



REVISED AGENDA | REGULAR TOWN COUNCIL MEETING

March 28, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 Agreement - Interlocal Agreement with Town of Cary - 5925 Farmpond Rd - Water Service

Michael Deaton, P.E., Director, Water Resources Department

CN2 Appointment - Board of Adjustment (BOA)

Allen Coleman, Town Clerk

CN3 Construction Contract Award/Budget Ordinance Amendment No. 15/Capital Project Ordinance Amendment No. 6 - Fred Smith Co. - Middle Creek Greenway PHI and PHII-B (including Spur B)

Craig Setzer, Director, Parks, Recreation, and Cultural Resources Department

CN4 Council Meeting Minutes - March 14, 2023

Allen Coleman, Town Clerk

CN5 Ordinance Amendment - Temporary Modification of Chapter 14: Offenses and Miscellaneous Provisions, Section 14

Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept.

CN6 Resolution - Authorizing Execution of Opioid Settlements

Laurie Hohe, Town Attorney

CN7 Veridea Environmental Enhancement Plan - Statement

Amanda Bunce, Current Planning Manager, Planning Department

CN8 ADDED - Agreement - Renewal of GoApex Agreement with Town of Cary and MV Transportation - July 1, 2023 through June 30, 2024

Katie Schwing, Senior Planner - Long Range Transit, Planning Department

PRESENTATIONS

PR1 Proclamation - Child Abuse Prevention Month - April 2023

Jacques K. Gilbert, Mayor

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 Annexation No. 748 - The Townes at Chapel Ridge - 18.613 acres

Dianne Khin, Director, Planning Department

PH2 Annexation No. 747 - Apex Light Industrial - 21.246 acres

Lauren Staudenmaier, Planner II, Planning Department

AND

PH3 Rezoning Case No. 22CZ21 Apex Light Industrial - Ordinance

Lauren Staudenmaier, Planner II, Planning Department

PH4 Transportation Plan Amendments - Elevate 64 West PUD

Shannon Cox, Long Range Planning Manager, Planning Department

AND

PH5 Rezoning Case No. 22CZ22 Elevate 64 West PUD

Shelly Mayo, Planner II, Planning Department

PH6 Unified Development Ordinance (UDO) Amendments - March 2023

Amanda Bunce, Current Planning Manager, Planning Department

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Allen Coleman, Town Clerk

NCGS §143-318.11 (1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Michael Deaton, P.E., Director

Department(s): Water Resources

Requested Motion

Motion to approve an Interlocal Agreement (ILA) with the Town of Cary to provide water service to a single - family residence located at 5925 Farmpond Rd.

Approval Recommended?

Yes

Item Details

The Town does not have an existing waterline in the vicinity of this property (property located along the service boundary line between Apex and Cary). Homeowner is requesting annexation into Apex and has requested water service due to poor well yield. The Town of Cary has an existing waterline that runs along Farmpond Road on the frontage of this property. This ILA will allow the property owner to receive water service via Cary's water system and billed through Apex.

Attachments

- CN1-A1: Interlocal Agreement w-Town of Cary - 5925 Farmpond Road



COUNTY OF WAKE

STATE OF NORTH CAROLINA

**INTERLOCAL AGREEMENT FOR PROVISION OF WATER SERVICES TO
APEX TO SERVE FARM POND ROAD PROPERTY**

This Interlocal Agreement, dated the ___ day of _____, 2023 (“Agreement”) between the Town of Cary (“Cary”) and the Town of Apex (“Apex”), both North Carolina municipal corporations. Cary and Apex are sometimes referred to individually as “Party” and jointly as “Parties.”

RECITALS

WHEREAS, Cary and Apex jointly own and Cary as Lead Agency operates the Cary/Apex Water Treatment Facility pursuant to 2017 Cary/Apex Water Treatment Facility Agreement dated July 1, 2017 (“CAWTF Agreement”); and

WHEREAS, the property owner of 5925 Farmpond Road (“Property Owner”) desires to petition for annexation of the approximately 9.34 acre parcel at 5925 Farmpond Road (the “Property”) into Apex municipal limits for the purpose of connecting to municipal water service; and

WHEREAS, as of the date this Agreement is executed, Apex water infrastructure has not been extended to the area to permit Apex to provide water service to Property, but Cary water infrastructure has been installed adjacent to Property; and

WHEREAS, the Parties agree that the cooperative endeavor described herein will be beneficial to Apex and the Property Owner, and Cary is agreeable, upon the terms and conditions hereinafter set forth, to provide potable water service only to Apex to serve Property, subject to limitations described herein. Cary will not provide wastewater (sewer); and

WHEREAS, CAWTF Agreement provides in Section 3.4 a process for one party to use surplus capacity of the other party (“Surplus Capacity Process”); and

WHEREAS, in lieu of Surplus Capacity Process, the Parties desire to enter into this Agreement; and

WHEREAS, the governing bodies of Cary and Apex have reviewed this Agreement and agree to its terms as fair and equitable; and

WHEREAS, this Agreement is authorized by NCGS §160A-20.1, NCGS §160A-322, and NCGS §160A-460 *et seq.*

NOW THEREFORE, for and in consideration of the recitals and the mutual promises and covenants contained in this Agreement, the Parties agree as follows:

1. **Incorporation of Recitals and Purpose.** The Recitals are true and are incorporated into this Agreement. The purpose of this Agreement is to enable Cary to provide water services to Apex, such that Apex may supply water to Property.
2. **Effective Date; Duration and Term.** This Agreement is conditioned upon and shall become effective (“Effective Date”) upon the date it is properly authorized and executed by the last of Cary and Apex, which date shall be inserted into the first line of this Agreement. The initial term of this Agreement shall be for twenty-five (25) years from the “Effective Date”. This Agreement shall thereafter automatically renew for up to five (5) additional one-year terms unless Apex gives notice of termination at least ninety (90) days before the end of the then current term. Upon the termination of this Agreement for any reason, Cary’s provision of water service shall cease and Apex shall itself be responsible for providing potable water service to the Property. The Parties may extend the term of this Agreement to the extent lawfully permitted by a separate written instrument executed by both Parties.
3. **Roles and Responsibilities of Each Party**

A. Cary’s Role and Responsibility

- i. **Potable Water Service.** Subject to the conditions herein, Cary agrees to provide potable water service to Apex for Apex to use to serve the Property (“Water Service”). Cary will not provide wastewater (sewer) service.
- ii. **Installation of Service Connection.** Cary will make the connection to the existing water main and provide a service and meter upon payment of development fees and connection fees by Apex.
- iii. **Limits on Water Service.** Cary’s provision of Water Service is contingent upon the Property remaining used as “Residential,” containing one single-family dwelling and appurtenances, and being an Apex water service customer. Provision of Water Service shall be under the same terms, conditions, and limitations as imposed on other Cary residential water service customers, including the need for compliance with Town of Cary ordinances. For example, and without limitation, such ordinances include Town Code Sections 36-80 (“Water Service Provided by Town Includes Only Alternate Outdoor Irrigation”), 36-81 (“Water Shortage Response”), and 36-83 (“Water Waste”), as hereafter may be amended from time to time and such new and additional ordinances as may come into effect from time to time.

B. Apex’s Role and Responsibility

- i. Upon payment by Apex to Cary for all development and connection fees and the subsequent setting of the Cary service and meter box, Apex shall install, or cause to be installed, all equipment necessary to provide a connection from Cary's meter box to a separate meter at Property (the "Property Meter") in accordance with standards, specifications, and regulatory requirements of Apex.
- ii. The Property Owner will be established as a customer of Apex and will pay to Apex the customary development fees and connection fees established by Cary for connection of water service so that Apex may recoup payments made to Cary. Apex shall pay to Cary the customary development fees and connection fees established by Cary for connection of water service.
- iii. Apex shall be responsible for timely payment to Cary of Water Service costs in accordance with Paragraph 4.
- iv. Apex shall administer Property Owner's Water Service account including invoicing in a manner consistent with its other residential customers, including penalties for late payment or non-payment of Water Service charges. Apex will notify Cary if Water Service is suspended or terminated, or when Apex is aware the Property is no longer used as a single-family residence.
- v. If reasonably requested by Cary, Apex shall execute a Letter of Agreement ("LOA") pursuant to Section 3.4 of CAWTF Agreement, suitable in form to Cary, which LOA shall supersede and terminate this Agreement. If Cary presents an LOA to Apex, and Apex fails to execute the LOA within ninety (90) days of receipt, Apex shall be considered in breach of this Agreement and Cary may terminate Agreement.

4. Payment for Water Service.

- A. Cary shall bill Apex on a monthly basis for Water Service for the volume of water delivered through Cary Meter in accordance with Cary's published Government rate. Apex shall pay Cary all correct billed amounts by the date specified on the bill.
- B. Apex shall be responsible for billing Property in accordance with Apex laws, rules, and regulations.

5. Termination.

- A. This Agreement and the Water Service provided hereunder may be terminated by the mutual agreement of Cary and Apex. This Agreement may be terminated by Apex as provided in Paragraph 2. This Agreement may be terminated by Cary as provided in Paragraph 3 upon Apex's failure to execute a Letter of Agreement suitable in form to Cary.

- B. All obligations that have accrued pursuant to this Agreement prior to the time of a termination shall survive termination.
- C. Upon termination of this Agreement for any reason, including termination for breach, Cary shall properly close and abandon the potable water service connection to Apex at the Cary Meter.
6. **Termination for Breach.** Either Cary or Apex may terminate this Agreement by notice to the other Party at any time during the Term or any extension term as follows: if the other Party is in breach of any material obligation hereunder, by causes and reasons within its control, and has not cured such breach within sixty (60) days after notice requesting cure of the breach, provided, however, that if the breach is not capable of being cured within sixty (60) days of such written notice, the Agreement may not be terminated so long as the breaching party commences and is taking commercially reasonable actions to cure such breach as promptly as practicable.
7. **Notices.** Unless otherwise provided, all notices provided for herein shall be in writing and shall be sent properly addressed by first class mail and electronic mail to the parties at the addresses shown below:
- Town of Cary
PO Box 8005
Cary, North Carolina 27512-8005
Attention: Town Manager
- With a copy to the Utilities Director
- Town of Apex
PO Box 250
Apex, North Carolina 27502-0250
Attention: Town Manager
- With a copy to the Water Resources Director
- All notices shall be effective three (3) days after having been deposited, properly addressed and postage prepaid, in the US Postal Service. Any party hereto may change the person to whom or the address to which notices should be provided by giving written notice to the other parties of the change.
8. **Entire Agreement/Amendments.** This Agreement constitutes the entire agreement between the Parties with respect to its general subject matter. This Agreement may not be changed except in writing signed by all the parties.
9. **No Joint Agency and No Personnel.** No joint agency is established by this Agreement. This Agreement authorizes Cary to provide Water Service to Apex on the terms provided herein, but does not create a partnership, joint venture, other joint endeavor, joint ownership, joint operations or personnel sharing of any

kind between the Parties. No joint personnel are needed by the Parties to carry out this Agreement.

10. Representations and Warranties. The Parties each represent, covenant, and warrant for the other's benefit as follows:

- A. Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and this Agreement has been authorized by Resolution spread upon the minutes of each Party's governing body. This Agreement is a valid and binding obligation of each Party.
- B. Neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which either Party is now a party or by which either is bound, or constitutes a default under any of the foregoing.
- C. To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such Party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither such Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

11. Dispute Resolution. In the event of conflict or default that might arise for matters associated with this Agreement, the Parties agree to informally communicate to resolve the conflict. If any such dispute cannot be informally resolved, then such dispute, or any other matter arising under this Agreement, shall be subject to resolution in a court of competent jurisdiction. Such disputes, or any other claims, disputes or other controversies arising out of, and between the Parties shall be subject to and decided exclusively by the appropriate general court of justice of Wake County, North Carolina.

12. No Waiver of Non-Compliance with Agreement. No provision of this Agreement shall be deemed to have been waived by any party hereto unless such waiver shall be in writing and executed by the same formality as this Agreement. The failure of any party hereto at any time to require strict performance by the other of any provision hereof shall in no way affect the right of the other party to thereafter enforce the same. In addition, no waiver or acquiescence by a party hereto of any breach of any provision hereof by another party shall be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.

- 13. Governing Law.** The Parties intend that this Agreement be governed by the law of the State of North Carolina. Proper venue for any action shall solely be Wake County.
- 14. Assignment.** Neither Party may sell or assign any interest in or obligation under this Agreement without the prior written consent of the other Party.
- 15. Liability of Officers and Agents.** No officer, agent or employee of a Party will be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents or employees will be deemed to execute such documents in their official capacities only, and not in their individual capacities. This section will not relieve any such officer, agent or employee from the performance of any official duty provided by law.
- 16. Execution in Counterparts/Electronic Version of Agreement.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Either Party may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.
- 17. Compliance with Laws.** The Parties, and all subcontractors, shall comply with Article 2, Chapter 64 and Article 10A, Chapter 14 of the North Carolina General Statutes.
- 18. Electronic Signatures.** Both Parties acknowledge and agree that the electronic signature application DocuSign may be used to execute this Agreement and any associated documents. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the Parties consent to be legally bound by the terms and conditions of this Agreement and that such act constitutes the Party's signature as if actually signed by both Towns in writing. The Parties also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The Parties acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby, through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

IN TESTIMONY WHEREOF, the Town of Cary and the Town of Apex, both pursuant to resolutions of their respective governing boards spread upon their minutes,

have caused this Agreement to be executed and attested by their duly authorized officers and their official seals affixed, the day and year first written above.

[SIGNATURES APPEAR ON THE NEXT TWO PAGES]

DRAFT

[SEAL]

TOWN OF APEX, NORTH CAROLINA

By: _____
Jacques K. Gilbert, Mayor

Date: _____

Attest:

Allen L. Coleman, Town Clerk, CMC, NCCCC

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

Antwan Morrison, Finance Director

ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA
COUNTY OF WAKE

This ____ day of _____, 2023, personally came before me, a Notary Public in and for the said County and State, Allen L. Coleman, who, being by me duly sworn, says that he is the Town Clerk of the Town of Apex, North Carolina, a municipal corporation duly organized and validly existing under the laws of the State of North Carolina and acting through its Town Council, and by authority duly given and as the act of said Town, the foregoing instrument was signed in its name by Jacques K. Gilbert, as Mayor of said Town, sealed with its seal, and attested by himself as the Town Clerk.

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

[Signature of Notary Public]

My Commission Expires: _____

TOWN OF CARY, NORTH CAROLINA

By: _____
Russ Overton, Deputy Town Manager

Date: _____

Attest:

Virginia H. Johnson, Town Clerk

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

By: _____
Deputy Finance Officer
Town of Cary

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to appoint one (1) alternate member to the Apex Board of Adjustment (BOA) to an unexpired term effective the date of appointment (March 28, 2023) and expiring February 28, 2026:

- William Hollenbeck, 3rd Alternate Member of the Apex Board of Adjustment (BOA) - Corporate Limits

Approval Recommended?

Mayor Jacques K. Gilbert recommends the appointment of William Hollenbeck to the Apex Board of Adjustment (BOA).

Item Details

The Town Clerk's Office advertised the Board of Adjustment vacancies for one-week beginning Friday, February 17, 2023 and ending on Friday, February 24, 2023. A variety of platforms were used to recruit for these positions including: Facebook, Instagram, Nextdoor, and the Town's website.

A total of six (6) **new** applications were received for appointment consideration to the Apex Board of Adjustment and they are:

- Fleitman, Jacob
- Hollenbeck, William (recommended)
- Kumar, Vipul
- LaMonica, Joel (*appointed on February 28th, 2023 - no longer available to serve*)
- Sayers, Michael (*appointed on February 28th, 2023*)
- Wisniewski, Kim

Attachments

- CN2-A1 - Fleitman, Jacob - Application
- CN2-A2 - Hollenbeck, William - Application

- CN2-A3 - Kumar Vipul - Application
- CN2-A4 - LaMonica Joel - Application
- CN2-A5 - Sayers, Michael - Application
- CN2-A6 - Wisniewski, Kim - Application



Entry #: 551 - Board of Adjustment **Status:** Submitted **Submitted:** 2/20/2023 8:25 AM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Friend / Neighbor

Candidate Contact Information

Legal Name

Jacob Fleitman

Preferred First Name

Address

2624 marazzi trail, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

Yes

Email

jacob@fleitmanlegal.com

Mobile Phone

(631) 664-2250

Alternate Phone (work/home)

Background Information

Current Employer

Benderson Development

Current Job Title

In House Counsel

Tell us why you would like to serve?

Want to give back to my community.

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

Real Estate Attorney

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

Entry #: 549 - Board of Adjustment **Status:** Submitted **Submitted:** 2/18/2023 7:51 AM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

William P Hollenbeck

Preferred First Name

Pat

Address

2927 Angelica Rose Way, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

No

Email

wphollenbeck@gmail.com

Mobile Phone

(919) 939-7618

Alternate Phone (work/home)

Background Information

Current Employer

Wolfspeed/Cree

Current Job Title

Senior Sales Manager - Materials Global

Tell us why you would like to serve?

I'm interested in helping develop the community and realizing it's potential.

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

Bachelors of Science in Materials Engineering,
Masters of Business Administration/Technology Commercialization and Entrepreneurship

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

Entry #: 550 - Board of Adjustment **Status:** Submitted **Submitted:** 2/18/2023 9:10 AM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Facebook

Candidate Contact Information

Legal Name

Vipul Kumar

Preferred First Name

VK

Address

1532 Bicknor Dr, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

No

Email

vk@vkdesignlabs.com

Mobile Phone

(919) 916-8849

Alternate Phone (work/home)

Background Information

Current Employer

Birlasoft Technology Inc

Current Job Title

Global Practice Director

Tell us why you would like to serve?

Community and inclusion are deep rooted principles

Of mine. Inclusive and sustainable growth of everyone are ever lasting calls of society. While I presently serve as President of Apex Farmers Market board, my desire to get more colder to the community and help in whatever possible ways are growing everyday.

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

I am electrical engineering by education and have great design, review and build experiences in various fields. My ability of learn new things and apply that knowledge to practical use cases is very high.

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

Presently, serving as President of Apex Farmers Market board since Dec 2021

Entry #: 547 - Board of Adjustment **Status:** Submitted **Submitted:** 2/17/2023 1:36 PM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Nextdoor

Candidate Contact Information

Legal Name

Joel LaMonica

Preferred First Name

Address

2304 Maplegreen Lane, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

Yes

Email

joel.lamonica@gmail.com

Mobile Phone

(919) 292-3327

Alternate Phone (work/home)

Background Information

Current Employer

Ribbon Communications

Current Job Title

Sr. Systems Resident Engineer

Tell us why you would like to serve?

Would like to get involved in the community I live in and plan to live in for the remainder of my life as well as raising my family here.

Want to do contribute my time and effort to ensure Apex remains one of the top towns to live in the US as well as continue to make Apex attractive to both residential and business communities.

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

MS in Information Systems

BS in Information Svstems

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.
Have not served in any official capacity as of yet

Entry #: 553 - Board of Adjustment **Status:** Submitted **Submitted:** 2/25/2023 4:41 PM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Michael A Sayers

Preferred First Name

Address

305 Saunders St., APEX, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

Yes

Email

msayers1941@gmail.com

Mobile Phone

(919) 345-4566

Alternate Phone (work/home)

Background Information

Current Employer

Car Quest/Advance Auto Parts

Current Job Title

Delivery Driver

Tell us why you would like to serve?

To help the town serve the community.

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

See resume

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

MICHAEL A. SAYERS
305 Saunders St.
Apex, NC 27502
Mobile: 919-345-3566
E-Mail, msayers1941@gmail.com

Summary of Qualifications:

Forty + years experience engineering and constructing communications tower site's in progressively responsible positions including field construction, supervision, sales and management. I have erected towers up to 1000 ft. and did maintenance work up to 1600 ft. I have installed paging equipment, two-way radio equipment, cable TV equipment, FM & AM radio broadcast equipment, TV broadcast equipment, cellular phone equipment, and PCS phone equipment. I have designed tower site's, laid them out, installed the tower and building foundations, erected guyed & self-supporting towers & monopoles with both gin pole and crane, install the transmitter buildings. I have a lot of safety and rescue experience.

Professional Experience:

I retired on 12/31/15 from the tower construction industry. At the request of District Commander Patricia Harris, in April 2009 I became the Apex Post 124 Commander. This Post was down to 4 or 5 members at that time. I have worked hard with this post since April 2009 and today I can say Apex Post 124 is alive and well with around 166 members and growing. I serviced on the NC State Americanism Committee for 3 years and have just accepted another 3-year appointment from Commander Shore. I serviced as District 11 Vice-Commander in 2015/2016 and I'm now servicing as District 11 Commander for 2016/2017. I service as Division 3 for 2017/2018.

1/2/18 to Carquest – Advance Auto Parts
Present Delivery Driver
I'm presently rehabbing my right knee which had to be replaced. I plan to be ready to go back to work around 1/3/22.

12/31/14 to Area Manager
9/12/16 M&B Construction
M&B decided to get out of the tower reinforcement business, and I decided to retire full time work

- Working with Crown Castel Communication on tower up – grades.
- Responsible for job pricing, including all materials and labor.
- Ordering materials and having them delivered to the job sites.
- Coordinating with the field installation crews to be sure jobs were completed on time and on budget.

1/1/03 to NC Area Manager
3/31/11 FCI Towers

- Call on existing customers.

December 2021

- Call on new customers.
- Attend bid walks.
- Bid preparation.
- Supervise construction.

11/01 to Business Development Manager and Project Manager
12/02 Orion Communications

- Call on existing customers.
- Call on new customers.
- Attend bid walks.
- Bid preparation.
- Supervise construction.

7/01 to Project Manager
11/01 Radian Communications Services

- Attend bid walks.
- Help prepare bids.
- Manage site construction.
- Manage civil and tower crews.

9/99 to Project Manager II
7/01 Crown Castle Atlantic, Morrisville, NC

- Manage and implement Cingular build to suit program in Eastern North Carolina.
- Manage and implement Verizon build to suit program in Eastern North Carolina.
- Oversee site acquisition and construction personal.

4/99 to Senior Project Manager
9/99 Southeast Wireless Construction, Des Moines, Iowa

- Project and construction management of PCS tower sites in five states.
- Manage and oversee multiple civil and tower construction crews.

12/98 to Tower Construction Manager
4/99 Devine Construction, Columbus, Ohio

- PCS tower construction manager in Ohio and Michigan.
- Manage and oversee multiple tower construction crews.

2/98 to Construction Project Manager
9/98 BCS Wireless Communications, Madison, Wisconsin

December 2021

- Project and construction management of PCS tower sites.
- Manage and oversee multiple tower construction crews.

11/97 to Construction Superintendent
2/98 Edwards and Kelsey Wireless, Cincinnati, Ohio

- Project and construction management supervision of PCS tower sites in three states.
- Manage and oversee multiple civil and tower construction crews.

6/97 to Manager Tower Installations and Service
10/97 Crown Network Systems, Pittsburgh, Pennsylvania

- Project and construction management of PCS tower sites.
- Manage and oversee multiple tower construction crews.

8/96 to Senior Field Construction Supervisor
10/97 Com-Net Construction Services

- Project and construction management supervision of PCS tower sites in three states.
- Manage and oversee multiple civil and tower construction crews.

10/77 to Owner/President/General Manager
8/96 Combined Tower Technology, Cincinnati, Ohio

- My wife and I were owners of this company.
- Overall operation of the company.
- Manage and oversee multiple tower construction crews.

10/77 to Tower Crew Leader
6/73 Syntonic Technology, Cincinnati, Ohio

- Tower and antenna installation and maintenance.

6/73 to Tower Climber
7/70 Cincinnati Mobile Radio, Cincinnati, Ohio

- Tower and antenna installation and maintenance.

- Ceredo Volunteer Fire Department
- Fairfield Volunteer Fire Department
- Navy on Board Ship Fire Fighter

Education

- Ceredo-Kenova High School. General studies.
- Marshall University. Fire Fighting, Rescue Training, Leadership, Officer Training.
- Bell & Howell Schools. Introduction to Electricity and Electronics.
- Xerox Corporation. Professional Selling Skills Program.

- EG&G. Strobe light installation and maintenance.
- Flash Technology. Strobe light installation and maintenance.
- D. Russell Lee Vocational School. Accounting and bookkeeping.
- Cartwright Communications. All brands coax cable and connector class.
- Cablewave Systems. Cable and connector seminar. **Certified.**
- Crosby Group. Rigging and fall arrest seminar. **Certified.**
- Nokia. Cable and connector seminar. **Certified.**
- ComScore Cable and connector seminar. **Certified.**
- Crown Communications. Leadership and Supervision development training seminar.
- CATAPULT Software Training. Introduction to Microsoft windows, Microsoft word, and Microsoft excel.
- NORTEL SITE ENGINEER. Training seminar. **Certified.**
- BCS. Wiltron Sitemaster Training School.
- Radian Communications. High level rescue. **Certified.**
- Eupen Cable and connector seminar. **Certified.**
- Wake Tech Community College. PMI certification prep.

Entry #: 526 - Board of Adjustment **Status:** Submitted **Submitted:** 8/21/2022 1:44 PM

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

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

Original Submittal

I'm interested in serving on...

Board of Adjustment

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Kimberly A Wisniewski

Preferred First Name

Ms. Kim Wise

Address

1003 Rushden Way, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

No

Email

northcarolinatutors@gmail.com

Mobile Phone

(919) 551-5000

Alternate Phone (work/home)

(404) 966-9896

Background Information

Current Employer

NCT Educational Services

Current Job Title

Educator and Mom

Tell us why you would like to serve?

finding two private offices with windows or even built walls for specialists in Apex has become impossible
my current office location has rented office space filled with decorating items instead of people making an impact in this world
the land on apex peakway is for sale (this is traffic and unsafe)
current locations are not zoned correctly

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

Master in Teaching Reading, B.S. in Special Education and Elementary Education, Proactive Problem Solver with a strong sense of community, a parent of two boys that deserve to ride their bikes around Apex. Business Owner, Apex Chamber Member, LaunchApex Graduate

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

Solutions:

- 1.) Apex has Olive Chapel Professional Park. This should be created for locals and their small businesses. Have the investors create this. Several LaunchApex Graduates still need a location.
 - 2.) Sign up on this site - <https://www.crex.com/properties/NC/Apex> - as land and buildings are being bought out to stay ahead of this.
- Update - Tim Shockey and his wife Eva Shockey Brent just invested in downtown Apex. There are other wealthy locals that need to be contacted to invest in land, buildings and the private sector.

Thank you for your time and efforts.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Craig Setzer, Director

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to award construction contract to Fred Smith Co., authorize the Town Manager to execute and approve corresponding and Budget Amendment 15 and Capital Project Ordinance Amendment 2023-6

Approval Recommended?

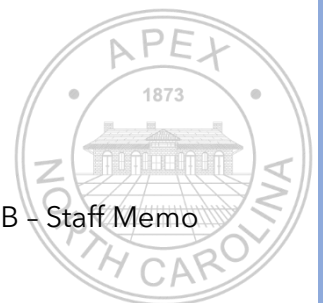
Yes

Item Details

The Town received two bids for the Middle Creek Greenway PHI and PHII-B (including Spur B) project on February 14, 2023. Fred Smith Co., of Raleigh, NC, was the lowest responsive, responsible bidder with a total bid price of \$5,357,976. The original engineer's combined estimate completed in 2021 was \$3,139,545. Staff and consultants, WithersRavenel and Alta Planning + Design, recommend awarding the contract to Fred Smith Co. The project totals 1.6 miles of greenway that links the Town of Apex to Holly Springs at Sunset Lake Road. PHI starts at Sunset Lake Road (adjacent to Sunset Hills Subdivision) and links to PHII-B which runs north to just beyond Colby Chase Drive (Pemberley Subdivision) and includes a spur connecting to the Miramonte Subdivision. PHI will include a trailhead with parking at the Town's southern terminus of the trail. This project is partially funded through the 2017 Parks Bond and there is a funding agreement with Wake County for \$1,544,686. The variation between estimate and bid includes allocation of General Fund Balance (\$809,500), allocation from Recreation Capital Reserve (\$809,500), and allocation of funds already in the capital project fund for greenway connections (\$600,000).

Attachments

- CN3-A1: Middle Creek Greenway Certified Bid Tabulation
- CN3-A2: Notice of Award - Fred Smith Co.
- CN3-A3: Middle Creek Greenway PHI Plan
- CN3-A4: Middle Creek Greenway PHII-B Plan
- CN3-A5: Middle Creek Greenway - Fred Smith Co. - Construction Contract
- CN3-A6: Middle Creek Greenway Construction Funding Phase 1 and Phase II-B - Staff Memo
- CN3-A7: Budget Ordinance Amendment 15
- CN3-A8: Capital Project Ordinance Amendment 2023-6



BID PROPOSAL
GENERAL CONSTRUCTION
Middle Creek Greenway Phase 1

ITEMIZED BID TAB

ITEM NUMBER	ITEM DESCRIPTION	QUANTITY	UNIT	Engineer's Opinion of Probable Cost		Fred Smith Company		Narron Contracting, Inc.	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	Mobilization	1	LS	\$69,600.00	\$69,600.00	\$56,652.00	\$56,652.00	\$43,270.75	\$43,270.75
2	Construction Staking/As-Builts	1	LS	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$50,000.00	\$50,000.00
3	Temporary Traffic Control	1	LS	\$25,000.00	\$25,000.00	\$16,000.00	\$16,000.00	\$50,000.00	\$50,000.00
4	Construction Entrance	1	EA	\$3,000.00	\$3,000.00	\$8,225.00	\$8,225.00	\$5,000.00	\$5,000.00
5	Silt Fence/Tree Protection Fence	5,725	LF	\$5.00	\$28,625.00	\$4.00	\$22,900.00	\$6.00	\$34,350.00
6	Safety Fence	3,130	LF	\$2.00	\$6,260.00	\$3.00	\$9,390.00	\$7.00	\$21,910.00
7	Rip Rap 12" Thick Class B w/ Filter Fabric	48	SY	\$120.00	\$5,760.00	\$125.00	\$6,000.00	\$120.00	\$5,760.00
8	Rip Rap 18" Thick Class I w/ Filter Fabric and Coir Fiber Mat	47	SY	\$190.00	\$8,930.00	\$130.00	\$6,110.00	\$130.00	\$6,110.00
9	Matting for Erosion Control	6,250	SY	\$7.00	\$43,750.00	\$3.00	\$18,750.00	\$8.00	\$50,000.00
10	Rip-Rap Horse Shoe - inlet protection	3	EA	\$850.00	\$2,550.00	\$3,000.00	\$9,000.00	\$800.00	\$2,400.00
11	Silt fence outlet	19	EA	\$225.00	\$4,275.00	\$450.00	\$8,550.00	\$700.00	\$13,300.00
12	Gravel check dam	1	EA	\$315.00	\$315.00	\$575.00	\$575.00	\$1,000.00	\$1,000.00
13	Gravel Inlet protection	1	EA	\$310.00	\$310.00	\$450.00	\$450.00	\$1,000.00	\$1,000.00
14	Temporary Slope Drains	200	LF	\$15.00	\$3,000.00	\$30.00	\$6,000.00	\$80.00	\$16,000.00
15	Concrete Washout Structure	1	EA	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00
16	Erosion Control Maintenance	1	LS	\$15,000.00	\$15,000.00	\$70,460.00	\$70,460.00	\$25,000.00	\$25,000.00
17	Clean Water Diversion	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00
18	Temporary Diversion	1	LS	\$25,000.00	\$25,000.00	\$26,000.00	\$26,000.00	\$7,000.00	\$7,000.00
19	Clearing and Grubbing	1.2	AC	\$18,000.00	\$21,600.00	\$25,000.00	\$30,000.00	\$30,000.00	\$36,000.00
20	Seeding and Mulching	0.5	AC	\$5,000.00	\$2,500.00	\$3,500.00	\$1,750.00	\$6,000.00	\$3,000.00
21	Comprehensive Grading	1	LS	\$96,250.00	\$96,250.00	\$384,000.00	\$384,000.00	\$110,000.00	\$110,000.00
22	Geotextile Fabric	2,000	SY	\$4.00	\$8,000.00	\$5.25	\$10,500.00	\$8.00	\$16,000.00
23	Undercut and backfill (below design grade & incl. disposal off-site)	150	CY	\$170.00	\$25,500.00	\$175.00	\$26,250.00	\$40.00	\$6,000.00
24	Double Grated Drop Inlet	1	EA	\$6,500.00	\$6,500.00	\$5,700.00	\$5,700.00	\$6,000.00	\$6,000.00
25	Junction Box with Manhole	1	EA	\$6,000.00	\$6,000.00	\$5,500.00	\$5,500.00	\$6,000.00	\$6,000.00
26	Endwalls	20	CY	\$1,250.00	\$25,000.00	\$1,500.00	\$30,000.00	\$3,000.00	\$60,000.00
27	12" RCP	36	LF	\$160.00	\$5,760.00	\$115.00	\$4,140.00	\$80.00	\$2,880.00
28	18" RCP	27	LF	\$190.00	\$5,130.00	\$156.00	\$4,212.00	\$90.00	\$2,430.00
29	24" RCP	132	LF	\$160.00	\$21,120.00	\$150.00	\$19,800.00	\$110.00	\$14,520.00
30	48" RCP	105	LF	\$210.00	\$22,050.00	\$380.00	\$39,900.00	\$260.00	\$27,300.00
31	Pipe Removal	40	LF	\$100.00	\$4,000.00	\$80.00	\$3,200.00	\$70.00	\$2,800.00
32	10' 2" Asphalt Greenway & 6" Base Course with Granite Screenings	1,395	LF	\$65.00	\$90,675.00	\$65.00	\$90,675.00	\$60.00	\$83,700.00
33	Standard Bollards	2	EA	\$1,000.00	\$2,000.00	\$1,700.00	\$3,400.00	\$2,500.00	\$5,000.00
34	Removeable Bollards	1	EA	\$2,000.00	\$2,000.00	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00
35	Metal Safety Rail	50	LF	\$200.00	\$10,000.00	\$84.00	\$4,200.00	\$225.00	\$11,250.00
36	Dero Fix-It Station W/ Air Kit	1	EA	\$3,000.00	\$3,000.00	\$8,700.00	\$8,700.00	\$6,500.00	\$6,500.00
37	6' Standard Bench	3	EA	\$3,000.00	\$9,000.00	\$3,000.00	\$9,000.00	\$2,000.00	\$6,000.00
38	Trailhead Kiosk	1	EA	\$5,000.00	\$5,000.00	\$7,000.00	\$7,000.00	\$6,000.00	\$6,000.00
39	Concrete Wheel Stops	5	EA	\$300.00	\$1,500.00	\$115.00	\$575.00	\$350.00	\$1,750.00
40	Dog Station	1	EA	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
41	Recycling Receptacle	1	EA	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00	\$4,000.00	\$4,000.00
42	Trash Receptacle	1	EA	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00	\$4,000.00	\$4,000.00
43	Gravel Parking Area	610	SY	\$9.00	\$5,490.00	\$20.00	\$12,200.00	\$30.00	\$18,300.00
44	Betula Nigra, River Birch	3	EA	\$500.00	\$1,500.00	\$1,000.00	\$3,000.00	\$600.00	\$1,800.00
45	Quercus Palustris, Pin Oak	1	EA	\$500.00	\$500.00	\$800.00	\$800.00	\$900.00	\$900.00
46	Aster Oblongifolius, Raydon's Favorite Aster	25	EA	\$45.00	\$1,125.00	\$25.00	\$625.00	\$40.00	\$1,000.00
47	Carex Pensylvanica, Pennsylvania Sedge	421	EA	\$45.00	\$18,945.00	\$21.00	\$8,841.00	\$40.00	\$16,840.00
48	Rudbeckia Fulgida Goldsturm, Black Eyed Susan Goldsturm	59	EA	\$45.00	\$2,655.00	\$25.00	\$1,475.00	\$40.00	\$2,360.00
49	Schizachyrium Scoparium, Little Bluestem	35	EA	\$45.00	\$1,575.00	\$23.00	\$805.00	\$40.00	\$1,400.00
50	Concrete Sidewalk	130	SY	\$125.00	\$16,250.00	\$55.00	\$7,150.00	\$60.00	\$7,800.00
51	Wheel Chair Ramps	2	EA	\$3,000.00	\$6,000.00	\$1,950.00	\$3,900.00	\$4,500.00	\$9,000.00
52	Detectable Warning Domes in Median	2	EA	\$750.00	\$1,500.00	\$1,950.00	\$3,900.00	\$1,000.00	\$2,000.00
53	Concrete Driveway	30	SY	\$125.00	\$3,750.00	\$76.00	\$2,280.00	\$100.00	\$3,000.00
54	Monolithic Concrete Islands (Surface Mounted)	70	SY	\$150.00	\$10,500.00	\$75.00	\$5,250.00	\$150.00	\$10,500.00
55	Concrete Plaza	44	SY	\$200.00	\$8,800.00	\$140.00	\$6,160.00	\$300.00	\$13,200.00
56	Middle Creek Emblem (Cast in Concrete)	13	SY	\$540.00	\$7,020.00	\$1,250.00	\$16,250.00	\$500.00	\$6,500.00
57	Asphalt Parking Lot with ABC Base Course	51	SY	\$70.00	\$3,570.00	\$200.00	\$10,200.00	\$80.00	\$4,080.00
58	Adjustment of Meter Boxes or Valve Boxes	2	EA	\$750.00	\$1,500.00	\$1,800.00	\$3,600.00	\$1,000.00	\$2,000.00
59	Relocate Fire Hydrant	1	EA	\$4,000.00	\$4,000.00	\$6,000.00	\$6,000.00	\$10,000.00	\$10,000.00
60	Stop Sign - Greenway	2	EA	\$325.00	\$650.00	\$600.00	\$1,200.00	\$1,500.00	\$3,000.00
61	Keep Right Sign	1	EA	\$350.00	\$350.00	\$2,400.00	\$2,400.00	\$1,500.00	\$1,500.00
62	Handicap Parking with Van Plaque Signs	1	EA	\$450.00	\$450.00	\$1,400.00	\$1,400.00	\$1,500.00	\$1,500.00
63	Curve Warning Sign - Greenway	2	EA	\$325.00	\$650.00	\$1,500.00	\$3,000.00	\$500.00	\$1,000.00
64	Advanced Crosswalk and Plaque Signs	2	EA	\$600.00	\$1,200.00	\$1,500.00	\$3,000.00	\$500.00	\$1,000.00
65	Crosswalk with Arrow Plaque Signs	4	EA	\$600.00	\$2,400.00	\$1,500.00	\$6,000.00	\$500.00	\$2,000.00
66	Thermoplastic Pavement Marking Lines (4", 90 Mils)	220	LF	\$3.00	\$660.00	\$8.00	\$1,760.00	\$15.00	\$3,300.00
67	Thermoplastic Pavement Marking Lines (4", 120 Mils)	25	LF	\$3.00	\$75.00	\$11.00	\$275.00	\$15.00	\$375.00
68	Thermoplastic Pavement Marking Lines (12", 90 Mils)	140	LF	\$20.00	\$2,800.00	\$11.00	\$1,540.00	\$15.00	\$2,100.00
69	Thermoplastic Pavement Marking Symbol (90 Mils)	1	EA	\$350.00	\$350.00	\$610.00	\$610.00	\$1,000.00	\$1,000.00
TOTAL BID PRICE				\$746,625.00		\$1,115,885.00		\$908,685.75	

