Green Level West Road

The analysis indicates that all movements are anticipated to operate at LOS B or better during the AM and PM peak hours. As a result, no improvements are recommended at this location.

Wimberly Road and Jenks Road

The analysis indicates that all movements are anticipated to operate at LOS C or better during the AM and PM peak hours. As a result, no improvements are recommended at this location.

Wimberly Road and Access #1

The analysis indicates that the westbound approach is projected to operate at LOS A during the AM and PM peak hours. The following driveway configuration should be considered:

- Construct the westbound Access #1 approach to provide one ingress lane and one egress lane.

Given the projected northbound right-turn and southbound left-turn volumes, as well as the AADT along Wimberly Road, no exclusive turn lanes are recommended. This is consistent with the Wimberly Road driveways for the nearby Lake Castleberry and Tunstall (The Preserve at White Oak) developments.

Wimberly Road and Access #2

The analysis indicates that the westbound approach is projected to operate at LOS A in the AM peak hour and LOS B in the PM peak hour. The following driveway configuration should be considered:

- Construct the eastbound Access #2 approach to provide one ingress lane and one egress lane.

Given the projected northbound right-turn and southbound left-turn volumes, as well as the AADT along Wimberly Road, no exclusive turn lanes are recommended. This is consistent with the Wimberly Road driveways for the nearby Lake Castleberry and Tunstall (The Preserve at White Oak) developments.

Table ES-1 provides a summary of the intersection levels of service across all scenarios and the proposed 2025 laneage is shown in **Figure ES-3**.

Table ES-1: Overall LOS Results

Intersection	Approach	Existing (2019)		Background (2025)		Build (2025)	
		AM	PM	AM	PM	AM	PM
Wimberly Road and Green Level West Road	Northbound Left/Right-Turn	A – 9.8	B – 10.5	B – 10.3	B – 11.4	B – 10.5	B – 11.6
	Westbound Left-Turn	A – 7.6	A – 7.7	A – 7.8	A – 7.9	A – 7.8	A – 7.9
Wimberly Road and Jenks Road	Northbound Thru/Left-Turn	B – 11.0	B – 11.9	B – 13.7	C – 17.3	B – 14.9	C – 21.0
	Northbound Right-Turn	A – 8.8	A – 8.9	A – 9.1	A – 9.3	A – 9.1	A – 9.3
	Eastbound Left-Turn	A – 7.5	A – 7.6	A – 7.6	A – 7.8	A – 7.7	A – 7.9
	Westbound Left-Turn	A – 7.4	A – 7.4	A – 7.5	A – 7.6	A – 7.5	A – 7.6
	Southbound Left/Thru/Right-Turn	B – 10.2	B – 10.7	B – 11.8	B – 14.3	B – 12.4	C – 16.7
Wimberly Road and Access #1	Westbound Left/Right-Turn	-	-	-	-	A – 9.4	A – 9.7
	Southbound Thru/Left-Turn	-	-	-	-	A – 7.4	A – 7.4
Wimberly Road and Access #2	Westbound Left/Right-Turn	-	-	-	-	A – 9.7	B – 10.2
	Southbound Thru/Left-Turn	-	-	-	-	A – 7.4	A – 7.5

LEGEND: LOS – Delay (seconds/vehicle)

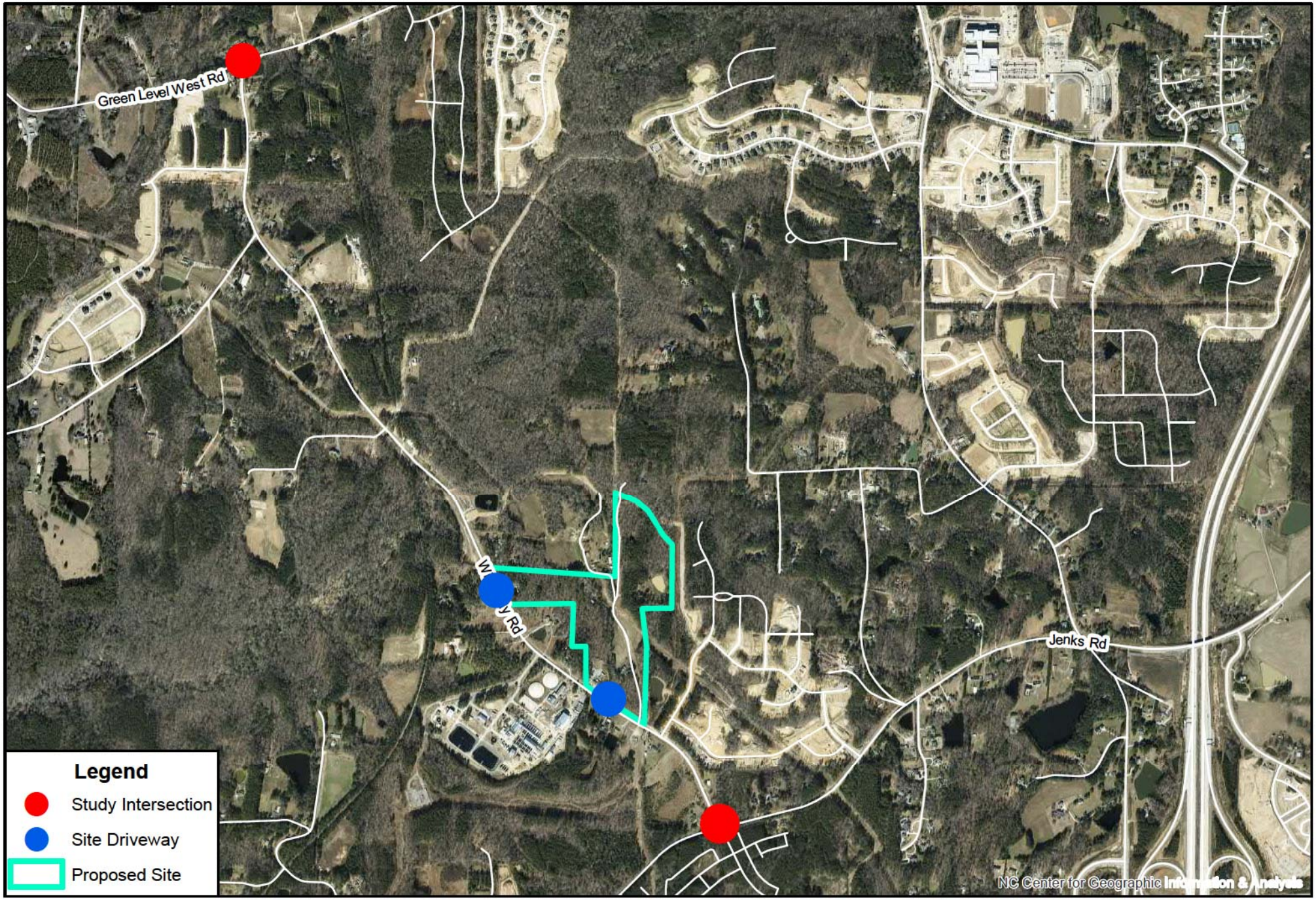
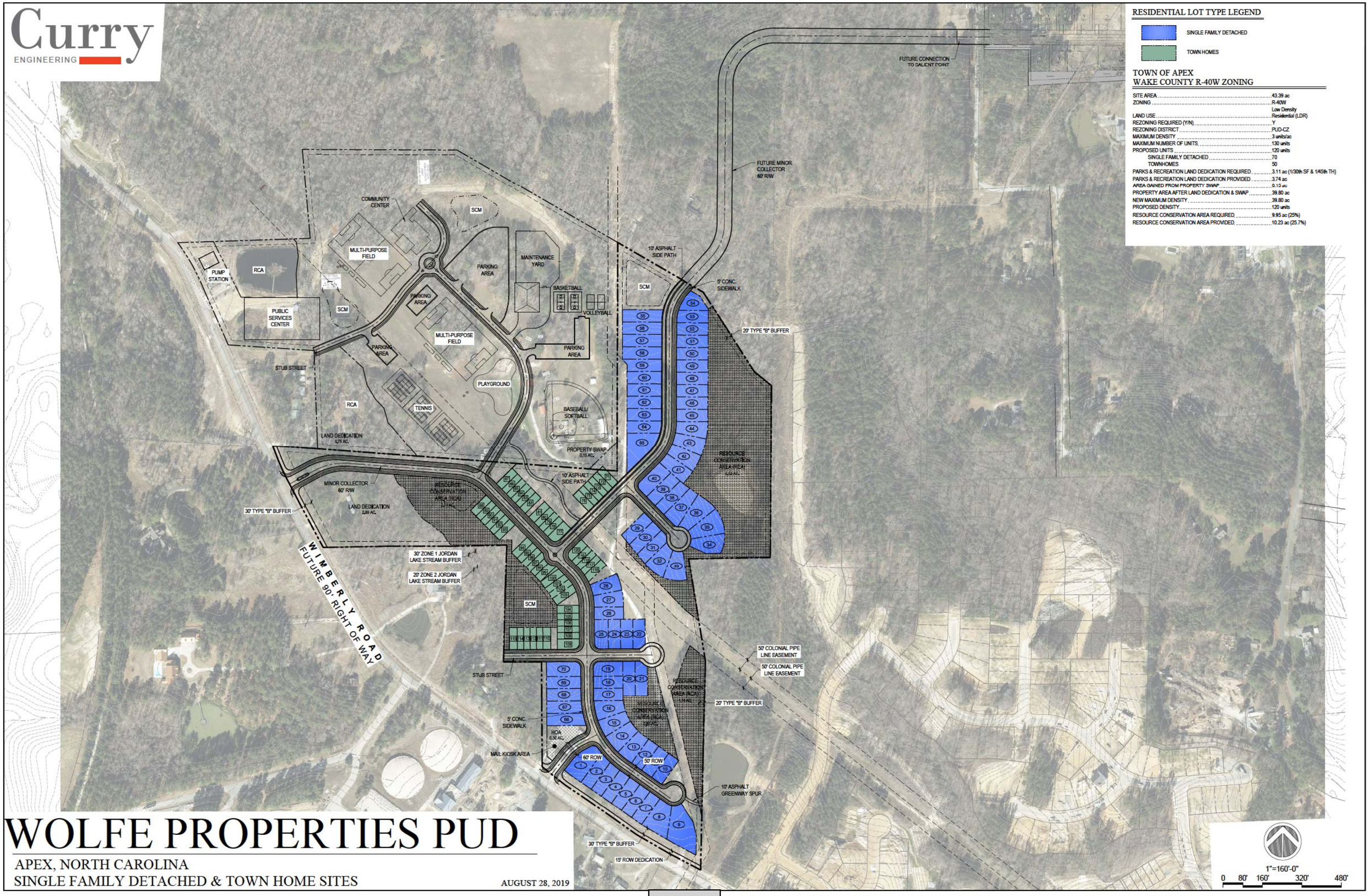


Figure ES-1: Vicinity Map

Wolfe - Page 345 - *UD*

MOTT MACDONALD

Curry
ENGINEERING



RESIDENTIAL LOT TYPE LEGEND

- SINGLE FAMILY DETACHED
- TOWN HOMES

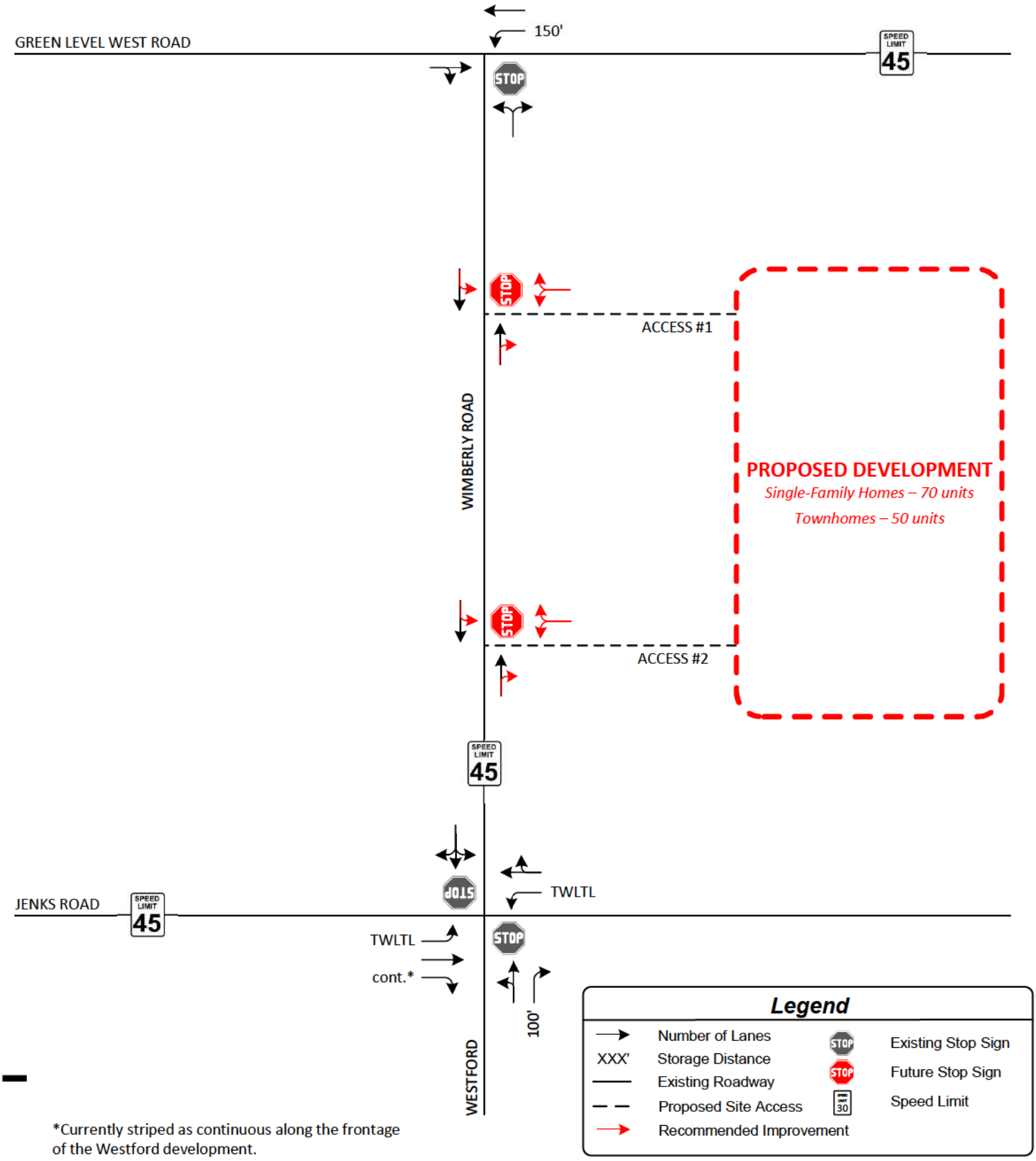
TOWN OF APEX
WAKE COUNTY R-40W ZONING

SITE AREA	43.39 ac
ZONING	R-40W
LAND USE	Low Density Residential (LDR)
REZONING REQUIRED (Y/N)	Y
REZONING DISTRICT	PUD-CZ
MAXIMUM DENSITY	3 units/ac
MAXIMUM NUMBER OF UNITS	130 units
PROPOSED UNITS	120 units
SINGLE FAMILY DETACHED	70
TOWNHOMES	50
PARKS & RECREATION LAND DEDICATION REQUIRED	3.11 ac (1/30th SF & 1/45th TH)
PARKS & RECREATION LAND DEDICATION PROVIDED	3.74 ac
AREA GAINED FROM PROPERTY SWAP	0.15 ac
PROPERTY AREA AFTER LAND DEDICATION & SWAP	39.80 ac
NEW MAXIMUM DENSITY	39.80 ac
PROPOSED DENSITY	120 units
RESOURCE CONSERVATION AREA REQUIRED	9.95 ac (25%)
RESOURCE CONSERVATION AREA PROVIDED	10.23 ac (25.7%)

WOLFE PROPERTIES PUD

APEX, NORTH CAROLINA
SINGLE FAMILY DETACHED & TOWN HOME SITES

AUGUST 28, 2019



*Currently striped as continuous along the frontage of the Westford development.

Wolfe Property PUD
Apex, NC

Figure ES-3
Future (2025) Laneage

MOTT MACDONALD

1 Introduction

A residential development consisting of 70 single-family homes and 50 townhomes is being proposed on the east side of Wimberly Road, between Green Level West Road and Jenks Road, in Apex, NC. Per the site plan, the proposed development will provide two full accesses along Wimberly Road. The northern driveway (Access #1) is approximately 0.9 miles south of Castleberry Road, while the southern driveway (Access #2) is approximately 0.4 miles north of Jenks Road. The development is anticipated to be fully constructed by 2025. **Figure 1** shows the study area, while the site plan is provided in **Figure 2**. All figures are located in **Appendix A**.

A scoping meeting was held between staff from Mott MacDonald, Curry Engineering, NCDOT and the Town of Apex at the NCDOT District Office in Wake County on September 13, 2019 to discuss the proposed development. It was agreed that following existing and future intersections would be included in the study area:

- Wimberly Road (SR 1603) and Green Level West Road (SR 1605)
- Wimberly Road and Jenks Road (SR 1601)
- Wimberly Road and Access #1
- Wimberly Road and Access #2

2 Existing (2019) Conditions

2.1 Existing Roadways

This section describes the existing roadways within the study area.

2.1.1 Wimberly Road (SR 1603)

Wimberly Road is a local, two-lane roadway with a posted speed limit of 45 miles per hour (mph) that extends from Green Level West Road to Jenks Road. The land uses are primarily a mix residential and open space. The Cary-Apex Water Plant is located on the west side of Wimberly Road, adjacent to the proposed development. Per the NCDOT, the Average Annual Daily Traffic (AADT) along Wimberly Road in 2015 was 880 vehicles per day (vpd) north of Castleberry Road and 1,500 vpd north of Jenks Road.

There are plans to extend Wimberly Road as a four-lane, major thoroughfare from Green Level West Road to Morrisville Parkway. Per the Capital Area Metropolitan Planning Organization (CAMPO) 2045 Metropolitan Transportation Plan (MTP), the Project ID is A75c and the horizon year of the project is 2035. Given the horizon year, this project was not included in the Background (2025) analysis.

Additionally, Wimberly Road between Jenks Road and Green Level West Road is scheduled to be widened as part of Project ID A549 (horizon year 2045), which will upgrade Wimberly Road from a two-lane minor thoroughfare to a two-lane major thoroughfare.

2.1.2 Green Level West Road (SR 1605)

Green Level West Road is a two-lane roadway with a posted speed limit of 45 mph. It is a major collector that extends from Lewter Shop Road in Chatham County to NC 55 in Wake County. The land uses are a mix of commercial, residential and open space. Per the NCDOT, the AADT along Green Level West Road in 2017 was 1,900 vpd west of Wimberly Road.

2.1.3 Jenks Road (SR 1601)

Jenks Road is a local, two-lane roadway with a posted speed limit of 45 mph that extends from US 64 to NC 55. Within the study area, the land uses are a mix of residential and open space; however, there are some commercial uses at the US 64 and NC 55 intersections. No AADT information is available from the NCDOT along Jenks Road within the study area.

2.2 Existing Intersections

The following existing intersections were analyzed as part of this study:

- Wimberly Road and Green Level West Road
- Wimberly Road and Jenks Road

Intersection geometrics along with intersection operation controls are provided in **Figure 3**.

2.3 Turning Movement Counts

Turning movement counts were collected for the AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak hours by Quality Counts in October 2019 while local schools were in session. The count data is located in **Appendix B**. The volumes used in the Existing (2019) analyses are shown in **Figure 4**. **Table 1** shows the schedule for the turning movement data collection.

Table 1: Turning Movement Data Collection Schedule

Intersection	Time Period	Date
Wimberly Road and Green Level West Road	7:00 AM – 9:00 AM 4:00 PM – 6:00 PM	Tuesday October 22, 2019
Wimberly Road and Jenks Road	7:00 AM – 9:00 AM 4:00 PM – 6:00 PM	Tuesday October 22, 2019

2.4 Level of Service Criteria

Exhibit 19-8 in the Highway Capacity Manual 6th Edition provides the level of service (LOS) criteria for signalized intersections, while Exhibit 20-2 provides the level of service criteria for unsignalized intersections, as summarized in **Table 2**.

Table 2: Intersection Level of Service Criteria

Level of Service	Signalized Intersection	Unsignalized Intersection
A	0-10	0-10
B	>10-20	>10-15
C	>20-35	>15-25
D	>35-55	>25-35
E	>55-80	>35-50
F	>80	>50

Average Control Delay – seconds/vehicle

2.5 Existing (2019) Level of Service Analysis

The existing roadway network features and turning movement data were coded into *Synchro 10* and analyzed for the AM and PM peak hour conditions.

As shown in **Table 3** below, the stop-controlled and yield movements at both study area intersections are currently operating at LOS B or better during the AM and PM peak hours.

The Existing (2019) analysis results are located in **Appendix C**.

Table 3: Existing (2019) LOS Results

Intersection	Approach	Existing (2019) AM	Existing (2019) PM
Wimberly Road and Green Level West Road	Northbound Left/Right-Turn	A – 9.8	B – 10.5
	Westbound Left-Turn	A – 7.6	A – 7.7
Wimberly Road and Jenks Road	Northbound Thru/Left-Turn	B – 11.0	B – 11.9
	Northbound Right-Turn	A – 8.8	A – 8.9
	Eastbound Left-Turn	A – 7.5	A – 7.6
	Westbound Left-Turn	A – 7.4	A – 7.4
	Southbound Left/Thru/Right-Turn	B – 10.2	B – 10.7

LEGEND: LOS – Delay (seconds/vehicle)

3 Background (2025) Conditions

3.1 Background Growth and Development

To be consistent with TIAs that have previously been prepared in the area, an overall growth rate of 2% per year was applied to the existing year (2019) traffic volumes to determine the proposed traffic volumes in the build year (2025).

There are no North Carolina Department of Transportation (NCDOT) State Transportation Improvement Program (STIP) projects currently programmed in the area; however, there are several regional projects planned in the Capital Area Metropolitan Planning Organization (CAMPO) 2045 Metropolitan Transportation Plan (MTP) as shown in **Table 4**.

Table 4: 2045 CAMPO MTP

Project ID	Road	From	To	Proposed Improvement	Horizon Year
A75c	Wimberly Road	Morrisville Parkway	Green Level West Road	New Location	2035
A443a	Jenks Road	Wimberly Road	NC 55	Center Turn-Lane	2045
A443b	Jenks Road	Wimberly Road	US 64	Widening	2045
A549	Wimberly Road	Jenks Road	Green Level West Road	Widening	2045

Source: http://ral.maps.arcgis.com/apps/webappviewer/index.html?id=a576ec0ce8a34d1991e3c383a285971e

Based on discussions with NCDOT and Town of Apex staff, the following developments were included in the Background (2025) scenario analysis:

3.1.1 Tunstall Property (Preserve at White Oak Creek)

The Tunstall Property development will be located along Wimberly Road, north of Jenks Road. A sealed TIA was prepared by Kimley-Horn and Associates (KHA) in June 2013. Per the TIA, the development is proposed to be a residential development consisting of 250 single-family homes and 100 townhomes. As a result, the development is projected to generate 237 AM peak hour site trips (55 entering, 182 exiting) and 300 PM peak hour site trips (191 entering, 109 exiting). The build year for this development was anticipated to be 2017; however, it is currently not fully constructed. Per direction from the Town of Apex, the development was assumed to be 75% complete; therefore 25% of the projected site trips from the TIA were included in the background analysis. These trips were distributed to the study area roadways and intersections based on the patterns in the TIA.

The TIA indicated that the Westford development has already committed to laneage improvements at the Wimberly Road and Jenks Road intersection; therefore, no additional improvements were recommended. These improvements include:

- Construct an exclusive westbound left-turn lane along Jenks Road that provides 75 feet of storage (100 feet based on the Town's review and comments).
- Construct an exclusive eastbound left-turn lane along Jenks Road that provides 50 feet of storage (100 feet based on the Town's review and comments).

- Provide an exclusive left-turn and a shared through/right-turn lane on the Westford Drive approach.

The Town of Apex concurred with these recommendations in their Staff Review of the TIA submitted to the Apex Planning Board and Apex Town Council (dated December 9, 2013).

3.1.2 Westford

The Westford development will be located on the north side of US 64 and east of Jenks Road. A sealed TIA was prepared by Kimley-Horn and Associates (KHA) in December 2016. Per the TIA, the development is proposed to be a residential development consisting of 300 apartment units, 225 townhomes and 90 single-family homes. As a result, the development is projected to generate 4,188 daily trips, 323 AM peak hour site trips (65 entering, 258 exiting) and 396 PM peak hour site trips (257 entering, 139 exiting).

An addendum to the TIA was prepared as a memorandum in June 2017. This included the addition of 100,000 square feet of general retail space. After internal capture and pass-by rates were applied, the development is anticipated to generate 7,420 daily trips, 479 AM peak hour site trips (162 entering, 317 exiting) and 609 PM peak hour site trips (347 entering, 262 exiting). The build year for this development was anticipated to be 2019; however, it is currently not fully constructed. Per direction from the Town of Apex, the residential portion of this development was assumed to be 50% built out; therefore 50% of the residential site trips and 100% of the commercial site trips projected in the TIA were included in the background analysis. These trips were distributed to the study area roadways and intersections based on the patterns in the TIA.

The TIA recommended improvements at the Jenks Road and Wimberly Road/Street B intersection, as follows:

- Construct an exclusive westbound left-turn lane along Jenks Road that provides 50 feet of storage.
- Construct an exclusive eastbound left-turn lane along Jenks Road that provides 50 feet of storage.

The Town of Apex concurred with these recommendations in their Staff Summary and Comments to KHA on March 2, 2017; however, they indicated that the minimum lengths should include 100 feet of taper and 50 feel of full width deceleration in addition to the storage proposed in the TIA.

3.1.3 Council-Smith (Weddington Smith Roberts PUD)

The Council-Smith development will be located on a parcel of land on the south side of Green Level West Road, directly across from White Oak Church Road. A sealed TIA was prepared by VHB Engineering NC, PC (VHB) in September 2015. Per the TIA, the development is proposed to be a residential development consisting of 200 single-family homes. As a result, the development is projected to generate 1,987 daily site trips, 150 AM peak hour site trips (38 entering, 112 exiting) and 196 PM peak hour site trips (123 entering, 73 exiting). The build year for this development was anticipated to be 2021; however, there are currently no occupied units, so 100% of the projected site trips were included in the background analysis. These trips were distributed to the study area roadways and intersections based on the patterns in the TIA.

The TIA indicated that the Lake Castleberry development has already committed to laneage improvements at the Wimberly Road and Green Level West Road intersection; therefore, no additional improvements were recommended. These improvements include:

- Construct an exclusive westbound left-turn lane along Green Level West Road that provides 100 feet of storage.

The Town of Apex concurred with these recommendations in their Staff Summary and Comments to VHB on September 25, 2015.

3.1.4 Lake Castleberry

The Lake Castleberry development will be located west of Wimberly Road, between Green Level West Road and Castleberry Road. A sealed TIA was prepared by VHB Engineering NC, PC (VHB) in January 2014. Per the TIA, the development is proposed to be a residential development consisting of 172 single-family homes. As a result, the development is projected to generate 1,730 daily site trips, 130 AM peak hour site trips (33 entering, 97 exiting) and 171 PM peak hour site trips (108 entering, 63 exiting). The build year for this development was anticipated to be 2018; however, it is currently not fully constructed. Per direction from the Town of Apex, the development is assumed to be 40% complete; therefore, 60% of the projected site trips in the TIA were included in the background analysis. These trips were distributed to the study area roadways and intersections based on the patterns in the TIA.

The TIA indicated that the Westford development has already committed to laneage improvements at the Wimberly Road and Jenks Road intersection; therefore, no additional improvements were recommended. These improvements include:

- Construct an exclusive westbound left-turn lane along Jenks Road that provides 75 feet of storage (100 feet based on the Town's review and comments).
- Construct an exclusive eastbound left-turn lane along Jenks Road that provides 50 feet of storage (100 feet based on the Town's review and comments).
- Provide an exclusive left-turn and a shared through/right-turn lane on the Westford Drive approach.

Additionally, the TIA recommended the following improvements at the Wimberly Road and Green Level West Road intersection:

- Construct an exclusive westbound left-turn lane along Green Level West Road that provides 100 feet of storage.

The Town of Apex concurred with these recommendations in their Staff Comments to VHB on February 11, 2014.

Information pertaining to the CAMPO 2045 MTP projects and the approved developments projects included in the Background (2025) scenario analysis is located in **Appendix D**. The Background (2025) traffic volumes are shown in **Figure 5**.

3.2 Level of Service Analysis

Level of service analyses were conducted for all of the study area intersections for the Background (2025) AM and PM peak hours. The volumes used in the Background (2025) analysis are shown in **Figure 5** and the summary level of service results are shown in **Table 5**.

As shown in **Table 5**, the stop-controlled and yield movements at both study area intersections are currently operating at LOS C or better during the AM and PM peak hours.

The Background (2025) analysis results are located in **Appendix E**.

Table 5: Background (2025) LOS Results

Intersection	Approach	Background (2025) AM	Background (2025) PM
Wimberly Road and Green Level West Road	Northbound Left/Right-Turn	B – 10.3	B – 11.4
	Westbound Left-Turn	A – 7.8	A – 7.9
Wimberly Road and Jenks Road	Northbound Thru/Left-Turn	B – 13.7	C – 17.3
	Northbound Right-Turn	A – 9.1	A – 9.3
	Eastbound Left-Turn	A – 7.6	A – 7.8
	Westbound Left-Turn	A – 7.5	A – 7.6
	Southbound Left/Thru/Right-Turn	B – 11.8	B – 14.3

LEGEND: LOS – Delay (seconds/vehicle)

4 Build (2025) Conditions

As previously described, a residential development consisting of 70 single-family homes and 50 townhomes is being proposed on the east side of Wimberly Road, between Green Level West Road and Jenks Road, in Apex, NC. Per the site plan, the proposed development will provide two full accesses along Wimberly Road. The northern driveway (Access #1) is approximately 0.9 miles south of Castleberry Road, while the southern driveway (Access #2) is approximately 0.4 miles north of Jenks Road. The development is anticipated to be fully constructed by 2025.

4.1 Trip Generation and Distribution

Trip generation was estimated based on the *ITE Trip Generation Manual, 10th Edition* and NCDOT Congestion Management guidelines. As shown in **Table 6**, the development is anticipated to generate 1,086 daily trips, 79 AM peak hour trips (19 entering, 60 exiting) and 104 PM peak hour trips (65 entering, 39 exiting).

Table 6: Trip Generation Results

Land Use (ITE Land Use Code)	Units	Daily	AM Peak		PM Peak	
			Enter	Exit	Enter	Exit
Single Family Detached (210)	70	749	13	41	45	27
Townhomes (220)	50	337	6	19	20	12
Total	***120***	***1,086***	***19***	***60***	***65***	***39***

Source: *ITE Trip Generation Manual, 10th Edition*

Most of the projected site trips are anticipated travel west along Jenks Road to US 64. The site trip distribution percentages for the proposed development are shown in **Figure 6**, with the resulting site trips shown in **Figure 7**.

4.2 Level of Service Analysis

The Build (2025) scenario consists of the Background (2025) traffic as discussed previously with the addition of site generated trips from the proposed development. The volumes that are used in the Build (2025) analysis are shown in **Figure 8**. The laneage and traffic control used for the Build (2025) scenario is based on the existing conditions shown in **Figure 3**. The summary level of service results are shown in **Table 7**.

As shown in **Table 7**, the stop-controlled and yield movements at both study area intersections are currently operating at LOS C or better during the AM and PM peak hours.

The newly constructed accesses along Wimberly Road are projected to operate acceptably in both the AM and PM peak hours, with the access approaches operating at LOS B or better and the southbound left-turn movements operating at LOS A in both the AM and PM peak hours.

The Build (2025) analysis results are located in **Appendix F**.

Table 7: Build (2025) LOS Results

Intersection	Approach	Build (2025) PM	Build (2025) AM
Wimberly Road and Green Level West Road	Northbound Left/Right-Turn	B – 10.5	B – 11.6
	Westbound Left-Turn	A – 7.8	A – 7.9
Wimberly Road and Jenks Road	Northbound Thru/Left-Turn	B – 14.9	C – 21.0
	Northbound Right-Turn	A – 9.1	A – 9.3
	Eastbound Left-Turn	A – 7.7	A – 7.9
	Westbound Left-Turn	A – 7.5	A – 7.6
	Southbound Left/Thru/Right-Turn	B – 12.4	C – 16.7
Wimberly Road and Access #1	Westbound Left/Right-Turn	A – 9.4	A – 9.7
	Southbound Thru/Left-Turn	A – 7.4	A – 7.4
Wimberly Road and Access #2	Westbound Left/Right-Turn	A – 9.7	B – 10.2
	Southbound Thru/Left-Turn	A – 7.4	A – 7.5

LEGEND: LOS – Delay (seconds/vehicle)

5 Conclusions

As reported, the proposed development is not anticipated to significantly affect delay at the study area intersections. The following driveway configurations should be considered.

Wimberly Road and Green Level West Road

The analysis indicates that all movements are anticipated to operate at LOS B or better during the AM and PM peak hours. As a result, no improvements are recommended at this location.

Wimberly Road and Jenks Road

The analysis indicates that all movements are anticipated to operate at LOS C or better during the AM and PM peak hours. As a result, no improvements are recommended at this location.

Wimberly Road and Access #1

The analysis indicates that the westbound approach is projected to operate at LOS A during the AM and PM peak hours. The following driveway configuration should be considered:

- Construct the westbound Access #1 approach to provide one ingress lane and one egress lane.

Given the projected northbound right-turn and southbound left-turn volumes, as well as the AADT along Wimberly Road, no exclusive turn lanes are recommended. This is consistent with the Wimberly Road driveways for the nearby Lake Castleberry and Tunstall (The Preserve at White Oak) developments.

Wimberly Road and Access #2

The analysis indicates that the westbound approach is projected to operate at LOS A in the AM peak hour and LOS B in the PM peak hour. The following driveway configuration should be considered:

- Construct the eastbound Access #2 approach to provide one ingress lane and one egress lane.

Given the projected northbound right-turn and southbound left-turn volumes, as well as the AADT along Wimberly Road, no exclusive turn lanes are recommended. This is consistent with the Wimberly Road driveways for the nearby Lake Castleberry and Tunstall (The Preserve at White Oak) developments.

Table 8 provides a summary of the intersection levels of service across all scenarios and the proposed 2025 laneage is shown in **Figure 9**.

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Table 8: Overall LOS Results

Intersection	Approach	Existing (2019)		Background (2025)		Build (2025)	
		AM	PM	AM	PM	AM	PM
Wimberly Road and Green Level West Road	Northbound Left/Right-Turn	A – 9.8	B – 10.5	B – 10.3	B – 11.4	B – 10.5	B – 11.6
	Westbound Left-Turn	A – 7.6	A – 7.7	A – 7.8	A – 7.9	A – 7.8	A – 7.9
Wimberly Road and Jenks Road	Northbound Thru/Left-Turn	B – 11.0	B – 11.9	B – 13.7	C – 17.3	B – 14.9	C – 21.0
	Northbound Right-Turn	A – 8.8	A – 8.9	A – 9.1	A – 9.3	A – 9.1	A – 9.3
	Eastbound Left-Turn	A – 7.5	A – 7.6	A – 7.6	A – 7.8	A – 7.7	A – 7.9
	Westbound Left-Turn	A – 7.4	A – 7.4	A – 7.5	A – 7.6	A – 7.5	A – 7.6
	Southbound Left/Thru/Right-Turn	B – 10.2	B – 10.7	B – 11.8	B – 14.3	B – 12.4	C – 16.7
Wimberly Road and Access #1	Westbound Left/Right-Turn	-	-	-	-	A – 9.4	A – 9.7
	Southbound Thru/Left-Turn	-	-	-	-	A – 7.4	A – 7.4
Wimberly Road and Access #2	Westbound Left/Right-Turn	-	-	-	-	A – 9.7	B – 10.2
	Southbound Thru/Left-Turn	-	-	-	-	A – 7.4	A – 7.5

LEGEND: LOS – Delay (seconds/vehicle)

Appendix A
Figures

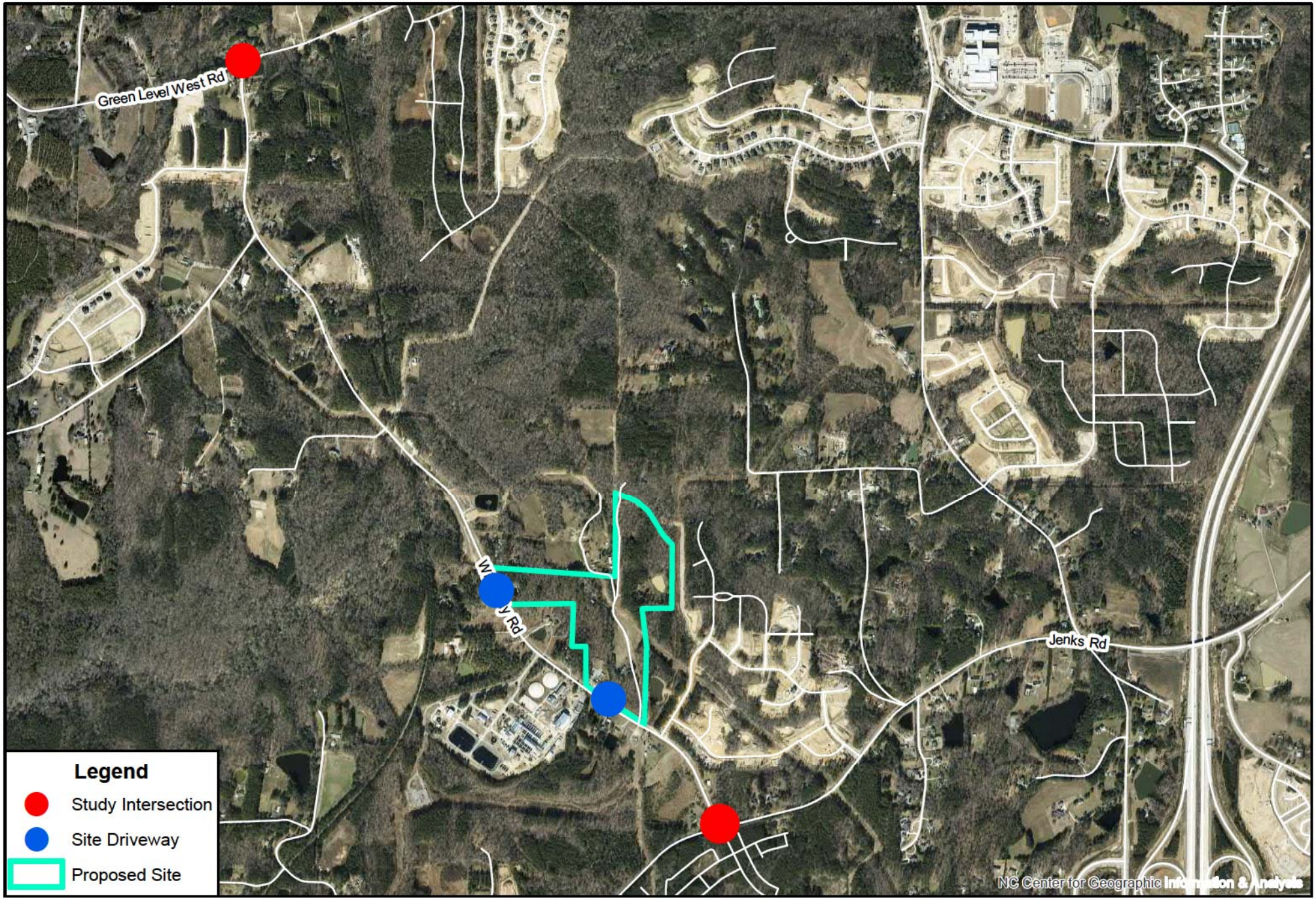
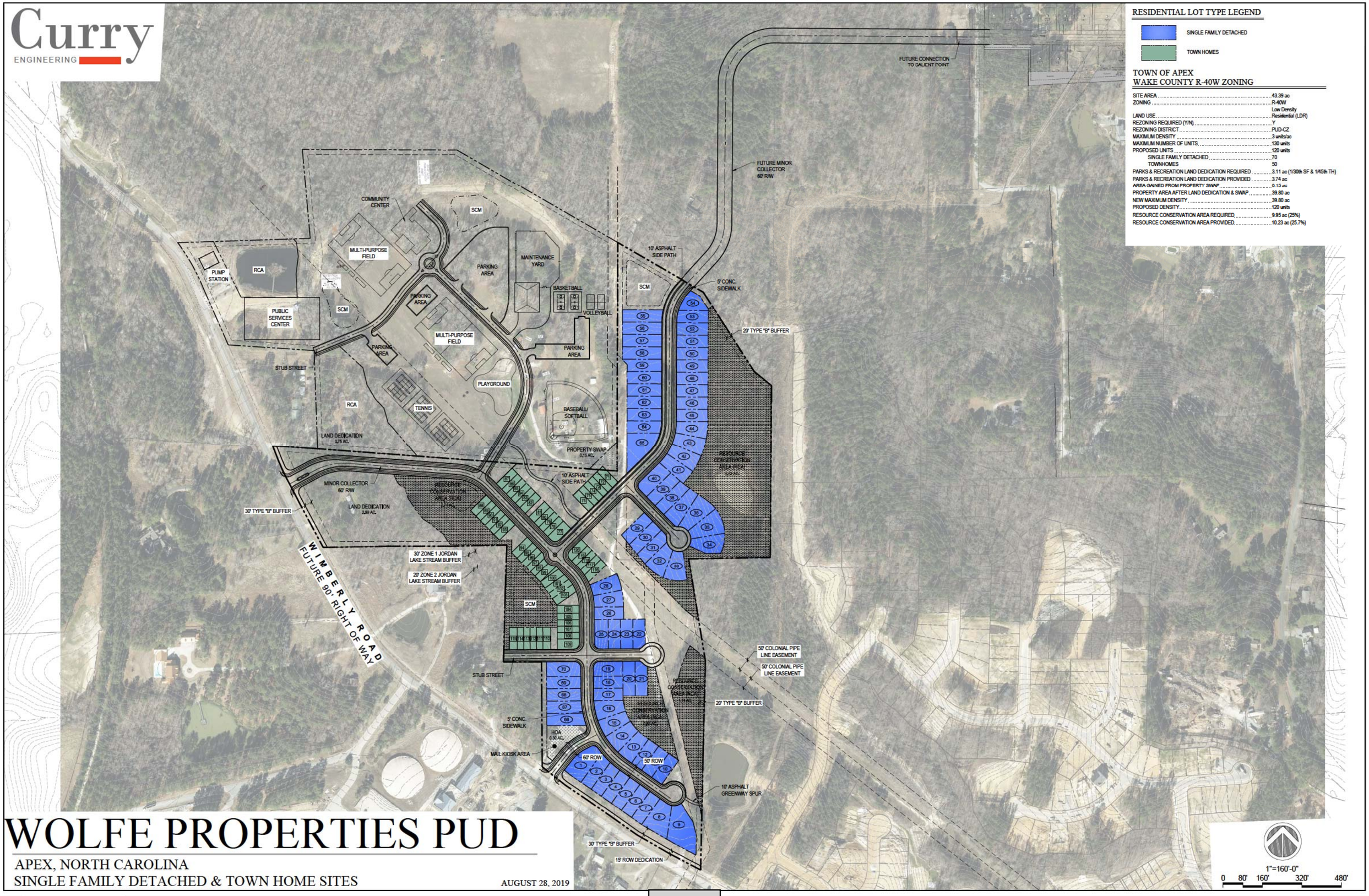


Figure 1: Vicinity Map

Wolfe - Page 361 - *UD*

MOTT MACDONALD

Curry
ENGINEERING



RESIDENTIAL LOT TYPE LEGEND

- SINGLE FAMILY DETACHED
- TOWN HOMES

TOWN OF APEX
WAKE COUNTY R-40W ZONING

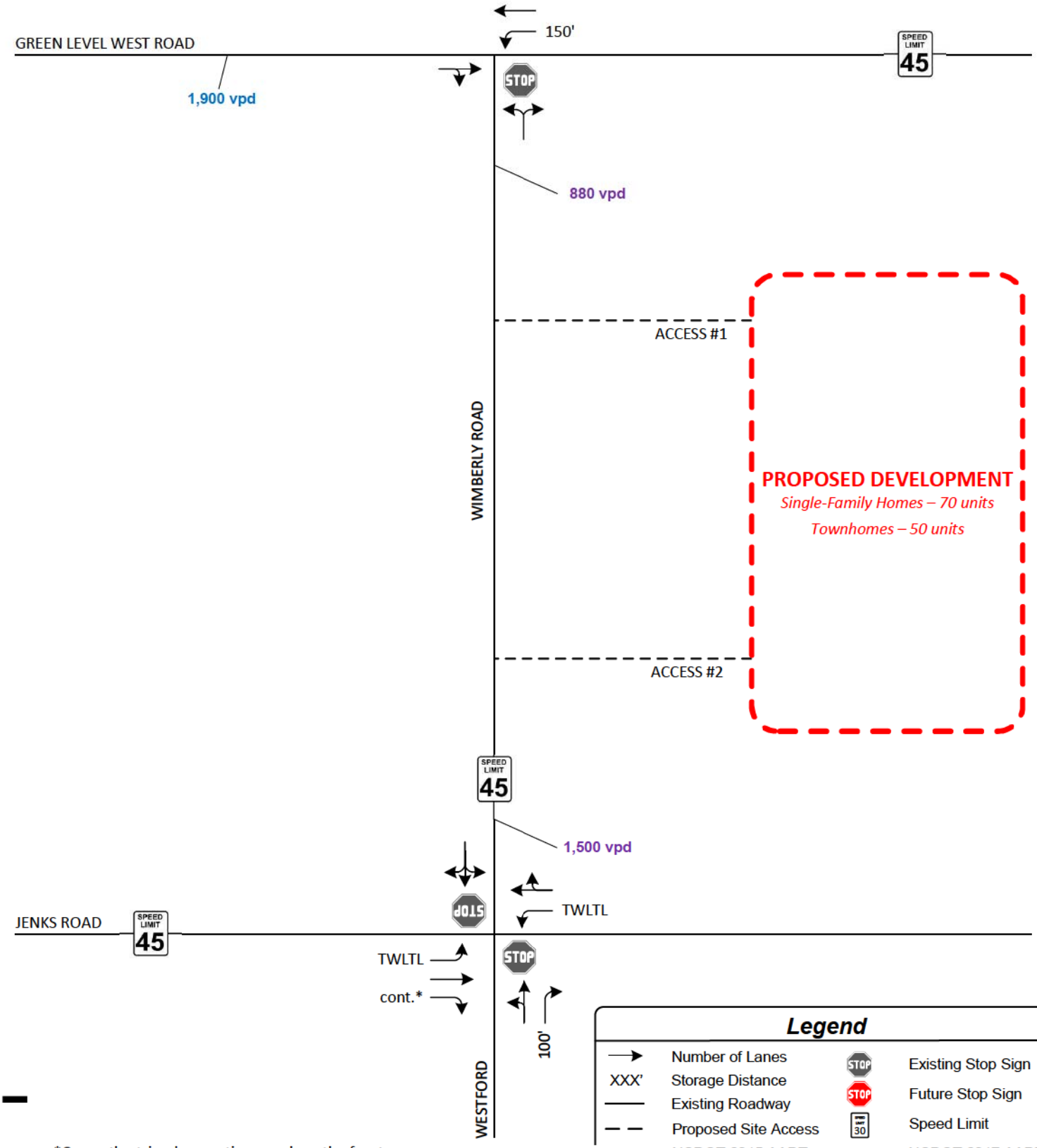
SITE AREA	43.39 ac
ZONING	R-40W Low Density
LAND USE	Residential (LDR)
REZONING REQUIRED (Y/N)	Y
REZONING DISTRICT	PUD-CZ
MAXIMUM DENSITY	3 units/ac
MAXIMUM NUMBER OF UNITS	130 units
PROPOSED UNITS	120 units
SINGLE FAMILY DETACHED	70
TOWNHOMES	50
PARKS & RECREATION LAND DEDICATION REQUIRED	3.11 ac (1/30th SF & 1/45th TH)
PARKS & RECREATION LAND DEDICATION PROVIDED	3.74 ac
AREA GAINED FROM PROPERTY SWAP	0.10 ac
PROPERTY AREA AFTER LAND DEDICATION & SWAP	39.80 ac
NEW MAXIMUM DENSITY	39.80 ac
PROPOSED DENSITY	120 units
RESOURCE CONSERVATION AREA REQUIRED	9.95 ac (25%)
RESOURCE CONSERVATION AREA PROVIDED	10.23 ac (25.7%)

WOLFE PROPERTIES PUD

APEX, NORTH CAROLINA
SINGLE FAMILY DETACHED & TOWN HOME SITES

AUGUST 28, 2019

1"=160'-0"
0 80' 160' 320' 480'

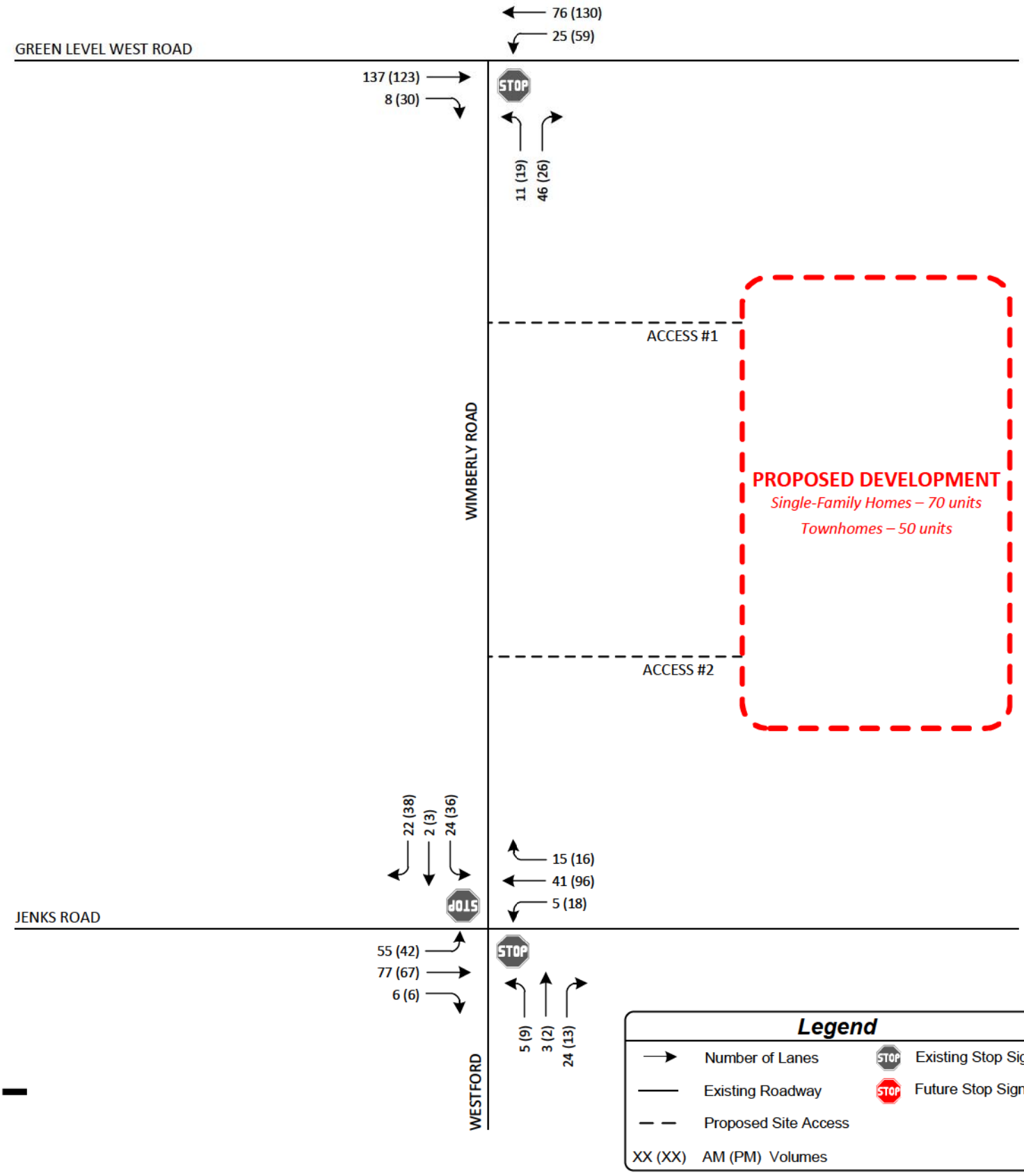


*Currently striped as continuous along the frontage of the Westford development.