*Engineers Opinion of Probable Cost Values were generated in March 2021.	*Fred Smith's Bid Number was \$1,112,635.00 Line Items 19 and 20 had a rounding discrepancy when converted to a PDF.
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BID PROPOSAL
GENERAL CONSTRUCTION
Middle Creek Greenway Phase 2B
STA. 14+92 to STA. 36+41 (Mainline) and Spur B
ITEMIZED BID TAB

ITEM NUMBER	ITEM DESCRIPTION	QUANTITY	UNIT	Engineer's Opinion of Probable Cost		Fred Smith Company		Narrows Contracting, Inc.	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	Mobilization	1	LS	\$60,000.00	\$60,000.00	\$212,000.00	\$212,000.00	\$215,742.50	\$215,742.50
2	Construction Staking	1	LS	\$30,000.00	\$30,000.00	\$40,000.00	\$40,000.00	\$100,000.00	\$100,000.00
3	Clearing and Grubbing	1	LS	\$34,320.00	\$34,320.00	\$80,000.00	\$80,000.00	\$150,000.00	\$150,000.00
4	Seeding and Mulching	1	LS	\$10,950.00	\$10,950.00	\$6,000.00	\$6,000.00	\$25,000.00	\$25,000.00
5	Comprehensive Grading	1	LS	\$302,000.00	\$302,000.00	\$1,038,400.00	\$1,038,400.00	\$420,000.00	\$420,000.00
6	Undercut and Backfill Allowance (below design grade & include disposal off-site)	1,650	CY	\$65.00	\$107,250.00	\$160.00	\$264,000.00	\$30.00	\$49,500.00
7	Construction Entrance	3	EA	\$3,500.00	\$10,500.00	\$8,225.00	\$24,675.00	\$6,000.00	\$18,000.00
8	Combination Silt Fence / Tree Fence	6,300	LF	\$3.50	\$22,050.00	\$4.00	\$25,200.00	\$7.00	\$44,100.00
9	Slope Matting	1,600	SY	\$7.00	\$11,200.00	\$3.00	\$4,800.00	\$10.00	\$16,000.00
10	Rip-Rap Horse Shoe - Inlet Protection	3	EA	\$1,250.00	\$3,750.00	\$3,000.00	\$9,000.00	\$700.00	\$2,100.00
11	Silt Fence Outlet	42	EA	\$225.00	\$9,450.00	\$450.00	\$18,900.00	\$700.00	\$29,400.00
12	Gravel Check Dam	9	EA	\$350.00	\$3,150.00	\$575.00	\$5,175.00	\$500.00	\$4,500.00
13	Gravel Inlet Protection	5	EA	\$350.00	\$1,750.00	\$450.00	\$2,250.00	\$500.00	\$2,500.00
14	Erosion Control Maintenance	1	LS	\$40,000.00	\$40,000.00	\$76,400.00	\$76,400.00	\$20,000.00	\$20,000.00
15	Temporary Stream Crossing - Bridgemat	1,300	SF	\$19.00	\$24,700.00	\$35.00	\$45,500.00	\$60.00	\$78,000.00
16	Yard Inlet (0-6' Depth)	2	EA	\$3,150.00	\$6,300.00	\$5,300.00	\$10,600.00	\$3,800.00	\$7,600.00
17	15" RCP Class III	26	LF	\$45.00	\$1,170.00	\$195.00	\$5,070.00	\$90.00	\$2,340.00
18	24" RCP Class III	22	LF	\$75.00	\$1,650.00	\$250.00	\$5,500.00	\$95.00	\$2,090.00
19	24" RCP Class IV	33	LF	\$75.00	\$2,475.00	\$200.00	\$6,600.00	\$155.00	\$5,115.00
20	36" RCP Class III	35	LF	\$120.00	\$4,200.00	\$300.00	\$10,500.00	\$155.00	\$5,425.00
21	15" Temporary HDPE Pipe	38	LF	\$25.00	\$950.00	\$100.00	\$3,800.00	\$80.00	\$3,040.00
22	18" Temporary HDPE Pipe	48	LF	\$35.00	\$1,680.00	\$95.00	\$4,560.00	\$85.00	\$4,080.00
23	24" Temporary HDPE Pipe	85	LF	\$40.00	\$3,400.00	\$75.00	\$6,375.00	\$95.00	\$8,075.00
24	15" Concrete Flared End Section	1	EA	\$1,250.00	\$1,250.00	\$1,400.00	\$1,400.00	\$2,800.00	\$2,800.00
25	24" Concrete Flared End Section	6	EA	\$1,800.00	\$10,800.00	\$1,900.00	\$11,400.00	\$3,000.00	\$18,000.00
26	36" Concrete Flared End Section	1	EA	\$2,400.00	\$2,400.00	\$3,200.00	\$3,200.00	\$3,500.00	\$3,500.00
27	Rip Rap 18" Thick Class B w/ Filter Fabric	250	SY	\$95.00	\$23,750.00	\$30.00	\$7,500.00	\$150.00	\$37,500.00
28	Rip Rap 12" Thick Class A w/ Filter Fabric	4	SY	\$95.00	\$380.00	\$83.00	\$332.00	\$150.00	\$600.00
29	10' Asphalt Greenway (2" S9.5B) & Aggregate Base Course (6")	1,271	LF	\$120.00	\$152,520.00	\$75.00	\$95,325.00	\$60.00	\$76,260.00
30	Geotextile Fabric	1,700	SY	\$4.00	\$6,800.00	\$7.25	\$12,325.00	\$10.00	\$17,000.00
31	Speed Table w/ Striping	1	EA	\$7,500.00	\$7,500.00	\$8,900.00	\$8,900.00	\$10,000.00	\$10,000.00
32	10' Wide Boardwalk (sub-structure, railings, timber posts included)	1,532	LF	\$400.00	\$612,800.00	\$1,100.00	\$1,685,200.00	\$1,350.00	\$2,068,200.00
33	40' Glulam Span, Bridge No. 1 (Incl. Decking)	1	EA	\$30,000.00	\$30,000.00	\$62,000.00	\$62,000.00	\$75,000.00	\$75,000.00
34	45' Glulam Span, Bridge No. 2 (Incl. Decking)	1	EA	\$35,000.00	\$35,000.00	\$69,000.00	\$69,000.00	\$85,000.00	\$85,000.00
35	ABC Stone	10	TN	\$40.00	\$400.00	\$119.00	\$1,190.00	\$200.00	\$2,000.00
36	Standard Bollards	6	EA	\$900.00	\$5,400.00	\$1,600.00	\$9,600.00	\$3,000.00	\$18,000.00
37	Removable Bollards w/ Thermoplastic Striping	3	EA	\$1,500.00	\$4,500.00	\$2,500.00	\$7,500.00	\$4,500.00	\$13,500.00
38	Wood Safety Rail	200	LF	\$55.00	\$11,000.00	\$40.00	\$8,000.00	\$160.00	\$32,000.00
39	10' x 10' x 0.5' (3000 PSI) concrete approach slab	14	EA	\$1,300.00	\$18,200.00	\$3,350.00	\$46,900.00	\$5,500.00	\$77,000.00
40	Concrete Footings	255	CY	\$425.00	\$108,375.00	\$1,000.00	\$255,000.00	\$2,500.00	\$637,500.00
41	Reinforcement	11,275	LBS	\$2.00	\$22,550.00	\$2.00	\$22,550.00	\$7.00	\$78,925.00
42	5' Concrete Sidewalk	14	SY	\$50.00	\$700.00	\$55.00	\$770.00	\$100.00	\$1,400.00
43	Concrete Steps w/ Rails	14	LF	\$300.00	\$4,200.00	\$771.00	\$10,794.00	\$600.00	\$8,400.00
44	Greenway Curb Ramp	2	EA	\$4,500.00	\$9,000.00	\$2,000.00	\$4,000.00	\$5,000.00	\$10,000.00
45	3' x 6' Concrete Pad	12	SY	\$150.00	\$1,800.00	\$75.00	\$900.00	\$300.00	\$3,600.00
46	Directional Sign	4	EA	\$1,100.00	\$4,400.00	\$500.00	\$2,000.00	\$800.00	\$3,200.00
47	Stop Sign	2	EA	\$1,100.00	\$2,200.00	\$500.00	\$1,000.00	\$300.00	\$600.00
48	Crosswalk Sign	2	EA	\$1,100.00	\$2,200.00	\$750.00	\$1,500.00	\$500.00	\$1,000.00
49	Speed Hump & Speed Limit Combo Sign	2	EA	\$1,325.00	\$2,650.00	\$750.00	\$1,500.00	\$1,000.00	\$2,000.00
50	Phase 2B Greenway "As-Built" Drawings	1	LS	\$15,000.00	\$15,000.00	\$7,000.00	\$7,000.00	\$35,000.00	\$35,000.00
TOTAL BID PRICE				\$1,788,670.00		\$4,242,091.00		\$4,530,592.50	
BID ALTERNATE NO. 1									
BA - 1	2-ft Wide Asphalt Trail Shoulder (Granite Screenings - 2-inch Depth)	1	LS		\$0.00	\$16,000.00	\$16,000.00	\$17,000.00	\$17,000.00
BID ALTERNATE NO. 2									
BA - 2	10' Wide Concrete Boardwalk (includes sub-structure, railings, foundations)	1,532	LF		\$0.00	\$1,800.00	\$2,757,600.00		\$0.00
	40' Span Concrete Bridge (includes railings* and sub-structure)	1	EA		\$0.00	\$81,700.00	\$81,700.00		\$0.00
	45' Span Concrete Bridge (includes railings* and sub-structure)	1	EA		\$0.00	\$89,000.00	\$89,000.00		\$0.00
*note that railings shall look like the Apex Std. 900.02									

Engineers Opinion of Probable Cost
Values were generated in September
2021.

Middle Creek Greenway
Phase I and IIB
Bid Opening

Bid	Bidder Name	Bid Amount (as from bid form)	Phase I	Phase IIB	Bid Alternate BA-1	Bid Alternate BA-2	Addendum 1-3	GC License #	Bid Bond	DBE Form
		(Prior to tabulation of actual numbers)								
1	Fred Smith Company*	\$5,354,726.00	\$1,112,635.00	\$4,242,091.00	\$16,000.00	\$2,757,600.00	yes	77634	Y	Y
		\$5,357,976.00	\$1,115,885.00			\$81,700.00				
						\$89,000.00				
2	Narron Contracting	\$5,439,278.25	\$908,685.75	\$4,530,592.50	\$17,000.00	did not bid	Just addendum 1-2	62426	Y	Y

DocuSigned by:

Edward Tang

4A74E8C7C43D4CD...

2/17/2023

Edward Tang, PE

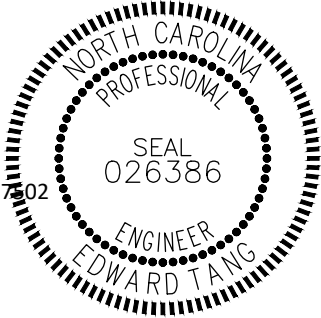
Date

*Denotes that a mathematical error was found when the bid tabulations were checked by me

The yellow highlighted cells are the actual numbers when the math error was corrected.

This is to certify bids tabulated herein were received on the above date at the Town of Apex Town Hall at 73 N. Hunter Street, Apex, NC 27502

Apparent low bidder is Fred Smith Company





NOTICE OF AWARD

To:

The Town has considered the Bid received from you on **February 14, 2023** for the above described Work in response to the Advertisement for Bids and information for this project.

You are hereby notified that your bid has been accepted.

As stipulated in the Instructions to Bidders, you are required to furnish the required Insurance Certificate within ten calendar days from the date of this Notice to you.

If you fail to furnish said documents within ten 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. The Town will be entitled to such other rights as may be granted by law.

TOWN OF APEX

BY: _____

Catherine Crosby, Town Manager

DATE

ACCEPTANCE OF NOTICE

Receipt is hereby acknowledged by:

BY: _____

DATE

TOWN OF APEX

The Peak of Good Living

PO Box 250 Apex, NC 27502 | (919) 299-3400 | www.apexnc.org

TOWN OF APEX

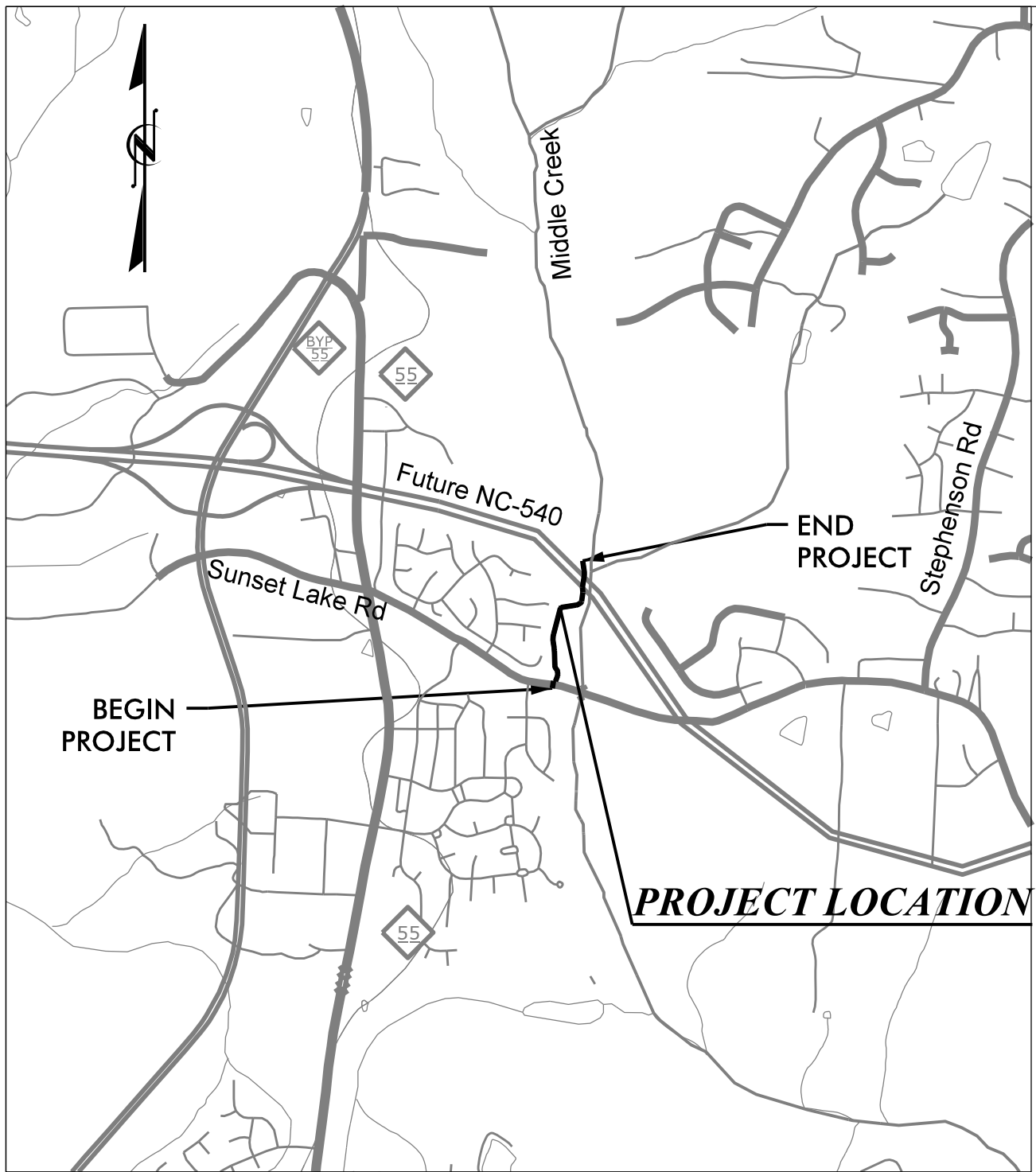
MIDDLE CREEK GREENWAY

MINOR SITE PLAN FIRST SUBMITTAL: 1/4/21

MINOR SITE PLAN SECOND SUBMITTAL: 2/4/21

CONSTRUCTION PLAN FIRST SUBMITTAL: 2/12/21

CONSTRUCTION PLAN SECOND SUBMITTAL: 2/27/21



VICINITY MAP

PROJECT DATA

PARCEL ADDRESSES:	SUNSET LAKE ROAD NORTH TO REUNION POINTE 0750129771, 0750139122, 0750230303, 0750221956, 0750244184
PREPARER:	ALTA PLANNING + DESIGN 111 EAST CHAPEL HILL STREET DURHAM, NC 27701 MICHAEL S. REPSCH 860-819-6034 MREPSCH@ALTAGO.COM
OWNER:	TOWN OF APEX 73 HUNTER STREET P.O. BOX 250 APEX, NC 27502 919-249-3400 ANGELA.REINCKE@APEXNC.ORG
CONTRACT PURCHASER:	TOWN OF APEX PARK AND RECREATION 73 HUNTER STREET P.O. BOX 250 APEX, NC 27502 919-249-3400 ANGELA.REINCKE@APEXNC.ORG
ANNEXATION NUMBERS:	N/A
ZONING:	HD SF-CU
CURRENT 2045 LAND USE:	MEDIUM DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE:	N/A
AREA OF TRACTS:	EASEMENT WITHIN 24.65 AC.
FRONT YARD SETBACK:	N/A
SIDE YARD SETBACK:	N/A
REAR YARD SETBACK:	N/A
WATERSHED PROTECTION OVERLAY:	SECONDARY
FEMA FLOODPLAIN:	SITE IS WITHIN FEMA FLOODPLAIN PER FIRM PANEL 3720075000J WITH AN EFFECTIVE DATE OF MAY 2, 2006
GRADING TYPE:	N/A
DRAINAGE PATTERNS RESERVED:	100%

EXISTING AND PROPOSED GROSS FLOOR AREA:	N/A
PROPOSED GROSS FLOOR AREA:	N/A
PROPOSED BUILDING HEIGHT/STORIES:	N/A
MINIMUM NUMBER OF PARKING SPACES REQUIRED:	N/A
MAXIMUM NUMBER OF PARKING SPACES PERMITTED:	N/A
NUMBER OF EXISTING/PROPOSED PARKING SPACES:	0 - EXISTING, 3-PROPOSED
HANDICAP PARKING SPACES PROVIDED:	1
PARKING PLACED ON SIDE/REAR OF BUILDING:	N/A
AMOUNT BUILT UPON ALLOWED:	N/A
AMOUNT BUILT UPON PROPOSED:	N/A
RCA REQUIRED:	N/A
RCA PROVIDED:	N/A
HISTORIC STRUCTURES:	NO
COMMUNITY AMENITIES:	N/A
SEWER CAPACITY REQUESTED:	N/A

LINEAR PROJECT STORMWATER MANAGEMENT NOTE

THIS PROJECT MEETS THE SPIRIT AND INTENT OF SECTION E-5 OF THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL QUALITY (DEQ) BMP MANUAL FOR LINEAR TRANSPORTATION PROJECTS. THE TOWN OF APEX IS THE OWNER AND DEVELOPER OF THIS GREENWAY SYSTEM THAT IS NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT. THE GREENWAY IS BEING CONSTRUCTED WITHIN AN EXISTING GREENWAY EASEMENT CORRIDOR FOR THE PURPOSES OF PROVIDING A LINEAR PEDESTRIAN CORRIDOR FOR PUBLIC BENEFIT AS PART OF THE WAKE COUNTY GREENWAY PLAN.

PUBLIC INFRASTRUCTURE TABLE

WATER LINES	0 LF
SEWER LINES	0 LF
CURB & GUTTER	0 LF
STORM DRAIN	300 LF
SIDEWALK/GREENWAY	1260 LF
NEW STREETS	0 LF

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

ENGINEER



PROJECT LENGTH

TOTAL LENGTH OF PROJECT = 0.36 MILES

INDEX OF SHEETS

SHEET NUMBER	SHEET
C-1	TITLE SHEET
C-2	GENERAL NOTES
C-3	CONVENTIONAL PLAN SHEET SYMBOLS
C-4	EXISTING CONDITIONS PLAN
C-5	PLAN AND PROFILE
C-6	PLAN AND PROFILE
C-7	SUNSET LAKE ROAD MID-BLOCK CROSSING PLAN
C-8	TRAILHEAD PLAN
C-9	TRAILHEAD GRADING PLAN
C-10	DETAILS
C-11	DETAILS
C-12	DETAILS
C-13	DETAILS
C-14	DETAILS
C-15	DETAILS
C-16	DETAILS
C-17	DETAILS
C-18	DETAILS
C-19	DETAILS
C-20	DETAILS
EC-1	EROSION CONTROL COVER SHEET
EC-2	EROSION CONTROL DETAILS
EC-2A	EROSION CONTROL DETAILS
EC-2B	EROSION CONTROL DETAILS
EC-2C	EROSION CONTROL NOTES
EC-2D	EROSION CONTROL NOTES
EC-3	EROSION CONTROL NOTES
EC-4	EROSION CONTROL PLANS
EC-5	EROSION CONTROL PLANS
EC-5A	EROSION CONTROL PLANS
EC-6	EROSION CONTROL PLANS
EC-7	EROSION CONTROL PLANS
X-1	CROSS SECTIONS
X-2	CROSS SECTIONS
X-3	CROSS SECTIONS
X-4	CROSS SECTIONS
X-5	CROSS SECTIONS
X-6	CROSS SECTIONS
X-7	CROSS SECTIONS

BUILDING INSPECTIONS & PERMITS TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Building Inspections & Permits Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Code of Ordinances and the North Carolina State Building Codes. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

PUBLIC WORKS & TRANSPORTATION TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Public Works & Transportation Department, and to the best of my knowledge and belief, provides an acceptable transportation system with consideration for the elements contained within the Transportation Plan conforming to the requirements established in the Standard Specifications & Standard Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

ELECTRIC TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Electric Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

WATER RESOURCES SOIL EROSION & SEDIMENTATION CONTROL TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex, and to the best of my knowledge and belief, conforms to the requirements established in the Soil Erosion and Sedimentation Control Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
This signature does not constitute plan approval, only plan requirements. A separate letter of plan approval will be mailed to the financially responsible person at a later date according to the construction sequence.
By: _____

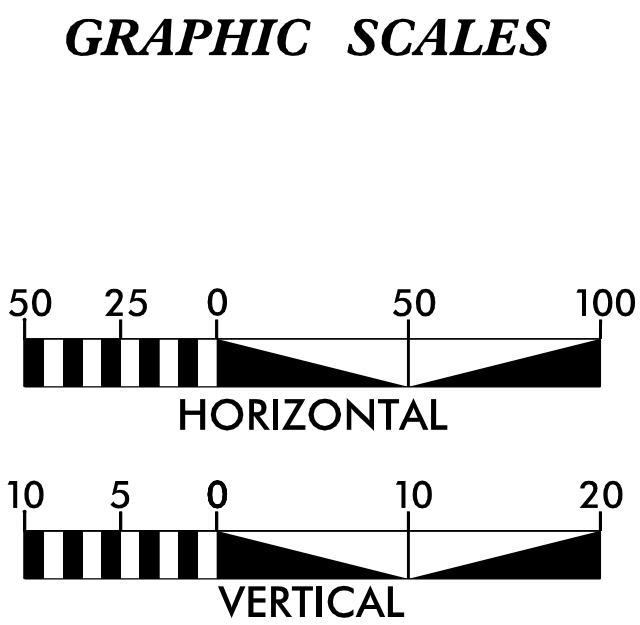
FIRE DEPARTMENT TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Fire Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Standard Specifications, Fire Protection Ordinances, and the North Carolina International Fire Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

WATER RESOURCES STORMWATER ENGINEERING TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Water Resources Stormwater & Utility Engineering Division and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Standard Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
This signature serves as the stormwater permit for this project.
By: _____

PARKS, RECREATION, AND CULTURAL RESOURCES TOWN OF APEX CERTIFICATION
These plans have been reviewed by the Town of Apex, and to the best of my knowledge and belief, conform to representations made by the developer to myself and the Parks, Recreation, and Cultural Resource Advisory Commission consistent with the projects requirements for public Parks and Recreation, either in total or in part, as outlined in the Town of Apex Unified Development Ordinance and Town of Apex Code of Ordinances. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

WATER RESOURCES UTILITY ENGINEERING TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Water Resources Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Standard Details of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____

PLANNING/ZONING TOWN OF APEX CERTIFICATION
This construction drawing has been reviewed by the Town of Apex Planning Department, and to the best of my knowledge and belief, conforms to the Subdivision or Site Plan that was approved by the Town of Apex Town Council or Technical Review Committee, as appropriate, and meets the standards of the Town of Apex Unified Development Ordinance. This signature does not constitute a variance from any requirements of the originally approved Subdivision or Site Plan cited above, or any federal, state, or local code, law, specification, rule, guideline, or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: _____



Prepared by:

alta
Alta Engineering SE, PLLC
111 E Chapel Hill Street, Suite 100 | Durham, NC 27701
919-484-8448 | alta@go.com | NC License #P-1301

MICHAEL S. REPSCH, P.E.
PROJECT ENGINEER

BRANDEN BERGERON, P.E.
PROJECT DESIGN ENGINEER

8/17/99

REVISIONS

CONSTRUCTION

PROJECT REFERENCE NO.

SHEET NO.

C-4

ENGINEER

2024

033809

2/2/2024

ENGINEER

MICHAEL S. REPECH

DOCUMENT NOT CONSIDERED FINAL

UNLESS ALL SIGNATURES COMPLETED

alta

Alta Engineering SE, PLLC

111 E Chapel Hill Street, Suite 100 | Durham, NC 27701

919-486-6444 | info@alta.com | NC License #PC-2001

NOTES:

1) SEE SHEET C-1 FOR GENERAL NOTES.

50 25 0 50 100

HORIZONTAL

10 5 0 10 20

VERTICAL

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

Public Works – Transportation

Water Resources – Stormwater

Building Inspections

Planning

Water Resources – Utility Engineering

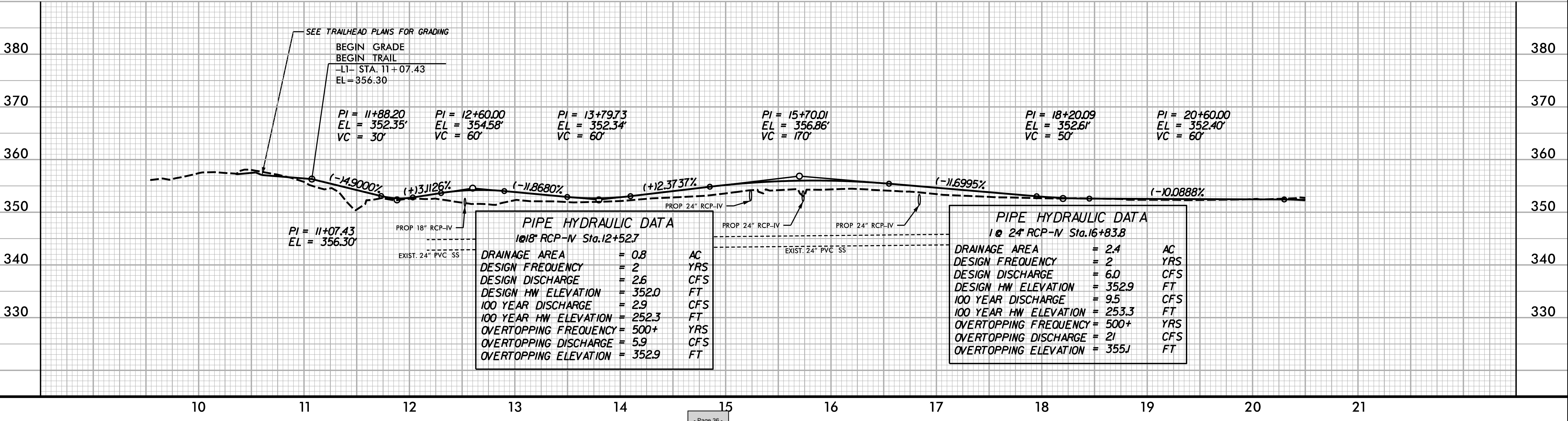
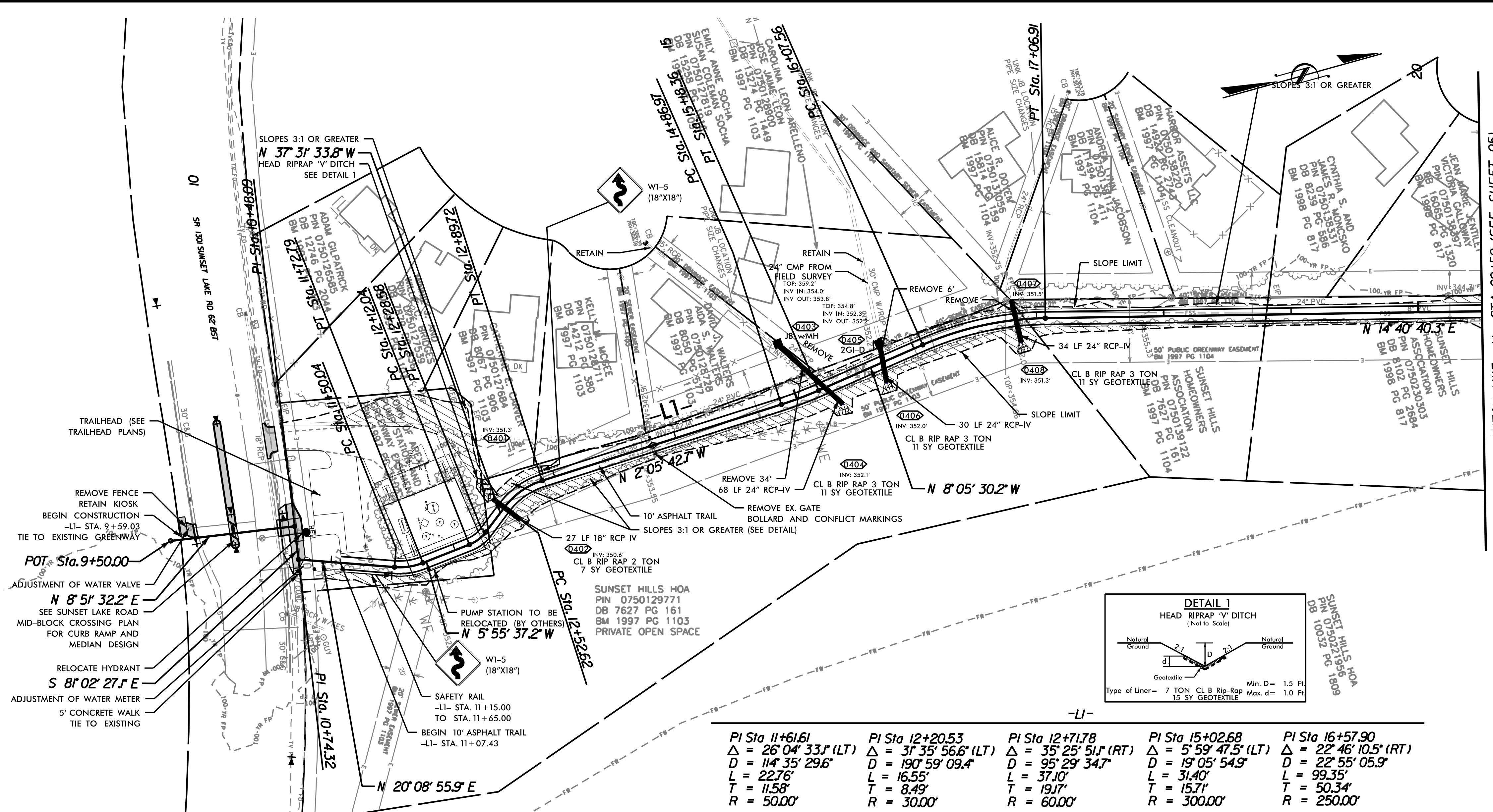
Planning – Transportation

Electric

Fire

Water Resources – Soil & Erosion Control

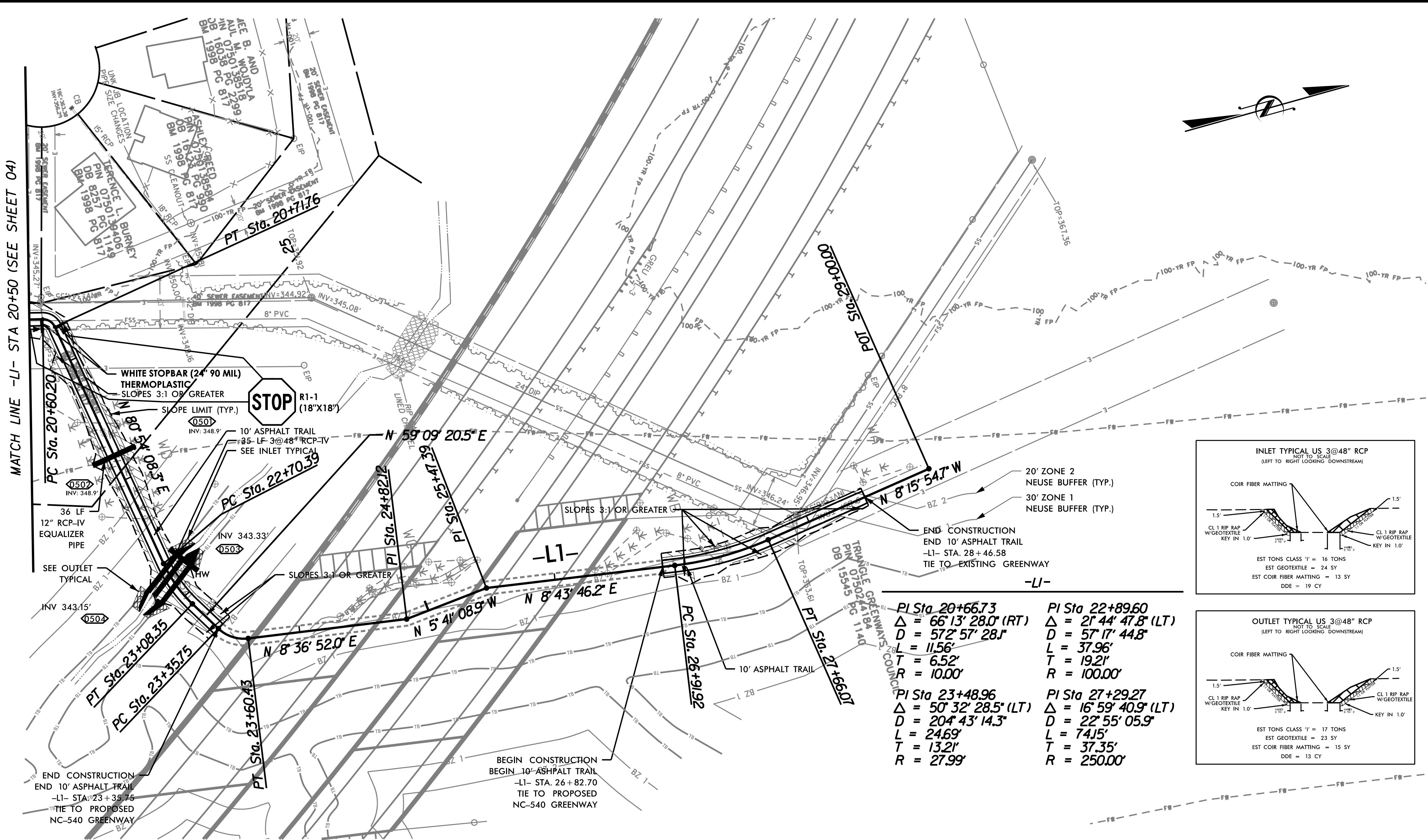
Parks, Recreation & Cultural Resources



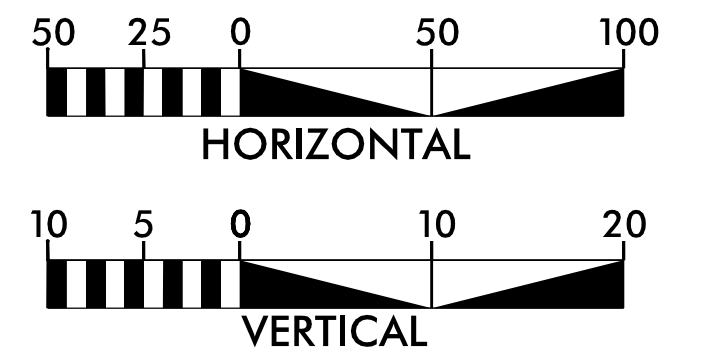
8/17/99

REVISIONS

8/17/99

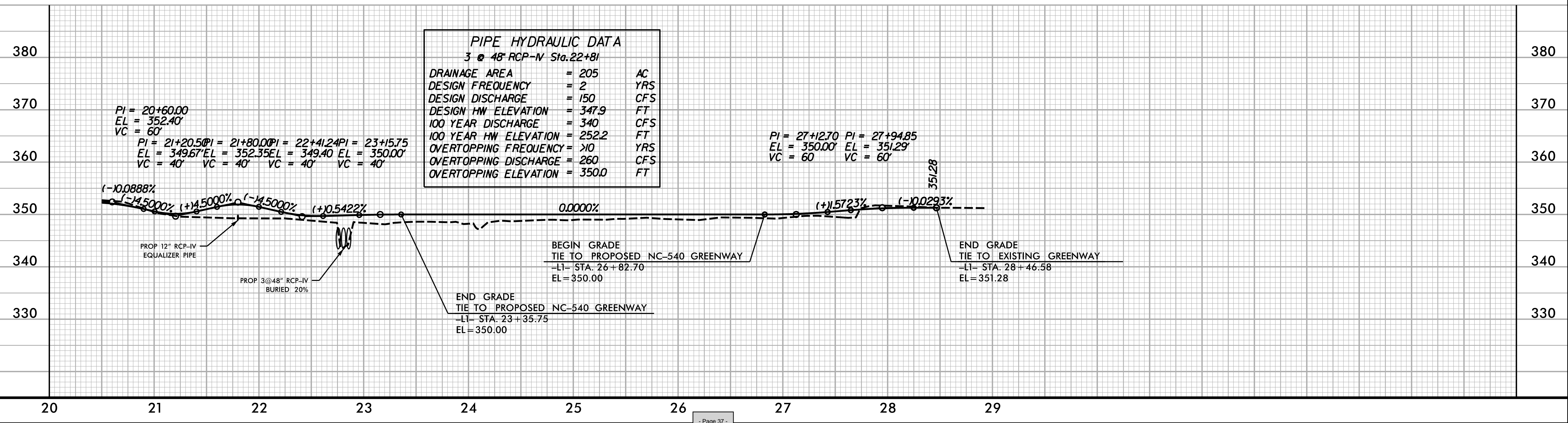


NOTES:
1) SEE SHEET C-1 FOR GENERAL NOTES.