Wolfe Property PUD
Apex, NC

Figure 3
Ex[illegible]19) Laneage

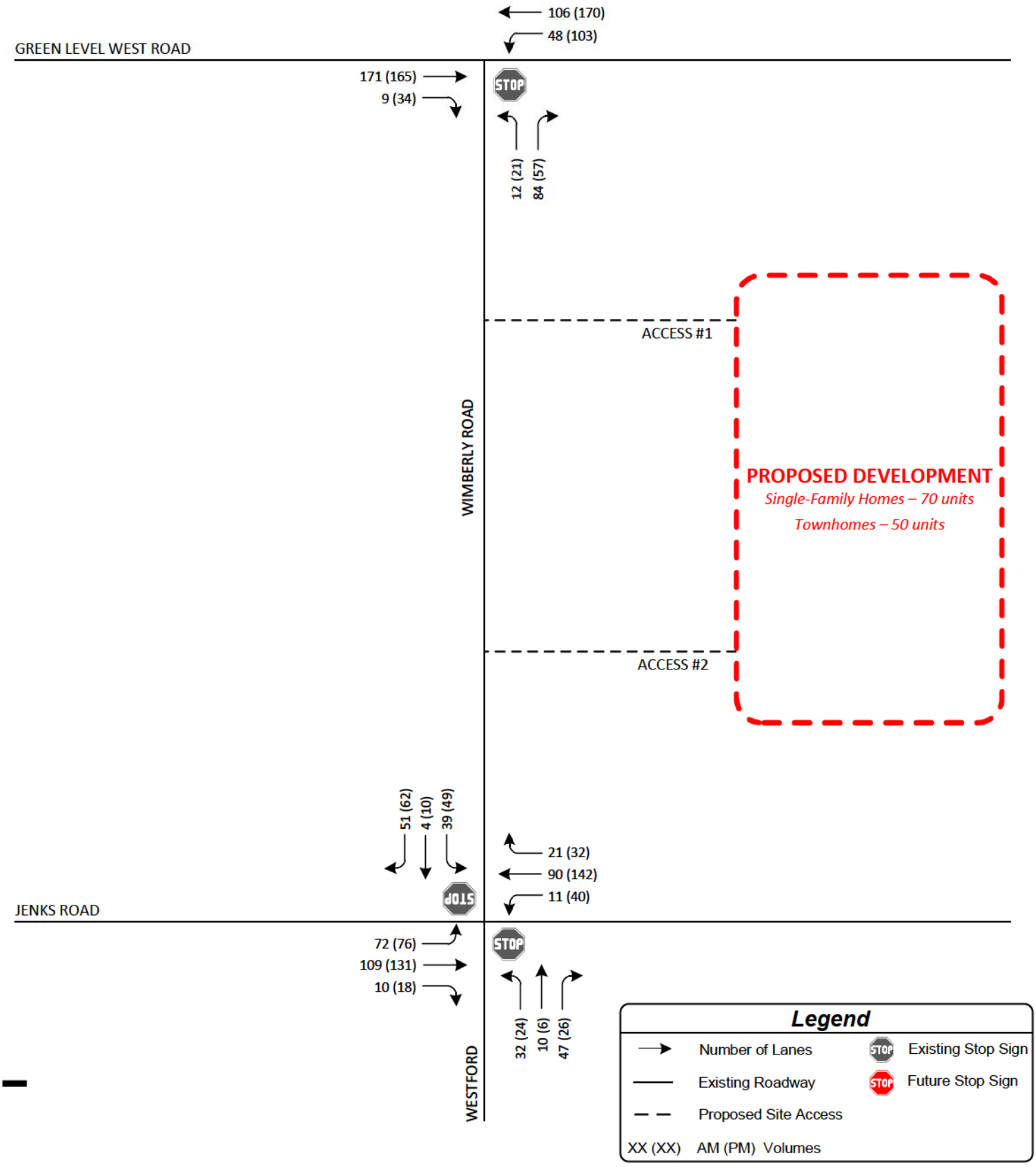
MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 4
Ex 19) Volumes

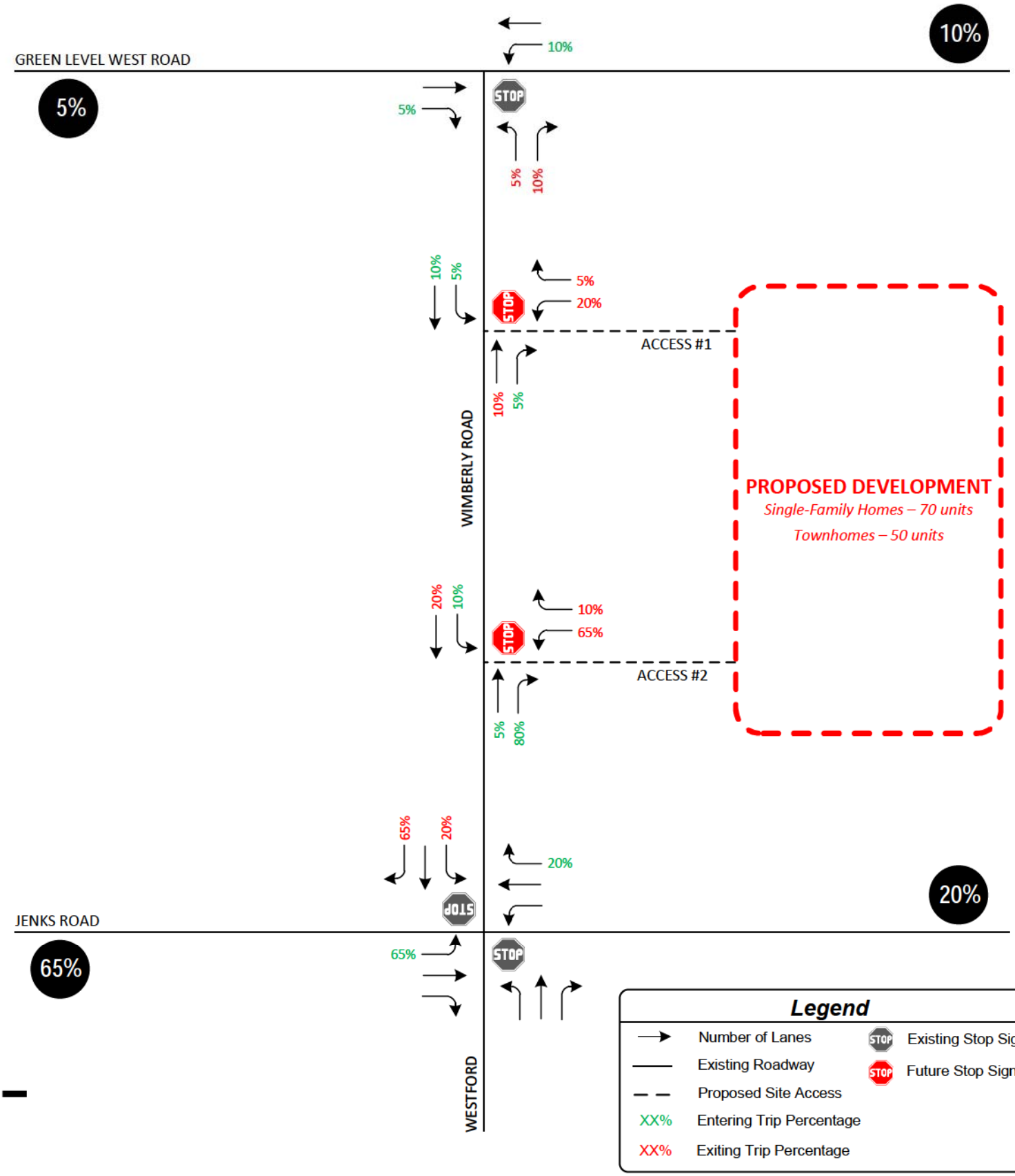
MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 5
Back[illegible]2025) Volumes

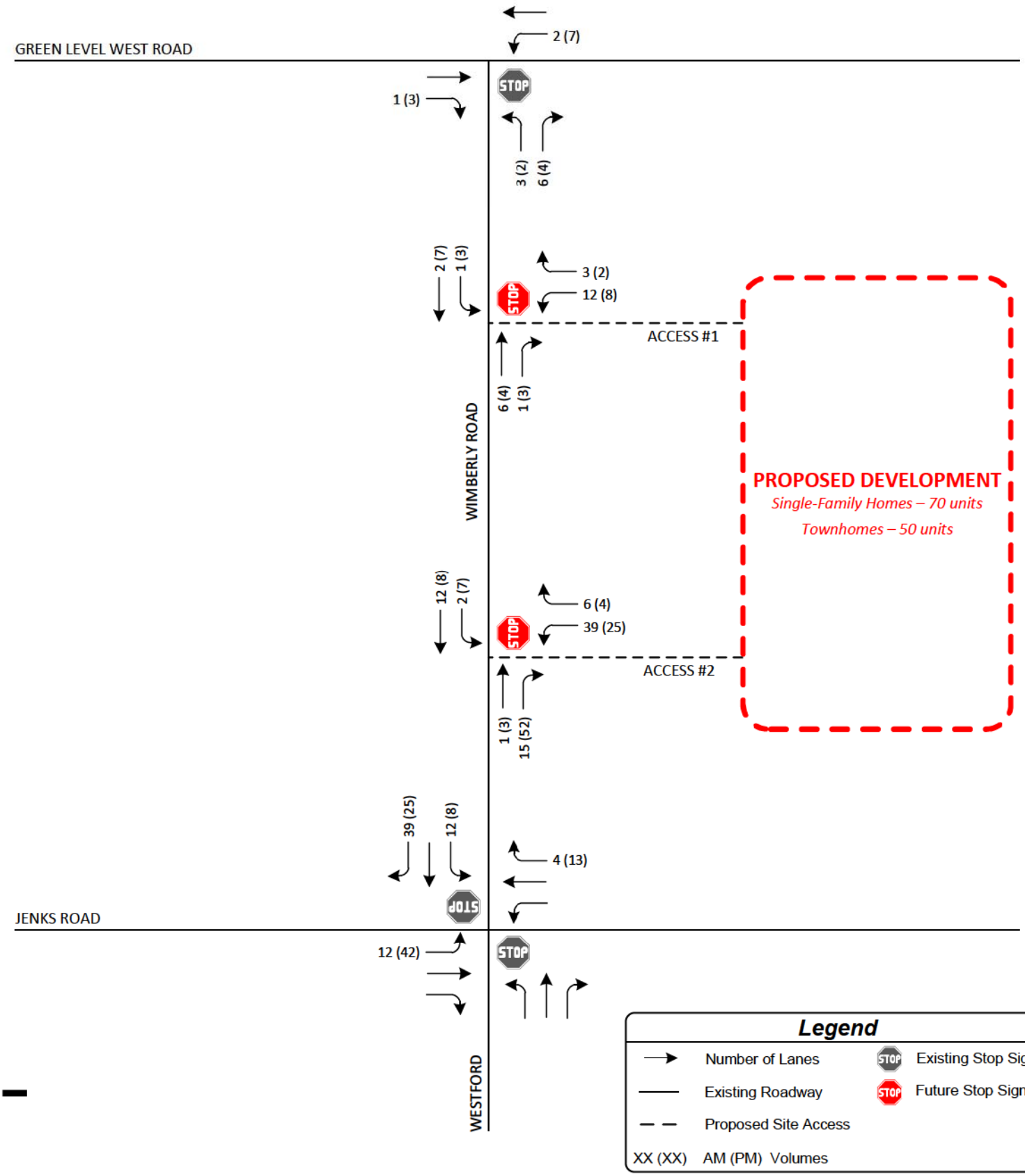
MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 6
Trip Distribution Percentages

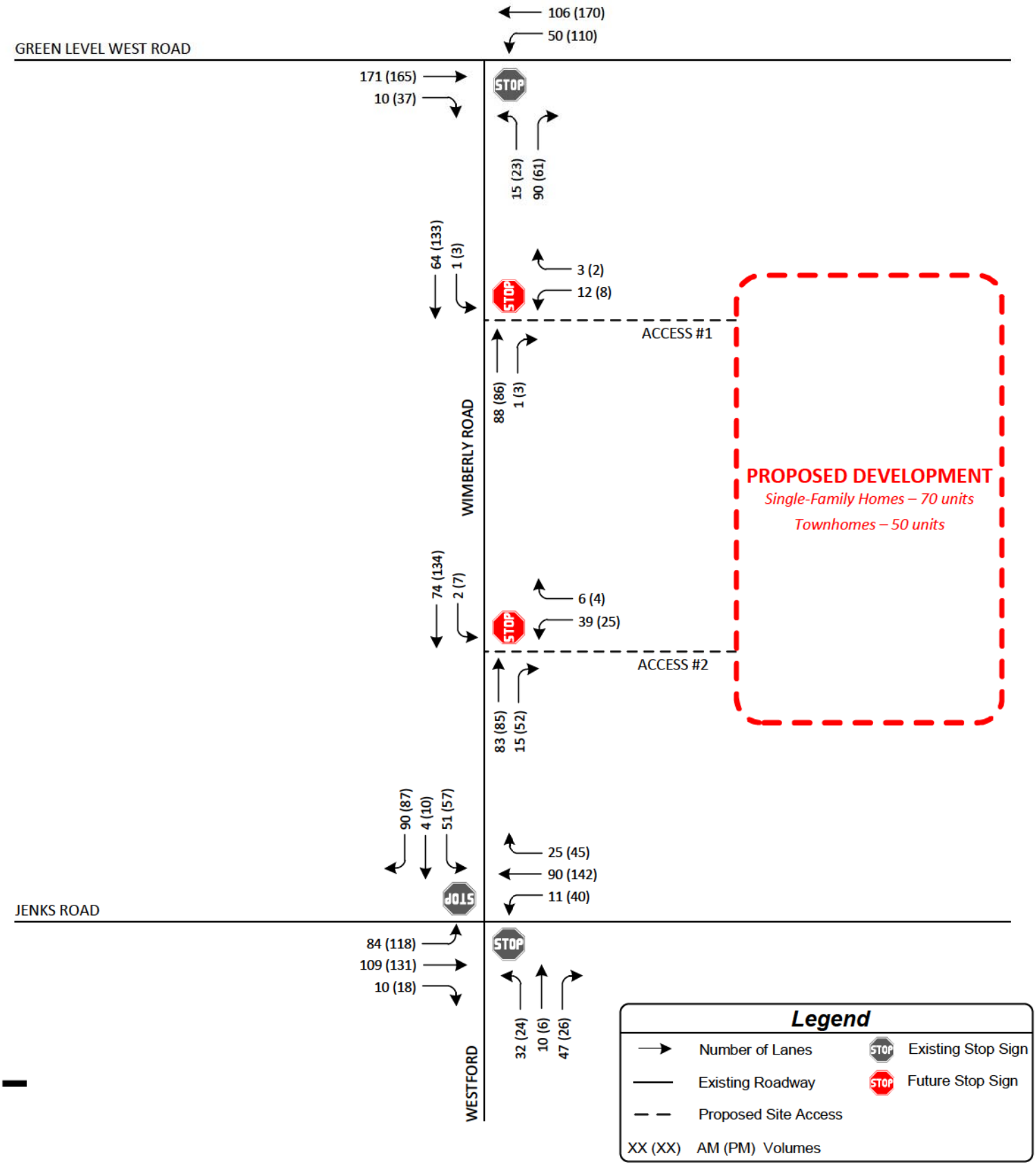
MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 7
Trips

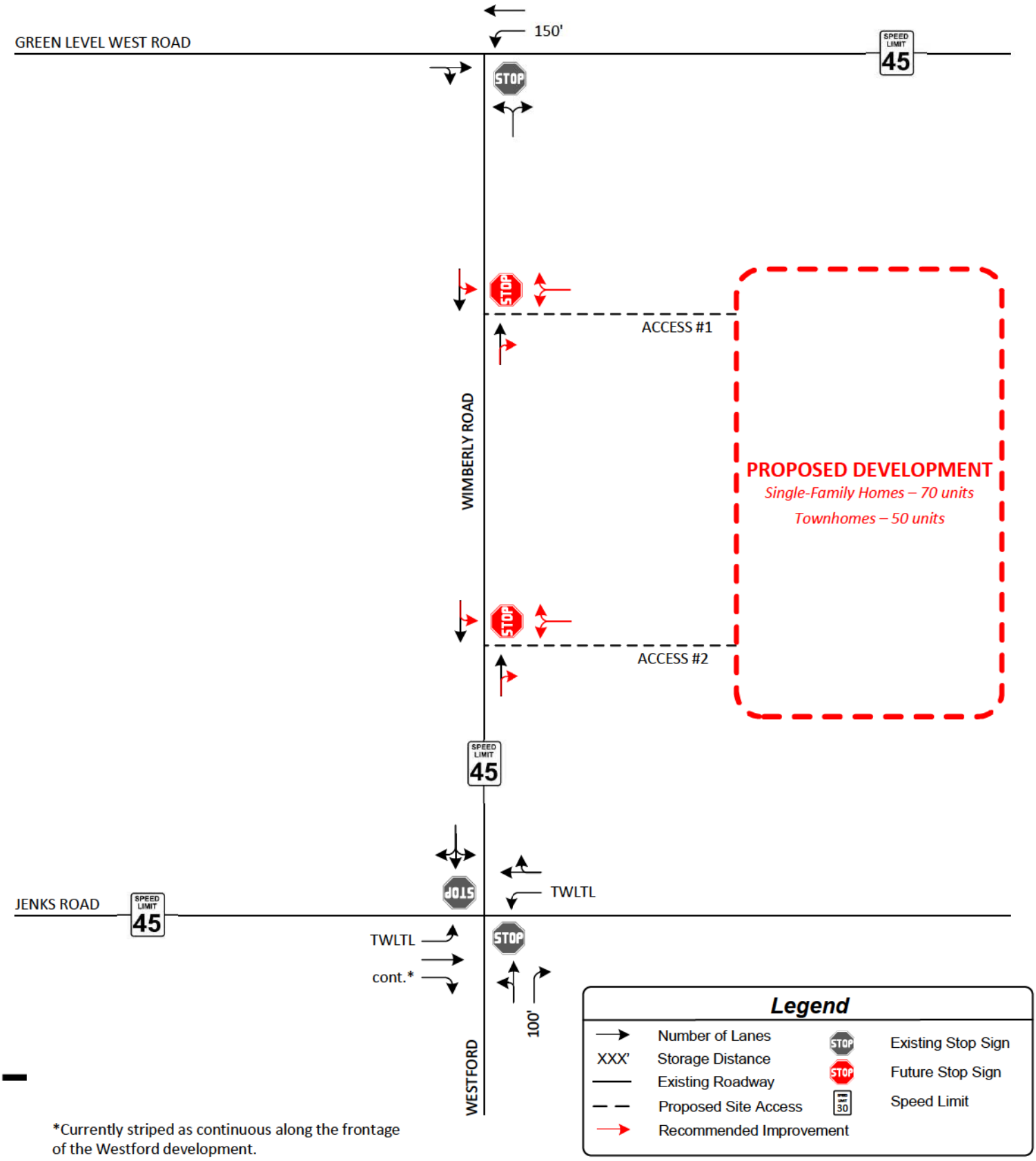
MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 8
E 5) Volumes

MOTT MACDONALD



Wolfe Property PUD
Apex, NC

Figure 9
F 25) Laneage

MOTT MACDONALD

Appendix B
Count Data

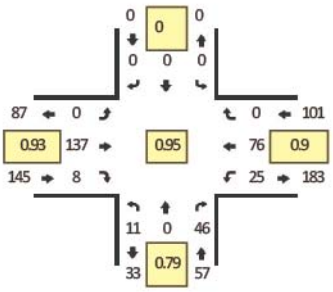
Type of peak hour being reported: Intersection Peak

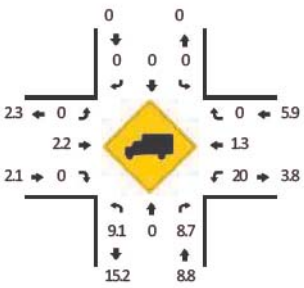
Method for determining peak hour: Total Entering Volume

LOCATION: Wimberly Rd -- Green Level Rd
CITY/STATE: Wake, NC

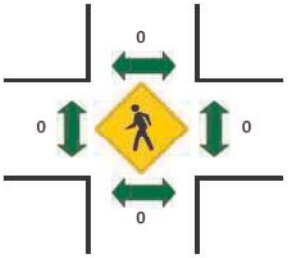
QC JOB #: 15074701
DATE: Tue, Oct 22 2019

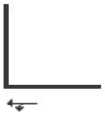
Peak-Hour: 7:15 AM -- 8:15 AM
Peak 15-Min: 7:30 AM -- 7:45 AM

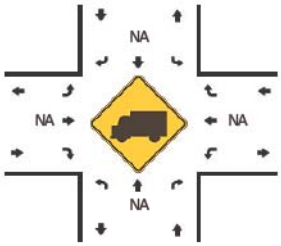


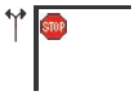


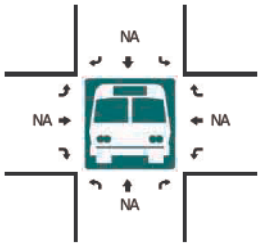
Quality Counts
DATA THAT DRIVES COMMUNITIES











15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Green Level Rd (Eastbound)				Green Level Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	16	0	7	0	0	0	0	0	0	10	2	0	3	12	0	0	50	
7:15 AM	5	0	8	0	0	0	0	0	0	36	2	0	5	14	0	0	70	
7:30 AM	4	0	14	0	0	0	0	0	0	31	3	0	5	23	0	0	80	
7:45 AM	2	0	10	0	0	0	0	0	0	37	2	0	8	20	0	0	79	279
8:00 AM	0	0	14	0	0	0	0	0	0	33	1	0	7	19	0	0	74	303
8:15 AM	3	0	11	0	0	0	0	0	0	21	2	0	2	23	0	0	62	295
8:30 AM	2	0	9	0	0	0	0	0	0	31	1	0	4	23	0	0	70	285
8:45 AM	4	0	14	0	0	0	0	0	0	28	2	0	4	15	0	0	67	273

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	16	0	56	0	0	0	0	0	0	124	12	0	20	92	0	0	320
Heavy Trucks	0	0	4		0	0	0		0	4	0		4	4	0		16
Pedestrians		0				0				0				0			0
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad Stopped Buses																	

Comments:

Report generated on 10/29/2019 10:54 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

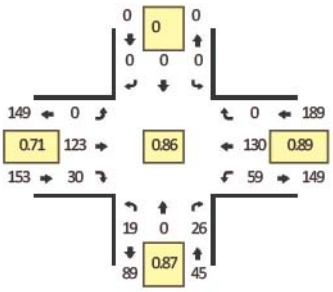
Type of peak hour being reported: Intersection Peak

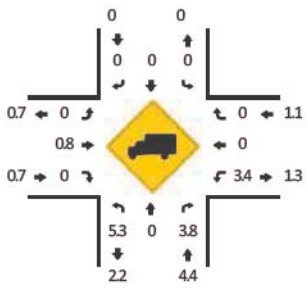
Method for determining peak hour: Total Entering Volume

LOCATION: Wimberly Rd -- Green Level Rd
CITY/STATE: Wake, NC

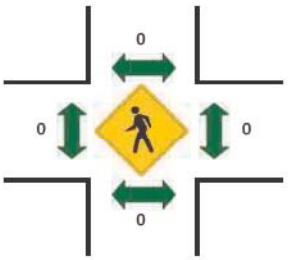
QC JOB #: 15074702
DATE: Tue, Oct 22 2019

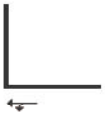
Peak-Hour: 4:45 PM -- 5:45 PM
Peak 15-Min: 5:15 PM -- 5:30 PM

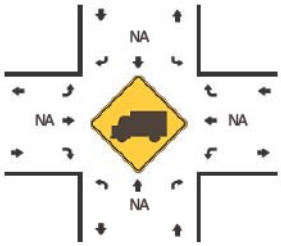


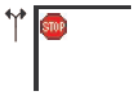


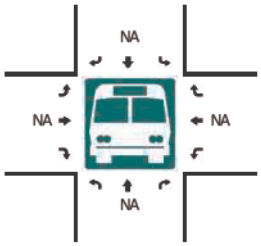
Quality Counts
DATA THAT DRIVES COMMUNITIES











15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Green Level Rd (Eastbound)				Green Level Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	10	0	0	0	0	0	0	18	3	0	12	14	0	0	57	
4:15 PM	4	0	5	0	0	0	0	0	0	27	4	0	13	19	0	0	72	
4:30 PM	2	0	8	0	0	0	0	0	0	16	5	0	7	25	0	0	63	
4:45 PM	2	0	9	0	0	0	0	0	0	32	5	0	13	36	0	0	97	289
5:00 PM	3	0	8	0	0	0	0	0	0	23	7	0	16	37	0	0	94	326
5:15 PM	7	0	6	0	0	0	0	0	0	44	10	0	15	31	0	0	113	367
5:30 PM	7	0	3	0	0	0	0	0	0	24	8	0	15	26	0	0	83	387
5:45 PM	2	0	5	0	0	0	0	0	0	27	9	0	11	34	0	0	88	378

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	28	0	24	0	0	0	0	0	0	176	40	0	60	124	0	0	452
Heavy Trucks	0	0	0		0	0	0		0	4	0		4	0	0		8
Pedestrians		0				0				0				0			0
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad Stopped Buses																	

Comments:

Report generated on 10/29/2019 10:54 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

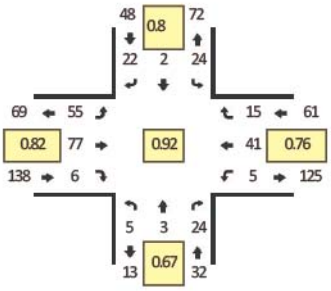
Type of peak hour being reported: Intersection Peak

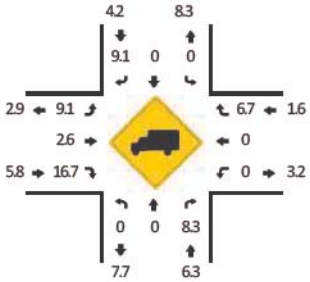
Method for determining peak hour: Total Entering Volume

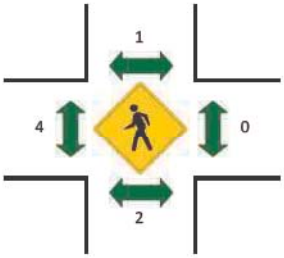
LOCATION: Wimberly Rd -- Jenks Rd
CITY/STATE: Wake, NC

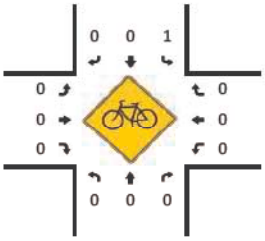
QC JOB #: 15074703
DATE: Tue, Oct 22 2019

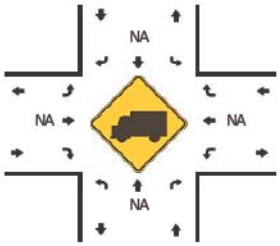
Peak-Hour: 7:00 AM -- 8:00 AM
Peak 15-Min: 7:30 AM -- 7:45 AM

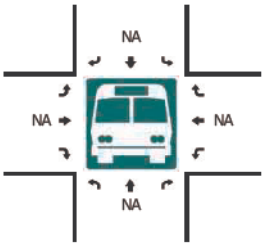












15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Jenks Rd (Eastbound)				Jenks Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	2	1	6	0	7	0	4	0	20	21	1	0	0	4	4	0	70	
7:15 AM	1	1	3	0	7	0	7	0	8	13	2	0	3	8	4	0	57	
7:30 AM	2	0	4	0	7	0	8	0	14	21	1	1	1	13	4	0	76	
7:45 AM	0	1	11	0	3	2	3	0	12	22	2	0	1	16	3	0	76	279
8:00 AM	0	1	3	0	4	0	3	0	10	23	2	0	2	9	5	0	62	271
8:15 AM	2	0	4	0	4	0	6	0	9	17	0	0	1	10	4	0	57	271
8:30 AM	0	0	3	0	5	0	2	0	15	16	1	0	1	11	4	0	58	253
8:45 AM	1	0	7	0	7	0	10	0	8	16	0	0	2	14	3	0	68	245

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	8	0	16	0	28	0	32	0	56	84	4	4	4	52	16	0	304
Heavy Trucks	0	0	0		0	0	4		0	8	0		0	0	0		12
Pedestrians		4				0				4				0			8
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad Stopped Buses																	

Comments:

Report generated on 10/29/2019 10:54 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

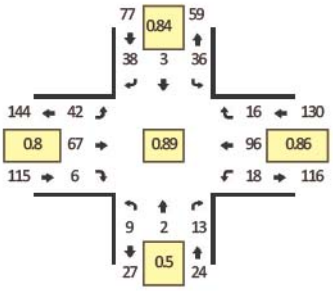
Type of peak hour being reported: Intersection Peak

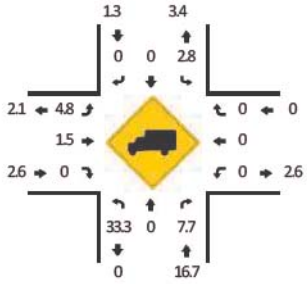
Method for determining peak hour: Total Entering Volume

LOCATION: Wimberly Rd -- Jenks Rd
CITY/STATE: Wake, NC

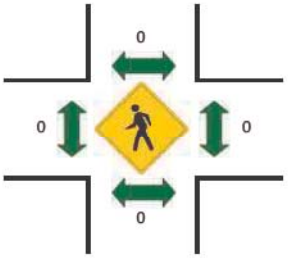
QC JOB #: 15074704
DATE: Tue, Oct 22 2019

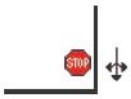
Peak-Hour: 5:00 PM -- 6:00 PM
Peak 15-Min: 5:15 PM -- 5:30 PM

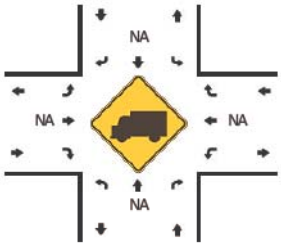


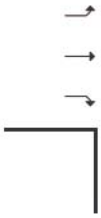


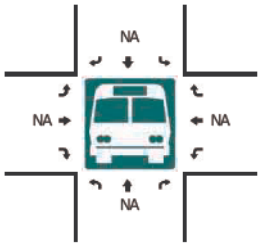
Quality Counts
DATA THAT DRIVES COMMUNITIES











15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Jenks Rd (Eastbound)				Jenks Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	2	1	2	0	5	2	5	0	11	11	1	0	3	16	2	0	61	
4:15 PM	0	1	4	0	5	0	7	0	8	13	0	0	3	20	4	0	65	
4:30 PM	0	1	3	0	7	0	8	0	7	13	0	0	3	15	3	0	60	
4:45 PM	1	0	3	0	11	2	6	0	11	10	2	0	1	13	4	0	64	250
5:00 PM	2	0	0	0	10	0	11	0	9	25	2	0	1	23	4	0	87	276
5:15 PM	4	0	8	0	5	1	10	0	10	19	2	0	8	26	4	0	97	308
5:30 PM	3	2	3	0	9	1	7	0	11	15	1	0	4	27	5	0	88	336
5:45 PM	0	0	2	0	12	1	10	0	11	8	1	1	5	20	3	0	74	346

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	16	0	32	0	20	4	40	0	40	76	8	0	32	104	16	0	388
Heavy Trucks	4	0	4		0	0	0		8	4	0		0	0	0		20
Pedestrians		0				0				0				0			0
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad Stopped Buses																	

Comments:

Report generated on 10/29/2019 10:54 AM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

Appendix C
Existing (2019) Analyses

Intersection	
Int Delay, s/veh	2.5

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	137	8	25	76	11	46
Future Vol, veh/h	137	8	25	76	11	46
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	9	9
Mvmt Flow	152	9	28	84	12	51

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	161	0	297	157
Stage 1	-	-	-	-	157	-
Stage 2	-	-	-	-	140	-
Critical Hdwy	-	-	4.16	-	6.49	6.29
Critical Hdwy Stg 1	-	-	-	-	5.49	-
Critical Hdwy Stg 2	-	-	-	-	5.49	-
Follow-up Hdwy	-	-	2.254	-	3.581	3.381
Pot Cap-1 Maneuver	-	-	1394	-	680	870
Stage 1	-	-	-	-	855	-
Stage 2	-	-	-	-	870	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1394	-	666	870
Mov Cap-2 Maneuver	-	-	-	-	666	-
Stage 1	-	-	-	-	855	-
Stage 2	-	-	-	-	853	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.9	9.8
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	821	-	-	1394	-
HCM Lane V/C Ratio	0.077	-	-	0.02	-
HCM Control Delay (s)	9.8	-	-	7.6	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

Intersection	
Int Delay, s/veh	4.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	55	77	6	5	41	15	5	3	24	24	2	22
Future Vol, veh/h	55	77	6	5	41	15	5	3	24	24	2	22
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	6	6	6	2	2	2	6	6	6	4	4	4
Mvmt Flow	61	86	7	6	46	17	6	3	27	27	2	24

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	63	0	0	93	0	0	288	283	86	294	282	55
Stage 1	-	-	-	-	-	-	208	208	-	67	67	-
Stage 2	-	-	-	-	-	-	80	75	-	227	215	-
Critical Hdwy	4.16	-	-	4.12	-	-	7.16	6.56	6.26	7.14	6.54	6.24
Critical Hdwy Stg 1	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Follow-up Hdwy	2.254	-	-	2.218	-	-	3.554	4.054	3.354	3.536	4.036	3.336
Pot Cap-1 Maneuver	1514	-	-	1501	-	-	656	619	962	654	623	1006
Stage 1	-	-	-	-	-	-	785	722	-	938	835	-
Stage 2	-	-	-	-	-	-	919	825	-	771	721	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1514	-	-	1501	-	-	617	592	962	612	596	1006
Mov Cap-2 Maneuver	-	-	-	-	-	-	617	592	-	612	596	-
Stage 1	-	-	-	-	-	-	754	693	-	900	832	-
Stage 2	-	-	-	-	-	-	891	822	-	716	692	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3	0.6	9.4	10.2
HCM LOS			A	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	607	962	1514	-	-	1501	-	-	745
HCM Lane V/C Ratio	0.015	0.028	0.04	-	-	0.004	-	-	0.072
HCM Control Delay (s)	11	8.8	7.5	-	-	7.4	-	-	10.2
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0	0.1	0.1	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	123	30	59	130	19	26
Future Vol, veh/h	123	30	59	130	19	26
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	4	4
Mvmt Flow	137	33	66	144	21	29

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	170	0	430	154
Stage 1	-	-	-	-	154	-
Stage 2	-	-	-	-	276	-
Critical Hdwy	-	-	4.12	-	6.44	6.24
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	-	-	2.218	-	3.536	3.336
Pot Cap-1 Maneuver	-	-	1407	-	578	887
Stage 1	-	-	-	-	869	-
Stage 2	-	-	-	-	766	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1407	-	551	887
Mov Cap-2 Maneuver	-	-	-	-	551	-
Stage 1	-	-	-	-	869	-
Stage 2	-	-	-	-	730	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.4	10.5
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	705	-	-	1407	-
HCM Lane V/C Ratio	0.071	-	-	0.047	-
HCM Control Delay (s)	10.5	-	-	7.7	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

Intersection	
Int Delay, s/veh	4.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	42	67	6	18	96	16	9	2	13	36	3	38
Future Vol, veh/h	42	67	6	18	96	16	9	2	13	36	3	38
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	3	3	2	2	2	17	17	17	3	3	3
Mvmt Flow	47	74	7	20	107	18	10	2	14	40	3	42

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	125	0	0	81	0	0	347	333	74	336	331	116
Stage 1	-	-	-	-	-	-	168	168	-	156	156	-
Stage 2	-	-	-	-	-	-	179	165	-	180	175	-
Critical Hdwy	4.13	-	-	4.12	-	-	7.27	6.67	6.37	7.13	6.53	6.23
Critical Hdwy Stg 1	-	-	-	-	-	-	6.27	5.67	-	6.13	5.53	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.27	5.67	-	6.13	5.53	-
Follow-up Hdwy	2.227	-	-	2.218	-	-	3.653	4.153	3.453	3.527	4.027	3.327
Pot Cap-1 Maneuver	1455	-	-	1517	-	-	580	563	947	616	587	934
Stage 1	-	-	-	-	-	-	800	732	-	844	767	-
Stage 2	-	-	-	-	-	-	789	734	-	819	752	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1455	-	-	1517	-	-	532	538	947	584	561	934
Mov Cap-2 Maneuver	-	-	-	-	-	-	532	538	-	584	561	-
Stage 1	-	-	-	-	-	-	774	709	-	817	757	-
Stage 2	-	-	-	-	-	-	740	724	-	778	728	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	2.8	1	10.3	10.7
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	533	947	1455	-	-	1517	-	-	715
HCM Lane V/C Ratio	0.023	0.015	0.032	-	-	0.013	-	-	0.12
HCM Control Delay (s)	11.9	8.9	7.6	-	-	7.4	-	-	10.7
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0	0.1	-	-	0	-	-	0.4

Appendix D
Background Projects

Traffic Impact Analysis

Tunstall Property
Apex, NC

Prepared for:

Raleigh Land Fund I, LLC

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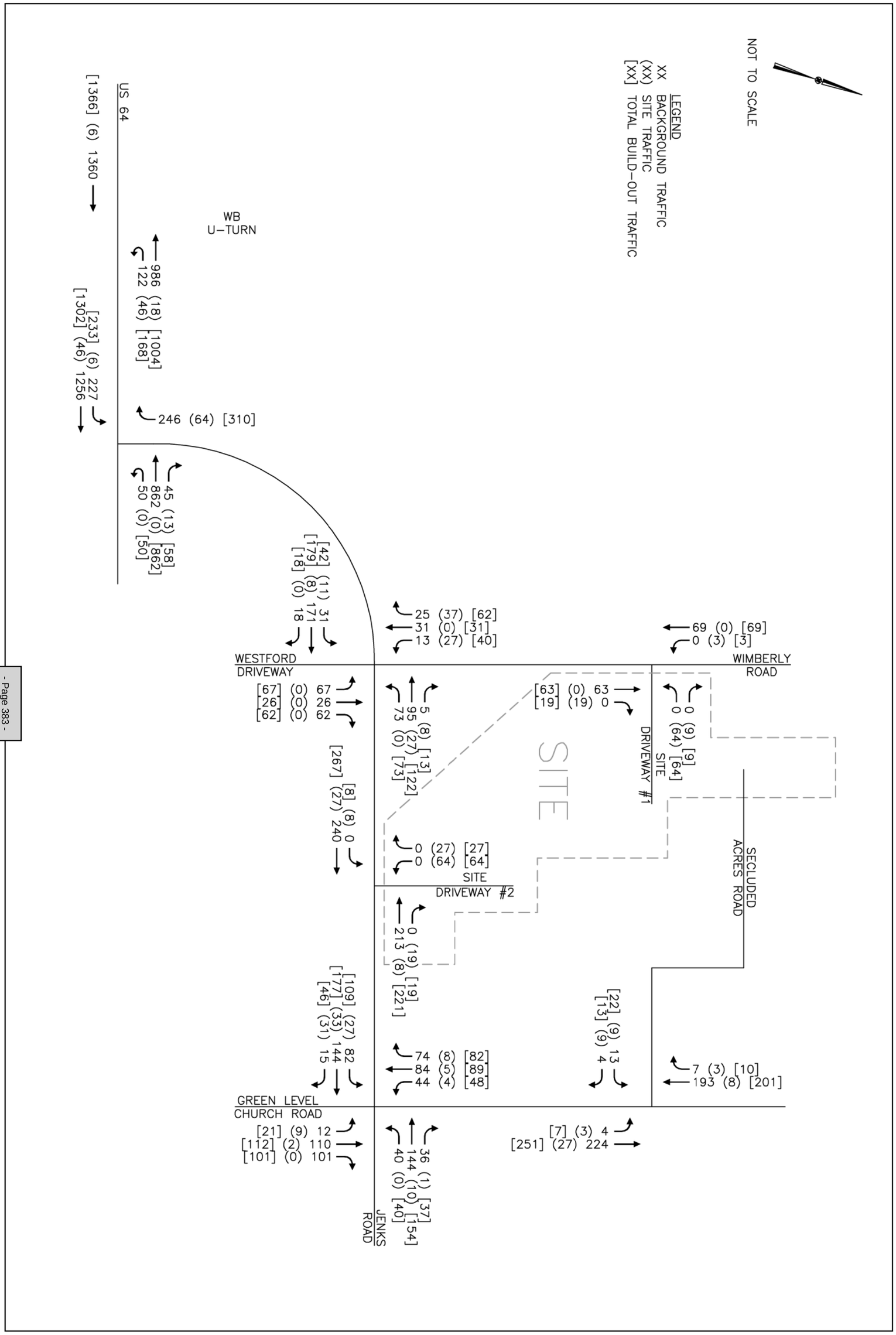
Traffic Impact Analysis
for
Tunstall Property
Apex, North Carolina

Prepared for:
Raleigh Land Fund I, LLC
Raleigh, NC

Prepared By:
Kimley-Horn and Associates, Inc.
NC License # F-0102
3001 Weston Parkway
Cary, North Carolina 27513
(919) 677-2000

011657000
June 2013

6/28/13



Kimley-Horn and Associates, Inc.	TUNSTALL PROPERTY TRAFFIC IMPACT ANALYSIS	PROJECTED (2017) AM PEAK HOUR BUILD-OUT TRAFFIC VOLUMES WITH SECLUDED ACRES ACCESS	FIGURE 7B

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

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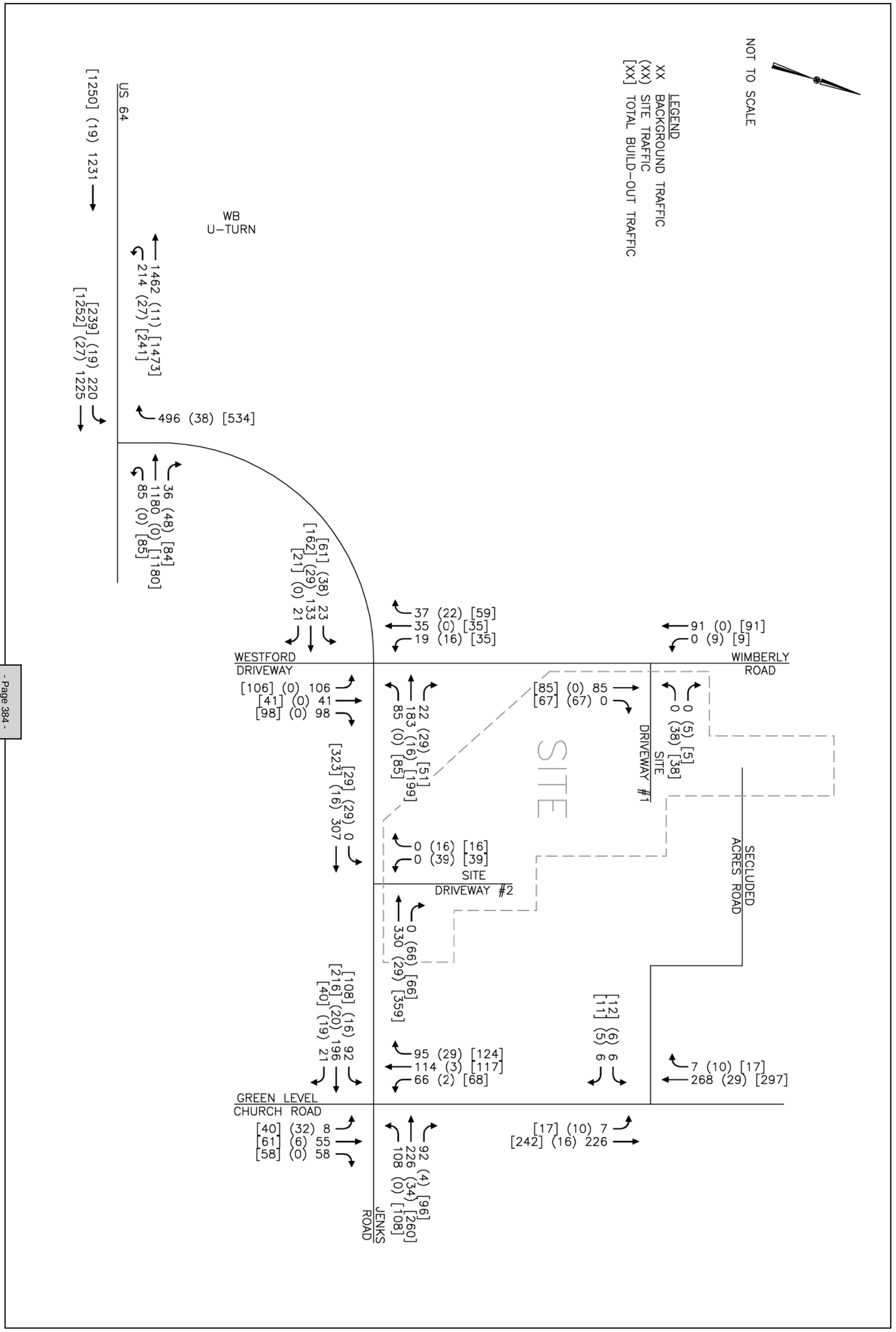

Kimley-Horn and Associates, Inc.	TUNSTALL PROPERTY TRAFFIC IMPACT ANALYSIS	PROJECTED (2017) PM PEAK HOUR BUILD-OUT TRAFFIC VOLUMES WITH SECLUDED ACRES ACCESS	FIGURE 8B

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8.0 Conclusions and Recommendations

The following roadway improvements are committed to be performed by the Westford development:

US 64 & Jenks Road:

- Convert existing full-movement intersection to a modified "super street" design
- Construct a channelized island in the median of US 64 to prohibit left-turns from Jenks Road
- Restripe the existing southbound left-turn lane on Jenks Road to an exclusive right-turn lane
- Extend the existing southbound right-turn lane on Jenks Road to provide 200 feet of storage
- Install a traffic signal for the eastbound left-turn, the westbound through and right-turn, and the southbound right-turn
- Construct a downstream U-turn on US 64 with 125 feet of storage for the westbound U-turn lane

Jenks Road & Wimberly Road / Westford Driveway:

- Construct an exclusive westbound left-turn lane with 75 feet of storage on Jenks Road
- Construct an exclusive eastbound left-turn lane with 50 feet of storage on Jenks Road
- Provide an exclusive left-turn lane and a shared through-right lane on the Westford driveway

Jenks Road & Green Level Church Road:

- Construct an exclusive eastbound left-turn lane with 100 feet of storage on Jenks Road
- Construct exclusive southbound right-turn lane with 100 feet of storage on Green Level Church Road
- Monitor intersection for traffic signal warrants and install a traffic signal if they are met

The following roadway improvement is recommended to accommodate required thoroughfare widening on Jenks Road:

Jenks Road at Site Driveway:

- Construct an exclusive eastbound left-turn lane with 50 feet of storage on Jenks Road

The analysis indicates that all intersections in the study area will operate at acceptable levels of service at project build-out with the exception of the intersection of Jenks Road at Green Level Church Road. At project build-out with the Westford development in place, the intersection is expected to operate at LOS E in the PM peak hour as a 4-way stop. However, Westford is committed to monitoring this intersection for MUTCD signal warrants and installing a signal when warrants are met. It should also be noted that without Westford the intersection is expected to operate at LOS B in the PM peak hour at project build-out. Therefore, no additional improvements are recommended at this intersection to accommodate projected site traffic. The recommended roadway laneage is shown on Figure 9.

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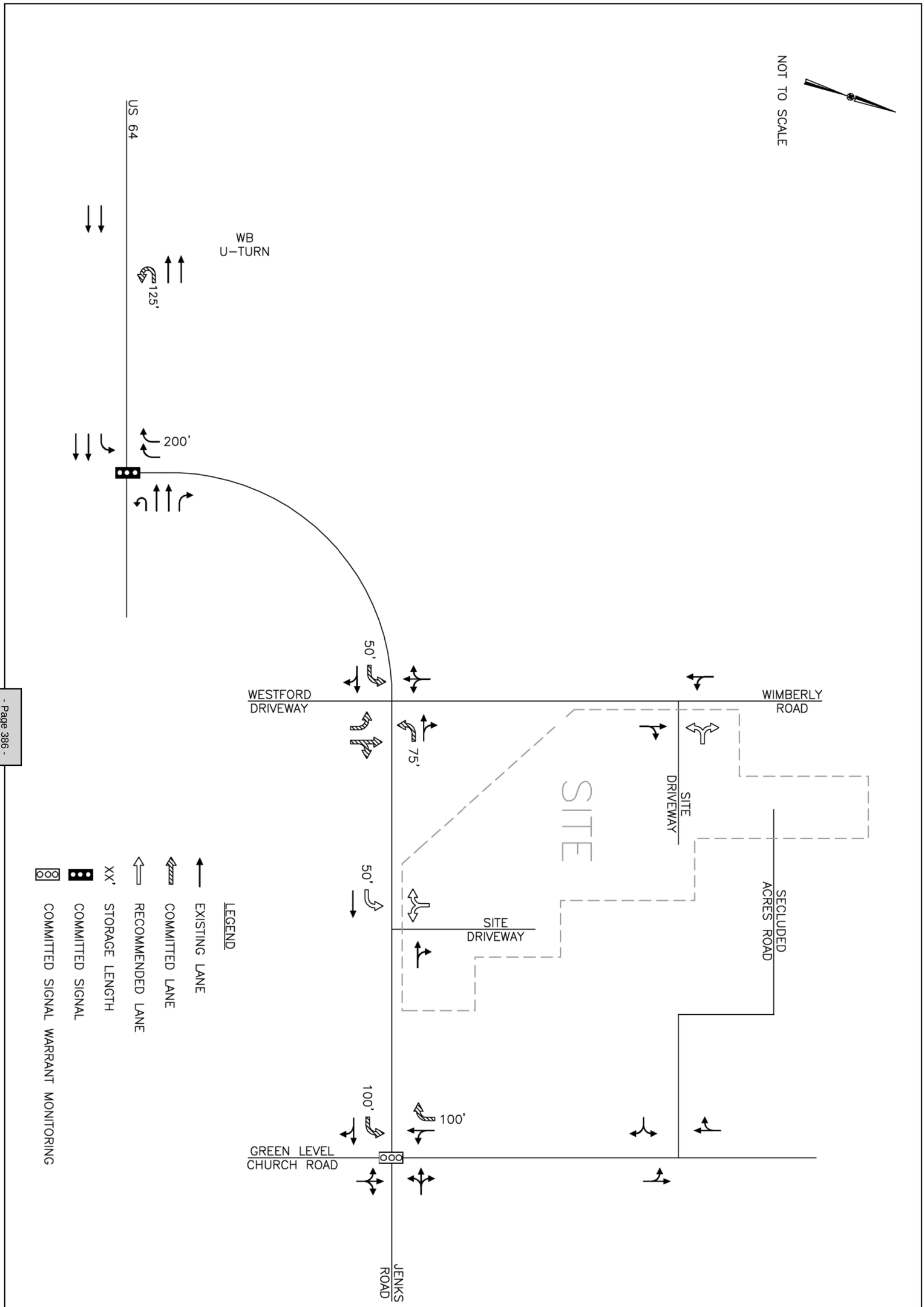

Kimley-Horn and Associates, Inc.	TUNSTALL PROPERTY TRAFFIC IMPACT ANALYSIS	RECOMMENDED ROADWAY LANEAGE	FIGURE 9

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THE PEAK OF GOOD LIVING

Town of Apex

P. O. BOX 250
APEX, NORTH CAROLINA 27502

December 9, 2013

To: Apex Planning Board and Apex Town Council

Subject: Staff review of Tunstall Property TIA dated 6/28/2013 (The Preserve at White Oak Creek); updated traffic summary for final PUD plan

Study Area

- The PUD is located north and west of Jenks Road and Wimberly Road with frontage on both roadways.
- The existing stop controlled intersections studied include: US 64 at Jenks Road, Jenks Road at Wimberly Road, Green Level Church Road at Jenks Road, and Green Level Church Road at Secluded Acres Road.

Trip Generation

The TIA assumes 250 single family homes and 100 townhomes. The PUD is anticipated to generate 55 new inbound trips and 182 new outbound trips in the a.m. peak hour. It is anticipated to generate 191 new inbound trips and 109 new outbound trips in the p.m. peak hour. The PUD is anticipated to add 3,084 new trips to the adjacent roadway network on a typical weekday.

Site Access

- Site Driveway 1 provides access to Wimberly Road 1,100 feet north of Jenks Road as indicated in the PUD Plan.
- Site Driveway 2 provides access to Jenks Road 1,750 feet east of Wimberly Road as indicated in the PUD Plan.
- The site may eventually have access to Secluded Acres Road but would require extending that road west on land that is not currently dedicated as public right of way. The TIA analyzed traffic with and without that access. The subdivision would be limited to 300 units if only provided two points of access.

Traffic Capacity Analysis

Traffic was analyzed with and without development of the approved Westford project. The following table lists the overall levels of service reported for the signalized study intersection and any critical movements or stop controlled intersections operating worse than LOS D. Other movements experiencing LOS D or better for all conditions are included in the TIA but not in this summary table.

2013 Existing (2016 No-Build) [2016 Build]		
	Intersection Level of Service (A – F)	
Signalized Level of Service, US 64 at Jenks Rd	**A.M. Peak Hour**	**P.M. Peak Hour**
No-Build (with Westford PUD)	B	B
Build-out with proposed subdivision and Westford PUD*	B	B
Unsignalized (four-way stop) Level of Service, Green Level Church Rd at Jenks Rd		
No-Build (with Westford PUD)	B	C
Build-out with proposed subdivision and Westford PUD**	B	E

* Assumes committed improvements (including traffic signal) with Westford PUD. Moderate delays for stop-controlled operation result at build-out with no improvements if Westford is not developed at that time.

**LOS is the same with or without Secluded Acres Road access. Assumes committed improvements from Westford PUD (eastbound left turn and southbound right turn).

Recommendations

1. The TIA recommends no changes to US 64 at Jenks Road or US 64 westbound U-turn west of Jenks Road in addition to commitments made by Westford, showing that previously committed improvements will accommodate traffic from both developments upon build-out. Without development of Westford, no improvements are proposed. ***Apex staff concurs with no additional improvements for the intersections along US 64 as part of the proposed PUD.***

2. The TIA recommends no changes to Jenks Road at Wimberly Road in addition to commitments made by Westford, showing that previously committed improvements will accommodate traffic from both developments upon build-out. Without development of Westford, no improvements are proposed. ***Apex staff concurs with no additional improvements for Jenks Road at Wimberly Road proposed as part of the proposed PUD.***
3. The TIA recommends Wimberly Road at Site Driveway as a single lane exit with no exclusive turn lanes on Wimberly Road. ***Apex staff concurs with the recommendations for Wimberly Road at Site Driveway.***
4. The TIA recommends Site Driveway at Jenks Road as a single lane exit with a 50-foot exclusive left turn lane on Jenks Road. ***Apex staff concurs with the note included in the PUD plan providing for a minimum length of 150 feet of full width for the left turn lane proposed on Jenks Road as part of the proposed PUD and exclusive left and right lanes exiting the proposed Site Driveway.***
5. The TIA recommends no changes to Green Level Church Road at Jenks Road in addition to commitments made by Westford, showing that previously committed improvements will accommodate traffic from both developments upon build-out. Without development of Westford, no improvements are proposed. ***Apex staff concurs with the note included in the PUD plan providing for installation of a traffic signal if warranted at this location following a warrant study to be conducted following the 265th CO and no later than the 280th CO.***
6. The TIA recommends no changes to Green Level Church Road at Secluded Acres Road. ***Apex staff concurs with the note included in the PUD plan providing for a minimum length of 150 feet of full width for a left turn lane proposed on Green Level Church Road at Secluded Acres Road prior to public access being completed along Secluded Acres Road to the PUD.***

Please note that staff recommendations and proposed changes on state-maintained facilities are subject to approval by NCDOT. NCDOT maintains US 64, Wimberly Road, Jenks Road, Green Level Church Road, and Secluded Acres Road.