The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

Public Works – Transportation	Water Resources – Stormwater
Building Inspections	Planning
Water Resources – Utility Engineering	Planning – Transportation
Electric	Fire
Water Resources – Soil & Erosion Control	Parks, Recreation & Cultural Resources



CONSTRUCTION PLANS FOR MIDDLE CREEK GREENWAY

CONSTRUCTION PLANS FOR:
MIDDLE CREEK GREENWAY PHASE 2
W&R PROJECT NO.: 02170753.00

PHASE 2

APEX, NORTH CAROLINA

FIRST SUBMITTAL: SEPTEMBER 4, 2018

RESUBMITTAL: NOVEMBER 9, 2018

CONSTRUCTION PLAN SUBMITTAL: JANUARY 2, 2019

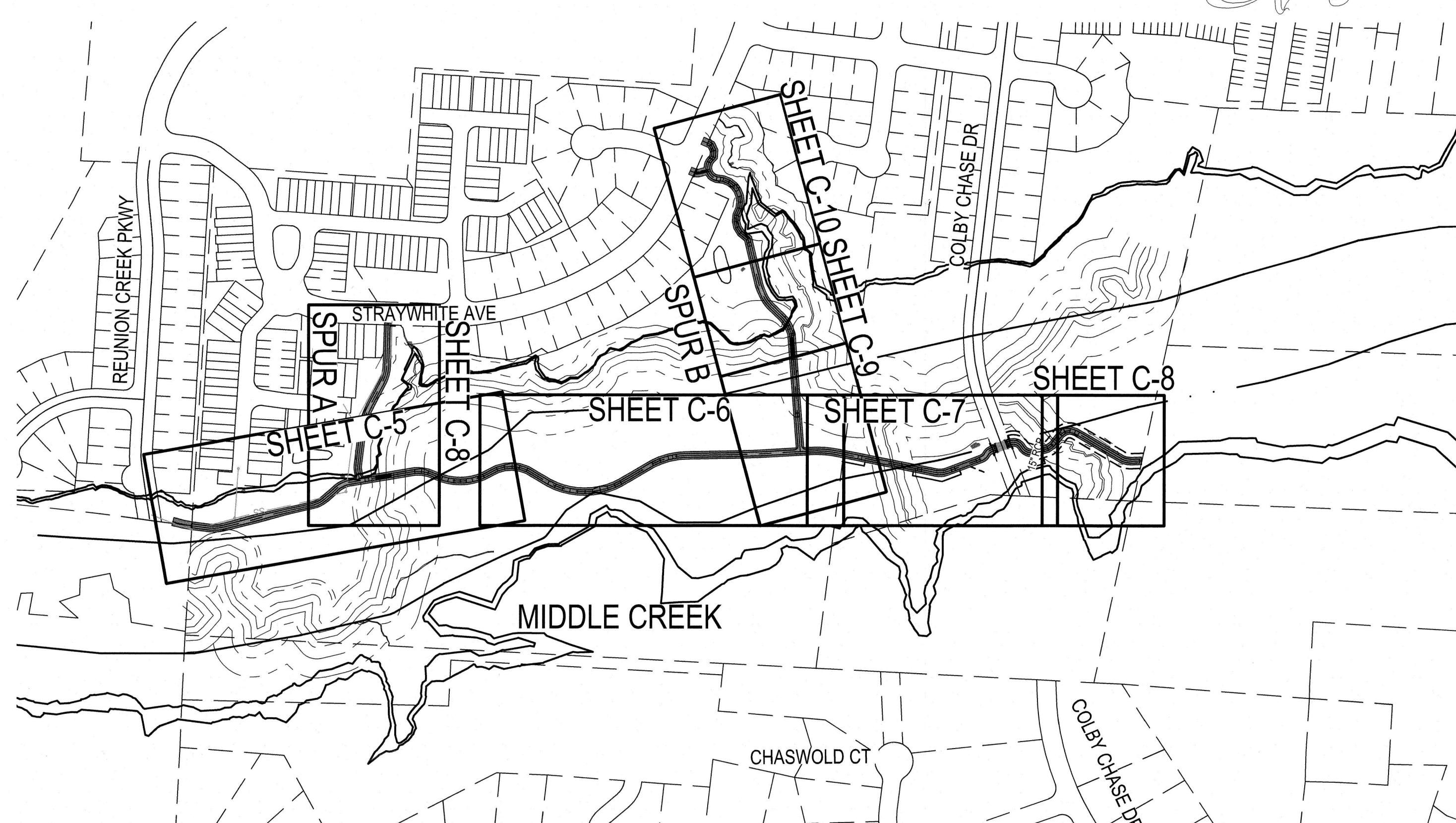
LAND QUALITY FIRST SUBMITTAL: MARCH 6, 2019

LAND QUALITY FINAL SUBMITTAL: JUNE 5, 2019

FINAL CONSTRUCTION PLAN SUBMITTAL: JUNE 17, 2019

SITE DATA	
PARCEL ADDRESS(S):	0 E WILLIAMS ST, 0 COLBY CHASE DR
PROJECT COORDINATES	LAT.: 35.689047°, LON.: -78.824620°
PREPARED BY:	WITHERS RAVENEL, INC. 115 MACKENAN DRIVE CARY, NC 27511
OWNER:	TOWN OF APEX
DEVELOPER:	TOWN OF APEX PARKS AND RECREATION
ZONING	PUD-CU
WAKE COUNTY REID:	0033564, 0428643, 0428642
WAKE COUNTY PIN:	0750168061, 0750168881, 0750176279
AREA OF TRACTS	PORTION OF 3 TRACTS
TOTAL DISTURBED AREA	4.00 AC
CURRENT 2030 LAND USE	N/A
PROPOSED 2030 LAND USE	N/A
ANNEXATION NUMBER(S):	N/A
BUILT UPON AREA ALLOWED:	N/A
BUILT UPON AREA PROPOSED:	N/A
SETBACKS:	N/A
FRONT:	N/A
SIDE:	N/A
REAR:	N/A
WATERSHED PROTECTION OVERLAY:	SECONDARY
FEMA	SITE IS WITHIN FEMA FLOODPLAIN PER FIRM PANEL 3720075000J WITH AN EFFECTIVE DAY OF MAY 2, 2006.
GRADING TYPE	N/A
RCA REQUIRED	N/A
2% MASS GRADING	N/A
TOTAL REQUIRED	N/A
RCA/BUFFERS PROVIDED (FULL CREDIT)	N/A
PROVIDED RECREATION AREA (50% CREDIT)	N/A
PROVIDED PLAY LAWNS (50% CREDIT)	N/A
TOTAL PROVIDED	N/A
HISTORIC STRUCTURE	NONE

INDEX OF SHEETS	
C-1	COVER SHEET
C-2	GENERAL NOTES
C-3	GENERAL NOTES
C-4	EXISTING CONDITIONS
C-5	OVERALL SITE PLAN
C-6	GREENWAY 10+00 - 16+00 PLAN PROFILE
C-7	GREENWAY 16+00 - 25+00 PLAN PROFILE
C-8	GREENWAY 25+00 - 34+00 PLAN PROFILE
C-9	GREENWAY 34+00 - 36+41 & SPUR A PLAN PROFILE
C-10	SPUR B 10+00 - 15+00 & SPUR B STAIRS PLAN PROFILE
C-11	SPUR B 15+00 - 19+25.13 PLAN PROFILE
C-12	TRAIL MARKING AND SIGNAGE PLAN
C-13	DETAILS
C-14	DETAILS
EC-1	EROSION CONTROL NOTES
EC-2	GREENWAY 9+00 - 28+00 EROSION CONTROL
EC-3	GREENWAY 28+00 - 36+41 & SPUR A EROSION CONTROL
EC-4	SPUR B EROSION CONTROL
EC-5	EROSION CONTROL DETAILS
EC-6	EROSION CONTROL DETAILS
EC-7	EROSION CONTROL DETAILS
X1	CROSS SECTIONS
X2	CROSS SECTIONS
X3	CROSS SECTIONS
X4	CROSS SECTIONS
X5	CROSS SECTIONS
X6	CROSS SECTIONS
X7	CROSS SECTIONS
S1.0	NOTES
S1.1	BOARDWALK NO. 1 PLAN & PROFILE
S1.2	BOARDWALK NO. 1 PLAN & PROFILE (CONTINUED)
S1.3	BOARDWALK NO. 1 PLAN & PROFILE (CONTINUED)
S1.4	BOARDWALK NO. 1 PLAN & PROFILE (CONTINUED)
S1.5	BOARDWALK NO. 2 PLAN & PROFILE
S1.6	BOARDWALK NO. 3 & 4 PLAN & PROFILE
S1.7	BOARDWALK NO. 5 & 6 PLAN & PROFILE
S1.8	BOARDWALK NO. 7 PLAN & PROFILE
S2.0	RETAINING WALL NO. 1 PLAN & PROFILE
S2.1	RETAINING WALL NO. 2 PLAN & PROFILE
S3.0	CONCRETE SEGMENTAL BLOCK RETAINING WALL DETAILS
S4.0	BOARDWALK TYPICAL SECTION AND FRAMING PLAN
S4.1	BRIDGE TYPICAL SECTION AND FRAMING PLAN
S4.2	TIMBER ABUTMENT DETAILS
S4.3	TIMBER ABUTMENT DETAILS
S4.4	TIMBER ABUTMENT DETAILS
S4.5	TIMBER ABUTMENT DETAILS
S4.6	TIMBER ABUTMENT DETAILS
S5.0	BOARDWALK OVERLOOK FRAMING BENTS 11 & 39
S5.1	BOARDWALK OVERLOOK FRAMING PLAN BENT 63
S5.2	BOARDWALK OVERLOOK FRAMING PLAN BENT 8
S5.3	BOARDWALK OVERLOOK FRAMING PLAN BENT 6 & 17
S6.0	MISCELLANEOUS DETAILS
S6.1	MISCELLANEOUS DETAILS



BUILDING INSPECTIONS TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Building Inspections Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Code of Ordinances and the North Carolina State Building Codes. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 7/1/19

PUBLIC WORKS TRANSPORTATION TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6/26/19

ELECTRIC TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Electric Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 7/1/19

WATER RESOURCES SOIL EROSION & SEDIMENTATION CONTROL TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex, and to the best of my knowledge and belief, conforms to the requirements established in the Soil Erosion and Sedimentation Control Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6/27/19

FIRE DEPARTMENT TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Fire Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Standard Specifications, Fire Protection Ordinances, and the North Carolina International Fire Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6/27/19

WATER RESOURCES STORMWATER ENGINEERING TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Water Resources Stormwater & Utility Engineering Division and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements. This signature serves as the stormwater permit for this project.
By: *[Signature]* Date: 6/27/19

PARKS, RECREATION, AND CULTURAL RESOURCES TOWN OF APEX CERTIFICATION
These plans have been reviewed by the Town of Apex, and to the best of my knowledge and belief, conform to representations made by the developer to myself and the Parks, Recreation, and Cultural Resource Advisory Commission consistent with the project requirements for public Parks and Recreation, either in total or in part, as outlined in Section 7.3 of the Town's Unified Development Ordinance and Article IV, Section 19 of the Town Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6-27-19

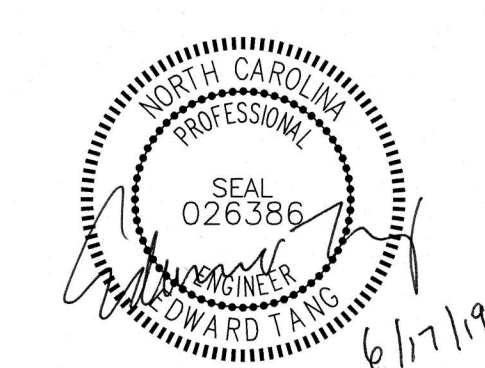
WATER RESOURCES UTILITY ENGINEERING TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Water Resources Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6/26/19

PLANNING/ZONING TOWN OF APEX CERTIFICATION
This construction drawing has been reviewed by the Town of Apex Planning Department, and to the best of my knowledge and belief, conforms to the Subdivision or Site Plan that was approved by the Town of Apex Board of Commissioners, and meets the Town of Apex Zoning, Subdivision, or Unified Development Ordinance. This signature does not constitute a variance from any requirements of the originally approved Subdivision or Site Plan cited above, or any federal, state, or local code, law, specification, rule, guideline, or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.
By: *[Signature]* Date: 7/10/19

WATER RESOURCES UTILITY ENGINEERING TOWN OF APEX CERTIFICATION
This drawing has been reviewed by the Town of Apex Water Resources Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.
By: *[Signature]* Date: 6/26/19

PUBLIC INFRASTRUCTURE TABLE			
WATER LINES	0 LF		
SEWER LINES	0 LF		
CURB & GUTTER	0 LF		
STORM DRAIN	0 LF		
GREENWAY	3,969 LF	@ \$1.35/LF	\$5,358.15
SIDEWALK	75 LF	@ \$1.35/LF	\$101.25
NEW STREETS	0 LF		

LINEAR PROJECT STORMWATER MANAGEMENT NOTE
THIS PROJECT MEETS THE SPIRIT AND INTENT OF SECTION E-5 OF THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL QUALITY (DEQ) BMP MANUAL FOR LINEAR TRANSPORTATION PROJECTS. THE TOWN OF APEX IS THE OWNER AND DEVELOPER OF THIS GREENWAY SYSTEM THAT IS NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT. THE GREENWAY IS BEING CONSTRUCTED WITHIN AN EXISTING GREENWAY EASEMENT CORRIDOR FOR THE PURPOSES OF PROVIDING A LINEAR PEDESTRIAN CORRIDOR FOR PUBLIC BENEFIT AS PART OF THE WAKE COUNTY GREENWAY PLAN.



PREPARED BY:

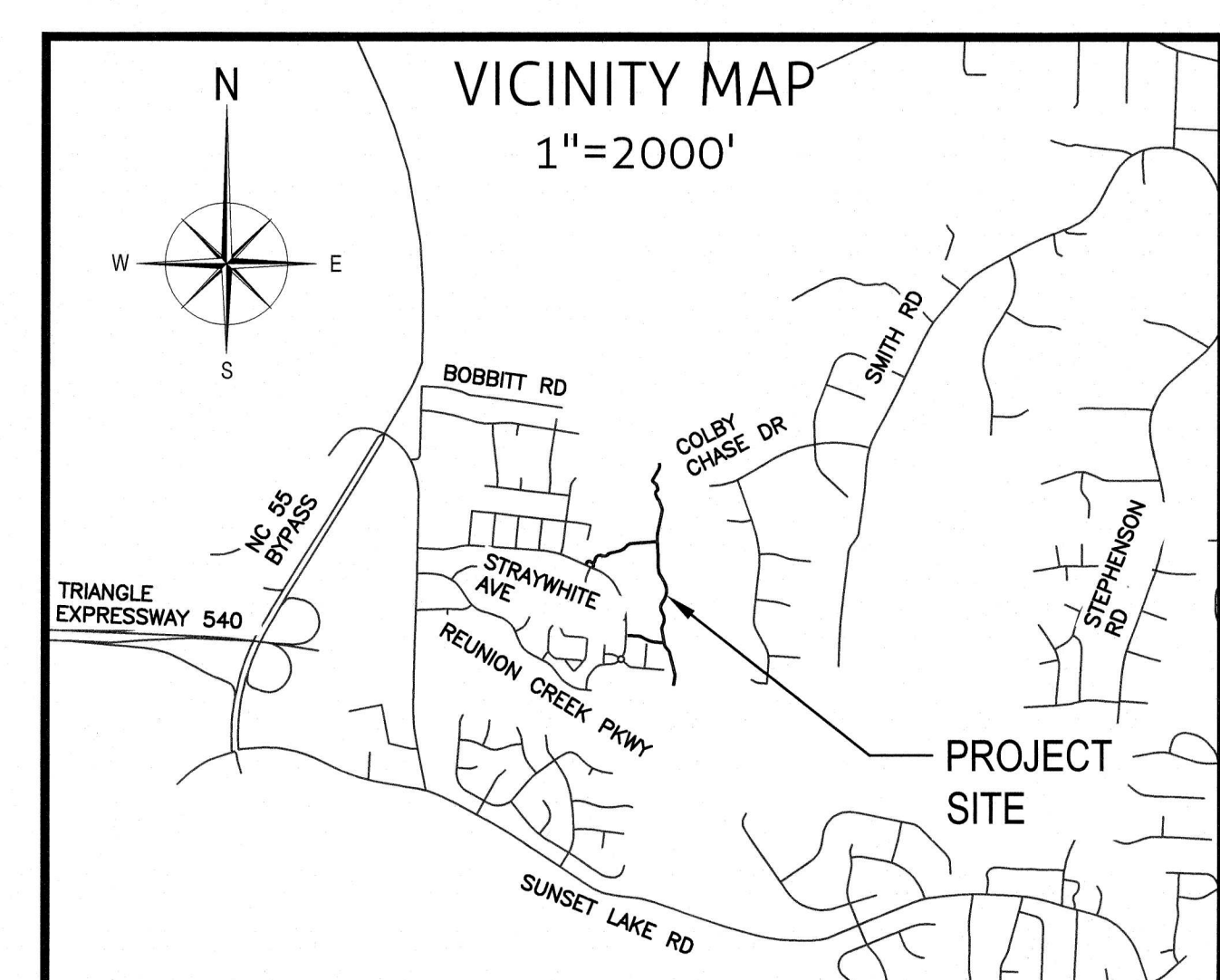
**WithersRavenel**
Engineers | Planners | Surveyors

115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

DEVELOPER/OWNER

TOWN OF APEX
73 HUNTER STREET
APEX, NC 27502
919-249-3400

ATTN: ANGELA REINCKE



LINE TABLE		
LINE	DIRECTION	DISTANCE
N 23°48'19" E		77.05
S31°24'53" W		43.83
S 1°31'02" S		50.86
S 32°12'42" W		101.71
S 42°52'58" E		110.77
N 25°58'57" E		49.14
S 17°04'36" E		94.50
N 69°05'57" E		20.49
S 17°00'45" E		20.49
N 67°54'00" W		16.25
N 40°17'05" E		33.18
N 50°01'57" E		20.28
N 48°41'25" E		20.28
S 43°38'30" N		15.35
S 17°38'00" E		21.35
S 43°38'11" E		15.35
N 6°09'54" E		5.06
N 26°45'37" E		46.59
S 58°26'06" E		19.52
S 83°40'12" E		15.62
N 58°04'20" E		20.01
S 1°06'35" E		76.66
N 19°19'45" W		55.47
S 34°30'05" W		55.47
S 54°53'20" W		51.53
N 68°14'31" W		63.94
N 6°11'14" E		5.87
S 14°30'59" E		10.43

NOTES:

-
- A graphic scale bar is shown below the map, with markings for 100, 0, 50, 100, and 200 feet. Below the scale bar, the text "1 inch = 100 ft." is printed. Above the scale bar, the text "GRAPHIC SCALE" is printed. To the right of the scale bar, a north arrow is shown, consisting of a circle with a vertical line and a horizontal line, and a small arrowhead pointing upwards.

Revisions		
1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLAN	3/7/2019

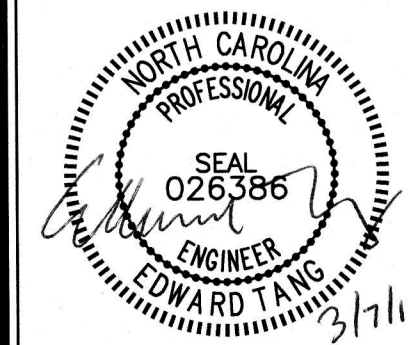
Sheet No.
C-4

APEX, NC

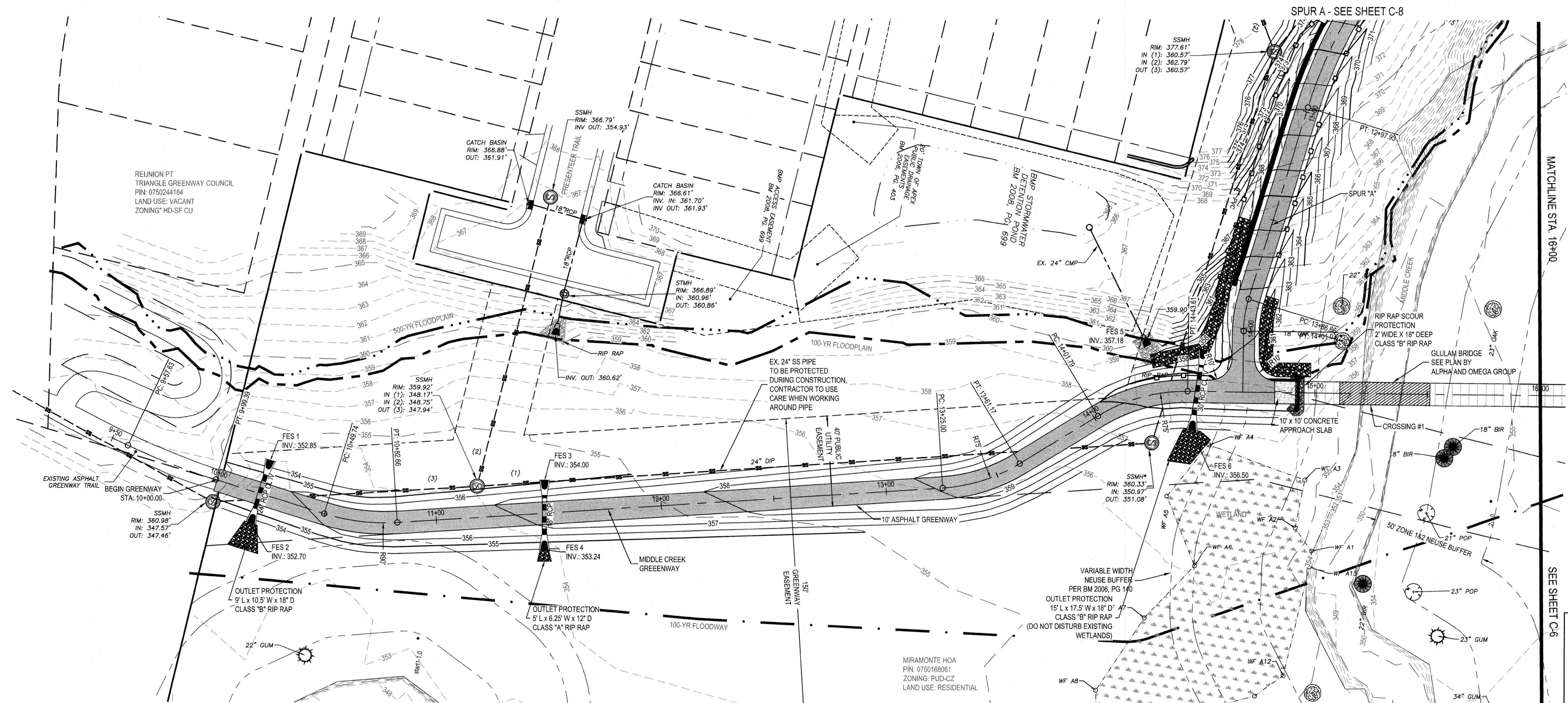
**MIDDLE CREEK GREENWAY
PHASE 2**

OVERALL SITE PLAN

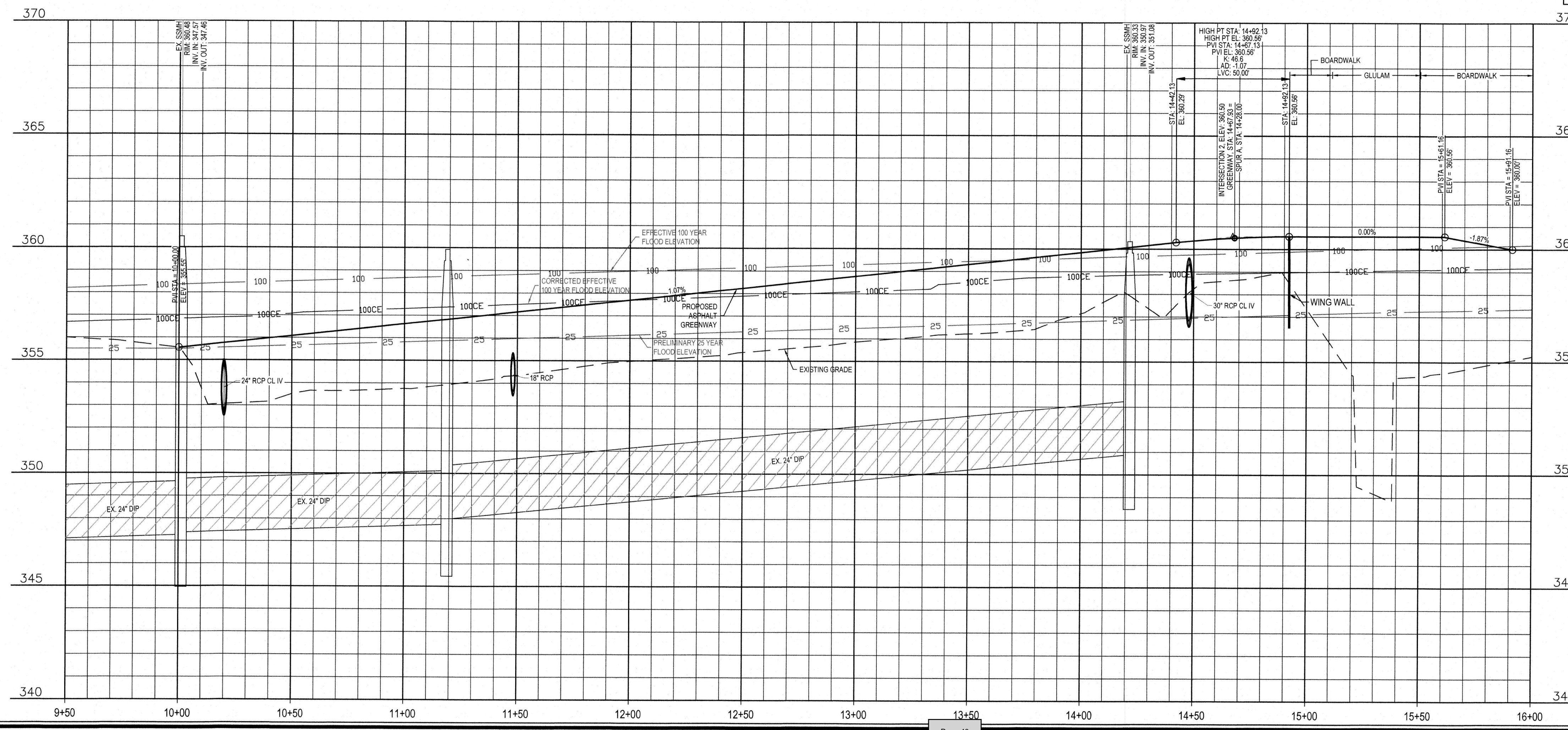
Job No.	02170753.00	Drawn By	W&R
Date	9/4/2018	Designer	W&R



Revisions		
1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLAN	3/7/2019



GREENWAY

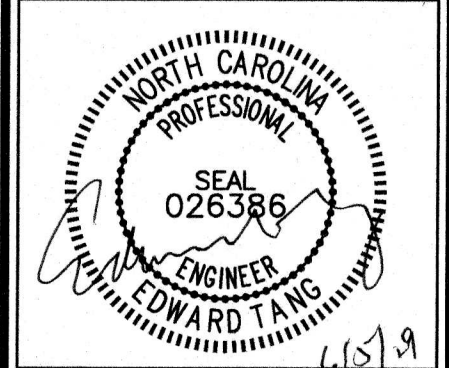


The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

<i>[Signature]</i> PW - Transportation Date 6/24/19	<i>[Signature]</i> WR - Stormwater Date 7/10/19
<i>[Signature]</i> Building Inspections Date 6/24/19	<i>[Signature]</i> Planning Date 7/10/19
<i>[Signature]</i> WR - Utility Engineering Date 6/24/19	<i>[Signature]</i> Planning - Transportation Date 7/10/19
<i>[Signature]</i> Electric Date 6/24/19	<i>[Signature]</i> Fire Date 7/10/19
<i>[Signature]</i> WR - S&E Date 6/24/19	<i>[Signature]</i> Parks, Recreation & Cultural Res. Date 7/10/19

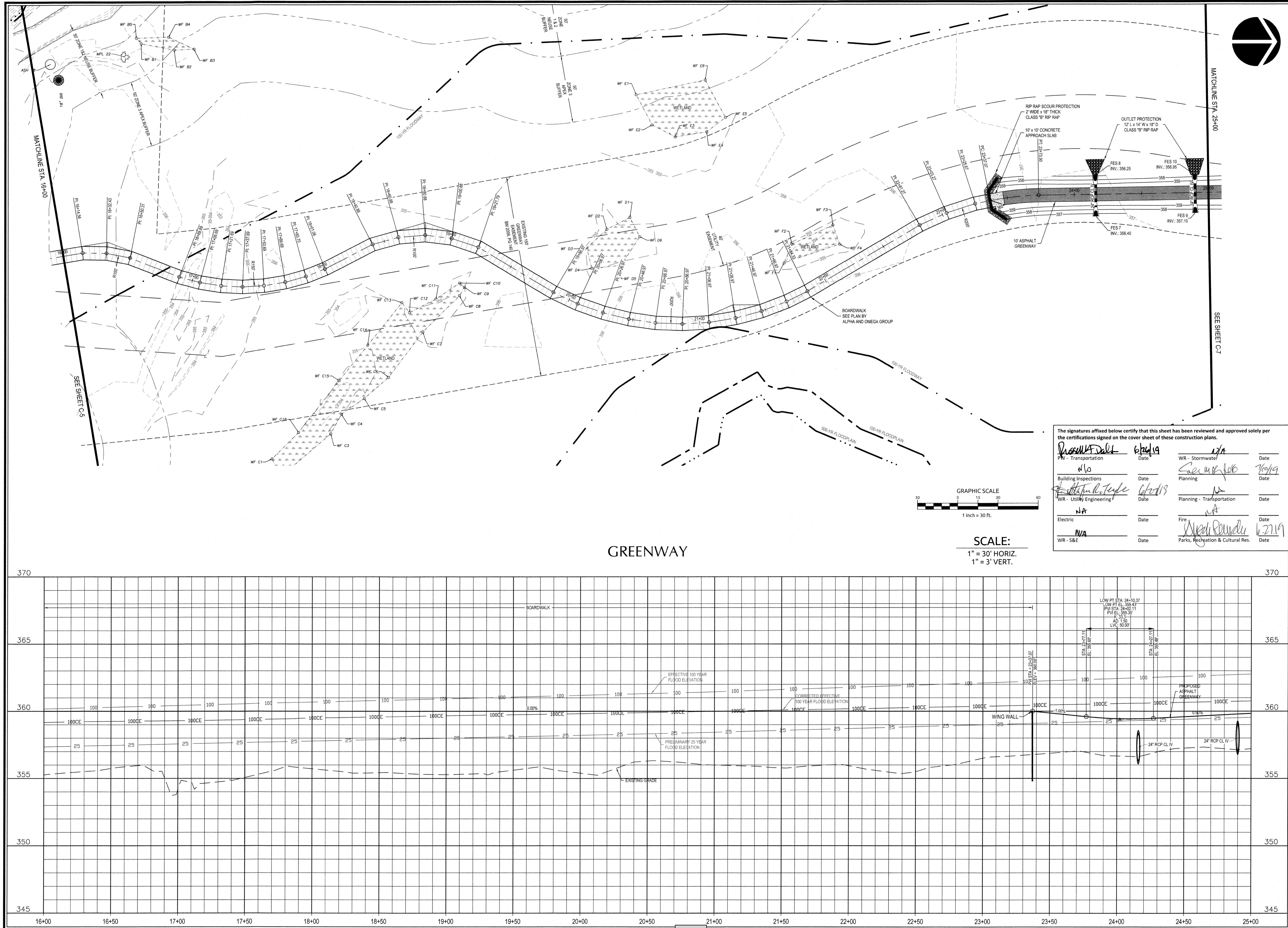
SCALE:
1" = 30' HORIZ.
1" = 3' VERT.

Job No.	02170753.00	Drawn By	WSR
Date	9/4/2018	Designer	WSR



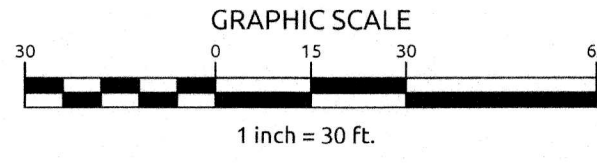
Revisions		
1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLANS	3/7/2019
5	REVISED PER DEMLR REVIEW	6/4/19

K:\1717-0750\17170750-apez - middle crk greenway\p2\cadd\cadd drawings\c-6 GREENWAY 16+00 - 25+00 PLAN PROFILE.dwg, Wednesday, June 5, 2019 11:27:51 AM - PEBB, DEBAA



The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

<i>[Signature]</i> PW - Transportation Date: 6/24/19	<i>[Signature]</i> WR - Stormwater Date: 7/9/19
<i>[Signature]</i> Building Inspections Date: 6/24/19	<i>[Signature]</i> Planning Date: 7/9/19
<i>[Signature]</i> WR - Utility Engineering Date: 6/24/19	<i>[Signature]</i> Planning - Transportation Date: 7/9/19
<i>[Signature]</i> Electric Date: 6/24/19	<i>[Signature]</i> Fire Date: 6/27/19
<i>[Signature]</i> WR - S&E Date: 6/24/19	<i>[Signature]</i> Parks, Recreation & Cultural Res. Date: 6/27/19



SCALE:
1" = 30' HORIZ.
1" = 3' VERT.

WithersRavenel
Engineers | Planners | Surveyors

MIDDLE CREEK GREENWAY
PHASE 2

SEE SHEET C-7

SEE SHEET C-5

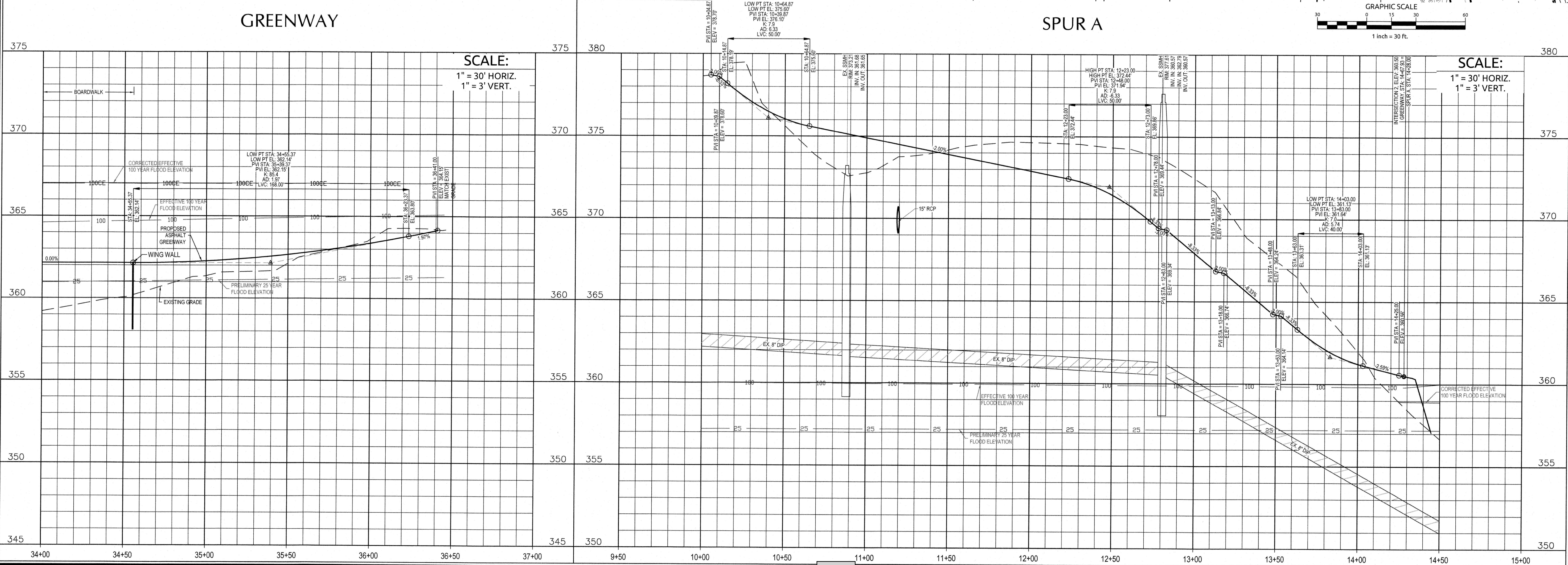
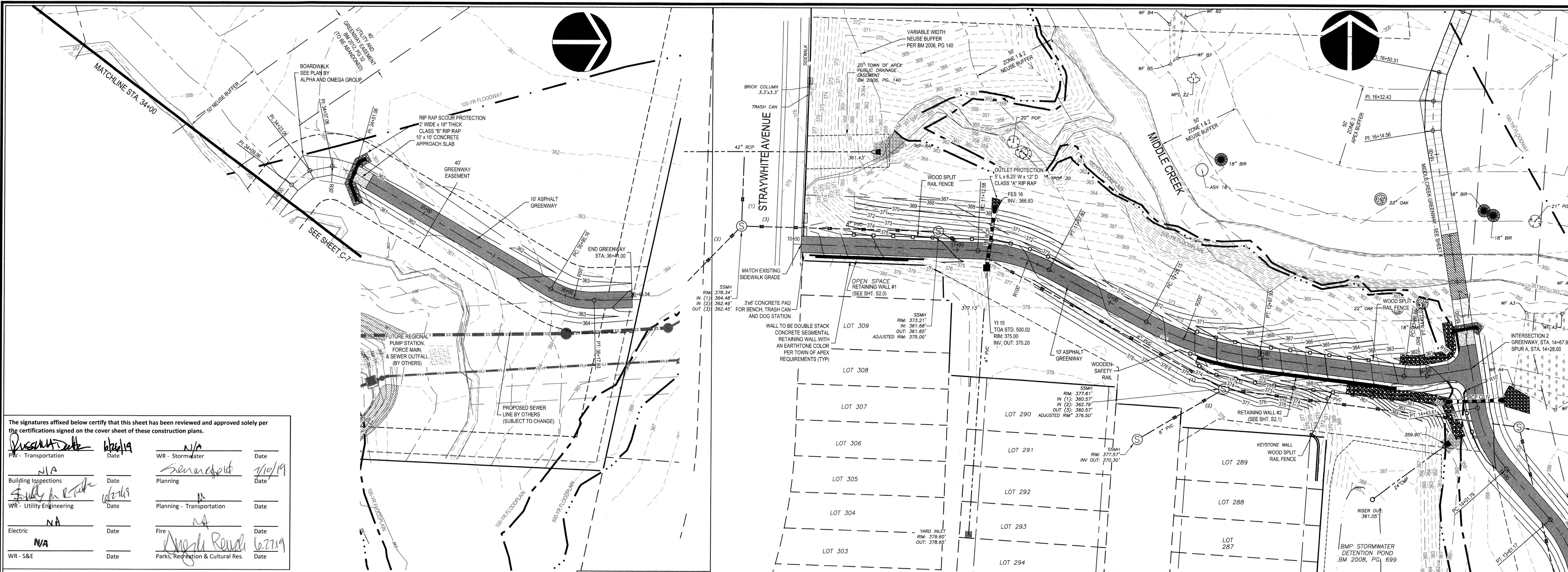
GREENWAY
16+00 - 25+00
PLAN PROFILE

Job No.	02170753.00	Drawn By	W&R
Date	9/4/2018	Designer	W&R

Revisions		
1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLANS	3/7/2019
5	REVISED PER DEMLR REVIEW	6/4/19