Sincerely,

Russell H. Dalton

Russell H. Dalton, PE
Transportation Engineer

Traffic Impact Analysis

Westford
Apex, NC

Prepared for:

The Halle Companies

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Kimley»Horn

Traffic Impact Analysis

for

Westford

Apex, North Carolina

Prepared for:

The Halle Companies

Apex, North Carolina

Prepared by:

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Raleigh, NC 27601

(919) 677-2000

12/7/2016

December 2016

018995001

NOT TO SCALE

LEGEND

- EXISTING LANE
- EXISTING SIGNAL
- COMMITTED LANE (BY OTHERS)
- (M) COMMITTED TRAFFIC SIGNAL WARRANT MONITORING (BY OTHERS)
- RECOMMENDED LANE
- RECOMMENDED TRAFFIC SIGNAL WARRANT MONITORING
- XXX' RECOMMENDED STORAGE LENGTH

FIGURE ES-1

RECOMMENDED ROADWAY LANEAGE

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

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NOT TO SCALE

LEGEND

XX% INBOUND PERCENT ASSIGNMENT

(XX%) OUTBOUND PERCENT ASSIGNMENT

(XX%) SITE TRAFFIC DISTRIBUTION

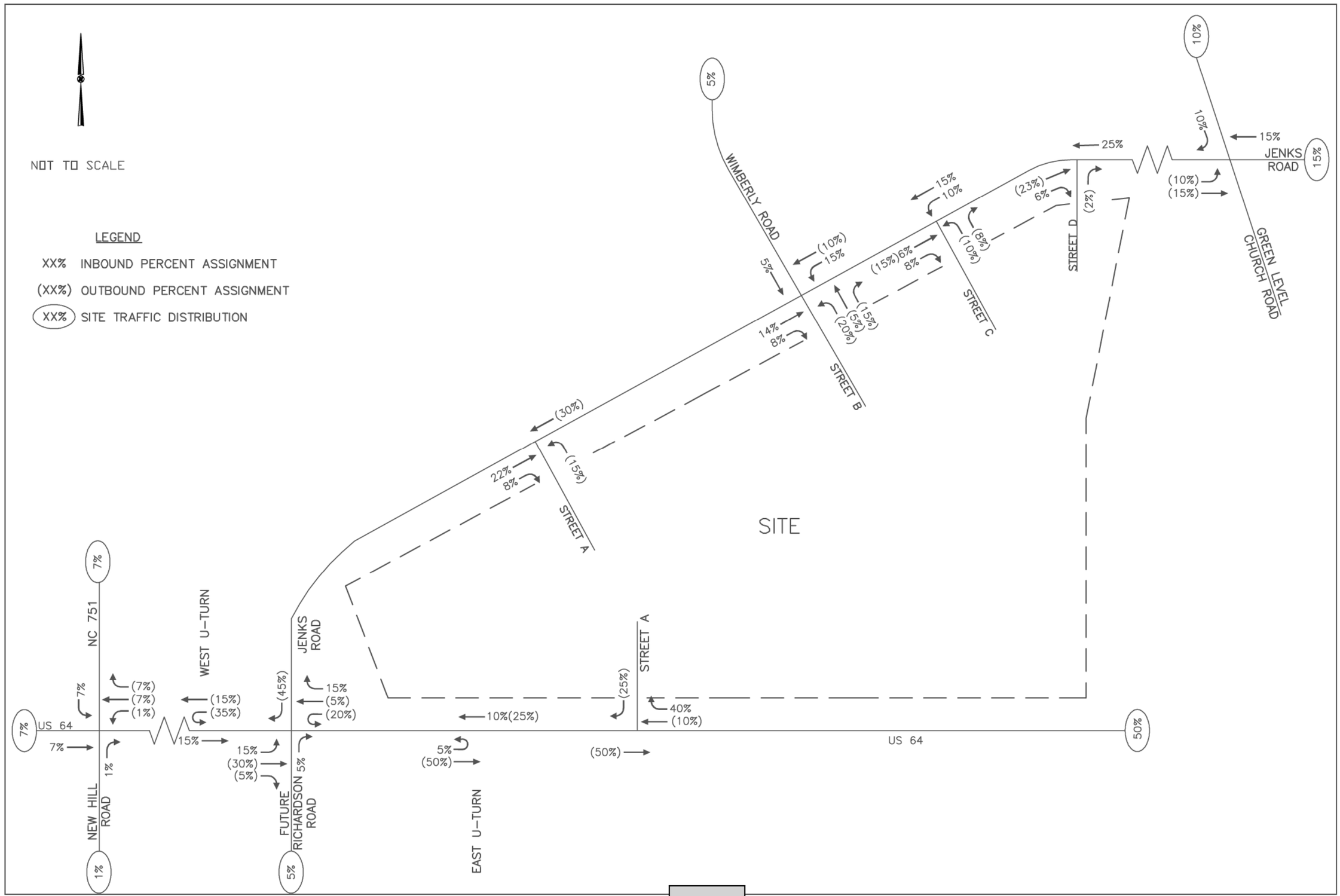

FIGURE 4

SITE TRAFFIC DISTRIBUTION AND PERCENT ASSIGNMENT

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

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NOT TO SCALE

LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

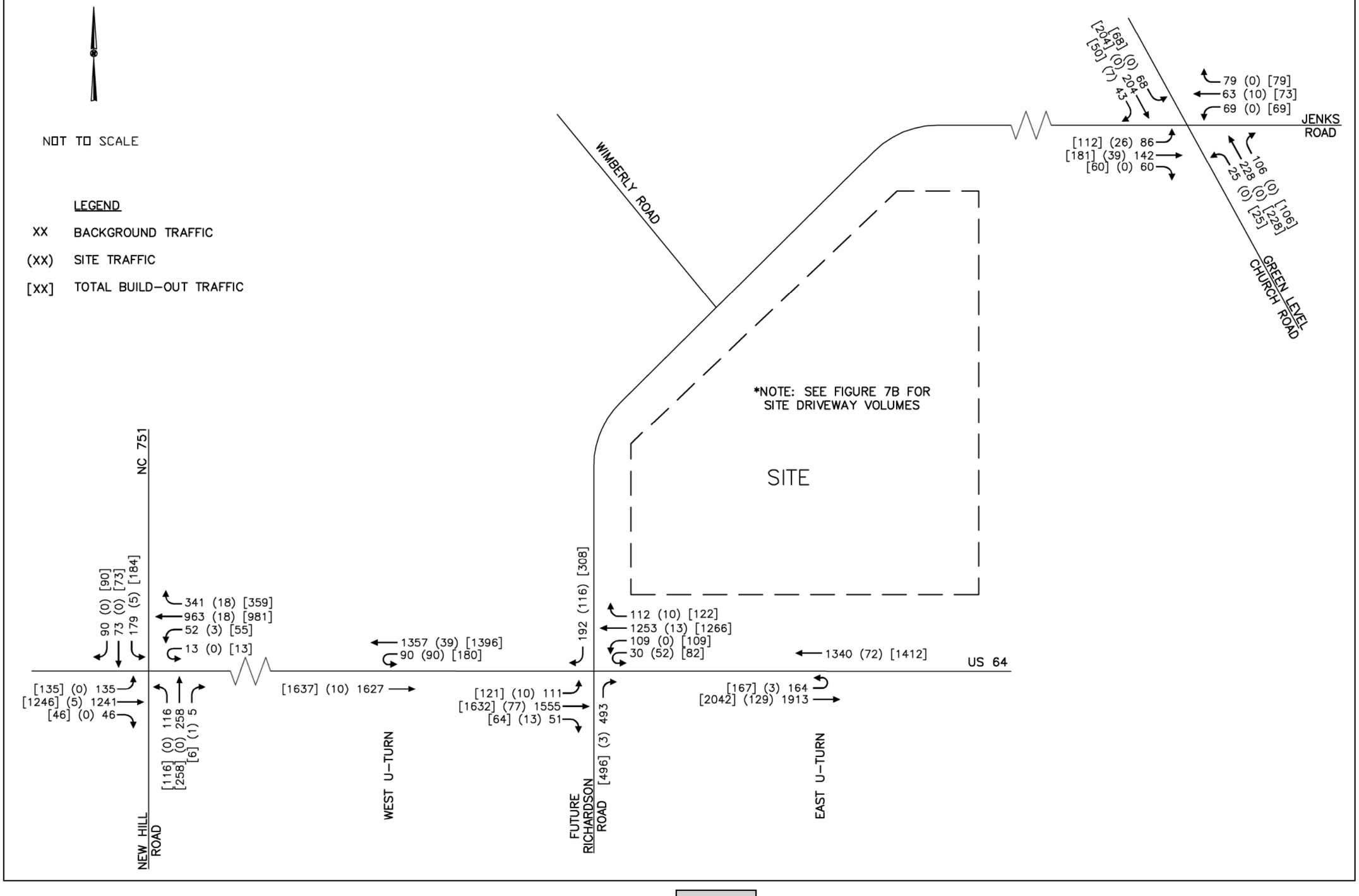

FIGURE 7A

PROJECTED (2019) BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
EXTERNAL INTERSECTIONS

WESTFORD
APEX, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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NOT TO SCALE

LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

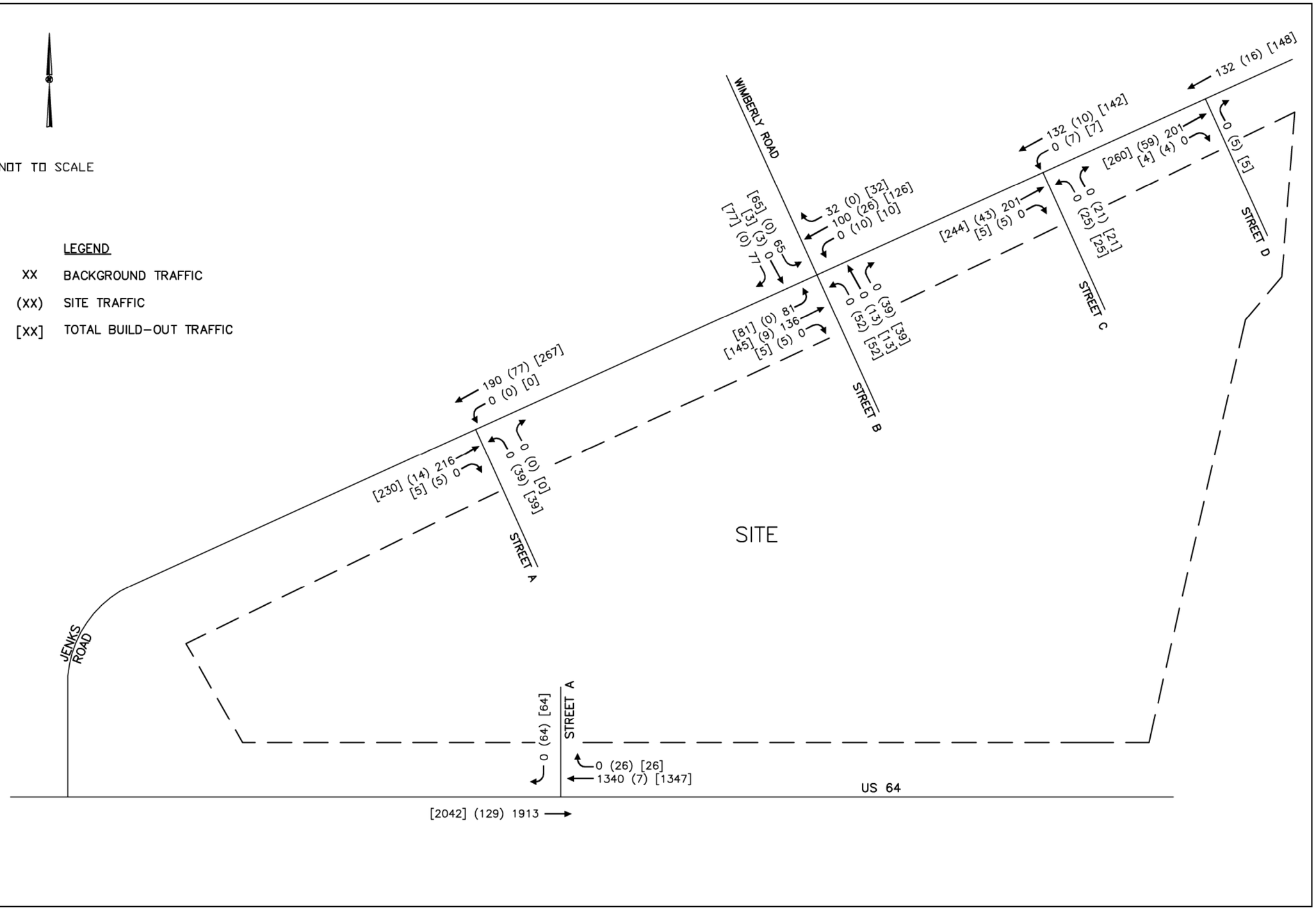

FIGURE 7B

PROJECTED (2019) BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

WESTFORD
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NOT TO SCALE

LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

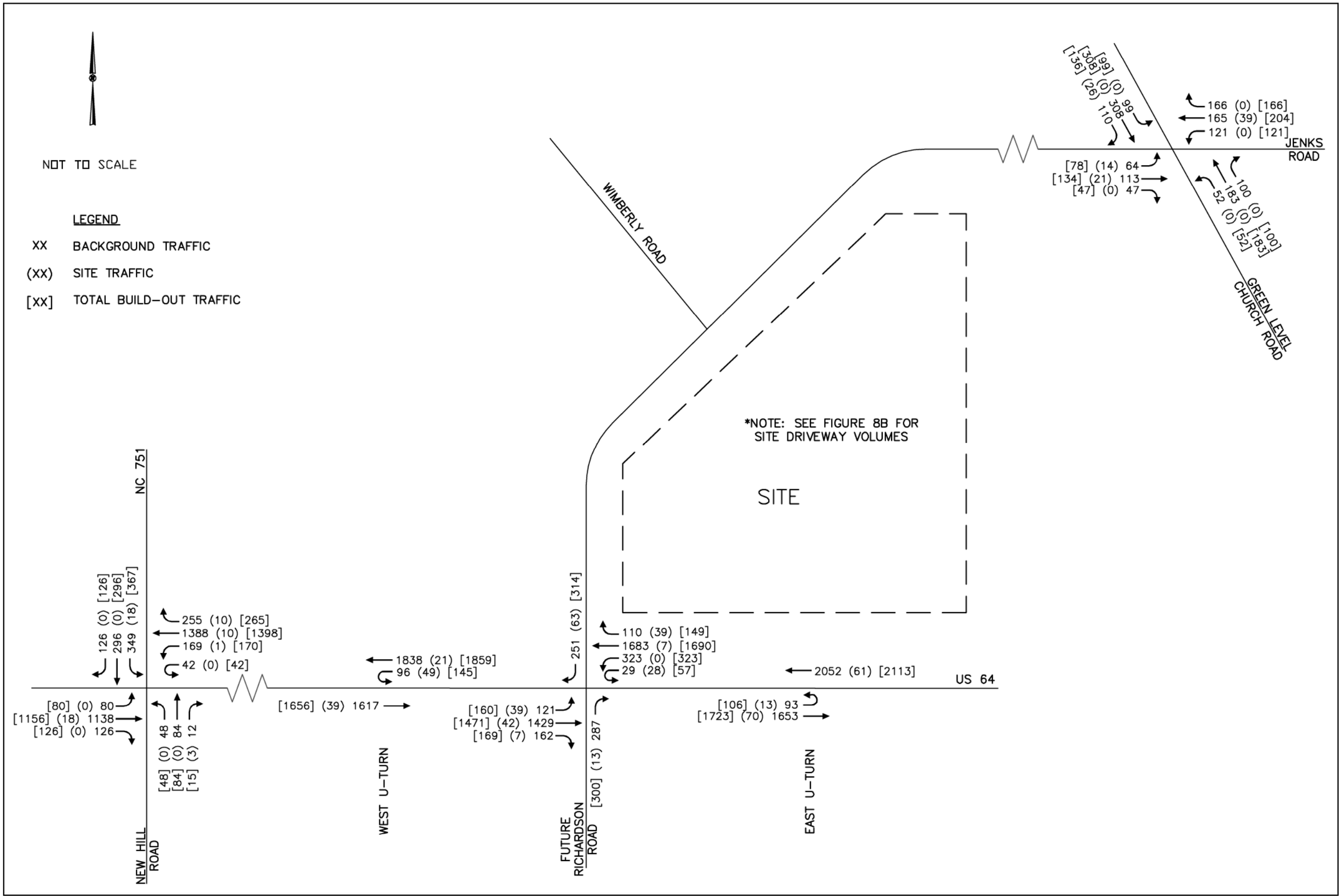

FIGURE 8A

PROJECTED (2019) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
EXTERNAL INTERSECTIONS

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NOT TO SCALE

LEGEND

XX BACKGROUND TRAFFIC

(XX) SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

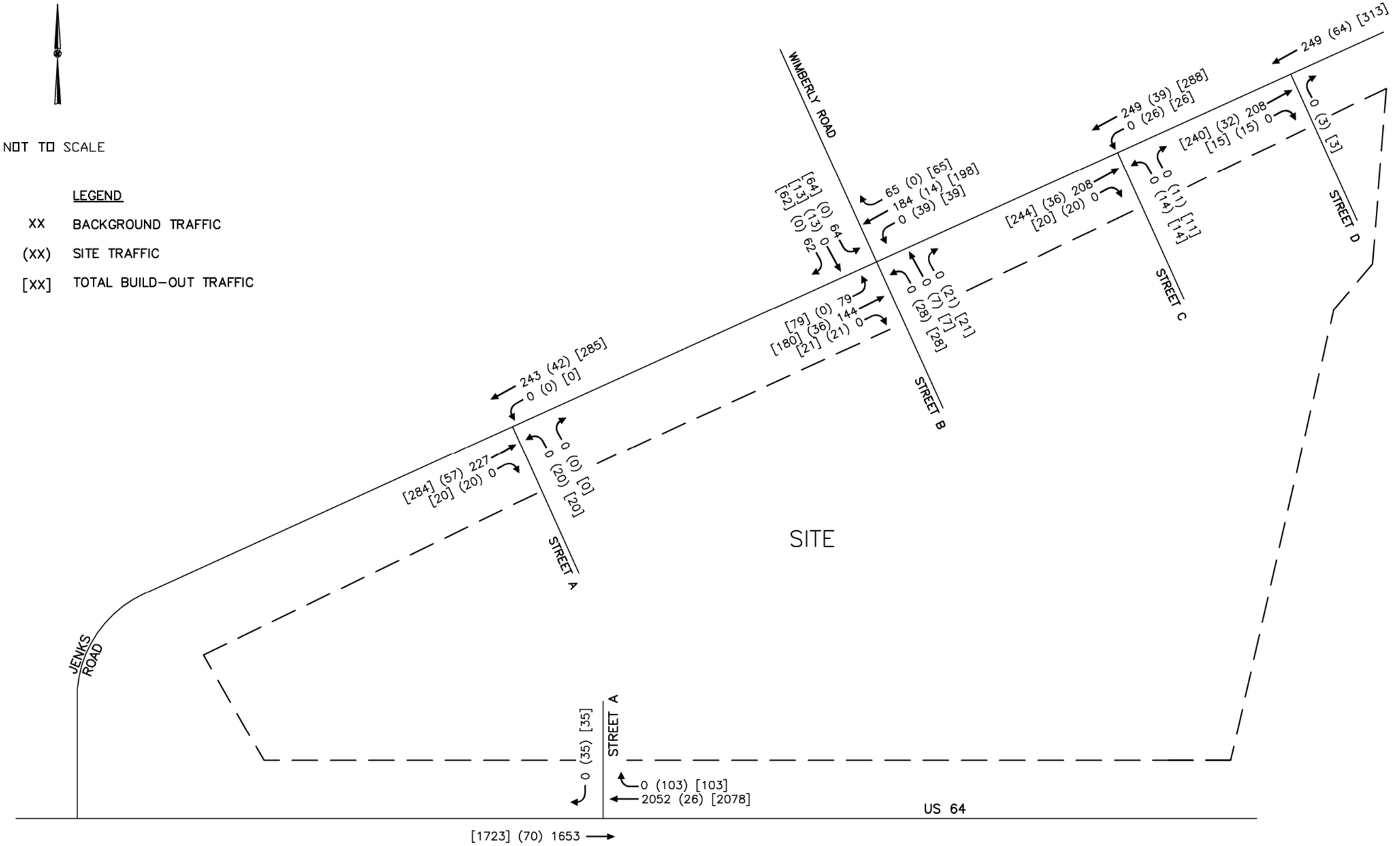

FIGURE 8B

PROJECTED (2019) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

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7.0 Recommendations

The following roadway improvements are committed to be performed by other developments in the area:

US 64 at Jenks Road:

- Convert existing intersection to a superstreet configuration with left turn crossovers and downstream U-Turns (by Sweetwater Phase 1)
- Monitor crossovers for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)
- Construct a single westbound left-turn lane with 300 feet of storage and a single right-turn lane with 100 feet of storage on US 64 (by Sweetwater Phase 1)
- Construct a single eastbound left-turn lane with 300 feet of storage and a single right-turn lane with 50 feet of storage on US 64 (by Sweetwater Phase 1)
- Extend the westbound left-turn lane on US 64 to provide 500 feet of storage (by Smith Farm prior to platting 300 units)
- Extend the eastbound right-turn lane on US 64 to provide 100 feet of storage (by Smith Farm prior to platting of 360 units)
- Construct an additional northbound right-turn lane on Richardson Road with 300 feet of storage (by Smith Farm prior to platting 360 units)

US 64 at West U-turn:

- Construct a single lane U-turn with 250 feet of storage (by Sweetwater Phase 1)
- Monitor for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)

US 64 at East U-turn:

- Construct a single lane U-turn with 250 feet of storage on US 64 (by Sweetwater Phase 1)
- Monitor for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)
- Extend eastbound U-turn lane on US 64 to provide 400 feet of storage (by Smith Farm Phase 1)

Green Level Church Road at Jenks Road:

- Monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by The Preserve at White Oak Creek)

The following roadway improvements are recommended to be performed to accommodate projected Westford site traffic based on the analysis presented herein:

US 64 at Jenks Road:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants for the eastbound left-turn, the westbound through and right-turn, and the southbound right-turn movements and install a traffic signal if warrants are met

US 64 at West U-Turn:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met

Jenks Road at Green Level Church Road:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met

Jenks Road at Wimberly Road / Street B:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road
- Construct an exclusive eastbound left-turn lane with a minimum of 50 feet of storage on Jenks Road

US 64 at Street A:

- Construct an exclusive westbound right-turn lane with a minimum of 75 feet of storage on US 64

Jenks Road at Street A:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road
- Provide separate left- and right-turn lanes on the northbound approach of Street A

Jenks Road at Street C:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road

Analysis indicates that with the committed and recommended improvements in place, all of the study intersections are expected to operate at an acceptable level of service. The recommended lane geometry is shown on Figure 9.

KIMLEY-HORN AND ASSOCIATES, INC
NC License #F-0102

MEMORANDUM

NORTH CAROLINA PROFESSIONAL
DocuSigned by:
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TRAVIS FLUITT
6/29/2017

To:	Mr. Russell Dalton, P.E., Town of Apex Mr. Scott Wheeler, NCDOT
From:	Travis Fluitt, P.E. Kimley-Horn and Associates, Inc.
Date:	June 29, 2017
Subject:	Westford – Traffic Impact Analysis Addendum – Commercial Parcel

Kimley-Horn has prepared this addendum to the *Westford TIA* (Kimley-Horn, December 2016) to determine the impacts of site traffic associated the proposed commercial portion of the development located south of Jenks Road between US 64 and Wimberly Road in Apex, North Carolina. While the original TIA was performed for the residential portion of the development, which as currently proposed would include approximately 300 apartments, 225 townhomes, and 90 single-family homes with a projected build-out year of 2019, this addendum studied the construction of approximately 100,000 square feet (SF) of general retail space to be located generally southwest of the residential uses along Jenks Road. The commercial portion of the site will be accessed primarily by the right-in/right-out site driveway on US 64 (Street A), a shared full-movement driveway on Jenks road with the residential uses (Street A), and an additional right-in/right-out driveway on Jenks Road west of Street A. The commercial portion of the development has a projected build-out year of 2021.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the 2021 study year. Figure 1 shows the proposed site plan.

Background Traffic

Based on historic daily traffic volumes in the area and to be consistent with the *Westford TIA,* an annual growth factor of 2% was applied to the existing traffic volumes up to the year 2021 to calculate background traffic volumes.

Approved development volumes were obtained from the December 2016 *Westford TIA.* It should be noted that, with the inclusion of a 2% annual growth rate and approved development traffic, the effective annual growth rate analyzed as part of this development ranged from approximately 4% to nearly 22%. Peak hour background traffic volumes, which include historic growth traffic, are shown on Figures 2 and 3.

Trip Generation

The trip generation potential for the commercial portion of the development was determined by calculating the difference between the trip generation of the combined site (residential and commercial uses) and the trip generation of the residential land uses only (obtained from the *Westford TIA*). The

net new external trips for the commercial portion of the development were assigned to the network based on the overall distribution discussed below, while the site trips for the residential portion of the development were obtained from the *Westford TIA* and assigned directly to the network. In order to accurately depict the impacts of the entire Westford development, site traffic associated with the residential portion of the project was only analyzed in the build-out traffic condition (as opposed to analyzing it as approved development traffic).

Table 1 summarizes the estimated traffic generation potential for the site.

Table 1
ITE Traffic Generation (Vehicles)

Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
210	Single Family Detached Housing	90	d.u.	472	472	18	55	60	36
220	Apartments	300	d.u.	971	971	30	121	119	64
230	Townhomes	225	d.u.	651	651	17	82	78	39
820	Shopping Center	100,000	s.f.	3,396	3,396	97	59	288	311
Subtotal				*5,495*	*5,495*	*162*	*317*	*545*	*450*
Internal Capture				*955*	*955*	*0*	*0*	*110*	*110*
Pass-by Capture				*830*	*830*	*0*	*0*	*88*	*78*
Net New Residential Trips from TIA				2,094	2,094	65	258	257	139
Difference in Total Net New External Trips				**1,616**	**1,616**	**97**	**59**	**90**	**123**

Table 1 shows that, separate from the site trips generated by the residential portion of the development, the commercial portion of the site has the potential to generate 1,616 new entering trips and 1,616 new exiting trips on a typical weekday, with 97 new trips entering and 59 new trips exiting in the AM peak hour and 90 new trips entering and 123 new trips exiting in the PM peak hour.

Trip Distribution and Assignment

The new generated commercial trips were assigned to the surrounding roadway network. The directional distribution and assignment, which are somewhat different than those for the residential uses, were based on land uses and existing travel patterns in the area.

- 50% to/from the east on US 64
- 15% to/from the east on Jenks Road
- 13% to/from the west on US 64
- 10% to/from the north on Green Level Church Road
- 5% to/from the north on NC 751
- 5% to/from the north on Wimberly Road
- 2% to/from the south on New Hill Road

The site traffic distribution and percent assignment for the net new site trips are shown on Figure 4.

The attached Figures 5 and 6 show the AM and PM peak hour site traffic volumes at the study intersections, respectively, as well as the total build-out peak hour traffic volumes.

Capacity Analysis

Capacity analyses were performed using Synchro Version 9.1 and SIDRA version 7 software. Synchro intersection level-of-service (LOS) and SIDRA reports are attached. The LOS for the study intersections are summarized in Table 2.

Table 2
Level-of-Service Summary

Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
US 64 at Jenks Road (Signalized)		
Projected (2021) Background Traffic - *Signalized, Superstreet Configuration*	US 64 EB – B (20.0) US 64 WB – A (9.8)	US 64 EB – B (17.2) US 64 WB – B (14.1)
Projected (2021) Build Traffic - *Signalized, Superstreet Configuration w/ Imps.*	US 64 EB – B (16.8) US 64 WB – B (16.8)	US 64 EB – B (14.3) US 64 WB – C (25.2)
US 64 at U-Turn West of Jenks Road		
Projected (2021) Background Traffic - *Unsignalized*	WBU – D (27.0)	WBU – D (27.5)
Projected (2021) Build-out Traffic - *Signalized*	B (14.6)	B (15.5)
US 64 at U-Turn East of Jenks Road (Signalized)		
Projected (2021) Background Traffic	B (11.2)	B (14.8)
Projected (2021) Build-out Traffic	B (10.3)	B (18.6)
US 64 at NC 751/New Hill Road (Signalized)		
Projected (2021) Background Traffic	E (57.4)	D (44.9)
Projected (2021) Build-out Traffic	E (61.0)	D (46.2)

Table 2 (cont.) Level-of-Service Summary		
Condition	**AM Peak Hour LOS (Delay)**	**PM Peak Hour LOS (Delay)**
Jenks Road at Green Level Church Road		
Projected (2021) Background Traffic – *Unsignalized, All-Way Stop Control*	C (24.1)	F (92.9)
Projected (2021) Background Traffic – *Roundabout*	B (10.2) v/c = 0.53	C (17.3) v/c = 0.79
Projected (2021) Build-out Traffic – *Roundabout*^	B (12.0) v/c = 0.58	C (23.8) v/c = 0.89
Jenks Road at Wimberly Road/Street B (Unsignalized)		
Projected (2021) Background Traffic	SB – B (12.3) EBL – A (7.7)	SB – B (14.1) EBL – A (8.1)
Projected (2021) Build-out Traffic *w/ Improvements*	NB – C (16.6) SB – C (15.8) EBL – A (7.9) WBL – A (7.6)	NB – C (20.1) SB – C (23.3) EBL – A (8.2) WBL – A (7.9)
US 64 at Street A (Unsignalized)		
Projected (2021) Build-out Traffic.	SB – C (19.1)	SB – E (44.4)
Jenks Road at Right-in/Right-out Site Driveway (Unsignalized)		
Projected (2021) Build-out Traffic	NB – A (9.9)	NB – B (10.7)
Jenks Road at Street A (Unsignalized)		
Projected (2021) Build-out Traffic	NB – B (14.5) WBL – A (7.9)	NB – C (19.5) WBL – A (8.2)
Jenks Road at Street C (Unsignalized)		
Projected (2021) Build-out Traffic	NB – B (11.5) WBL – A (7.9)	NB – B (13.0) WBL – A (8.0)
Jenks Road at Street D (Unsignalized)		
Projected (2021) Build-out Traffic	NB – B (10.0)	NB – B (10.0)

^Note: Roundabout analysis performed using SIDRA version 7.

It should be noted that the intersections of US 64 at Jenks Road, Richardson Road, and the U-Turn East of Richardson Road were assumed to be signalized in both the background and build-out traffic conditions.

Recommendations

Based on the capacity analyses presented herein, the following improvements are recommended in addition to the improvements committed to be performed by other developments in the study area and by the residential portion of the Westford development:

US 64 at Richardson Road:

- If not already completed by others, construct an additional westbound left-turn lane on US 64 with approximately 400 feet of storage to be used as an exclusive U-turn lane

US 64 at West U-Turn:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met

US 64 at Street A:

- Provide an additional 50 feet of storage for the exclusive westbound right-turn lane on US 64 to provide a total of 125 feet of storage and appropriate tapers

Jenks Road at Right-in/Right-out Site Driveway

- Construct an exclusive eastbound right-turn lane on Jenks Road with 50 feet of storage and appropriate tapers

Analysis indicates that, all of the study intersections are expected to operate at an acceptable level-of-service at full build-out of the development with the exception of the intersection of US 64 at NC 751/New Hill Road. However, that intersection, which is nearly 2 miles from the project site, is expected to operate at LOS E in the AM peak hour with or without the proposed development in place. As the intersection delay is expected to increase by less than 4 seconds with the addition of site traffic, and since site traffic associated with the development accounts for less than 4% of the total traffic in the build-out traffic condition, no roadway improvements are recommended at this intersection. The recommended laneage is shown on Figure 7.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

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NOT TO SCALE

LEGEND

XX% INBOUND PERCENT ASSIGNMENT

(XX%) OUTBOUND PERCENT ASSIGNMENT

(XX%) SITE TRAFFIC DISTRIBUTION

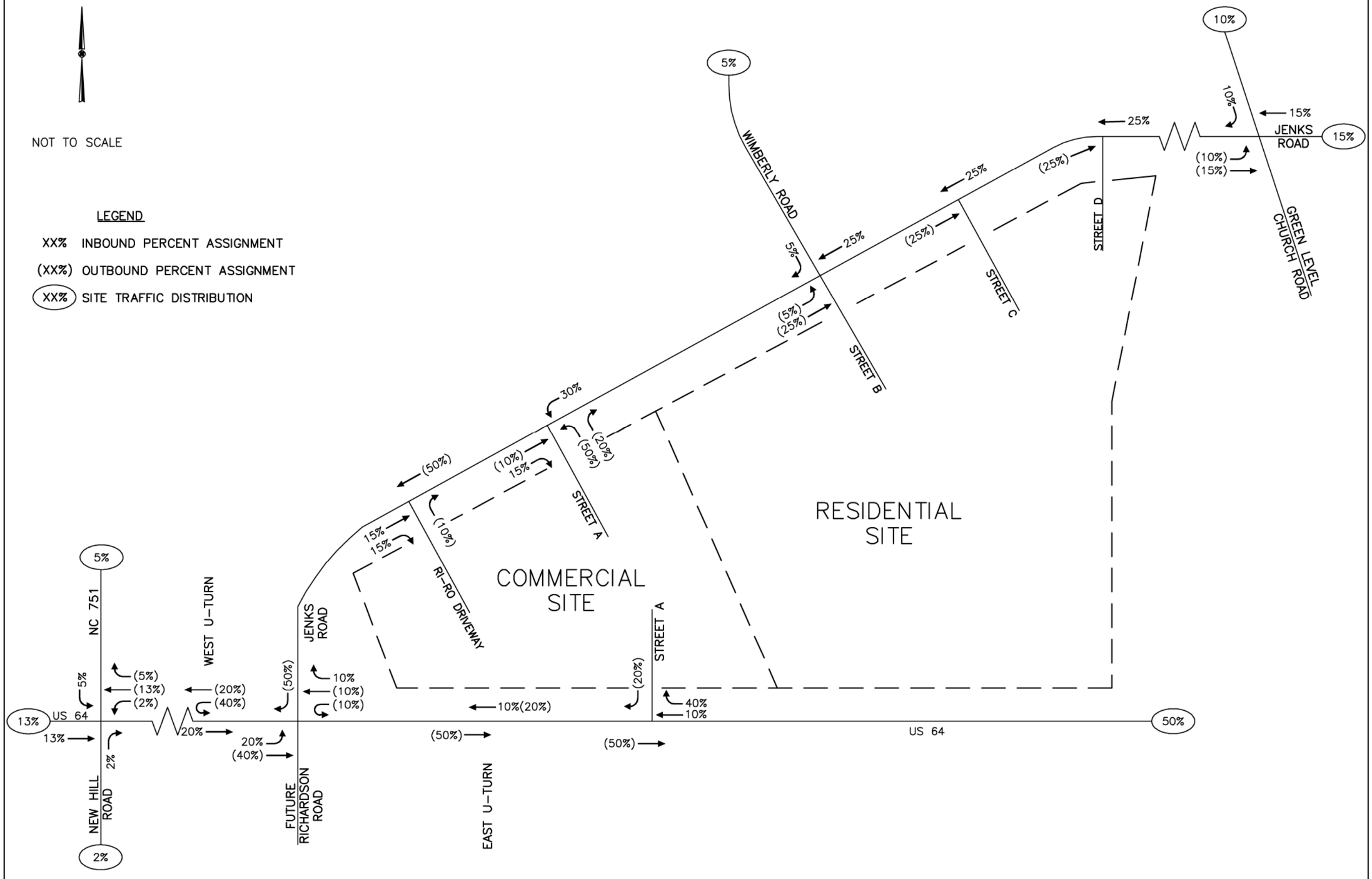

FIGURE 4

SITE TRAFFIC DISTRIBUTION AND PERCENT ASSIGNMENT COMMERCIAL DEVELOPMENT

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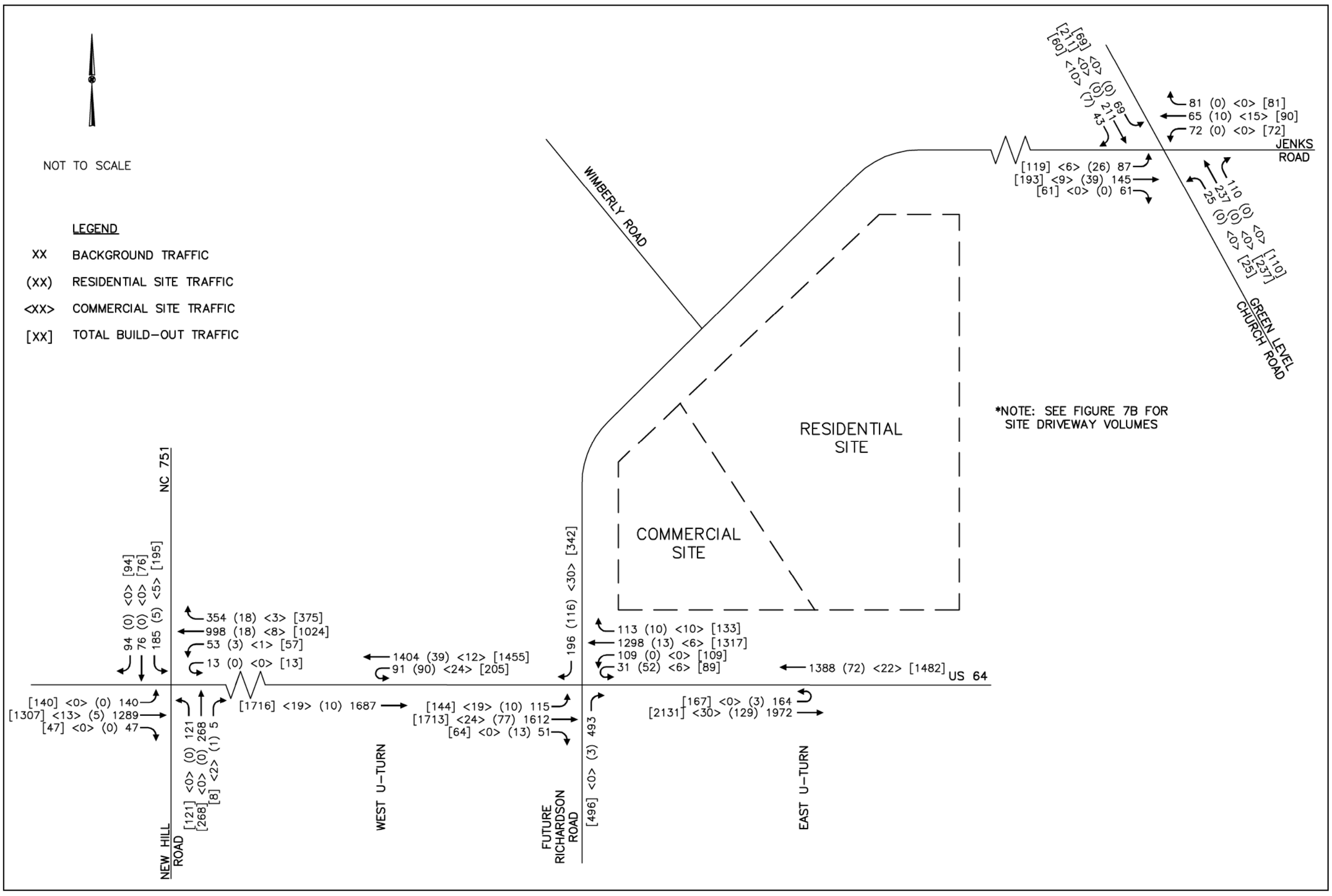
NOT TO SCALE

LEGEND

XX	BACKGROUND TRAFFIC
(XX)	RESIDENTIAL SITE TRAFFIC
<XX>	COMMERCIAL SITE TRAFFIC
[XX]	TOTAL BUILD-OUT TRAFFIC



*NOTE: SEE FIGURE 7B FOR SITE DRIVEWAY VOLUMES

FIGURE 5A

PROJECTED (2021) BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
EXTERNAL INTERSECTIONS

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NOT TO SCALE

LEGEND

XX BACKGROUND TRAFFIC

(XX) RESIDENTIAL SITE TRAFFIC

<XX> COMMERCIAL SITE TRAFFIC

[XX] TOTAL BUILD-OUT TRAFFIC

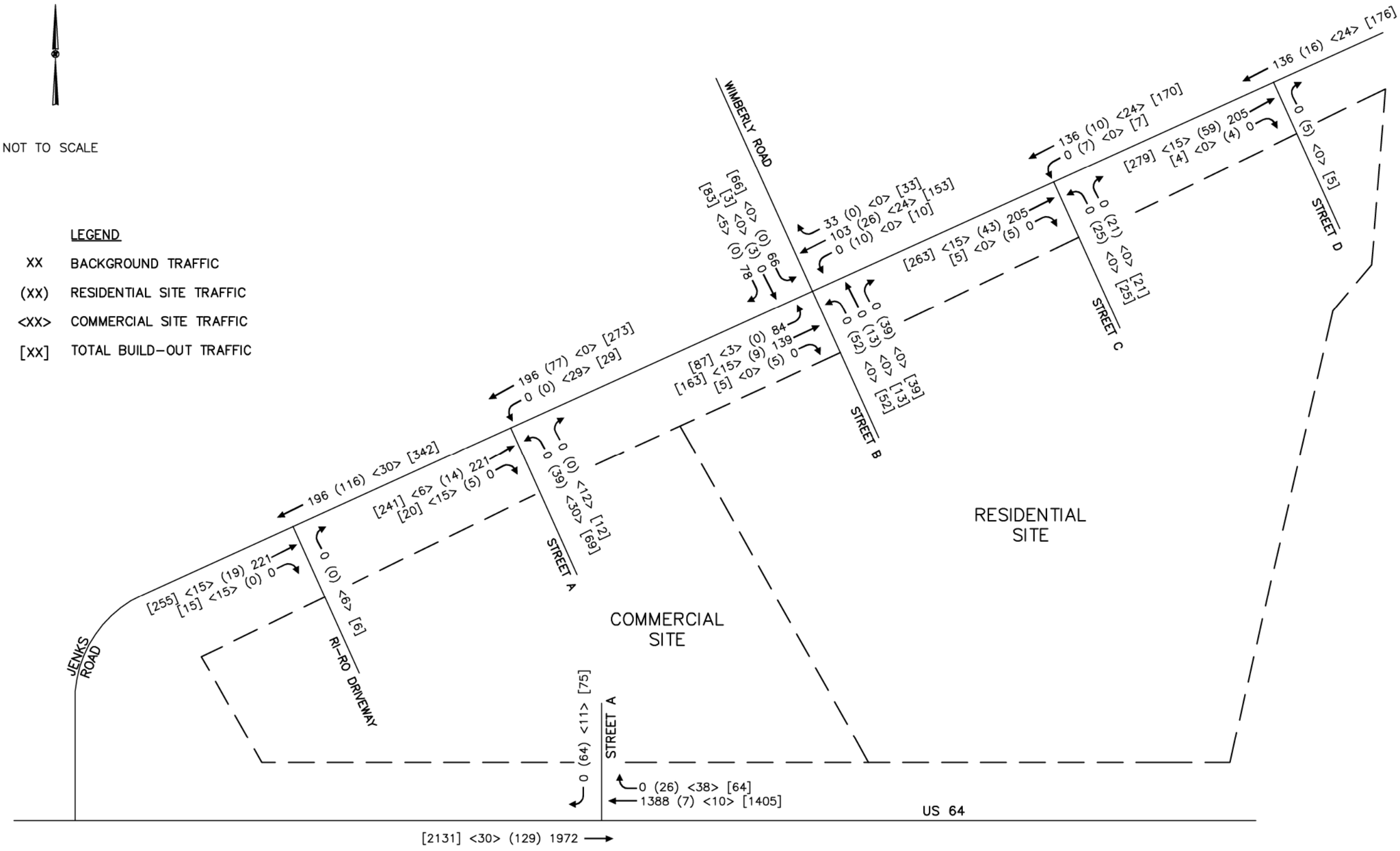

FIGURE 5B

PROJECTED (2021) BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

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NOT TO SCALE

LEGEND

XX	BACKGROUND TRAFFIC
(XX)	RESIDENTIAL SITE TRAFFIC
<XX>	COMMERCIAL SITE TRAFFIC
{XX}	PASS-BY TRAFFIC
[XX]	TOTAL BUILD-OUT TRAFFIC

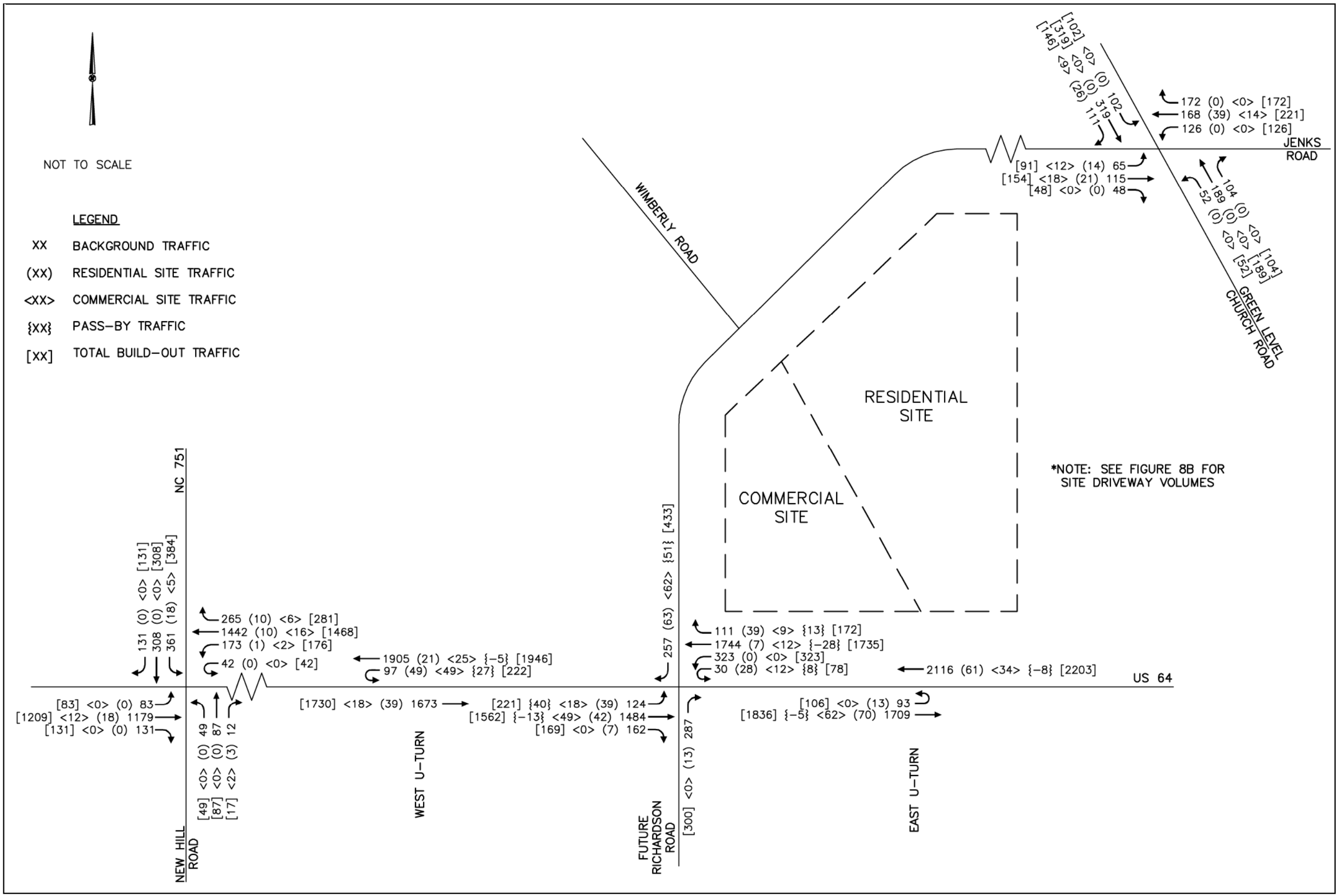

FIGURE 6A

PROJECTED (2021) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
EXTERNAL INTERSECTIONS

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NOT TO SCALE

LEGEND

XX	BACKGROUND TRAFFIC
(XX)	RESIDENTIAL SITE TRAFFIC
<XX>	COMMERCIAL SITE TRAFFIC
{XX}	PASS-BY TRAFFIC
[XX]	TOTAL BUILD-OUT TRAFFIC

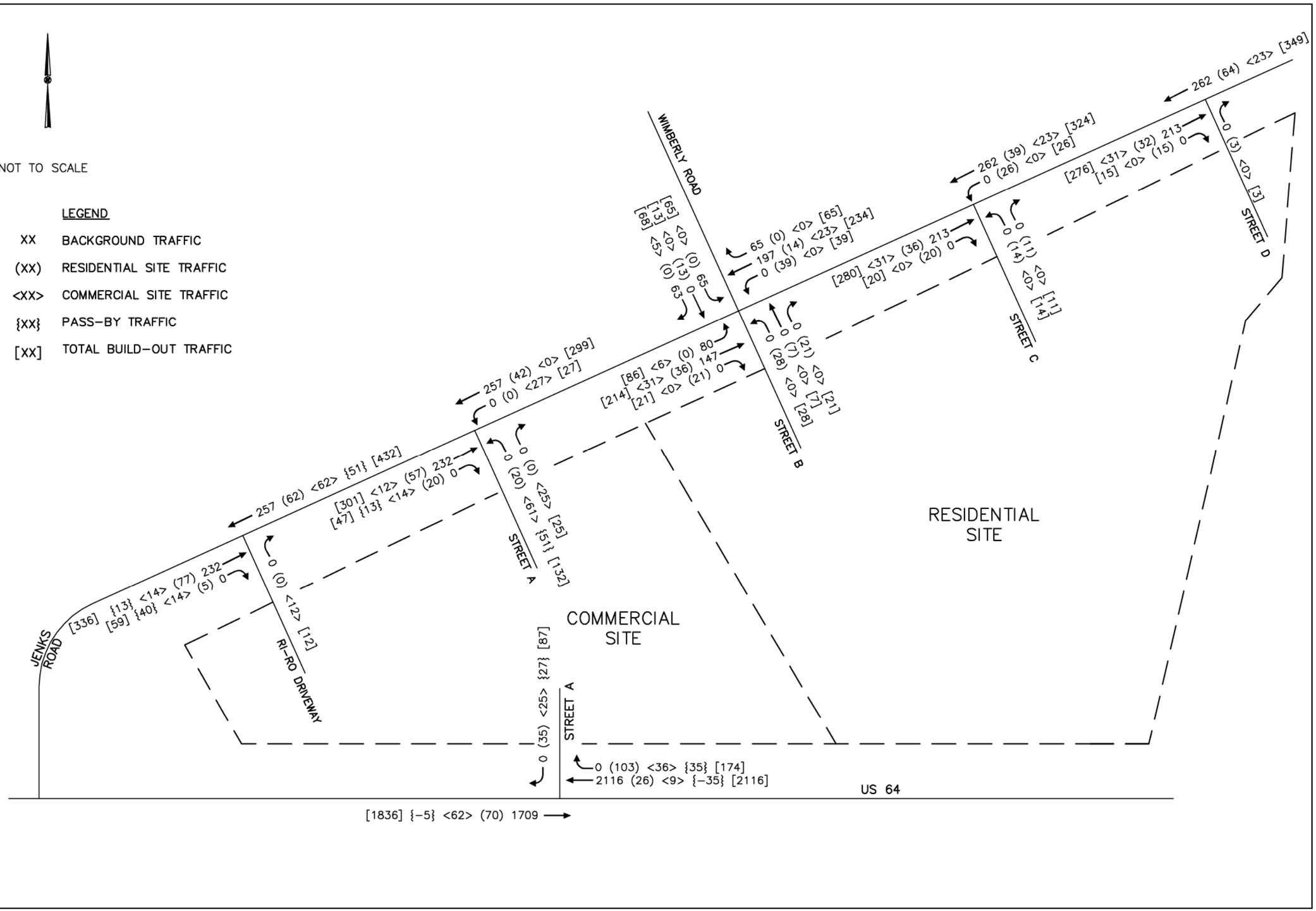

FIGURE 6B

PROJECTED (2021) BUILD-OUT
PM PEAK HOUR TRAFFIC VOLUMES
SITE DRIVEWAYS

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NOT TO SCALE

LEGEND

- EXISTING LANE
- EXISTING SIGNAL
- COMMITTED LANE (BY OTHERS)
- (M) COMMITTED TRAFFIC SIGNAL WARRANT MONITORING (BY OTHERS)
- (R) COMMITTED ROUNDABOUT (BY OTHERS)
- RECOMMENDED LANE
- RECOMMENDED TRAFFIC SIGNAL WARRANT MONITORING
- INSTALL TRAFFIC SIGNAL WHEN WARRANTED
- XXX' RECOMMENDED STORAGE LENGTH

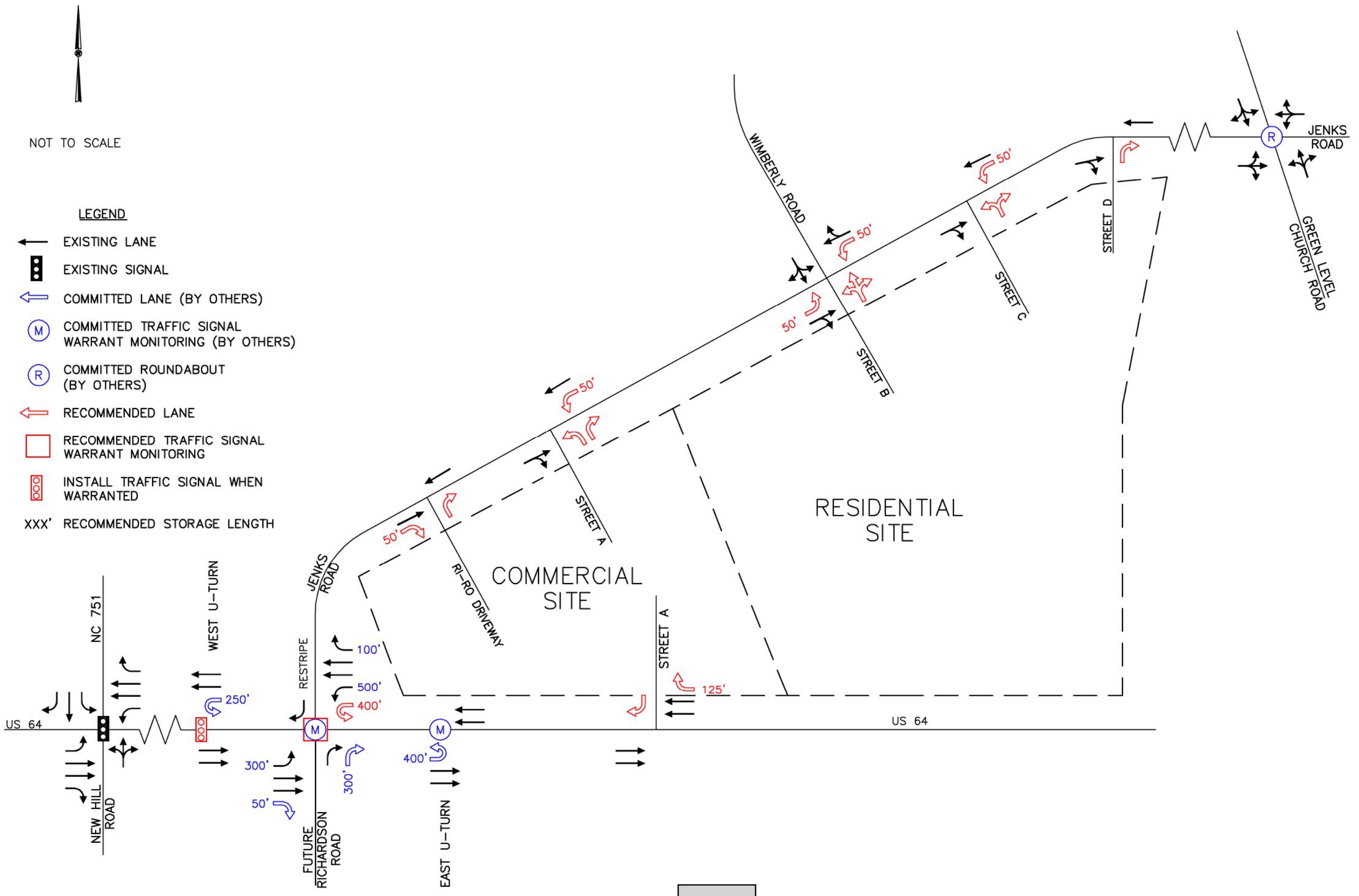

FIGURE 7

COMMITTED AND RECOMMENDED ROADWAY LANEAGE

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March 2, 2017

J. Travis Fluitt
Kimley-Horn and Associates, Inc.
421 Fayetteville St, Suite 600
Raleigh, NC 27601

Subject: **Staff summary and comments for Westford TIA, 12/7/16**

Mr. Fluitt:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

Five points of access are proposed, four of which are located along Jenks Road and one on US 64.

Intersections included in the TIA are as follows:

- US 64 at Jenks Rd / Richardson Rd
- US 64 at U-turn west of Jenks Road
- US 64 at U-turn east of Jenks Road
- US 64 at NC 751 / New Hill Road
- Jenks Rd at Green Level Church Rd
- Jenks Road at Wimberly Road / Street B
- US 64 at Street A
- Jenks Road at Street A
- Jenks Road at Street C
- Jenks Road at Street D

Trip Generation

The development is expected to include 90 single family homes, 300 apartments, and 225 townhomes. Total traffic generation is 65 new inbound trips and 258 new outbound trips in the A.M. peak hour and 257 new inbound trips and 139 new outbound trips in the P.M. peak hour. The development is expected to add 4,188 total new daily trips to the adjacent roadways at build out. The proposed plan analyzed in the TIA does not include the commercial area so traffic from those land uses will be subject to separate review at a later date when submitted.

Background traffic

The approved developments added to the existing traffic in addition to 2% annual background growth to the build out year 2019 are as follows:

- Sweetwater (residential portion only)
- Smith Farm (residential portion only)
- Deer Creek (residential portion only)
- The Preserve at White Oak Creek
- Greenmoor
- Lake Castleberry
- Crestmont

The Sweetwater TIA included a full build out analysis of their project in 2019 with traffic from both the residential and commercial phases of Deer Creek originally anticipated to be built out in 2021 according to the Deer Creek TIA. Smith Farm included a full build out analysis by 2021. Commercial development may or may not occur on those timelines within the aforementioned projects subject to market conditions. The Westford TIA included traffic from the residential portions of those projects for a 2019 build out analysis but did not account for the effect of the commercial uses of those projects in part or as a whole. However, it did include all of the residential build out and only the improvements associated with Sweetwater's residential phase. Additional improvements are committed with full build out of the other projects that are not included in this 2019 residential build out analysis, but Westford does represent traffic being added to those committed longer term improvements.

Trip Distribution and Assignment

The development includes four points of access along Jenks Road and one point of access on US 64. The distribution is as follows:

- 50% east and 7% west on US 64
- 15% east on Jenks Road
- 10% north on Green Level Church Road
- 7% north on NC 751
- 5% north on Wimberly Road
- 5% south on Richardson Road
- 1% south on New Hill Road

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 10 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "*NA*" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2016** - Existing year 2016 based on traffic counts

- **Background 2019** - Projected year 2019 with background growth and approved development traffic from others without the proposed site
- **Build-out 2019** - Projected year 2019 with background traffic and site build-out including recommended improvements where applicable

US 64 at Jenks Road-Richardson Road

Table 1. A.M. / P.M. Peak Hour Levels of Service US 64 at Jenks Road-Richardson Road				
	Existing 2016	Background 2019 "Superstreet"		Build-out 2019 "Superstreet" Signalized
		Stop control	Signalized	
Overall Richardson Rd at EB US 64	NA	NA	B / B	C / C
Northbound Richardson Rd	*NA*	*F / D*	*D / C*	*C / C*
Eastbound US 64	-	-	-	-
-Through & Right	*Free flow*	*Free flow*	*B / B*	*B / B*
-Left	*B / C*	*F / F*	*C / C*	*C / C*
Overall Jenks Rd at WB US 64	NA	NA	A / D	B / C
Southbound Jenks Rd	*F / F*	*D / F*	*D / D*	*D / D*
Westbound US 64	-	-	-	-
-Through & Right	*Free flow*	*Free flow*	*A / A*	*A / B*
-Left	*C / C*	*F / F*	*C / C*	*C / D*

TIA recommendations:

- The TIA recommends, if not already installed, monitoring for signalization of westbound US 64 at Jenks Road and installing a signal on that part of the Superstreet when warranted.

Apex staff recommendations:

- Apex staff concur with the recommendation for signalization of westbound US 64 at Jenks Road when warranted. The warrant study should be conducted prior to platting eighty percent (80%) of the dwelling units and proceed with the installation of a traffic signal when permitted by NCDOT. Signalization of eastbound US 64 at Richardson Road is anticipated to be done as part of Sweetwater when warranted.

US 64 at U-turn west of Jenks Road

Table 2. A.M. / P.M. Peak Hour Unsignalized Levels of Service US 64 at U-turn west of Jenks Road		
	Background 2019 "Superstreet"	**Build-out 2019 "Superstreet"**
Overall	NA	NA
Eastbound US 64 Through	*Free flow*	*Free flow*
Westbound US 64 U-turn	*D / D*	*E / E*

TIA recommendations:

- The TIA recommends, if not already installed, monitoring for signalization of the US 64 U-turn west of Jenks Road and installing a signal on that part of the Superstreet when warranted.

Apex staff recommendations:

- Apex staff concur with the recommendation for signalization of US 64 U-turn west of Jenks Road as part of the Westford development plan when warranted if not already installed. Until then, the planned 250-foot U-turn storage is adequate for unsignalized residential build-out conditions. The warrant study should be conducted prior to platting eighty percent (80%) of the dwelling units and proceed with the installation of a traffic signal when permitted by NCDOT. Sweetwater is committed to providing a traffic signal as part of the commercial phase if not warranted and installed prior to that time.

US 64 at U-turn east of Jenks Road

Table 3. A.M. / P.M. Peak Hour Levels of Service US 64 at U-turn east of Jenks Road			
	Background 2019 "Superstreet"		**Build-out 2019 "Superstreet" Signalized**
	Stop control	**Signalized**	
Overall	NA	B / B	B / B
Westbound US 64 Through	*Free flow*	*A / B*	*A / B*
Eastbound US 64 U-turn	*D / E*	*C / D*	*D / D*

TIA recommendations:

- The TIA does not recommend any additional improvements other than the installation of a traffic signal for background conditions if warranted as part of the Sweetwater project.

Apex staff recommendations:

- Apex staff concur with the recommendation for signalization of US 64 U-turn east of Jenks Road as part of the Sweetwater development plan pending justification through a warrant study as already required in the zoning conditions. Traffic from the Westford residential phase does not have a significant impact on unsignalized or signalized conditions at the U-turn. Sweetwater is committed to providing dual 250-foot U-turn lanes and a traffic signal as part of the commercial phase.

US 64 at NC 751-New Hill Road

Table 4. A.M. / P.M. Peak Hour Signalized Levels of Service US 64 at NC 751-New Hill Road			
	Existing 2016	**Background 2019**	**Build-out 2019**
Overall	D / C	D / D	D / D
Eastbound US 64	*D / C*	*D / D*	*D / D*
Westbound US 64	*C / C*	*C / D*	*C / D*
Northbound New Hill Road	*F / E*	*F / F*	*F / F*
Southbound NC 751	*C / C*	*C / D*	*C / D*

TIA recommendations:

- The TIA recommends no additional turn lanes or changes to the signal phasing for the residential build-out represented by this analysis.

Apex staff recommendations:

- Apex staff concur with no additional improvements for US 64 at NC 751-New Hill Road as part of the residential phase. There will be failing conditions for the New Hill Road approach but overall LOS D with or without the Westford project. The Westford residential build-out does not represent enough traffic increase to would justify additional improvements as part of the development plan. Also, the Deer Creek zoning conditions already include commitments for improvements at the intersection to mitigate traffic impacts as part of the future site plan.

Jenks Road at Green Level Church Road

Table 5. A.M. / P.M. Peak Hour Levels of Service Jenks Road at Green Level Church Road				
	Existing 2016	Background 2019	Build-out 2019	
			Stop control	Signalized
Overall	B / B	C / F	D / F	B / C
Eastbound Jenks Rd	*A / B*	*C / D*	*E / D*	*B / B*
Westbound Jenks Rd	*B / B*	*C / F*	*C / F*	*B / C*
Northbound Green Level Ch Rd	*B / B*	*D / E*	*D / E*	*B / B*
Southbound Green Level Ch Rd	*B / C*	*C / F*	*D / F*	*B / C*

TIA recommendations:

- The TIA recommends, if not already installed, monitoring for signalization of the intersection of Jenks Road at Green Level Church Road and installing a signal when warranted.

Apex staff recommendations:

- Apex Staff recommend consideration of a roundabout for Jenks Road at Green Level Church Road. The Westford development plan should include analysis of a one-lane roundabout for the build-out condition and pursue design of a one-lane roundabout set up for future expansion to a two-lane roundabout when permitted by NCDOT, provided there is also support from the Town of Apex for what is beyond the anticipated cost of a traffic signal. If the Town is unable to commit funds for the roundabout beyond the cost of a traffic signal, then the developer should conduct a signal warrant study prior to platting fifty percent (50%) of the dwelling units and proceed with the installation of a traffic signal when permitted by NCDOT.

Jenks Road at Wimberly Road-Street B

Table 6. A.M. / P.M. Peak Hour Unsignalized Levels of Service Jenks Road at Wimberly Road-Street B			
	Existing 2016	**Background 2019**	**Build-out 2019**
Overall	NA	NA	NA
Southbound Wimberly Road	*A / B*	*B / B*	*B / C*
Northbound Street B	*NA*	*NA*	*C / C*
Eastbound Jenks Rd left turn movement	*A / A*	*A / A*	*A / A*
Westbound Jenks Rd left turn movement	*NA*	*NA*	*A / A*

TIA recommendations:

- The TIA recommends exclusive eastbound and westbound left turn lanes with 50 feet of storage.

Apex staff recommendations:

- Apex staff concur with the proposed left turn lanes on Jenks Road for Wimberly Road and Street B. Minimum length should include 100 feet of taper and 50 feet of full width deceleration lane in addition to proposed storage.

US 64 at Street A

Table 7. A.M. / P.M. Peak Hour Unsignalized Levels of Service US 64 at Street A (right-in/right-out)	
	Build-out 2019
Overall	NA
Southbound Street A (right-out only)	*C / D*

TIA recommendations:

- The TIA recommends an exclusive westbound right turn lane on US 64 at Street A with a minimum of 75 feet of storage.

Apex staff recommendations:

- Apex staff concur with the proposed right turn deceleration lane on US 64 at Street A. Minimum length should include 200 feet of taper and 50 feet of full width deceleration lane in addition to proposed storage.

Jenks Road at Street A

Table 8. A.M. / P.M. Peak Hour Unsignalized Levels of Service Jenks Road at Street A	
	Build-out 2019
Overall	NA
Northbound Street A	*B / B*
Westbound Jenks Rd left turn movement	*A / A*

TIA recommendations:

- The TIA recommends an exclusive westbound left turn lane with 50 feet of storage and exclusive left and right turn lanes exiting Street A.

Apex staff recommendations:

- Apex staff concur with the proposed left turn lane on Jenks Road at Street A. Minimum length should include 100 feet of taper and 50 feet of full width deceleration lane in addition to proposed storage.

Jenks Road at Street C

Table 9. A.M. / P.M. Peak Hour Unsignalized Levels of Service Jenks Road at Street C	
	Build-out 2019
Overall	NA
Northbound Street C	*B / B*
Westbound Jenks Rd left turn movement	*A / A*

TIA recommendations:

- The TIA recommends an exclusive westbound left turn lane with 50 feet of storage.

Apex staff recommendations:

- Apex staff concur with the proposed left turn lane on Jenks Road at Street C. Minimum length should include 100 feet of taper and 50 feet of full width deceleration lane in addition to proposed storage.

Jenks Road at Street D

Table 10. A.M. / P.M. Peak Hour Unsignalized Levels of Service Jenks Road at Street D (right-in/right-out)	
	Build-out 2019
Overall	NA
Northbound Street D (right-out only)	*A / A*

TIA recommendations:

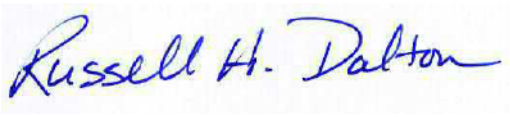
- The TIA recommends no additional improvements.

Apex staff recommendations:

- Apex staff concur with right-in/right-out operation and no additional turn lanes to serve Street D. The left turn restriction should be served by a four-foot wide monolithic concrete median according to NCDOT standards along the center of Jenks Road at Street D for a minimum distance of 100 feet.

Apex staff encourage a meeting with NCDOT to discuss recommendations prior to Town Council consideration.

Sincerely,



Russell H. Dalton, PE
Senior Engineer
919-249-3358

Council-Smith Tracts

Apex, NC

PREPARED FOR

Baker Residential
c/o Will Yadusky
8059 Brandyapple Drive
Raleigh, NC 27615

PREPARED BY

VHB Engineering NC, PC (C-3705)
4000 WestChase Boulevard, Suite 530
Raleigh, NC 27607
919.829.0328

September 11, 2015

Council-Smith Tracts

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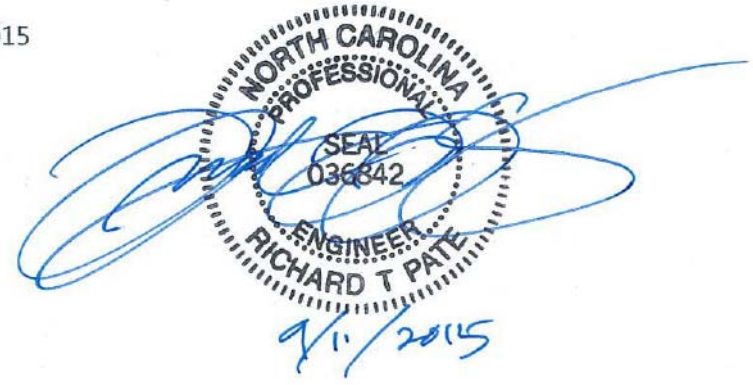


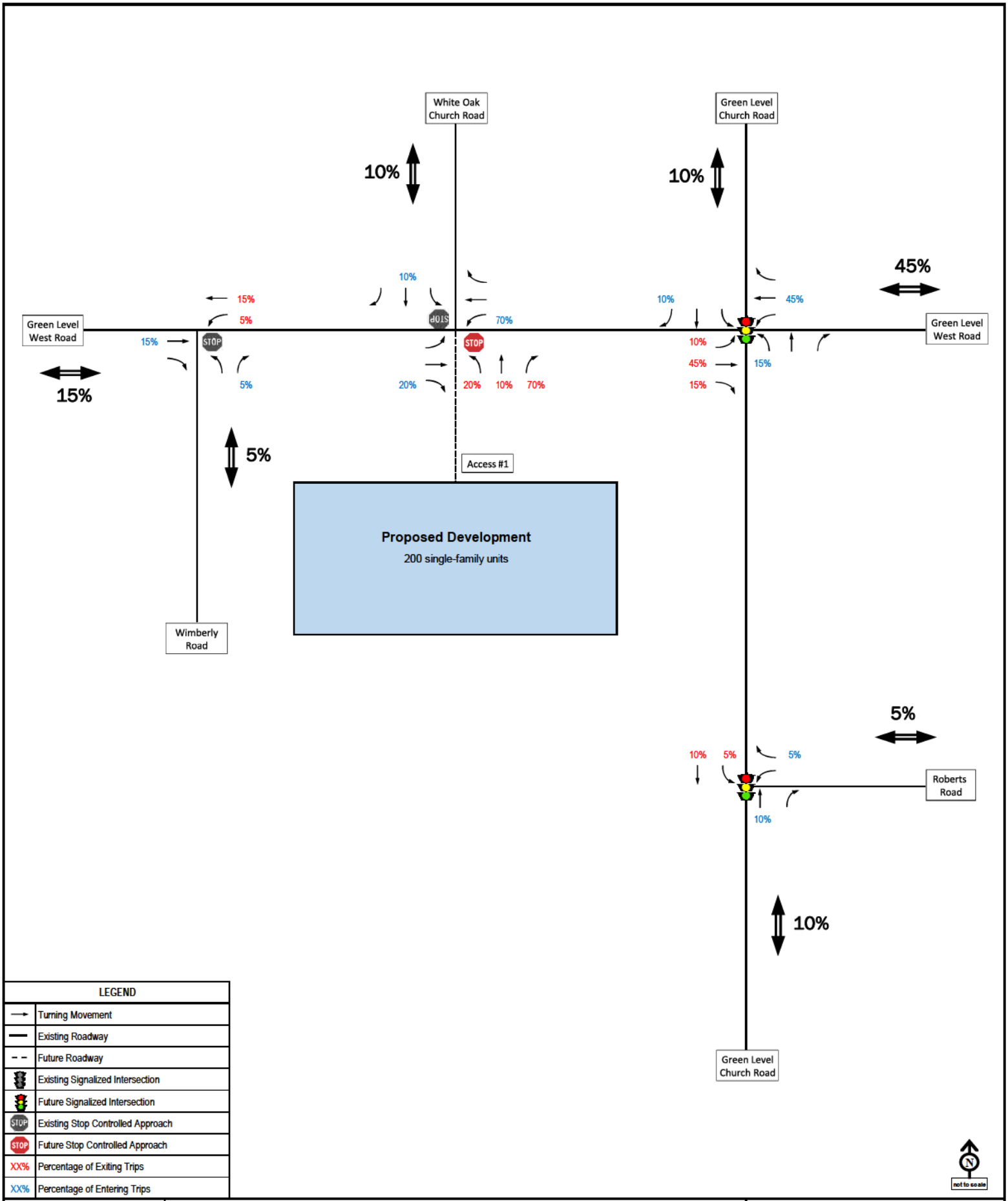


Figure 6
AM and PM Peak Hour Direct ution Percentages

Council Smith Tracts
Apex, NC

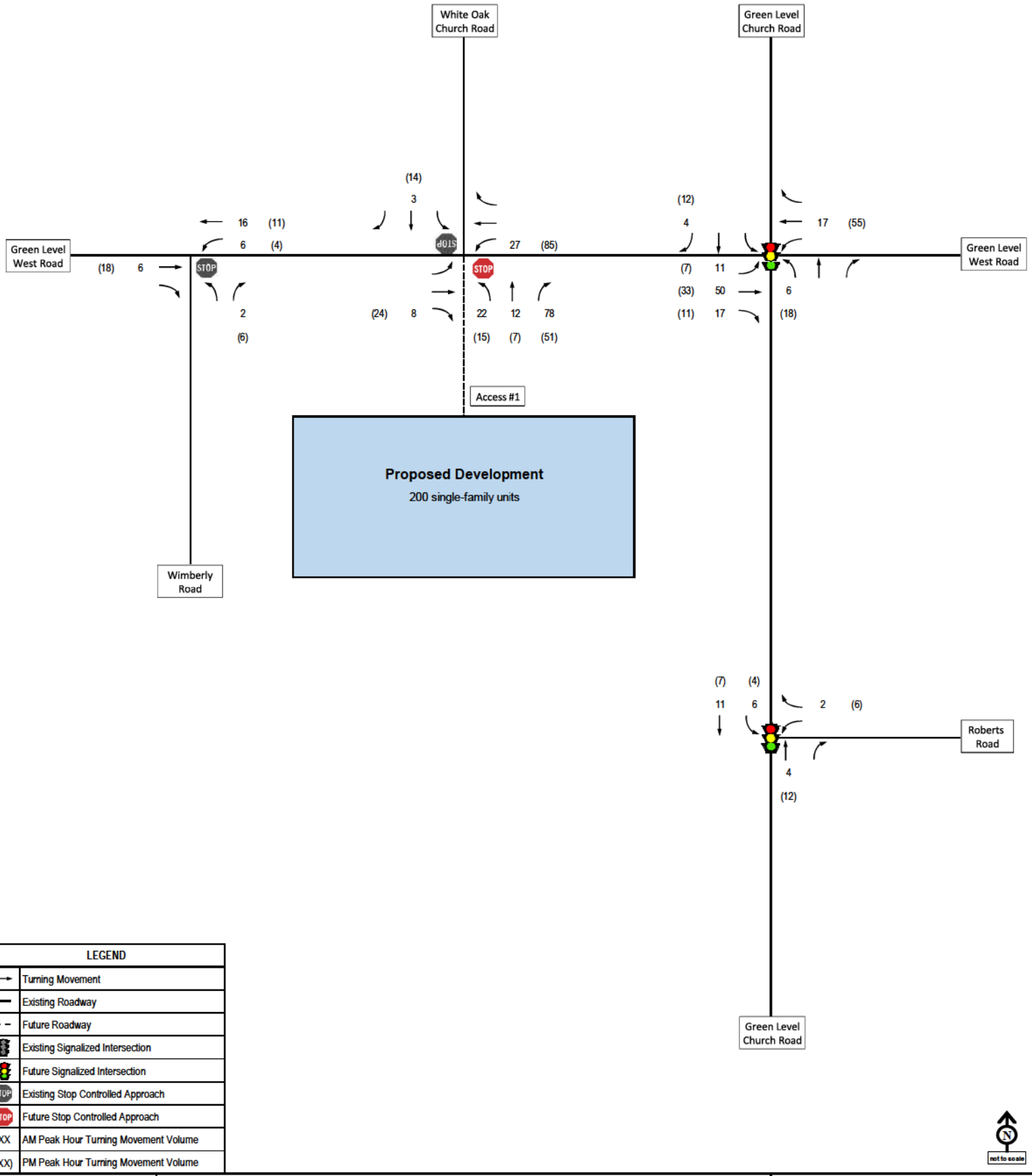


Figure 7
AM and PM Peak Hour Direct ution Percentages

Council Smith Tracts
Apex, NC

5

Findings and Conclusions

As indicated in the traffic operations analyses, the proposed development is projected to have minimal impact on the traffic operations of the surrounding roadway network and intersections. Therefore, no offsite improvements are recommended; however the following driveway configuration should be considered.

Green Level West Road and White Oak Church Road/Access #1

The traffic analysis indicates that the southbound stop-controlled approach is projected to operate at LOS F in the AM peak hour. The development is projected to add only one (1) southbound trip in the AM peak hour. The projected delays at this location are primarily due to the site trips associated with the approved E-37 Elementary School being constructed along White Oak Church Road and it is likely that the poor level of service in the AM peak hour will only last for a short duration of time within the peak hour. A southbound right-turn lane along White Oak Church Road was committed to as part of the E-37 TIA and is expected to be constructed at this location. With the construction of the proposed development, the following driveway configuration should be considered at this location:

- Construct the northbound Access #1 approach to provide for one ingress lane and two egress lanes – an exclusive right-turn lane that provides at least 100 feet of full storage and an appropriate taper and a shared thru/left-turn lane.
- Construct an exclusive westbound left-turn lane along Green Level West Road that provides at least 100 feet of full storage and an appropriate taper.
- Construct an exclusive eastbound right-turn lane along Green Level West Road that provides at least 100 feet of full storage and an appropriate taper.

A peak hour signal warrant analysis indicated that this intersection is projected to meet AM peak hour signal warrants in 2021 due to the projected trips from the E-37 Elementary School, however the PM peak hour signal warrant is not projected to be met in 2021.

All other study area intersections are projected to operate acceptably during the future year (2021) and therefore, no further improvements are recommended.

A summary of LOS results across scenarios is shown in Table 7, and the resulting future lane configurations and traffic control for 2021 are shown in Figure 9.

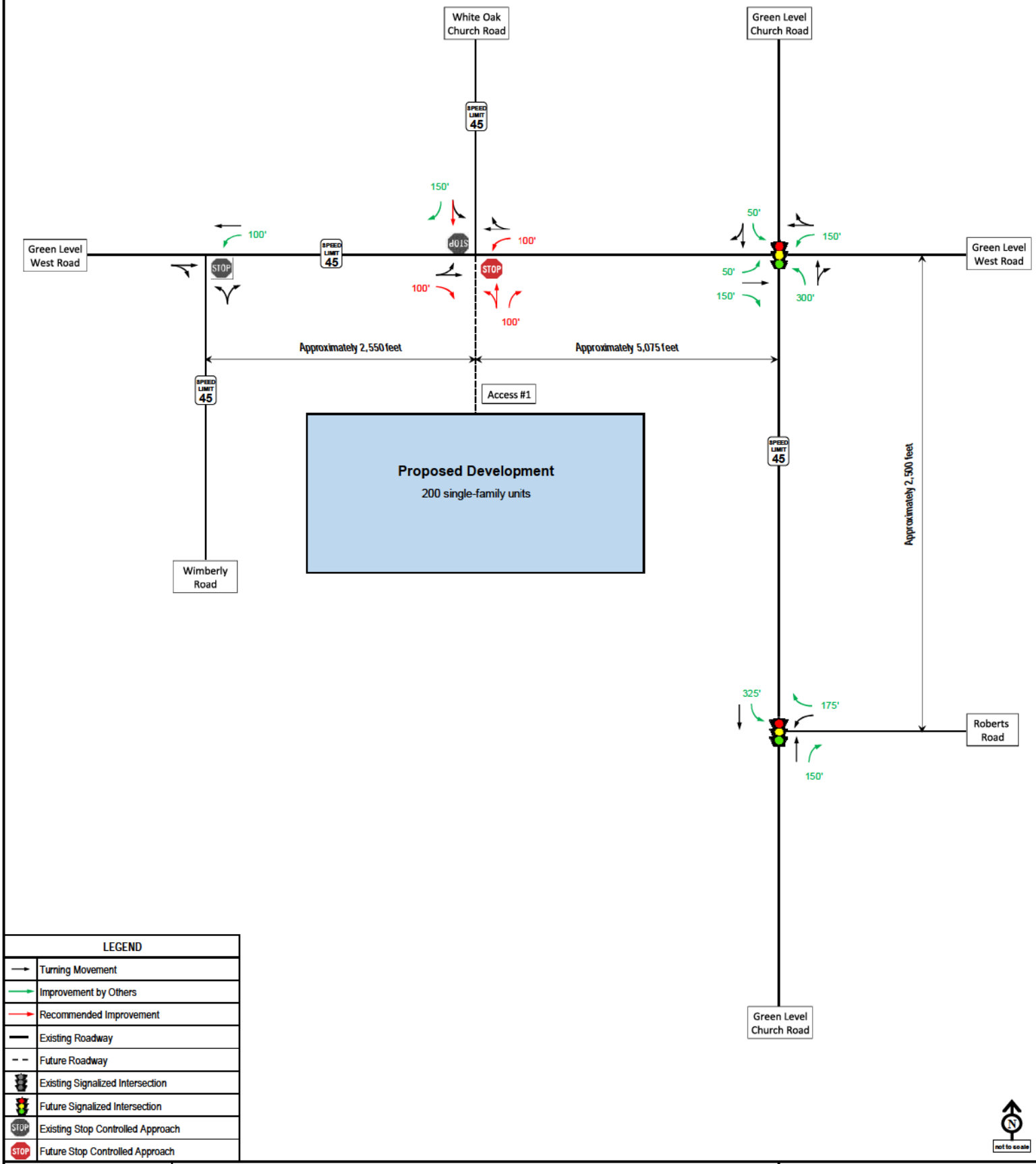


Figure 9
Future (2021) Lane Configu[illegible] Traffic Control

Council Smith Tracts
Apex, NC

THE PEAK OF GOOD LIVING

Town of Apex

P. O. BOX 250
APEX, NORTH CAROLINA 27502

February 11, 2014

R. Steven Epley, PE
sepley@vhb.com
VHB Engineering

Subject: **Staff comments for Lake Castleberry Development TIA dated 1/10/14**

Mr. Epley:

Please review the following comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

- The subdivision is located on the north side of Castleberry Road west of the intersection with Wimberly Road and extends northward to connect with Green Level West Road.
- The study includes the following intersections:
    - Wimberly Road at Green Level West Road
    - Green Level West Road at Green Level Church Road
    - Wimberly Road at Castleberry Road
    - Wimberly Road at Jenks Road
    - Site Access Driveways to Castleberry Road (2), Wimberly Road, and Green Level West Road

Trip Generation and Distribution

The TIA assumes 172 single family homes and is anticipated to generate 33 inbound trips and 97 outbound trips in the a.m. peak hour, 108 inbound trips and 63 outbound trips in the p.m. peak hour, and 1,730 trips on a typical weekday. The distribution is as follows:

- 40% east on Green Level West Road
- 30% west on Green Level West Road
- 10% east on US 64
- 10% west on US 64
- 5% north on Green Level Church Road
- 5% south on Green Level Church Road

Site Access

- Two points of access are proposed along Castleberry Road west of Wimberly Road.
- One point of access is proposed along Wimberly Road north of Castleberry Road.
- One point of access is proposed along Green Level West Road west of Wimberly Road.
- All four points of access are proposed as full movement.

Traffic Capacity Analysis

- With the installation of a traffic signal and construction of a northbound left turn lane as planned by others, the intersection of Green Level West Road at Green Level Church Road is anticipated to operate at overall LOS D for build-out in 2018. The westbound approach of Green Level West Road is anticipated to operate at LOS E in the a.m. peak hour and LOS F in the p.m. peak hour for build-out in 2018.
- With the construction of left turn lanes on Jenks Road as planned by others, the southbound and proposed (Westford Driveway) northbound approach of Wimberly Road at Jenks Road are anticipated to operate with long delays for build-out in 2018.
- All proposed points of access for the site, Castleberry Road at Wimberly Road, and Wimberly Road at Green Level West Road are anticipated to operate with short delays.

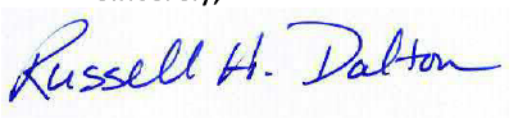
Recommendations

1. The TIA recommends a 100-foot westbound left turn lane on Green Level West Road at Wimberly Road. ***Apex staff concurs with the recommendation.***
2. The TIA recommends no additional improvements for Green Level West Road at Green Level Church Road. The H7 High School development plans include installation of a traffic signal and the Beckwith Property development plans include a 125-foot northbound left turn lane. ***Apex staff concurs with no additional recommendations.***
3. The TIA recommends no additional lanes for Wimberly Road at Castleberry Road. ***Apex staff concurs.***
4. The TIA recommends no additional improvements for Wimberly Road at Jenks Road. The Westford development plans include construction of 100-foot left turns lanes each direction on Jenks Road. ***Apex staff concurs with no additional recommendations.***
5. The TIA recommends a 100-foot westbound left turn lane on Green Level West Road at the proposed Site Access Driveway. ***Apex staff concurs with the recommendation.***

6. The TIA recommends no exclusive turning lanes for either of the two proposed Site Access Driveways on Castleberry Road and no exclusive turning lanes for the Site Access Driveway on Wimberly Road. ***Apex staff concurs with the recommendations.***

NCDOT maintains Green Level Church Road, Green Level West Road, Jenks Road, Wimberly Road, and Castleberry Road. I welcome the opportunity to discuss any recommendations pertaining to state-maintained roads and encourage discussions with NCDOT as early as possible prior to review by Town Council.

Sincerely,



Russell H. Dalton, PE
Transportation Engineer
919-249-3358

Lake Castleberry Development

Apex, NC

Prepared for
Withers & Ravenel
c/o Craig Duerr, PE, LEED AP
115 MacKenan Drive
Cary, NC 28511

Prepared by
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Raleigh, NC 27607
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www.vhb.com

January 10, 2014

VHB Transportation | Land Development | Environmental

Traffic Impact Analysis

Lake Castleberry Development

Apex, NC

Prepared for

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January 10, 2014

VHB Transportation | Land Development | Environmental

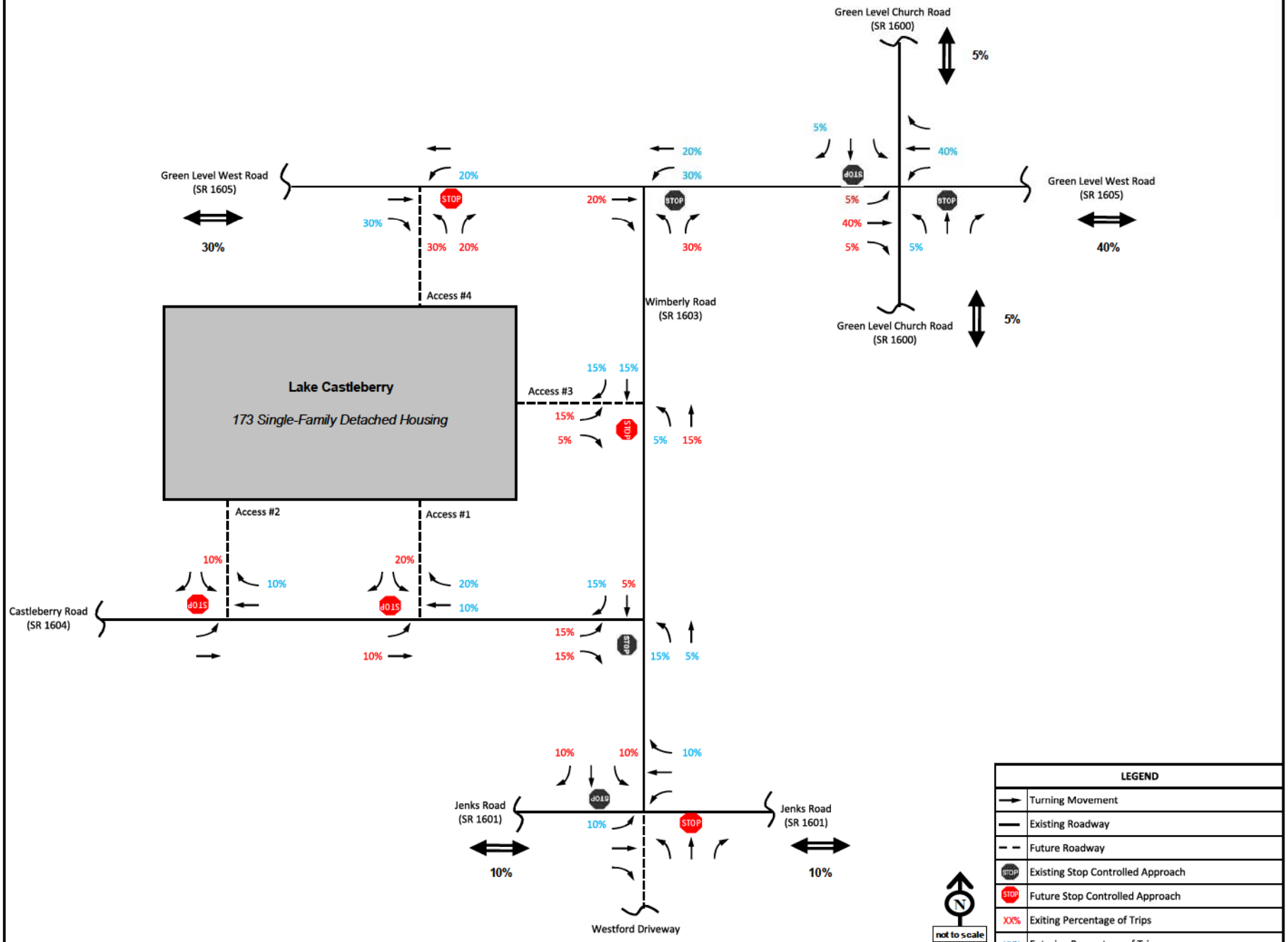


Figure 6
Peak Hour Directional Distribution Percentages

Lake Castleberry TIA
Town of Apex, NC

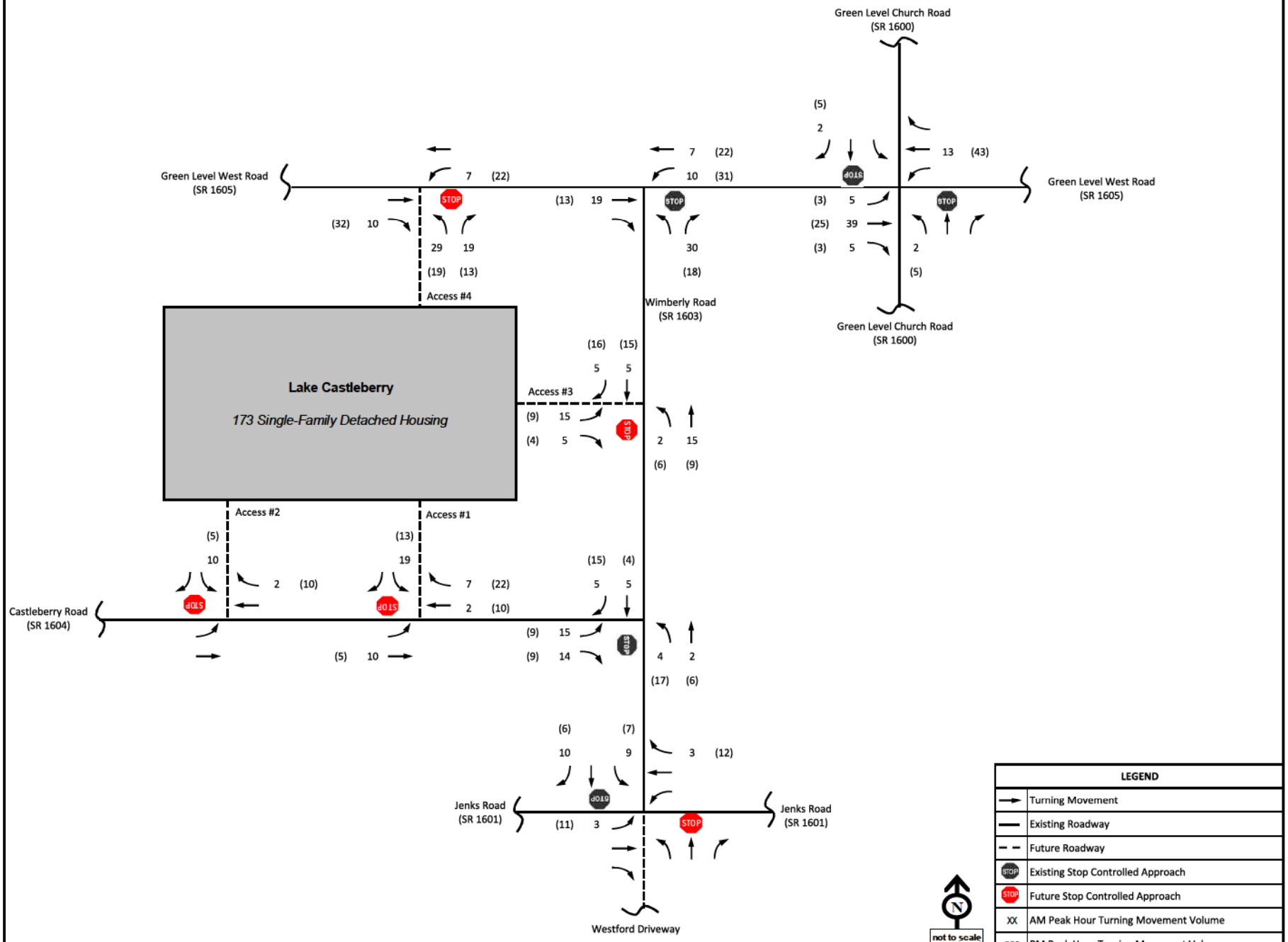
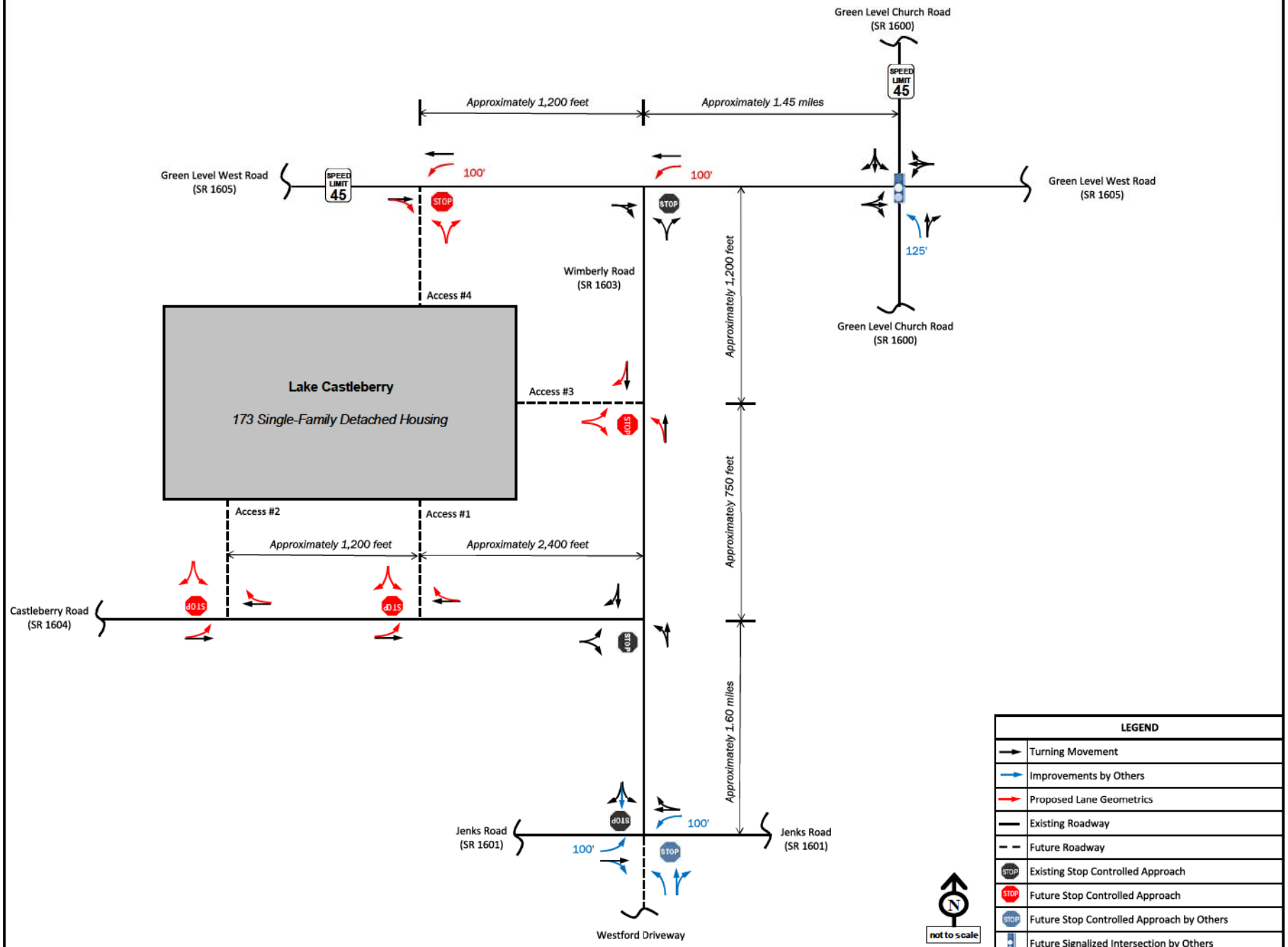


Figure 7
AM and PM Peak [illegible]rips

Lake Castleberry TIA
Town of Apex, NC



VHB

Figure 9
Recommended (2018) Lane G nd Traffic Control

Lake Castleberry TIA
Town of Apex, NC

5

Findings and Conclusions

As indicated in the traffic operations analyses, the proposed development is projected to have minimal impact on the traffic operations of the surrounding roadway network and intersections. The following roadway improvements are recommended.

Phase I - Castleberry Road and Site Access #1 (unsignalized)

The traffic analysis indicates that this intersection is projected to operate acceptably during the AM and PM peak hours. Therefore, the following intersection configuration is recommended at this location:

- Construct Site Access #1 to provide one egress lane and one ingress lane.

Phase II - Castleberry Road and Site Access #2 (unsignalized)

The traffic analysis indicates that this intersection is projected to operate acceptably during the AM and PM peak hours. Therefore, the following intersection configuration is recommended at this location:

- Construct Site Access #2 to provide one egress lane and one ingress lane.

Phase III - Wimberly Road and Site Access #3 (unsignalized)

The traffic analysis indicates that this intersection is projected to operate acceptably during the AM and PM peak hours. The following intersection configuration is recommended at this location to accommodate the proposed development's traffic volumes and reduce delay on Wimberly Road:

- Construct Site Access #3 to provide one egress lane and one ingress lane.

Phase IV - Green Level West Road and Site Access #4 (unsignalized)

The traffic analysis indicates that this intersection is projected to operate acceptably during the AM and PM peak hours. The following intersection configuration is recommended at this location to accommodate the proposed development's traffic volumes and reduce delay along Green Level West Road:

- Construct a westbound left-turn lane along Green Level West Road that provides at least 100 feet of full storage and an appropriate taper.
- Construct Site Access #4 to provide one egress lane and one ingress lane.

Phase V - Green Level West Road and Wimberly Road (unsignalized)

The traffic analysis indicates that this intersection is projected to operate acceptably during the AM and PM peak hours. However, due to the anticipated westbound left-turn volume on Green Level West Road once Phase IV is completed, the following is recommended at this location:

- Construct a westbound left-turn lane along Green Level West Road that provides at least 100 feet of full storage and an appropriate taper.

The rest of the study intersections are projected to operate at acceptable levels of service under Build (2018) conditions. Therefore, no further improvements are recommended.

A summary of LOS results across scenarios is shown in Table 7, and the resulting future lane configurations and traffic control for 2018 are shown in Figure 9.

THE PEAK OF GOOD LIVING

Town of Apex

P. O. BOX 250
APEX, NORTH CAROLINA 27502

September 25, 2015

Richard T. Pate, PE
TPate@VHB.com
VHB Engineering NC, PC
4000 WestChase Boulevard, Suite 530
Raleigh, NC 27607

Subject: **Staff summary and comments for Council-Smith Tracts (Smith Roberts PUD) TIA dated 9/11/15**

Mr. Pate:

Please review the following comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The primary routes are Green Level West Road, Green Level Church Road, Roberts Road, Wimberly Road, and White Oak Church Road. One point of access is proposed on Green Level West Road directly across from White Oak Church Road. Additionally, cross access is proposed eastward through the adjacent approved "Beckwith Property" (Toll Brothers) project with an already approved access to Green Level West Road.

Trip Generation

The proposed subdivision is expected to include 200 single-family homes. It is expected to generate 38 new inbound trips and 112 new outbound trips in the A.M. peak hour. It is expected to generate 123 new inbound trips and 73 new outbound trips in the P.M. peak hour. 1,987 daily trips are expected to access the development in a 24-hour period.

Background Growth and Approved Developments

Nineteen (19) approved developments were assumed as background traffic for a 2021 build-out.

Trip Distribution and Assignment

The development includes one new full movement point of access on Green Level West Road and a connection to the Toll Brothers "Beckwith Property." The distribution is as follows.

- 45% east and 15% west on Green Level West Road
- 10% north and 10% south on Green Level Church Road
- 10% north on White Oak Church Road
- 5% east on Roberts Road
- 5% south on Wimberly Road

Traffic Capacity Analysis

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS D is the typical threshold considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Unified Development Ordinance (UDO).

The following table lists the levels of service reported for the signalized intersections and also for the signalized movements that experience worse than LOS D for one or more conditions. Movements experiencing LOS D or better for all conditions are not reported in this summary. Improvements planned by Wake County Public School System as part of school development on Roberts Road (high school) and on White Oak Church Road (elementary school) are assumed in the no-build and build analyses as well as site traffic from those schools.

Table 1. 2015 Existing (2021 No-Build) [2021 Build] Signalized Level of Service*		
	Level of Service (A – F)	
Signalized intersection/ *movement***	**A.M. Peak Hour**	**P.M. Peak Hour**
Green Level West Road at Green Level Church Road	(D) [D]	(C) [C]
Green Level West Rd westbound left turn	*(E) [F]*	*(D) [E]*
Green Level Church Rd southbound through-right	*(D) [E]*	*(C) [D]*
Green Level Church Road at Roberts Road	(D) [D]	(B) [B]
Green Level Church Rd southbound left turn	*(E) [E]*	*(A) [A]*
Roberts Rd westbound left turn	*(E) [E]*	*(C) [C]*

*Signalization and turn lanes planned by Wake County Public School System.
**Movements with LOS D or better for all conditions not shown.

As shown in Table 1, LOS E conditions are experienced for the westbound left turn on Green Level West Road at Green Level Church Road without site traffic and worsen to LOS F with site traffic in the a.m. peak hour. In the p.m. peak hour LOS D for that same movement falls to LOS E with site traffic. No site traffic is added to that movement and no additional improvements are recommended at this time. Overall intersection LOS is acceptable.

Also shown in Table 1, LOS E conditions are experienced for the southbound left turn on Green Level Church Road at Roberts Road with or without site traffic in the a.m. peak hour. The site adds only six (6) vehicles during that hour. LOS E conditions in the a.m. peak hour are also experienced for the westbound left turn on Roberts Road at Green Level Church Road with or without site traffic. No site traffic is added to that movement and no additional improvements are recommended at this time. Overall intersection LOS is acceptable.

There is only one stop controlled movement in the TIA that falls below LOS D as shown in Table 2. All others are LOS D or better.

Table 2. 2015 Existing (2021 No-Build) [2021 Build] Unsignalized Movements Worse than LOS D		
	Level of Service (A – F)	
Unsignalized movement*	**A.M. Peak Hour**	**P.M. Peak Hour**
White Oak Church Road southbound single lane (left turn) [through-left] at Green Level West Road	A (F) [F]	A (B) [C]

The southbound left turn on White Oak Church Road at Green Level West Road will operate at LOS F with or without site traffic in the a.m. peak hour due to the planned Elementary School adding a relatively large volume of traffic in the no-build condition. The school is constructing a 150-foot southbound right turn lane to mitigate the impact for the southbound approach and the proposed development will restripe the left turn as a through-left, adding the fourth leg to the south, with only three (3) vehicles traveling through in the a.m. peak hour. The northbound site access is proposed with a 100-foot right turn lane and a through-left lane. A traffic signal is not anticipated based on the projected traffic volumes but may eventually be warranted in later years depending on additional growth and traffic patterns.

Recommendations

1. **The TIA recommends no additional changes to the signalized intersection of Green Level West Road at Green Level Church Road.** Wake County Public School System (WCPSS) will be adding turn lanes and a traffic signal at this location. Site traffic adds more than 10% to the eastbound left turn movement and storage planned for that lane does not accommodate the build-out queue. ***The proposed project should extend the eastbound left turn lane to provide at least 75 feet of full width storage based on the 95th percentile queue to mitigate site traffic impacts.*** Wake County Public Schools is planning 50 feet of storage. The intersection operates at LOS D or better for build-out conditions.

2. **The TIA recommends no additional changes to the signalized intersection of Green Level Church Road at Roberts Road.** WCPSS will be adding turn lanes and a traffic signal at this location. Apex staff concur with no additional changes at this location based on site traffic impacts. The intersection operates at LOS D or better for build-out conditions.

3. **The TIA recommends a 100-foot eastbound right turn lane, 100-foot westbound left turn lane, and 100-foot northbound right turn lane at the intersection of Green Level West Road at White Oak Church Road/Access #1.** Apex staff concur with the proposed improvements to accommodate the addition of a fourth leg accessing the site. Long delays will be experienced for the southbound left turn for morning carpool traffic coming from the planned school with or without site traffic. The proposed turn lanes will mitigate the impact of site traffic at this intersection.

4. **The TIA recommends no additional changes to the stop-controlled intersection of Green Level West Road at Wimberly Road.** The Lake Castleberry project will be adding the 100-foot westbound left turn lane assumed in the TIA. Apex staff concur with no additional changes to the intersection. The stopped approach of Wimberly Road operates at LOS B with or without site traffic.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements and site access. All proposed changes to state-maintained roadways are subject to NCDOT review and approval. Town staff will be available for meetings with NCDOT staff to discuss as needed.

Sincerely,

Russell H. Dalton

Russell H. Dalton, PE
Transportation Engineer
919-249-3358

Home NCDOT 2020-2029 STIP Map

Modify Map Sign In

Details | Basemap | Share Print Measure wimberly road, apex, nc

About Content Legend

Legend

NCDOT 2020-2029 STIP

2020-2029 STIP Points

- Statewide Highway
- Regional Highway
- Division Highway
- Interstate Maintenance
- Bridge
- Transition Highway
- Other Highway
- Statewide Aviation
- Regional Aviation
- Division Aviation
- Aviation
- Regional Ferry
- Division Ferry
- Transition Ferry
- Statewide Rail
- Regional Rail
- Division Rail
- Transition Rail
- Other Rail
- Regional Public Transit
- Division Public Transit
- Division Bicycle And Pedestrian
- Transition Bicycle And Pedestrian

2020-2029 STIP Lines

- Statewide Highway
- Regional Highway
- Division Highway
- IM

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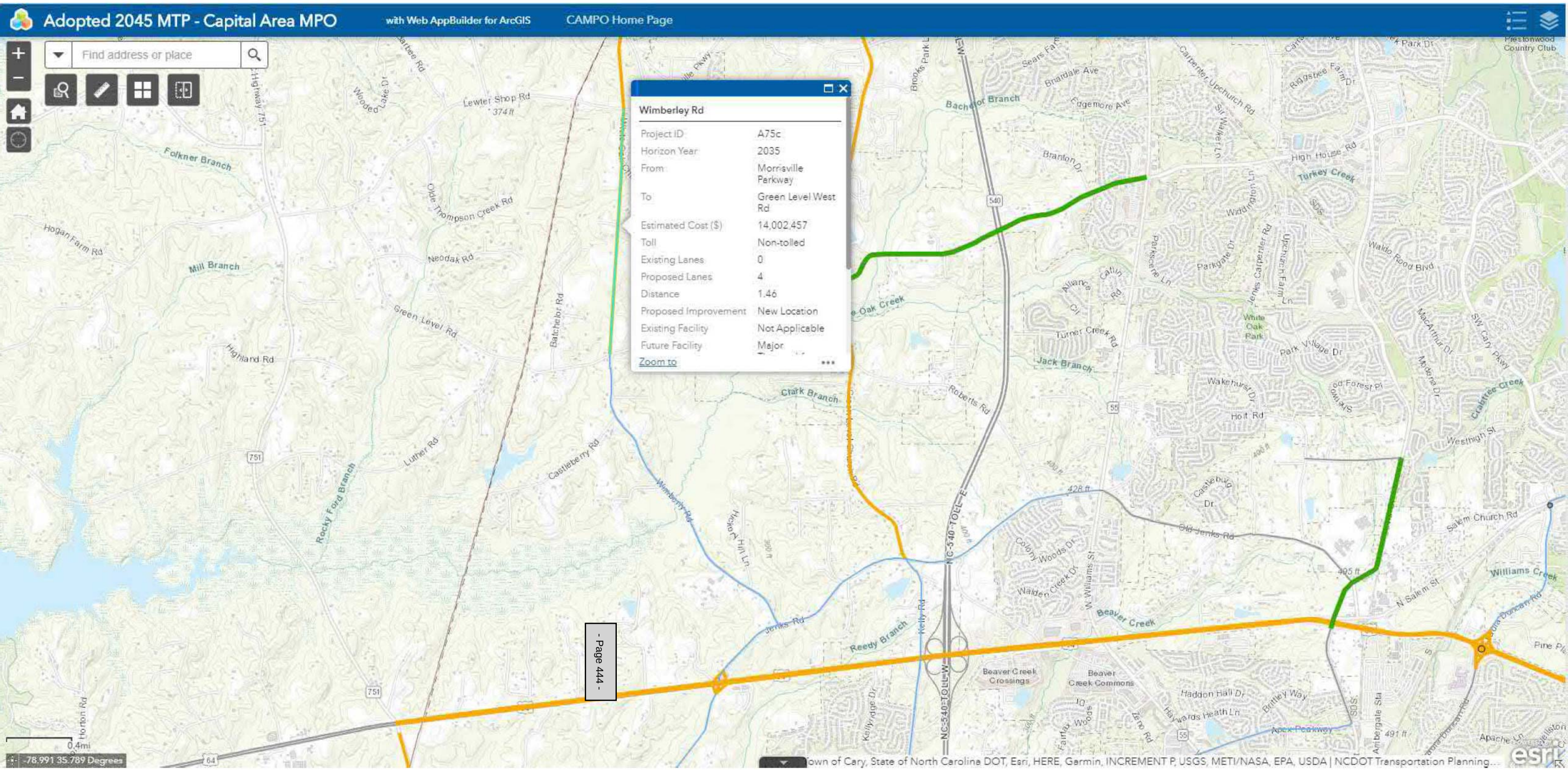
Adopted 2045 MTP - Capital Area MPO
with Web AppBuilder for ArcGIS
CAMPO Home Page
Find address or place
Wimberley Rd
Project ID A75c
Horizon Year 2035
From Morrisville Parkway
To Green Level West Rd
Estimated Cost ($) 14,002,457
Toll Non-tolled
Existing Lanes 0
Proposed Lanes 4
Distance 1.46
Proposed Improvement New Location
Existing Facility Not Applicable
Future Facility Major
Zoom to
Folkner Branch
Mill Branch
Hogan Farm Rd
Olde Thompson Creek Rd
Neodak Rd
Green Level Rd
Highland Rd
Batchelor Rd
Lewter Shop Rd
374 ft
Wooded Lake Dr
Bachelor Branch
Brantley Farm Rd
Bridgestone Dr
Carpenter Upchurch Rd
Bradford Ave
Edgemore Ave
Branton Dr
Turkey Creek
High House Rd
Widdington Ln
Parkgate Dr
Parkscape Ln
Jenks Carpenter Rd
Upchurch Farm Ln
Waldo Rood Blvd
Alliance Cir
Caitlin Rd
Turner Creek Rd
White Oak Park
Park Village Dr
MacArthur Dr
SW Cary Pkwy
Jack Branch
Clark Branch
Roberts Rd
Wakehurst Dr
Hoit Rd
Castlebury Dr
Old Jenks Rd
Salem Church Rd
Westhigh St
Williams Creek
N Salem St
Colony Woods Dr
Walden Creek Dr
W Williams St
Beaver Creek
Reedy Branch
Jenks Rd
Kelly Rd
Wimberly Rd
Hickory Hill Ln
Castleberry Rd
Luther Rd
Rocky Ford Branch
Horton Rd
Kellyridge Dr
Beaver Creek Crossings
Beaver Creek Commons
Haddon Hall Dr
Britley Way
Haywards Heath Ln
Fairfax Woods Ct
Zeno Rd
Apex Peakway
Antiergate Sta
Apache Ln
Preston Wood Country Club
Craftree Creek
NC-540 TOLL-E
NC-540 TOLL-W
540
751
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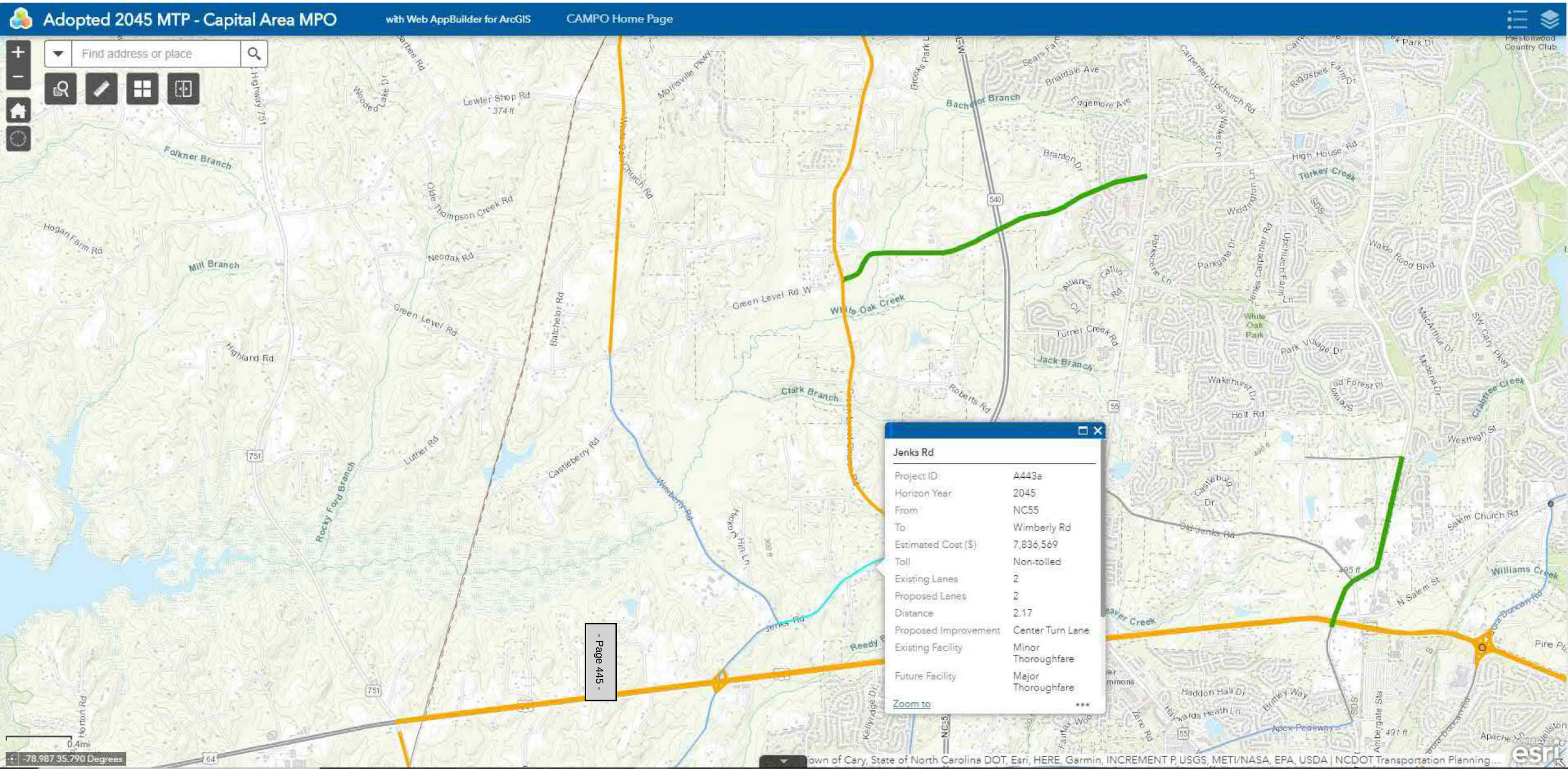
-78.991 35.789 Degrees
own of Cary, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | NCDOT Transportation Planning...
esri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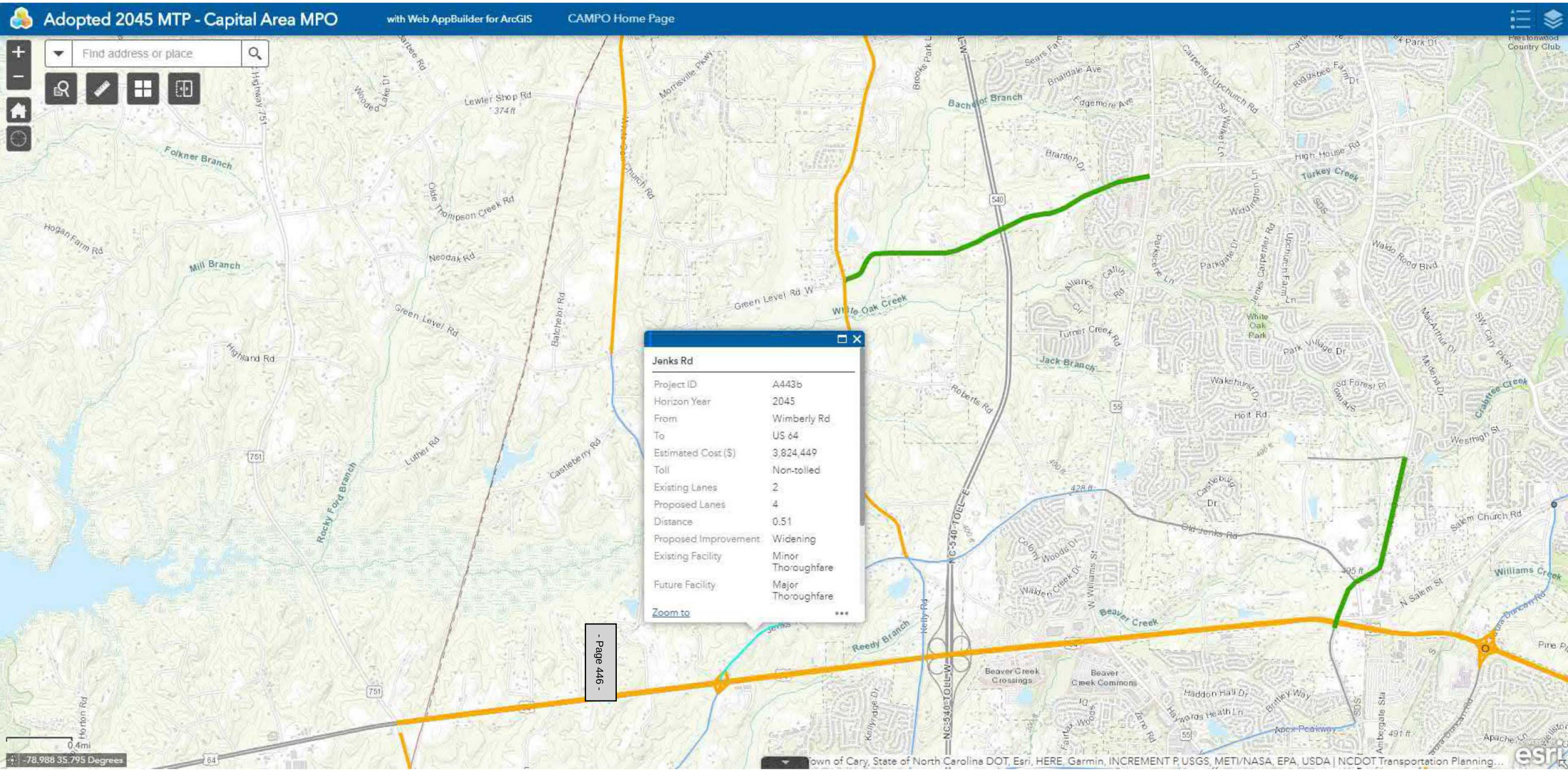
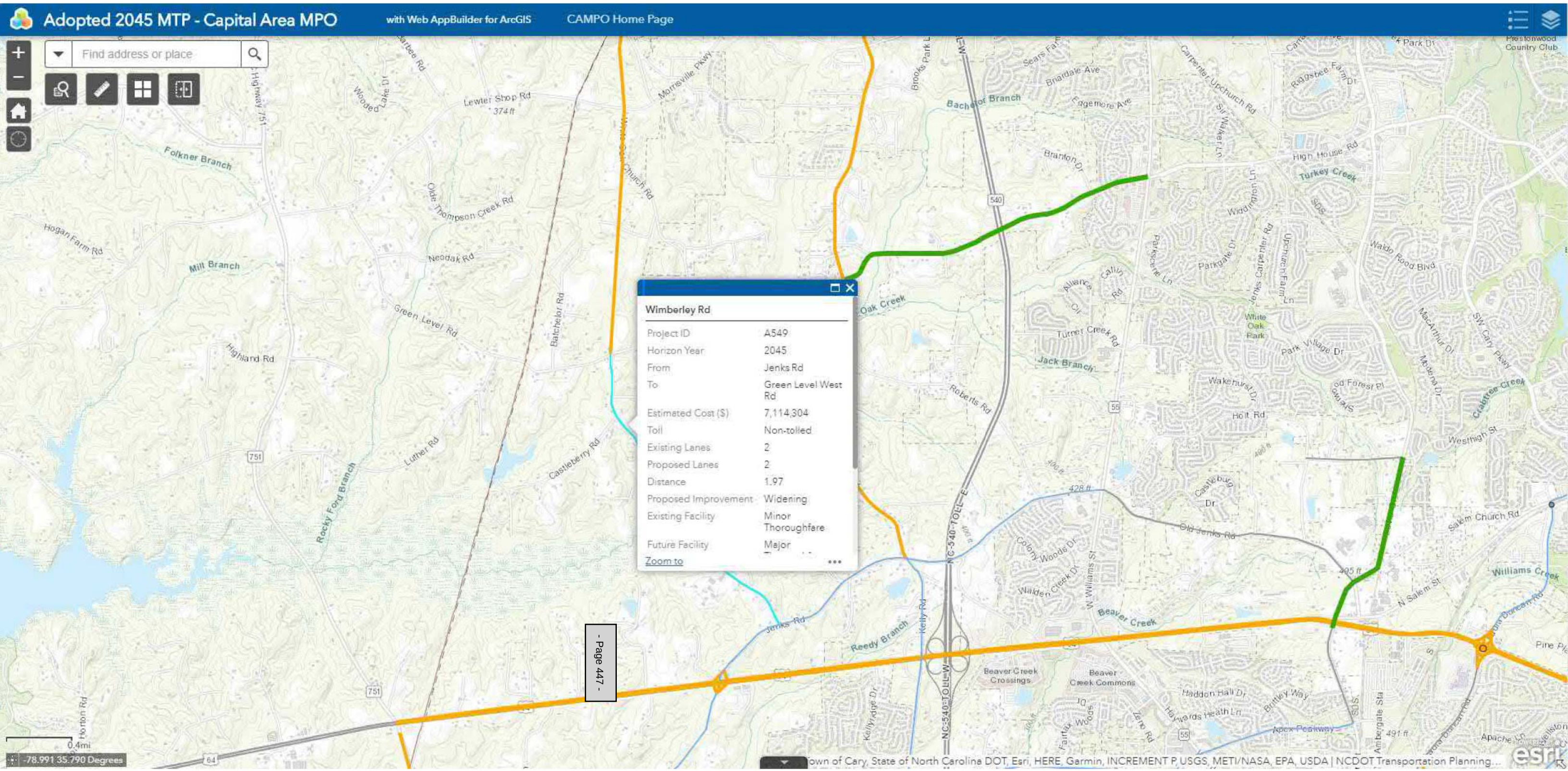
with Web AppBuilder for ArcGIS
CAMPO Home Page
Find address or place
Jenks Rd
Project ID A443a
Horizon Year 2045
From NC55
To Wimberly Rd
Estimated Cost ($) 7,836,569
Toll Non-tolled
Existing Lanes 2
Proposed Lanes 2
Distance 2.17
Proposed Improvement Center Turn Lane
Existing Facility Minor Thoroughfare
Future Facility Major Thoroughfare
Zoom to
Folkner Branch
Mill Branch
Green Level Rd
White Oak Creek
Clark Branch
Jack Branch
Turkey Creek
Rocky Ford Branch
Castleberry Rd
Wimberly Rd
Jenks Rd
Old Jenks Rd
Salem Church Rd
Williams Creek
Beaver Creek
Haddon Hall Dr
Apex Peakway
Town of Cary, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | NCDOT Transportation Planning...
0.4mi
-78.987 35.790 Degrees