Sheet No.
C-6

\\11710750\170753\apex - middle cr greenway\p1\cad\count down drawings\CS GREENWAY 34+00 - 34+41 & SPUR A PLAN PROFILE.dwg: Wednesday, June 6, 2019 11:28:36 AM - EREN, DEBRA



The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

<i>[Signature]</i> PW - Transportation	Date 6/26/19	WR - Stormwater	Date N/A
<i>[Signature]</i> Building Inspections	Date N/A	Planning	Date 7/10/19
<i>[Signature]</i> WR - Utility Engineering	Date 6/27/19	Planning - Transportation	Date N/A
Electric	Date N/A	Fire	Date N/A
WR - S&E	Date N/A	Parks, Recreation & Cultural Res.	Date 6/27/19

WithersRavenel
Engineers | Planners | Surveyors

MIDDLE CREEK GREENWAY
PHASE 2

GREENWAY
34+00 - 36+41
& SPUR A
PLAN PROFILE

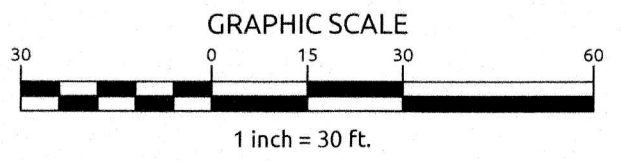
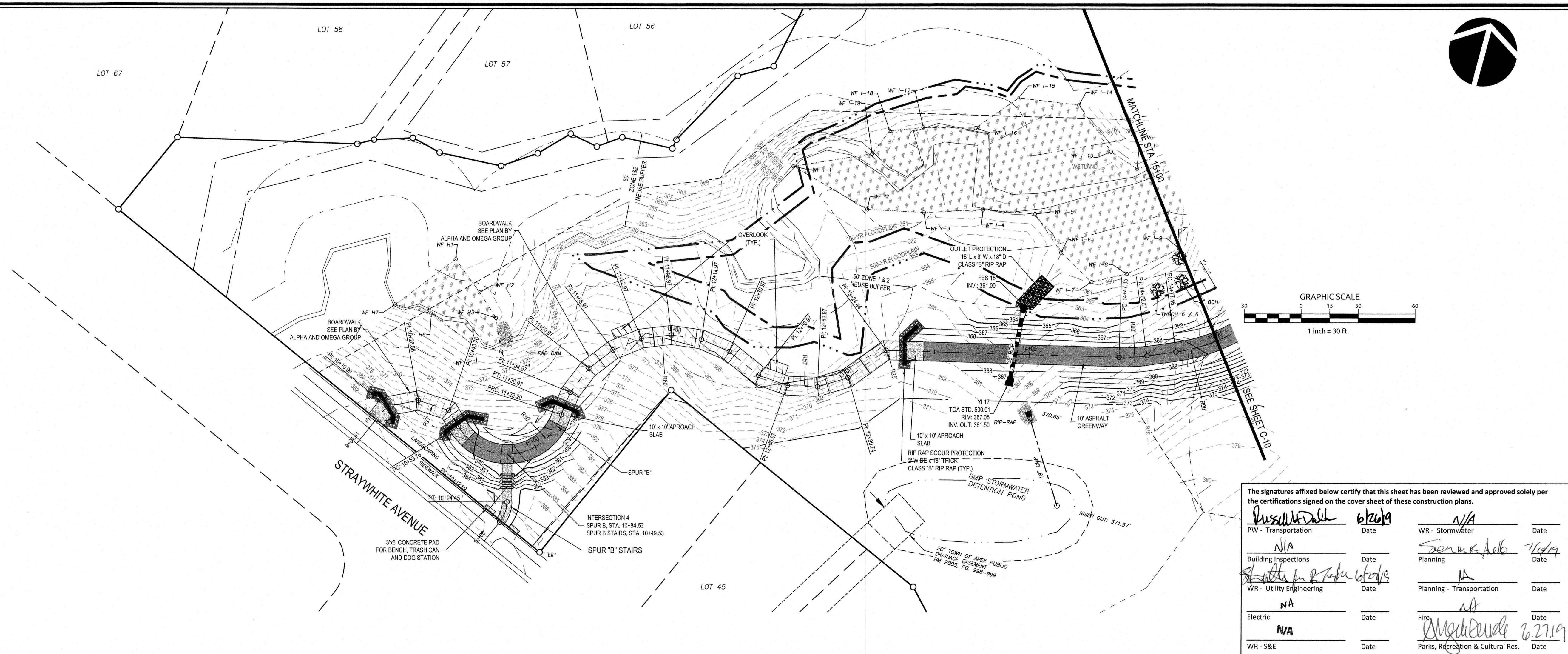
Job No. 02170753.00 Drawn By W&R
Date 9/4/2018 Designer W&R

Revisions

1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLANS	3/7/2019
5	REVISED PER DEMLR REVIEW	6/4/19

Sheet No.
C-8

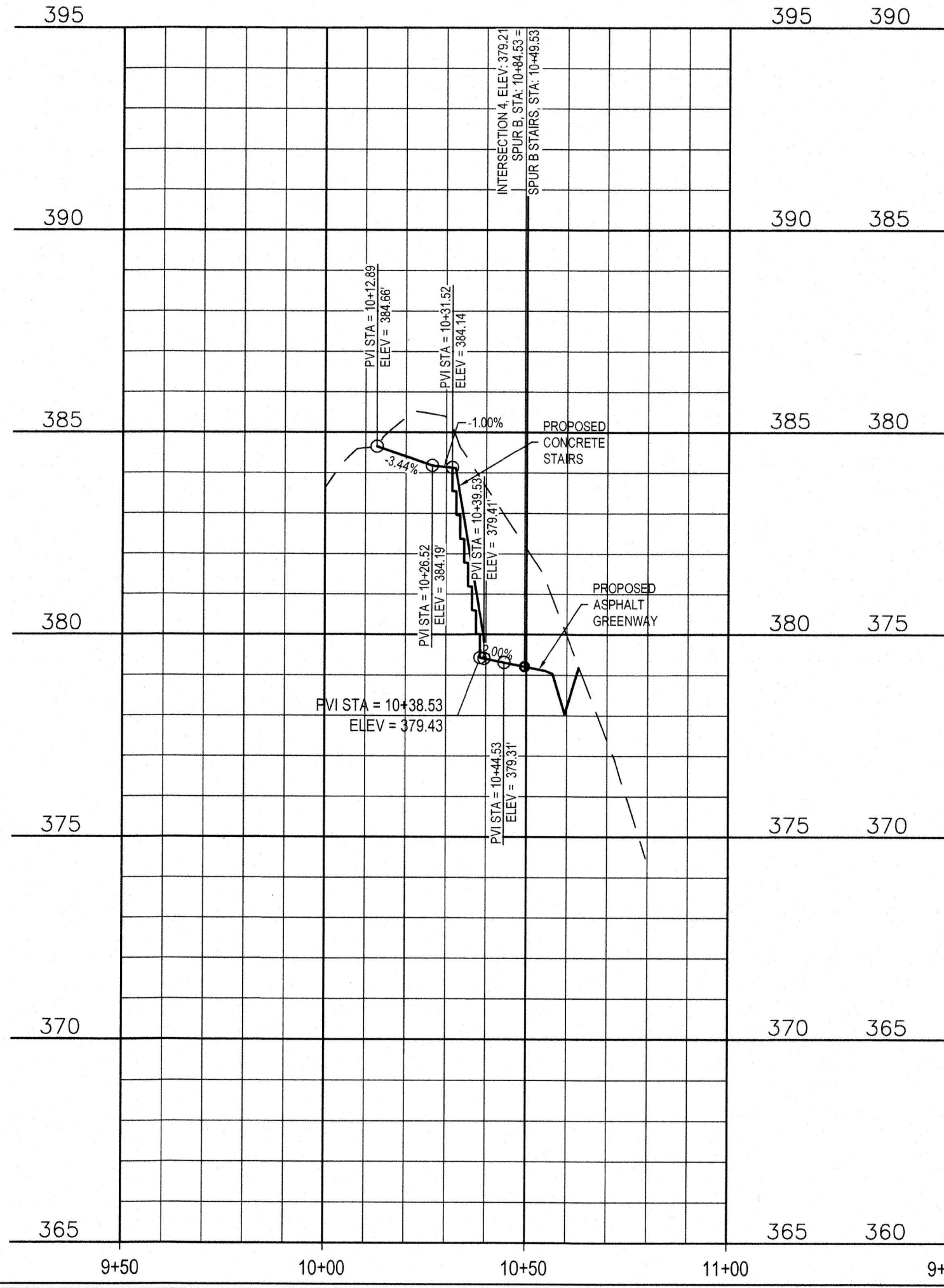
K:\17\17-0250\170253.apex - middle crg greenway\p0250\cadd\cadd\dwg\17-0250-15+00-SPUR B STAIRS PLAN PROFILE.dwg, Wednesday, June 5, 2019 11:29:18 AM - ELEV: 12584



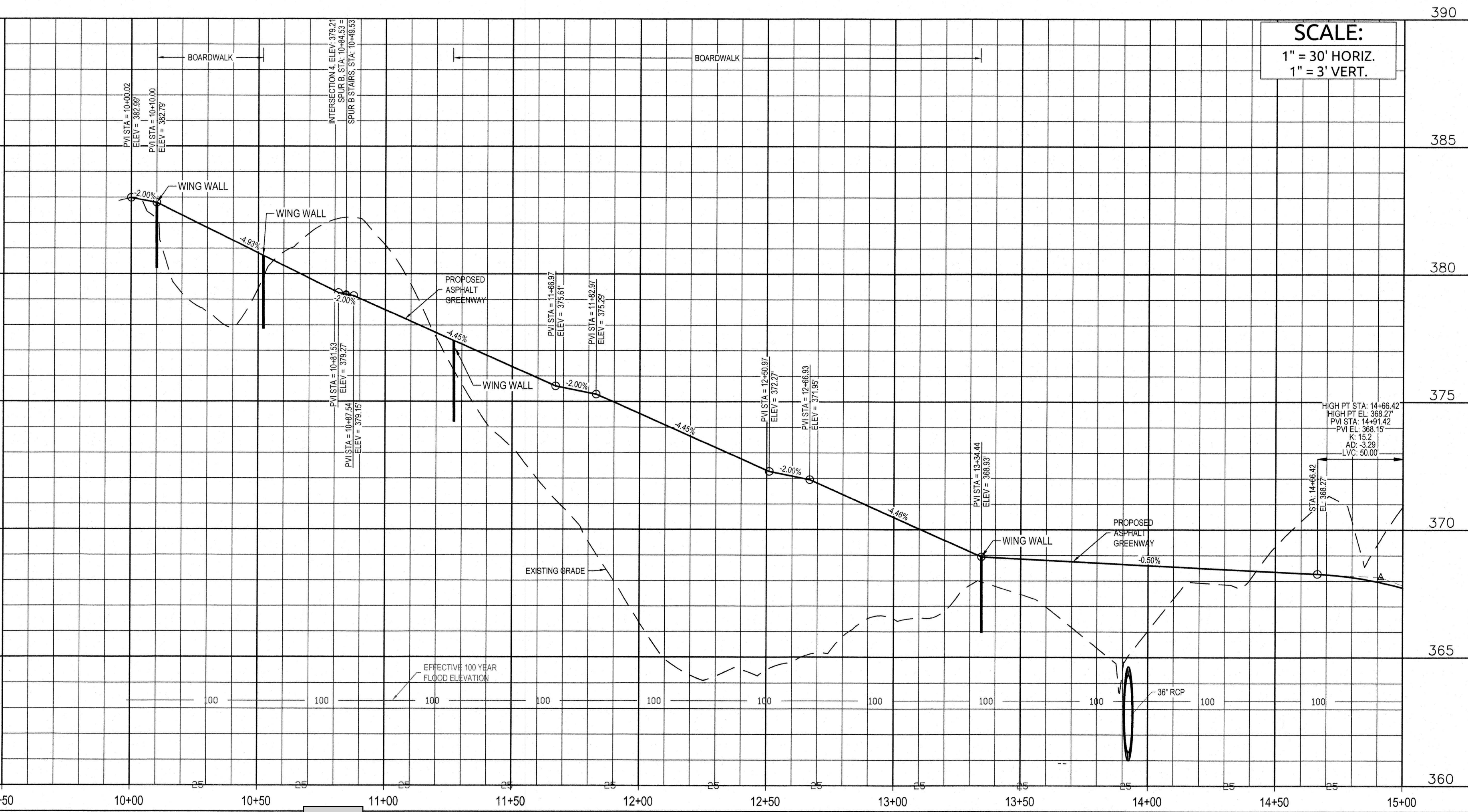
The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

PW - Transportation	Date	WR - Stormwater	Date
Building Inspections	Date	Planning	Date
WR - Utility Engineering	Date	Planning - Transportation	Date
Electric	Date	Fire	Date
WR - S&E	Date	Parks, Recreation & Cultural Res.	Date

SPUR B STAIRS
SCALE:
1" = 30' HORIZ.
1" = 3' VERT.



SPUR B
SCALE:
1" = 30' HORIZ.
1" = 3' VERT.



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115 MacKenzie Drive | Cary, NC 27511 | 919.469.3340 | License # C-0832 | www.withersravenel.com

MIDDLE CREEK GREENWAY
PHASE 2

APEX, NC

SPUR B 10+00 - 15+00
& SPUR B STAIRS
PLAN PROFILE

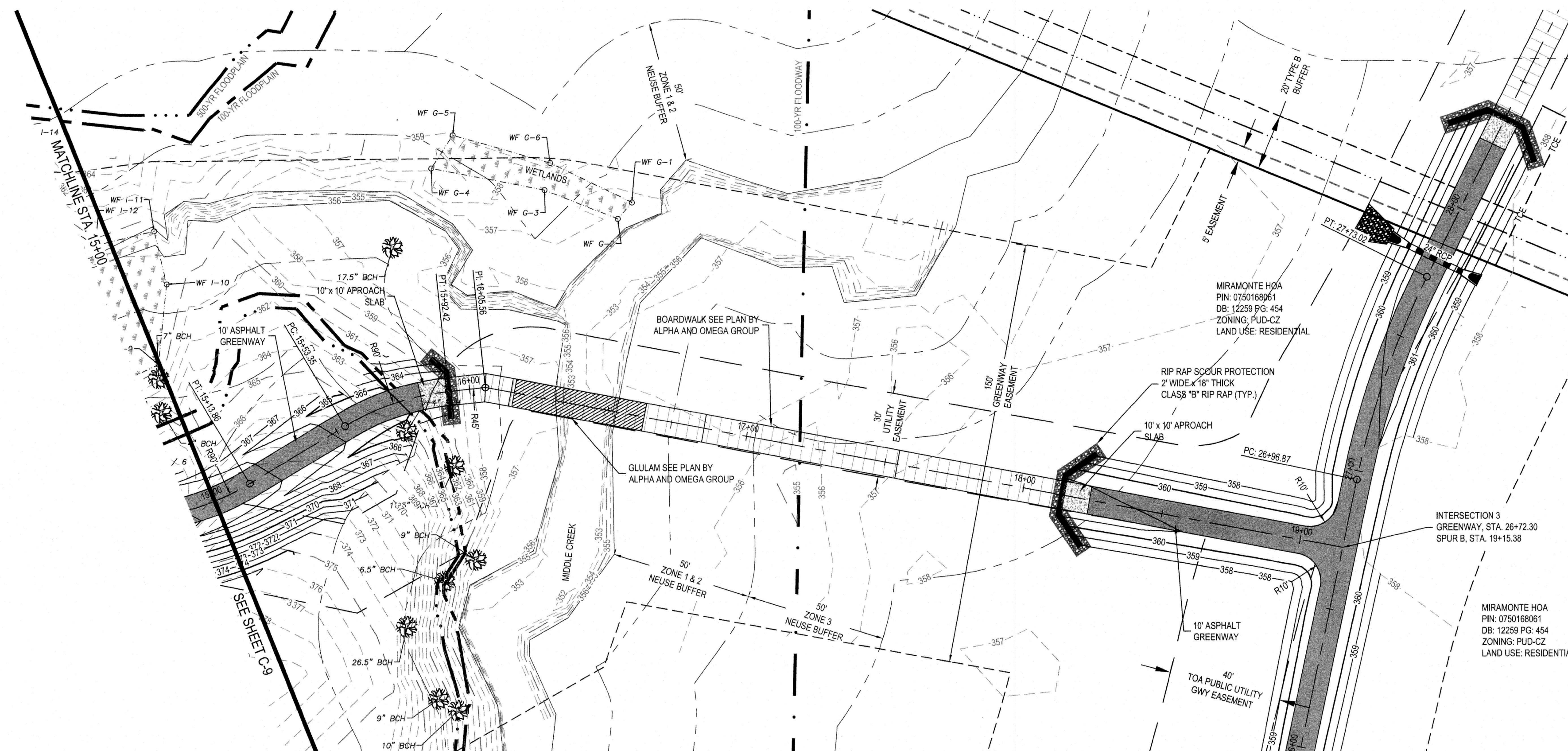
Job No. 02170753.00
Date 9/4/2018
Drawn By W&R
Designer W&R

EDWARD T. HANCOCK
PROFESSIONAL ENGINEER
STATE OF NORTH CAROLINA
LICENSE NO. 026386

Revisions

1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/18
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/18
3	CONSTRUCTION PLAN SUBMITTAL	1/2/2019
4	FINAL CONSTRUCTION PLANS	3/7/2019
5	REVISED PER DEMLR REVIEW	6/4/19

Sheet No.
C-9



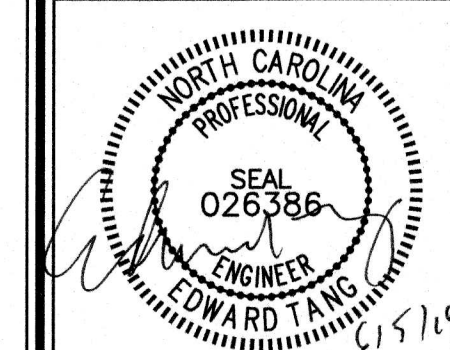
WithersRavenel
Engineers | Planners | Surveyors

MIDDLE CREEK GREENWAY
PHASE 2

APEX, NC

SPUR B 15+00 - 19+25.13
PLAN PROFILE

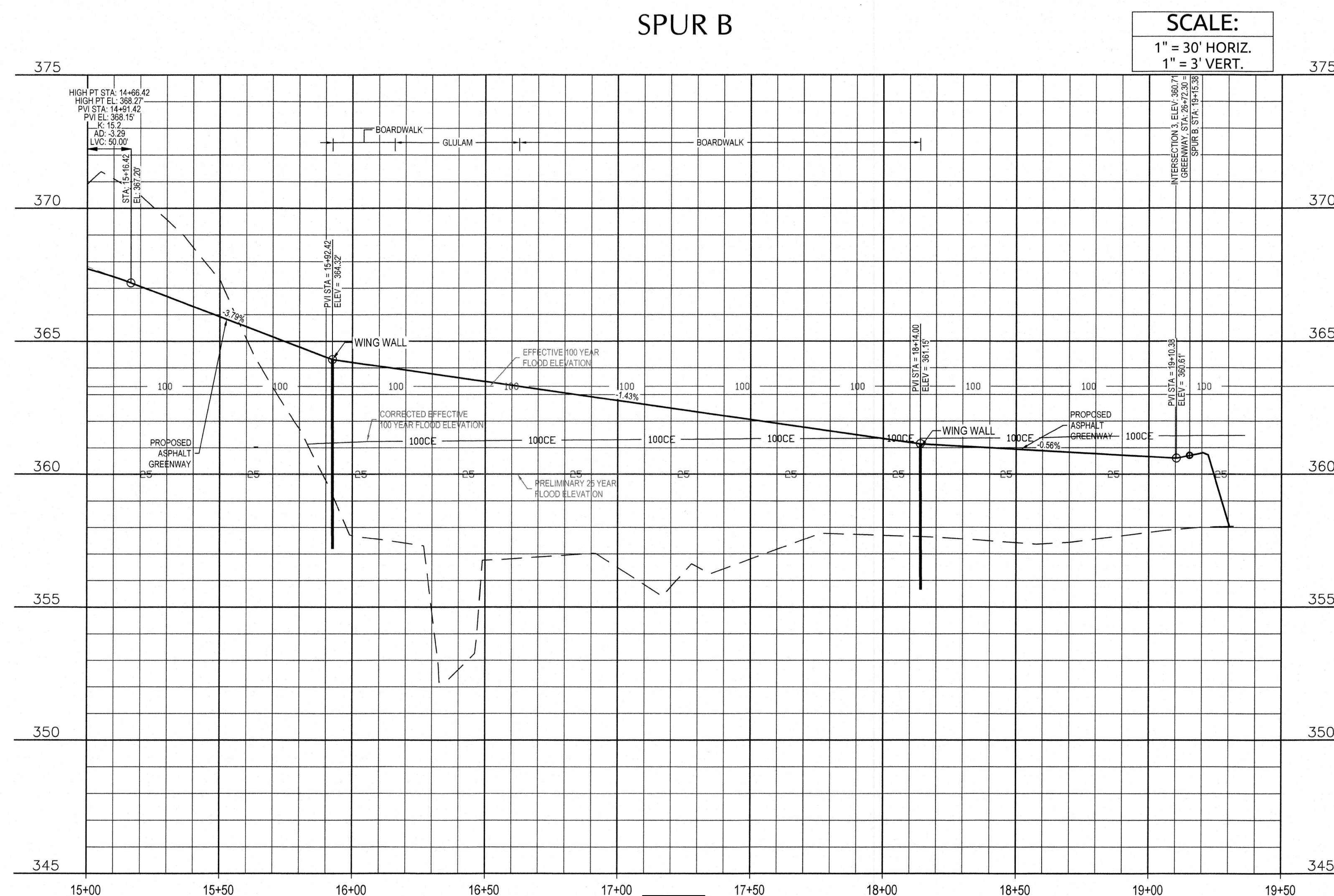
Job No.	02170753.00	Drawn By	W&
Date	9/4/2018	Designer	W&



Revisions		
1	REVISED PER TOWN OF APEX COMMENTS #1	10/11/1
2	REVISED PER TOWN OF APEX COMMENTS #2	10/26/1
3	CONSTRUCTION PLAN SUBMITTAL	1/2/201
4	FINAL CONSTRUCTION PLANS	3/7/201
5	REVISED PER DEMLR REVIEW	6/4/19

Sheet No. _____

C-10



The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

The certifications signed on the cover sheet of these construction plans.

<i>Russell D. DeLoach</i>	<i>6/24/19</i>	<i>N/A</i>	
PW - Transportation	Date	WR - Stormwater	Date
<i>N/A</i>		<i>Sean W. Hight</i>	<i>7/6/19</i>
Building Inspections	Date	Planning	Date
<i>John R. Taylor</i>	<i>6/24/19</i>	<i>N/A</i>	
WR - Utility Engineering	Date	Planning - Transportation	Date
<i>N/A</i>		<i>N/A</i>	
Electric	Date	Fire	Date
<i>N/A</i>		<i>DeLoach</i>	<i>6/27/19</i>
WR - SBE	Date	Park, Recreation & Cultural Res.	Date

TOWN OF APEX GREENWAY CONSTRUCTION CONTRACT

FOR

Construction of Middle Creek Greenway Phase I and Phase IIB
_____, Apex, NC _____

SCOPE OF WORK

Construct Middle Creek Greenway Phase I and Phase IIB in accordance with Plans titled
“_____” dated _____ including the following sheets:
_____ by _____.

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**PURCHASE ORDER #
GREENWAY CONSTRUCTION CONTRACT**

THIS GREENWAY CONSTRUCTION CONTRACT is entered into this the ____ day of _____, 2023, by and between, _____, a _____ Corporation with its principal business offices located at _____ (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:

WHEREAS, Town is engaged in the planning and operation of public greenways which require construction, installation, evaluation, testing, and other related services; and

WHEREAS, the professional services of contractors from time to time are needed by the Town for the services as described above; and

WHEREAS, Contractor provides services of the nature required by the Town and employs trained and experienced technical personnel possessing adequate knowledge, skills, and experience to provide such professional services to the Town; and

WHEREAS, the Town has complied with Article 8 of Chapter 143 of the North Carolina General Statutes in announcing its need for services of the nature described in this Contract through a “Request for Proposal” and associated advertisement.

NOW THEREFORE, in consideration of the foregoing recitals, and the premises and mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound, hereto do contract and agree as follows:

1. DEFINITIONS

- A. “Change Order” is a written order to the Contractor authorizing a change in the Contract.
- B. “Contract Documents” is defined in Section 2 of this Contract.
- C. “Contractor” is the entity performing construction services pursuant to this Contract.
- D. “Final Acceptance” is the date on which the Town accepts the construction as totally complete. This includes inspection and acceptance of the Work by the Town and the Special Inspector.
- E. “Inspection” means the examination of Work completed or in progress to determine its compliance with the Contract Documents.
- F. “Liquidated damages” is the amount stated in this Contract reasonably estimated in advance to cover the consequential damages associated with the Town’s loss in not being able to use the Project for its intended purposes at the end of the Contract’s completion date by reason of failure of the Contractor to complete the Work within the time specified. Liquidated damages does not include the Town’s extended contract administration costs (including but not limited to, additional fees for architectural and engineering services, testing services, inspection services, commissioning

services, etc.), such other damages directly resulting from delays caused solely by the Contractor, or consequential damages that the Town identified in the bid documents that may be impacted by any delay caused solely by the Contractor (e.g. delays in start other projects that are dependent on the completion of this Project, extension of leases and/or maintenance agreements for other facilities).

- G. "Project" is the total construction Work to be performed under the Contract Documents by the Contractor and the Contractor's subcontractors.
- H. "Special Inspector" is the entity who inspects materials, installation, fabrication, erection, placement of components and connections requiring special expertise to ensure compliance with the approved Construction Documents and referenced standards, and/or provides geotechnical inspection services.
- I. "Subcontractor" shall be an entity that has entered into a direct contract with the Contractor, and includes an entity that furnishes materials designed in accordance with plans and specifications covered by the Contract Documents but does not include an entity furnishing materials not requiring the design described above.
- J. "Surety" means the bonding company which is bound with and for the Contractor, and which engages to be responsible for the Contractor and the Contractor's acceptable performance of the Work.
- K. "Time of Completion" is the consecutive calendar days measured from the date established in the written Notice to Proceed.
- L. "Town" is the Town of Apex
- M. "Written Notice" is defined as notice in writing delivered to either the Contractor or Town as identified in the Contract Documents, in person or by registered by mail.
- N. "Work", when used as a noun, includes the materials, labor, and workmanship of the Contractor.

2. SCOPE OF SERVICES.

The Contractor agrees to provide all materials, equipment, machinery, tools, apparatus, power, sanitary facilities, water, means of transportation, incidentals, and labor necessary for the proper and lawful construction of the Middle Creek Greenway Phase I and Phase IIB, located at _____, Apex, NC _____. Materials shall be new and of the quality specified. Construction shall include, but not necessarily be limited to, the following:

- A. Asphalt Greenway Trail
- B. Fencing
- C. Retaining Walls
- D. Boardwalks
- E. Bridges
- F. Erosion Control & Grading
- G. Storm Drainage
- H. Miscellaneous Concrete

Said construction will be performed in accordance with the "Contract Documents." The term "Contract Documents" includes this Contract and the following which are hereby incorporated into this Contract as if fully contained herein:

- A. Plan sheets titled " _____ ", dated _____ including the following sheets: _____ by _____.
- B. Construction drawings titled " _____ ", dated _____.
- C. Bid Advertisement

D. Town of Apex Standard Specifications and Standard Details

E. Instructions to Bidders

F. Execution of Bid

G. Bid Form

H. Bid Form Submission

I. Bid Bond

J. Accepted Form of Proposal

K. Notice of Award

L. Performance & Payment Bonds

M. Power of Attorney

N. Notice to Proceed

O. Special Provisions

P. Addenda:

- | | |
|--------------|--------------|
| 1. No. _____ | Dated: _____ |
| 2. No. _____ | Dated: _____ |
| 3. No. _____ | Dated: _____ |
| 4. No. _____ | Dated: _____ |
| 5. No. _____ | Dated: _____ |

Q. Certificate(s) of Insurance

Contractor shall maintain at its job office a complete set of the plans, drawings, and specifications for the Work which shall be available for use by the Town.

3. TIME OF COMMENCEMENT AND COMPLETION.

- A. Contractor shall commence the work required in this Contract upon the issuance of a Notice to Proceed, and the Contractor shall complete the entire Work within _____ consecutive calendar days of the issuance of the Notice to Proceed ("Time of Completion"). For each day in excess thereof, liquidated damages, reasonably estimated in advance to cover the losses to be incurred by the Town by reason of failure of Contractor to complete the Work within the time specified, such time being of the essence in this Contract and a material consideration thereof, shall be assessed in the amount of \$1,000.00 per calendar day. If Contractor has not satisfactorily completed the work within the times specified in the Contract Documents, the Town may declare such delay a material breach of contract and default and may pursue all available remedies outlined in the Contract Documents as well as all other available legal and equitable remedies. Any changes to the schedule(s) provided in the Contract Documents must be agreed to in writing by the Town and the Contractor.
- B. If the Contractor is delayed at any time in the progress of his work by any act or negligence of the Town; Contractor's separate contractor or subcontractor; by changes ordered in the Work; by abnormal weather conditions; by any causes beyond the Contractor's control or by other causes deemed justifiable by Town, then the contract time may be reasonably extended in a written order from the Town upon written request from the Contractor. Request for extension of time shall be made in writing to the Town within twenty (20) days following the cause of delay. In case of continuing cause for delay, the Contractor shall notify the Town, with copies to the Town of the delay within twenty (20) days of the beginning of the delay and only one claim is necessary.

- C. For the purpose of determining the extent of delay attributable to unusual weather phenomena, a determination shall be made by comparing the weather for the Contract period involved with the average of the preceding five (5) year climatic range during the same time interval based on the National Oceanic and Atmospheric Administration National Weather Service statistics for the locality where Work is performed and on daily weather logs kept on the job site by the Contractor reflecting the effect of the weather on the progress of the Work and initialed by Town's representative.
- D. Time extensions for weather delays, labor disputes, fire, delays in transportation, unavoidable casualties or other delays which are beyond the control of the Town do not entitle the Contractor to compensable damages for delays. Any Contractor claim for compensable damages for delays is limited to delays caused solely by the Town or its agents. Contractor caused delays shall be accounted for before Town caused delays in the case of concurrent delays.
- E. Contractor shall notify its Surety in writing of any granted extension of time.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor, subject to additions and deductions as provided in the Contract Documents, as follows:

Total Sum: _____ (\$_____).

Summary of Contract Award:

Base Bid: \$ _____
Alternate 1: \$ _____
Alternate 2: \$ _____
Total: \$ _____

- A. No later than the fifth day of the month, the Contractor shall submit application for payment reflecting work completed during the preceding calendar month to the Town Representative identified in Section 31 of this Contract. The request shall be in the form agreed upon between Contractor and the Town but shall show substantially the value of the work completed and materials delivered to the site during the period since the last payment and shall sum up the financial status of the Contract with following information:
1. Total of Contract including change orders.
 2. Value of work completed to date.
 3. Less retainage, as defined below.
 4. Less previous payments.
 5. Current amount due.

- B. Prior to submitting the first pay application, Contractor shall prepare for the Town a schedule showing a breakdown of the Contract price into values of the various parts of the Work, arranged so as to facilitate payments to subcontractors.
- C. When payment is made on account of stored materials and equipment, such materials must be stored on the Town's property, and the requests for payments shall be accompanied by invoices or bills of sale or other evidence to establish the Town's title to such materials and equipment. Such payments will be made only for materials that have been customized or fabricated specifically for this Project. Raw materials or commodity products costs may not be submitted. Responsibility for such stored materials and equipment shall remain with the Contractor regardless of title of ownership. Such stored materials and equipment shall not be removed from the Town's property. Should the space for storage on-site be limited, the Contractor, at its option, shall be permitted to store such materials and/or equipment in a suitable space off-site. Should the Contractor desire to include any such materials or equipment in its application for payment, they must be stored in the name of the Town in an independent, licensed, bonded warehouse approved by the Town and located as close to the site as possible. The warehouse selected must be approved by the Contractor's bonding and insurance companies; the material to be paid for shall be assigned to the Town. Upon approval by the Town of the storage facilities and materials and equipment, payment therefore will be made. Responsibility for such stored materials and equipment shall remain with the Contractor. Such stored materials and equipment shall not be moved except for transportation to the Project site.
- D. Retainage: In accordance with N.C.G.S 143-134.1, for projects costing more than \$100,000.00, the Town may withhold a percentage of payment until the Project has been satisfactorily completed. Retainage on periodic and final payment for this Project shall be as follows:
- a. Retainage withheld shall not exceed 5% at any time.
 - b. The same terms shall apply to the general contractor and subcontractors alike.
 - c. Following 50% completion of the Project, the Town, with written consent from the Surety, shall not retain further retainage if the Contractor continues to perform satisfactorily and any nonconforming work identified in writing prior to that time has been corrected by the Contractor and accepted by the Town. The Project shall be deemed 50% complete when the Contractor's gross Project invoices, excluding the value of materials stored off-site, equal or exceed 50% of the value of the Contract, except the value of materials stored on-site shall not exceed 20% of the Contractor's gross Project invoices for the purpose of determining whether the Project is 50% complete.
 - d. If the Town determines that the Contractor is not performing satisfactorily, the Town may reinstate retainage for each subsequent periodic payment application up to 5%. Following 50% completion of the Project, Town is authorized to withhold additional retainage not to exceed 5% from a subsequent periodic payment application if the amount of total retainage withheld falls below 2.5%, through the completion of the Project.
- E. If the pay application is approved by the Town, the Town will process all pay applications within 30 days after receipt from the Contractor. 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 applications for payment. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. FINAL PAYMENT.

- A. Upon completion, the Contractor shall submit satisfactory evidence that all payrolls, material bills and other costs incurred by the Contractor in connection with the construction of the work have been paid in full. Final payment will be made within forty-five (45) days after acceptance of all work by the Town and after receipt of the final pay request which shall include the Contractor's affidavit, sworn and notarized, in the following form:

"This is to certify that all costs of materials, equipment, labor, subcontracted work, and all else entering into the accomplishment of this contract, including payrolls, have been paid in full, and no claims or liens exist against Contractor in connection with this Contract."

The Town may withhold payment for any of the following reasons:

1. Faulty or defective work not corrected.
2. The unpaid balance remaining on the Contract is not sufficient to complete the work in the sole judgement and discretion of the Town.
3. To provide a sufficient contract balance to cover liquidated damages that will be assessed.
4. Evidence that subcontractors have not been paid.

- B. Prior to submitting request for final payment to the Town, Contractor shall provide the following:

1. Warranties and bonds, guarantees, maintenance agreements, as-built drawings, certificates of inspection or approval from agencies having jurisdiction.
2. List of minority business subcontractors and material suppliers showing breakdown of contract amounts and total actual payments to subcontractors and material suppliers.
3. Contractor's affidavit of payment to material suppliers and subcontractors.
4. Consent of Surety to final Payment.
5. Certificates of state agencies (if any) required by law.

6. CONSTRUCTION SUPERVISION AND SCHEDULE

- A. Throughout the progress of the Work, the Contractor shall keep at the job site, a competent superintendent and supervisory staff satisfactory to the Town. The superintendent and supervisory staff shall not be changed without the consent of the Town unless said superintendent ceases to be employed by the Contractor or ceases to be competent as determined by the Contractor or Town. The superintendent and other staff designated by the Contractor in writing shall have authority to act on behalf of the Contractor, and instructions, directions or notices given to the superintendent shall be as binding as if given to the Contractor. However, directions, instructions, and notices shall be confirmed in writing.
- B. Contractor shall examine and study the drawings and specifications and fully understand the Project design and shall provide constant and efficient supervision to the Work. Should Contractor discover any discrepancies of any sort in the drawings or specifications, Contractor shall report them to the Town without delay. Contractor will not be held responsible for discrepancies in the drawings and/or specifications but shall be held responsible to report them should they become known to Contractor.
- C. Contractor is required to attend job site progress conferences as called by the Town. The Contractor shall be represented at these job progress conferences by both home office and

Project personnel. These representatives shall have authority to act on behalf of the Contractor. These meetings shall be open to subcontractors, material suppliers and any others who can contribute toward maintaining required job progress. It shall be the principal purpose of these meetings, or conferences, to effect coordination, cooperation and assistance in every practical way toward the end of maintaining progress of the Project on schedule and to complete the Project within the specified contract time. The Contractor shall be prepared to assess progress of the Work as required in the Contract Documents and to recommend remedial measures for correction of progress as may be appropriate. The Contractor shall turn over a copy of his daily reports to the Town at the job site progress conference. Town will determine daily report format.

- D. Contractor shall prepare the Project construction schedule which shall graphically show all outstanding features of the Work required to construct the Project from start to finish and within the allotted time established in the Contract. Contractor shall maintain a Project progress schedule for the Town and shall notify the Town of any requested changes in the Project schedule.
- E. The Project construction schedule shall indicate the estimated starting and completion dates for each major element of the Work by area and shall schedule dates for all outstanding features, including but not limited to the placing of orders for materials, the manufacture and delivery of material, the testing and the installation of materials, supplies and equipment, and all Work activities to be performed by the Contractor. The Contractor shall allow sufficient time in his schedule for all required inspections. Each Work activity will be assigned a time estimate by the Contractor. One day shall be the smallest time unit used.
- F. The Contractor is responsible for its Work activities and will notify Town of any required changes to its Work. If any Work activities are behind schedule the Contractor shall, in writing, describe what measures will be taken to bring each such activity back on schedule and to ensure that the Contract completion date is not exceeded. A plan of action and recovery schedule shall be developed and submitted to the Town by the Contractor, when (1) the Contractor indicates delays, that are in the opinion of the Town, of sufficient magnitude that the Contractor's ability to complete the Work by the scheduled completion is brought into question; (2) the updated construction schedule is thirty (30) days behind the planned or baseline schedule and no legitimate time extensions, as determined by the Town, are in process; or (3) the Contractor desires to make changes in the sequencing of Work or the planned duration of future activities which in the opinion of the Town, are of a major nature. The plan of action, when required shall be submitted to the Town for review within two (2) business days of the Contractor receiving the Town's written demand. The recovery schedule, when required, shall be submitted to the Town within five (5) calendar days of the Contractor's receiving the Town's written demand. Failure to provide an updated construction schedule or a recovery schedule may be grounds for rejection of payment applications or withholding of funds.
- G. The proposed Project construction schedule shall be presented to the Town no later than fifteen (15) calendar days after the issuance of the written Notice to Proceed. No application for payment will be reviewed or paid until this schedule is accepted by the Town.

7. USE OF PREMISES.

- A. Contractor shall confine its apparatus, the storage of materials and the operations of its workers to limits indicated by law, ordinances, permits or directions of the Town and shall not exceed those established limits in its operations.
- B. Contractor shall enforce the Town's instructions regarding signs, advertisements, fires and smoking.
- C. No firearms, any type of alcoholic beverages, or drugs (other than those prescribed by a physician) will be permitted at the job site.