Adopted 2045 MTP - Capital Area MPO
with Web AppBuilder for ArcGIS
CAMPO Home Page
Find address or place
Jenks Rd
Project ID A443b
Horizon Year 2045
From Wimberly Rd
To US 64
Estimated Cost ($) 3,824,449
Toll Non-tolled
Existing Lanes 2
Proposed Lanes 4
Distance 0.51
Proposed Improvement Widening
Existing Facility Minor Thoroughfare
Future Facility Major Thoroughfare
Zoom to
Lewter Shop Rd
Folkner Branch
Olde Thompson Creek Rd
Hogan Farm Rd
Mill Branch
Neodak Rd
Green Level Rd
Green Level Rd W
White Oak Creek
Batchelor Rd
Highland Rd
Luther Rd
Castleberry Rd
Rocky Ford Branch
Morrisville Pkwy
Bachelor Branch
Brandon Dr
Edgemore Ave
Briardale Ave
Carpenter Upchurch Rd
High House Rd
Turkey Creek
Waldo Rood Blvd
Parkgate Dr
Parkscene Ln
Alliance Cir
Calvin Rd
Turner Creek Rd
Jack Branch
Park Village Dr
White Oak Park
Wakehurst Dr
Holt Rd
Old Jenks Rd
Colony Woods Dr
Walden Creek Dr
W Williams St
Beaver Creek
Reedy Branch
Kelly Rd
Roberts Rd
Beaver Creek Crossings
Beaver Creek Commons
Haddon Hall Dr
Brittley Way
Apex Peakway
Salem Church Rd
N Salem St
Williams Creek
Westhigh St
Crabtree Creek
NC-540 TOLL-W
NC-540 TOLL-E
Town of Cary, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | NCDOT Transportation Planning...
0.4mi
-78.988 35.795 Degrees


Adopted 2045 MTP - Capital Area MPO
with Web AppBuilder for ArcGIS
CAMPO Home Page
Find address or place
Wimberley Rd
Project ID A549
Horizon Year 2045
From Jenks Rd
To Green Level West Rd
Estimated Cost ($) 7,114,304
Toll Non-tolled
Existing Lanes 2
Proposed Lanes 2
Distance 1.97
Proposed Improvement Widening
Existing Facility Minor Thoroughfare
Future Facility Major
Zoom to
Folkner Branch
Mill Branch
Hogan Farm Rd
Olde Thompson Creek Rd
Neodak Rd
Green Level Rd
Highland Rd
Lewter Shop Rd
Morrisville Pkwy
Batchelor Rd
Castleberry Rd
Luther Rd
Rocky Ford Branch
Jenks Rd
Reedy Branch
Oak Creek
Jack Branch
Turkey Creek
Beaver Creek
Williams Creek
Crabtree Creek
Brooks Park Dr
Briardale Ave
Edgemore Ave
Brandon Dr
Carpenter Upchurch Rd
Ridgetree Farm Dr
High House Rd
Parkgate Dr
Waldo Rood Blvd
Roberts Rd
Holt Rd
Westhigh St
Old Jenks Rd
Salem Church Rd
N Salem St
Colony Woods Dr
Walden Creek Dr
Beaver Creek Crossings
Beaver Creek Commons
Haddon Hall Dr
Haywards Heath Ln
Britley Way
Apex Peakway
Park Village Dr
White Oak Park
Wakehurst Dr
Old Forest Pl
Preston Country Club
NC-540 TOLL-E
NC-540 TOLL-W
540
751
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0.4mi
-78.991 35.790 Degrees
Town of Cary, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | NCDOT Transportation Planning...
esri

Appendix E
Background (2025) Analyses

Intersection	
Int Delay, s/veh	3.2

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	171	9	48	106	12	84
Future Vol, veh/h	171	9	48	106	12	84
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	9	9
Mvmt Flow	190	10	53	118	13	93

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	200	0	419	195
Stage 1	-	-	-	-	195	-
Stage 2	-	-	-	-	224	-
Critical Hdwy	-	-	4.16	-	6.49	6.29
Critical Hdwy Stg 1	-	-	-	-	5.49	-
Critical Hdwy Stg 2	-	-	-	-	5.49	-
Follow-up Hdwy	-	-	2.254	-	3.581	3.381
Pot Cap-1 Maneuver	-	-	1349	-	578	829
Stage 1	-	-	-	-	821	-
Stage 2	-	-	-	-	797	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1349	-	555	829
Mov Cap-2 Maneuver	-	-	-	-	555	-
Stage 1	-	-	-	-	821	-
Stage 2	-	-	-	-	766	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.4	10.3
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	781	-	-	1349	-
HCM Lane V/C Ratio	0.137	-	-	0.04	-
HCM Control Delay (s)	10.3	-	-	7.8	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.1	-

Intersection	
Int Delay, s/veh	5.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	72	109	10	11	90	21	32	10	47	39	4	51
Future Vol, veh/h	72	109	10	11	90	21	32	10	47	39	4	51
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	6	6	6	2	2	2	6	6	6	4	4	4
Mvmt Flow	80	121	11	12	100	23	36	11	52	43	4	57

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	123	0	0	132	0	0	447	428	121	454	428	112
Stage 1	-	-	-	-	-	-	281	281	-	136	136	-
Stage 2	-	-	-	-	-	-	166	147	-	318	292	-
Critical Hdwy	4.16	-	-	4.12	-	-	7.16	6.56	6.26	7.14	6.54	6.24
Critical Hdwy Stg 1	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Follow-up Hdwy	2.254	-	-	2.218	-	-	3.554	4.054	3.354	3.536	4.036	3.336
Pot Cap-1 Maneuver	1440	-	-	1453	-	-	515	513	920	513	516	936
Stage 1	-	-	-	-	-	-	717	671	-	862	780	-
Stage 2	-	-	-	-	-	-	827	768	-	689	667	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1440	-	-	1453	-	-	457	480	920	452	483	936
Mov Cap-2 Maneuver	-	-	-	-	-	-	457	480	-	452	483	-
Stage 1	-	-	-	-	-	-	677	633	-	814	774	-
Stage 2	-	-	-	-	-	-	766	762	-	603	630	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	2.9	0.7	11.3	11.8
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	462	920	1440	-	-	1453	-	-	631
HCM Lane V/C Ratio	0.101	0.057	0.056	-	-	0.008	-	-	0.166
HCM Control Delay (s)	13.7	9.1	7.6	-	-	7.5	-	-	11.8
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.3	0.2	0.2	-	-	0	-	-	0.6

Intersection	
Int Delay, s/veh	3.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	165	34	103	170	21	57
Future Vol, veh/h	165	34	103	170	21	57
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	4	4
Mvmt Flow	183	38	114	189	23	63

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	221	0	619	202
Stage 1	-	-	-	-	202	-
Stage 2	-	-	-	-	417	-
Critical Hdwy	-	-	4.12	-	6.44	6.24
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	-	-	2.218	-	3.536	3.336
Pot Cap-1 Maneuver	-	-	1348	-	449	834
Stage 1	-	-	-	-	827	-
Stage 2	-	-	-	-	661	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1348	-	411	834
Mov Cap-2 Maneuver	-	-	-	-	411	-
Stage 1	-	-	-	-	827	-
Stage 2	-	-	-	-	605	-

Approach	EB	WB	NB
HCM Control Delay, s	0	3	11.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	653	-	-	1348	-
HCM Lane V/C Ratio	0.133	-	-	0.085	-
HCM Control Delay (s)	11.4	-	-	7.9	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.3	-

Intersection	
Int Delay, s/veh	5.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	76	131	18	40	142	32	24	6	26	49	10	62
Future Vol, veh/h	76	131	18	40	142	32	24	6	26	49	10	62
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	3	3	2	2	2	17	17	17	2	2	2
Mvmt Flow	84	146	20	44	158	36	27	7	29	54	11	69

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	194	0	0	166	0	0	618	596	146	606	598	176
Stage 1	-	-	-	-	-	-	314	314	-	264	264	-
Stage 2	-	-	-	-	-	-	304	282	-	342	334	-
Critical Hdwy	4.13	-	-	4.12	-	-	7.27	6.67	6.37	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.27	5.67	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.27	5.67	-	6.12	5.52	-
Follow-up Hdwy	2.227	-	-	2.218	-	-	3.653	4.153	3.453	3.518	4.018	3.318
Pot Cap-1 Maneuver	1373	-	-	1412	-	-	381	397	863	409	416	867
Stage 1	-	-	-	-	-	-	666	630	-	741	690	-
Stage 2	-	-	-	-	-	-	674	651	-	673	643	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1373	-	-	1412	-	-	319	361	863	363	379	867
Mov Cap-2 Maneuver	-	-	-	-	-	-	319	361	-	363	379	-
Stage 1	-	-	-	-	-	-	625	592	-	696	669	-
Stage 2	-	-	-	-	-	-	591	631	-	604	604	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	2.6	1.4	13.6	14.3
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	327	863	1373	-	-	1412	-	-	520
HCM Lane V/C Ratio	0.102	0.033	0.062	-	-	0.031	-	-	0.259
HCM Control Delay (s)	17.3	9.3	7.8	-	-	7.6	-	-	14.3
HCM Lane LOS	C	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.3	0.1	0.2	-	-	0.1	-	-	1

Appendix F
Build (2025) Analyses

Intersection	
Int Delay, s/veh	3.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	171	10	50	106	15	90
Future Vol, veh/h	171	10	50	106	15	90
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	9	9
Mvmt Flow	190	11	56	118	17	100

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	201	0	426	196
Stage 1	-	-	-	-	196	-
Stage 2	-	-	-	-	230	-
Critical Hdwy	-	-	4.16	-	6.49	6.29
Critical Hdwy Stg 1	-	-	-	-	5.49	-
Critical Hdwy Stg 2	-	-	-	-	5.49	-
Follow-up Hdwy	-	-	2.254	-	3.581	3.381
Pot Cap-1 Maneuver	-	-	1347	-	572	828
Stage 1	-	-	-	-	821	-
Stage 2	-	-	-	-	792	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1347	-	548	828
Mov Cap-2 Maneuver	-	-	-	-	548	-
Stage 1	-	-	-	-	821	-
Stage 2	-	-	-	-	759	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.5	10.5
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	772	-	-	1347	-
HCM Lane V/C Ratio	0.151	-	-	0.041	-
HCM Control Delay (s)	10.5	-	-	7.8	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.1	-

Intersection	
Int Delay, s/veh	6.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	84	109	10	11	90	25	32	10	47	51	4	90
Future Vol, veh/h	84	109	10	11	90	25	32	10	47	51	4	90
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	6	6	6	2	2	2	6	6	6	4	4	4
Mvmt Flow	93	121	11	12	100	28	36	11	52	57	4	100

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	128	0	0	132	0	0	497	459	121	482	456	114
Stage 1	-	-	-	-	-	-	307	307	-	138	138	-
Stage 2	-	-	-	-	-	-	190	152	-	344	318	-
Critical Hdwy	4.16	-	-	4.12	-	-	7.16	6.56	6.26	7.14	6.54	6.24
Critical Hdwy Stg 1	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.16	5.56	-	6.14	5.54	-
Follow-up Hdwy	2.254	-	-	2.218	-	-	3.554	4.054	3.354	3.536	4.036	3.336
Pot Cap-1 Maneuver	1434	-	-	1453	-	-	477	493	920	491	498	933
Stage 1	-	-	-	-	-	-	694	654	-	860	779	-
Stage 2	-	-	-	-	-	-	803	764	-	667	650	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1434	-	-	1453	-	-	399	458	920	430	462	933
Mov Cap-2 Maneuver	-	-	-	-	-	-	399	458	-	430	462	-
Stage 1	-	-	-	-	-	-	649	611	-	804	773	-
Stage 2	-	-	-	-	-	-	707	758	-	578	608	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.2	0.7	11.8	12.4
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	412	920	1434	-	-	1453	-	-	648
HCM Lane V/C Ratio	0.113	0.057	0.065	-	-	0.008	-	-	0.249
HCM Control Delay (s)	14.9	9.1	7.7	-	-	7.5	-	-	12.4
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.4	0.2	0.2	-	-	0	-	-	1

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	12	3	88	1	1	64
Future Vol, veh/h	12	3	88	1	1	64
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	13	3	98	1	1	71

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	172	99	0	0	99	0
Stage 1	99	-	-	-	-	-
Stage 2	73	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	818	957	-	-	1494	-
Stage 1	925	-	-	-	-	-
Stage 2	950	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	817	957	-	-	1494	-
Mov Cap-2 Maneuver	817	-	-	-	-	-
Stage 1	925	-	-	-	-	-
Stage 2	949	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.4	0	0.1
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	842	1494	-
HCM Lane V/C Ratio	-	-	0.02	0.001	-
HCM Control Delay (s)	-	-	9.4	7.4	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	2.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	39	6	83	15	2	74
Future Vol, veh/h	39	6	83	15	2	74
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	43	7	92	17	2	82

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	187	101	0	0	109	0
Stage 1	101	-	-	-	-	-
Stage 2	86	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	802	954	-	-	1481	-
Stage 1	923	-	-	-	-	-
Stage 2	937	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	801	954	-	-	1481	-
Mov Cap-2 Maneuver	801	-	-	-	-	-
Stage 1	923	-	-	-	-	-
Stage 2	936	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.7	0	0.2
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	819	1481	-
HCM Lane V/C Ratio	-	-	0.061	0.002	-
HCM Control Delay (s)	-	-	9.7	7.4	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Int Delay, s/veh	3.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	165	37	110	170	23	61
Future Vol, veh/h	165	37	110	170	23	61
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	4	4
Mvmt Flow	183	41	122	189	26	68

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	224	0	637	204
Stage 1	-	-	-	-	204	-
Stage 2	-	-	-	-	433	-
Critical Hdwy	-	-	4.12	-	6.44	6.24
Critical Hdwy Stg 1	-	-	-	-	5.44	-
Critical Hdwy Stg 2	-	-	-	-	5.44	-
Follow-up Hdwy	-	-	2.218	-	3.536	3.336
Pot Cap-1 Maneuver	-	-	1345	-	438	832
Stage 1	-	-	-	-	825	-
Stage 2	-	-	-	-	650	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1345	-	398	832
Mov Cap-2 Maneuver	-	-	-	-	398	-
Stage 1	-	-	-	-	825	-
Stage 2	-	-	-	-	591	-

Approach	EB	WB	NB
HCM Control Delay, s	0	3.1	11.6
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	641	-	-	1345	-
HCM Lane V/C Ratio	0.146	-	-	0.091	-
HCM Control Delay (s)	11.6	-	-	7.9	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.3	-

Intersection	
Int Delay, s/veh	6.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	118	131	18	40	142	45	24	6	26	57	10	87
Future Vol, veh/h	118	131	18	40	142	45	24	6	26	57	10	87
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	0	150	-	-	-	-	100	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	3	3	3	2	2	2	17	17	17	2	2	2
Mvmt Flow	131	146	20	44	158	50	27	7	29	63	11	97

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	208	0	0	166	0	0	733	704	146	707	699	183
Stage 1	-	-	-	-	-	-	408	408	-	271	271	-
Stage 2	-	-	-	-	-	-	325	296	-	436	428	-
Critical Hdwy	4.13	-	-	4.12	-	-	7.27	6.67	6.37	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.27	5.67	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.27	5.67	-	6.12	5.52	-
Follow-up Hdwy	2.227	-	-	2.218	-	-	3.653	4.153	3.453	3.518	4.018	3.318
Pot Cap-1 Maneuver	1357	-	-	1412	-	-	318	344	863	350	364	859
Stage 1	-	-	-	-	-	-	591	572	-	735	685	-
Stage 2	-	-	-	-	-	-	657	642	-	599	585	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1357	-	-	1412	-	-	249	301	863	301	319	859
Mov Cap-2 Maneuver	-	-	-	-	-	-	249	301	-	301	319	-
Stage 1	-	-	-	-	-	-	534	517	-	664	664	-
Stage 2	-	-	-	-	-	-	555	622	-	516	528	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.5	1.3	15.6	16.7
HCM LOS			C	C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	258	863	1357	-	-	1412	-	-	478
HCM Lane V/C Ratio	0.129	0.033	0.097	-	-	0.031	-	-	0.358
HCM Control Delay (s)	21	9.3	7.9	-	-	7.6	-	-	16.7
HCM Lane LOS	C	A	A	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0.4	0.1	0.3	-	-	0.1	-	-	1.6

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	2	86	3	3	133
Future Vol, veh/h	8	2	86	3	3	133
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	2	96	3	3	148

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	252	98	0	0	99	0
Stage 1	98	-	-	-	-	-
Stage 2	154	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	737	958	-	-	1494	-
Stage 1	926	-	-	-	-	-
Stage 2	874	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	736	958	-	-	1494	-
Mov Cap-2 Maneuver	736	-	-	-	-	-
Stage 1	926	-	-	-	-	-
Stage 2	872	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.7	0	0.2
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	772	1494	-
HCM Lane V/C Ratio	-	-	0.014	0.002	-
HCM Control Delay (s)	-	-	9.7	7.4	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

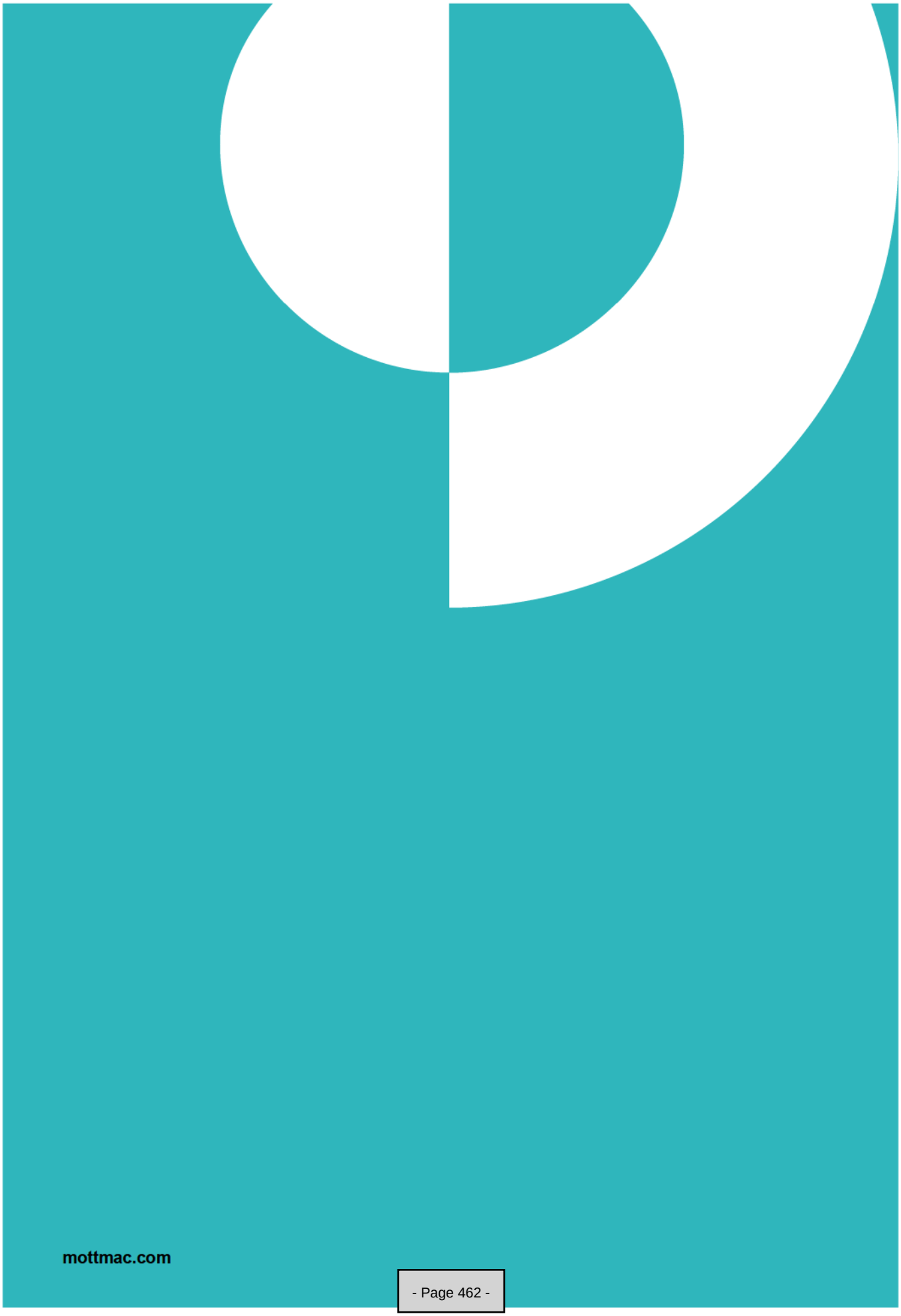
Intersection	
Int Delay, s/veh	1.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	25	4	85	52	7	134
Future Vol, veh/h	25	4	85	52	7	134
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	28	4	94	58	8	149

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	288	123	0	0	152	0
Stage 1	123	-	-	-	-	-
Stage 2	165	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	702	928	-	-	1429	-
Stage 1	902	-	-	-	-	-
Stage 2	864	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	698	928	-	-	1429	-
Mov Cap-2 Maneuver	698	-	-	-	-	-
Stage 1	902	-	-	-	-	-
Stage 2	859	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.2	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	723	1429	-
HCM Lane V/C Ratio	-	-	0.045	0.005	-
HCM Control Delay (s)	-	-	10.2	7.5	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-



PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #19CZ22 Wolfe Properties PUD

Planning Board Meeting Date: June 8, 2020

Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment 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:	±43.52 acres
PIN(s):	0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654
Current Zoning:	Wake County R-80W & Rural Residential (RR)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Low Density Residential
Town Limits:	Outside ETJ; a portion of PIN 0722598851 is within the ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
   ☑ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
   ☑ Consistent ☐ Inconsistent Reason: _____

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: Motion to approve with conditions as offered by applicant

Introduced by Planning Board member: Beth Godfrey

Seconded by Planning Board member: Keith Braswell

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☑ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions submitted by applicant, including four additional conditions added at Planning Board meeting (to be included in PUD document in Town Council agenda packet) and re-worded fence condition (also to be included in PUD document in Town Council agenda packet).

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks Date: 2020.06.08 21:09:25 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2020.06.08 17:06:10 -04'00'

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 #19CZ22
Wolfe Properties PUD

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Josh Swindell, Envision Homes, LLC
Property Addresses: 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road
Acreage: ±43.52 acres
Property Identification Numbers (PINs): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County R-80W and Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org.

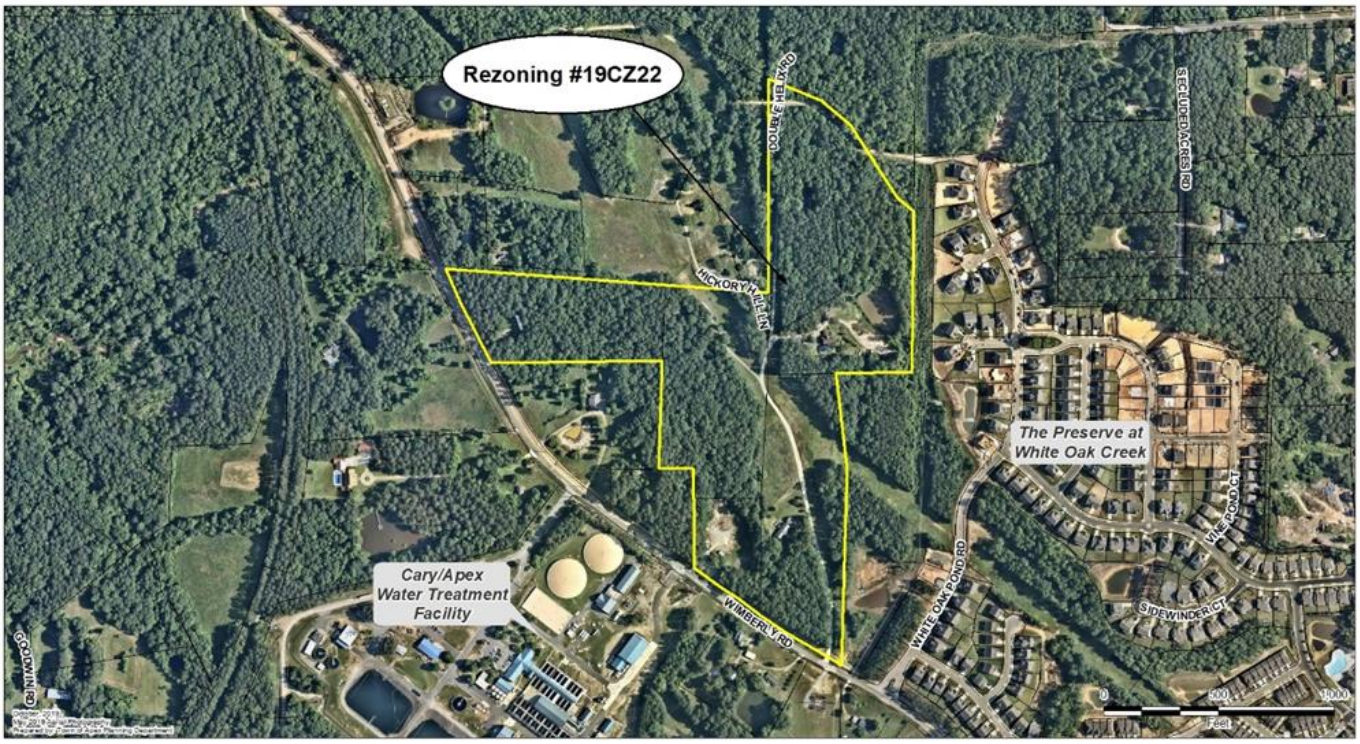
If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may also share comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/2929.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 29, 2020 – June 16, 2020

apexnc.org/DocumentCenter/View/31756/19CZ22-Public-Hearing-Notice?bidId=

TOWN OF APEX

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #19CZ22
Wolfe Properties PUD

Pursuant to the provisions of North Carolina Statutes Section 160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.21, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Josh Swindell, Bowman Homes, LLC
Property Addresses: 1605, 1609, 1709, & 1805 Kimberly Road and 1813 & 1900 Double Helix Road
Acreage: 44.532 acres
Property Identification Numbers (PINs): 0722391418, 0722390911, 0722496897, 0722494150, 0722508988, & 0729601834
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County R-40W (40 Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 6:00 PM

If you would like to speak during the public hearing, you may sign in ahead of time by emailing your name and address to kevin.lynch@apexnc.org.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapex. You may also listen comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearings@apexnc.org, 300-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapex. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearings@apexnc.org, 300-word limit) or voicemail (919-372-7300, 3-minute limit).

CONTINUED

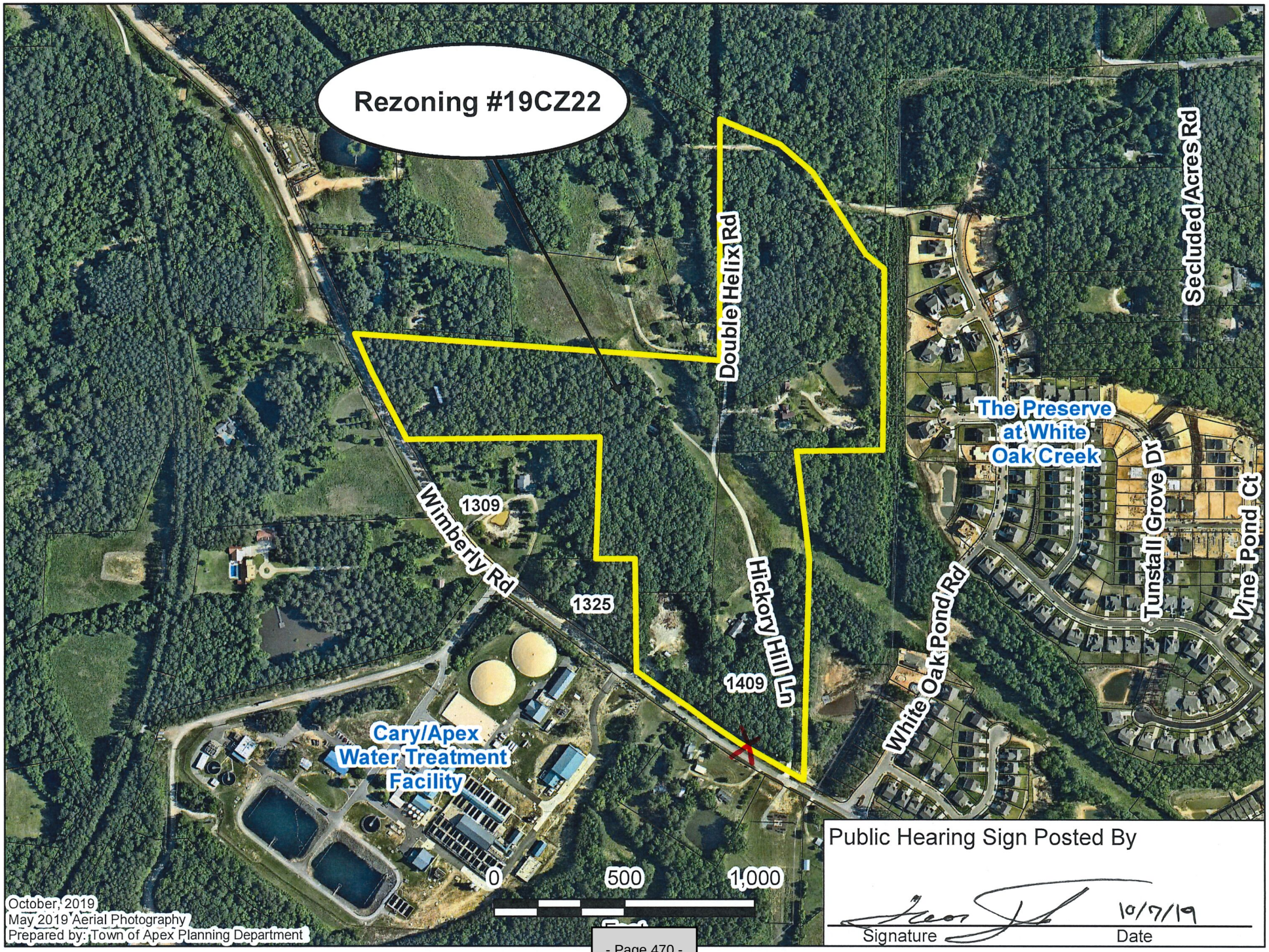
Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the applications. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/29924.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 28, 2020 – June 16, 2020

Please note the name and email (kevin.lynch@apexnc.org) change for your records.



Public Hearing Sign Posted By

Signature

10/7/19
Date

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Rezoning 19CZ22, Wolfe Properties PUD
Project Location:	1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road
Applicant or Authorized Agent:	Josh Swindell
Firm:	Envision Homes, LLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **May 29, 2020** a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

6/2/2020
Date

Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Aderson, a Notary Public for the above State and County, this the 2 day of June, 2020.

Jeri Chastain Pederson
Notary Public

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

My Commission Expires: 03/10/2024

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

Presenter(s): Sarah Van Every, Senior Planner
Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding Rezoning #19CZ23 2524 & 2604 Kelly Road. The applicant, Brian Griffith, seeks to rezone approximately 2.1 acres located at 2524 & 2604 Kelly Road (PINs 0731433004 & 0731424892) from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

Approval Recommended?

The Planning and Community Development Department recommends denial.

The Planning Board heard this item at their June 8, 2020 meeting and unanimously voted to recommend approval of the rezoning with the conditions as proposed by the applicant. The applicant agreed to remove condition "11c" which staff did not agree with.

Item Details

Attachments

- Vicinity Map
- Application
- Staff Report

All property owners within three hundred (300) feet of this rezoning have been notified per UDO Section 2.2.11 "Public Notification".

BACKGROUND INFORMATION:

Location: 2524 & 2604 Kelly Road
Applicant/Owner: Brian Griffith/Friendship Coworking, LLC. and Anthony J. and Martha J. Miuccio Trustee

PROJECT DESCRIPTION:

Acreage: ± 2.1
PINs: 0731433004 & 0731424892
Current Zoning: Rural Residential (RR)
Proposed Zoning: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)
2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential; Future West Village (Non-Residential)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Vacant; Future West Village (Non-Residential)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) & Residential Agricultural (RA)	Kelly Road; Future West Village (Non-Residential) & Single-Family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential; Future West Village (Non-Residential)

Existing Conditions:

The property to be rezoned is located on the west side of Kelly Road, north of Old US 1 Hwy and west of the 540 interchange. The properties each contain an existing single-family dwelling and accessory building.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on October 28, 2019. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) is generally consistent with that land use classification.

WCPSS COORDINATION:

This rezoning was submitted prior to the agreement with the Wake County Public School System to provide a Letter of Impact for rezonings allowing residential development.

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. Accessory apartment
2. Day care facility
3. Church or place of worship (P/S)
4. Government service
5. School, public or private
6. Utility, minor
7. Tailor shop
8. Pet services
9. Botanical Garden
10. Greenway
11. Park, active
12. Park, passive
13. Restaurant, drive through
14. Restaurant, general
15. Medical or dental clinic or office
16. Office, business or professional
17. Barber and beauty shop
18. Book store
19. Convenience store
20. Dry cleaners and laundry service
21. Financial institution
22. Floral shop
23. Greenhouse or nursery, retail
24. Grocery, specialty
25. Health/fitness center or spa
26. Newsstand or gift shop
27. Personal service
28. Pharmacy
29. Studio for art
30. Retail sales, general

Conditions:

For uses utilizing the existing structures the following shall apply:

1. Only existing structures may be used for residential uses.
2. Parking shall be provided to the side or rear of the principal building.

For future uses, the following shall apply:

1. The use "Accessory apartment" shall be permitted only on floors above nonresidential uses in new construction.

Non-Residential / Mixed-use new construction Design Guidelines:

1. Buildings shall be arranged to define, create and activate edges and public places.
2. No more than (1) double-loaded parking bay shall be provided between any building and thoroughfares as identified on the Apex Transportation Map.
3. Drive-thru lanes, pick-up windows, and other like functions shall not be permitted along any thoroughfare or collector street as identified on the Apex Transportation Plan. Landscaping and/or other architectural features should be used to create screenings for these types of uses.
4. Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass, and window placement to generate street interest.

5. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials, and ornamental details as well as landscaping shall be incorporated to add visual interest.
6. Facades shall not have blank side walls creating a false front appearance.
7. Buildings shall have vertical proportions with no blank walls exceeding 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 facade.
8. Windows shall be divided to be square or vertical in proportion so each section of glass is taller than it is wide.
9. Differences of roof height, pitch, ridgelines, and materials shall be used to create visual interest and avoid repetition.
10. Vehicular and pedestrian cross access shall be provided to adjacent properties.
11. Public street access shall be by one of the two (2) methods below.
    a. Abutting, within ten (10) feet of the shared property line of 2524 and 2604 Kelly Road or further south on 2604 Kelly Road property as a shared access easement in either case.
    b. To existing West Village development streets.

Non-residential / mixed used exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

1. Brick and/or stone masonry
2. Decorative concrete block (integral color and/or textured)
3. Stone accents
4. Aluminum storefronts with anodized or pre-finished window colors
5. EIFS cornices, and parapet trim
6. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building façade
7. Precast concrete
8. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
9. Soffit and fascia materials to be considered include EIFS with crown trim elements
10. Cementitious siding

Exterior materials not allowable as a part of the development are as follows:

1. Vinyl siding
2. Painted, smooth faced concrete block
3. Metal walls

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #19CZ23 2524 & 2604 Kelly Road with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard this item at their June 8, 2020 meeting and unanimously voted to recommend approval of the rezoning with the conditions as proposed by the applicant. The applicant agreed to remove condition “11c” which staff did not agree with.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Mixed Office-Residential-Retail-Conditional Zoning district is generally consistent with High Density/Office Employment/Commercial Services land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will allow the property to maintain the current single-family uses, while allowing future development consistent with approved development adjacent to the subject properties. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the MORR-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.

Rezoning #19CZ23
S Salem St To Nc 540 Hwy Sb Ramp
540
NC 540 Hwy SB
Kelly Rd
West Village
Nc 540 Hwy Sb To S Salem St Ramp
S Salem St
0
150
300
Feet
November, 2019
November 2019 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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

Application #: _____ Submittal Date: _____

2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: 2524 & 2604 Kelly Road, Apex, NC 27502

Address(es): 2524 & 2604 Kelly Road, Apex, NC 27502

PIN(s): 0731433004, 0731424892

Acreage: 1.15+0.95= 2.1

Current Zoning: RR (Rural Residential) Proposed Zoning: MORR-CZ (Mixed: Office, Residential, Retail)

Current 2045 LUM Designation: Mixed use: Office, HD Residential, Commercial Services

Proposed 2045 LUM Designation: (no change)

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage: 2.1

Area proposed as non-residential development: Acreage: 2.1 maximum

Percent of mixed use area proposed as non-residential: Percent: 100% maximum

Applicant Information

Name: Brian Griffith (Acting as agent for both properties)

Address: 2121 McKenzie Ridge Ln

City: Apex State: NC Zip: 27502

Phone: 919-387-8775 E-mail: briandgriffith@outlook.com

Owner Information

Name (1 of 2): Friendship Coworking LLC
Representative: Brian Griffith
Address: 2121 McKenzie Ridge Ln
City, State: Apex, North Carolina
Zip: 27502
Phone: 919-387-8775

Name (2 of 2): Miuccio, Anthony J Trustee & Miuccio, Martha J Trustee
Representative: Anthony (Tony) Miuccio
Address: PO Box 2063
City, State: Apex, North Carolina
Zip: 27502
Phone: 919-355-2145

Agent Information

Name: N/A (See above)

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Other contacts: Tony Miuccio, 2604 Kelly Rd, Apex, NC 27502 : 919-889-1309

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

N/A

Current 2045 Land Use Classification: Mixed Use: Office, HD Residential, Commercial Services

Proposed 2045 Land Use Classification: (no change)

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RR to MORR-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. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	Accessory apartment	21	
2		22	Restaurant, drive through
3		23	Restaurant, general
4		24	Medical or dental office or clinic
5		25	Office, business or professional
6		26	Barber and beauty shop
7		27	Book store
8		28	Convenience store
9		29	Dry cleaners and laundry service
10	Day care facility	30	Financial institution
11	Church or place of worship (P/S)	31	Floral shop
12	Government service	32	Greenhouse or nursery, retail
13	School, public or private	33	Grocery, specialty
14	Utility, minor	34	Health/fitness center or spa
15	Tailor Shop	35	Newsstand or giftshop
16	Pet services	36	Personal service
17	Botanical garden	37	Pharmacy
18	Greenway	38	Studio for art
19	Park, active	39	Retail sales, general
20	Park, passive	40	.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

(See attached 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 zoning is consistent with the Town of Apex 2045 Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The proposed zoning allows transition of existing property toward 2045 Land Use goals.

Zoning Conditions:

For uses utilizing the existing structures the following shall apply:

1. Only existing structures may be used for residential uses.
2. Parking shall be provided to the side or rear of the principal building.

For future uses, the following shall apply:

1. The use "Accessory apartment" shall be permitted only on floors above nonresidential uses in new construction.

Non-Residential / Mixed-use new construction Design Guidelines:

1. Buildings shall be arranged to define, create and activate edges and public places.
2. No more than (1) double-loaded parking bay shall be provided between any building and thoroughfares as identified on the Apex Transportation Map.
3. Drive-thru lanes, pick-up windows, and other like functions shall not be permitted along any thoroughfare or collector street as identified on the Apex Transportation Plan. Landscaping and/or other architectural features should be used to create screenings for these types of uses.
4. Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass, and window placement to generate street interest.
5. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials, and ornamental details as well as landscaping shall be incorporated to add visual interest.
6. Facades shall not have blank side walls creating a false front appearance.
7. Buildings shall have vertical proportions with no blank walls exceeding 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 facade.
8. Windows shall be divided to be square or vertical in proportion so each section of glass is taller than it is wide.
9. Differences of roof height, pitch, ridgelines, and materials shall be used to create visual interest and avoid repetition.
10. Vehicular and pedestrian cross access shall be provided to adjacent properties.
11. Public street access shall be by one of the three (2) methods below.
    a. Abutting, within ten (10) feet of the shared property line of 2524 and 2604 Kelly Road or further south on 2604 Kelly Road property as a shared access easement in either case.
    b. To existing West Village development streets.

Non-residential / mixed used exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

1. Brick and/or stone masonry
2. Decorative concrete block (integral color and/or textured)
3. Stone accents
4. Aluminum storefronts with anodized or pre-finished window colors
5. EIFS cornices, and parapet trim
6. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building façade
7. Precast concrete
8. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
9. Soffit and fascia materials to be considered include EIFS with crown trim elements
10. Cementitious siding

Exterior materials not allowable as a part of the development are as follows:

1. Vinyl siding
2. Painted, smooth faced concrete block
3. Metal walls

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

New structures/additions and new site features shall be in keeping with Section 4.4

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

When the property is redeveloped it shall be in compliance with all UDO requirements including buffers, landscaping, and buildings.

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.

When property is fully redeveloped the property shall meet or exceed UDO requirements.

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.

Currently the property is not served by public water or sewer. Road access is existing, and public services are readily available.

Combined properties total 2.1 acres and will have limited impact on existing/future services.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Property is aimed towards 2045 goals and will likely offer services to residents not currently immediately available.

Health, safety, and welfare of neighbors and surrounding area should not be affected.

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

Property is in accordance with 2045 goals and should not be considered detrimental towards 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.

Property will not constitute a nuisance or hazard with its limited size and uses.

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.

Upon redevelopment of the site all UDO provisions shall be adhered to and/or exceeded.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____ Submittal Date: _____

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

	Owner's Name	PIN
1.	Tony & Judy Sears	731329495, 7313338590
2.	Anthony & Martha Trustee Miuccio	731424892
3.	NC Department of Transportation	731726540
4.	NC Department of Transportation Turnpike Authority	731429605
5.	Fehey Family Farm, LLC	731434504
6.	Wayne & Georgia Kennedy	731436017
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 10/29/19 By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Andria Franklin, a Notary Public for the above State and County, on this the 29 day of October, 2019.

SEAL

ANDRIA FRANKLIN NOTARY PUBLIC My Commission Expires 04/16/2023 WAKE COUNTY, NC

Andria Franklin
Notary Public

Andria Franklin
Print Name

My Commission Expires: 4/16/2023

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Brian Griffith and Tony Miuccio 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: 2524 Kelly Road, Apex, NC 27502

The agent for this project is: Brian D. Griffith (acting as agent for Tony Miuccio)

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

Agent Name: Brian D. Griffith

Address: 2121 McKenzie Ridge Ln, Apex, NC 27502

Telephone Number: (919) 387-8775

E-Mail Address: briandgriffith@outlook.com

Signature(s) of Owner(s)*

Brian D. Griffith — 10/29/2019

Type or print name — Date

Tony Miuccio — 10/29/2019

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, Brian D. Griffith (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 2524 & 2604 Kelly Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 09/12/2019, 07/31/2003 and recorded in the Wake County Register of Deeds Office on 09/12/2019, in Book 017572 Page 01317-01318.
Miuccio: Recorded 08/29/2003, Book 010405 Page 02240-02242

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 09/12/2019, 07/31/2003, 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 09/12/2019, 07/31/2003, 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 29 day of October, 2019.

_____ (seal)
Brian D. Griffith
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 Brian D. Griffith, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's (personally known), personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

[NOTARY SEAL] ANDRIA FRANKLIN NOTARY PUBLIC My Commission Expires 04/16/2023 WAKE COUNTY NC

_____
Notary Public
State of North Carolina
My Commission Expires: 4/16/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

LEGAL DESCRIPTION OF 2524 Kelly Road, Apex, NC

All of a tract of land lying and being in Wake County, Apex, NC, being described as Lot 1 of the "Minor Subdivision for Barrett Richardson", as recorded in Book of Maps 1997, Page 2069, Wake County Registry, and being more particularly described as follows:

BEGINNING at an iron pipe with cap, the southwestern corner of said lot 1, said beginning point having NAD 83(NSRS 2011) coordinates of North: 713,038.84 and East: 2,034,178.81 feet, thence from said beginning point in a clockwise direction north 32°56'13"east and 244.10 feet, through an iron pipe with a cap, lying 5.84 feet from the 35' r/w, to a point in the center of Kelly Road, thence 326.20 feet along the center of Kelly Road, along the arc of a non-tangent curve to the southeast, with a radius of 5116.44 feet and a chord bearing and distance of south 36°08'51" east and 326.14 feet to a point in the center of Kelly Road, thence leaving the center of Kelly Road, south 50°44'20" west and 129.69 feet through an iron pipe, lying 5.31' from the 35' r/w, to an iron pipe with a cap, thence north 35°33'52" west and 53.32 feet to an iron pipe with a cap, thence south 73°45'09" west and 148.87 feet to an iron pipe with a cap, thence north 20°04'42" west and 147.83 feet to the point and place of BEGINNING, containing net 1.147 acres, more or less, according to an ALTA/ACSM Land Title Survey by PTS Land Surveying, dated 09/05/2019, reference to which is made for a more particular description.

LEGAL DESCRIPTION OF 2604 Kelly Road, Apex, NC

BEGINNING at a point in the center line of S.R. 1163, said point being located 632.55 feet measured in a northwesterly direction along the center line of said road from the center line of old U.S. Highway #1 (now SR 1011) and runs thence South 54 degrees 31 minutes 50 seconds West 190.82 feet to an existing iron pipe; runs thence North 35 degrees 31 minutes 48 seconds West 228.44 fee to an existing iron pipe; runs thence north 54 degrees 25 minutes 45 seconds East 190.94 feet to an iron pipe in the centerline of S.R. 1163; runs thence South 35 degrees 30 minutes 00 seconds East 228.77 feet to the point and place of BEGINNING, containing 1.002 acres, according to map and survey entitled "Property of Charles A. Morris and wife, Debra C. Morris" by MM Weeks, RLS, dated May 13, 1991.

NOTICE OF NEIGHBORHOOD MEETING

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

October 15, 2019
Date

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

2524 & 2604 Kelly Road, Apex, NC 27502 — Address(es)

0731433004, 0731424892 — PIN(s)

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

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
Property request for rezone as MORR with conditional zoning. (Mixed use: office, residential, retail)

Estimated submittal date: November 1, 2019

MEETING INFORMATION:

Property Owner(s) name(s): Brian Griffith of Friendship Coworking, LLC & Miuccio Trust

Applicant(s): Brian Griffith (acting as agent for both properties)

Contact information (email/phone): briandgriffith@outlook.com (preferred) / (919) 387-8775

Meeting Address: 2524 Kelly Road, Apex, NC 27502 in Shop at rear of property

Date of meeting**: Monday, October 28, 2019

Time of meeting**: 6PM - 8PM

MEETING AGENDA TIMES:

Welcome: 6:00-6:10 PM Project Presentation: 6:10-6:20 PM Question & Answer: 6:20-8:00 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.

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: 2524 & 2604 Kelly Rd Zoning: Exist: RR, Proposed MORR-CZ

Location: 2524 & 2604 Kelly Rd, Apex, NC 27502

Property PIN(s): 07314330004, 0731424892 Acreage/Square Feet: 1.15 & 0.95

Property Owner: Brian Griffith (acting as agent for both parcels) & Miuccio Trust

Address: 2121 McKenzie Ridge Ln. (Miuccio: 2604 Kelly Rd)

City: Apex State: NC Zip: 27502

Phone: (919) 387-8775 Email: briandgriffith@outlook.com

Developer: N/A

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: Brian D. Griffith, AIA

Address: 2121 McKenzie Ridge Ln

City: Apex State: NC Zip: 27502

Phone: (919) 387-8775 Fax: Email: briandgriffith@outlook.com

Builder (if known): N/A

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 Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	 (919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 7:00 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/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:	Non-Emergency Police	919-362-8661

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

Dirt in the Road:	James Misciagno	919-372-7470

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

Dirt on Properties or in Streams:	James Misciagno	919-372-7470
	Danny Smith	Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	James Misciagno	919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	James Misciagno	919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	James Misciagno	919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

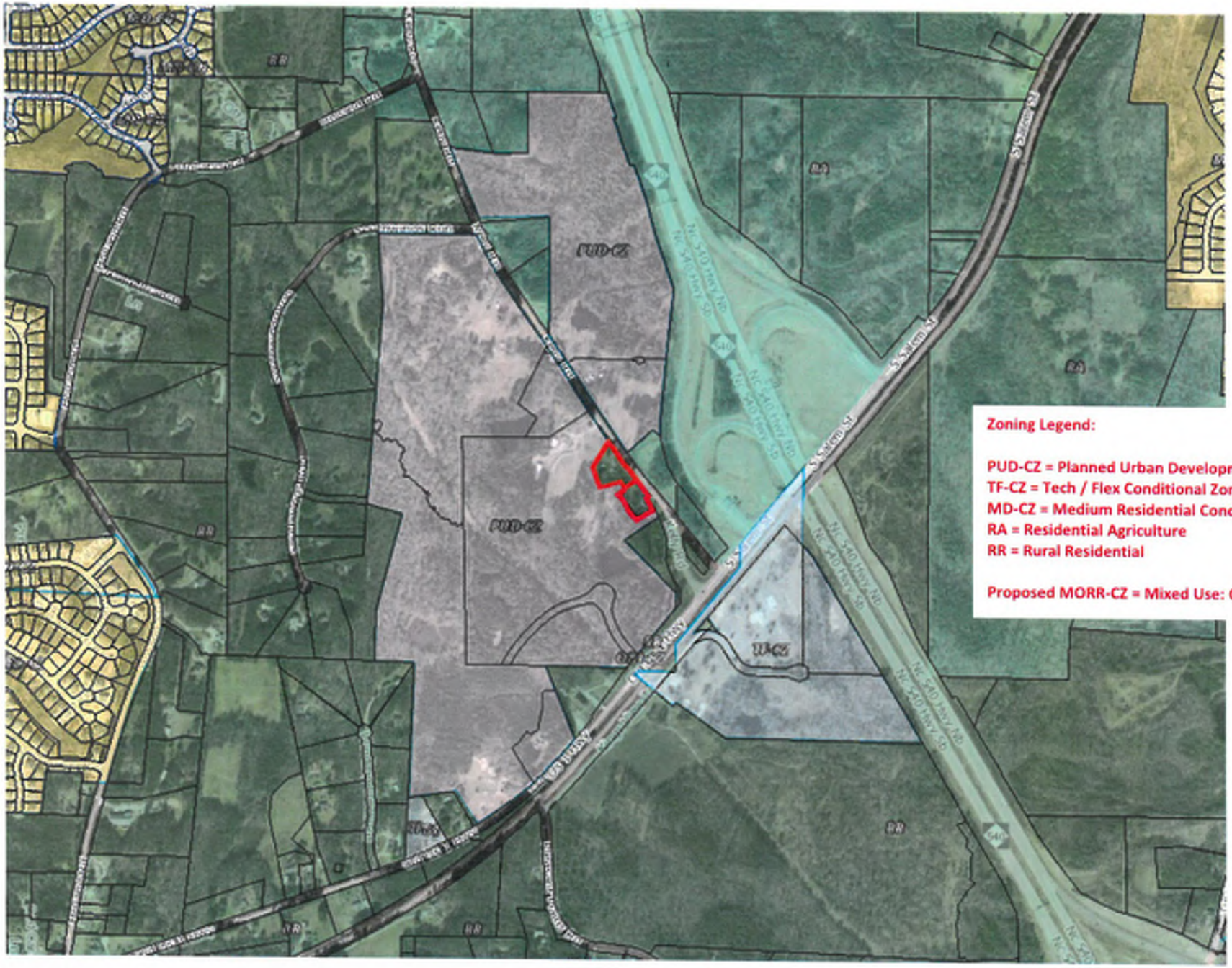
Stormwater Control Measures:	Mike Deaton	919-249-3413

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

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.