8. PROTECTION OF WORK, PROPERTY AND THE PUBLIC.

- A. The Contractor shall be responsible for the entire site and the building or construction of the same and provide all the necessary protections, as required by the Town, and by laws or ordinances governing such conditions. Contractor shall be responsible for any damage to the Town's property, or of that of others on the job, by them, their personnel, or their subcontractors, and shall pay for or repair any such damages. Contractor shall be responsible for and pay for any damages caused to the Town.
- B. The Contractor shall provide cover and protect all portions of the Project being constructed when the Work is not in progress as needed, provide and set all temporary roofs, covers, and all other materials necessary to protect all the Work on the Project, whether set by the Contractor, or any of the subcontractors. Any Work damaged through the lack of proper protection or from any other cause, shall be repaired or replaced without extra cost to the Town.
- C. No fires of any kind will be allowed inside or around the operations during the course of construction without special permission from the Town.
- D. The Contractor shall protect all trees and shrubs designated to remain in the vicinity of the operations by building substantial boxes around same. Contractor shall barricade all walks, roads, etc., as directed by the Town to keep the public away from the construction. All trenches, excavations or other hazards in the vicinity of the Work shall be well barricaded and properly lighted at night.
- E. The Contractor shall provide all necessary safety measures for the protection of all persons on the job and shall fully comply with all state laws or regulations and North Carolina State Building Code requirements to prevent accident or injury to persons on or about the location of the Work. Contractor shall clearly mark or post signs warning of hazards existing and shall barricade excavations and similar hazards. Contractor shall protect against damage or injury resulting from falling materials and shall maintain all protective devices and signs throughout the progress of the Work.
- F. The Contractor shall adhere to the rules, regulations and interpretations of the North Carolina Department of Labor relating to Occupational Safety and Health Standards for the Construction Industry (Title 29, Code of Federal Regulations, Part 1926, published in Volume 39, Number 122, Part II, June 24, 1974, *Federal Register*), and revisions thereto as adopted by General Statutes of North Carolina 95-126 through 155.

- G. The Contractor shall designate a responsible person of its organization as safety officer/inspector to inspect the Project site for unsafe health and safety hazards, to report these hazards to the Contractor for correction, and whose duties also include accident prevention on the Project, and to provide other safety and health measures on the Project site as required by the terms and conditions of the Contract Documents. The name of the safety inspector shall be made known to the Town at the time of the preconstruction conference and in all cases prior to any Work starting on the Project.
- H. In the event of emergency affecting the safety of life, the protection of Work, or the safety of adjoining properties, the Contractor is hereby authorized to act at Contractor's own discretion, without further authorization from anyone, to prevent such threatened injury or damage.
- I. Any and all costs associated with correcting damage caused to adjacent properties of the construction site or staging area shall be borne by the Contractor. These costs shall include but not be limited to flooding, mud, sand, stone, debris, and discharging of waste products.

9. UTILITIES.

Contractor shall provide necessary and adequate facilities for water, electricity, gas, oil, sewer and other utility services which may be necessary and required for completion of the Project including all utilities required for testing, cleaning, balancing, and sterilization of designated plumbing, mechanical and electrical systems. Any permanent meters installed shall be listed in the Contractor's name until Work has a Final Acceptance. The Contractor will be solely responsible for all utility costs prior to Final Acceptance. Contractor shall contact all affected utility companies prior to bid to determine their requirements to provide temporary and permanent service and include all costs associated with providing those services in their bid. Coordination of the Work of the utility companies during construction is the sole responsibility of the Contractor.

10. CHANGE ORDERS.

- A. In the event Town has changes in the Work not covered by the Contract, these changes will not invalidate or relieve Contractor from any guarantee it has given in this Contract. These changes will not relieve the Surety or Sureties of any bonds and all extra Work shall be performed under the conditions of this Contract. Except in an emergency endangering life or property, changes in Work shall not proceed without a Change Order approved by the Town. 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. For purposes of this Contract, "net cost" shall mean the difference between all proper cost additions and deductions. No claim for adjustments of the contract price shall be valid unless the procedure outlined in this section is followed. Any Work performed pursuant to an approved change order shall be governed by the terms of this Contract.
- B. The Parties agree that there are two methods that may be utilized to determine the cost of changes:
 - 1. If unit prices are quoted in the proposal or bid and the additional work is covered by those unit prices, or can be subsequently agreed to by the Parties, the cost of the change shall be computed by application of the unit prices based on quantities. If this method is used no additional allowances shall be made for overhead and profit.

2. If the additional work is not covered by unit prices, unit prices were not provided in the proposal or bid, or the Parties mutually agree, then Town and Contractor may negotiate and agree upon the value of the change prior to the issuance of the Change Order and the Change Order shall identify the corresponding lump sum adjustment to the contract price.
- C. In the event concealed conditions are discovered in the performance of the Work below grade, or in the event concealed or unknown conditions in an existing structure vary from the conditions indicated in the Contract Documents, the contract sum and time for completion may be adjusted by Change Order upon claim by either party made within thirty (30) days after the condition has been identified. The cost shall be determined by one of the methods outlined in this Contract.
- D. Change Orders shall be submitted by the Contractor for the Town's review and approval. Contractor shall provide all applicable supporting data and information. Delay in approval of a Change Order due to Contractor's failure to submit proper documentation shall not be grounds for a time extension or basis of a claim. The Town shall respond to the Contractor's proposal within fourteen calendar (14) days of receipt of the proposal. If accepted, the Town shall prepare the Change Order for the Contractor's signature. The Town shall execute the approved Change Order within seven (7) days of receipt from the Contractor. The Contractor shall notify its bonding company that the Contract has been changed by the amount of the Change Order and provide a copy of the approved Change Order to the Surety. In the event a Change Order cannot be agreed upon by the Parties, nothing in this Contract shall preclude the Town from performing, or having performed, the Work requested in a Change Order.

11. MINOR CHANGES.

The Town may order minor changes in the Work not involving an adjustment in the Contract sum or Time for Completion, and not inconsistent with the intent of the Contract Documents. Such changes shall be executed by written order and shall be binding on the Contractor and subject to the terms of this Contract.

12. INSPECTION OF THE WORK.

- A. It is a condition of this Contract that the Work shall be subject to inspection during normal working hours and during any time Work is in preparation and progress by the Town or a Special Inspector designated by the Town, and those persons required by state law to test Work for official approval. The Contractor shall therefore provide safe access to the Work at all times for such inspections.
- B. All Work shall be inspected by the Town or Special Inspector (if applicable) prior to being covered by the Contractor. Contractor shall give a minimum two weeks' notice of needed inspections unless otherwise agreed to by all parties. If an inspection fails, all costs associated with additional re-inspections shall be borne by the Contractor.
- C. Where special inspection or testing is required by virtue of any state laws, instructions of the Town, specifications, or codes, the Contractor shall give adequate notice to the Town of the time set for such inspection or test. Such special tests or inspections will be made in the presence of the Town's representative, and it shall be the Contractor's responsibility to serve ample notice of such tests.

- D. All laboratory tests shall be paid by the Town unless provided otherwise in the Contract Documents, except the Contractor shall pay for laboratory tests to establish design mix for concrete, and for additional tests to prove compliance with Contract Documents where materials have tested deficient except when the testing laboratory did not follow the appropriate ASTM testing procedures.
- E. Should any Work be covered up or concealed prior to inspection and approval by the Town or Special Inspector, such Work shall be uncovered or exposed for inspection, if requested by the Town. Inspection of the Work will be made upon notice from the Contractor that the Work has been uncovered or exposed. In the event Work has been covered or concealed, all costs involved in uncovering, repairing, replacing, recovering and restoring to design condition said Work will be paid by the Contractor.

13. TOWN'S RIGHT TO PERFORM WORK.

If at any point during the performance or progress of the work, or during the period of guarantee, Contractor fails to perform the Work in a satisfactory manner or to perform in accordance with the terms of this Contract, the Town, after seven (7) days' written notice to the Contractor from the Town, may perform or have performed that portion of the Work. The cost of the associated Work may be deducted from any amounts due or that become due to the Contractor. In the event the cost of such performance exceeds the amount due the Contractor, then the Contractor or the Surety (if applicable), or both, shall be liable for and shall pay to the Town the amount of the excess.

14. UNCORRECTED FAULTY WORK

Should the correction of faulty or damaged Work be considered inadvisable by the Town, the Work will not be corrected and the Town shall be reimbursed by the Contractor for the devaluation of the Project as a result of the faulty Work. A change order will be issued to reflect the reduction in Contract sum.

15. FINAL INSPECTION AND FINAL ACCEPTANCE

- A. Upon notification from the Contractor that the Project is complete and ready for inspection, the Town shall complete a final inspection to verify that the Project is complete. The Contractor shall schedule the final inspection at a time and date acceptable to the Town.
- B. Upon final inspection, the Town shall, if job conditions warrant, record a list of items that are found to be incomplete or not in accordance with the Contract Documents. At the conclusion of the Town's final inspection, the Town shall make one of the following determinations:
 - 1. That the Project is completed and accepted.
 - 2. That the Project will be accepted subject to the correction of any identified discrepancies or faulty construction.
 - 3. That the Project is not complete and a date for another final inspection will be established.

The date of Final Acceptance will establish the beginning of the guarantees and warranties period and the termination of utility cost to the Contractor. No liquidated damages will be assessed after this date.

16. CORRECTION OF WORK PRIOR TO FINAL PAYMENT

- A. Any Work, materials, fabricated items or other parts of the Work which are not in accordance with the Contract shall be promptly removed from the Work site by the Contractor and shall be immediately replaced by new Work in accordance with the Contract Documents at no additional cost to the Town. Work or property of other contractors or the Town, damaged or destroyed by virtue of such faulty Work, shall be made good at the expense of the Contractor.
- B. Correction of faulty Work described above shall commence within twenty-four (24) hours after receipt of notice from the Town, and shall make satisfactory progress, as determined by the Town, until completed.
- C. Should Contractor fail to proceed with the corrections in a timely fashion Town may complete the Work in accordance with this Contract.

17. CORRECTION OF WORK AFTER FINAL PAYMENT

Neither the final payment or use of the premises by the Town, nor any provision of the Contract, nor any other act or instrument of the Town, shall relieve the Contractor from responsibility for negligence, or faulty material or workmanship, or failure to comply with the drawings and specifications. Contractor shall correct or make good any defects due thereto and repair any damage resulting there from, which may appear during the guarantee period following Final Acceptance of the Work. The Town will report any defects as they may appear to the Contractor and establish a time limit for completion of corrections by the Contractor. The Town will be the judge as to the responsibility for correction of defects.

18. MINORITY BUSINESS PARTICIPATION

Contractor is required to identify participation of Minority and Women-Owned Business Enterprises (MWBE) in its proposal and document how that participation is achieved. There is a verifiable goal of ten percent (10%) for participation by minority businesses in the total value of work for the Project. Contractor shall comply with the document titled "Guidelines For Recruitment and Selection of Minority Businesses For Participation In Town of Apex Construction Contracts", including associated Affidavits and Appendices which are hereby incorporated herein.

19. 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 Contract shall be governed by the laws of the State of North Carolina.

Contractor shall obtain all required permits and inspections and shall give all notices required by law in performance of this Project. In the event Contractor observes that any drawings or specifications are not in compliance with any such rules, laws, or regulations, Contractor shall promptly notify the Town in writing. Contractor shall not perform any Work knowing it to be contrary to any laws, ordinances, codes, rules or regulations.

All Work under this Contract shall be performed in accordance with the North Carolina Building Code and all other applicable state or national codes.

20. 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).

21. QUALITY AND WORKERSHIP.

Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Contractor hereby certifies that Contractor is a licensed general contractor as defined by N.C.G.S. 87-1.

22. SURETY.

If at any time after the execution of this Contract and the surety bonds included in the Contract Documents for the faithful performance of the Contract, the Town shall deem the surety or sureties upon such bonds to be unsatisfactory, or if, for any reason, such bonds cease to be adequate to cover the performance of the Work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the Town so to do, furnish an additional bond or bonds in such form and amount, and with such surety or sureties as shall be satisfactory to the Town. In such event no further payment to the Contractor shall be deemed to be due under this Contract until such new or additional security for the faithful performance of the Work shall be furnished in manner and form satisfactory to the Town.

23. BOND REQUIREMENTS.

Within ten (10) days of the award of the Contract, Contractor shall provide the Town of Apex with a contract payment bond and a contract performance bond executed by a surety company authorized to do business in North Carolina, each in an amount equal to 100 percent of the amount of the Contract. All bonds shall be in conformity with N.C.G.S. 44A-33 and countersigned by an authorizing agent of the bonding company.

Failure on the part of the Contractor to file acceptable bonds within the required timeframe shall be just cause for the forfeiture of the bid bond or bid deposit and rescinding award of the Contract. Award may then be made to the next lowest responsible bidder or the Work may be re-advertised.

24. CONTRACTOR'S WARRANTIES.

The Contractor, in executing this Contract, unconditionally guarantees the materials and workmanship against defects arising from faulty materials, faulty workmanship or negligence for a period of twelve (12) months following the Final Acceptance of the Work by the Town and shall replace all such defective materials or workmanship without cost to the Town. In the case where materials or equipment carry a manufacturer's warranty for any period in excess of twelve (12) months, then the manufacturer's warranty shall apply for that specific equipment or material. During the manufacturer's warranty period the Contractor shall be responsible for the replacement of such defective equipment or materials.

Nothing in this section shall preclude the Town from bringing an action for latent defects caused by the negligence of the Contractor which is concealed, hidden, or not readily apparent to the Town at the time of Final Acceptance, in accordance with applicable law. Guarantees that are stipulated in the specifications or drawings shall govern those particular materials or equipment.

25. CODES AND STANDARDS.

Wherever reference is made to codes, standard specifications, or other data published by regulating agencies it shall be understood that said reference is to the latest edition published prior to the date of the Contract Documents. These regulating agencies include, but are not limited to, North Carolina state building codes, federal specifications, national electric codes, ASTM specifications and various institute specifications.

26. INDEMNIFICATION.

To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Town and its agents, consultants, elected officials, and employees, from and against all claims, damages, losses and expenses, including, but not limited to, attorneys' fees, arising out of or resulting from the performance or failure of performance of the Work, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from, and (2) is caused in whole or in part by any negligent act or omission of the Contractor, the Contractor's subcontractor, or the agents of either the Contractor or the Contractor's subcontractor. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this section.

27. INSURANCE.

Work under this Contract shall not begin until the Contractor has obtained all required insurance set forth below and verifying certificates of insurance have been provided to the Town. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this Contract. These certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount or eliminated without written notice, by certified mail, to the Town of such alteration or cancellation. 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.

a. Worker's Compensation and Employer's Liability

The Contractor shall provide and maintain, until Final Acceptance, Worker's compensation insurance, as required by law, as well as employer's liability coverage with a minimum limit of \$1,000,000.

b. Public Liability and Property Damage

The Contractor shall provide and maintain, until Final Acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this Contract, whether such operations be by the Contractor or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Commercial General Liability:

Each Occurrence: Two Million (\$2,000,000)
General Aggregate: Four Million (\$4,000,000)
Products-Completed/Operations Aggregate: Four Million (\$4,000,000)

Such coverage for completed operations must be maintained for at least two (2) years following Final Acceptance of the Work performed under the Contract.

c. **Commercial Automobile Liability Coverage**

The Contractor shall purchase and maintain, until Final Acceptance, commercial automobile liability insurance as follows:

Combined Single Limit Per Accident: Two Million (\$2,000,000) for bodily injury, death of any person, and property damage covering vehicles owned, non-owned, and hired by Contractor and used during construction.

d. **Property Insurance (Builder's Risk/Installation Floater)**

The Contractor shall purchase and maintain property insurance until Final Acceptance, upon the entire Work at the site to the full insurable value thereof. This insurance shall include the interests of the Town, the Contractor, the subcontractors and sub-subcontractors in the Work and shall insure against the perils of fire, wind, rain, flood, extended coverage, and vandalism and malicious mischief. If the Town is damaged by failure of the Contractor to purchase or maintain such insurance, then the Contractor shall bear all reasonable costs properly attributable thereto; the Contractor shall obtain and maintain similar property insurance on portions of the Work stored off the site when request for payment per articles so includes such portions.

e. **Environmental Pollution Liability**

If the Work includes the use or release of pollutants Contractor shall maintain Environmental Pollution Liability in the following minimum amounts:

Each Occurrence: Two Million (\$1,000,000)
Aggregate: Four Million (\$4,000,000)

f. **Deductible**

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Contractor.

g. Other Insurance

The Contractor shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

Commercial General Liability and Commercial Automobile Liability limits can be satisfied under a combination of Primary and Umbrella/Excess Liability Insurance policies.

Waiver of Subrogation is required on General Liability, Auto Liability, Worker's Compensation and Umbrella policies.

Town of Apex is to be named as Additional Insured on General Liability and Automobile Liability policies.

h. Proof of Carriage

The Contractor shall furnish the Town with satisfactory proof of carriage of the insurance required before approval of the insurance is granted by the Town.

28. SUBCONTRACTORS.

Contractor shall be fully responsible for Contractor's own acts or omissions as well as those of any subcontractor retained to perform services pursuant to this Contract. Contractor acknowledges that no contractual relationship exists between the subcontractor and the Town in regards to this Contract and that the subcontractor is acting as an agent or employee of the Contractor. Contractor acknowledges that the terms of this Contract apply to each subcontractor as it does to the Contractor and Contractor will take whatever steps necessary to bind all subcontractors working on this Project to these terms.

29. DEFAULT.

In the event the Contractor fails to begin the Work pursuant to the Contract Documents within the time specified, or the progress of the Work is not maintained on schedule, or the Work is not completed within the time specified, or fails to perform the Work with sufficient staff and equipment or with sufficient materials to ensure the prompt completion of said Work, or shall perform the Work unsuitably or shall discontinue the prosecution of the Work, or if the Contractor shall become insolvent or be declared bankrupt or commit any act of bankruptcy or insolvency, or allow any final judgment to stand against Contractor unsatisfied for a period of forty-eight (48) hours, or shall make an assignment for the benefit of creditors, or for any other cause whatsoever shall not carry on the Work in an acceptable manner, the Town may give notice in writing, sent by certified mail, return receipt requested, to the Contractor and its surety of such delay, neglect or default, specifying the same, and if the Contractor within a period of seven (7) days after such notice shall not proceed in accordance with the notice, then the Town shall, declare this Contract in default. Upon a declaration of default the following shall apply:

The Surety shall promptly take over the Work and complete the performance of this Contract in the manner and within the time frame specified. In the event the Surety shall fail to take over the Work to be done under this Contract within seven (7) days after being so notified and notify the Town in

writing, sent by certified mail, return receipt requested, that it is taking the same over and stating that it will diligently pursue and complete the same, the Town shall have full power and authority, without violating the Contract, to take the prosecution of the Work out of the hands of said Contractor, to appropriate or use any or all contract materials and equipment on the grounds as may be suitable and acceptable and may enter into an agreement, either by public letting or negotiation, for the completion of said Contract according to the terms and provisions thereof or use such other methods as in Town's opinion shall be required for the completion of said Contract in an acceptable manner. All costs and charges incurred by the Town, together with the costs of completing the Work under Contract, shall be deducted from any monies due or which may become due said Contractor and Surety. In the event the expense shall exceed the sum which would have been payable under the Contract, then the Contractor and the Surety shall be liable and shall pay to the Town the amount of said excess.

30. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Contract 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. Unless otherwise notified, upon termination Contractor shall discontinue all Work and the placement of orders for materials and supplies in connection with this Contract.

Upon such termination, Contractor shall be entitled to payment only as follows: (1) the actual cost of the Work completed in conformity with this Contract; plus, (2) such other costs actually incurred by Contractor as are permitted by the Contract and approved by Town. There shall be deducted from such sums as provided in this subparagraph the amount of any payments made to Contractor prior to the date of the termination of this Contract. Contractor shall not be entitled to any claim or claim of lien against Town for any additional compensation or damages in the event of such termination and payment.

31. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Contract shall be deemed properly made if delivered in writing in person by registered mail to the address specified below.

TO CONTRACTOR:	TO TOWN: Town of Apex Attn: Craig Setzer PO Box 250 Apex, NC 27502 Craig.Setzer@apexnc.org
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32. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Contract shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Contract 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.

33. CONSTRUCTION.

Should any portion of this Contract 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.

34. 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 Contract, and they rely on no such representations; that they have fully read and understood this Contract before signing their names; and that they act voluntarily and with full advice of counsel.

35. SEVERABILITY.

In the event for any reason that any provision or portion of this Contract 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 Contract, 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.

36. COUNTERPARTS.

This Contract 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.

37. MODIFICATION.

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

38. BINDING EFFECT.

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

39. 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 Contract 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.

40. INDEPENDENT CONTRACTOR.

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

41. NON-APPROPRIATION.

Notwithstanding any other provisions of this Contract, 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 Contract for any fiscal year, this Contract shall terminate immediately without further obligation of the Town.

42. IRAN DIVESTMENT ACT CERTIFICATION.

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

43. 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.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ____ day of _____, 2023.

Contractor: _____

Town of Apex

(Print name)

Catherine Crosby, Town Manager

Signature

Attest:

Title

Allen L. Coleman, CMC, NCCCC, Town Clerk

Attest:

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

Secretary (if a corporation)

Antwan Morrison, Finance Director



March 17, 2023

To: Shawn Purvis, Deputy Town Manager

From: Craig Setzer, Parks, Recreation and Cultural Resources Director

Re: Middle Creek Greenway Construction Funding Phase I and Phase II-B

The purpose of this memo is to provide Council with a recommendation to fund the construction of Middle Creek Greenway Phase I and Phase II-B.

Background

Middle Creek Greenway PHI and PHII-B (including Spur B) total 1.6 miles of greenway that link the Town of Apex to Holly Springs at Sunset Lake Road. The two phases start at Sunset Lake Road (adjacent to Sunset Hills Subdivision), run north to just beyond Colby Chase Drive (Pemberley Subdivision), and have a spur connecting to the Miramonte Subdivision. PHI will include a trailhead with parking at the town's southern terminus of the trail. The estimated budget for Middle Creek Greenway Phase I and Phase IIB was \$3,139,545 in 2021. Per the original estimate staff requested and received grant funding from Wake County for 49 percent (\$1,544,686). The Town of Apex would have been responsible for covering the remaining portion of \$1,594,859. Town staff received bids for Middle Creek Greenway PHI and PHII-B (including Spur B) on February 14 with the low bidder's total cost of \$5,357,976.

Discussion

The total cost of the project is \$2,218,431 above original estimates. In an attempt to address the shortfall staff has looked at alternatives to reduce the scope of the project. A reduction in the scope would require rebidding of the project and could also require review and amending of the Wake County funding agreement. Staff asked Wake County if any additional bond funds would be available, but the funds have all been allocated to different projects. Staff has identified several sources to cover the shortfall - \$600,000 from the CIP for Annual Miscellaneous Greenway Connections and \$1,618,431 to be split between the Recreation Capital Reserve Fund and General Fund fund balance. The use of Miscellaneous Greenway connections Annual CIP allocation will not deter or delay planned feasibility studies or design of priority corridors as staff was recently awarded feasibility funding for the northern portion of Middle Creek greenway and the Swift Creek connector into the Town of Cary. The upcoming 2023-24 allocation will allow staff to start design on the highest scoring studied corridor along with looking at the highest priority corridors for an additional feasibility study. The General Fund currently has approximately \$8.7 million available for allocation from fund balance and the Recreation Capital Reserve has \$5.8 million available.

Recommendation

For the Town to complete the Middle Creek Greenway, additional funding will need to be allocated. Staff has identified funding sources for the \$2,218,431 shortfall from current capital allocations, General Fund fund balance, and the Recreation Capital Reserve Fund. The use of these funds is consistent with the Town's commitment the 2017 Parks Bond projects, the assignment of Recreation Subdivision fees-in-lieu for greenway construction, and the completion a major greenway corridor within the town that has been highly prioritized in approved plans. Staff does not anticipate any delays or negative impact from reallocating the funds set aside for greenway feasibility studies, but does recognize that use of reserves from the General Fund and Recreation Capital Reserve would represent a decrease in funds available for other capital projects experiencing budget shortfalls or being considered by Town Council.



Town of Apex

Budget Ordinance Amendment No. 15

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2022-2023 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

10-0000-39902: Appropriated Fund Balance	\$809,500
Total Revenues	\$809,500

Section 2. Expenditures:

10-9030-49667: Transfer to Recreation Project Fund	\$809,500
Total Expenditures	\$809,500

Recreation Capital Reserve Fund

Section 1. Revenues:

77-0000-39902: Appropriated Fund Balance	\$809,500
Total Revenues	\$809,500

Section 2. Expenditures:

77-0000-49667: Transfer to Recreation Project Fund	\$809,500
Total Expenditures	\$809,500

Section 7. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 28th day of March, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2023-6

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 1. The revenues anticipated for the projects are:

39710 Transfer from General Fund	809,500
39777: Transfer from Recreation Reserve	809,500
Total Revenues	\$1,619,000

Section 2. The expenditures anticipated are:

9200.003 - 47300 Middle Creek Greenway	1,619,000
Total Expenditures	\$1,619,000

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 28th day of March, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

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

- March 14, 2023 - Regular Town Council Meeting Minutes

Approval Recommended?

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

Item Details

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

Attachments

- CN4-A1: **DRAFT** Minutes - March 14, 2023 Regular Town Council Meeting



MINUTES DRAFT

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, MARCH 14, 2023 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 14, 2023 at 6:00 pm in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town of Apex YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=Yrkmhc9htjk>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Ed Gray
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Absent: None

Town Staff

Town Manager Catherine Crosby
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

COMMENCEMENT

Mayor Gilbert called the meeting to order, and welcomed those in attendance and those watching live on the Town's YouTube channel. He then invited Councilmember Gray to recognize a group in attendance.

Councilmember Gray said it was always exciting to have a group of young people joining the Council meetings. He welcomed the Apex Youth Council, who he then invited to join him in doing the wave. He said they are bringing energy and enthusiasm, and that they are the future of the Town.

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Mayor Gilbert invited everyone to join him in a moment of silence to signify unify. He then led Council and those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A motion was made by Mayor Pro Tempore Audra Killingsworth, seconded by Councilmember Ed Gray, to approve the consent agenda with Consent Item 10 removed.

VOTE: UNANIMOUS (5-0)

CN1 2023 Revised Council Meeting Calendar

Council voted to approve a Revised version of the 2023 Council Meeting Calendar.

CN2 Annexation No. 747 - Apex Light Industrial - 21.246 acres

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 28, 2023, on the Question of Annexation - Apex Town Council's intent to annex 21.246 acres, Apex Light Industrial, Annexation No. 747 into the Town Corporate limits.

CN3 Annexation No. 748 - The Townes at Chapel Ridge - 18.613 acres

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 28, 2023, on the Question of Annexation - Apex Town Council's intent to annex 18.613 acres, the Townes at Chapel Ridge, Annexation No. 748 into the Town Corporate limits.

CN4 Appointments - Housing Advisory Board (HAB) - Chair/Vice-Chair

Council voted to confirm the following leadership positions on the Housing Advisory Board (HAB) for calendar year 2023:

Phil Welch, Chair of the Apex Housing Advisory Board (HAB)

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

CN5 Contract Multi-Year - OW Investors, LLC dba Mars Co - Water Meter Test Bench - March 14, 2023 through June 30, 2028

Council voted to approve a 5-Year Standard Services Contract with OW Investors, LLC, dba MARS Company, and to authorize the Town Manager to execute on behalf of the Town.

CN6 Council Meeting Minutes - February Meetings

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

February 14, 2023 Regular Town Council Meeting

February 17, 2023 Annual Council Retreat/Budget Workshop

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February 21, 2023 Work Session Town Council Meeting

February 28, 2023 Regular Town Council Meeting

CN7 Rezoning Case No. 22CZ19 - The Heights PUD - Statement & Ordinance

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case #22CZ19 The Heights PUD. Charm City Developers, LLC is the applicant for the properties located at 406 S. Salem Street, 0 Harwood Street, and 0 First Street.

CN8 Rezoning Case No. 22CZ21 Apex Light Industrial - Set Public Hearing

Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding Rezoning Application #22CZ21 Apex Light Industrial and Ordinance. The applicant, Drew Thigpen, Greenberg Gibbons Properties, seeks to rezone approximately 55.68 acres from Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W) to Tech/Flex-Conditional Zoning (TF-CZ). The proposed rezoning is located at 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road.

CN9 Rezoning Case No. 22CZ22 Elevate 64 West PUD - Set Public Hearing

Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding Rezoning Application #22CZ22 Elevate 64 West PUD. The applicant, FA Develop, LLC, seeks to rezone approximately 35.15 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3805 & 3809 US Hwy 64 W.

~~**CN10 Rezoning Case No. 22CZ27 Center City Townhomes - Set Public Hearing - REMOVED**~~

This item was removed from consideration.

CN11 Unified Development Ordinance (UDO) Amendments - February 2023 - Statement

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 28, 2023.

CN12 Unified Development Ordinance (UDO) Amendments - March 2023 - Set Public Hearing

Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding various amendments to Unified Development Ordinance (UDO).

CN13 Tax Report - January 2023

Council voted to approve the Apex Tax Report dated February 20, 2023.

[PRESENTATIONS]

PR1 Proclamation - Bleeding Disorders Awareness Month

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Mayor Gilbert invited Karyn Davis, Board of Directors Members of the Bleeding Disorders Foundation of North Carolina, to the front to receive the Proclamation and take a picture. Mayor and Council then read the Bleeding Disorders Awareness Month Proclamation in unity.

Ms. Davis thanked the Mayor and Council for the Proclamation.

PR2 Proclamation - Citizens Assisting Police in Apex (CAPA) Day

Councilmember Mahaffey acknowledged the leader of Citizens Assisting Police in Apex, Drew Ludlow. He thanked Mr. Ludlow for everything he does for the Town, CAPA, and the Officers. He said the time and effort he put into the program was amazing. Mayor and Council then read the CAPA Day 2023 Proclamation in unity.

Mayor Gilbert invited Mr. Ludlow and the other CAPA members present up to take a picture and receive the proclamation.

Mr. Ludlow offered some comments:

"I just want to thank all of our members. We've got about half of them here, out of about 50-55 members that are all volunteers. They volunteer on Saturdays, they volunteer on weekdays, weekends, and it's all for the Police Department and the Town of Apex. We couldn't have done any of this without them, so they got us here. But above all, I want to thank our officers, because they're the real reason these people do what they do. Thank you."

PR3 Proclamation - Developmental Disabilities Awareness Month

Mayor Gilbert invited Sherrell Gales, Supported Employee Manager at Abound Health, up to receive the Proclamation and take a picture. Mayor and Council then read the Developmental Disabilities Awareness Month Proclamation in unity.

Ms. Gales offered a few comments:

"Thank you so much again on behalf of Abound Health, we're so thankful to be able to be here today and adopt the proclamation For National Disability Awareness Month. Thank you again, Mayor Gilbert, and Apex, for all the inclusion you're bringing to the community."

PR4 Proclamation - Girl Scouts of the USA Appreciation Week - March 14 through March 21, 2023

Mayor Gilbert and Council read the Girl Scouts of the USA Appreciation Week Proclamation in unity.

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PR5 Proclamation - Women's History Month

Mayor Gilbert invited Karen Lee, Linda Graham-Jones, Georgia Evangelist, Rosanna Lindhofer, and Pat Smith up to receive the Proclamation and take a picture. Mayor and Council then read the Women's History Month Proclamation in unity.

Former Town Clerk Georgia Evangelist offered a few words:

"I'm Georgia Evangelist, and I worked here from 1980 to 2012, over three decades, and most of that was your City Clerk. And I was young then, and I knew Jacques, and I have supported him 100%, you are blessed to have him as your Mayor, you are blessed to have this future Council that's sitting here and the ones to come in the future that's going to make Apex an even better place to live. And you haven't seen anything, if you think this is the Peak of Good Living you're in for a surprise, because it's just getting better and better. So, I welcome you to Apex, and I'm a homegrown girl, so I may be a little southern, but I still love everyone that's coming here, it's great. And Women's History, we've got so much more to tell you. It's been a wonderful month, I've learned a lot about things that I didn't even know myself that I will share all that time and I even found out more, so continue to support the women of this town. We have been a backbone for a long time, and we're going to continue to do our part, thank you."

Mayor Gilbert thanked Council for joining him in reading the Proclamations, and moved on to setting the regular meeting agenda.

[REGULAR MEETING AGENDA]

Councilmember Gray asked that New Business be moved to after Closed Session.

Mayor Gilbert called for a motion with this change.

A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Councilmember Brett Gantt**, to approve the Regular Agenda, with the change of moving New Business to after Closed Session.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

First to speak were **Kristin and Sean Uhriq** of 312 N Mason Street:

Kristin: "Thank you for the time. We are here actually at your suggestion. There is a speeding problem on Mason Street, directly right across from the Community Center. Speed Limit is 25 miles per hour, it's a three-lane road, and despite all the best efforts of Police and other Town members,

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it's not 25 miles an hour and we're afraid that something really bad is going to happen. The Town has done a very good job of putting deputies there to try to catch speeders, they put signs up on the speed limit signs to catch and it works for that moment, but over the long term we need something a lot more permanent to prevent that from happening."

Sean: "Yeah, I would say that believe it or not it is a residential street, there is a few of us that live there, and over the last two years the changes that have happened is that we now have 7 to 8 small children that are on that street and so they often play in their front yards. Our concern is not so much that a kid will run into the street, as much as a car will swerve onto the sidewalk, and I think that's definitely a concern. And we do appreciate the speed limit signs, I think it's helped to some degree, but we live on the opposite side without a sidewalk and believe it or not, you're welcome to come to my house and sit on the front porch any day of the week. You'll get cars that will turn at that light, it's only 350 feet at my driveway, and they're going 45 miles an hour by the time they pass my house."

Kristin: "The other concern is not just the residents but it's a highly trafficked area. Lots of communities around, to and from the community center, to downtown. I teach at Apex Middle School, and I know our kids use that route quite frequently from school to the community center, to the skate park, so we're just looking for a more permanent solution than just temporary speed traps and signs that try to slow people down. The other issue is it's a no-truck zone, and we've noticed a lot of trucks that really shouldn't be on that road. Car carriers, I can't think of any reason why a 10-car carrier would be going down Mason Street at that point. I could see Food Lion, those kinds of things, but semi-trucks do not need to be going down that road. Now that we have Apex Peakway, it's a great opportunity to divert traffic away from Mason Street. Thank you."

Mayor Gilbert thanked the Uhriqs for their comments.

Next to speak was **Elizabeth Ray Stitt** of 3113 Friendship Road:

"Elizabeth Ray Stitt, 3113 Friendship Road, and I have brought some of my neighbors with me tonight. I have more than 4 believe it or not, so I get more than 3 minutes for once. So, the last Town Council meeting I did not speak, it was your 150th celebration, my neighbors on Friendship Road, we don't celebrate Apex, because Apex's growth hasn't been very good for us. And so, you know, you've seen me a lot over the last months, so I decided to bring some of my neighbors, so with me is Bones Sears, and he lives on his family property that they've had for 92 years. I have the Reams-Holt Family who's had their property for 104 years. And I've only owned mine for 32, so I'm young in the neighborhood, but what I can tell you is the growth that has occurred hasn't been good. And I keep being told, "oh just wait, it's going to get better, just wait." And the question is, how much longer do we have to wait? So, for example, a few years ago our only community grocery store was pushed out

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1 due to the all the growth and now we have a brewery. So, every time we drive into town to get a loaf
2 of bread that we used to be able to get at the community store, we know that we're still waiting for
3 something better to come. Our roads are congested, they're not safe, and we're told "just wait for
4 the turn lanes, wait till Amgen comes, wait till all these other things come, but on a regular day
5 during traffic, I mean, during rush hour traffic, it's 35-40 cars deep because we don't have turn lanes.
6 And if you come down our road you'll see that our asphalt is crumbling, literally falling in. And I know
7 that you guys can't do anything about that, we're working with the DOT and so I bring this to you to
8 say what's good for us? Our schools are capped because the Town is growing too quickly out in our
9 areas. Our schools couldn't even be called Friendship Middle, Friendship High School, Friendship
10 Elementary, it had to be Apex. So, if Apex is going to be out there, do something for us., We should
11 not have to fight this day in and day out and be told just keep waiting and waiting and waiting. I try
12 to come and be polite, you guys know that I'm never going to raise my voice at you, I'm not going to
13 yell and scream, I've given you many invitations to come out, I've asked you to come out and look at
14 what's going to happened with the force main. You can literally stand on Friendship Road Bridge, if
15 you don't want to go with me, you can walk to one side of it and see five miles all the way down to
16 the wastewater plant, clear land. You come over to the other side of the bridge, you see all of our
17 houses and trees, and we're told "no, this is good, this is the best it's going to get", but it's not the
18 peak of good living for us, and we're tired of promises so as you kick your 150th year celebration,
19 we're going to kick off a year of petitions. And so, we're going to start doing petition signs along
20 Friendship Road, asking the people who commute through to please support us. We're going to the
21 media on the force main, we're just going to have an entire year of petitions because we want it to
22 be the peak of good living, we want to celebrate with you, but we're not given the opportunity when
23 we constantly are excluded from that. So, you know our concerns, many of times, so I'm going to
24 start bringing petition results, you're going to get copies of it, and it's going to be to Holly Springs as
25 well, DOT, Wake County Public Schools, it's going to be to everybody to say "look, we are in the
26 section of the county where we're stuck. We're stuck because we're in between jurisdictions, and
27 everybody points fingers at each other, and we're tired of people pointing fingers". We want leaders
28 who will come to the table and work with us, and help us figure out how do we get turn lanes so we
29 don't have cars 35 feet deep, how do our kids go to school without getting bussed across to another
30 school district, how do we get a grocery store, I know we have Holland Road mixed-use assembly
31 coming, but that doesn't get us our bread today. Or the last ten years. So, I'm appealing to you, my
32 neighbors are appealing to you. We're going to do petitions. And I really hope we have a few
33 meetings from now where I say hey, we have some success. We actually have people working with
34 us, because right now we don't believe the slogan of "there's nothing we can't accomplish when we

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work together”, because we’re by ourselves. We keep asking, and we’re tired of the pointing. So, I’m not going to take the full 9 minutes, imagine that, I probably could, if I didn’t have a whole group of people waiting for you guys to have the rest of your meeting, so I’m going to be polite on that. But please reach out to my neighbors, reach out to me, let’s start figuring out how we actually make this something that we celebrate too. We’re tired of being excluded. And I’ve been told I can get annexed into town, and then I could be included, but I’m not quite ready to pay to play, so I think my needs and my tax dollars should be able to take care of the concerns of my neighbors and myself. Thank you.”

Mayor Gilbert thanked Ms. Stitt for her comments.