Existing Zoning / Vicinity Map:


PUD-CZ
PUD-CZ
TF-CZ
RR
RA
RA
RR
RR
RR

Location of 2524 Kelly Road property and notification radius:

Location of 2604 Kelly Road property and notification radius:

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: 2524 Kelly Rd, Apex, NC 27502

Date of meeting: Monday, October 28, 2019 Time of meeting: 6:00 PM - 8:00 PM

Property Owner(s) name(s): Brian Griffith of Friendship Coworking, LLC

Applicant(s): Brian Griffith, Miuccio Trust

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Brian Griffith, Friendship Coworking	2121 McKenzie Ridge Ln, APEX, NC	[redacted]		
2.	Wayne Kennedy	201 High Meadow Dr 27501 Apex			
3.	Tony Miuccio	2604 Kelly Rd			
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): Brian Griffith, Miuccio Trust

Applicant(s): Brian Griffith

Contact information (email/phone): briandgriffith@outlook.com (preferred) / (919 387-8775

Meeting Address: 2524 Kelly Rd, Apex, NC 27502

Date of meeting: October 28, 2019 Time of meeting: 6:00-8:00 PM

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

Question/Concern #1:

Proposed location of water, sewer, and roadways of adjacent residential development?

Applicant's Response:

Referred to publicly available plans by McAdams for West Village and Town of Apex Transportation map.

Question/Concern #2:

Proposed use of 2524 parcel.

Applicant's Response:

Use as coworking or office until future utilities and development made by others. Then parcel planned for redevelopment.

Question/Concern #3:

Zoning / future development of immediate area.

Applicant's Response:

Referred to Town of Apex current zoning map and 2045 zoning map.

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, Brian Griffith, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 2524 Kelly Rd, Apex, NC 27502 (location/address) on October 28, 2019 (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.

10/29/2019
Date

By:
Brian D. Griffith

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Andria Franklin, a Notary Public for the above State and County, on this the 29 day of October, 2019.

SEAL

Andria Franklin
Notary Public

Andria Franklin
Print Name

My Commission Expires: 4/16/2023

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #19CZ23 2524 & 2604 Kelly Road

Planning Board Meeting Date: June 8, 2020

Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment 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:	±2.1 acres
PIN(s):	0731433004 & 0731424892
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)
2045 Land Use Map:	Mixed Use: High Density Residential/Office Employment/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: _____

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: _____

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: Motion to approve with conditions, striking out condition 11c

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Mark Steele

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☑ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by the applicant; applicant agrees to strike out condition "11c" which staff did not agree with.

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks Date: 2020.06.08 21:10:39 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2020.06.08 17:25:16 -04'00'

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 #19CZ23
2524 & 2604 Kelly Road

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Agent: Brian Griffith
Property Addresses: 2524 & 2604 Kelly Road
Acreage: ±2.1 acres
Property Identification Numbers (PINs): 731433004 & 0731424892
2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may also share comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/29680.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 29, 2020 – June 16, 2020

apexnc.org/DocumentCenter/View/31756/19CZ22-Public-Hearing-Notice?bidId=

TOWN OF APEX

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #19CZ22
Wolfe Properties PUD

Pursuant to the provisions of North Carolina Statutes Section 160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.21, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Josh Swindell, Bowman Homes, LLC
Property Addresses: 1605, 1609, 1709, & 1805 Kimberly Road and 1813 & 1900 Double Helix Road
Acreage: 44.532 acres
Property Identification Numbers (PINs): 0722391418, 0722390911, 0722496897, 0722494150, 0722508988, & 0729601834
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Wake County R-40W (40 Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 6:00 PM

If you would like to speak during the public hearing, you may sign in ahead of time by emailing your name and address to kevin.lord@apexnc.org.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapex. You may also listen comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearings@apexnc.org, 300-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:30 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapex. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearings@apexnc.org, 300-word limit) or voicemail (919-372-7300, 3-minute limit).

CONTINUED

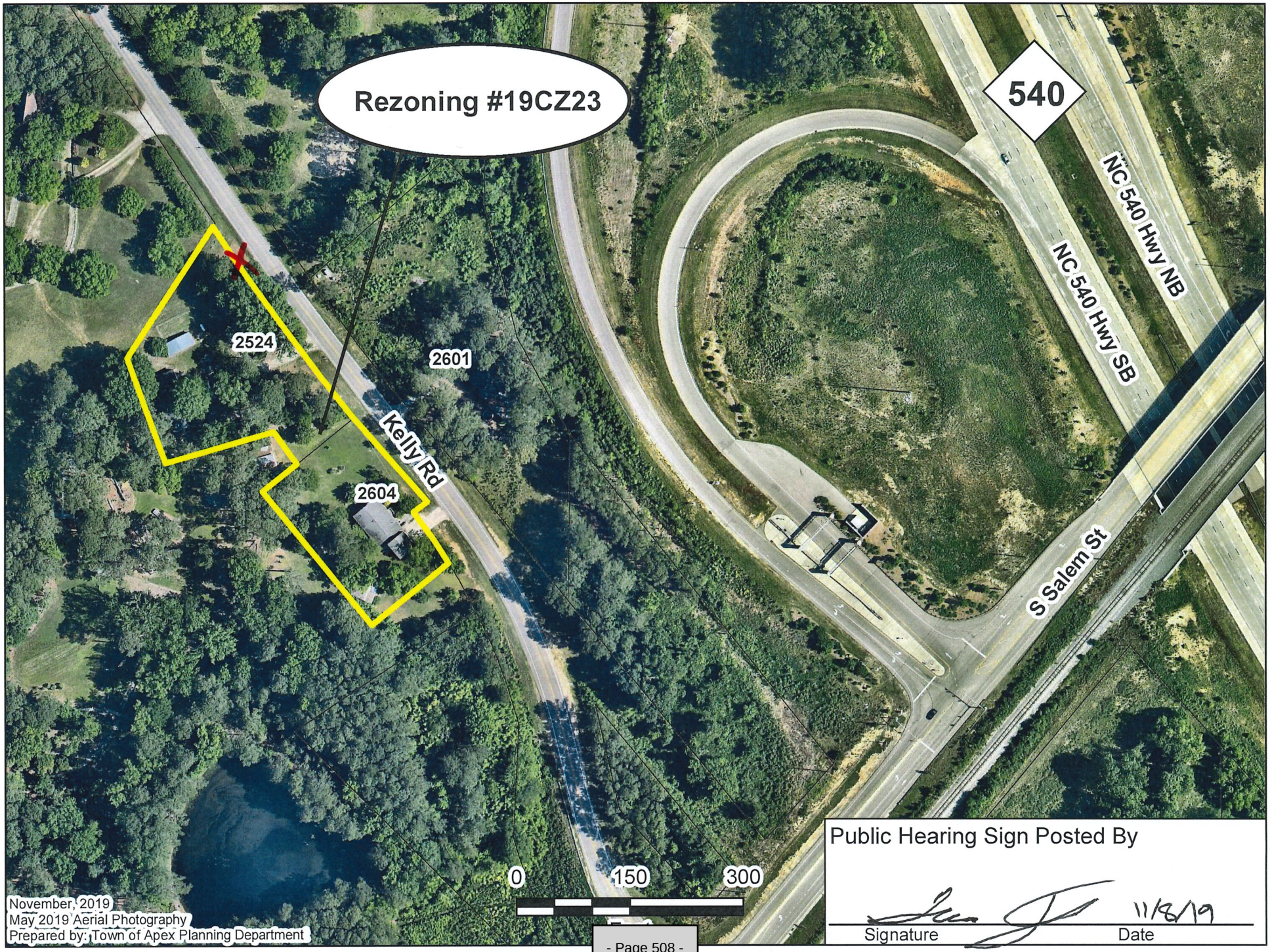
Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/29924.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 28, 2020 – June 16, 2020

Please note the name and email (kevin.lord@apexnc.org) change for your records.


Rezoning #19CZ23
540
NC 540 Hwy NB
NC 540 Hwy SB
S Salem St
Kelly Rd
2524
2601
2604
0
150
300
November, 2019
May 2019 Aerial Photography
Prepared by: Town of Apex Planning Department
Public Hearing Sign Posted By
Signature
11/18/19
Date

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Rezoning 19CZ23
Project Location:	2524 & 2604 Kelly Road
Applicant or Authorized Agent:	Brian Griffith

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **May 29, 2020** a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

6/2/2020
Date

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 2 day of June, 2020.

Jeri Chastain Pederson
Notary Public

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

My Commission Expires: 03/10/2024

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: June 16, 2020

Item Details

Presenter: Shelly Mayo, Planner II

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex ATM Development, LLC (New Hill Holleman Road) property containing 0.981 acres located at 3036 New Hill Holleman Road, Annexation #685 into the Town's corporate limits. AND

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

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

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2020-0616-14
ANNEXATION PETITION NO. #685
ATM Development, LLC (New Hill Holleman Road)

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on June 16, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-58.1, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 16, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, 3036 New Hill Holleman Road, Thompson & Associates, PA, dated 2/19/2020" and recorded in Book of Maps book number 2020 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

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

Adopted this the 16th day of June 2020.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

Located in Buckhorn Township, Wake County, North Carolina and being bounded on the west and north by AMH NC Development, LP as described in Deed Book 17296, Page 355 and Book of Maps 2017, Page 81; on the east by New Hill Holleman Road (SR 1127); and on the south by Mahvash Khorsand as described in Deed Book 8627, Page 2402; and being more particularly described as follows:

BEGINNING at an existing iron pipe w/cap at AMH NC Development, LP's corner and in Khorsand's north line having North Carolina State Plane Coordinates N=699902.54 E=2019865.99 (NAD 83-2011, CGF=0.99988918);

Thence N 01°12'27" E 163.52' along the east line of AMH NC Development, LP to an existing iron pipe w/cap ;

Thence S 88°34'54" E 224.65' along the south line of AMH NC Development, LP and passing an existing iron pipe w/cap at 233.45' to a point with the right of way of New Hill Holleman Road;

Thence S 27°42'08" E 176.86' within the right of way of New Hill Holleman Road to an existing iron pipe w/cap at Khorsand's northeast corner;

Thence S 89°45'12" W 310.25' along Khorsand's north line to the Point of Beginning, containing 0.981 acres, more less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0616-14, adopted at a meeting of the Town Council, on the 16th day of June 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 18th day of June 2020.

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 685 Submittal Date: 2/3/2020

Fee Paid $200 Check # 1002629484

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

ATM Development, LLC Alonzo Wilson	0629 09 0986
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919 924-6002	revawil@bellsouth.net
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: Rodney Morris

Phone: 919 465-1566 Fax: 919 465-1585

E-mail Address: remveyor@att.net

Annexation Summary Chart

Total Acreage to be annexed:	.981	Reason for annexation: (select one)	
Population of acreage to be annexed:	0	Receive Town Services	
Existing # of housing units:	0	Other (please specify)	x
Zoning District*:	proposed MD	Required by rezoning request	

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 085 Submittal Date: 2/3/2020

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print	Signature
ALONZO WILSON	Alonzo Wilson

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Alonzo Wilson, a Notary Public for the above State and County, this the 30th day of, January, 2020.

Yvonne Harrison
Notary Public

SEAL

My Commission Expires: 8-12-2020

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: _____

DESCRIPTION OF ANNEXATION FOR ATM DEVELOPMENT, LLC

Located in Buckhorn Township, Wake County, North Carolina and being bounded on the west and north by AMH NC Development, LP as described in Deed Book 17296, Page 355 and Book of Maps 2017, Page 81; on the east by New Hill Holleman Road (SR 1127); and on the south by Mahvash Khorsand as described in Deed Book 8627, Page 2402; and being more particularly described as follows:

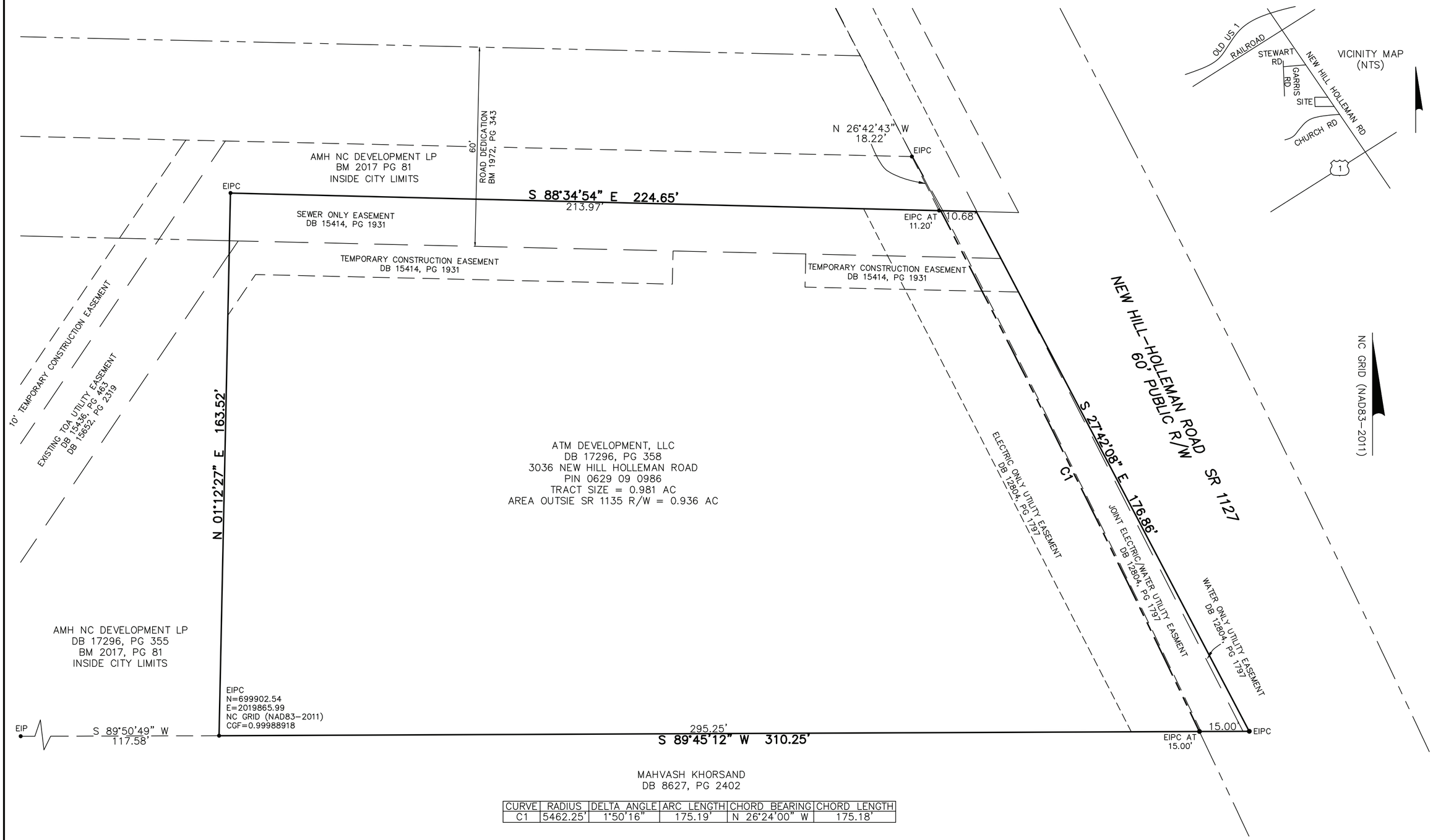
BEGINNING at an existing iron pipe w/cap at AMH NC Development, LP's corner and in Khorsand's north line having North Carolina State Plane Coordinates N=699902.54 E=2019865.99 (NAD 83-2011, CGF=0.99988918);

Thence N 01°12'27" E 163.52' along the east line of AMH NC Development, LP to an existing iron pipe w/cap ;

Thence S 88°34'54" E 224.65' along the south line of AMH NC Development, LP and passing an existing iron pipe w/cap at 233.45' to a point with the right of way of New Hill Holleman Road;

Thence S 27°42'08" E 176.86' within the right of way of New Hill Holleman Road to an existing iron pipe w/cap at Khorsand's northeast corner;

Thence S 89°45'12" W 310.25' along Khorsand's north line to the Point of Beginning, containing 0.981 acres, more less.



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	5462.25'	1°50'16"	175.19'	N 26°24'00" W	175.18'

I, RODNEY E. MORRIS CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND.

I, RODNEY E. MORRIS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK 17296, PAGE 358; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN – , PG – ; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS THIS DAY OF , AD, .

NORTH CAROLINA PROFESSIONAL SEAL L-4544 LAND SURVEYOR RODNEY E. MORRIS

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCE, OR SALES

ANNEXATION # _____.
I DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK APES, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____ , 2020, BY THE TOWN COUNCIL.
I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____ .

_____
DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

RECORDED IN BOOK OF MAPS 2020, PAGE

FILED FOR REGISTRATION

CHARLES B. GILLIAM
REGISTER OF DEEDS
WAKE COUNTY

BY:_____
ASST/DEPUTY
TIME_____

LEGEND
- EIP = EXISTING IRON PIPE
- EIPC = EXISTING IRON PIPE W/ CAP

NOTES:
AREAS ARE BY COORDINATES.
GRID BEARINGS AND COORDINATES ARE BY VRS GPS OBSERVATIONS PERFORMED 11/03/17.
THE EASEMENTS SHOWN HEREON ARE PLOTTED FROM THE DEEDS AS SHOWN.

REFERENCES
DEED BOOK 17296, PAGE 358
DEED BOOK 15652, PAGE 2319
DEED BOOK 15436, PAGE 463
DEED BOOK 15414, PAGE 1931
DEED BOOK 12804, PAGE 1797

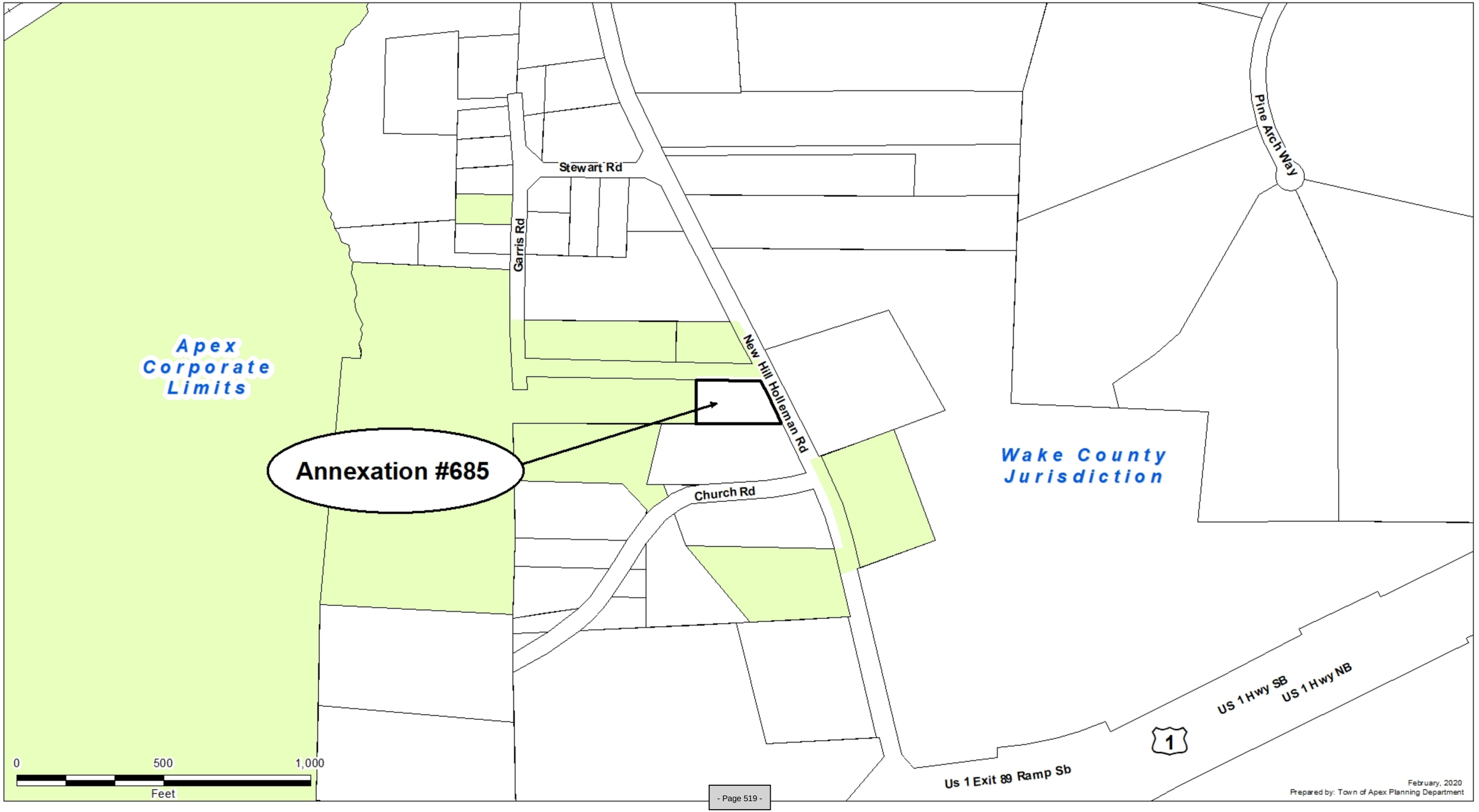
0 20 40 60

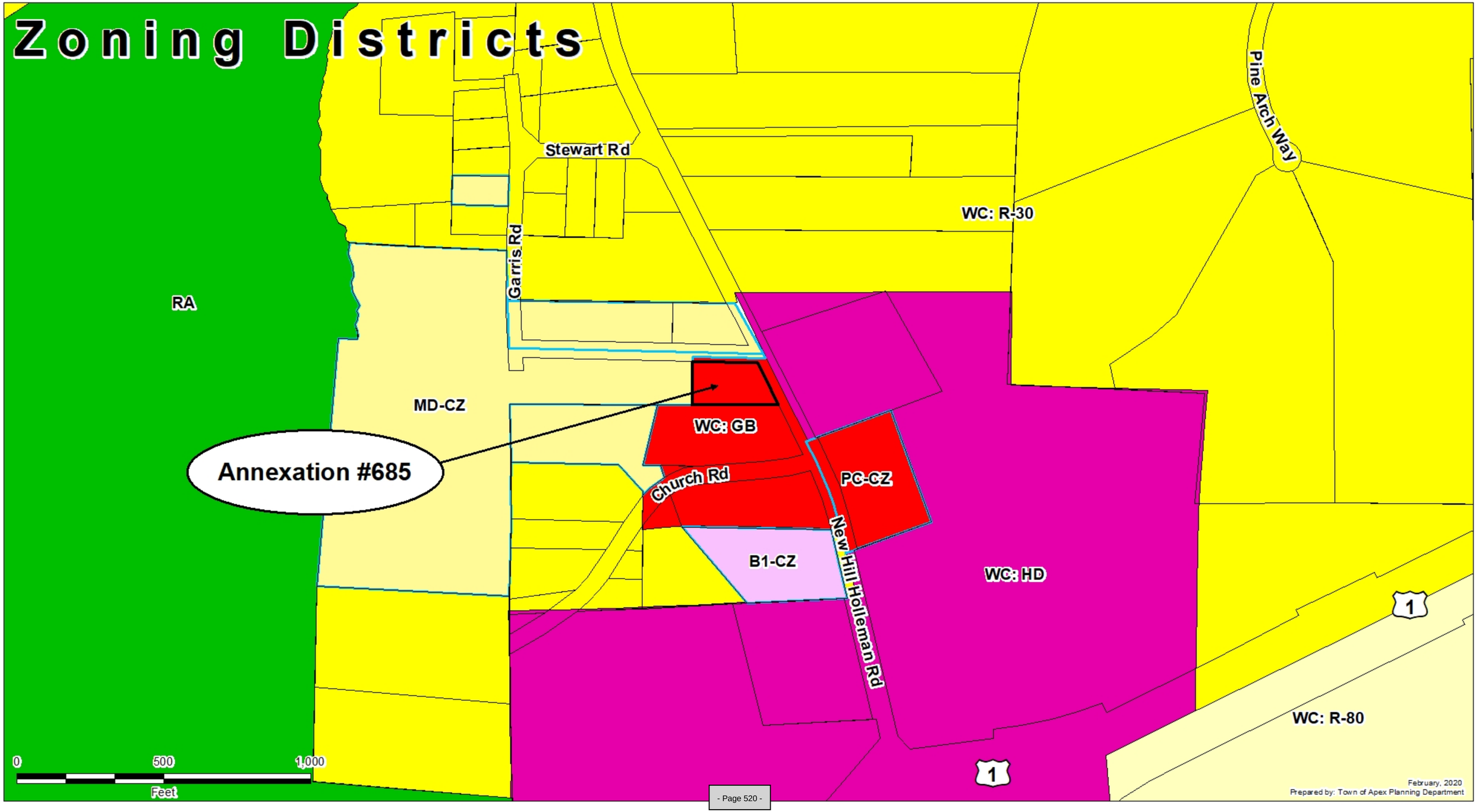
SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX 3036 NEW HILL HOLLEMAN ROAD

THOMPSON & ASSOCIATES, PA
CO #C-343
1149 EXECUTIVE CIRCLE
SUITE D, UNIT 2
CARY, NC 27511
919-465-1566
FAX (919) 465-1585

BUCKHORN TWP.		OWNER ATM DEVELOPMENT, LLC
WAKE CO.	NORTH CAROLINA	ZONED GB PROPOSED: MD-CZ
DATE 2/19/2020	DRAWN MTH,REM	JOB NO.
SCALE 1" = 20'	SURVEYED GRW,REM	
DRAWING FOLEY-WILSON		PIN: 0629 09 0986

New Hill First Baptist Church
Garris Rd
New Hill Holleman Rd
Annexation #685
Town of Apex Fire Station #2
Holleman Hills
New Hill Community Center
Church Rd
0
250
500
Feet
February, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department


Apex
Corporate
Limits
Annexation #685
Stewart Rd
Garris Rd
New Hill Holleman Rd
Church Rd
Pine Arch Way
Wake County
Jurisdiction
US 1 Hwy SB
US 1 Hwy NB
1
Us 1 Exit 89 Ramp Sb
0
500
1,000
Feet
February, 2020
Prepared by: Town of Apex Planning Department


Zoning Districts
Stewart Rd
Garris Rd
Pine Arch Way
WC: R-30
RA
MD-CZ
WC: GB
Annexation #685
Church Rd
PC-CZ
New Hill Holleman Rd
B1-CZ
WC: HD
1
WC: R-80
1
0
500
1,000
Feet
February, 2020
Prepared by: Town of Apex Planning Department

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #20CZ02 3036 New Hill Holleman Road and Ordinance. The applicant, Alonzo Wilson for ATM Development, seeks to rezone approximately 0.981 acres from Wake Co. GB to Medium Density-Conditional Zoning (MD-CZ). The proposed zoning is located at 3036 New Hill Holleman Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.
Planning Board heard this petition at their June 8, 2020 Public Hearing and recommended approval with a unanimous vote.

Item Details

The following PIN is included in this rezoning: 0629-09-0986

Attachments

- Staff Report
- Vicinity Map
- Application

STAFF REPORT

Rezoning #20CZ02 3036 New Hill Holleman Road

June 16, 2020 Town Council Meeting

All property owners within three hundred (300) feet of this rezoning have been notified per UDO Section 2.2.11 "Public Notification".

BACKGROUND INFORMATION:	
Location:	3036 New Hill Holleman Rd
Applicant/Owner:	Alonzo Wilson/ATM Development, LLC
PROJECT DESCRIPTION:	
Acreage:	+/- 0.981 acres
PIN:	0629090986
Current Zoning:	Wake County R-30 & GB
Proposed Zoning:	Medium Density Residential–Conditional Zoning (MD-CZ)
Current 2045 Land Use Map:	Medium Density Residential
Town Limits:	Outside ETJ and Corporate Limits

ADJACENT ZONING & LAND USES:		
	Zoning	**Land Use**
North:	Medium Density Residential–Conditional Zoning (MD-CZ #17CZ22)	Single-family Residential
South:	Wake Co. GB	Vacant
East:	Wake Co. HD	New Hill Holleman Rd; Fire Station
West:	Medium Density Residential–Conditional Zoning (MD-CZ #17CZ14)	Single-family Residential

EXISTING CONDITIONS:

The site consists of one (1) parcel totaling +/- 0.981 acre. It is located on the west side of New Hill Holleman Road between US 1 Hwy and Old US 1 Hwy, to the east of the Western Wake Regional Water Reclamation Facility. It is east and south of the Holleman Hills Subdivision, approved on March 22, 2018 and currently under construction. The property contains a vacant commercial building with the rear of the lot being wooded.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on December 30, 2019. The meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning is consistent that Land Use Map designation.

WCPSS COORDINATION:

This rezoning was submitted prior to the agreement with the Wake County Public School System to provide a Letter of Impact for rezonings allowing residential development.

PROPOSED ZONING CONDITIONS:

Proposed Uses:

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

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

Rezoning Conditions - Single-family residential:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details or carriage-style adornments on them.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. 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 window
   - Wrap around porch or side porch
   - Two or more building materials
   - Decorative brick/stone
   - Decorative trim
   - Decorative shake
   - Decorative gable
   - Decorative air vents on gable
   - Decorative cornice
   - Column
   - Portico
   - Balcony
   - Dormer
5. 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.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The garage cannot protrude more than 1 foot out from the front façade or front porch.
8. The buffer along New Hill Holleman Road will be a Type A.
9. Homes will be pre-wired for solar panels.
10. A maximum of 4 single-family houses will be built on this property.
11. Access to the property shall be served from the public street (Brierhill Road) abutting the north property line and/or through the adjacent property to the south with access to Church Road and not served directly from New Hill Holleman Road.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #20CZ02 3036 New Hill Holleman Road with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

Planning Board heard this petition at their June 8, 2020 Public Hearing and recommended approval with a unanimous vote.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

> Approval of the rezoning is reasonable as the proposed Medium Density Residential–Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will permit increased housing options in the New Hill area and permit higher densities necessary to support future non-residential uses in the adjacent Neighborhood Mixed Use Activity Center as identified on the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Medium Density Residential–Conditional Zoning 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.

New Hill First Baptist Church
Garris Rd
New Hill Holleman Rd
Rezoning #20CZ02
Town of Apex Fire Station #2
Holleman Hills
New Hill Community Center
Church Rd
0
250
500
Feet
February, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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

Application #: 20CZ02 Submittal Date: 2/3/2020

2045 LUM Amendment: N/A Fee Paid: $900

Project Information

Project Name: 3036 New Hill Holleman Road

Address(es): 3036 New Hill Holleman Raod

PIN(s): 0629 09 0986

Acreage: .981

Current Zoning: Wake Co. GB Proposed Zoning: Medium Density-Conditional Zoning

Current 2045 LUM Designation: Medium Density Residential

Proposed 2045 LUM Designation: Medium Density Residential

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Alonzo Wilson

Address: 1609 White Oak Church Rd.

City: Apex State: NC Zip: 27523

Phone: 919 924-6002 E-mail: revawil@bellsouth.net

Owner Information

Name: ATM Development, LLC

Address: 1609 White Oak Church Rd.

City: Apex State: NC Zip: 27523

Phone: 919 924-6002 E-mail: revawil@bellsouth.net

Agent Information

Name: Owner to act as own agent

Address:

City: State: Zip:

Phone: E-mail:

Other contacts: Thompson & Associates Randy Miller

1149 Executive Ci. Suite D2 Cary, NC 27511

919 465-1566 miller.pe@att.net

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

An application has been duly filed requesting that the property described in this application be rezoned from Wake Co. GB to MD-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. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	See Attached	21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
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17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See Attached

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.

Rezoning is consistent with the 2045 Land Use Map which designates the subject tract as Medium Density Residential.

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 rezoning for Medium Density Residential is compatible with the character of the surrounding land uses as the adjoining properties to the north and west of the subject tract are zoned Medium Density Residential.

20CZ02
3036 New Hill Holleman Rd.

Proposed Uses:

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

Rezoning Conditions:
Single-family residential:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details or carriage-style adornments on them.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. 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 window
    - Wrap around porch or side porch
    - Two or more building materials
    - Decorative brick/stone
    - Decorative trim
    - Decorative shake
    - Decorative gable
    - Decorative air vents on gable
    - Decorative cornice
    - Column
    - Portico
    - Balcony
    - Dormer
5. 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.
6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
7. The garage cannot protrude more than 1 foot out from the front façade or front porch.
8. The buffer along New Hill Holleman Road will be a Type A.
9. Homes will be pre-wired for solar panels.
10. A maximum of 4 single-family houses will be built on this property.
11. Access to the property shall be served from the public street (Brierhill Road) abutting the north property line and/or through the adjacent property to the south with access to Church Road and not served directly from New Hill Holleman Road.

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

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

N/A Single Family Residential proposed for subject tract.

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.

Proposed rezoning for Medium Density Residential would have no adverse impacts on adjoining properties as the surrounding properties are also Zoned MD with single family residential use.

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 subject tract currently has a delapidated building and broken asphalt which would be removed. The rezoning to Medium Density Residential and would not deteriorate any water, air, wildlife, or other natural resource and would significantly improve any scenic resource.

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.

Proposed rezoning will have no impacts of public facilities. There are existing public roads and utilities in the area that were put in place to adequately serve the area for single family 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.

The proposed rezoning would have no impact on the health, safety, or welfare of the residents of the Town as the rezoning would place the subject tract in the same zoning district as the surrounding area.

PETITION INFORMATION

Application #: 20CZ02 Submittal Date: 2/3/2020

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

The proposed rezoning would not be detrimental to adjacent properties as the rezoning would place the subject tract in the same zoning district as adjoining 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.

The proposed rezoning and single family residential use would have minimal to no impact to adjoining properties as related to noise and/or 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 subject tract of the proposed rezoning will adhere to all requirements of the Ordinance as related to single-family use in the MD district.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ02 Submittal Date: 2/3/2020

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

	Owner's Name	PIN
1.	AMH NC Development	0619 99 5709
2.	Atm Development, LLC	0619 99 8325
3.	Duke Energy Progress, INC	0629 64 9092
4.	Stanley S. Evans	0619 99 3364
5.	Ina Myrtle Evans	0619 99 4436
6.		0619 99 4650
7.	Morrison Florence S Family Living	0629 09 2042
8.	Mahvash ~~Dhorsand~~ KHORSAND	0629 09 1801
9.	Mark C. Maletta	0619 99 6238
10.		0619 99 6356
11.		0629 09 0376
12.	New Hill Community Center	0629 09 4695
13.	Marcus Wilson	0629 09 1566
14.	First Baptist Church of New Hill	0710 90 6318
15.	Town of Apex	0720 00 4004

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

Date: 1-30-2020 By: Alonzo Wilson

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, ALONZO WILSON, a Notary Public for the above State and County, on this the 30th day of January, 2020.

Yvonne Harrison
Notary Public

Yvonne HARRISON
Print Name

SEAL YVONNE HARRISON NOTARY PUBLIC DURHAM COUNTY, NC

My Commission Expires: 8-12-2020

AGENT AUTHORIZATION FORM

Application #: 20CZ02 Submittal Date: 2/3/2020

Alonzo Wilson (ATM Development, 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: 3036 New Hill Holleman Road

The agent for this project is: Alonzo Wilson

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

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

Alonzo Wilson

Alonzo Wilson — 1-30-2020

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

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

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 20CZ02 Submittal Date: 2/3/2020

The undersigned, Alonzo Wilson (ATM Development, LLC) (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3036 New Hill Holleman Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/19/2018, and recorded in the Wake County Register of Deeds Office on 11/19/2018, in Book 17296 Page 355.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/19/2018, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/19/2018, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30th day of Jan, 2020.

Alonzo Wilson (seal)

ALONZO WILSON
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Durham

I, the undersigned, a Notary Public in and for the County of Durham, hereby certify that Alonzo Wilson, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Alonzo Wilson, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Yvonne Harrison
Notary Public
State of North Carolina
My Commission Expires: 8-12-2020

[NOTARY SEAL] YVONNE HARRISON NOTARY PUBLIC DURHAM COUNTY, NC

Legal Description for Rezoning Case 20CZ02 3036 New Hill Holleman Road

Located in Buckhorn Township, Wake County, North Carolina and being bounded on the west and north by AMH NC Development, LP as described in Deed Book 17296, Page 355 and Book of Maps 2017, Page 81; on the east by New Hill Holleman Road (SR 1127); and on the south by Mahvash Khorsand as described in Deed Book 8627, Page 2402; and being more particularly described as follows:

BEGINNING at an existing iron pipe w/cap at AMH NC Development, LP's corner and in Khorsand's north line having North Carolina State Plane Coordinates N=699902.54 E=2019865.99 (NAD 83-2011, CGF=0.99988918);

Thence N 01°12'27" E 163.52' along the east line of AMH NC Development, LP to an existing iron pipe w/cap ;

Thence S 88°34'54" E 224.65' along the south line of AMH NC Development, LP and passing an existing iron pipe w/cap at 233.45' to a point with the right of way of New Hill Holleman Road;

Thence S 27°42'08" E 176.86' within the right of way of New Hill Holleman Road to an existing iron pipe w/cap at Khorsand's northeast corner;

Thence S 89°45'12" W 310.25' along Khorsand's north line to the Point of Beginning, containing 0.981 acres, more less.

NOTICE OF NEIGHBORHOOD MEETING

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

December 11, 2019
Date

Dear Neighbor:

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

3036 New Hill Holleman Rd. New Hill, NC 27562 — Address(es)

0629090986 — PIN(s)

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

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
Property to rezone to Medium Density (single family residental)

Estimated submittal date: _____

MEETING INFORMATION:

Property Owner(s) name(s): ATM Development, LLC

Applicant(s): Alonzo Wilson

Contact information (email/phone): revawil@bellsouth.net/919-924-6002

Meeting Address: 3101 New Hill Holleman Rd. New Hill, NC 27539

Date of meeting**: December 30, 2019

Time of meeting**: 5:30-7:30 pm

MEETING AGENDA TIMES:

Welcome: 5:30-5:40 Project Presentation: 5:40-5:50 Question & Answer: 5:50-7:30

**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.

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: 3036 New Hill Holleman Road Zoning: GB

Location: 3036 New Hill Holleman Road

Property PIN(s): 0629 09 0986 Acreage/Square Feet: 0.88 ac

Property Owner: ATM Development, LLC

Address: 1609 White Oak Church Road

City: Apex State: NC Zip: 27523

Phone: 919 924-6002 Email: revawil@bellsouth.net

Developer: same

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: Thompson & Associates

Address: 1149 Executive Ci. Suite D2

City: Cary State: NC Zip: 27511

Phone: 919 465-1566 Fax: 919 465-1585 Email: miller.pe@att.net

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

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

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: 3101 New Hill Holleman Rd. New Hill, NC 27539

Date of meeting: 12-30-2019 Time of meeting: _____

Property Owner(s) name(s): ATM DEVELOPMENT, LLC

Applicant(s): ALONZO WILSON

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Paul Barth	3101 New Hill Holleman Rd			N
2.	Jackie Lee	520 Bayoak Dr. Cary NC			Y
3.	Marilyn Lee	3504 New Hill-Holleman R New Hill, N.C. 27562			Yes
4.	Dixie Lee Newsome	500 Bayoak Dr. Cary, NC 27513			yes
5.	Sheila Morgan	P. O. Box 10, New Hill NC 27562			yes
6.	[illegible]	2909 New Hill Holleman			yes.
7.	Victor Gutierrez	3016 New Hill Holleman Rd New Hill, NC. 27562			
8.	Johnnie Judd	2916 Harris Rd New Hill NC 27562			Yes
9.	Stanley Evans	5128 Church Rd New Hill, NC			Yes
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): ATM DEVELOPMENT, LLC

Applicant(s): ATM DEVELOPMENT, LLC

Contact information (email/phone): revawil@bellsouth.net

Meeting Address: 3101 New Hill Holleman Road New Hill, NC 27539

Date of meeting: 12-30-2019 Time of meeting: 5:30-7:30

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

Question/Concern #1:
How is property being developed?

Applicant's Response:
Property is proposed for single family detached homes.

Question/Concern #2:
Number units being built?

Applicant's Response:
We are asking for a medium density zoning, which is 6 units per acre.

Question/Concern #3:
What is future plan for New Hill Holleman Rd.

Applicant's Response:
Check with the Town of Apex to see what future thorough fare plan is.

Question/Concern #4:
Is housing low income (subsidized housing).

Applicant's Response:
No, this is not the intent of developer.

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, Alonzo Wilson, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 3101 New Hill Holleman Rd-New Hill, NC (location/address) on 12/30/2019 (date) from 5:30 pm (start time) to 7:30 pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

_____ By: Alonzo Wilson
Date

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Alonzo Wilson, a Notary Public for the above State and County, on this the 30th day of January, 2020.

SEAL

Yvonne Harrison
Notary Public

Yvonne Harrison
Print Name

My Commission Expires: 8-12-2020

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ02 3036 New Hill Holleman Rd.

Planning Board Meeting Date: June 8, 2020

Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 0.981

PIN(s): 0629-09-0986

Current Zoning: Wake Co. GB

Proposed Zoning: Medium Density-Conditional Zoning

2045 Land Use Map: Medium Density Residential

Town Limits: Outside corporate limits and ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan
☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
   ☑ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
   ☑ Consistent ☐ Inconsistent Reason: _____

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: Motion to approve with conditions as offered by applicant.

Introduced by Planning Board member: Beth Godfrey

Seconded by Planning Board member: Keith Braswell

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☑ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by applicant.

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks Date: 2020.06.08 21:12:36 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2020.06.08 17:30:27 -04'00'

Dianne Khin, Planning Director

Public-Notice---20CZ02
apexnc.org/Docume...
Paused
Apps Todoist Apps & Schedules UDO HR Other bookmarks

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #20CZ02
3036 New Hill Holleman Road

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Alonzo Wilson, ATM Development, LLC.
Property Address: 3036 New Hill Holleman Rd.
Acreage: ±0.981 acres
Property Identification Number (PIN): 0629090986
Current 2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Wake County GB
Proposed Zoning of Properties: Medium Density-Conditional Zoning

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may also share comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

4:01 PM
5/29/2020

Public-Notice---20CZ02
apexnc.org/Docume...
Paused
Apps
Todoist
Apps & Schedules
UDO
HR
Other bookmarks

Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/30571.

Published Dates: May 29 – June 16, 2020

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

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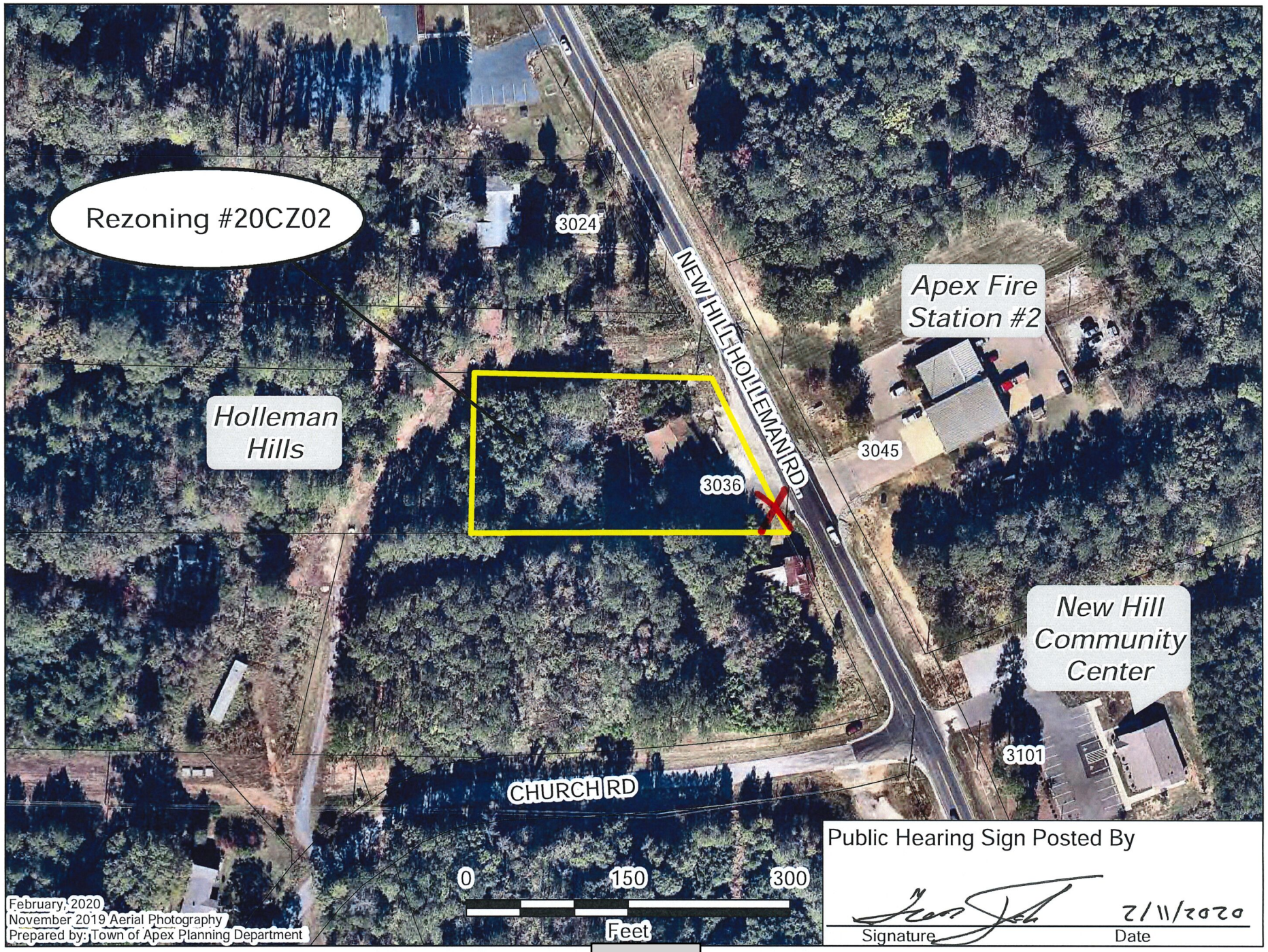
-CONTINUED-

Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/30571.

Published Dates: May 29 – June 16, 2020

Dianne F. Khin, AICP
Director of Planning and Community Development



Public Hearing Sign Posted By

Signature

2/11/2020

Date

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Number and/or Name:	Conditional Zoning #20CZ02 3036 New Hill Holleman Rd.
Project Location:	3036 New Hill Holleman Rd.
Applicant or Authorized Agent:	Alonzo Wilson
Firm:	ATM Development, LLC.

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 May 29, 2020, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

6/2/2020
Date

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 2 day of June, 20 20.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024
SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16,2020

Item Details

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

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #20CZ03 James Street. The applicant, Jones & Cnossen Engineering, PLCC, seeks to rezone approximately 4.09 acres for the property located at 1200 James Street (PIN 0741789012), from Medium Density Residential (MD) to Tech/Flex-Conditional Zoning (TF-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.
The Planning Board held a Public Hearing on June 8, 2020 and unanimously recommended approval with the additional condition offered by the applicant.

Item Details

Attachments

- Staff Report
- Vicinity Map
- Application

All property owners within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 1200 James Street
Applicant/Owner: Patrick Kiernan, Jones & Cnossen Engineering, PLLC./Cathleen & Kenneth Watson

PROJECT DESCRIPTION:

Acreage: ±4.09
PIN: 0741789012
Current Zoning: Medium Density Residential (MD)
Proposed Zoning: Tech/Flex–Conditional Zoning (TF-CZ)
2045 Land Use Map: Industrial Employment & Office Employment
Town Limits: In Corporate limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Medium Density Residential (MD)	Single-family residential
South:	Light Industrial (LI)	Peak City Business Park
East:	Light Industrial (LI)	Peak City Business Park
West:	Medium Density Residential (MD) Mobile Home Park (MHP)	Single-family residential; Mobile Home Park

Existing Conditions:
The subject property is located on the east side of Schieffelin Road and north of Energy Drive. There is an existing pond and residential structure on site.

Neighborhood Meeting:
The applicant conducted a neighborhood meeting on January 22, 2020. The neighborhood meeting report is attached.

2045 LAND USE MAP:
The 2045 Land Use Map identifies the property subject to this rezoning as Industrial Employment & Office Employment. The proposed rezoning to Tech/Flex- Conditional Zoning (TF-CZ) is consistent with that land use classification.

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:

Day care facility	Repair services, limited
Drop-in or short-term day care	Retail sales, bulky goods
Government services	Studio for art
School, public or private	Tailor shop
Transportation facility	Upholstery shop
Veterinary clinic or hospital	Pet services
Vocational school	Automotive accessory sales and installation
Utility, minor	Repair and maintenance, general
Wireless support structure	Vehicle inspection center
Wireless communication facility	Vehicle sales and rental, light
Greenway	Building supplies, wholesale
Park, passive	Laboratory, industrial research
Broadcasting station (radio and television)	Machine or welding shop
Radio and television recording studio	Warehousing
Commissary	Woodworking or cabinetmaking
Dispatching office	Wholesaling, general
Medical or dental office or clinic	Brewery
Medical or dental laboratory	Distillery
Office, business or professional	Manufacturing and processing, minor
Publishing office	Microbrewery
Research facility	Microdistillery
Artisan studio	Restaurant, general
Health/fitness center or spa	Pilot plant
Personal services	Manufacturing and processing
Printing and copying service	Retail sales, general
Real estate sales	

Conditions:
1. Access to this parcel shall be served from Energy Drive. No direct access shall be permitted to Schieffelin Road or James Street.
2. The “Broadcasting station (radio and television)” and “Radio and television recording studio” shall not use towers that exceed 30 feet in height.
3. The “Building supplies, wholesale” use shall only be limited to indoor storage.
4. The “Retail sales, bulky goods” use shall only be limited to indoor storage.
5. The “Vehicle sales and rental, light” use shall be only limited to indoor storage.
6. The parcel associated to Wake County PIN 0741789012 shall be incorporated in the non-residential Master Subdivision Plan for Schieffelin Industrial Park.

7. Public art will be provided on site, by the developer, consistent with UDO Section 8.4.5.
8. The use "School, public or private" shall not exceed 9,000 square feet.
9. Building(s) shall not be addressed to James St. or Schieffelin Rd.

Architectural Conditions:
1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials.
2. 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.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. The proposed building(s) shall be compatible to the existing non-residential building elevations in the Peak City Business Park Development.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of the rezoning #20CZ03 with the conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:
Planning Board heard this item at their June 8, 2020 meeting and unanimously recommended approval with additional condition offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Tech/Flex-Conditional Zoning district is consistent with Industrial Employment & Office Employment land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for non-residential uses to serve the surrounding area, while being incorporated in to the Peak City Business Park or known as the Schieffelin Industrial Non-Residential Master Subdivison Plan. The proposed rezoning will maintain the character and appearance of the area and provide uses similar to those approved for the adjacent non-residential subdivision.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the TF-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

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

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

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

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

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

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

Damont Hills
Clairmont
Bryn Mawr Ct
Rezoning #20CZ03
Energy Dr
James St
55 James at Midtown
Briarcliff St
Markham St
Schieffelin Rd
Peak City Business Park
Apex Mobile Estates
Treviso Ln
Trendy Ln
February, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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

Application #: 20CZ03 Submittal Date: 02/02/2020

2045 LUM Amendment: Fee Paid: $900.00

Project Information

Project Name: 1200 James Street

Address(es): 1200 James Street, Apex, NC 27502

PIN(s): 0741789012

Acreage: 4.09

Current Zoning: MD Proposed Zoning: TF-CZ

Current 2045 LUM Designation: Office Employment/Industrial Employment

Proposed 2045 LUM Designation: Office Employment/Industrial Employment

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 E-mail: patrick@jonescnossen.com

Owner Information

Name: Cathleen and Kenneth Watson

Address: 634 Blue Point Rd

City: Holtsville State: NY Zip: 11742-1812

Phone: E-mail:

Agent Information

Name: Peak City Partners LLC

Address: 1330 Sunday Dr, Ste 105

City: Raleigh State: NC Zip: 27607

Phone: 919-210-1996 E-mail: vdhawan@greenhawkcorp.com

Other contacts:

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

_____

_____

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

_____

_____

_____

_____

_____

_____

_____

_____

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from MD to TF-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. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	See attached list	21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
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20		40	

Tech/Flex Allowable Uses

Day care facility
Drop-in or short-term day care
Government services
School, public or private
Transportation facility
Veterinary clinic or hospital
Vocational school
Utility, minor
Wireless support structure
Wireless communication facility
Greenway
Park, passive
Broadcasting station (radio and television)
Radio and television recording studio
Commissary
Dispatching office
Medical or dental office or clinic
Medical or dental laboratory
Office, business or professional
Publishing office
Research facility
Artisan studio
Health/fitness center or spa
Personal services
Printing and copying service
Real estate sales
Repair services, limited
Retail sales, bulky goods
Studio for art
Tailor shop
Upholstery shop
Pet services
Automotive accessory sales and installation
Repair and maintenance, general
Vehicle inspection center
Vehicle sales and rental, light
Building supplies, wholesale
Laboratory, industrial research
Machine or welding shop
Warehousing
Woodworking or cabinetmaking
Wholesaling, general
Brewery
Distillery
Manufacturing and processing, minor
Microbrewery
Microdistillery
Restaurant, general
Pilot plant
Manufacturing and processing

Retail sales, general

PETITION INFORMATION

Application #: _____ Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

- Access to this parcel shall be served from Energy Drive. No direct access shall be permitted to Schieffelin Road or James Street.

-The "Broadcasting station (radio and television)" and "Radio and television recording studio" shall not use towers that exceed 30 feet in height.

- The "Building supplies, wholesale" use shall only be limited to indoor storage.

- The "Retail sales, bulky goods" use shall only be limited to indoor storage.

- The "Vehicle sales and rental, light" use shall only be limited to indoor storage.

- The parcel associated with Wake County PIN 0741789012 shall be incorporated in the non-residential Master Subdivision Plan for Schieffelin Industrial Park.

- Public art will be provided on site, by the developer, consistent with UDO section 8.4.5.

- The use "School, public or private" shall not exceed 9,000 square feet.

- Building(s) shall not be addressed to James St. or Schieffelin Rd. - Please see attached list for Architectural 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 Conditional Zoning District of Tech Flex is consistent with the 2045 Land Use Map designation of Office Employment or Industrial Employment.

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 are appropriate for its location given the commercial and industrial character of the area, situated between two commercial developments on Energy Dr and Investment Blvd. These uses are also compatible with the planned extension of the Apex Peakway along this property.

Architectural Conditions

1. Predominant exterior building materials shall be high quality, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials
2. 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.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. The proposed building(s) shall be compatible to the existing non-residential building elevations in the Peak City Business Park development.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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.

We have limited the uses to avoid adverse impacts to the surrounding properties as much as practical. The proposed uses' compatibility with the surrounding properties should minimize nuisances, and appropriate buffering will be provided to preserve any natural aesthetics.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This project will adhere to all required buffering, will be dedicating Resource Conservation Area and will be adhering to the Town of Apex stormwater requirements.

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 provide access from Energy Dr. to the south in order to avoid conflicts on existing Shieffelin Rd. The location provides good access to public infrastructure and emergency services. The uses will have no impact on the schools or public parks.

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 Tech Flex uses will provide additional opportunities for employment and service that will benefit the health and welfare of the citizens. The project should not have any effect on the safety of the citizens in the area.

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

The Tech Flex uses are compatible with the LI uses of adjacent properties. The Tech Flex uses are anticipated to have a peak use time during the day minimizing the impacts to the residential 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.

Access will not be provided along Schieffelin Rd. or James St. in order to avoid traffic impacts on those streets. The access provided on Energy Dr. should not have any adverse impacts on traffic due to its compatibility with the uses of the Peak City Business Park development.

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 uses have been limited to ensure this will be a quality project capable of meeting all the standards in the UDO.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Cathleen and Kenneth Watson 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: 1200 James Street

The agent for this project is: Peak City Partners, LLC

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

Agent Name: Vaibhav Dhawan

Address: 1330 Sunday Dr, Ste 105, Raleigh NC 27607

Telephone Number: 919-210-1996

E-Mail Address: vdhawan@greenhawkcorp.com

Signature(s) of Owner(s)*

Kenneth L Watson — Type or print name — 1-15-2020 — Date

Cathleen Watson — Type or print name — 1-15-2020 — 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, VAIBHAV DHAWAN (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 1200 James Street, Apex NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, 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 30 day of JANUARY, 2020.

Vaibhav Dhawan (seal)

VAIBHAV DHAWAN

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 Vaibhav Dhawan, 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.

ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires _____

[NOTARY SEAL]

Notary Public
State of North Carolina
My Commission Expires: November 19, 2021

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

Beginning at an existing iron pipe labeled control corner at the southeast corner of Lot 12 as shown on Book of Maps 2004, Page 1194, Wake County Registry, thence from said Beginning point South 71°46'33" West 404.95 feet to a point on the eastern right of way of Schieffelin Road (Public Right of Way), thence with said right of way North 15°45'15" West 425.25 feet to a point at the intersection with the southern right of way of James Street (50' Private Right of Way), thence with said James Street right of way North 72°24'44" East 86.60 feet to a point, thence along a curve to the right having a radius of 777.25 feet, an arc length of 145.54 feet and a chord bearing and distance of North 79°29'15" East 145.33 feet to a point, thence North 85°15'09" East 96.33 feet to a point, thence leaving said right of way North 87°55'50" East 150.10 feet to an existing iron pipe, thence South 44°47'12" East 24.42 feet to an existing iron pipe, thence South 01°58'37" East 331.58 feet to the point and place of Beginning containing 4.09 Acres more or less as shown on Book of Maps 2004, Page 1194, Wake County Registry.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____ Submittal Date: _____

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

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

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

Date: 1/27/20 By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 27th day of January, 2020.

SEAL
ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/2020

_____
Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2020

	A	B	C	D	E	F
1		1940 - 1200 James Street	Adjacent Propery Owners			
2						
3	Parcel #	Name	Address I	Address II	City/State/Zip Code	Pin #
4	NA	TOWN OF APEX	PLANNING DEPT	PO BOX 250	APEX NC 27502	
5	1	KENNETH & CATHLEEN WATSON	634 BLUE POINT RD		HOLTSVILLE NY 11742-1812	0741789012
6	2	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741778772
7	3	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741874618
8	4	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741779505
9	5	STATE OF NORTH CAROLINA	STATE PROPERTY OFFICE	116 W JONES ST	RALEIGH NC 27603-1300	0741875087
10	6	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741775014
11	7	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741774955
12	8	BRIARTAC FAMILY LLC	TONYA CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0741784046
13	9	HAZEL MARKHAM	1007 JAMES ST		APEX NC 27502-2137	0741783368
14	10	DELAMETER PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786477
15	11	AMSDELL PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786387
16	12	HUMMER DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741786297
17	13	DELAMETER PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788239
18	14	HUMMER DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788336
19	15	AMSDELL PROPERTIES LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788424
20	16	AKRON DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741788526
21	17	ANGIE GAERTNER	1209 JAMES ST		APEX NC 27502-2139	0741880507
22	18	AKRON DEVELOPMENT LLC	105 FAIRCLOUD CT		CARY NC 27513-8806	0741880445
23	19	NIKOLAI NASKOV & LYUDMILA TOMOVA	203 BELL ARTHUR DR		CARY NC 27519-6120	0741880336
24	20	KENNETH & CATHLEEN WATSON	634 BLUE POINT RD		HOLTSVILLE NY 11742-1812	0741880246
25	21	PEAK CITY PTNR LLC	MATT DESVERGERS	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196	0741883350

Jones & Cnossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

ADJACENT PROPERTIES MAP

1200 JAMES STREET

TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA

NTS | PLK | DECEMBER 16, 2019 | 1 | 1940

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.

January 8, 2020
Date

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

1200 James Street (Address(es)) 0741789012 (PIN(s))

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

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
We are proposing to rezone this property from Medium Density Residential to Tech Flex-Conditional Zoning. We have enclosed a list of the allowed uses for the Tech Flex zoning district.

Estimated submittal date: February 3, 2020

MEETING INFORMATION:

Property Owner(s) name(s): Cathleen and Kenneth Watson
Applicant(s): Jones & Cnossen Engineering, PLLC
Contact information (email/phone): patrick@jonescnossen.com, 919-387-1174
Meeting Address: Jones & Cnossen Engineering, 221 N Salem St, Suite 001, Apex NC27502
Date of meeting**: January 22, 2020
Time of meeting**: 5:30 - 7:30 pm

MEETING AGENDA TIMES:

Welcome: 5:30 pm Project Presentation: 5:35 pm Question & Answer: 6:00 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.

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: 1200 James Street Zoning: TF-CZ

Location: 1200 James Street, Apex NC 27502

Property PIN(s): 0741789012 Acreage/Square Feet: 4.09

Property Owner: Cathleen and Kenneth Watson

Address: 634 Blue Point Rd

City: Holtsville State: NY Zip: 11742-1812

Phone: Email:

Developer: Peak City Partners LLC

Address: 1330 Sunday Dr, Ste 105

City: Raleigh State: NC Zip: 27607

Phone: 919-210-1996 Fax: Email: vdhawan@greenhawkcorp.com

Engineer: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescnossen.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

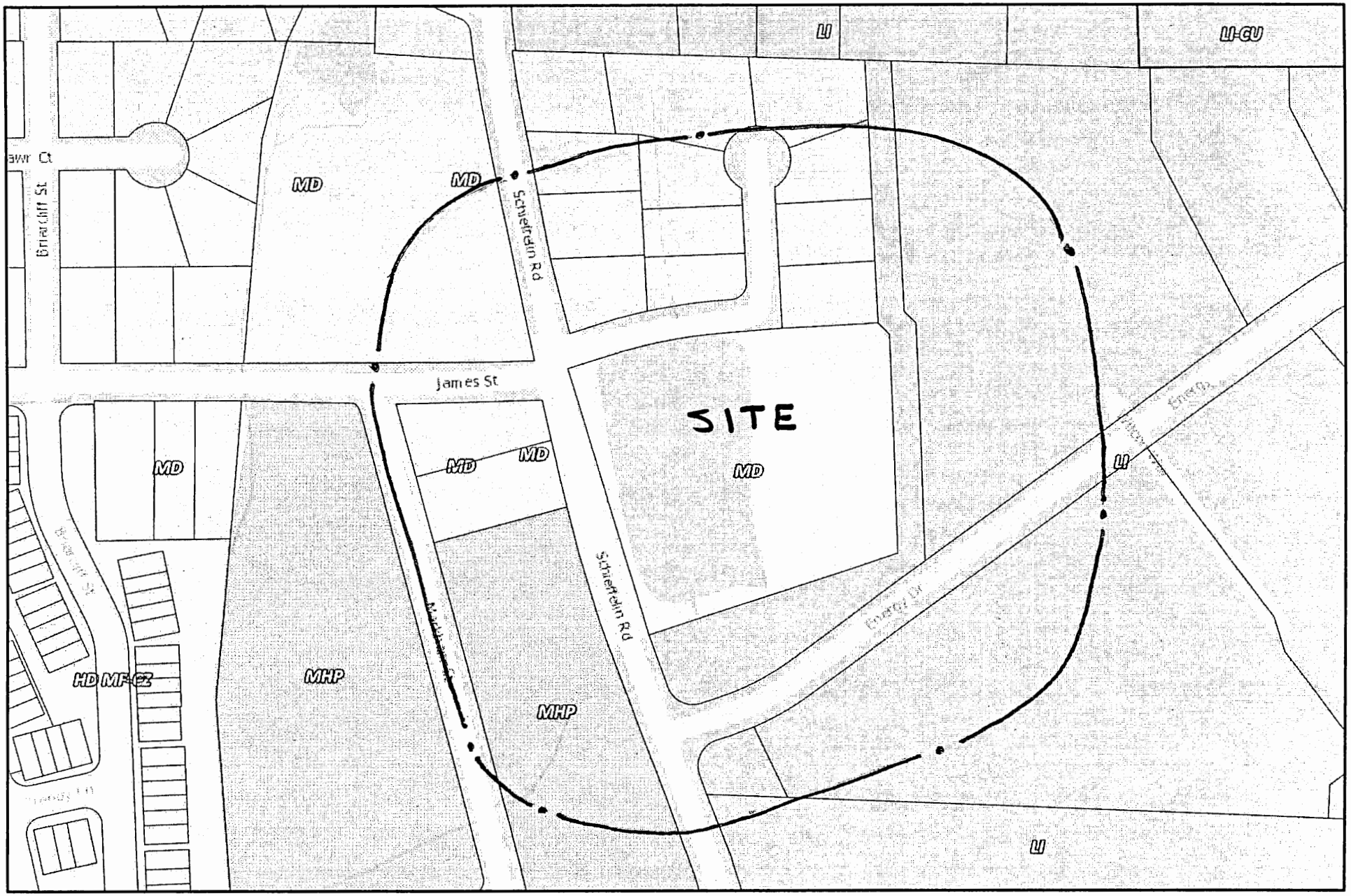
Town of Apex Department Contacts

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

Tech/Flex Allowable Uses

Security or caretaker quarters
Assembly hall, nonprofit
Assembly hall, for-profit
Church or place of worship
Day care facility
Drop-in or short-term day care
Government services
School, public or private
Transportation facility
Veterinary clinic or hospital
Vocational school
Utility, minor
Wireless support structure
Wireless communication facility
Botanical garden
Entertainment, indoor
Greenway
Park, active
Park, passive
Youth or day camps
Broadcasting station (radio and television)
Radio and television recording studio
Commissary
Dispatching office
Medical or dental office or clinic
Medical or dental laboratory
Office, business or professional
Publishing office
Research facility
Artisan studio
Convenience store
Convenience store with gas sales
Glass sales
Grocery, general
Grocery, specialty
Health/fitness center or spa
Kennel
Monument sales, retail
Personal service
Printing and copying service
Real estate sales
Repair services, limited
Retail sales, bulky goods
Self-service storage
Studio for art
Tailor shop

Upholstery shop
Pet services
Automotive accessory sales and installation
Automotive paint or body shop
Repair and maintenance, general
Vehicle inspection center
Vehicle sales and rental, light
Building supplies, wholesale
Laboratory, industrial research
Machine or welding shop
Warehousing
Woodworking or cabinetmaking
Wholesaling, general
Brewery
Distillery
Manufacturing and processing, minor
Microbrewery
Microdistillery
Communication tower, commercial
Communication tower, constructed stealth
Communication tower, camouflage stealth
Communication tower, public safety
Arena, auditorium, or stadium
Entertainment, outdoor
Restaurant, general
Pilot plant
Manufacturing and processing
Retail sales, general



N

0 105 210 420 ft

1 inch = 200 feet

Disclaimer

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

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: Jones & Cnossen Engineering, 221 N. Salem St., Suite 001 Apex 27502

Date of meeting: January 22, 2020 Time of meeting: 5:30 - 7:30 pm

Property Owner(s) name(s): Cathleen and Kenneth Watson

Applicant(s): Jones & Cnossen Enginering, PLLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	PATRICK ROST	105 FAIRCLOUD CT	[redacted]		X
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Cathleen and Kenneth Watson

Applicant(s): Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/919-387-1174

Meeting Address: Jones & Cnossen Engineering, 221 N. Salem St., Suite 001, Apex NC 27502

Date of meeting: January 22, 2020 Time of meeting: 5:30 - 7:30 pm

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

Question/Concern #1:
When will this rezoning go to the Town Council?

Applicant's Response:
We're submitting the Rezoning on February 3 and it generally takes about 3 months for staff review, Planning Board and Council meeting. Notices of the public hearing(s) will be mailed by the Town of Apex to the neighboring property owners, and a sign will be posted on the property following the submittal of this petition.

Question/Concern #2:
Will there be access off James Street that could affect the residential properties to the north?

Applicant's Response:
At the pre-application meeting with Town staff, it was discussed that access would not be allowed from James Street or Schiefflin Road. Access will only be provided from the South on Energy Drive

Question/Concern #3:
Water is currently backing up from the existing pond onto several properties north of James Street. That neighbor expressed interest in working with the developer and the Town on a solution to better direct storm drainage.

Applicant's Response:
The existing pond will be analyzed for potential environmental and stormwater impacts. It is possible that the pond would be drained and allowed to reform as a natural, continuous channel which would alleviate some of water backing up across James St.

Question/Concern #4:
Are there any uses the developer would consider leaving out?

Applicant's Response:
We can give any uses that the neighboring property owner would like excluded to the developer for consideration. The property owner will email a list of the uses they'd like excluded to Jones & Cnossen Engineering.

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, Patrick Kiernan, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 221 N. Salem St., Suite 001, Apex NC 27502 (location/address) on January 22, 2020 (date) from 5:30 pm (start time) to 7:30 pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

1/27/20
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 27th day of January, 2020.

SEAL
ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 11/19/2020

Notary Public

Erin Marcum
Print Name

My Commission Expires: November 19, 2020

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ03 James Street

Planning Board Meeting Date: June 8, 2020

Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage:	+4.09
PIN(s):	0741789012
Current Zoning:	Medium Density Residential (MD)
Proposed Zoning:	Tech/Flex- Conditional Zoning (TF-CZ)
2045 Land Use Map:	Industrial Employment & Office Employment
Town Limits:	In Town

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map
☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan
☑ Consistent ☐ Inconsistent Reason: _____

☐ Parks, Recreation, Open Space, and Greenways Plan
☐ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
   ☑ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

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

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
   ☑ Consistent ☐ Inconsistent Reason: _____

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: Motion to approve with conditions as offered by applicant.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Keith Braswell

☐ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☑ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by applicant with one additonal condition as follows:

"Buildings shall not be addressed to James St or Schieffelin Rd."

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks Date: 2020.06.08 21:13:37 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2020.06.08 17:45:25 -04'00'

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 #20CZ03
1200 James Street

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jones & Cnossen Engineering, PLLC
Authorized Agent: Vaibhav Dhawan, Peak City Partners, LLC
Property Addresses: 1200 James Street
Acreage: ±4.09
Property Identification Number (PIN): 0741789012
2045 Land Use Map Designation: Office Employment/Industrial Employment
Existing Zoning of Properties: Medium Density Residential (MD)
Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie.brock@apexnc.org by 10 a.m. on June 8, 2020. A paper sign-in sheet will be provided for those unable to sign in electronically.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may also share comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/30570/.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 29, 2020-June 16, 2020

https://www.apexnc.org/DocumentCenter/View/31759/20CZ03-James-Street
Search...
Legal Notice of Public Hearings ...
apexnc.org
File Edit Go to Favorites Help
Convert
Historic Map' Apex, NC - Official Website... Planning Department Map ... Permit Center IDT Real Estate Search

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20CZ03
1200 James Street

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jones & Cnossen Engineering, PLLC
Authorized Agent: Vaibhav Dhawan, Peak City Partners, LLC
Property Addresses: 1200 James Street
Acreage: ±4.09
Property Identification Number (PIN): 0741783012
2045 Land Use Map Designation: Office Employment/Industrial Employment
Existing Zoning of Properties: Medium Density Residential (MD)
Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Planning Board Public Hearing Date and Time: June 8, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to Jennie.knoll@apexnc.org by 10 a.m. on June 8, 2020. A paper sign-in sheet will be provided for those unable to sign in electronically.

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexnc. You may also share comments by noon on Friday, June 5, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexnc. You may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

-CONTINUED-

Vicinity Map:

Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2045 Land Use Map can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/30670/

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 29, 2020-June 16, 2020

12:05 PM
5/29/2020

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:	Rezoning 20CZ03
Project Location:	1200 James Street
Applicant or Authorized Agent:	Patrick Kiernan
Firm:	Jones & Cnossen Engineering, PLLC

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **May 29, 2020**, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

6/2/2020
Date

Director of Planning and Community Development

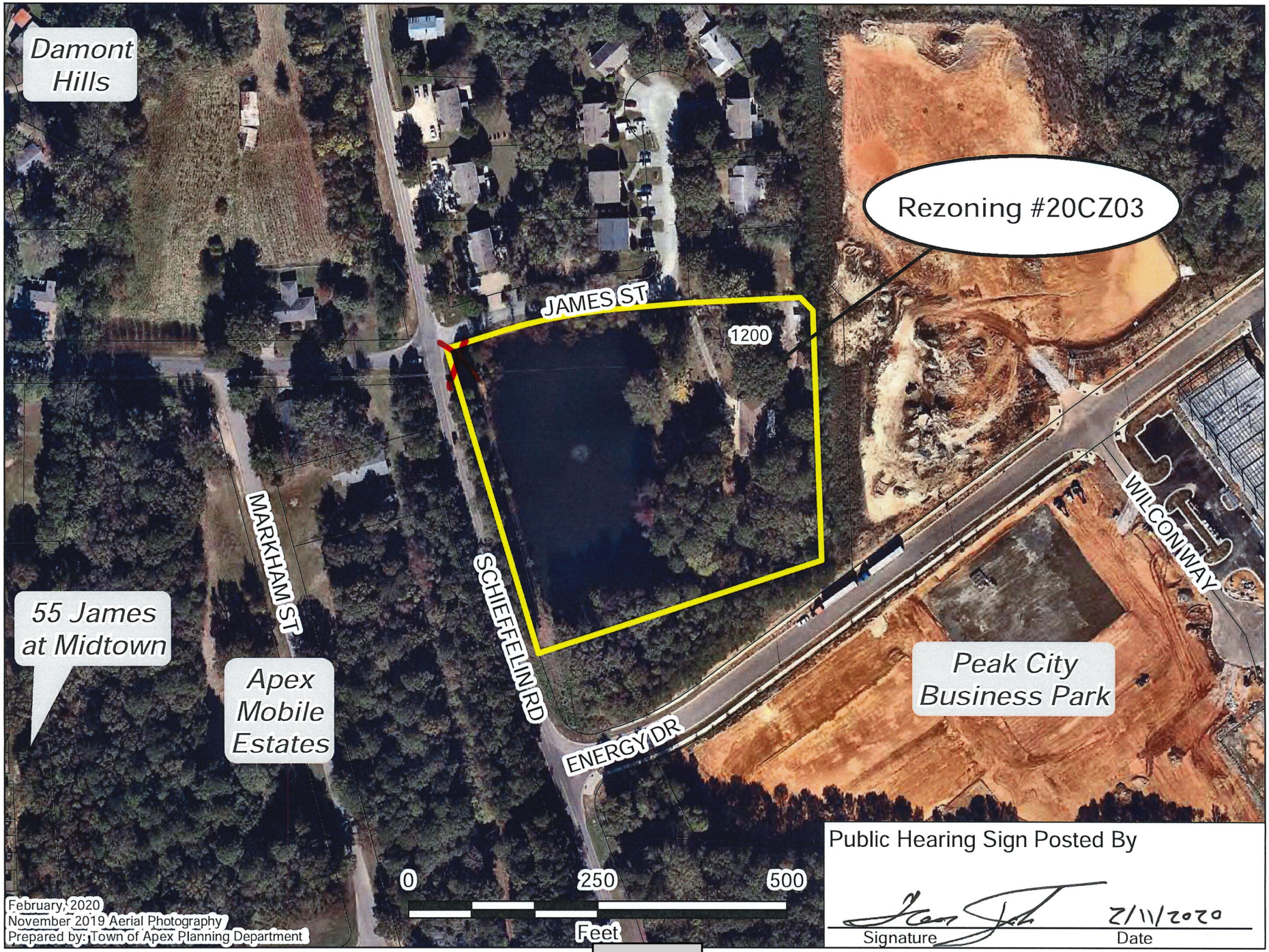
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above State and County, this the 2 day of June, 2020.

JERI CHASTAIN PEDERSON
Notary Public
Wake County, North Carolina
My Commission Expires
March 10, 2024

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Public Hearing Sign Posted By

Signature

2/11/2020
Date

Lauren Staudenmaier

From: Amanda Bunce
Sent: Monday, June 8, 2020 3:08 PM
To: Lauren Staudenmaier
Subject: FW: Conditional Zoning #20CZ03 1200 James Street

Email sent to and from this email address are subject to the North Carolina Public Records Act and may be disclosed to third parties.

From: A G [mailto:a_gaertner@hotmail.com]
Sent: Friday, June 5, 2020 11:30 AM
To: Public Hearing
Subject: Conditional Zoning #20CZ03 1200 James Street

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

I am Angie Gaertner, a property owner and resident living with my child at 1209 James Street, Apex. I am writing to express my concerns regarding the proposed rezoning (#20CZ03) and development of property at 1200 James Street, Apex.

The concern is based on these potential/probable negative effects:

1. The loss of neighborhood and community character
2. A decrease in the market value of my home
3. Increased traffic congestion adding to an already dangerous situation on Schieffelin Road at James Street.
4. Increased, traffic related risk to human life as at least two school bus stops are located at Shieffelin Road and James Street.
5. If the property retains its 1200 James Street address, there will be inevitable increased traffic on James Street, whether access to 1200 James is available or not. The 1200 block of James Street is a single lane soft surface (not paved) street. Errant traffic is funneled up the street to the only turn-around location in front of my house. Any additional traffic will result in rapid street deterioration, congestion, pollution, and potential obstruction to emergency and utility services.
6. Given the statement above, there is a real concern that our US postal service can be compromised. Mailbox bank for all residents is currently mounted at the present entrance to the petitioners' property. Additional vehicular and pedestrian traffic exposes our mail to tampering and loss.
7. The destruction of green space and mature trees as well as driving animals out of the area onto Schieffelin Road causing accidents.
8. Once the property is rezoned, the developer can change the original concept within the approved TF-CZ zoning.

In light of these concerns, I request that a traffic study be conducted to assess impact on current residents, potential customers, and wildlife. I also request that the property address be changed to indicate the access point from Energy Drive. It is unknown how the petitioners plan to enforce "No direct access shall be permitted to Schieffelin Road or James Street." A detailed plan needs to be developed and studied.

Respectfully, Angie Gaertner

919-387-8219

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jason Lucia and Trish Klenow (1121 Twin Creek Road) property containing 2.938 acres located at 1121 Twin Creek Road, Annexation #689 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

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

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2020-0616-15
ANNEXATION PETITION NO. #689
1121 Twin Creek Road

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on June 16, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 16, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Contiguous Annexation Map for the Town of Apex, Robinson & Plante, P.C., dated 10/13/19" and recorded in Book of Maps book number 2020 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

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

Adopted this the 16th day of June 2020.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

Beginning at an existing rebar on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), said existing rebar being South 00°42'40" West 394.11 feet from an existing iron pipe on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way) having N.C. Grid Coordinates (NAD83/2011) of N=732,658.11 and E=2,041,535.89 as shown on Book of Maps 2017, Page 1294 Wake County Registry, thence from said Beginning point, leaving said right of way S 85°03'04" East 30.08 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence South 00°42'40" West 260.35 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence along a curve to the left having a radius of 357.33 feet, an arc length of 34.31 feet, and a chord bearing and distance of South 02°02'22" East 34.29 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence North 79°54'42" West 37.26 feet to an existing rebar on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence leaving said right of way North 79°54'42" West 354.14 feet to an existing iron pipe, thence North 00°46'06" East 408.02 feet to an existing rebar, thence South 58°51'31" East 336.04 feet to a sanitary sewer manhole, thence South 85°03'04" East 64.55 feet to the point and place of Beginning containing 2.938 Acres more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0616-15, adopted at a meeting of the Town Council, on the 16th day of June 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 18th day of June 2020.

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 689 . . Submittal Date: 4/15/2020 recd 4/17/20

Fee Paid $ 200 Check # 2113

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

Jason Lucia	0743.03-12-3138
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-917-3500	accounts@jlucia.com
Phone	E-mail Address
Trish Klenow	0743.03-12-3138
Owner Name (Please Print)	Property PIN or Deed Book & Page #
713-419-4118	accounts@jlucia.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

Surveyor Information

Surveyor: Robinson & Plante, PC

Phone: 919-859-6030 Fax: 919-859-6032

E-mail Address: buddy@robinsonplante.com

Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	2.938	Need water service due to well failure	☑
Population of acreage to be annexed:	3	Need sewer service due to septic system failure	☐
Existing # of housing units:	1	Water service (new construction)	☐
Proposed # of housing units:	1	Sewer service (new construction)	☐
Zoning District*:	RR	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2020-032 Submittal Date: recd 4/17/20

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Jason Lucia
Please Print

Signature

Trish Klenow
Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, J. David Eichel, a Notary Public for the above State and County, this the 15th day of, April, 2020.

Notary Public

SEAL

J. David Eichel NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: 06/17/2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

_____
Notary Public

SEAL

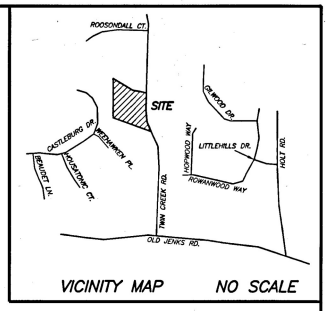
My Commission Expires: _____

Beginning at an existing rebar on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), said existing rebar being South 00°42'40" West 394.11 feet from an existing iron pipe on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way) having N.C. Grid Coordinates (NAD83/2011) of N=732,658.11 and E=2,041,535.89 as shown on Book of Maps 2017, Page 1294 Wake County Registry, thence from said Beginning point, leaving said right of way S 85°03'04" East 30.08 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence South 00°42'40" West 260.35 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence along a curve to the left having a radius of 357.33 feet, an arc length of 34.31 feet, and a chord bearing and distance of South 02°02'22" East 34.29 feet to a point in the right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence North 79°54'42" West 37.26 feet to an existing rebar on the western right of way of Twin Creek Road (SR 3028)(60' Public Right of Way), thence leaving said right of way North 79°54'42" West 354.14 feet to an existing iron pipe, thence North 00°46'06" East 408.02 feet to an existing rebar, thence South 58°51'31" East 336.04 feet to a sanitary sewer manhole, thence South 85°03'04" East 64.55 feet to the point and place of Beginning containing 2.938 Acres more or less.

ANNEXATION# _____

I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, _____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____/_____/_____ (DAY / MONTH / YEAR)

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK
-SEAL-



VICINITY MAP NO SCALE

ANNEXATION AREA

2.938 ACRES (TOTAL AREA TO BE ANNEXED INCLUDING AREA IN SATELLITE R/W)

TIMOTHY K. MEDLIN
TRACT ONE AND TRACT TWO
D.B. 15010, PG. 2340
LOT 1A
B.M. 1986, PG. 259
0.305 AC. LOT
B.M. 1999, PG. 55
PIN 0743.03-12-1427
PIN 0743.03-12-0883

20' TOWN OF APEX SANITARY SEWER EASEMENT
D.B. 16318, PG. 2665

JESSE RANDALL NEWSOME
D.B. 6581, PG. 436
LOT 7
B.M. 2017, PG. 85
B.M. 1995, PG. 678
B.M. 1975, PG. 184
PIN 0743.03-12-3570

EXISTING APEX CORPORATE LIMITS

NEW APEX CORPORATE LIMITS

SHANE M. BARTON
D.B. 15763, PG. 505
LOT 194
CHARLESTON VILLAGE
ASHLEY MEADOWS
PHASE 4 SECTION 2
B.M. 2001, PG. 26
PIN 0743.03-12-0311

TOWN OF APEX 100' AVERAGE WATERSHED BUFFER (EACH SIDE TOP OF BANK) (SEE NOTE 7)

S 58°51'31" E 336.04'

PERENNIAL STREAM

ZONE 1 30'
ZONE 2 20'
ZONE 3 50'

IPF N.C. GRID COORDS. N=732,658.11 E=2,041,535.89 B.M. 2017, PG. 1294

N 00°42'40" E 434.11' (TIE)
N 00°42'40" E 394.11'

B.M. 1995, PG. 678

N.C. GRID NORTH (NAD83 (2011)/NAD 88 (EPOCH 2010.00)) DATED FROM NGS CONTROL STATION NETWORK COMBINED GRID FACTOR 0.9998998 TAKEN FROM B.M. 2017, PG. 1294

DANIEL MULLER
D.B. 17311, PG. 18
LOT 193
CHARLESTON VILLAGE
ASHLEY MEADOWS
PHASE 4 SECTION 2
B.M. 2001, PG. 26
PIN 0743.03-12-0274

N 00°46'06" E 408.02'

30' UNDISTURBED BUFFER B.M. 2001, PG. 26

SSMH
L1
64.55'
RBF
30.08'
CP
POINT OF BEGINNING
40.00' (R/W)

NEW APEX CORPORATE LIMITS

30" RCP

STEPHEN W. RIDOUT
D.B. 12555, PG. 711
LOT 192
CHARLESTON VILLAGE
ASHLEY MEADOWS
PHASE 4 SECTION 2
B.M. 2001, PG. 26
PIN 0743.03-12-0174

TOWN OF APEX 100' AVERAGE WATERSHED BUFFER (EACH SIDE TOP OF BANK) (SEE NOTE 7)

EXISTING R/W

EXISTING WELL

EXISTING GARDEN

2.938 ACRES
(INCLUSIVE OF AREA IN R/W)

JASON LUCIA
TRISHA KLENOW
D.B. 15362, PG. 593
D.B. 16691, PG. 2461
LOT 6
B.M. 2017, PG. 85
B.M. 1974, PG. 127
PIN 0743.03-12-3138

EXISTING APEX CORPORATE LIMITS

MICHAEL RICHARD HAWKINS
D.B. 17275, PG. 1336
LOT 191
CHARLESTON VILLAGE
ASHLEY MEADOWS
PHASE 4 SECTION 2
B.M. 2001, PG. 26
PIN 0743.03-12-0075

WOOD FENCE

EXISTING WELL

EXISTING SHED

EXISTING 1 STORY FRAME HOUSE W/ BASEMENT

EXISTING GREENHOUSE

EXISTING DECK

EXISTING PORCH

EXISTING SUNROOM

PRWALL

AC

1121

76.6'

NEW APEX CORPORATE LIMITS

24.4'

WOOD FENCE

348.71'

PTANK

PRWALL

OVER

34.9'

EXISTING GRAVEL DRIVEWAY

INV OUT 409.80

INV IN 410.85

N 79°54'42" W 391.40'

5.43'

37.26'

CHRISTOPHER G. SENIOR
D.B. 17525, PG. 41
LOT 6-A
B.M. 1974, PG. 127
PIN 0743.03-11-3974

TWIN CREEK ROAD S.R. 3028
(60' PUBLIC R/W)
(SEE NOTE 8)

S 00°42'40" W 260.35'

LEGEND

(IPF)–IRON PIPE FOUND
(RBF)–REBAR FOUND
(CP/X)–CALCULATED POINT
(R/W)–RIGHT OF WAY
(C/L)–CENTERLINE
(CSW)–CONCRETE SIDEWALK
(EOP)–EDGE OF PAVEMENT
(PP)–POWER POLE
(GW)–GUY WIRE
(OHPL)–OVERHEAD POWERLINE
(OHP&PHL)–OVERHEAD POWER AND PHONE LINE
(PB)–PHONE BOX
(MB)–MAIL BOX
(PVC)–PLASTIC PIPE
(RCP)–REINFORCED CONCRETE PIPE
(SSMH)–SANITARY SEWER MANHOLE
(PTANK)–PROPANE TANK
(PRWALL)–PAVER RETAINING WALL
(AC)–AIR CONDITIONER
(XXX)–ADDRESS

REFERENCES:
1. B.M. 1975, PG. 184

☒ C. 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

☒ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

NORTH CAROLINA
WAKE COUNTY

I, STUART E. PLANTE III, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DESCRIPTION RECORDED IN REFERENCES AS SHOWN, THAT THE BOUNDARIES NOT SURVEYED ARE DASHED AND DRAWN FROM REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 125,113 +; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 15th DAY OF APRIL, 2020 A.D.,

Stuart E. Plante III PROFESSIONAL LAND SURVEYOR
LICENSE NO. L-4432

NORTH CAROLINA PROFESSIONAL SEAL L-4432 LAND SURVEYOR STUART E. PLANTE III

NOTES:
1. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. NO TITLE SEARCH HAS BEEN DONE BY ROBINSON & PLANTE, P.C.
2. PROPERTY IS IN ZONE X, NOT IN THE 100 YR. FLOOD, BY FEMA FIRM MAP NO. 3720074300J PANEL 0743, EFFECTIVE DATE MAY 2, 2006.
3. PROPERTY IS NOT LOCATED WITHIN 2,000' OF A N.C.G.S. MONUMENT.
4. PROPERTY IS CURRENTLY IN THE TOWN OF APEX ETJ AND THE TOWN OF APEX PLANNING JURSIDICTION.
5. FLOOD PRONE SOILS EXIST ON THE SURVEYED SITE PER WAKE COUNTY GIS. FLOOD PRONE SOILS NOT SHOWN.
6. PROPERTY IS IN THE CAPE FEAR RIVER BASIN AND IN THE JORDAN LAKE WATER SUPPPLY WATERSHED SECONDARY WATERSHED OVERLAY DISTRICT.
7. THE STREAM SHOWN ON THE SUBJECT PROPERTY SURVEYED IS CLASSIFIED AS A PERENNIAL STREAM WITH A 100' BUFFER AS SHOWN ON THE TOWN OF APEX WATERSHED PROTECTION OVERLAY DISTRICT MAP, ADOPTED AUGUST 2001 AND LAST REVISED APRIL 2015.
8. RIGHT OF WAY LOCATION SHOWN IS BASED ON THE EXISTING PAVEMENT LOCATION AND ASSOCIATED BOOK OF MAPS SHOWN REFERENCED HEREON.

NOTE:
MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.

0' 40' 80' 120'

SCALE IN FEET

OWNERS:
JASON LUCIA
TRISHA KLENOW
1121 TWIN CREEK ROAD
APEX, NC 27523

LINE TABLE

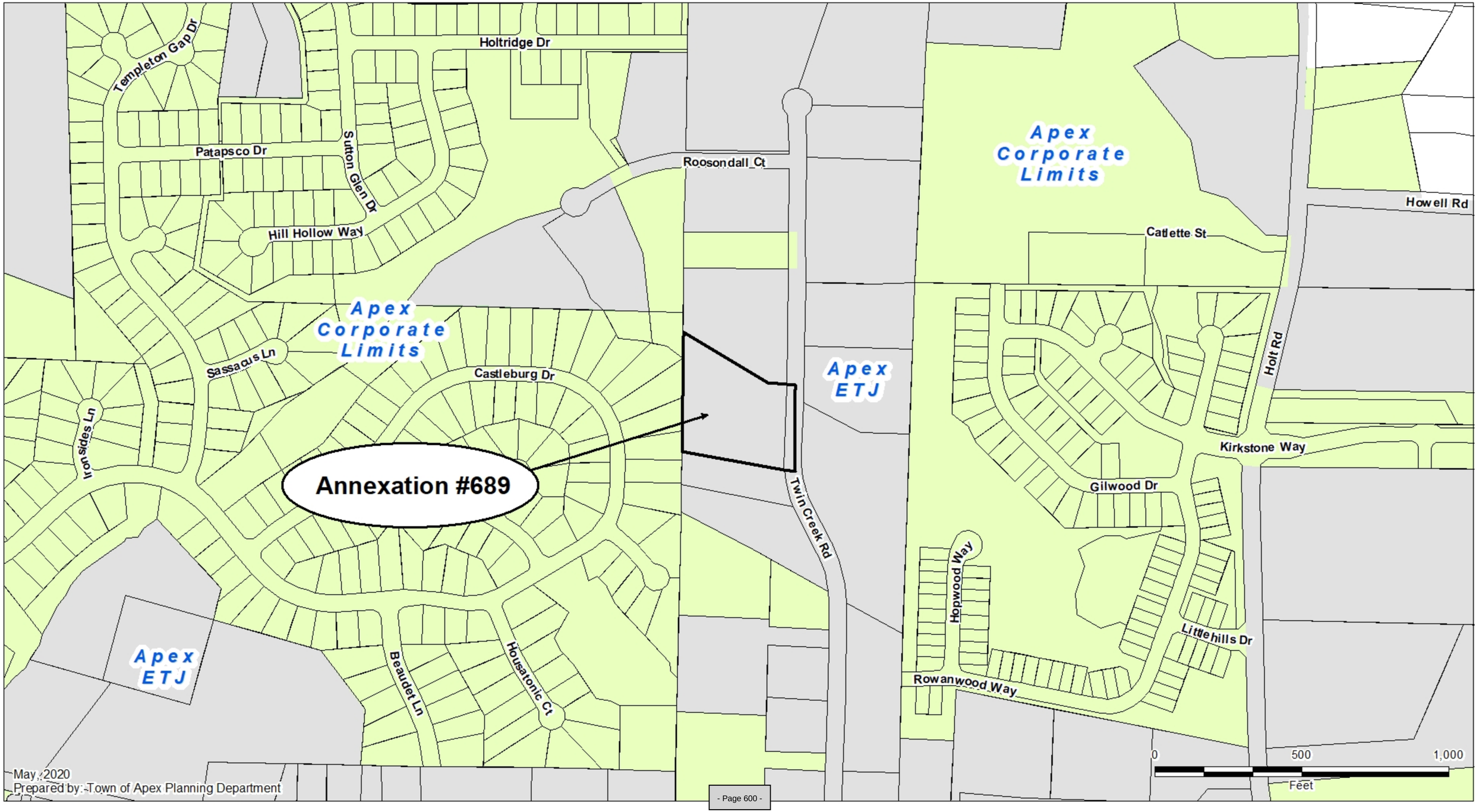
LINE	BEARING	DISTANCE
L1	S 85°03'04" E	94.63'
L2	S 00°46'06" W	16.66'
L3	N 00°46'06" E	73.19'

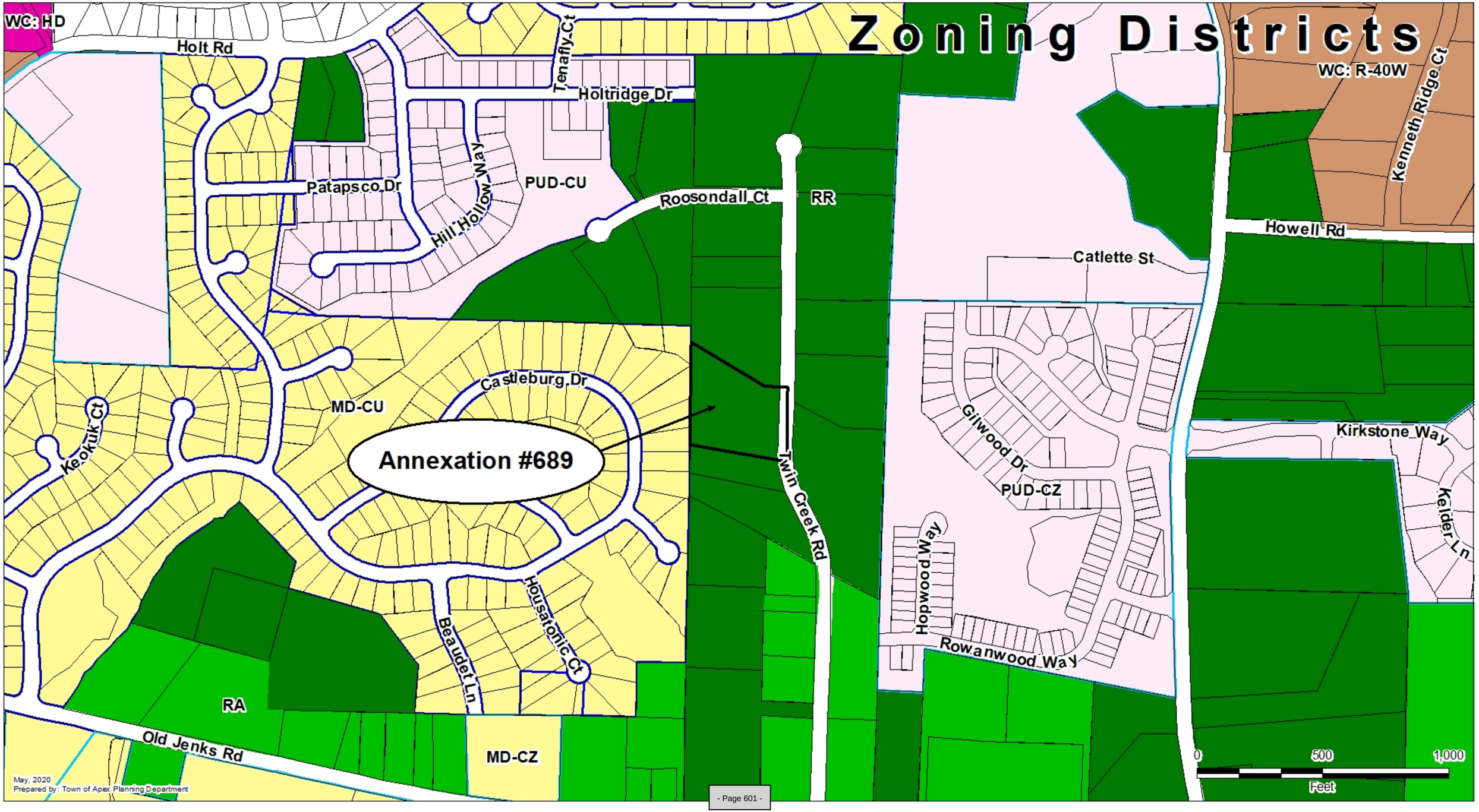
CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	5°30'03"	357.33'	34.31'	34.29'	17.17'	S 02°02'22" E

REVISIONS	CONTIGUOUS ANNEXATION MAP FOR THE TOWN OF APEX	ROBINSON & PLANTE, P.C. LAND SURVEYING C-2687 970 TRINITY ROAD RALEIGH, NC 27607 PHONE: (919)859.6030 FAX: (919)859-6032	
	TOWNS	COUNTY: WAKE	SURVEY DATE: 10-23-19	SURVEYED BY: RE
	STATE:		SCALE: 1"=40'	DRAWN BY: HS
	ZONE: RR	P.I.N.: 0743.03-12-3138	CHECKED & CLOSURE BY: SEP	FILE: TWINCRKANNEX

Sutton Place
Annexation #689
Castleburg Dr
Charleston Village
Battery Bee Ln
Cumberland Gap Ct
Weehawken Pl
Twin Creek Rd
Kirkstone Way
Gilwood Dr
Middleton
May, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet


Templeton Gap Dr
Holtridge Dr
Patapsco Dr
Sutton Glen Dr
Hill Hollow Way
Roosondall Ct
Apex Corporate Limits
Howell Rd
Catlette St
Holt Rd
Sassacus Ln
Castleburg Dr
Ironsides Ln
Annexation #689
Apex ETJ
Twin Creek Rd
Kirkstone Way
Gilwood Dr
Hopwood Way
Littlehills Dr
Rowanwood Way
Beaudet Ln
Housatonic Ct
0
500
1,000
Feet
May, 2020
Prepared by: Town of Apex Planning Department


Zoning Districts
WC: HD
Holt Rd
Tenafly Ct
Holtridge Dr
WC: R-40W
Kenneth Ridge Ct
Patapsco Dr
Hill Hollow Way
PUD-CU
Roosondall Ct
RR
Howell Rd
Catlette St
Castleburg Dr
MD-CU
Keokuk Ct
Annexation #689
Twin Creek Rd
Gilwood Dr
PUD-CZ
Kirkstone Way
Kelder Ln
Hopwood Way
Housatonic Ct
Beaudet Ln
Rowanwood Way
RA
Old Jenks Rd
MD-CZ
May, 2020
Prepared by: Town of Apex Planning Department
0
500
1,000
Feet

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

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

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jainix, LLC (Jainix Green) property containing 6.5791 acres located west of 540 and south of Spire Bend (Greenmoor subdivision) Annexation #690 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

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

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2020-0616-16
ANNEXATION PETITION NO. #690
Jainix, LLC

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on June 16, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-58.1, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on June 16, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Plat, Portion of PIN 0733 10 8855 Town of Apex, Niall Gillespie, P.L.S., dated 5/1/2020" and recorded in Book of Maps book number 2020 and page number , Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

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

Adopted this the 16th day of June 2020.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

BEGINNING at an iron pipe, the northeastern corner of Castlereagh North Subdivision in the center of Hickory Mountain Road, a private 60' access easement, having NAD 83 (2011) North Carolina Grid Coordinates N = 731542.718 and E=2031676.814, and going thence with the center of said easement along the property line of Greenmoor Subdivision N 89°16'01" E 415.33' to an iron pipe at the edge of a gravel road, and going thence N 89°16'01" E 30.10' to an iron pipe near a power pole, and going thence along the property line of NC Department of Transportation Turnpike Authority S 09°56'58"E 166.59' to a new iron pipe in the right of way line of NC 540, and going thence with said right of way S 16°22'45"W 284.02' to an aluminum disk, and continuing thence along said right of way line S 11°56'49" W 270.71' to a new iron pipe, and going thence S 89°16'01"W 327.88' to an iron pipe at the edge of a pond, and going thence along the property line of Lot 11 Castlereagh North Subdivision N 00°50'02"W 191.96' to an iron pipe, the common property corner of Lots 10 and 11 of Castlereagh North Subdivision, and going thence along the property line of Lot 10 N 00°50'02"W 508.04' to the point of BEGINNING, containing 6.5791 acres.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0616-16, adopted at a meeting of the Town Council, on the 16th day of June 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 18th day of June 2020.

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 690 Submittal Date: APRIL 30, 2020

Fee Paid $ 200.00 Check # 1017

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

Jainix, LLC	0733.10.8855
Owner Name (Please Print)	Property PIN or Deed Book & Page #
571 212 7326	bobby@jainix.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: Niall Gillespie

Phone: 919 422 1776, 919 387 0208 Fax:

E-mail Address: niall@niallpls.com

Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	6.5791	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☑
Proposed # of housing units:	21	Sewer service (new construction)	☑
Zoning District*:	MD-CZ	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 690 Submittal Date: 4/3/2020

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, JAINIX, 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 APRIL, 2020.

Name of Limited Liability Company JAINIX, LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Khanh Dac, a Notary Public for the above State and County, this the 29th day of, April, 2020.

SEAL

Khanh Dac
NOTARY PUBLIC
Wake County, NC
My Commission Expires April 1, 2022

_____
Notary Public

My Commission Expires: April 1, 2022

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: _____

Jainix Green

Legal Description (metes and bounds)

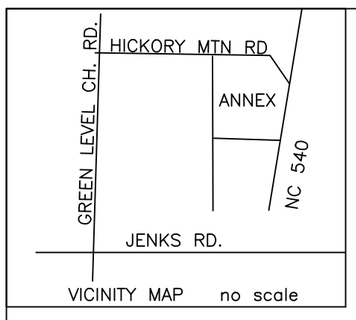
BEGINNING at an iron pipe, the northeastern corner of Castlereagh North Subdivision in the center of Hickory Mountain Road, a private 60' access easement , having NAD 83 (2011) North Carolina Grid Coordinates N = 731542.718 and E=2031676.814, and going thence with the center of said easement along the property line of Greenmoor Subdivision N 89°16'01" E 415.33' to an iron pipe at the edge of a gravel road, and going thence N 89°16'01" E 30.10' to an iron pipe near a power pole, and going thence along the property line of NC Department of Transportation Turnpike Authority S 09°56'58"E 166.59' to a new iron pipe in the right of way line of NC 540, and going thence with said right of way S 16°22'45"W 284.02' to an aluminum disk, and continuing thence along said right of way line S 11°56'49" W 270.71' to a new iron pipe, and going thence S 89°16'01"W 327.88' to an iron pipe at the edge of a pond, and going thence along the property line of Lot 11 Castlereagh North Subdivision N 00°50'02"W 191.96' to an iron pipe, the common property corner of Lots 10 and 11 of Castlereagh North Subdivision, and going thence along the property line of Lot 10 N 00°50'02"W 508.04' to the point of BEGINNING, containing 6.5791 acres.

Copyright: Jainix, LLC 1012 Timber Mist Ct, Cary, NC 27519 Ph: +1 571 212 7326
Any unauthorized distribution or reproduction in any for or consent from Jainix LLC or its owner, is strictly prohibited

SATELLITE ANNEXATION PLAT
PORTION OF PIN 0733 10 8855
TOWN OF APEX

REVISIONS	PROPERTY OF JAINIX LLC 1012 TIMBER MIST CT. CARY NC 27519 DEED BOOK 17341–1696				
	TOWNSHIP WHITE OAK	COUNTY : WAKE	DATE: 05–01–2020	SURVEYED BY nwg	COGO FILE JAINEXANEX
	CITY: APEX	STATE: NORTH CAROLINA	SCALE 1"=60'	DRAWN BY nwg	CADD FILE JAINANX2
	ZONE: MD–CZ	P.I.N. 0733 10 8855	CHECKED & CLOSURE BY nwg		

Niall Gillespie, P.L.S.
Land Surveying
4008 Green Level West Road
Apex, North Carolina 27523
email: niall@niallpls.com
Telephone (919) 387–0208



VICINITY MAP no scale

PRELIMINARY MAP ONLY
NOT FOR SALES RECORDING
OR CONVEYANCE

N
NC GRID NORTH NAD 83 (2011)

SCALE: 1" = 60'

0' 60' 120' 180' 240'

I, NIALL W. GILLESPIE P.L.S. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DESCRIPTION RECORDED IN DEED BOOK 17341 PAGE 1696 . THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BEING DRAWN FROM INFORMATION FOUND IN MAP BOOK N/A P. N/A , THAT THE RATIO OF PRECISION AS CALCULATED BY COORDINATE COMPUTATION IS 1/10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 4730 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL, THIS 8TH DAY OF MAY, 2020

_____ P.L.S. L 2629

THE GRID COORDINATES WERE DETERMINED FROM AN ACTUAL GNSS SURVEY. USING A TOPCON GR3 INSTRUMENT WITH RTK CORRECTIONS.
TYPE OF GPS: RTK
DATUM/EPOCH: NAD 83(2011)
PUBLISHED FIXED CONTROL: NC CORS BASE STATION NETWORK VRS.
GEOID MODEL 12B

I, NIALL W. GILLESPIE, PROFESSIONAL LAND SURVEYOR L–2629 CERTIFY THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

LINE	BEARING	DISTANCE
L 1	N 89°16'01"E	30.10'

SPIRE BEND 50' PUBLIC R/W
c/L
8" PVC SEWER
27' B+B
50' R/W
ASPHALT
15" RCP
SPIRE BEND RIGHT OF WAY LINES DRAWN FROM BM 2018 PAGE 1266.
GREENMOOR SUBDIVISION
BM 2018 pp. 1264–1268
POINT OF BEGINNING
NAD 83 (2011)
NC GRID COORDINATES
N=731542.72
E=2031676.81
AT&T
WV
WATER MH
MH
EIP
106.11'
N 89°16'01"E
259.21'
415.33'
L1
EIP
EIP
30'
HICKORY MOUNTAIN RD.
DB 2747–212 BM 1982–822 DB 1989–1–13 60' PRIVATE R/W
PLYMALE, LINDSAY
PLYMALE, LINDA
DB 3910–15
R/W
NC DOT
S 09°56'58"E
166.59'
NIP
N 00°50'02"W
508.04'
PROPERTY OF JAINIX LLC
1012 TIMBER MIST CT.
CARY NC 27519
A PORTION OF
JAINIX PROPERTY
PIN: 0733 10 8855
D.B. 17341 p. 1696
AREA TO BE ANNEXED
6.5791 ACRES
S 16°22'45"W
284.02'
NC 540 HIGHWAY
VARIABLE PUBLIC R/W
ALUMINUM DISK
LOT 10
CASTLEREAGH NORTH
BM 1987 p. 886
EIP
LOT 11
CASTLEREAGH NORTH
BM 1987 p. 886
N 00°50'02"W
191.96'
S 11°56'49"W
270.71'
REFERENCE:
NC HIGHWAY
PROJECT 2635CI
SHEETS 8. 9, & 10
PROPOSED ANNEXATION LINE
(NOT A LOT LINE)
EIP
S 89°16'01"W
327.88'
NIP
A PORTION OF PIN 0733 10 8855
PROPERTY OF JAINIX LLC
1012 TIMBER MIST CT.
CARY NC 27519
CENTER LINE OF 4' CREEK
R/W
ALUMINUM DISK

LEGEND

Ø	COMPUTED POINT
○	IRON PIPE SET
○	EXISTING IRON PIPE
XXXX	STREET ADDRESS
PP	POWER POLE
LP	LIGHT POLE
–E–	OVERHEAD ELECTRIC LINES
–T–	OVERHEAD TELEPHONE LINES
–X–	FENCE
—·—·—	CENTER LINE CREEK
WV	WATER VALVE
FH	FIRE HYDRANT
CO	SANITARY SEWER CLEAN OUT
MH	SANITARY SEWER MANHOLE

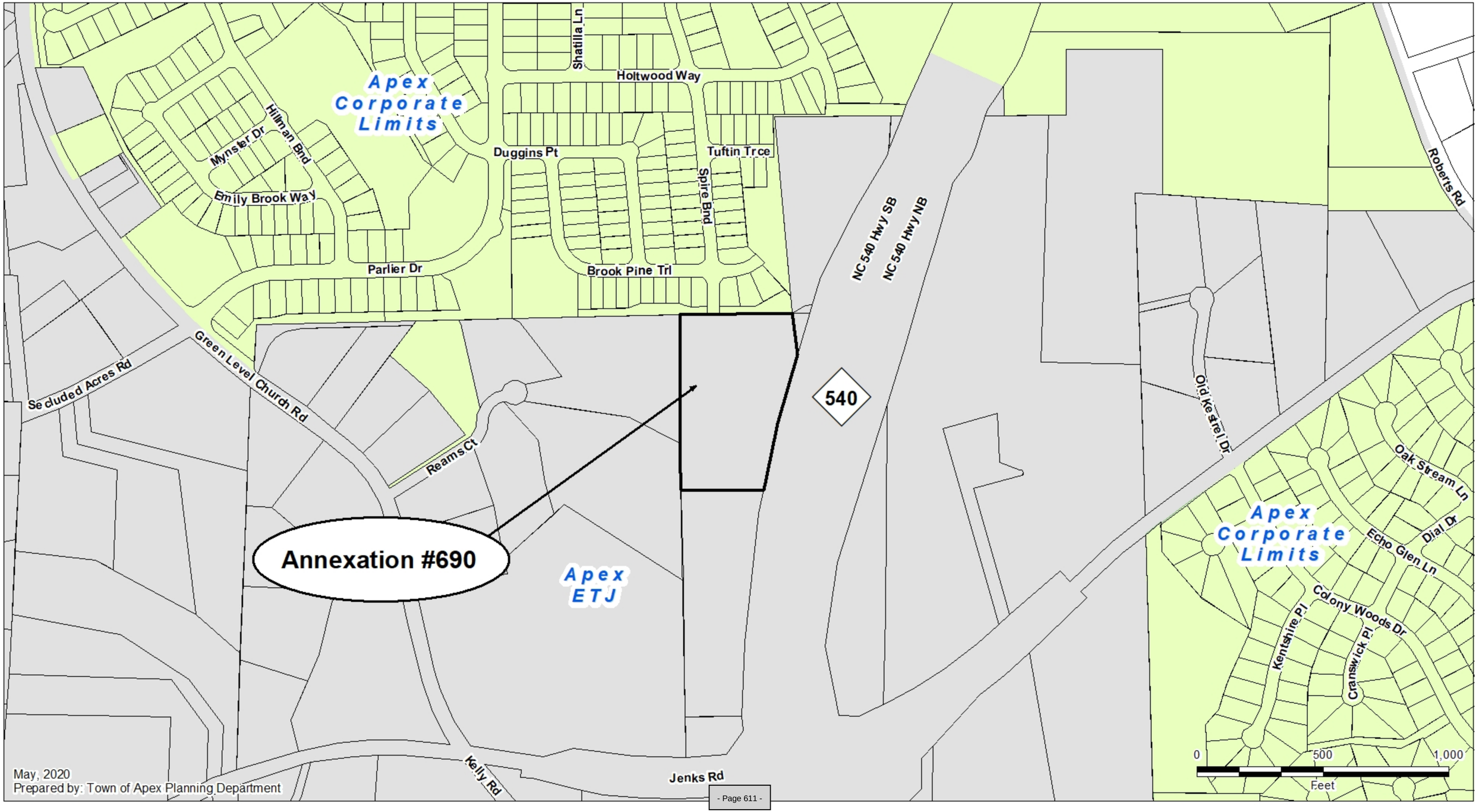
NOTE: ONLY UTILITIES WITH VISIBLE EVIDENCE LOCATED. UNDERGROUND UTILITY LINES SHOWN ARE APPROXIMATE AND EXTENT IS ESTIMATED & MAY BE INCOMPLETE. EXCAVATION MAY BE REQUIRED TO VERIFY LOCATIONS. OTHER UNDERGROUND UTILITIES MAY EXIST. CALL ONE CALL CENTER AT 1–800–632–4949 BEFORE DIGGING.