Next to speak was **Hadi Rahim:**

Good evening members of the Town Council and Citizens of Apex, my name is Hadi Rahim, I’m a high school student at Apex High School. I think you’ve all been aware about some of my emails I’ve sent you all about my petition about ending housing discrimination against LGBTQ people in Apex. So, in 2021 the Apex Town Council passed an Ordinance protecting LGBTQ people from discrimination in employment and public accommodations, but they are still not protected from housing discrimination, which is incredibly important, especially with all the people moving here. There aren’t any state-level protections against housing discrimination, the fair housing act of 1968 says that discrimination based off of sex is banned. Sex doesn’t necessarily include sexual orientation or gender identity. The presidential administration has said it does, but that could change with a different president. The supreme court has also said that it’s technically included, however, a supreme court decision doesn’t have any teeth if there’s no enforcement. If there’s no real federal enforcement and no real state enforcement, is it really illegal? I mean, it’s not like all the schools desegregated after Brown v. Board of Education. Apex High was still segregated until like the 70’s. So, it’s important that the Town Council passes a non-discrimination ordinance with some teeth to protect LGBTQ people from discrimination of that sort. I know that the ordinance is technically a County thing that all the Towns have to sign off on, it’s kind of administered partially by the restorative justice clinic at Campbell University. I’ve talked to the Director of that, he said he thinks there’s no reason why a Town couldn’t also include housing discrimination in an NDO. Plenty of other Towns in North Carolina have already done this, Greensboro has done it, the City of Durham has done it, not the county the City, I think Winston-Salem has done it. I haven’t seen any law that says “oh, these cities can do an NDO, but Apex can’t”, and my main reason for this is that we have so many problems in Apex that we’re trying to address, you know zoning laws, funding new people coming into the Town, car dependency, all those problems, those are really hard problems that we

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need to address right now, but I think we should also address something that we can actually fix and we know that there's a solution right now. I think that's something we deserve a win right now. And you know would we accept such a lack of protections from discrimination based off of race, ethnicity, or gender, we wouldn't. So, I think it's important that we raise this issue as well. Just bringing it to your attention again. Thank you."

Mayor Gilbert thanked Mr. Rahim for his comments and thanked all speakers who presented.

[UPDATES BY TOWN MANAGER]

Town Manager Katy Crosby spoke about the 150th highlight. She talked about the cultural tourist series, which provides an open-door opportunity for community members to come together and learn. She said the first of these was the Apex Mosque Tour scheduled from 11 AM to 2 PM on Saturday, April 1st. She talked about how the Women of Apex Campaign provides a way from community members to nominate a woman of Apex who has lived a life of legacy. She said nominations could be made on the Town's website, and nominees would be posted on the Women of Apex webpage. She said nominees would be given special recognition at the March 30th Courageous Conversations Event.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember Ed Gray**, to enter into Closed Session pursuant to the items listed below (CS1 and CS2):

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 6:48 p.m.

CS1 Steve Adams, Utilities Acquisition Specialist

NCGS §143-318.11 (5):

"To instruct staff concerning the acquisition of real property."

CS2 Jacques K. Gilbert, Mayor

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

MINUTES DRAFT

A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember Brett Gantt** to return to open session.

VOTE: UNANIMOUS (5-0)

Council returned from closed session at 8:02 p.m.

A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by **Councilmember Brett Gantt**, to adopt a Resolution authorizing eminent domain proceedings related to the improvement of the Apex Street System - Apex Barbecue Road, South Salem Street, and Kelly Road.

VOTE: 4-1, Councilmember Arno Zegerman dissenting.

[NEW BUSINESS]

NB1

Councilmember Ed Gray commented about how he felt it was important for the Council to create Legislative Priorities. He said that since Apex was a growing community, there is a growing connection between Apex and the General Assembly and Federal Government in terms of working together to address Town needs. He said it's important for Council to be responsive to the citizens of Apex and other legislative bodies to help improve quality of life for residents. He said he believes the Town needs a point person to consolidate and work forward on Council's legislative priorities. He said that is not explicitly a position currently, but that is something that should be remedies.

A **motion** was made by **Councilmember Ed Gray**, seconded by **Mayor Pro Tempore Audra Killingsworth**, to direct the Town Council to create a Legislative Procedures and Policy Director under the Office of the Town Clerk, and to direct the Town Manager to take the necessary actions to implement that desire by the Council, and to place the Legislative Procedures and Policy Director's Personnel under the Town Clerk, and for this position to provide reports to the Council so the Council can create a legislative agenda and provide for Apex.

VOTE: 4-1, Councilmember Gantt dissenting.

[ADJOURNEMENT]

Mayor Gilbert announced the meeting adjourned at 8:05 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Taylor Wray, Cultural Arts Center Manager

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Possible motion to adopt an ordinance to temporarily modify Chapter 14: Section 14 of the Apex Town Code of Ordinance to accommodate alcohol on Town of Apex property on April 14 & 15, 2023 for the following special event: Bone Suckin' Peak City Pig Fest.

Approval Recommended?

Yes

Item Details

Proposal to modify the ordinance to accommodate alcohol sales and consumption on Town of Apex property on April 14 & 15, 2023 for special event: Bone Suckin' Peak City Pig Fest ("Pig Fest"). Pig Fest is a Kansas City Barbeque Society (KCBS) sanctioned BBQ competition, festival, and beer garden.

Attachments

- CN5-A1: Ordinance Temporarily Modifying Town Code Chapter 14-Section14 - Pig Fest



ORDINANCE NO. ____-____-____

AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14
AS TO THE PARKING LOT AT 112 SAUNDERS STREET
CLOSED FOR A SPECIAL EVENT

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

Section 1. Under the authority of N.C.G.S Section 18B-300(c), subsections (b), (c), and (e) of Section 14-14 of the Apex Town Code of Ordinances is temporarily modified on April 14-15, 2023 to read as follows with additions as bold underlined text:

- (b) *Consumption on the public streets and municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine in said parking lot during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**
- (c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a special event in downtown Apex, the**

possession and consumption of malt beverages and unfortified wine in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.

...

- (e) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events. The prohibition stated in this subsection 14-11(e) applies to, among other areas, downtown sidewalk food service tables. However, during the temporary closure of the parking lot at 112 Saunders Street for a special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.

Section 2. The ordinance shall be effective upon enactment.

This the ____ day of _____, 2023.

Introduced by Councilmember _____

Seconded by Councilmember _____

Attest:

TOWN OF APEX

Allen L. Coleman, CMC, NCCCC
Town Clerk

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: March 28, 2023

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Department

Requested Motion

Motion to Approve a Resolution authorizing execution of opioid settlements and approving the supplemental agreement for additional funds between the state of North Carolina and local governments on proceeds relating to the settlement of opioid litigation.

Approval Recommended?

[Yes or No]

Item Details

Attachments

- CN6-A1: Resolution Authorizing Execution of Opioid Settlements
- CN6-A2: Opioid Settlement Agreement
- CN6-A3: Background Letter from Attorney General Josh Stein



**RESOLUTION BY TOWN OF APEX
AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE
SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF
NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE
SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements; and

WHEREAS, representatives of local North Carolina governments and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Town of Apex and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds flowing to North Carolina to help abate the harm; and

WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the TOWN OF APEX hereby authorizes the Town Manager to execute all documents necessary to enter into opioid settlement agreements with

Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the _____ day of _____, 2023.

Jacques K. Gilbert

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC

Town Clerk

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com

Apex town, NC
Reference Number: CL-387580

TO NORTH CAROLINA COUNTIES AND MUNICIPALITIES:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements ("*New National Opioid Settlements*") have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** ("*Settling Defendants*"). This *Participation Package* is a follow-up communication to the *Notice of National Opioid Settlements* recently received electronically by your subdivision ("*subdivision*").

You are receiving this *Participation Package* because North Carolina is participating in the following settlements:

- **Teva**
- **Allergan**
- **CVS**
- **Walgreens**
- **Walmart**

This electronic envelope contains:

- *Participation Forms* for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.
- The North Carolina Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("*SAAF*").

The *Participation Form for each settlement* must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

The SAAF is a supplement to the North Carolina Memorandum of Agreement ("*MOA*") on the allocation, use, and reporting of funds from the prior opioid settlements with the "big three" drug distributors plus Johnson & Johnson.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves

forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to the North Carolina SAAF and MOA.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, the North Carolina Attorney General's Office, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities.

Information and documents regarding the *New National Opioid Settlements* can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

Information about how these settlements are being implemented in North Carolina and how funds will be allocated within the state can be found at <https://www.MorePowerfulNC.org>. This website also includes draft resolution templates for your governing body to authorize joining these settlements and the North Carolina SAAF.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Forms* electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning *Participation Forms*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed *Participation Forms* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return executed *Participation Forms* using DocuSign, signed *Participation Forms* may be returned via electronic mail to

opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or the North Carolina Attorney General's Office at opioidsettlement@ncdoj.gov.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.

Supplemental Agreement for Additional Funds From Additional Settlements of Opioid Litigation

I. PURPOSE

The purpose of this Supplemental Agreement for Additional Funds (“SAAF”) is to direct Additional Funds from Additional Settlements of opioid litigation to the state of North Carolina and local governments in a manner consistent with the Memorandum of Agreement (“MOA”) Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation that has governed the distribution of Opioid Settlement Funds to the State and its Local Governments since May 2022.

This SAAF does not change the scope or meaning of the MOA with respect to Opioid Settlement Funds governed by the MOA. Instead, this SAAF applies the terms of the MOA – with certain clarifications noted below – to the Additional Settlements and Additional Funds described below.

II. SCOPE

- A. Scope of the MOA. Under the terms of the MOA, the MOA governs Opioid Settlement Funds from:
1. The National Settlement Agreement with the drug distributors Cardinal, McKesson, and AmerisourceBergen and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and
 2. The Bankruptcy Resolution with Mallinckrodt; any Bankruptcy Resolution with Purdue; and any other Bankruptcy Resolution as the term “Bankruptcy Resolution” is defined in the MOA.
- B. Scope of this SAAF. This SAAF governs Additional Funds from the Additional Settlements with Additional Settling Defendants Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the Additional Settlements.

III. APPLICATION OF THE MOA TO ADDITIONAL SETTLEMENTS AND FUNDS

The MOA, which is incorporated herein by reference, governs Additional Settlements and Additional Funds in every respect, except as set forth hereinbelow. In the event of any conflict between the MOA and this SAAF, with respect to Additional Settlements and Additional Funds, the provisions of this SAAF shall take precedence.

A. Definitions.

1. The definitions used in the MOA are incorporated by reference into this SAAF.
2. “Additional Funds” shall mean all funds allocated by the Additional Settlements to the State or Local Governments for purposes of opioid remediation activities, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. Not included are funds made available in Additional Settlements for the payment of the Parties’ litigation expenses or the reimbursement of the United States Government.
3. “Additional Settlements” means a national opioid settlement agreement with the Parties and one or more of the Additional Settling Defendants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
4. “Additional Settling Defendants” means the defendants listed in section II.B of this SAAF.
5. “Local Counsel” means legal counsel and law firms who have a principal office in North Carolina and represented one or more North Carolina counties and municipalities in litigation against one or more Additional Settling Defendant concerning opioids.
6. “National Counsel” means legal counsel and law firms who have a principal office outside of North Carolina and represented various North Carolina counties and municipalities in litigation against one or more Settling Defendant or Additional Settling Defendant concerning opioids.
7. “Required Local Governments” means all North Carolina counties and municipalities that have filed litigation against any of the Settling Defendants or Additional Settling Defendants.

B. Allocation of Additional Funds

1. Method of distribution. Pursuant to any Additional Settlements, Additional Funds shall be distributed directly to the State, Local Governments, and Local Counsel for such uses as set forth in the MOA and this SAAF, provided Opioid Settlement Funds shall not be considered funds of the State, any Local Governments, or any Local Counsel unless and until such time as each distribution is made.
2. Overall allocation of funds. Additional Funds shall be allocated as follows with respect to each payment from the Additional Settling Defendants: (i) 15% directly to the State (“State Additional Abatement Fund”), (ii) 84.62% to abatement funds established by Local Governments (“Local Additional Abatement Funds”), and (iii) 0.38% to a Local Counsel Fee Fund described in section IV of this SAAF.
3. The allocation of Local Additional Abatement Funds between Local Governments shall be as described in MOA section B.3. However, to the extent required by the terms of an Additional Settlement, the proportions set forth in MOA Exhibit G shall be adjusted: (i) to provide no payment from an Additional Settlement to any listed county or municipality that does not participate in the Additional Settlement; and (ii) to provide a reduced payment from an Additional Settlement to any listed county or municipality that signs onto the Additional Settlement after the deadline specified by the Additional Settlement.
4. Municipal allocations of Local Additional Abatement Funds shall be as described in MOA section B.4. Consistent with the manner in which MOA section B.4.b has been interpreted by the parties to the MOA with respect to Opioid Settlement Funds, a municipality that directs Local Additional Abatement Funds to the county or counties in which it is located pursuant to MOA section B.4 shall be relieved of any reporting or other obligations under the MOA with respect to the redirected funds.
5. The use of Additional Funds for opioid remediation activities shall be as described in MOA section B.5.
6. All Parties acknowledge and agree the Additional Settlements will require a Local Government to release all its claims against the Additional Settling Defendants to receive Additional Funds. All Parties further acknowledge and agree based on the terms of the Additional Settlements, a Local Government may receive funds through this SAAF only after complying with all requirements set forth in the Additional Agreements to release its claims.

C. Payment of Litigating and Non-Litigating Parties

No party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in MOA Exhibit G.

D. Special Revenue Fund

Every Local Government receiving Additional Funds shall either (1) deposit the Additional Funds in the special revenue fund that the Local Government created for Opioid Settlement Funds pursuant to MOA section D.1 or (2) create a separate special revenue fund as described in MOA section D.1 that is designated for the receipt and expenditure of the Additional Funds. In either case, every Local Government receiving Additional Funds shall abide by MOA section D and other relevant provisions of the MOA with respect to the Additional Funds in the special revenue fund.

E. Opioid Remediation Activities

1. Local Governments shall expend Additional Funds according to the requirements for Opioid Settlement Funds stated in MOA section E.
2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to remediation activities funded by Additional Funds and related requirements and procedures that it has with respect to the Opioid Settlement Funds covered by the MOA.

F. Auditing, Compliance, Reporting, and Accountability

1. The Auditing, Compliance, Reporting, and Accountability provisions stated in MOA section F shall apply to Additional Funds in the way they apply to Opioid Settlement Funds.
2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to auditing, compliance, reporting, and accountability provisions relating to Additional Funds that it has with respect to the Opioid Settlement Funds covered by the MOA.

G. Effectiveness

1. When this SAAF takes effect. This SAAF shall become effective at the time a sufficient number of Local Governments have joined the SAAF to qualify the SAAF as a State-Subdivision Agreement under the Additional Settlements. If this SAAF does not thereby qualify as a State-Subdivision Agreement, this SAAF will have no effect.
2. Amendments to the SAAF.
 - a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this SAAF to make any changes required by the final provisions of the Additional Settlements. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the SAAF. The amendments will be effective to any party that does not withdraw.
 - b. Coordination group. The coordination group may make the changes to the SAAF described and authorized in MOA Exhibit D.
 - c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this SAAF, the allocation proportions set forth in MOA Exhibit G may not be amended.
 - d. General amendment power. After execution, the coordination group may propose other amendments to the SAAF, subject to the limitation in Section G.2.c of this SAAF. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this SAAF. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in MOA Exhibit G.
3. Acknowledgement. The Parties acknowledge this SAAF is an effective and fair way to address the needs arising from the public health crisis due to the misconduct committed by the Pharmaceutical Supply Chain Participants.

4. When SAAF is no longer in effect. This SAAF is effective until one year after the last date on which any (a) Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution or (b) Additional Funds are being spent by Local Governments pursuant to the Additional Settlements.
5. Application of SAAF to settlements. This SAAF applies to the Additional Settlements.
6. Applicable law and venue. Unless required otherwise by the Additional Settlements, this MOA shall be interpreted using North Carolina law and any action related to the provisions of this SAAF must be adjudicated by the Superior Court of Wake County. If any provision of this SAAF is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.
7. Scope of this SAAF. The Parties acknowledge this SAAF does not excuse any requirements placed upon them by the terms of the Additional Settlements, except to the extent those terms allow for a State-Subdivision Agreement to do so.
8. No third party beneficiaries. No person or entity is intended to be a third party beneficiary of this SAAF.
9. No effect on authority of parties. Nothing in this SAAF shall be construed to affect or constrain the authority of the Parties under law.
10. Signing and execution of this SAAF. This SAAF may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile, electronic image, or DocuSign shall be deemed an original signature for purposes of executing this SAAF. Each person signing this SAAF represents he or she is fully authorized to enter into the terms and conditions of, and to execute, this SAAF, and all necessary approvals and conditions precedent to execution have been satisfied.

IV. LOCAL COUNSEL FEE FUND

Local Counsel have reviewed the Additional Settlements, find them to be equitable, and recommend their clients execute these Additional Settlements and this SAAF. If (1) all Local Counsel sign this SAAF whereby they consent to the terms of this SAAF and agree to be legally bound by this SAAF, including but not limited to Section IV of this SAAF, and (2) all Required Local Governments agree on or before April 18, 2023 to dismiss all litigation against the Additional Settling Defendants as required by the Additional Settlements, then each Local Counsel shall be entitled to receive a portion of the Local Counsel Fee Fund for the Additional Settlements, in such proportions as set forth below. If one or more Required Local Governments does not dismiss litigation as required by the Additional Settlements, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

Local Counsel release all North Carolina counties and municipalities from any claim regarding the obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants. Local Counsel retain their rights to recover legal fees from any national legal fee fund established by a national settlement and to collect any fees due from National Counsel. If one or more National Counsel fails to release its North Carolina client counties and/or municipalities from any contractual obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants, as required for National Counsel and Local Counsel to receive a portion of the national fee funds created by the National Settlement Agreements and Additional Settlement, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

As soon as practicable, but in any event no later than May 1, 2023, Local Counsel shall report to the settlement administrator the proportion of the Local Counsel Fee Fund to be received by each Local Counsel. No funds shall be paid out of the Local Counsel Fee Fund until such report is received. Each Local Counsel's release of claims against all North Carolina counties and municipalities as provided above shall remain in full force and effect regardless of the proportion of the Local Counsel Fee Fund that any Local Counsel receives.

IN WITNESS WHEREOF, the parties, through their duly authorized officers, have executed this Supplemental Agreement for Additional Funds under seal as of the date hereof.

Apex town, NC
Reference Number: CL-387580

Signature: _____
Name: _____
Title: _____
Date: _____

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☐ Yes ☐ No

Governmental Entity: Apex town	State: NC
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Apex town	State: NC
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Apex town	State: NC
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Apex town	State: NC
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*Walgreens Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation Form**

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Apex town	State: NC
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



JOSH STEIN
ATTORNEY GENERAL



February 14, 2023

Dear Municipal Managers, Attorneys, and Clerks:

I am writing with an important update in our collective fight to address the opioid epidemic and save lives – and a request for you to take action to secure additional opioid settlement funds so that North Carolina can continue these important efforts.

As you know, I helped negotiate the \$26 billion national opioid settlements with the “big three” drug distributors plus Johnson & Johnson (“Wave One Settlements”). In 2022 these funds began flowing to the state, all 100 counties, municipalities of over 75,000 people, and municipalities that engaged in litigation against opioid defendants.

We recently negotiated \$21 billion in new settlements with CVS, Walgreens, Walmart, Allergan and Teva (“Wave Two Settlements”). These Wave Two Settlements have the potential to bring significantly greater resources to North Carolina to address the opioid epidemic. North Carolina’s state and local governments receiving opioid settlement funds stand to receive more than \$600 million from the Wave Two Settlements – in addition to the more than \$750 million we are already receiving from the Wave One Settlements.

Although your municipality is not receiving direct payments under the opioid settlements, your residents benefit from the resources going to your county and the state as a whole. In traveling across North Carolina in recent months, I have learned firsthand about the many innovative programs to address the opioid crisis that local governments are funding with money from the Wave One Settlements. I am excited about the many new or expanded programs that can be funded with additional resources from the Wave Two Settlements.

As with the Wave One Settlements, **North Carolina will receive its full share of payments from the Wave Two Settlements only if all local governments of over 30,000 people, including your municipality, sign onto each settlement.** And the defendants will agree to finalize the Wave Two Settlements only if the vast majority of local governments across the nation sign onto them.

In the coming days, your municipal manager or attorney (or other senior staff your municipality identified in the course of approving the Wave One Settlements) will receive an email from the national administrator, Rubris. The email from Rubris will invite your municipality to sign onto each of the five new Wave Two Settlements as well as a supplement to the North Carolina Memorandum of Agreement (“MOA”) on the allocation, use, and reporting of funds from the Wave One settlements.

This supplement to the MOA is called the “Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation” or “SAAF” for short. It provides that the bulk of North Carolina’s money from the Wave Two Settlements will go to counties, municipalities of over 75,000 people, and municipalities that engaged in litigation against opioid defendants to address the opioid crisis. The SAAF extends the basic terms of the MOA governing the Wave One Settlements to the Wave Two Settlements. Like the MOA, the SAAF has the support of my office, the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM).

April 18, 2023 is the deadline to sign onto the Wave Two Settlements and the SAAF. To assist you in meeting this deadline, we are pleased to share a draft resolution template that your governing body may adopt to authorize signing onto the Wave Two Settlements and the SAAF. The draft resolution template is available [HERE](#) on the “Wave Two Settlements” page of DOJ’s www.MorePowerfulNC.org website. I encourage your municipality to adopt its authorizing resolution and execute the settlement documents and SAAF as soon as possible so that North Carolina can help build national momentum in support of the Wave Two Settlements.

I’m proud that the strong partnership between the state and local governments in North Carolina produced 100% local government participation in the Wave One Settlements. This enabled the state and the participating local governments to receive 100% of our collective share of the national settlement funds.

We are hoping to achieve the same unanimous approval of the Wave Two Settlements. Assuming this high level of participation by local governments across North Carolina and the country, which we expect, North Carolina should start receiving money from the Wave Two Settlements during the second half of 2023. These funds will be in addition to the money our state is already projected to receive from the Wave One Settlements. The maximum amount that your county is projected to receive from the Wave Two Settlements (along with a reminder of the amount your county is projected to receive from Wave One Settlements) is available [HERE](#) on the “Wave Two Settlements” page of DOJ’s www.MorePowerfulNC.org website.

For more information, I encourage you to visit the “Opioid Settlements” section of DOJ’s www.MorePowerfulNC.org website. You will find additional tools, resources, and information about the opioid settlements on the Community Opioid Resources Engine for North Carolina (CORE-NC) (<https://ncopioidsettlement.org/>).

We encourage you to consult your municipal attorney regarding the Wave Two Settlements. If you have questions for my team about the Wave Two Settlements or SAAF, please do not hesitate to email us at opioidsettlement@ncdoj.gov.

Thank you for your consideration and partnership in this ongoing effort to save lives and improve the health and well-being of North Carolina residents impacted by the opioid crisis.

Sincerely,



Josh Stein

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Veridea Environmental Enhancement Plan approved on February 28, 2023.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Attachments

- CN7-A1: Veridea Environmental Enhancement Plan - Statement of Town Council



STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE VERIDEA ENVIRONMENTAL ENHANCEMENT PLAN OF FEBRUARY 28, 2023

Pursuant to G.S. §160D-601 and Secs. 2.2.11.E and 2.3.16.F.3 of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on the Veridea Environmental Enhancement Plan before the Town Council on the 28th day of February 2023.

The Apex Town Council held a public hearing on the 28th day of February 2023. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

All persons who desired to present information relevant to the Environmental Enhancement Plan were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council on the 28th day of February 2023 by a vote of 5-0 approved the Ordinance for the Veridea Environmental Enhancement Plan.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the Veridea Environmental Enhancement Plan of February 28, 2023 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The Sustainability Standards included in the Environmental Enhancement Plan are intended to protect natural resources and the environment in light of this development pattern and to address secondary and cumulative impacts associated with the infrastructure required for Veridea.
2. The Environmental Enhancement Plan sets additional or modified standards for sustainable development of the Veridea Sustainable Development-Conditional Zoning (SD-CZ) district.
3. Approval of the Environmental Enhancement Plan is required by Article 3 of the Veridea SD Plan prior to any site plan approval, subdivision approval, construction or grading within such SD-CZ district.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 28, 2023

Item Details

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

Department(s): Planning Department

Requested Motion

Motion to approve, and to authorize the Town Manager to sign and execute, an amendment to the GoApex Agreement with Town of Cary and MV Transportation.

Approval Recommended?

Yes.

Item Details

This amendment to the agreement between the Town of Apex, Town of Cary, and MV Transportation renews the terms and responsibilities for the operation of the GoApex Route 1 fixed route service. This amendment updates the term to July 1, 2023 through June 30, 2024, updates the cost per hour from \$97.50 to \$105.00, and updates the route map and list of bus stops to the most recent versions. The Town of Apex's proposed FY24 budget includes funding for operating GoApex Route 1, and funding is included in the draft FY24 Wake Transit Work Plan through the Wake Transit Community Funding Area Program, which provides up to a 50% match of eligible costs reimbursable to the Town.

Attachments

- CN8-A1: Amendment No. 1 to GoApex Agreement
- CN8-A2: Executed GoApex Agreement, FY23



NORTH CAROLINA
WAKE COUNTY

AMENDMENT #1 TO GOAPEX AGREEMENT

Contract Number: EN23-007-00

THIS AMENDMENT #1 TO GOAPEX AGREEMENT, ("Amendment 1") is entered into by and between Cary, a North Carolina municipal corporation (hereafter "Cary") having its office at 316 North Academy St., Cary, NC 27513, Town of Apex (hereafter "Apex"), a North Carolina municipal corporation having its office at 73 Hunter St., Apex, NC 27502, and Cary's bus services contractor MV Transportation, Inc. (hereafter "MV Transportation"), a corporation duly organized under the laws of the State of California and duly qualified to transact business in the State of North Carolina, having an office at 2711 N. Haskell Ave., Suite 1500-LB2, Dallas, TX 75204. The foregoing may be individually referred to herein as "Party" and collectively referred to as "Parties."

Cary, Apex and MV Transportation entered into the GoApex Agreement for transit service on June 22, 2022 ("Agreement").

The Parties desire to renew and amend Agreement.

NOW THEREFORE, in consideration of the mutual promises to each other, as hereinafter set forth, the Parties hereto do mutually agree to amend the Agreement, as follows:

1. As permitted by Provision 1, the Parties agree to renew the Agreement for one year beginning July 1, 2023 and terminating June 30, 2024.
2. Provision 3.B, is amended to update the operating cost per hour to \$105.00.
3. Exhibit B of the Agreement is deleted in its entirety and replaced by Exhibit B, attached hereto and incorporated herein by reference ("Amended Exhibit B"), to include an updated map for GoApex Route 1.
4. Exhibit C of the Agreement is deleted in its entirety and replaced by Exhibit C, attached hereto and incorporated herein by reference ("Amended Exhibit C"), to include an updated stop list for GoApex Route 1.
5. Except as modified herein, the Agreement shall continue in full force and effect.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officials.

Town of Apex

By: _____
(signature)

Name: _____

Title: Town Manager

Date: _____

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

Finance Director

Date

Cary

By: _____
(signature)

Name: Kelly A. Blazey

Title: Transit Director

Date: _____

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

Deputy Finance Officer

Date

Updated GoApex Route 1 Map

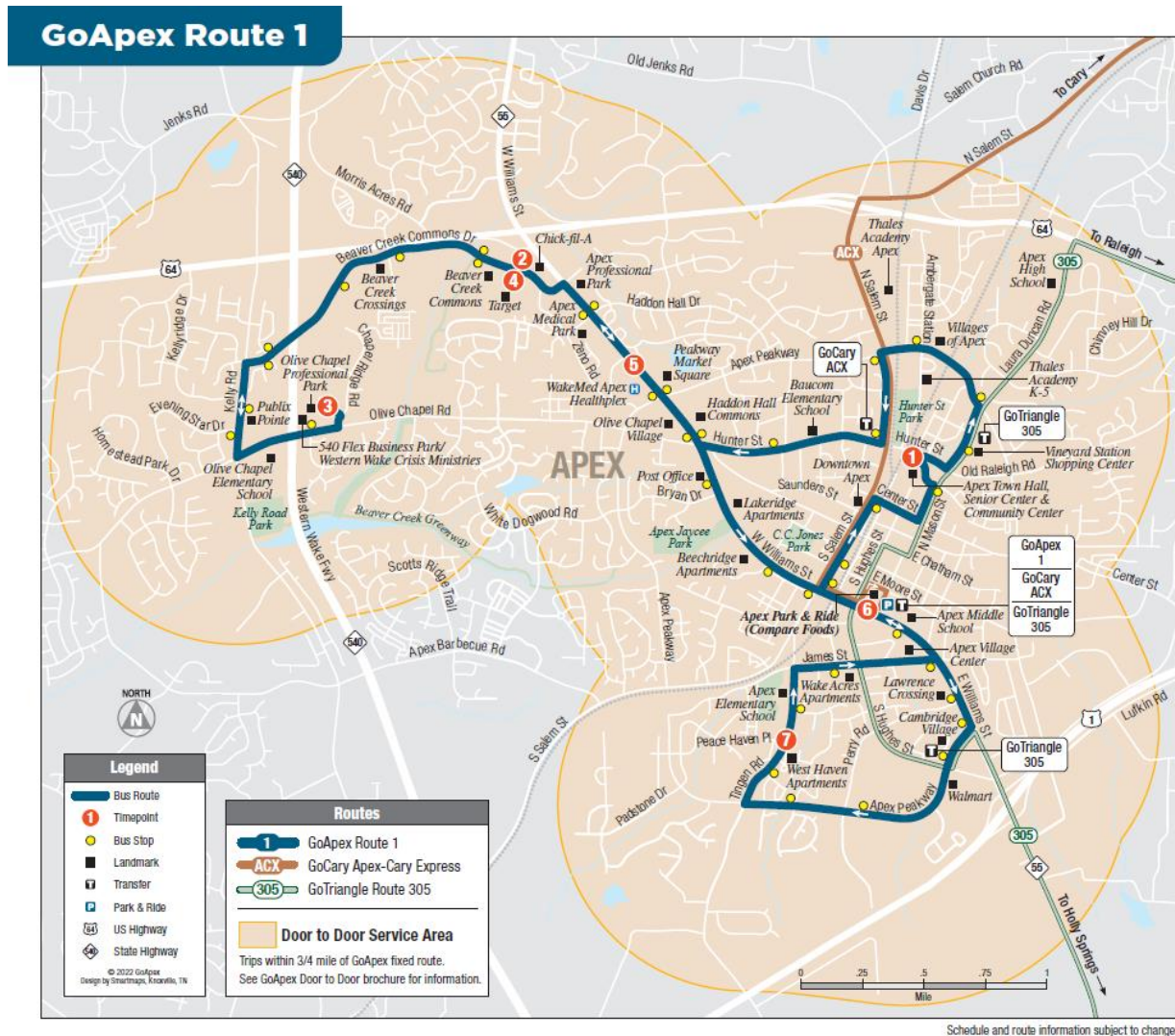


Exhibit C

Updated GoApex Route 1 Bus Stops

Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities On Private Property?
1	16000	Hunter St at Town Hall Campus TEMPORARY	EB	35.73453	-78.84549	Yes	Yes		
1.1	16003	Laura Duncan Rd at Old Raleigh Rd (NB) TEMPORARY	NB	35.734334	-78.84409	Yes	Yes	Yes (GoTriangle 305)	
2	1165	Laura Duncan Rd at Vineyard Station (NB)	NB	35.735576	-78.84308	Yes	Yes	Yes (GoTriangle 305)	
3	16005	Apex Peakway at Laura Duncan Rd	WB	35.738116	-78.84243	Yes	Yes		
4	16007	Apex Peakway at Ambergate Station	WB	35.741476	-78.84685	Yes	Yes		
5	16009	N Salem St at Apex Peakway	SB	35.740682	-78.84908	Yes	Yes		
6	11371	N Salem St at Hunter St (Liberty Station (SB))	SB	35.73621	-78.84907	Yes	Yes	Yes (GoCary ACX)	
7	16013	Hunter St at Hillcrest Rd	WB	35.735441	-78.85717	Yes	Yes		
8	1593	W Williams St at Hunter St (NB)	NB	35.736411	-78.86294	No	No	Yes (GoTriangle 311)	
9	16017	W Williams St at Apex Peakway (NB)	NB	35.738837	-78.86536	Yes	Yes		
10	1725	W Williams St at Haddon Hall Dr (NB)	NB	35.743772	-78.8706	No	No	Yes (GoTriangle 311)	
11	16021	Beaver Creek Commons Dr at Chick-fil-A (WB)	WB	35.745855	-78.87475	Yes	Yes		

12	16023	Beaver Creek Commons Dr at Beaver Creek Greenway (WB)	WB	35.7468	-78.87823	Yes	Yes		
13	16027	Beaver Creek Commons Dr at Diamond Dove Ln (WB)	WB	35.741207	-78.89355	Yes	Yes		
14	16029	Kelly Rd at Evening Star Dr (SB)	SB	35.736275	-78.89615	Yes	Yes		
15	16031	Chapel Ridge Rd at Olive Chapel Professional Park	SB	35.737313	-78.88876	Yes	Yes		
16	16033	Olive Chapel Rd at Western Wake Crisis Ministry	WB	35.736816	-78.89014	Yes	Yes		
17	16035	Kelly Rd at Publix Pointe (NB)	NB	35.738028	-78.89567	Yes	Yes		
18	16037	Beaver Creek Commons Dr at Diamond Dove Ln (EB)	EB	35.740821	-78.89393	Yes	Yes		
19	16039	Beaver Creek Commons Dr at Beaver Creek Crossings West	EB	35.745216	-78.88865	Improved	No		Yes
20	16041	Beaver Creek Commons Dr at Regal Cinemas	EB	35.747255	-78.88358	Yes	Yes		
21	16043	Beaver Creek Commons Dr at Beaver Creek Greenway (EB)	EB	35.746706	-78.87828	Yes	Yes		
22	16045	Beaver Creek Commons Dr at Lowe's (EB)	EB	35.745468	-78.87455	Improved	Yes		Yes
23	1731	W Williams St at Haddon Hall Dr (SB)	SB	35.743802	-78.871	No	No	Yes (GoTriangle 311)	

24	16049	W Williams St at Healthplex Way (SB)	SB	35.740806	-78.86781	Yes	Yes		
25	1723	W Williams St at Apex Peakway (SB)	SB	35.738247	-78.86506	No	No	Yes (GoTriangle 311)	
26	1447	W Williams St at Olive Chapel Rd (SB)	SB	35.736155	-78.86308	No	No	Yes (GoTriangle 311)	
27	16055	W Williams St at Bryan Dr (Post Office)	SB	35.733557	-78.86167	Yes	Yes		
28	16057	W Williams St at Upchurch St	SB	35.728588	-78.85749	Yes	Yes		
29	16059	W Williams St at Salem St	SB	35.727015	-78.8539	Yes	Yes		
30	16061	E Williams St at S Hughes St (Park and Ride (SB))	SB	35.726105	-78.8513	Yes	Yes		
31	16063	E Williams St at Apex Village Center (SB)	SB	35.724946	-78.84817	Yes	Yes		
32	16065	E Williams St at Perry Rd	SB	35.720795	-78.84399	Yes	Yes		
33	16067	E Williams St at Apex Peakway	SB	35.71916	-78.84308	Yes	Yes		
34	1183	Apex Peakway at S Hughes St (Cambridge Village)	SB	35.717491	-78.84457	Yes	Yes	Yes (GoTriangle 305)	
35	16071	Apex Peakway at Norris Park	WB	35.714045	-78.85073	Yes	Yes		
36	16073	Apex Peakway at Shackleton Rd	WB	35.714521	-78.85595	Yes	Yes		
37	16075	Tingen Rd at Baberton Dr	NB	35.716528	-78.85764	Yes	Yes		
38	16077	Tingen Rd at Peace Haven Pl	NB	35.717794	-78.85651	Yes	Yes		
39	16079	Tingen Rd at Sparta Ln	NB	35.720186	-78.8558	Yes	Yes		
40	16081	James St at Germaine St	EB	35.72266	-78.85285	Yes	Yes		

41	16083	James St at E Williams St	EB	35.723031	-78.84648	Yes	Yes		
42	16085	E Williams St at S Mason St (Apex Middle School (NB))	NB	35.725827	-78.8501	Yes	Yes		
43	16087	S Salem St at Williams St	NB	35.727836	-78.8536	Yes	Yes		
44	16089	S Salem St at Moore St	NB	35.728765	-78.85296	Yes	Yes		
45	16091	N Salem St at The Depot	NB	35.732186	-78.85045	Yes	Yes		
46	1452	N Mason St at Old Mill Village Dr (Town Hall (NB)) TEMPORARILY OUT OF SERVICE	NB	35.732839	-78.84547	No	Trash removal only	Yes (GoTriangle 305)	

CONTRACT CONTROL FORM
TOWN OF CARY

CCN: EN2300700

DEPARTMENT: EN
 CONTRACT ADMINISTRATOR ..: KELLY BLAZEY
 ADMINISTRATOR'S PHONE ...: 919 462-2080
 CONTRACT NAME: GOAPEX ROUTE 1 SERVICE AGREEMENT
 CONTRACTOR'S NAME: APEX TOWN OF
 CONTRACT EXPIRATION DATE:

6/30/2023


TYPE: 4	1=SERVICE	STATUS: 1	1=NEW
	2=EQUIPMENT		2=RENEWAL
	3=CONSTRUCTION		3=REVISION
	4=AGREEMENT		4=CHANGE ORDER
	5=REIMBURSEMENT		

TRANSMITTAL INFORMATION:	ACTION DATES	" " ATTORNEY'S REVIEW NOT
NOTICE OF AWARD SENT		REQUIRED.
BONDS RECEIVED		
* NOTICE TO PROCEED SENT ..		
* INSURANCE CERTIF.RECEIVED:		
* OCCURS AFTER CONTRACT EXECUTION		

FINANCE INFORMATION
 CARY BUSINESS LICENSE VERIFIED:
 ENCUMBRANCE/PO NUMBER:
 ACCOUNT NUMBER: 25-0000-391.1031
 PROJECT NAME ..: GOAPEX ROUTE 1 SERVICE
 PROJECT NUMBER:
 OBLIGATES REVENUE TO THE TOWN: \$498,376.00
 OBLIGATES TOWN EXPENDITURE ..:
 " " NO CHANGE IN PRESENT ENCUMBRANCE/PO

COMMITTEE APPROVALS:	ACTION DATES	OTHER APPROVALS:	ACTION DATES
SAFETY/PUBLIC WORKS ..:		COUNCIL	
PLANNING & DEVELOPMENT:		BUDGET ADJUSTMENT:	
FINANCE/PERSONNEL		OTHER:	

DEPARTMENT DIR APPROVAL DATE: 4/27/2022

FINANCE ^{DS}
 INITIALS:  DATE IN: ACTION DATE:
 COMMENTS:

TOWN MANAGER
 INITIALS: DATE IN: ACTION DATE:
 COMMENTS:

"
 TOWN CLERK
 INITIALS: ACTION DATE:
 COMMENTS:
 " TO MAYOR FOR SIGNATURE

CONTRACT ADMIN. EXECUTED DATE:

TOWN ATTORNEY (Approved as to form only)
 INITIALS: DATE IN: ACTION DATE:
 COMMENTS:

GOAPEX AGREEMENT

This Agreement ("Agreement") is made by and between **Town of Cary** (hereinafter "Cary"), a North Carolina municipal corporation having its office at 316 North Academy St., Cary, NC 27513, **Town of Apex** (hereinafter, "Apex"), a North Carolina municipal corporation having its office at 73 Hunter St., Apex, NC 27502, and Cary's bus services contractor **MV Transportation, Inc.** ("MV Transportation") a corporation duly organized under the laws of the State of California and duly qualified to transact business in the State of North Carolina having an office at 2711 N. Haskell Ave., Suite 1500-LB2, Dallas, TX 75204. The foregoing may be individually referred to herein as "Party" and collectively referred to as "Parties."