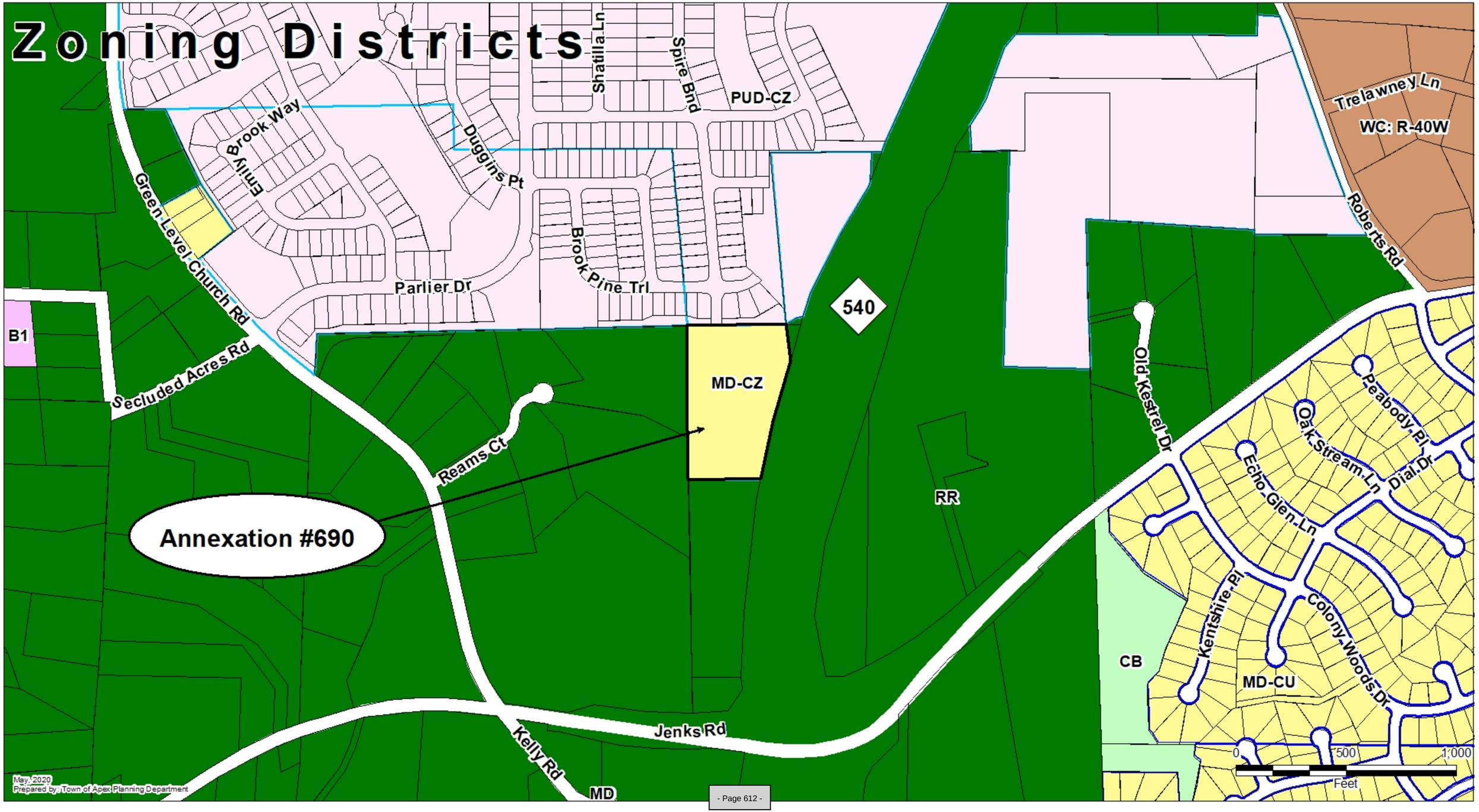
Annexation # _____

i, Donna B. Hosch, MMC,NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the _____day of _____, 2020, by the Town Council. I set my hand and seal of the Town of Apex, _____
Day/Month/Year

Donna B.Hosch,MMC,NCCMC, Town Clerk
–Seal–

Parlier Dr
Greenmoor
Duggins Pt
Brook Pine Trl
Spire Bnd
NC 540 Hwy SB
NC 540 Hwy NB
Annexation #690
Castlereagh North, Section 3
Reams Ct
Castlereagh North, Section 2
540
May, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet


Apex Corporate Limits
Shatilla Ln
Holtwood Way
Hillman Bnd
Mynster Dr
Emily Brook Way
Duggins Pt
Tuftin Trce
Spire Bnd
Parlier Dr
Brook Pine Trl
NC 540 Hwy SB
NC 540 Hwy NB
Roberts Rd
Secluded Acres Rd
Green Level Church Rd
Reams Ct
540
Old Kestrel Dr
Oak Stream Ln
Apex Corporate Limits
Dial Dr
Echo Glen Ln
Colony Woods Dr
Kentshire Pl
Cranswick Pl
Annexation #690
Apex ETJ
Kelly Rd
Jenks Rd
0
500
1,000
Feet
May, 2020
Prepared by: Town of Apex Planning Department


Zoning Districts
Brook Way
Emily Ln
Duggins Pt
Shatilla Ln
Spire Bnd
PUD-CZ
Trelawney Ln
WC: R-40W
Roberts Rd
Green Level Church Rd
Parlier Dr
Brook Pine Trl
540
B1
Secluded Acres Rd
MD-CZ
Reams Ct
Old Kestrel Dr
Peabody Pl
Oak Stream Ln
Dial Dr
Echo Glen Ln
RR
Annexation #690
Kentshire Pl
Colony Woods Dr
CB
MD-CU
Jenks Rd
Kelly Rd
MD
May, 2020
Prepared by: Town of Apex Planning Department
0
500
1,000
Feet

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: June 16, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager
Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance as requested by Planning staff.

Approval Recommended?

The Planning and Community Development Department recommends approval.
The Planning Board heard these amendments at their June 8, 2020 meeting and unanimously recommended approval.

Item Details

UDO Amendment Summary
Requested by Planning Staff:

1. Amendments to Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.

2. Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to "Stormwater and Utility Engineering Manager" to "Environmental Engineering Manager" in Sec. 6.1 and to "Water Resources Director" in Sec. 7.2.1.

Attachments

- Staff Report
- Ordinance
- Legal Notice

Requested by Planning Staff:

1. **Amendments to Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.**

5.1 Table of Intensity and Dimensional Standards

...

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Central Business District	___	___	10 max.	0	10	10 max.	2 stories and 36*	100	___	___
Non-Residential	___	___	25 max.	8	10	25 max.	36	70	___	___
Single-family	___	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	___
Multi-family / Condominium	___	60	20[2]	10[2]	15[2]	10[2]	36	60	14	___
Townhouse	___	20	20[2]	0	15[2]	15	36	50	12	10' aggregate setback between buildings; Sec. 2.3.4

***Building height may be increased to 3 stories and 50 feet if the following conditions are met:**

1. **The existing structure is not contributing to the historic district.**
2. **The existing or proposed building shall be located on Salem Street.**
3. **The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.**
4. **The 3rd story shall be set back at least 18 feet from the property line along the front façade.**
5. **Open air rooftop dining shall be exempt from the height calculation.**

2. **Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to "Stormwater and Utility Engineering Manager" to "Environmental Engineering Manager" in Sec. 6.1 and to "Water Resources Director" in Sec. 7.2.1. Sections affected are as follows:**

- 6.1.4
- 6.1.11
- 6.1.12
- 6.1.15
- 7.2.1

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:
The Planning Board heard these amendments at their June 8, 2020 meeting and unanimously recommended approval.

Report Requirements:
Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Motion to approve as presented.

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Beth Godfrey

☑ Approval of the proposed UDO amendment(s)
☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

With 6 Planning Board Member(s) voting "aye"
With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks Date: 2020.06.08 21:14:17 -04'00'
Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin Date: 2020.06.08 17:52:02 -04'00'
Dianne Khin, Planning Director

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. **Section 5.1.5 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

5.1 Table of Intensity and Dimensional Standards

...

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Central Business District	___	___	10 max.	0	10	10 max.	2 stories and 36*****	100	___	___
Non-Residential	___	___	25 max.	8	10	25 max.	36	70	___	___
Single-family	___	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	___
Multi-family / Condominium	___	60	20[2]	10[2]	15[2]	10[2]	36	60	14	___
Townhouse	___	20	20[2]	0	15[2]	15	36	50	12	10' aggregate setback between buildings; Sec. 2.3.4

***Building height may be increased to 3 stories and 50 feet if the following conditions are met:**

1. **The existing structure is not contributing to the historic district.**
2. **The existing or proposed building shall be located on Salem Street.**
3. **The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.**
4. **The 3rd story shall be set back at least 18 feet from the property line along the front façade.**
5. **Open air rooftop dining shall be exempt from the height calculation.**

Section 2. **Section 6.1 of the Unified Development Ordinance is amended to change all "Stormwater and Utility Engineering Manager" references to "Environmental Engineering Manager" and Section 7.2.1 of the Unified Development Ordinance is amended to change all "Stormwater and Utility Engineering Manager" references to "Water Resources Director".**

Section 3. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 5. The ordinance shall be effective upon enactment on the _____ day of June 2020.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

_____
Donna Hosch, MMC, NCCMC
Town Clerk

_____
Jacques K. Gilbert
Mayor

Approved As To Form:

_____
Laurie L. Hohe
Town Attorney

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.

2. Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to "Stormwater and Utility Engineering Manager" to "Environmental Engineering Manager" in Sec. 6.1 and to "Water Resources Director" in Sec. 7.2.1.

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

You may view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may share comments by noon on Monday, June 15, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

The UDO can be accessed online at: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 27-June 16, 2020

http://www.apexnc.org/DocumentCenter/View/31743/l
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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

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1 / 1

2:19 PM
5/27/2020

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS
Meeting Date: June 16,2020

Item Details

Presenter(s): John M. Brown, Director
Craig Setzer, Park Operations Manager
Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Possible Motion to approve implementation of Adopt-A-Park / Adopt-a-Trail Program

Approval Recommended?

Yes

Item Details

Those using our public parks and greenways are sometimes our best eyes and ears as to how to make the parks and greenways the best they can be. Each year, numerous groups reach out to offer their help and assistance in cleaning and helping maintain our public parks and greenways. Think Apex Day is a great example where citizens work with our Park Operations Team to mulch trails, pick up trash, paint, and otherwise improve our public parks and greenways.

The proposed Adopt-A-Park / Adopt-A-Trail Program will allow individuals and groups to continue partnering with our Park Operations team in helping keep our parks and greenways in great condition while promoting community pride and ownership in pour parks and greenways. The program has been reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission and has received their unanimous support and recommendation for approval and implementation.

Attachments

- Adopt-A-Park / Adopt a Trail Program

Town of Apex Parks, Recreation and Cultural Resources

Adopt-A-Park/Trail
(APAT)
Program

What is the Adopt-A-Park/Trail (APAT) Program?

The Town of Apex Adopt-A-Park/Trail Program (APAT) is designed to encourage the community to work hands-on to help keep Apex's parks and trails clean and attractive. This program creates a framework under which citizens and citizen groups/agencies or organizations can contribute to the Town by "adopting" a section of a Town trail or park, and agreeing to improve it through litter pick-up, maintaining flower beds, painting, spreading playground mulch and other safety surfacing and other manual labor. The program also offers the opportunity for people to get more involved in their community in a way that promotes civic pride, appreciation and awareness.

Currently the Town of Apex Parks, Recreation and Cultural Resources manages and maintains approximately 618 acres of developed /undeveloped park land and open space as well 12 Town-owned parks and 16 miles of greenways/trails. It also has maintenance and upkeep responsibilities on 4 school campuses. Groups and individuals who agree to adopt parks and trails provide an invaluable resource by supplementing park operation staff, ensuring that our parks and greenways are well-maintained, safe, and inviting to users.

Who can participate?

The APAT program welcomes any individual(s), youth groups, neighborhood associations, civic groups, faith based organizations, athletics organizations, service organizations, schools (groups and teams) business and other community organizations that are interested in bettering our parks and greenways. Priority will always be given to those who are residents of Apex, those who own/operate a business in Apex, and those groups who are based in Apex.

If selected to participate in APAT, what is the time commitment?

The adoption commitment follows the Town's fiscal year, beginning July 1st and ending June 30th of each year. Adopting individual/organizations are asked to make a one-year commitment to their park or trail and complete a minimum of two (2) projects per year. However, applications may be taken during the year and the number of expected cleanup projects may be pro-rated according to the adoption approval date. Once approved, it is the participant's responsibility to organize 2 yearly clean-ups, track the total volunteer hours, and coordinate projects with Park Operations Staff. The Town of Apex will provide supplies necessary for the clean-up / project. In addition, it is the responsibility of the adopting individual / organization to:

1) Schedule the cleanup dates with the APAT Coordinator no less than two (2) weeks in advance so that arrangements can be made for trash removal and to avoid program conflicts
2) Pick up litter/debris and place the filled trash bags in the designated areas
3) Adhere to the Safety Guidelines as provided by the APAT Coordinator
4) Report any vandalism or potential safety hazards found in your adopted space
5) Complete and return APAT Progress Report, Volunteer Applications, and Volunteer Service Record within 14 days of project completion. These can be returned in person, by mail or electronically.

What about Special Projects and Improvements to Parks?

Any adopting individual or group who wants to materially change their adopted space, such as by landscaping or other area improvements, should contact their APAT Coordinator to discuss their proposed project. The appropriate Town departments will then review the request to ensure that the project complies with applicable safety, environmental, and legal restrictions, that it is consistent with the overall design, use, and maintenance of the park or trail. The APAT Coordinator will then follow up the request with the requesting group.

What materials / equipment will be provided for the clean-up?

The Town of Apex will provide trash and recycling bags, recycling information, safety guidelines, and trash removal at the end of the project. The Town will also provide "trash grabbers", safety vests and work gloves for the project.

How will my adoption be recognized?

After completing a 12 month cycle including a minimum of 2 scheduled clean-ups, signage will be displayed in a prominent location within the adopted boundaries of the adopted park or trail acknowledging the organization /individual service and commitment to maintaining the park or trail. Adopters will also have their name highlighted on the Town of Apex Parks, Recreation and Cultural Resources web site.

How do I get started?

The first step is for the interested group or individual to fill out an application to become part of the Town's APAT program and appoint a contact person to ensure clear communication. Once you are notified that request has been approved, contact the Adopt-A-Park and Adopt-A-Trail program coordinator to discuss the parks and trails currently available for adoption. At this meeting, the APAT coordinator will also answer questions and fully explain the specifics of the program. Potential dates for the first clean-up will also be discussed and agreed upon.

ADOPT A PARK / ADOPT A TRAIL PROGRAM
PARK AND TRAIL OPPORTUNITIES

Park Opportunities

1. Apex Community Park

Front (3 baseball fields, 2 batting cages, soccer field, camp building/restroom, playground)

Back (6 tennis courts, 3 sand volleyball courts, playground, 4 basketball courts, restroom, 2 picnic areas shelters, nature trails, elevate course)

Lake Pine Entrance (Restroom, Dam, Bridge)

2. Hunter Street Park (Softball field, picnic shelter/restroom, playground, greenway, soccer field)

3. Jaycee Park (Softball field, playground, picnic shelter/restroom, soccer field)

4. Kelly Road Park (Playground, tennis courts, picnic shelter/restroom, softball field)

5. Nature Park

Phase 1 (Picnic shelter/restroom, greenway)

Phase 2/Seymour Athletic Fields (Picnic shelter/restroom, tennis courts, soccer fields, greenway, sand volleyball courts)

Disc Golf Course

6. Salem Pond Park (Greenway, Soccer field)

7. Clairmont Neighborhood Park (Picnic shelter, playground, basketball court)

8. Kelly Glen Neighborhood Park (Picnic shelter, playground)

9. Seagroves Farm Neighborhood Park (Shelter/restroom, playground, greenway, fishing dock)

10. Sue Helton Neighborhood Park (Gazebo, playground)

11. West Street Neighborhood Park (Picnic shelter, playground, basketball court)

Greenway / Trail Opportunities

1. Apex Community Park Greenway / 2.17 miles

2. Beaver Creek Greenway

(Jaycee Park – Townside Drive) / **.9 Miles**

(Townside Drive – Pendula Path) / **.55 Miles**

(Pendula Path – Kelly Rd) / **.9 Miles**

2. Clark Branch

(Crestmont Subdivision) / **.57 miles**

(Enclave to Regency) / **.33 miles**

3. Haddon Hall Greenway (Haywards Heath Lane – Blackburn Rd.) / **.52 miles**

4. Little Beaver Creek (Jordan Manors) / **.72 miles**

5. Milano Connector (Stillwater) / **.32 miles**

6. North Beaver Creek Greenway

(Becketts Crossing – Beaver Creek Commons Drive) / **.6 Miles**

(Charleston Village – Sutton Place) / **.58 miles**

7. White Oak Creek

(Clark Branch to Weddington) / **.8 miles**

(Green Level Estates to Clark Branch) / **.4 miles**

(Green Level Church Rd. to Green Level Estates) / **.77 miles**

(Weddington to American Tobacco Trail) / **.2 miles**

Adopt-A-Park/Adopt-A-Trail Application

The Town of Apex believes that well-maintained parks and trails areas are essential to the beauty and appeal of our community. The Town of Apex Adopt-A-Park and Adopt-A-Trail (APAT) programs were established to improve the appearance of the Town of Apex, and to encourage community involvement.

By this agreement, _____ (applicant) agrees to abide by the Adopt-A-Park/Adopt-A-Trail Program Requirements and Adopt-A-Park/Adopt-A-Trail Safety Guidelines set forth by the Town of Apex, and to enforce compliance with the program requirements and safety guidelines by volunteers working on APAT projects sponsored by its organization.

The Town of Apex recognizes the applicant as the adopting organization of the following park/trail:

Park Name:_____

Trail Name:_____ from _____ to _____

Beginning Date: _____ Ending Date: _____

The terms of this agreement are to be followed from the date the adoption is approved until June 30th of the same year. The number of clean-ups required during the first year will be no less than _____after the adoption approval date.

Adoptions will be automatically renewed each year, unless another group/individual wants to adopt that specific park or trail, applicants fail to complete and report the required number of cleanups, or they request to be removed from the program. There is a maximum of a two year adoption period if a waiting list exists for that facility. Failure to complete obligations will prevent future adoptions by your organization. The Town of Apex reserves the right to cancel this privilege at any time.

_____ _____
Signature of Adoption Coordinator | Date

_____ _____
Town of Apex Parks, Recreation and Cultural Resources Representative | Date

_____
Name of Organization as you would like it to appear on the sign

_____
Abbreviated Organization Name

_____ _____
Name of Adoption Coordinator | E-Mail

_____ _____
Address | Home Phone

_____ _____
City, State, Zip | Work Phone

_____ _____
Fax | Cell Phone

Volunteer Job Description: Adopt -A-Park /Adopt-A-Trail

Position: Adopt-A-Park/Trail Volunteer
Department: Parks, Recreation and Cultural Resources
Job Category: Volunteer

Incumbents serve as ambassadors to the Adopt-A-Park/Trail (APAT) program with responsibilities for conducting minor trail maintenance and reporting on trail conditions. Volunteers report directly to APAT program coordinator.

Nature of Work:

Work involves responsibility for planning, organizing, supervising and participating in volunteer projects, such as clean-ups, in a specified park or trail.

Duties:

1. Responsible for visiting park or trail at least 2 times per year to perform clean-up and report on conditions of park/trail
2. Responsible for committing to the program for at least one year.
3. Responsible for ensuring that each volunteer submits Town of Apex Volunteer Application prior to work day
4. Responsible for completing APAT Service Record on work performed at the park or trail and submitting to APAT program coordinator.
5. Responsible for completing an adoption agreement with the Town of Apex for the specific park or trail.
6. Responsible for contacting APAT program coordinator when a scheduled clean-up is planned.

Knowledge, Skills, and Abilities:

- Ability to deal courteously with the public.
- Ability to take directions from program coordinator
- Ability to prepare clear written reports.
- Dependable, flexible and willing to work evenings, weekends and holidays as needed
- Follows safe working procedures.
- Knowledge of skills required for agreed upon service project.
- Willingness to commit to the program for at least one year
- Willingness to commit to volunteer experience which includes at least 2 projects per year

Adopt-A-Park/Adopt-A-Trail Progress Report

Basic Information	
_____ Location (Name of park or trail) _____ Adopting Agency _____ Adoption Coordinator _____ Adoption Coordinator's Daytime Phone Number	_____ Project Coordinator (If different from adoption coordinator) _____ Project Coordinator's Daytime Phone Number _____ Date Work Performed _____ Time Work Performed
Project Description:	
_____ Volunteers involved for a total of _____ volunteer hours.	
Results	
_____ bags of trash collected and left at _____	
_____ bags of recycling collected and left at_____	
Other Accomplishments: _____	
_____	
Work still to be completed: _____	
_____	
Adoption/Project Coordinator Comments:	
TOA Staff Comments:	
Maintenance or Security Issues	
Examples: graffiti, broken equipment, vandalism, dead/damaged trees or shrubbery, missing/damaged bollards, fencing or locks, drug paraphernalia.	
For Office Use Only: Security Follow-up: _____ Work Order#:_____ APAT Coordinator: (Initials/Date) _____ Comments:	

Service Project Volunteer Record

Basic Information

Location (Name of park, trail or center)
Adopting/Volunteer Agency

Date Work Performed

Time Work Performed

Waiver

I hereby state that I am acting in a volunteer capacity for the Town of Apex Parks, Recreation and Cultural Resources Department. While serving in this role, I agree to follow the policies and procedures for the program as outlined by the Parks Operations Manager. I waive and release any potential claims against the Town of Apex for damages or injuries received while acting as a volunteer, including and not limited to volunteer efforts during park/trail maintenance or improvement activities. In the event that I become incapacitated during the course of my volunteer activities, I give my permission to the project coordinator, volunteer supervisor and/or the Town of Apex to provide first aid, to request emergency medical care on my behalf, and to release information on this form or learned through personal conversations with me or my family members or friends to appropriate medical or rescue personnel.

Participant Name (please print) Address Phone e-mail

Parent/Guardian/Emergency Contact Name (please print) Phone

Participant Signature Parent/Guardian Signature
Hours

Participant Name (please print) Address Phone e-mail

Parent/Guardian/Emergency Contact Name (please print) Phone

Participant Signature Parent/Guardian Signature Hours

Participant Name (please print) Address Phone e-mail

Parent/Guardian/Emergency Contact Name (please print) Phone

Participant Signature Parent/Guardian Signature Hours

Adopt-A-Park & Adopt-A-Trail Program

Safety Guidelines / Suggestions

1. Stay clear of all construction areas.
2. Be aware of loose pets; do not bring unattended pets with you to your work site.
3. Work is to be completed during park/trail hours only (dawn to dusk).
4. Always provide adult supervision for your organization/group.
5. Place all bagged litter/trash at the designated locations to assure pick-up.
6. Use the litter pick-up devices (Easy Reacher's) and plastic trash bags properly.
7. Be aware of snakes, bees, wasps, and spiders (bug spray is recommended).
8. Have a first-aid kit available on site in case of an emergency.
9. **DO NOT** attempt to work in inclement weather.
10. **DO NOT** remove hazardous substances. (e.g., car batteries, needles or pesticide containers) Notify the Volunteer Coordinator if these substances are found.
11. Avoid contact with noxious weeds (poison ivy, sumac) and areas where herbicides have been applied.
12. If you are near a roadside, work facing on-coming traffic. Wear safety vests if possible if working within 10 feet of any roadway. **DO NOT** pick up litter on bridges, overpasses or in tunnels.
13. **DO NOT** over-exert yourself, especially on hot days. Drink plenty of water and stay hydrated.
14. Cross streets only at cross walks.
15. Wear light colored clothing, appropriate for the task at hand.
16. Work gloves should be worn at all times. Work gloves will be provided upon request.
17. Always wear a hat.
18. Wear sturdy closed toe shoes or boots with puncture resistant soles.
19. Use a buddy system when possible.
20. Always have a cell phone available.
21. Be aware of unusual objects (anything that may expose blood borne pathogens), and dispose of them with caution (contraceptive, diapers, and feminine hygiene products). If you're not comfortable handling / disposing of a particular item, notify the Volunteer Coordinator as soon as possible.
22. If "syringes" are found please contact TOA immediately with the whereabouts of the items and **DO NOT** attempt to remove.

REMEMBER: Call us at 919-249-9385 immediately following a cleanup project.
Ask for the Volunteer Coordinator and leave me a message with the precise location of where the trash bags are located so we can arrange for timely pick-up and disposal. Thank you for keeping the parks and trails in the Town of Apex clean and beautiful.

Questions or Problems: Call the Town of Apex @ 919-249-3402 or in case of an immediate threat or emergency call 911.

Apex Community Park: Front

0 62.5 125 250 375 500 Feet

Apex Community Park: Back

0 50 100 200 300 400
Feet

Apex Community Park: Lake Pine

Hunter Street Park & Dog Park

0 50 100 200 300 400 Feet

Jaycee Park

Kelly Road Park

0 30 60 120 180 240 Feet

Nature Park: Phase 1

0 50 100 200 300 400 Feet

Nature Park: Phase 2

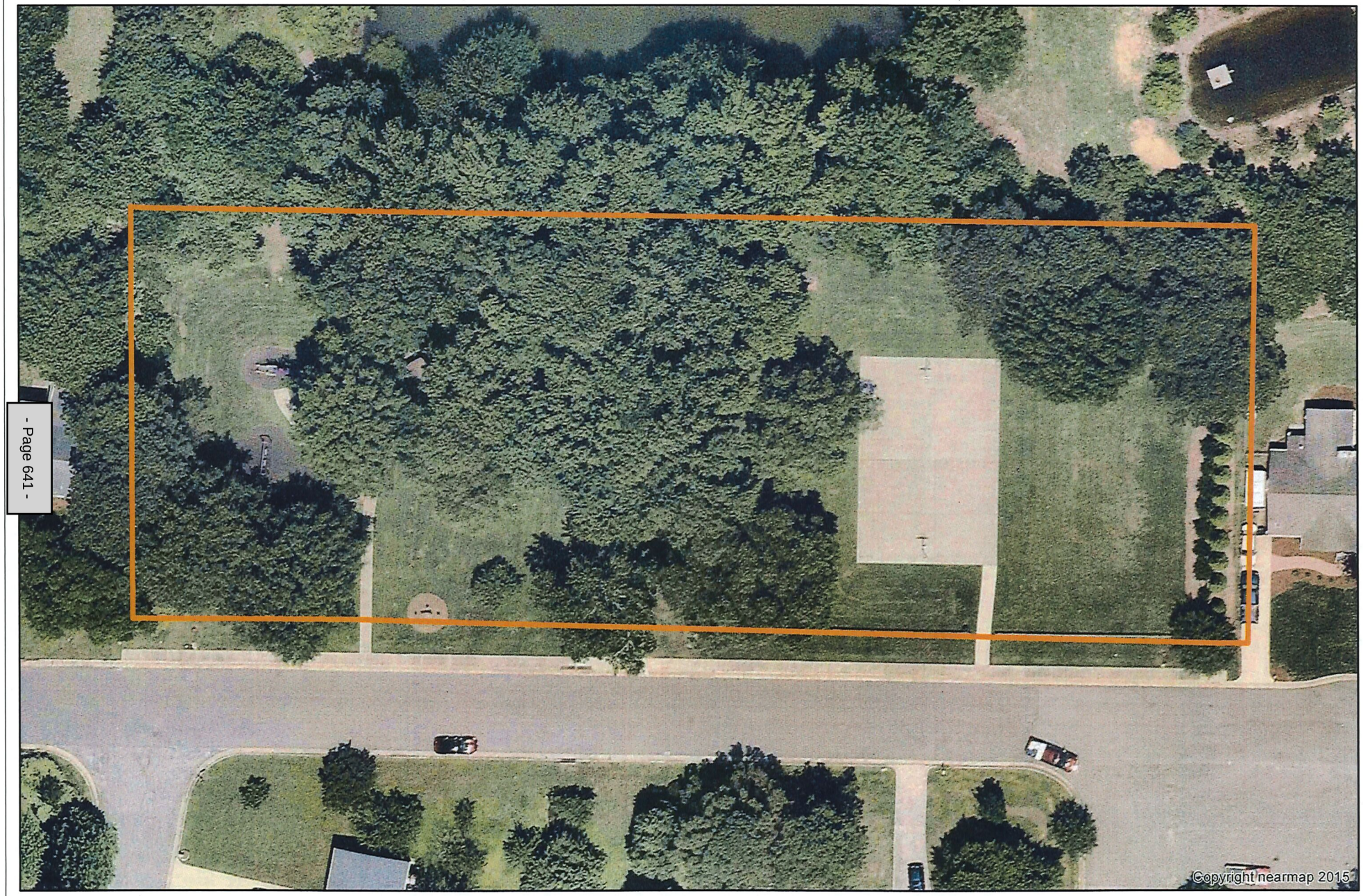
0 50 100 200 300 400 Feet

Nature Park: Disc Golf Course

Salem Pond Park

0 50 100 200 300 400 Feet

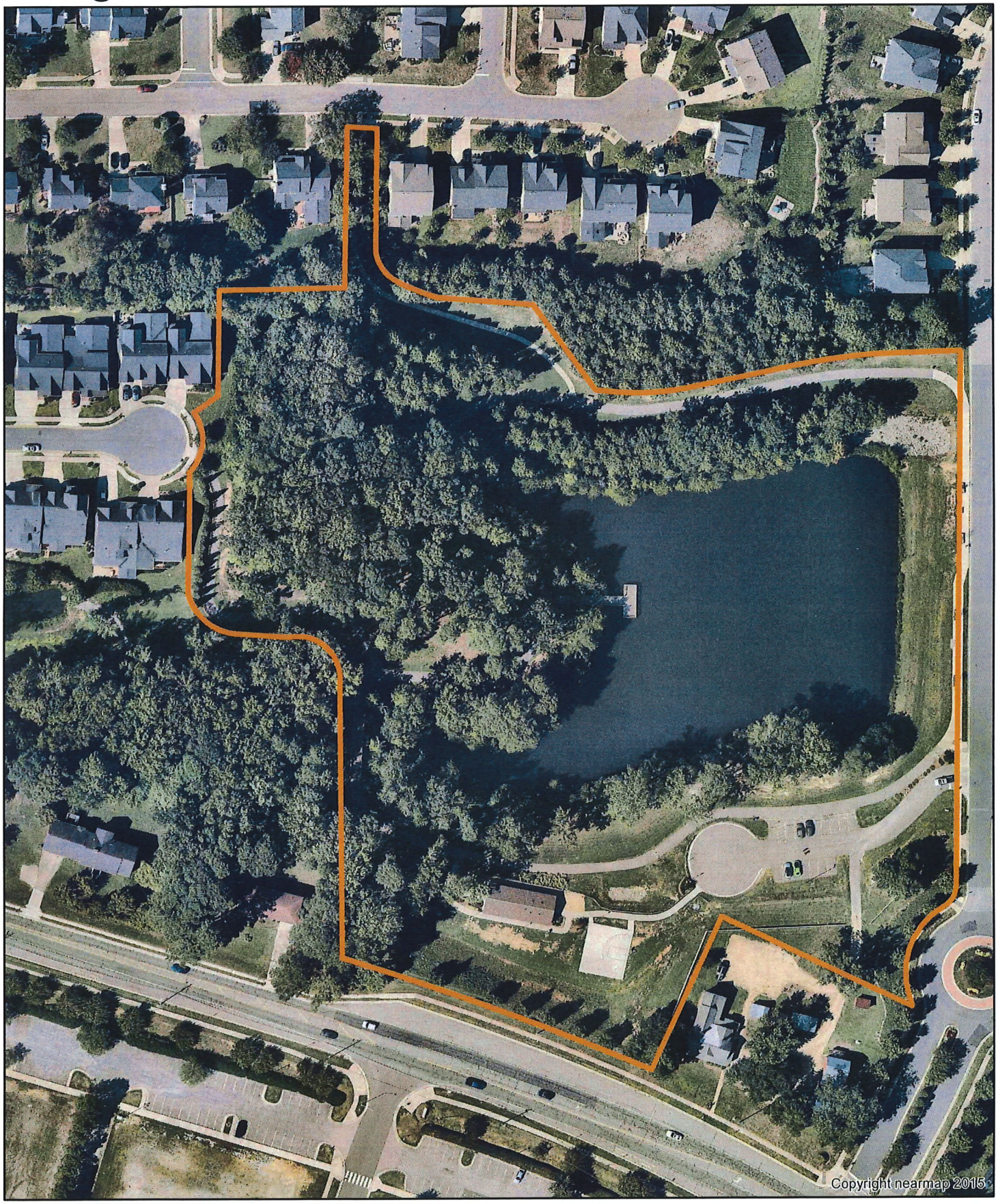
Clairmont Park



Kelly Glen Park

0 5 10 20 30 40
Feet

Seagroves Park



0 40 80 160 240 320 Feet

Sue Helton Memorial Park

0 5 10 20 30 40 Feet

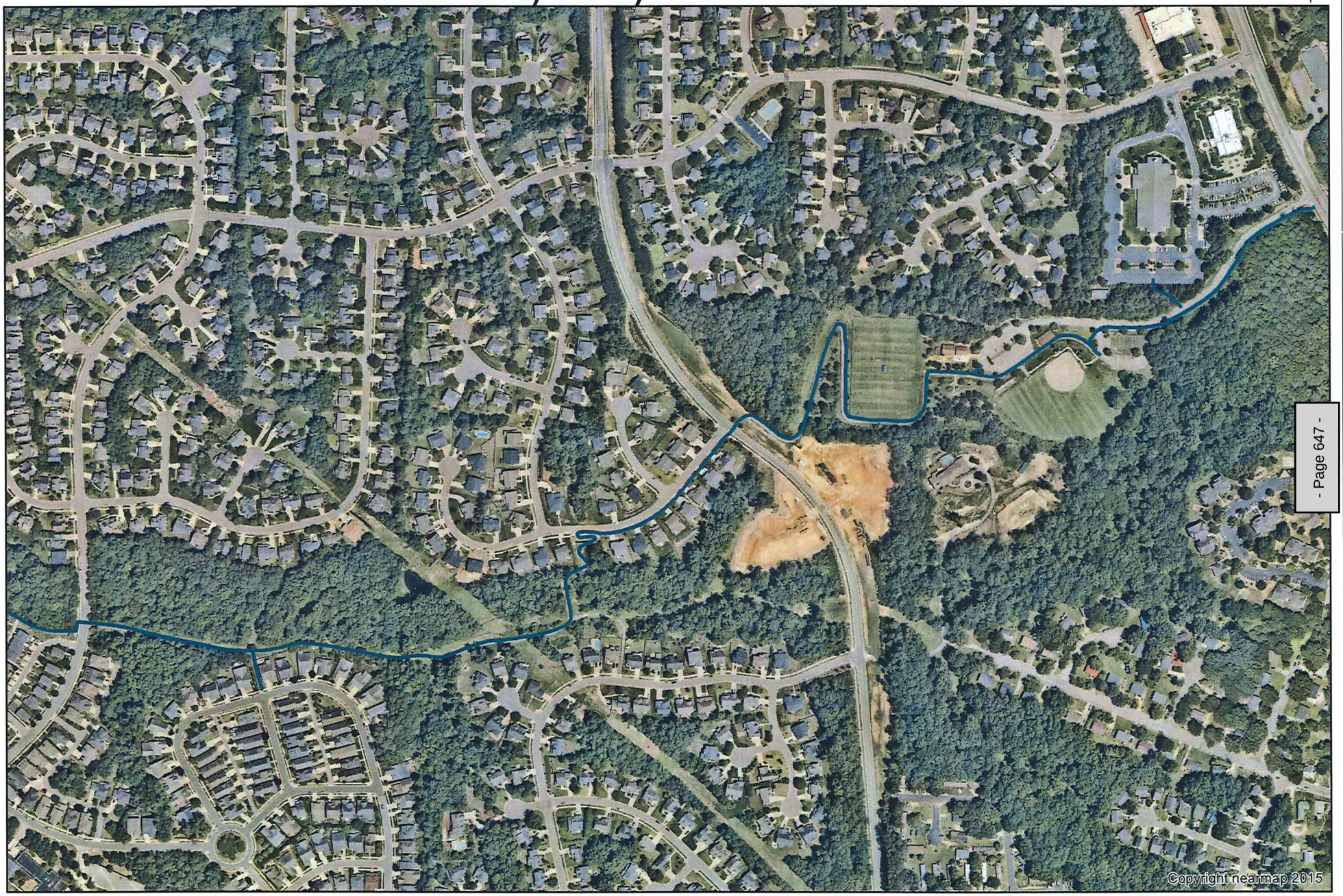
West Street Park

0 25 50 100 150 200

Apex Community Park Greenway

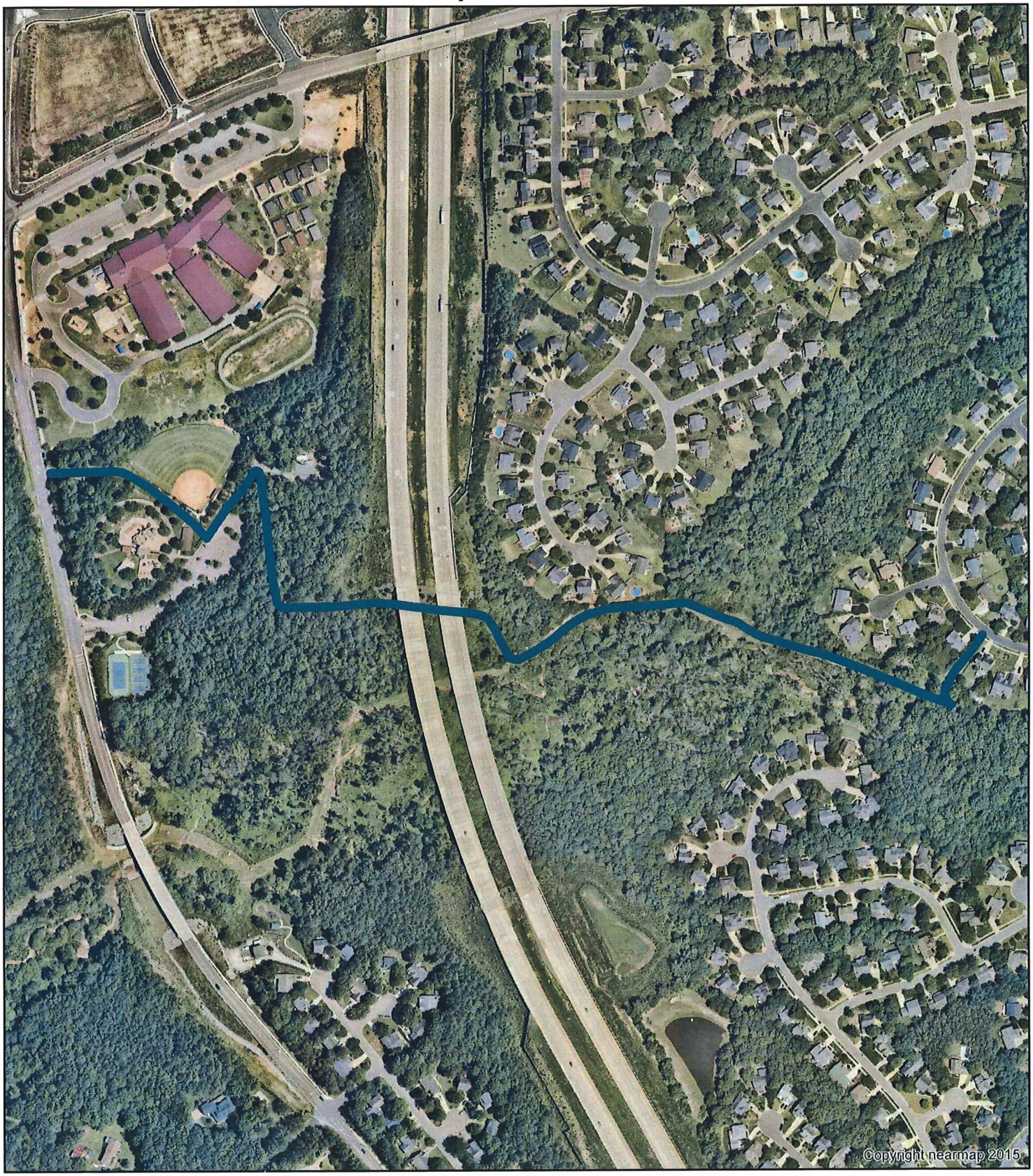
0 125 250 500 750 1,000
Feet

Beaver Creek Greenway: Jaycee Park to Town Side Dr.



Beaver Creek Greenway:
Town Side Dr. To Pendula Path

Beaver Creek Greenway: Pendula Path to Kelly Rd.



0 125 250 500 750 1,000 Feet

Clark Branch Greenway: Crestmont

Clark Branch Greenway:
Enclave / Regency at White Oak Creek

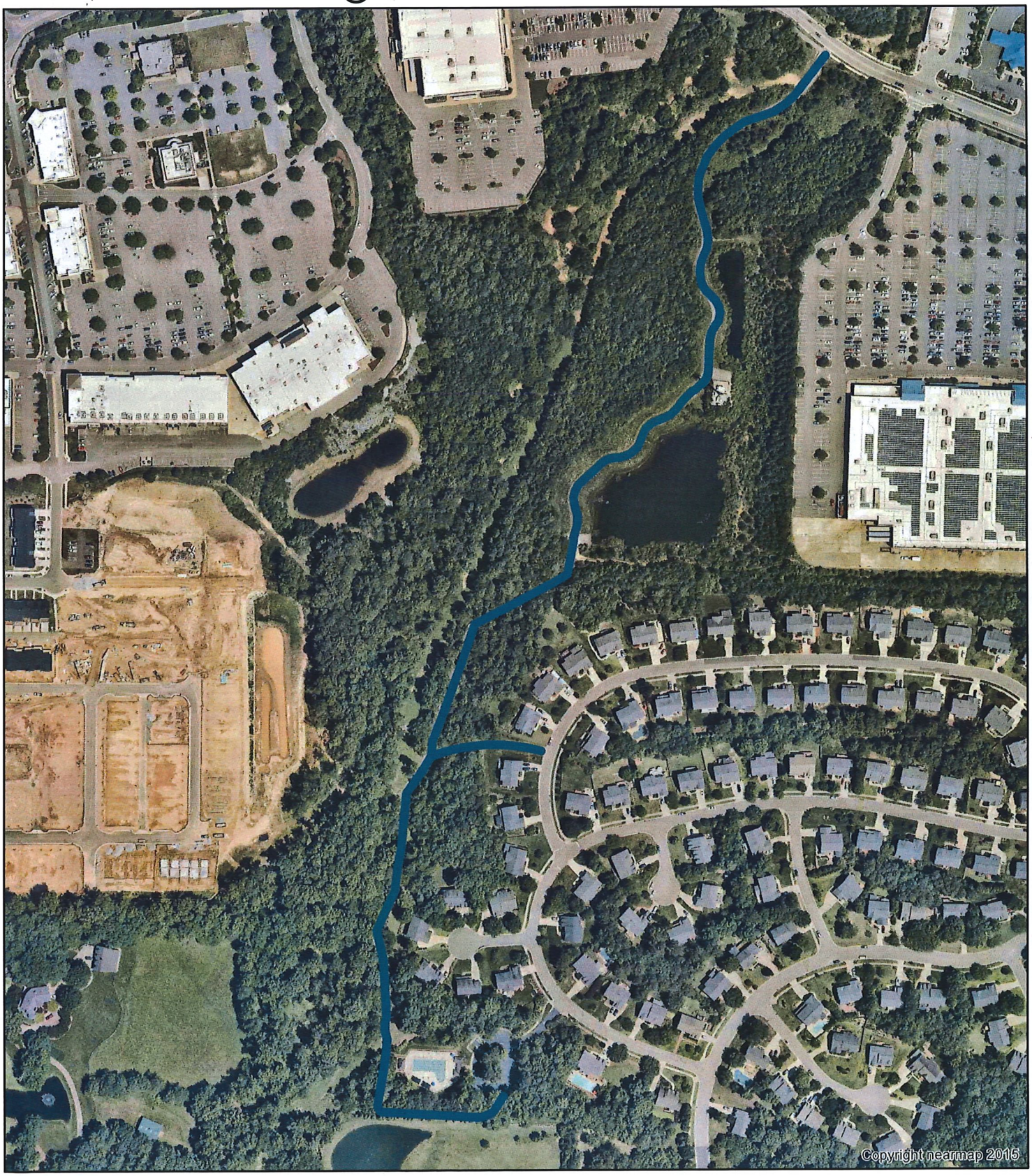
Haddon Hall Greenway

0 50 100 200 300 400 Feet

Little Beaver Creek Greenway: Jordan Manors

Milano Connector (Stillwater): Ragan Road to Richardson Road

North Beaver Creek Greenway:
Beckett Crossing-Beaver Creek Commons Dr.



North Beaver Creek Greenway: Charleston Village to Sutton Place

White Oak Creek Greenway
Clark Branch to Weddington

White Oak Creek Greenway
Green Level Estates to Clark Branch

White Oak Creek Greenway
Green Level Church Road to Green Level Estates

White Oak Creek Greenway
Weddington to American Tobacco Trail

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: June 16, 2020

Item Details

Presenter(s): Drew Havens, Town Manager

Department(s): Administration

Requested Motion

Discussion and possible motion to make a $20,000 contribution to the Apex Chamber of Commerce/Apex Sunrise Rotary Club Angel Fund, a $20,000 contribution to the Apex Chamber of Commerce for their operational expenses, and to approve Budget Amendment #19 to appropriate Fund Balance to cover these unbudgeted expenditures

Approval Recommended?

Item Details

The Apex Chamber of Commerce, partnering with the Apex Sunrise Rotary Club, established an "Angel Fund" Per their website: "The Apex Chamber of Commerce will provide targeted grants of up to $3,500 to small businesses in the Town of Apex. These grants may be used for payroll, rent or other critical operating expenses". Regarding the timeline for these grants, the website states: "The grant funding opens Thursday, May 14, 2020. The grant applications will begin to be accepted on Monday, May 25, 2020. Grants will be announced and awarded no later than the week of June 1, 2020". Per Executive Director Shannon Flaherty they have not awarded grants yet as they are waiting for funding from multiple sources and a commitment from the Town.

The Chamber of Commerce also requested a $20,000 contribution to be used for their operational expenses. Some detail related to these expenditures is attached to this cover sheet in a document entitled Supporting Information Relative to Request from the Apex Chamber of Commerce.

Attachments

- Letter from the Chamber of Commerce dated May 15, 2020
- Donation and Support Request from the Chamber of Commerce dated June 9, 2020
- Supporting Information Relative to Request from the Apex Chamber of Commerce
- Budget Amendment

APEX
CHAMBER OF COMMERCE

May 15, 2020

Mayor Jacques Gilbert
Town of Apex
PO Box 250
Apex, NC 27502

Dear Mayor Gilbert:

As you know, during the unprecedent times that we are in our local businesses are hurting. Thank you to the Town of Apex for being a leader in the county by creating the Apex Small Business Loan Program! I know of many chamber members who will be applying for this loan and are extremely grateful to the town for making this opportunity available. The loan will give the businesses that apply some hope that they will make it through this challenging time.

I am writing to let you know about an initiative that the Apex Chamber of Commerce is facilitating. In partnership with the Apex Sunrise Rotary Foundation and other concerned citizens we have created an Angel Fund. The idea of the Angel Fund is to raise $200,000 and award grants to Apex based businesses up to $3,500. Two neighboring towns, Fuquay Varina and Holly Springs have been extremely successful with their campaigns and I believe we will be too.

We are reaching out to large businesses that have not been negatively affected financially during this time including grocery stores, drug stores, big box stores (Target/Walmart), etc. to assist us in funding this Angel Fund. I am hopeful that these organizations will realize how fortunate that they have been during this time and see the importance of helping the smaller businesses in our town that truly are the backbone of our community.

I am reaching out to you today to ask that the Town of Apex consider contributing to this fund. No gift is too small and is appreciated more than you will ever know.

Additionally, I am reaching out to ask you and the council to consider supporting the Apex Chamber of Commerce during this challenging time. A chamber of commerce is the center of business in communities across the country. We not only support our membership but we also support our local communities on behalf of the town we serve by facilitating recognition and events for our teachers, first responders, youth leadership and hold a candidates forum during election years. We also raise money each year to give to our local schools to assist children who may go without.

As a 501©6 we do not qualify for a PPP loan at this time. As you can imagine, our members are not renewing at an alarming rate and all of our fundraising events have been cancelled until further notice. We would be extremely grateful for any amount that is offered; however, we are asking that you and the council to consider a donation in the amount of $20,000. We believe that this amount will help assist us throughout the summer months.

Until we are able to host events again, all our efforts will be towards raising money for our small businesses in Apex. It's our honor as an organization to help give small businesses in Apex a little bit of hope during this challenging time.

On behalf of the Apex Chamber Board of Directors thank you for your consideration of the above requests.

Respectfully,

Shannon K. Flaherty
Executive Director

cc: Drew Havens, Town Manager

APEX
CHAMBER OF COMMERCE

COVID-19 Donation to the Angel Fund/Support Request
June 9, 2020

Request

The Apex Chamber of Commerce has a two-part request:

1. We are respectfully asking the Apex Town Council to partner with the Apex Chamber of Commerce and the Apex Rotary Foundation to support our Angel Fund. We have created this fund to support the many businesses in Apex who have been negatively affected by the COVID-19 pandemic. We are asking that the town consider donating $20,000 to this fund. 100% of the donation will go back to small businesses in Apex. The donations is also tax deductable.

2. We are also respectfully asking the Apex Town Council to consider supporting the Apex Chamber of Commerce during this challenging time. A chamber of commerce is the center of business in communities across the country. We not only support our membership but we also support our local communities on behalf of the town we serve by facilitating recognition and events for our teachers, first responders, youth leadership and hold a candidates forum during election years. We also raise money each year to give to our local schools to assist children who may go without.

   As a 501©6 we do not qualify for a PPP loan at this time. As you can imagine, our members are not renewing at an alarming rate and all of our fundraising events have been cancelled until further notice. We would be extremely grateful for any amount that is offered; however, we are asking that the council consider a donation in the amount of $20,000. We believe that this amount will help assist us throughout the summer months.

Who will these funds support?

1. The funds that are received for the Angel Fund will be awarded to approved applicants. We have received 50 applications for consideration. Our goal is to award up to $3500 to applicants. It would be our desire to award each applicant a gift of a grant but that will be dependent on what the final number is that we are able to raise. Our goal is $200,000. The criteria to receive a grant is the following:
   a. Be a small business with less than 20 full time employees
   b. Be independently owned and operated/non-profits are able to apply

c. Be located in Apex (Apex chamber members who fit this criteria and located outside of Apex are welcome to apply)

2. If awarded funds the Apex Chamber of Commerce would use the money towards our operational expenses.

On behalf of the Apex Chamber Board of Directors I want to thank you for consideration of our requests. We are truly grateful for any contribution you are able to provide. I am happy to answer any questions should they arise.

Respectfully,

Shannon K. Flaherty
Executive Director

Supporting Information Relative to Request from the Apex Chamber of Commerce

We received a letter from the Chamber in mid-May seeking funding for the Angel Fund and operational support and were awaiting additional information in order to get this item on an agenda for Council consideration. The request document was received at the end of the day on Tuesday facing a Wednesday agenda deadline, but we were able to work with Shannon Flaherty to get some additional information regarding their request for funding. Below are the answers to two questions we ask in our non-profit funding application package:

1. Identify specifically how the requested funds will be used, what you seek to accomplish with the requested funds, and how this grant will help you achieve your organization's goals. (question C from the application). Please be as specific as possible.

The Apex Chamber of Commerce will specifically use the requested funds for operational purposes. We unfortunately do not qualify for a PPE loan with the federal government since we are a 501c6 organization. The grant will allow the chamber to continue operating as business as usual. We have a staff of one full time employee and one part time employee. We have continued to address the needs of our members as well as the community as a whole. When the COVID-19 pandemic hit our community we made it a priority to make listings of all the restaurants to share with the community. It did not matter to us whether or not the business was a chamber member or not. Our goal was to help all businesses and the needs of our community. We also created a Facebook page "Supporting Apex Business" where businesses within our community can post advertisements about their businesses. In addition, we have created an Angel Fund (supported by the Apex Sunrise Community Foundation) and have been committed to raising funds to give back in the form of a grant up to $3500 to businesses located in Apex.

This grant would allow our employees to continue to work and serve our members as well as the community.

2. Describe the impact your organization has on the quality of life for the citizens of the Town of Apex and local Wake County residents (question D from the application).

The Apex Chamber of Commerce has a large impact on the quality of life for the citizens of the Town of Apex and local Wake County residents. As the voice of business within our community we are the go to organization for not only our chamber members but for businesses as a whole. We have supported and continue to support initiatives throughout our community and Wake County on behalf of the business community including spreading the word through social media/newsletter about the 2020 Census, the park bond, support of Wake Med and UNC Rex initiatives, etc. All of these initiatives benefit the community and our reach is large and wide throughout our community.

Additionally, we not only focus on our members but other areas of our community. We give back on behalf of the business community by providing a Youth Leadership Program with Apex

High School and Apex Friendship High School, facilitate a candidates forum during election years, host a teacher appreciation luncheon to honor our teacher and teacher of the year in each school located in Apex, raise dollars for our Bookbag Bonanza program (100% of these dollars go back to our local schools to support at need students) and host an annual First Responders Brunch to honor Apex police and fire fighters.

The impact that the Apex Chamber of Commerce provides to the town of Apex is positive and far reaching. The difference in the lives of the business owners and the community has continued to grow throughout the years.

We also asked if they could provide the information requested in Part III of the application package. I asked for clarification of the numbers in the table below and was advised that the percentages add up to more than 100% as the request from the Town is to help fill shortfalls in normal revenue streams that have been interrupted due to economic climate caused by the current pandemic. In section B, the numbers do not add up to 100% as their accounting does not include event costs in their operating expense category. If event costs (38.24% of their total budget) are included, the operating expense line would be 55.64%.

A. List your agency's principal sources of funding including corresponding percentages of Budget:

Funding Source	Amount	% of Annual Budget
Grant Monies	0	0
State of NC	0	0
Town of Apex - requested	$20,000 (requesting)	8%
Other Sources (please specify below)		
	Membership Dues $173,000	69%
	All Events $63,000	25%
	Admin/Govt affairs/Comm $15,180.81	5%

B. Provide the following budget expense information in percentages for the current year:

OPERATING EXPENSES 17.40 % of Annual Budget
SALARIES and FRINGE BENEFITS* 44.36 % of Annual Budget

*Number of people receiving Salary, Stipend, or Fringe Benefits 1.5

Town of Apex
FY 2019-2020 BUDGET ORDINANCE AMENDMENT NUMBER 19

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

GENERAL FUND

Section 1. Revenues

Appropriated Fund Balance		$40,000
	Total	$40,000

Section 2. Expenditures

Special Appropriations		
Apex Chamber of Commerce		$40,00
	Total	$40,000

Adopted this the 16th day of June, 2020.

Jacques K. Gilbert, Mayor

Attest:

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: June 16, 2020

Item Details

Presenter(s): Council Member Audra Killingsworth

Department(s): Governing Body

Requested Motion

Possible motion to approve Resolution recognizing June as LGBTQIA Month

Approval Recommended?

Yes

Item Details

Council Member Killingsworth will present this item.

Attachments

- Resolution

RESOLUTION NO. 20-0616-05

A RESOLUTION RECOGNIZING JUNE 2020 AS LGBTQIA PRIDE MONTH

Whereas, individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual celebrate Pride Month or LGBTQIA Pride Month, and it is celebrated Nationwide each year in the month of June; and

Whereas, this month was chosen to commemorate the events that took place 51 years ago at the Stonewall Inn in Manhattan, New York, on June 28, 1969, and is often viewed as the beginning of the modern LGBTQIA rights movement; and

Whereas, it is important during this month to take the time to reflect on the LGBTQIA rights movement; and

Whereas LGBTQIA people in the United States, the State of North Carolina, and the Town of Apex have made, and continue to make, vital contributions to the world via art, expression, science, technology, economics, equality, and many other ways; and

Whereas LGBTQIA Americans have achieved significant milestones, ensuring that future generations of people in the United States will enjoy a more equal and just society; and

Whereas, despite extraordinary progress, LGBTQIA Americans still face discrimination simply for being who they are; and

Whereas, the State of North Carolina and the Town of Apex stand with the LGBTQIA community in the struggle to ensure equal treatment for all, and to advocate for LGBTQIA rights as human rights; and

Whereas, the Town of Apex will continue to advocate for protections for all LGBTQIA individuals to make our Town a place where all people, regardless of their sexual orientation, gender identity, or gender expression, are treated with dignity and respect; and

Whereas, the Town of Apex proclaims June 2020 as LGBTQIA Pride Month to recognize the contributions and struggles of peoples that identify as such;

Now, Therefore, let it be resolved that the Town of Apex recognizes June 2020 as LGBTQIA Pride Month.

This the 16th day of June 2020.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, Town Clerk, MMC, NCCMC

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION
Meeting Date: June 16,2020

Item Details

Presenter(s): Laurie Hohe, Town Attorney
Department(s): Legal Department

Requested Motion

Possible motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e)

Approval Recommended?

Yes

Item Details

N/A

Attachments

- N/A