Cary provides a transit service called GoCary. Pursuant to an agreement between Cary and MV Transportation ("GoCary Agreement"), MV Transportation is GoCary's service provider. MV Transportation will extend transit service to Apex pursuant to the terms of this Agreement.

Apex is utilizing the services of MV Transportation pursuant to this Agreement to provide a public bus service called "GoApex Route 1" (hereinafter "Route 1" or "Service") with the respective responsibilities and duties of the Parties as listed below.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is acknowledged, the Parties agree as follows:

1. Term

The Agreement shall become effective upon execution by all Parties ("Effective Date") and shall expire June 30, 2023. The Route 1 initial date of service will begin at a date agreed upon via email by the Town of Cary Transit Administrator, Town of Apex Long Range Planning Manager, and MV's General Manager. The Parties may extend the term in one-year increments for a period up to three (3) additional years. In January of each year of this Term, Cary and Apex will begin to confer and to review MV Transportation's performance and projected cost for the coming contract year. The option for extending the term of the Agreement must be agreed upon by the Parties in writing at least ninety (90) days before the end of the current term.

2. Operations

The purpose of this Agreement is to set forth the duties and responsibilities of each Party in the provision of Route 1 service. GoApex Route 1 will be a fixed-route transit service open to the general public. Operational characteristics of the Service may be changed for the benefit of any party upon written approval by all Parties.

A. Cary shall have the following responsibilities:

1. Finalize the alignment for Route 1, including the schedule, the span of

revenue service (the time when a vehicle is available to the general public and there is an expectation of carrying passengers), and the timing of revenue service, after collaboration with Apex. Cary agrees to consult with Apex on these elements to maximize regional coordination. Any material change in the route alignment, stop locations, schedule, span of service, timing of service, or overall operation of Route 1 must be agreed to in writing by both parties. Cary will respond to all communications and requests by Apex within ten (10) business days unless such communication or request is specifically identified by Apex as an “Urgent Operational Concern” Cary will respond within two (2) business days. Cary will provide feedback to Apex on the operation of the service.

2. Assist Apex where reasonably possible (in Cary’s sole discretion) in the provision of information about and marketing of Route 1. This may include reviewing and providing comments on marketing materials, participating in outreach events, and assisting with coordination with other regional transit providers.
3. Provide Apex a minimum of 15 days written notice of potential service disruption, except in the case of service disruption due to inclement weather, safety concerns, or other emergency situations in which case notice will be provided as soon as reasonably possible. Cary has final authority on all changes to service level. Cary will attempt to maintain service on all scheduled routes dependent on available resources. Action plans for service disruptions will be communicated by email to the MV Transportation General Manager and Town of Apex Long Range Planning Manager, or designee.
4. Cary shall report Route 1 operating statistics to comply with deliverables outlined in the General Operating Agreement for Bus Operations – Community Funding Area Program executed between the Town of Apex, GoTriangle, and Capital Area Metropolitan Planning Organization (Wake Transit Operating Agreement), including ridership by date, revenue and deadhead hours, revenue and deadhead miles, missed trips, and a log of customer complaints and resolutions, all in an editable format, to Apex by the 15th of the month following the month of service.

B. MV Transportation shall have the following responsibilities:

1. Operate Route 1 on all weekdays and Saturdays according to the operating schedule set forth in Section 2.A.1, except for the holidays listed in Exhibit A, attached and incorporated by reference, or as otherwise agreed to in writing by the Parties. By February 15th of the preceding fiscal year, Cary agrees to provide a revised list of holidays during which time GoCary and Route 1 will not be operated during the subsequent fiscal year. Apex agrees to provide annually a revised list of holidays, if any, during which time Route 1 will or will not be operated by March 1st.

2. Ensure appropriate usage and placement of any identifying Route 1 materials on vehicles, including bus wraps, or other appropriate industry accepted signage as agreed upon, and paper schedules.
3. Use Americans with Disabilities Act (ADA) accessible light transit vehicles (LTVs) with a seated capacity of no less than 16 persons, equipped with automated vehicle locators (AVL) and which comply with all applicable federal and state laws and regulations.
4. Agree that if any vehicle intended for, or normally used for Route 1 service is inoperable for any reason, MV Transportation will immediately deploy another vehicle of equal or greater seating capacity which is compliant as required in subsection 2.B.3. MV Transportation will ensure that any vehicle deployed will have either a bus wrap or other industry-accepted signage identifying it as a GoApex vehicle.
5. MV Transportation shall operate Route 1 in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill, and judgment in the performance of services as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. MV Transportation is responsible for the maintenance, cleaning, and safe operation of all vehicles used in providing the Service as well as any claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered for personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of MV Transportation.
6. Maintain, throughout the term of the Agreement and any extensions of the term, commercial general liability, auto and umbrella/excess insurance policies at its expense, covering personal injury and property damage on and in the vehicles and inside and outside the park and ride lots. The policies shall have at least the coverage amounts specified in Section 19 of this Agreement and at no time during the term of this Agreement shall coverage amounts be less than the coverage amounts required of MV Transportation by the GoCary Agreement. Cary and Apex shall be named as an additional insured on the general liability, business auto liability, and umbrella/excess policies and the policies will be primary and non-contributory. At Apex or Cary's written request, MV Transportation shall provide certificates of insurance referencing that the coverage is primary and non-contributory with copies of the Additional Insured Endorsement attached. Apex or Cary may request complete, certified copies of the policies. Notwithstanding the foregoing, neither the requirement of MV Transportation to have sufficient insurance nor the requirement that Cary and Apex are named as additional insureds, shall constitute waiver of either Town's governmental immunity in any respect, under North Carolina law.
7. Prepare and maintain on a form developed by Cary or MV Transportation

on-going statistical, operational, and service data related to Route 1 separately from regular GoCary data. This includes but is not limited to the following: Vehicle Pre-Trip Inspection Checklist sheets, monthly reports that include total road calls, passenger trips, vehicle miles and vehicle hours, and any other daily, monthly, and/or annual data as required by FTA under the National Transit Database (NTD) program requirements. This information shall be provided to Apex upon request.

8. Report all passenger or vehicle accidents to Cary within one (1) hour of occurrence and follow-up with a detailed written accident report within twenty-four (24) hours. Cary will provide this information to Apex's Planning Director and/or designee by email as soon as is reasonably practical, but no more than 48 hours after the accident.

C. Apex shall have the following responsibilities:

1. Apex shall build or provide ADA accessible bus stops as identified in Exhibit C, or additional future bus stops proposed by Apex with Cary's written approval. Apex shall maintain the bus stops used for the Service as identified in Exhibit C. Exceptions are stops that are either: (1) shared by a regional provider or (2) located on private property. Maintenance includes maintaining and upkeeping all associated transit amenities, including cutting or trimming of any vegetation; routine cleaning of the transit amenities, including the removal of litter and trash from trash receptacles; snow and ice removal; and maintaining ADA accessible conditions.
2. Provide employees of MV Transportation with access to restroom facilities during all periods of revenue service, including any keys or other methods of entry needed to access such a facility. These locations will be agreed to in writing by all parties.
3. Obtain National Transit Database (NTD) ID and complete annual NTD reporting.
4. Determine the fare, if any, to be charged for the Service. The initial service will be implemented fare-free. If Apex decides to charge a fare, Apex is solely responsible for determining and procuring technology, developing policies and procedures, conducting public involvement and marketing, and paying any associated implementation and operating costs.
5. Respond to all communications and requests by Cary within ten (10) business days, unless such communication or request is specifically identified by Cary as an "Urgent Operational Concern," in which case Apex will respond within two (2) business days.
6. Establish and implement a plan for marketing Route 1, including: designing and printing schedule brochures or other informational literature; providing such literature to Cary for distribution on vehicles; and following, at a minimum, engagement standards outlined in the Wake

Transit Public Engagement Policy (“Engagement Policy”). Materials must be consistent with the service provided. Materials with a GoCary logo, image of a vehicle or person covered by the GoCary Agreement, or any other reference to GoCary, are subject to Cary review and approval to ensure accuracy of information. Images of vehicles or person(s) covered by the GoCary Agreement may be pre-approved for general use in public materials, eliminating the need for review and approval for each use.

7. Report all Route 1 operating statistics in compliance with the deliverables associated with the Wake Transit Operating Agreement.

3. Funding and Billing

- A. Apex will pay for the cost of installing GoApex branding on the bus operating the Service. MV Transportation shall provide a quote for the installation of the images subject to Town of Apex approval. Following completion and inspection of the installation by the Town of Apex, Town of Cary shall invoice the Town of Apex. The invoice shall be paid by the Town of Apex within 30 days of receipt. Apex is responsible for any costs associated with the removal of branding and other identifying characteristics from vehicles and the cost to fabricate and install replacement GoCary wraps on the vehicles at the conclusion of the service agreement.
- B. Apex will pay Cary the annual operating cost for the Route 1. Costs may be reduced based on any grants, fare revenue collected, or other monetary contributions received from Cary from any other party, if applicable. The annual operating cost as agreed by the Parties is determined by the following formula: operating cost per hour (\$97.50) multiplied by the number of platform hours per day multiplied by the number of operating days per year. Platform hours are the revenue plus deadhead hours (deadhead hours are times when the bus is away from the maintenance facility but not in revenue service, including travel to and from the facility to the service start/end location). Cary will inform Apex of any changes to its operating cost per hour and the justification therefore, no later than February 15th of each year. Operating cost is a fully allocated rate which includes the full cost of the service provided by MV Transportation, fuel, capital expenses and overhead for Cary. It is expected that, at a minimum, the operating cost per hour will be adjusted based on the Municipal Cost Index (MCI), as calculated by Cary.

All service information will be reported to the National Transit Database (NTD). Apex must obtain an NTD ID and submit all Route 1 data. Cary and MV Transportation will assist Apex in this reporting. As a result, Cary and Apex agree that the provision of Route 1 service may increase the amount of Federal Transit Administration (FTA) formula grant funding that can be acquired by Cary. If Cary secures FTA Section 5307 and Section 5339 formula grant funds that are attributable to Route 1, Cary will deduct from its billing of Apex for the operation of Route 1 an amount equal to the share of FTA Section 5307 and Section 5339 funds allocated to Cary for the preceding

federal fiscal year (October 1 – September 30) that is attributable to Route 1, starting with the fourth fiscal year following the first fiscal year of annual reporting. This deduction may be applied on a prorated monthly basis.

- C. Cary will provide a monthly invoice to Apex within fifteen (15) days after the end of each month of Service. Apex shall reimburse Cary within thirty (30) days of receipt of an invoice. In the event Apex finds any part of an invoice inconsistent with this Agreement, Apex shall clearly identify and provide evidence to Cary of any inconsistent or erroneous expenses within ten (10) days of receipt of an invoice and Cary will work in good faith to determine if there is an error in the invoice.
- D. MV Transportation will be compensated by Cary pursuant to the terms of the GoCary Agreement.

4. ADA and Paratransit Requirements

- A. MV Transportation agrees to provide Route 1 service in a manner that meets all applicable ADA public transit requirements, including the policies, regulations and training of all operators in the safe use of all ADA equipment. Requirements may include, as appropriate, providing ADA accessible vehicles on fixed route service, knowledge of mobility device tie-down procedures, operation of bus kneeling feature (if available), appropriate use of the public address and talking bus technologies, and knowledge of service animal regulations.
- B. Apex will be responsible for providing all complementary ADA paratransit service to Route 1. Cary and MV Transportation will not be required to provide complementary ADA paratransit service as part of this Agreement.

5. Technology

MV Transportation agrees to install and utilize the standard technology platform agreed to between Cary and MV Transportation, including Computer-Aided Dispatch/Automated Vehicle Locator systems (CAD/AVL), equipment for counting passenger totals, camera systems, Automated Passenger Counters (APCs), head signs, announcement systems, wi-fi routers, real-time passenger information, and communication systems between drivers and dispatch. Costs of these platforms will be included in the hourly rate.

6. Termination for Failure to Perform ("Breach")

The Parties agree that in the event that a Party breaches any provision of this Agreement, within sixty (60) days of receipt of written notice from a non-breaching Party, the breaching Party will cure the breach to the reasonable satisfaction of the non-breaching Party if the breach can be cured. Any breach of this Agreement

materially impacting operation of GoApex service (“Operation Breach”) shall require immediate response and a plan of action to cure the breach within fifteen (15) days of receipt of written notice from a non-breaching party which clearly states that such breach is considered an Operation Breach. If the breach is not timely cured, or cannot be cured, then, the non-breaching Party may, at its election, terminate the Agreement. The Parties will cooperate on a winding down of the Service, including reasonable notice to the public. Apex shall pay Cary for Service provided prior to date of termination.

7. Termination for Convenience

Any Party may terminate this Agreement at any time for any reason, provided the terminating Party provides a minimum of one hundred eighty (180) days advance written notice to the other Parties. In this event, the Parties will cooperate on a winding down of the service, including reasonable notice to the public. Apex shall pay Cary for the Service provided prior to the date of termination.

8. Customer Information and Complaint Handling

- A. Apex agrees to receive and respond to customer complaints regarding stop-related issues applicable to Route 1.
- B. MV Transportation will utilize existing customer service and dispatch staff during all hours of operation to respond to inquiries about immediate operational concerns. MV Transportation will work to resolve complaints within 48 hours of receipt, with follow-up to the complainant within one week after receipt. MV Transportation will maintain a separate complaint log that will include both the nature of the complaint and the resolution thereof and share with Cary and Apex on a monthly basis.
- C. The GoTransit Regional Information Center, operated by GoTriangle, is the call center responsible for most transit-related inquiries in the Triangle region. Cary contracts with GoTriangle for usage of this call center. Apex, in coordination with Cary, agrees to provide current schedule and stop location information to the Regional Information Center, which the Parties agree will serve as the primary point of contact for customer information about Route 1.

9. Further Agreements

The Parties agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the intention of this Agreement. The Parties agree to work together in good faith and with due diligence to provide for and carry out the purpose of this Agreement.

10. Amendment

Any modification of this Agreement shall be made by Written Agreement.

11. Notices

Any notice given pursuant to this Agreement shall be deemed given if delivered by hand or if deposited in the United States Mail, postage paid, certified mail, return receipt requested and addressed as follows:

If to Cary:

Transit Administrator
Town of Cary
316 N. Academy St.
Cary, NC 27513

With a copy to:

Senior Transit Planner (Service)
Town of Cary
316 N. Academy St.
Cary, NC 27513

If to Apex:

Town Manager
Town of Apex
Physical - 73 Hunter Street
Mail - PO Box 250
Apex, NC 27502

And with copy to:

Senior Long Range Transit Planner
Town of Apex
Physical - 73 Hunter Street
Mail - PO Box 250
Apex, NC 27502

If to MV Transportation:

Regional Vice President for Division 178
MV Transportation, Inc.
2711 N. Haskell Av., Suite 1500-LB2
Dallas, TX 75204

With a copy to: contractsreview@mvtransit.com

12. Binding Effect

This Agreement shall be binding upon and inure to the benefit of the Parties and their agents, grantees, successors, and assigns.

13. Dispute Resolution

In the event a dispute arises between the Parties to this Agreement concerning a question of fact in connection with the requirements of this Agreement or compensation therefore, the Parties agree to bargain in good faith towards a mutual resolution. If the Parties, after honest good faith negotiations, cannot reach an agreement, then either Party may adjudicate their dispute as allowed by North Carolina State Law.

14. Force Majeure

The Parties shall not be liable to each other for any failure, delay, or interruption of service or for any failure or delay in the performance of any obligation under this contract due to strikes, walkouts, unusual adverse weather, governmental restriction, enemy action, civil commotion, unavoidable casualty, unavailability of fuel or parts, epidemic, pandemic, or other similar acts beyond the reasonable control of the Parties ("Force Majeure Event"). In the event a Party believes a Force Majeure Event has occurred ("Invoking Party"), the Invoking Party shall provide written notice to the other Party within fifteen (15) days of the date on which the Invoking Party determines that the Force Majeure Event will render performance to be impossible (including temporary delays). Thereafter, the Invoking Party shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting the specific performance noticed and to complete its performance in as timely a manner as is reasonably possible. In no event shall the delayed performance be longer than the duration of the noticed Force Majeure Event without the joint written approval of the other Party.

15. Verification of Work Authorization

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes.

16. Compliance with Federal Laws and Regulations

The following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable), unless a more stringent state or local law or regulation is applicable: Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland "Anti-Kickback" Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324); and any other federal

provisions required by law.

17. Cary Branding

Apex and MV Transportation shall not use the seal, logo, or any other branding identifiers of GoCary or the Town of Cary.

18. Representations and Warranties

The individuals signing the Agreement have the right and power to do so and bind their respective parties to the obligations set forth herein, and such individuals do so personally warrant that they have such authority.

19. Insurance

MV Transportation and MV Transportation's permitted subcontractors shall purchase and maintain on a primary basis and at its sole expense during the term and for three years after the termination of this Agreement insurance or self-insurance for the following: protection from claims under Worker's or Workmen's Compensation Acts covering claims arising out of or related to bodily injury, including bodily injury, sickness, disease or death of any of MV Transportation's employees or subcontractors; Commercial General Liability Insurance, including contractual liability and covering bodily injury, property damage, products and completed operations and personal injury; Commercial Automobile Liability Insurance, including owned, hired and non-owned vehicles, if any, covering bodily injury and property damage; Cyber Liability covering infringement, information theft, release of private information, damage, destruction and alteration of electronic information, extortion, network security, breach response costs, and regulatory fines; and Professional Liability/Errors & Omissions Insurance (if applicable) covering claims arising out of or related to MV Transportation's performance under this Agreement.

Minimum limits of insurance coverage are:

General Liability	\$2,000,000 per occurrence/ \$2,000,000 aggregate
Commercial Automobile Liability	\$2,000,000 CSL
Commercial Excess/Umbrella Liability	\$5,000,000 per occurrence
Workers Compensation	Statutory Limits
Employer's Liability	\$500,000 each accident
Professional Liability	\$1,000,000 per claim
Cyber Liability	\$2,000,000 per claim and aggregate

MV Transportation may satisfy the insurance limits above with a combination of primary and umbrella/excess liability insurance policies or self-insurance. Umbrella/Excess liability shall follow form as to each of the underlying policies. Any available insurance proceeds in excess of or broader than the specified minimum limits of insurance and coverage shall be available to Cary and Apex, as applicable based on loss.

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Insurers

The minimum insurance ratings for any company insuring MV Transportation shall be Best's A- or a qualified self-insurance program approved by the state of North Carolina. Should the ratings of any insurance carrier fall below the minimum rating, Cary or Apex, may, at their option, require MV Transportation to purchase insurance from a company whose rating meets the minimum standard. MV Transportation's insurance carrier(s) shall be authorized to do business in the state of North Carolina. If MV Transportation is unable to find an authorized carrier for any line of insurance coverage, MV Transportation shall notify Cary in writing. Cary shall then notify Apex.

Additional Insured Status

All insurance policies (except Workers Compensation and Professional Liability) shall name Cary and Apex, and each Town's elected officials, officers, employees, and volunteers as additional insureds.

Notice of Cancellation

Each policy shall provide that Cary and Apex shall receive not less than thirty (30) days prior written notice, when available, of any cancellation or non-renewal of coverage of any of the policies. Upon notice of such cancellation, non-renewal or if a policy's limits are exhausted, MV Transportation shall procure substitute insurance so as to assure Cary and Apex that the minimum limits of coverage are maintained continuously throughout the periods specified herein.

Primary

MV Transportation's insurance coverage shall be primary for any claims related to this Agreement.

Waiver of Subrogation

The insurer shall have no right of recovery or subrogation against Cary or Apex, or either Town's agents or agencies, it being the intention of the parties that the insurance policies shall protect Cary and Apex and be primary coverage for any and all losses covered by the policies.

Verification of Coverage

A certificate of insurance and all endorsements required shall be provided at, or prior to, execution of this Agreement. Cary's or Apex's review or acceptance of certificates of insurance shall neither relieve MV Transportation of any requirement to provide the specific insurance coverage set forth herein nor shall it constitute a waiver or acknowledgement of satisfaction of the specific insurance requirements set forth in this Agreement.

Certificate Holder addresses should read:

Town of Cary
PO Box 8005
Cary, NC 27512-8005

Town of Apex
PO Box 250
Apex, NC 27502

Special Risks or Circumstances

Cary, with prior written consent from the Town of Apex, reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. Written consent from Apex may be provided by electronic communication.

20. Indemnification

To the fullest extent permitted by law, MV Transportation shall indemnify and hold harmless Cary and Apex, their elected officials, officers, and employees, from and against any and all claims, costs, civil penalties, fines, losses, and damages (including but not limited to professionals' fees and charges and all court or other dispute resolution costs) (collectively "Claims"), by whomsoever brought or alleged, arising out of, resulting from, or in connection with (a) any breach by MV Transportation of any term or condition of Agreement, (b) any breach or violation by MV Transportation of any applicable law or regulation, or (c) any other cause resulting from any act or failure to act by MV Transportation under this Agreement, but only to the extent caused by any negligence, act, or omission of MV Transportation. This indemnification shall survive the termination of Agreement.

21. Independent Contractor

MV Transportation is an independent contractor and is solely responsible for its Services and the supervision of its employees and permitted subcontractors. All persons assigned by MV Transportation to provide Services pursuant to this Agreement shall, for all purposes of this Agreement, be considered employees of MV Transportation only. MV Transportation shall assume the sole and exclusive responsibility for the payment of wages to individuals for services performed under this Agreement and the withholding of all applicable Federal, State, and local taxes, unemployment insurance, and maintaining workers compensation coverage in an amount and under such terms as required by law. If Cary notifies MV Transportation in writing that any person providing Services appears to be incompetent, disorderly, or otherwise unsatisfactory to Cary or Apex, such person shall be removed from the project and shall not again be employed on it except with the prior written consent of Cary. No extension to any "Milestone Date" or completion date will be granted for replacement of such personnel or subcontractors.

22. Public Records

All parties acknowledge that records in the custody of Cary or Apex may be public records and subject to public records requests. Cary or Apex may provide copies of such records, including copyrighted records, in response to public record requests, except that, upon request of and indemnification by MV Transportation, the Town will not disclose records that meet all of the requirements of a trade secret as set forth in

N.C.G.S. 66-152, that are specifically designated as “trade secret” or “confidential” at the time of initial disclosure by the Contractor, and that are otherwise entitled to protection under N.C.G.S. 132-1.2(1).

23. Entire Agreement; Amendments to Agreement

This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral, including clickthrough agreements, clickwrap agreements, clickwrap licenses, or similar non-reciprocal agreements (collectively, “clickthrough agreement”). Agreement may be amended only by written amendment signed by both parties. Neither party may amend, or seek to amend, this Agreement by clickthrough agreement.

24. Dissemination of Information.

Cary takes efforts to assure that accurate information about Cary is disseminated such that neither the public trust nor the public’s perception of Cary impartiality is compromised. MV Transportation and Apex, mindful of those efforts, agrees that they shall not publicly disseminate any information concerning Cary or GoCary, to include images of vehicles or people covered by the GoCary Agreement, without prior approval from Cary. Images of vehicles or person(s) covered by the GoCary Agreement may be pre-approved for general use in public materials, eliminating the need for review and approval for each use. Any approval given by Cary may be given with certain stipulations, such as Cary participation in the creation of the public product or Cary review and the option to refuse ultimate release of the final product should it fail to meet Cary’s standards and goals. “Publicly disseminate” means but is not limited to electronic, video, audio, photographic or hard copy materials serving as, in whole or part, advertising, sales promotion, professional papers or presentations, news releases, articles, or other media products, and/or business collateral pieces. Notwithstanding the foregoing, the parties agree that MV Transportation may list Cary as a reference in response to requests for proposal and may identify Cary as a customer in presentations to potential customers.

25. Non-Exclusive Remedies/No Waiver

The selection of one or more remedies for breach shall not limit a party’s right to invoke any other remedy available under Agreement or by law. No delay, omission or forbearance to exercise any right, power or remedy accruing to a party shall impair any such right, power or remedy or shall be construed to be a waiver of any breach hereof or default. Every right, power or remedy may be exercised from time-to-time and as often as deemed expedient.

26. Survival

All representations, indemnifications and other terms and conditions of Agreement which by their nature should survive Agreement termination shall survive its expiration or termination.

27. No Waiver of Immunity

Nothing in this Agreement shall be construed to mandate purchase of insurance by Cary pursuant to N.C.G.S. 160A-485 or to in any way waive Cary's defense of governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law. No officer, agent or employee of either Cary or Apex 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.

28. Gifts and Favors

MV Transportation shall become aware of and comply with laws related to gifts and favors, conflicts of interest and the like, including N.C.G.S. §14-234, N.C.G.S. §133-1, and N.C.G.S. §133-32.

29. Nondiscrimination

No party shall discriminate in violation of any federal, state, or local law. MV Transportation and Apex shall comply with the Americans with Disabilities Act of 1990 ("ADA").

30. Electronic Version of Agreement

Cary may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

31. No Third Party Beneficiaries

Unless otherwise explicitly stated, there are no third-party beneficiaries to Agreement.

32. Electronic Signatures

Apex and MV Transportation acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of Cary, to execute this Agreement and any associated documents. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, Apex and MV Transportation consents to be legally bound by the terms and conditions of this Agreement and that such act constitutes Apex and MV Transportation's signature as if actually signed by Apex and MV Transportation in writing. Apex and MV Transportation also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the

enforceability of its electronic signature. Apex and MV Transportation acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby, through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

33. Recitals

The Recitals are incorporated into this Agreement.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officials

APEX, Town of Apex

Catherine Crosby

Town Manager

DocuSigned by:

C2037E33C2CC4B3...

6/16/2022

Date

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

Vance Holloman

Finance Director

DocuSigned by:

D6B80595BB1C440...


6/15/2022

Date

MV TRANSPORTATION, MV Transportation, Inc.

Marie Meisenbach Gaul

Chief Financial Officer

DocuSigned by:

CC90E4517A6F42E...

6/20/2022

Date

CARY, Town of Cary

Shelley Curran

Assistant Town Manager

DocuSigned by:

FD832D7BD2C2497...

6/20/2022

Date

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

Denisha Harris

Deputy Finance Officer

DocuSigned by:

8AA23C6AF1284D3...

6/22/2022

Date

Exhibit A

Initial Span of Revenue Service

Monday – Saturday 6:00 AM to 10:00 PM

GoApex Route 1 does not operate on the following holidays:

New Year's Day

Martin Luther King Jr.'s Birthday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Eve

Christmas Day

Exhibit B

Initial GoApex Route 1 Map

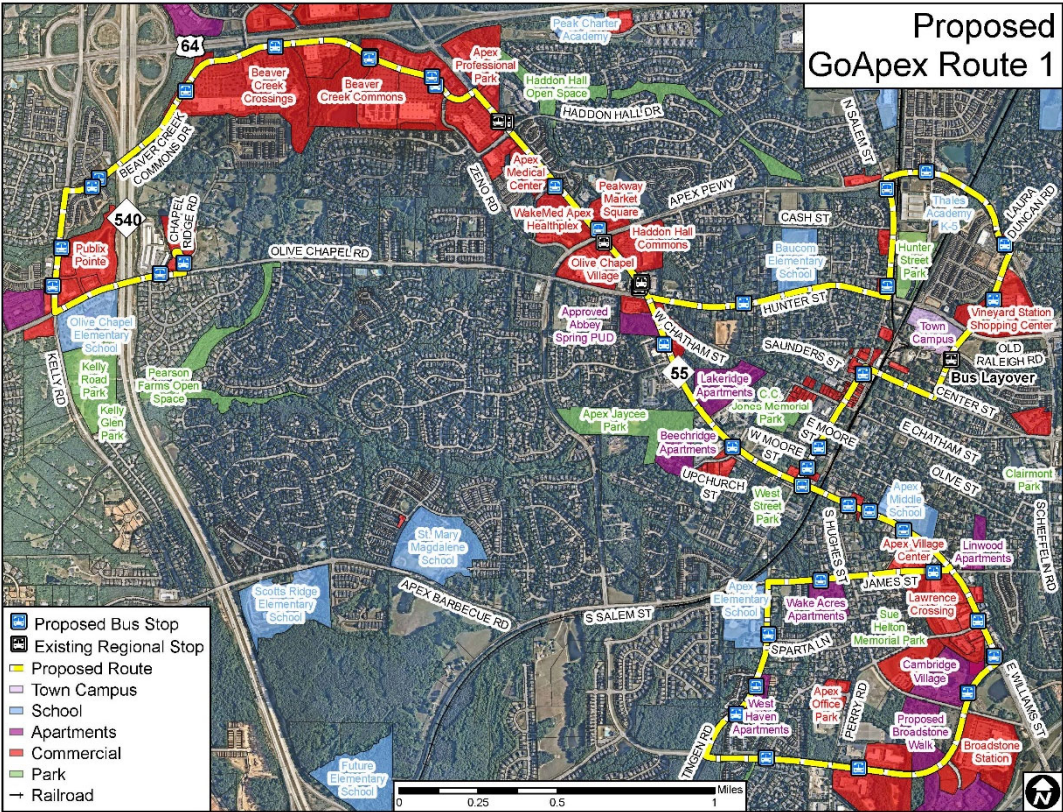


Exhibit C**GoApex Route 1 Initial Bus Stops and Commitments**

Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
1	1452	N Mason St at Old Mill Village Dr (Town Hall (NB))	NB	35.732839	-78.845471	No	Trash removal only	Yes (GoTriangle 305)	
2	1165	Laura Duncan Rd at Vineyard Station (NB)	NB	35.735576	-78.843081	Yes	Yes	Yes (GoTriangle 305)	
3	16005	Apex Peakway at Laura Duncan Rd	WB	35.738116	-78.842433	Yes	Yes		
4	16007	Apex Peakway at Ambergate Station	WB	35.741476	-78.846851	Yes	Yes		
5	16009	N Salem St at Apex Peakway	SB	35.740682	-78.849079	Yes	Yes		
6	11371	N Salem St at Hunter St (Liberty Station (SB))	SB	35.73621	-78.849066	Yes	Yes	Yes (GoCary ACX)	
7	16013	Hunter St at Hillcrest Rd	WB	35.735441	-78.857171	Yes	Yes		
8	1593	W Williams St at Hunter St (NB)	NB	35.736411	-78.862941	No	No	Yes (GoTriangle 311)	
9	16017	W Williams St at Apex Peakway (NB)	NB	35.738837	-78.865363	Yes	Yes		
10	1725	W Williams St at Haddon Hall Dr (NB)	NB	35.743772	-78.870595	No	No	Yes (GoTriangle 311)	
11	16021	Beaver Creek Commons Dr at Chick-fil-A (WB)	WB	35.745855	-78.874754	Yes	Yes		
12	16023	Beaver Creek Commons Dr at Beaver Creek Greenway (WB)	WB	35.7468	-78.878228	Yes	Yes		
13	16027	Beaver Creek Commons Dr at Diamond Dove Ln (WB)	WB	35.741207	-78.893545	Yes	Yes		
14	16029	Kelly Rd at Evening Star Dr (SB)	SB	35.736275	-78.896151	Yes	Yes		
15	16031	Chapel Ridge Rd at Olive Chapel	SB	35.737313	-78.888764	Yes	Yes		

Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
		Professional Park							
16	16033	Olive Chapel Rd at Western Wake Crisis Ministry	WB	35.736819	-78.890092	Yes	Yes		
17	16035	Kelly Rd at Publix Pointe (NB)	NB	35.738028	-78.895671	Yes	Yes		
18	16037	Beaver Creek Commons Dr at Diamond Dove Ln (EB)	EB	35.740821	-78.893927	Yes	Yes		
19	16039	Beaver Creek Commons Dr at Beaver Creek Crossings West	EB	35.745216	-78.888646	Improved	No		Yes
20	16041	Beaver Creek Commons Dr at Regal Cinemas	EB	35.747255	-78.883581	Yes	Yes		
21	16043	Beaver Creek Commons Dr at Beaver Creek Greenway (EB)	EB	35.746706	-78.878278	Yes	Yes		
22	16045	Beaver Creek Commons Dr at Lowe's (EB)	EB	35.745468	-78.874547	Improved	Yes		Yes
23	1731	W Williams St at Haddon Hall Dr (SB)	SB	35.743802	-78.871002	No	No	Yes (GoTriangle 311)	
24	16049	W Williams St at Healthplex Way (SB)	SB	35.740806	-78.867814	Yes	Yes		
25	1723	W Williams St at Apex Peakway (SB)	SB	35.738247	-78.865063	No	No	Yes (GoTriangle 311)	
26	1447	W Williams St at Olive Chapel Rd (SB)	SB	35.736155	-78.863075	No	No	Yes (GoTriangle 311)	
27	16055	W Williams St at Bryan Dr (Post Office)	SB	35.733557	-78.861665	Yes	Yes		
28	16057	W Williams St at Upchurch St	SB	35.728802	-78.85782	Yes	Yes		
29	16059	E Williams St at Salem St	SB	35.727015	-78.8539	Yes	Yes		
30	16061	E Williams St at S Hughes St	SB	35.726105	-78.851297	Yes	Yes		

Route Order	Bus Stop ID	Bus Stop Name	Direction	Latitude	Longitude	Built by Town of Apex?	Maintained by Town of Apex?	Shared by a regional provider?	Amenities on private property?
		(Park and Ride (SB))							
31	16063	E Williams St at Apex Village Center (SB)	SB	35.724946	-78.848173	Yes	Yes		
32	16065	E Williams St at Perry Rd	SB	35.720795	-78.843994	Yes	Yes		
33	16067	E Williams St at Apex Peakway	SB	35.71916	-78.843082	Yes	Yes		
34	1183	Apex Peakway at S Hughes St (Cambridge Village)	SB	35.717491	-78.844572	Yes	Yes	Yes (GoTriangle 305)	
35	16071	Apex Peakway at Norris Park	WB	35.714045	-78.850733	Yes	Yes		
36	16073	Apex Peakway at Shackleton Rd	WB	35.714521	-78.855948	Yes	Yes		
37	16075	Tingen Rd at Baberton Dr	NB	35.716528	-78.857636	Yes	Yes		
38	16077	Tingen Rd at Peace Haven Pl	NB	35.717794	-78.856513	Yes	Yes		
39	16079	Tingen Rd at Sparta Ln	NB	35.720186	-78.855802	Yes	Yes		
40	16081	James St at Germaine St	EB	35.72266	-78.852845	Yes	Yes		
41	16083	James St at E Williams St	EB	35.723031	-78.846483	Yes	Yes		
42	16085	E Williams St at S Mason St (Apex Middle School (NB))	NB	35.725827	-78.8501	Yes	Yes		
43	16087	S Salem St at Williams St	NB	35.727836	-78.853603	Yes	Yes		
44	16089	S Salem St at Moore St	NB	35.728765	-78.852957	Yes	Yes		
45	16091	N Salem St at The Depot	NB	35.732186	-78.85045	Yes	Yes		

MVTRANS-01

CMILLONIG

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/16/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Fairly Consulting Group, LLC 1800 S. Washington, Suite 400 Amarillo, TX 79102	CONTACT NAME: PHONE (A/C, No, Ext): (806) 376-4761 FAX (A/C, No): (806) 376-5136 E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE	
INSURER A : ACE American Insurance Company	
NAIC # 22667	
INSURER B : Gemini Insurance Company	
10833	
INSURER C : Indemnity Insurance Company of North America	
43575	
INSURER D : Lloyd's Syndicate 2623 (Beazley Furlong Limited)	
C2166	
INSURER E :	
INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			HDOG72478575	2/1/2022	2/1/2023	EACH OCCURRENCE \$ 5,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$ 5,000,000
							GENERAL AGGREGATE \$ 5,000,000
							PRODUCTS - COMP/OP AGG \$ 5,000,000
							\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			XSAH25555247	2/1/2022	2/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			GVE100144807	2/1/2022	2/1/2023	EACH OCCURRENCE \$ 5,000,000
							AGGREGATE \$
							General Agg \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y / <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below			WLRC68929593	2/1/2022	2/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Cyber Security Liab. Professional Liab.			W1A99B220701 MPBG72478654	2/1/2022	2/1/2023	Each incident/Agg 2,000,000
							Each Claim/Agg 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: GoApex Agreement - GoCary Transit Service

Town of Cary, Town of Apex are additional insureds on a primary and non-contributory basis as respects General Liability, Auto Liability and Umbrella/Excess Liability where required by written contract.

A Waiver of Subrogation applies as respects General Liability, Auto Liability, Workers Compensation and Umbrella/Excess Liability where required by written contract.

MV Transportation, Inc. is self-insured for Auto Liability in the state of North Carolina. The above Auto policy provides coverage excess of a \$3M self-insured retention.

CERTIFICATE HOLDER

CANCELLATION

Town of Apex 73 Hunter Street P. O. Box 250 Apex, NC 27502	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

Workers' Compensation and Employers' Liability Policy

Named Insured MV TRANSPORTATION, INC. 2711 N. HASKELL AVE, SUITE 1500, LB-2 DALLAS TX 75204	Endorsement Number
Policy Period 02-01-2022 TO 02-01-2023	Policy Number Symbol: WLB Number: C68929593
Issued By (Name of Insurance Company) INDEMNITY INS. CO. OF NORTH AMERICA	Effective Date of Endorsement 02-01-2022
Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.	

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

Schedule

ANY PERSON OR ORGANIZATION AGAINST WHOM YOU HAVE AGREED TO WAIVE YOUR RIGHT OF RECOVERY IN A WRITTEN CONTRACT, PROVIDED SUCH CONTRACT WAS EXECUTED PRIOR TO THE DATE OF LOSS.

For the states of CA, UT, TX, refer to state specific endorsements.

This endorsement is not applicable in KY, NH, and NJ.

The endorsement does not apply to policies in Missouri where the employer is in the construction group of code classifications. According to Section 287.150(6) of the Missouri statutes, a contractual provision purporting to waive subrogation rights against public policy and void where one party to the contract is an employer in the construction group of code classifications.

For Kansas, use of this endorsement is limited by the Kansas Fairness in Private Construction Contract Act(K.S.A.. 16-1801 through 16-1807 and any amendments thereto) and the Kansas Fairness in Public Construction Contract Act(K.S.A 16-1901 through 16-1908 and any amendments thereto). According to the Acts a provision in a contract for private or public construction purporting to waive subrogation rights for losses or claims covered or paid by liability or workers compensation insurance shall be against public policy and shall be void and unenforceable except that, subject to the Acts, a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program.



Authorized Representative

POLICY NUMBER: HDO G72478575

Endorsement Number: 1

**COMMERCIAL GENERAL LIABILITY
CG 20 26 12 19****THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s): Any person or organization whom you have agreed to include as an additional insured under a written contract, provided such contract was executed prior to the date of loss.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

NON-CONTRIBUTORY ENDORSEMENT FOR ADDITIONAL INSURED

Named Insured MV Transportation, Inc.			Endorsement Number 2
Policy Symbol HDO	Policy Number G72478575	Policy Period 02/01/2022 to 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**COMMERCIAL GENERAL LIABILITY COVERAGE****Schedule****Organization****Additional Insured Endorsement**

Any additional insured with whom you have agreed to provide such non-contributory insurance, pursuant to and as required under a written contract executed prior to the date of loss.

(If no information is filled in, the schedule shall read: "All persons or entities added as additional insureds through an endorsement with the term "Additional Insured" in the title)

For organizations that are listed in the Schedule above that are also an Additional Insured under an endorsement attached to this policy, the following is added to Section IV.4.a:

If other insurance is available to an insured we cover under any of the endorsements listed or described above (the "Additional Insured") for a loss we cover under this policy, this insurance will apply to such loss on a primary basis and we will not seek contribution from the other insurance available to the Additional Insured.

Authorized Agent

POLICY NUMBER: HDO G72478575

Endorsement Number: 8

**COMMERCIAL GENERAL LIABILITY
CG 24 04 12 19****THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****WAIVER OF TRANSFER OF RIGHTS OF RECOVERY
AGAINST OTHERS TO US (WAIVER OF SUBROGATION)**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s): Any person or organization against whom you have agreed to waive your right of recovery in a written contract, provided such contract was executed prior to the date of loss.
--

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.
--

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

NON-CONTRIBUTORY ENDORSEMENT FOR ADDITIONAL INSUREDS

Named Insured MV Transportation, Inc.			Endorsement Number 48
Policy Symbol XSA	Policy Number H25555247	Policy Period 02/01/2022 TO 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

THIS ENDORSEMENT MODIFIES INSURANCE PROVIDED UNDER THE FOLLOWING:

EXCESS BUSINESS AUTOMOBILE POLICY

Schedule

Organization

All persons or entities where there is a contractual requirement for a Named Insured's auto policy to respond on either a primary or non-contributory basis, subject to satisfaction of the "retained limit".

For organizations that are listed in the Schedule above that are also an Additional Insured under an endorsement attached to this policy, the following is added to the Other Insurance Condition under General Conditions:

If other insurance is available to an insured we cover for a loss we cover under this policy, this insurance will apply to such loss and is primary (subject to satisfaction of the "retained limit"), meaning we will not seek contribution from the other insurance available to the Additional Insured. Your "retained limit" still applies to such loss, and we will only pay the Additional Insured for the "ultimate net loss" in excess of the "retained limit" shown in the Declarations of this policy.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS

Named Insured MV Transportation, Inc.			Endorsement Number 40
Policy Symbol XSA	Policy Number H25555247	Policy Period 02/01/2022 to 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

**EXCESS BUSINESS AUTO COVERAGE FORM
EXCESS TRUCKERS COVERAGE FORM**

We waive the right of recovery we may have against the person or organization shown in the Schedule below because of payments we make for injury or damage arising out of the use of a covered "auto". The waiver applies only to the person or organization shown in the Schedule.

SCHEDULE

Any person or organization against whom you have agreed to waive your right of recovery in a written contract, provided such contract was executed prior to the date of loss.

Authorized Agent

ADDITIONAL INSURED – DESIGNATED PERSONS OR ORGANIZATIONS

Named Insured MV Transportation, Inc.			Endorsement Number 3
Policy Symbol XSA	Policy Number H25555247	Policy Period 02/01/2022 TO 02/01/2023	Effective Date of Endorsement
Issued By (Name of Insurance Company) ACE American Insurance Company			

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

**BUSINESS AUTO COVERAGE FORM
AUTO DEALERS COVERAGE FORM
MOTOR CARRIER COVERAGE FORM
EXCESS BUSINESS AUTO COVERAGE FORM**

Additional Insured(s): Any person or organization whom you have agreed to include as an additional insured under a written contract, provided such contract was executed prior to the date of loss.

- A. For a covered "auto," Who Is Insured is amended to include as an "insured," the persons or organizations named in this endorsement. However, these persons or organizations are an "insured" only for "bodily injury" or "property damage" resulting from acts or omissions of:
1. You.
 2. Any of your "employees" or agents.
 3. Any person operating a covered "auto" with permission from you, any of your "employees" or agents.
- B. The persons or organizations named in this endorsement are not liable for payment of your premium.

Authorized Representative

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: March 28, 2023

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Motion to approve a proclamation declaring April 2023 as Child Abuse Prevention Month in the Town of Apex and urge all residents to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Approval Recommended?

N/A

Item Details

The month of April has been nationally recognized as Child Abuse Prevention Month since 1983. National Child Abuse Prevention Month recognizes the importance of families and communities working together to prevent child abuse and neglect. Prevention services and supports developed by this collaboration can help to protect children and strengthen families.

Attachments

- PR1-A1: Proclamation - Child Abuse Prevention Month - April 2023





"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Child Abuse Prevention Month 2023

from the Office of the Mayor

WHEREAS, Children are vital to our state's future success, prosperity, and quality of life as well as being our most vulnerable assets; and,

WHEREAS, Child abuse is a horrific experience, impacting more than 600,000 children in the United States in 2021, with over 21,000 of these occurring in North Carolina; and,

WHEREAS, All children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

WHEREAS, Child abuse and neglect is a serious problem which primarily affects the most vulnerable children, with the majority of victims nationally being 6 years of age or younger. This behavior leads to immense physical, psychological, and emotional trauma that can affect victims throughout their lives; and,

WHEREAS, Child abuse and neglect is a community responsibility affecting both current and future quality of life of a community; and,

WHEREAS, Communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and,

WHEREAS, Effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith agencies, and business community.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim, The Month of April 2023, Child Abuse Prevention Month in the Town of Apex, and urge all residents to join me in dedicating ourselves to preventing abuse towards children and improving their quality of life.

I hereby set my hand and have caused the Seal of the Town of Apex,
North Carolina, to be affixed this the 28th day of March 2023

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 18.613 acres, The Townes at Chapel Ridge, Annexation No. 748 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The annexation has been certified and a public hearing has been posted as required.

Attachments

- PH1-A1: Annexation Ordinance - Annexation No. 748
- PH1-A2: Public Hearing Notice - Annexation No. 748
- PH1-A3: Legal Description - Annexation No. 748
- PH1-A4: Plat Map - Annexation No. 748
- PH1-A5: Aerial Map - Annexation No. 748
- PH1-A6: Annexation Petition - Annexation No. 748





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
ANNEXATION PETITION NO. 748
THE TOWNES AT CHAPEL RIDGE - 18.613 ACRES

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on March 28, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on March 28, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Wake County, North Carolina, White Oak Township (PIN#: See Recorded Map), Land Surveyor dated October 17, 2022" and recorded in Book of Maps book number 2023 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

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

Adopted this the 28th day of March, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Chapel Ridge overall annexation plat

Beginning at an existing iron pipe on the eastern right of way of Chapel Ridge Road (Variable Width Public R/W), said pipe having NC grid coordinates (NAD 83 - 2011) of N=724,296.53, E=2,033,345.72, thence from said beginning point leaving said right of way South 83°24'52" East 567.88 feet to an existing iron pipe, thence South 83°21'57" East 99.74 feet to an existing iron pipe, thence South 06°32'09" West 153.92 feet to an existing iron pipe, thence South 73°20'32" East 112.24 feet to an existing iron pipe, thence South 51°49'45" East 259.77 feet to an existing iron pipe, thence South 17°49'15" West 448.39 feet to an existing iron pipe, thence South 06°52'59" West 114.60 feet to an existing iron pipe on the northern right of way of Olive Chapel Road (SR 1160) (Variable Width Public R/W), thence with said right of way South 81°11'19" West 253.55 feet to an existing iron pipe, thence leaving said right of way North 06°02'39" East 416.28

feet to an existing iron pipe, thence North 71°01'27" West 236.08 feet to an existing iron pipe, thence North 57°21'55" West 201.55 feet to an existing iron pipe on the right of way of Barnside Lane (45' Public R/W), thence with said right of way along curve to the right having a radius of 50.00 feet, an arc length of 39.88 feet, and a chord bearing and distance of South 55°35'39" West 38.83 feet to an existing iron pipe, thence leaving said right of way South 11°39'23" East 629.99 feet to an existing iron pipe on the northern right of way of Olive Chapel Road (SR 1160) (Variable Width Public R/W), thence with said right of way South 81°34'12" West 538.21 feet to an existing iron pipe, thence South 81°52'03" West 43.17 feet to an existing iron pipe, thence South 82°17'06" West 111.06 feet to an existing iron pipe on the western right of way of Chapel Ridge Road (Variable Width Public R/W), thence leaving Olive Chapel Road right of way and with Chapel Ridge Road right of way along a curve to the left having a radius of 30.00 feet, an arc length of 44.95 feet, and a chord bearing and distance of North 39°47'23" East 40.86 feet to an existing iron pipe, thence along a curve to the right having a radius of 227.00 feet, an arc length of 193.92 feet, and a chord bearing and distance of North 21°18'33" East 188.08 feet to an existing iron pipe, thence North 45°46'57" East 115.00 feet to an existing iron pipe, thence along a curve to the left having a radius of 194.00 feet, an arc length of 201.46 feet, and a chord bearing and distance of North 16°01'54" East 192.53 feet to an existing iron pipe, thence along a curve to the right having a radius of 424.54 feet, an arc length of 180.20 feet, and a chord bearing and distance of North 01°33'27" West 178.85 feet to an existing iron pipe, thence North 10°36'09" East 173.38 feet to an existing iron pipe, thence North 10°46'29" East 11.60 feet to an existing iron pipe, thence leaving said right of way South 79°13'31" East 50.00 feet to an existing iron pipe on the eastern right of way of Chapel Ridge Road (Variable Width Public R/W), thence with said right of way North 10°46'29" East 219.28 feet to an existing iron pipe, thence along a curve to the right having a radius of 400.00 feet, an arc length of 108.42 feet, and a chord bearing and distance of North 18°11'52" East 108.09 feet to the point and place of beginning, containing an area of 18.613 acres (810,762 Sq Ft) more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2023-_____, adopted at a meeting of the Town Council, on the 28th day of March, 2023, 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 28th day of March, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (March 15, 2023) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **28th day of March, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 748 The Townes at Chapel Ridge – 18.613 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 748" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, March 28, 2023.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

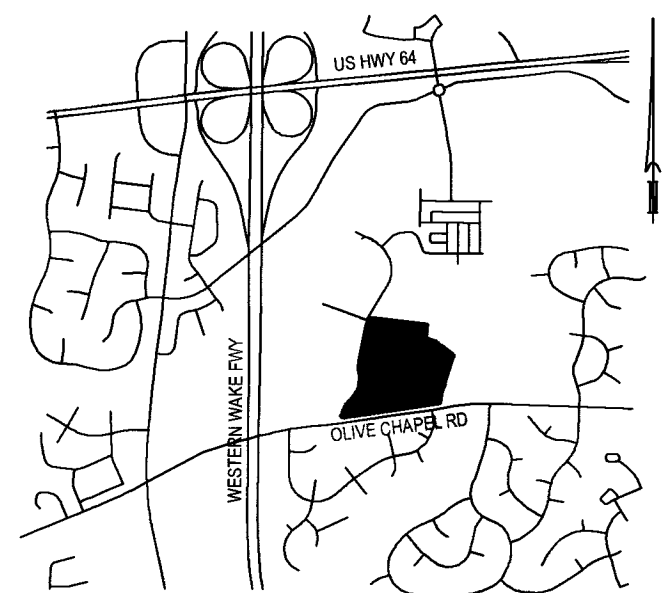
Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

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Chapel Ridge overall annexation plat

Beginning at an existing iron pipe on the eastern right of way of Chapel Ridge Road (Variable Width Public R/W), said pipe having NC grid coordinates (NAD 83 – 2011) of N=724,296.53, E=2,033,345.72, thence from said beginning point leaving said right of way South 83°24'52" East 567.88 feet to an existing iron pipe, thence South 83°21'57" East 99.74 feet to an existing iron pipe, thence South 06°32'09" West 153.92 feet to an existing iron pipe, thence South 73°20'32" East 112.24 feet to an existing iron pipe, thence South 51°49'45" East 259.77 feet to an existing iron pipe, thence South 17°49'15" West 448.39 feet to an existing iron pipe, thence South 06°52'59" West 114.60 feet to an existing iron pipe on the northern right of way of Olive Chapel Road (SR 1160) (Variable Width Public R/W), thence with said right of way South 81°11'19" West 253.55 feet to an existing iron pipe, thence leaving said right of way North 06°02'39" East 416.28 feet to an existing iron pipe, thence North 71°01'27" West 236.08 feet to an existing iron pipe, thence North 57°21'55" West 201.55 feet to an existing iron pipe on the right of way of Barnside Lane (45' Public R/W), thence with said right of way along curve to the right having a radius of 50.00 feet, an arc length of 39.88 feet, and a chord bearing and distance of South 55°35'39" West 38.83 feet to an existing iron pipe, thence leaving said right of way South 11°39'23" East 629.99 feet to an existing iron pipe on the northern right of way of Olive Chapel Road (SR 1160) (Variable Width Public R/W), thence with said right of way South 81°34'12" West 538.21 feet to an existing iron pipe, thence South 81°52'03" West 43.17 feet to an existing iron pipe, thence South 82°17'06" West 111.06 feet to an existing iron pipe on the western right of way of Chapel Ridge Road (Variable Width Public R/W), thence leaving Olive Chapel Road right of way and with Chapel Ridge Road right of way along a curve to the left having a radius of 30.00 feet, an arc length of 44.95 feet, and a chord bearing and distance of North 39°47'23" East 40.86 feet to an existing iron pipe, thence along a curve to the right having a radius of 227.00 feet, an arc length of 193.92 feet, and a chord bearing and distance of North 21°18'33" East 188.08 feet to an existing iron pipe, thence North 45°46'57" East 115.00 feet to an existing iron pipe, thence along a curve to the left having a radius of 194.00 feet, an arc length of 201.46 feet, and a chord bearing and distance of North 16°01'54" East 192.53 feet to an existing iron pipe, thence along a curve to the right having a radius of 424.54 feet, an arc length of 180.20 feet, and a chord bearing and distance of North 01°33'27" West 178.85 feet to an existing iron pipe, thence North 10°36'09" East 173.38 feet to an existing iron pipe, thence North 10°46'29" East 11.60 feet to an existing iron pipe, thence leaving said right of way South 79°13'31" East 50.00 feet to an existing iron pipe on the eastern right of way of Chapel Ridge Road (Variable Width Public R/W), thence with said right of way North 10°46'29" East 219.28 feet to an existing iron pipe, thence along a curve to the right having a radius of 400.00 feet, an arc length of 108.42 feet, and a chord bearing and distance of North 18°11'52" East 108.09 feet to the point and place of beginning, containing an area of 18.613 acres (810,762 Sq Ft) more or less.



LEGEND

(AI)-AREA INLET
(CB)-CATCH BASIN
(CO)-CLEANOUT
(FES)-FLARED END SECTION
(FH)-FIREHYDRANT
(IPF)-IRON PIPE FOUND
(SSMH)-SAMITARY SEWER MANHOLE
(WMH)-WATER MANHOLE
(WV)-WATER VALVE
100 YEAR FLOODLINE
BOUNDARY LINE
BOUNDARY LINE NOT SURVEYED
EASEMENT
FLOODPLAIN
POND/STREAM
RIGHT OF WAY
RIPARIAN BUFFER

ADDRESS 1234

NEW ANNEX AREAS

WETLAND AREAS

SURVEY NOTES

1. NO NGS MONUMENT FOUND WITHIN 2,000 FEET OF THE SITE.
2. THE FOLLOWING INFORMATION WAS USED TO OBTAIN NC GRID NAD 83 (2011), NAVD88 (GEOID 12B) STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:
 - 2.1. CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)
 - 2.2. POSITIONAL ACCURACY: 0.03' (H), 0.07' (V)
 - 2.3. GPS FIELD PROCEDURE: VRS
 - 2.4. DATE OF SURVEY: 03/31/2021
 - 2.5. DATUM/EPOCH: NAD 83 (2011), EPOCH 2010.00
 - 2.6. PUBLISHED DATE/FIXED CONTROL USED: VRS, NCRD
 - 2.7. GEOID MODEL: GEOID 12B
 - 2.8. COMBINED GRID FACTOR
 - 2.9. UNITS: U.S. SURVEY FEET
 - 2.10. GRID/GROUND POINT: Y(N) 724,296.53 X(E) 2,033,345.72
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
4. ALL AREAS DERIVED BY THE COORDINATE COMPUTATION METHOD.
5. PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH NORTH CAROLINA STANDARDS, G.S. 47-30, AND REQUIREMENTS OF LAW, BUT A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED REGARDING CORRECT OWNERSHIP, WIDTH, AND LOCATION OF EASEMENTS AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION.
6. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
7. PORTIONS OF SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP 3720073200K DATED JULY 19, 2022.
8. LOCATION OF UTILITIES, WHETHER PUBLIC OR PRIVATE, IS BASED UPON FIELD LOCATION OF VISIBLE APPURTENANCES ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. WITHERSRAVENEL CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UNDERGROUND UTILITIES.
9. WETLAND DELINEATION AND RIPARIAN BUFFER DETERMINATIONS BY WITHERSRAVENEL ON MARCH 23, 2021.

SURVEYOR'S CERTIFICATION

I, STEPHEN B. MULLINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS MAP; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:66,738; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12th DAY OF JANUARY, A.D. 2023.

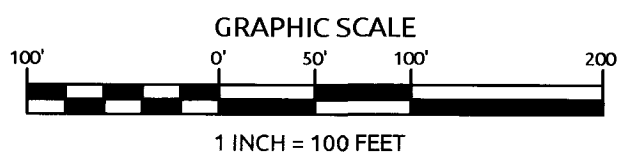
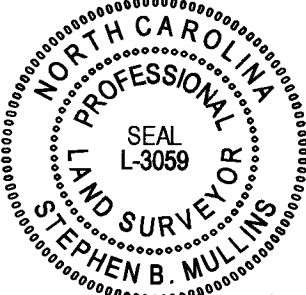
STEPHEN B. MULLINS, PROFESSIONAL LAND SURVEYOR L-3059

TYPE OF PLAT

I, STEPHEN B. MULLINS, PROFESSIONAL LAND SURVEYOR LICENSE NO. L-3059, CERTIFY TO ONE OF THE FOLLOWING AS CHECKED BELOW:

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

STEPHEN B. MULLINS, PROFESSIONAL LAND SURVEYOR L-3059

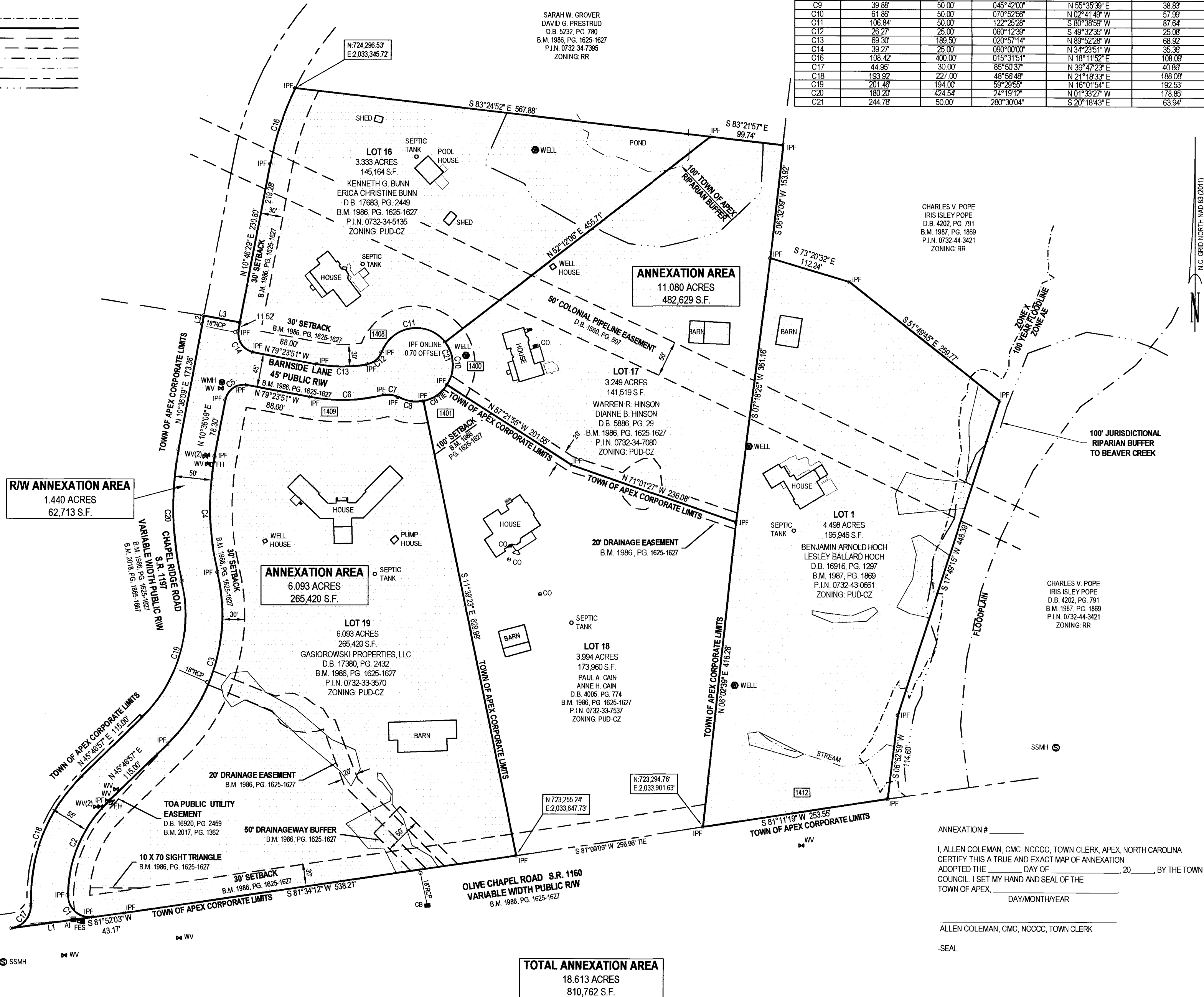


DATE: 10-17-2022
SCALE: 1"=100'
SURVEYED BY: AB
DRAWN BY: SBM & MJB
CHECK & CLOSURE BY: SBM
CAD FILE: ANNEX 10-17-22.dwg
PROJECT NO: 02201034.00

ANNEXATION MAP FOR THE TOWN OF APEX		
KENNETH G. BUNN & ERICA CHRISTINE BUNN, WARREN R. HINSON & DIANNE B. HINSON, GASIOROWSKI PROPERTIES, LLC, BENJAMIN ARNOLD HOCH & LESLEY BALLARD HOCH PROPERTY		
TOWNSHIP: WHITE OAK	COUNTY: WAKE	STATE: NORTH CAROLINA
P.I.N.: SEE MAP	ZONING: PUD-CZ	SHEET: 1 OF 1

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 82°17'06" W	111.06'
L2	N 10°46'29" E	11.60'
L3	S 79°13'31" E	50.00'

CURVE TABLE				
CURVE	ARC LEN	RADIUS	DELTA ANG	CHORD BRG
C1	51.52	30.00	098°23'44"	N 48°56'05" W
C2	140.62	177.00	045°31'10"	N 23°01'22" E
C3	253.38	244.00	059°29'55"	N 18°01'55" E
C4	158.98	374.54	024°19'12"	N 01°33'27" W
C5	39.27	25.00	090°00'00"	N 55°36'09" E
C6	100.76	234.50	024°37'10"	N 88°17'34" E
C7	19.18	25.00	043°57'20"	S 82°02'21" E
C8	36.21	50.00	041°29'40"	S 80°48'31" E
C9	39.88	50.00	045°42'00"	N 55°36'39" E
C10	61.86	50.00	070°52'56"	N 02°41'49" W
C11	106.84	50.00	122°25'28"	S 80°38'59" W
C12	26.27	25.00	069°12'39"	S 49°32'35" W
C13	69.30	189.50	020°57'14"	N 89°52'28" W
C14	39.27	25.00	090°00'00"	N 34°23'51" W
C16	108.42	400.00	015°31'51"	N 18°11'52" E
C17	44.95	30.00	85°50'37"	N 39°47'23" E
C18	193.92	227.00	48°56'48"	N 21°18'33" E
C19	201.46	194.00	59°29'55"	N 16°01'54" E
C20	180.20	424.54	24°19'12"	N 01°33'27" W
C21	244.78	50.00	280°30'04"	S 20°18'43" E



TOTAL ANNEXATION AREA
18.613 ACRES
810,762 S.F.

ANNEXATION # _____

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

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

-SEAL-

WithersRavenel
Engineers | Planners | Surveyors

115 MacKanan Drive | Cary, NC 27511
t: 919.469.3340 | license #: F-1479 | www.withersravenel.com



PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Kenneth G and Erica C. Bunn

0732345135

Owner Name (Please Print)

Property PIN or Deed Book & Page #

919.889.0553

kenbunn@me.com

Phone

E-mail Address

Warren and Dianne Hinson

0732347080

Owner Name (Please Print)

Property PIN or Deed Book & Page #

919.215.0514

wrhinson@bellsouth.net

Phone

E-mail Address

Gasiorowski Properties, LLC.

0732333570

Owner Name (Please Print)

Property PIN or Deed Book & Page #

919.303.9690

john@thebenefitadvisors.com

Phone

E-mail Address

See next page

SURVEYOR INFORMATION

Surveyor: WithersRavenel - Burb Mullins, PLS

Phone: 919.469.3340

Fax: _____

E-mail Address: smullins@withersravenel.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>17.17 ac</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>8</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>4</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>79</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 21.246 acres, Apex Light Industrial, Annexation No. 747 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The annexation has been certified and a public hearing has been posted as required.

Attachments

- PH2-A1: Annexation Ordinance - Annexation No. 747
- PH2-A2: Public Hearing Notice - Annexation No. 747
- PH2-A3: Legal Description - Annexation No. 747
- PH2-A4: Plat Map - Annexation No. 747
- PH2-A5: Aerial Map - Annexation No. 747
- PH2-A6: Annexation Petition - Annexation No. 747





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
SATELLITE ANNEXATION PETITION NO. 747
APEX LIGHT INDUSTRIAL – 21.246 ACRES

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-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 March 28, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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-58.2, as amended, the described non-contiguous territory is hereby annexed and 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 March 28, 2023. The survey plat entitled Satellite Annexation Map Set for the Town of Apex, Wake County, North Carolina, White Oak Township, (REID#s: 0124220 and 0076962), Land Surveyor Map dated September 23, 2022 and Revised December 12, 2022" and recorded in Book of Maps book number 2023 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

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

Adopted this the 28th day of March, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Annexation Legal Description for REID# 0124220 & 0076962

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0124220 & 0076962, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the South East property corner of Steven B & Kathryn J Wilkins (REID 0124220, DB 18392, PG 2618), Wake County Records and South West property corner of Jon Brian & Dena Liggett Wilkins (REID 0076963, DB 18840, PG 2794), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 9/23/2022 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0124220 & 0076962", having State Plane Coordinates N:725891.43, E:2023615.69;

Thence S83°05'34"W, 60.51' to an Iron Pipe found; thence N00°33'05"E, 611.51' to an Iron Pipe found; thence S89°26'41"W, 86.36' to an Iron Pipe found; thence S89°32'43"W, 196.84' to an Iron Pipe found; thence N00°25'31"W, 1106.72' to an Iron Pipe found; thence N89°31'03"E, 196.62' to an Iron Pipe found; thence N89°45'15"E, 624.92' to an Iron Pipe found; thence S01°22'07"W, 378.11' to an Iron Pipe found; thence S01°24'13"W, 179.82' to an Iron Pipe found; thence S01°24'13"W, 546.04' to an Iron Pipe found; thence S89°25'59"W, 443.33' to an Iron Pipe found; thence S00°33'05"W, 604.83' to an Iron Pipe found. Said Iron Pipe being the Point of Beginning. Said Annexation contains 925,464 square feet / 21.246 acres, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2023-_____, adopted at a meeting of the Town Council, on the 28th day of March, 2023, 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 28th day of March, 2023.

(SEAL)

Allen L. Coleman, CMC, NCCCC
Town Clerk



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

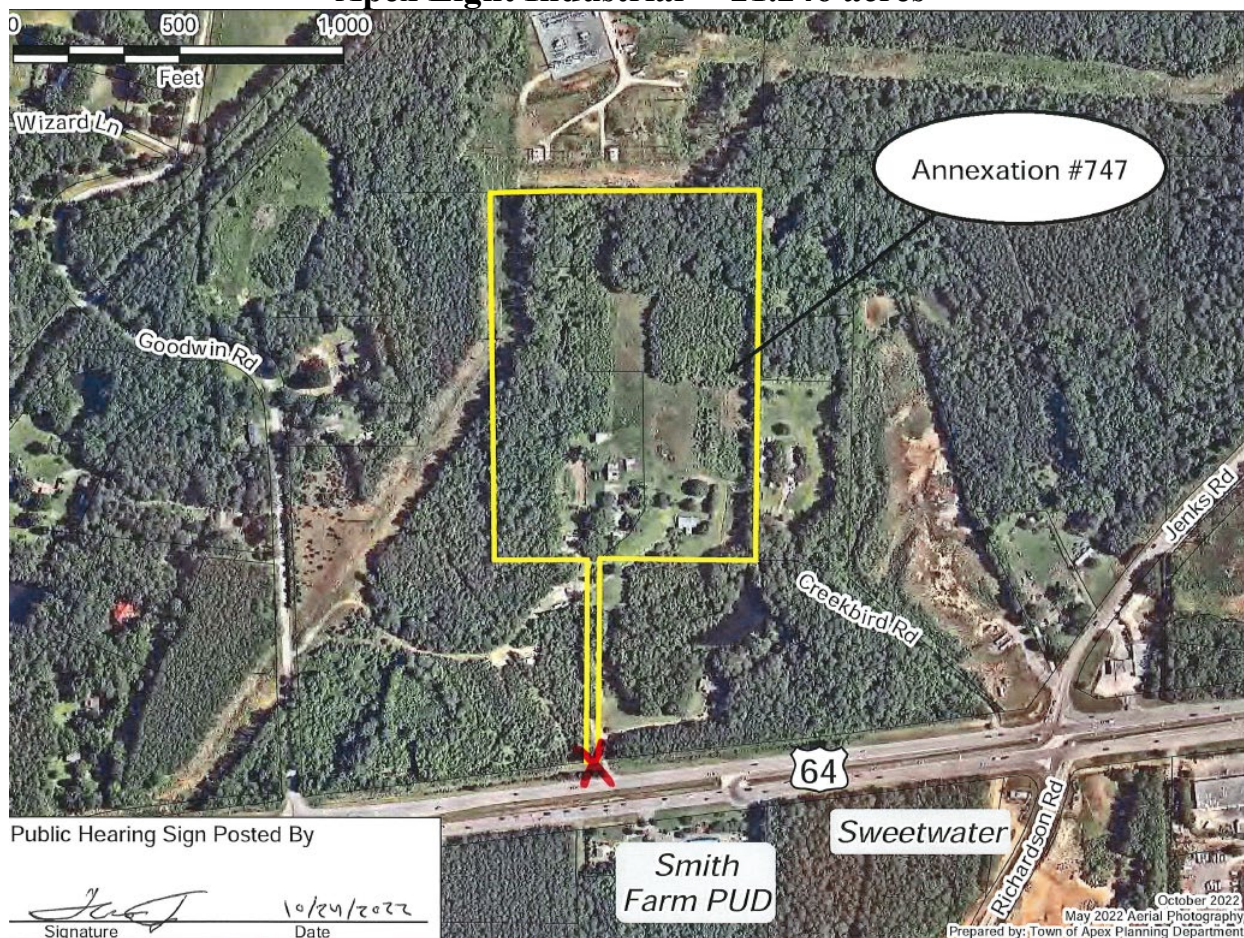
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (March 15, 2023) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **28th day of March, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 747 Apex Light Industrial – 21.246 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 747" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, March 28, 2023.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

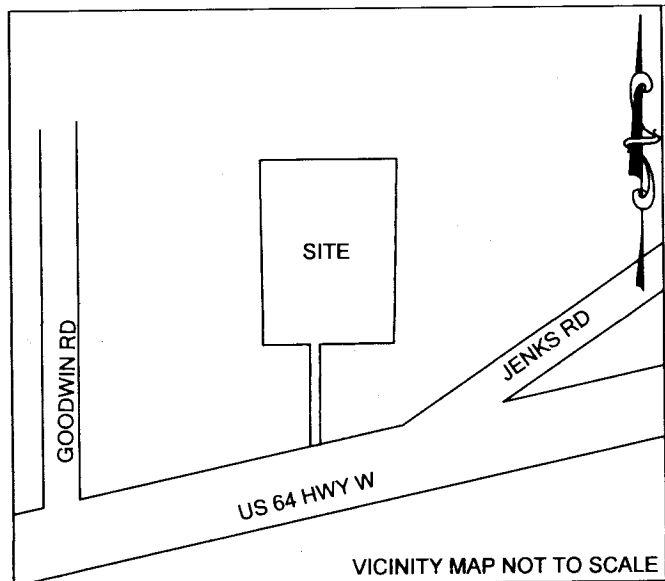
Annexation Legal Description for REID# 0124220 & 0076962

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Said Annexation contains 925,464 square feet / 21.246 acres, more or less.



REFERENCES

- Book Map 1985 Page 862
- Deed Book 18392 Page 2618
- Deed Book 18789 Page 1467

Annexation Legal Description for REID# 0124220 & 0076962

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0124220 & 0076962, Wake County Records, and being more particularly described as follows:

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Said Annexation contains 925,464 square feet / 21.246 acres, more or less.

Class of Survey: D
Positional Accuracy: 0.06'
Date of Survey: July, 2022
Datum/Epoch: NAD83/NSRS2011
Geoid Model: 1B
Combined Grid Factors: 0.99991018
Units: US Survey Feet

LEGEND

- IRON PIPE/REBAR SET
- ⊙ IRON PIPE/REBAR FOUND
- ⊗ COMPUTED POINT
- ⊠ R/W MARKER FOUND
- POB POINT OF BEGINNING
- EXISTING PROPERTY-R/W LINE
- - - EXISTING EASEMENT LINE
- ANNEXATION LINE
- ANNEXATION AREA
- - - EXISTING CORPORATE LIMITS

"I, Jeffrey W. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 18392, page 2618, Book 18789, page 1467); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 1985 Page 862; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended, witness my original signature, license number and seal this 23rd day of January, A.D. 2023."

Professional Land Surveyor
License Number-4412

I, Jeffrey W. Baker, Professional Land Surveyor No. L-4412 certify
D. That the survey is of another category, such as the
recombination of existing parcels, a court-ordered survey,
or other exceptions to the definition of subdivision.

Jeffrey W. Baker, PLS L-4412
1/23/23
date



Required Base Information:

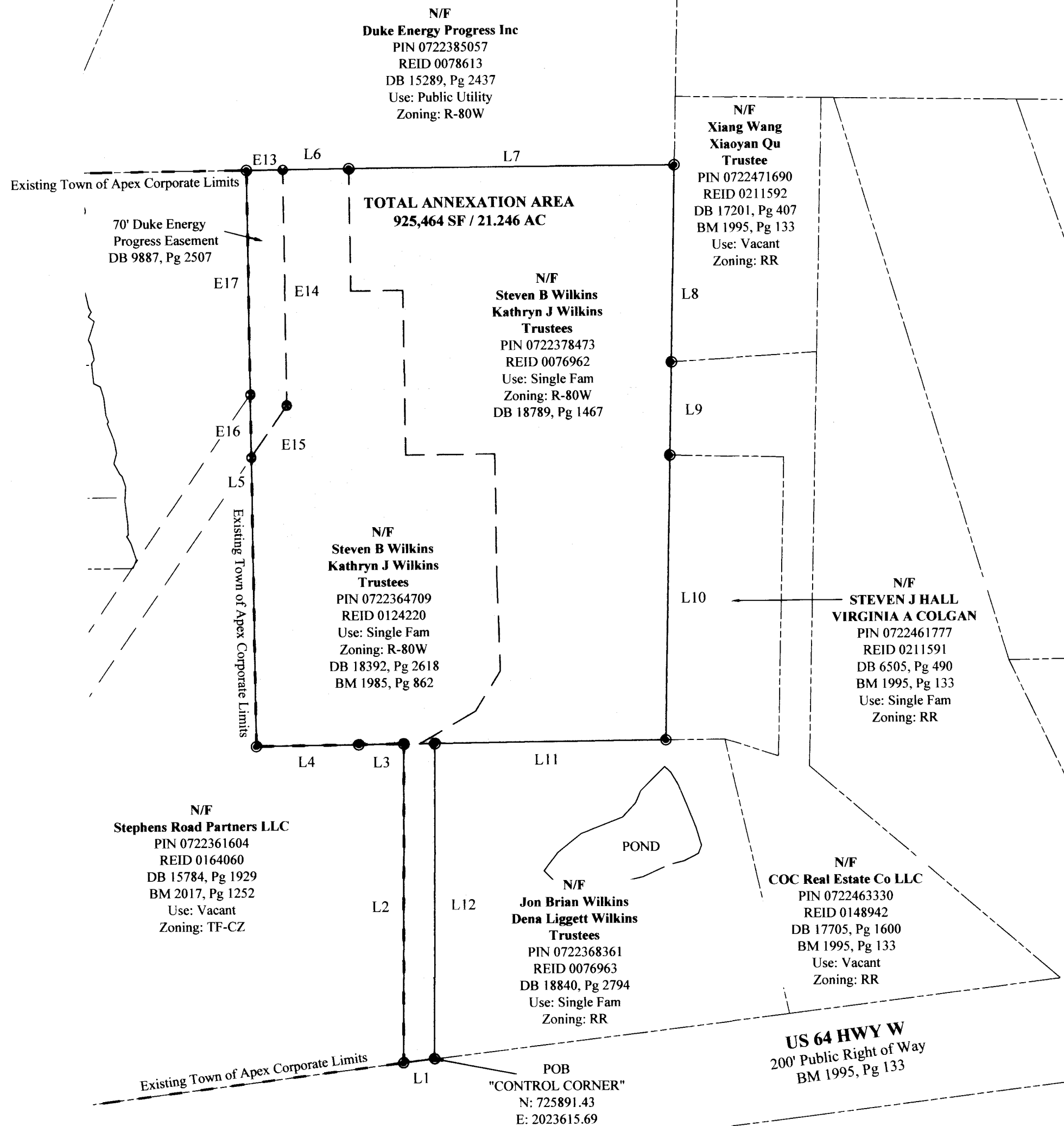
Project Information: 3228 US Hwy 64 W, Apex, NC, 27523 (Reid 0124220)
3212 US Hwy 64 W, Apex, NC, 27523 (Reid 0076962)

Owner Information: Steven B. & Kathryn J Wilkins Trustee

Surveyor Information: Jeffrey W. Baker
North Carolina
L-4412

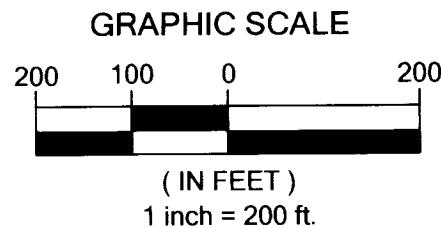
Date of Survey & Plat Preparation: 9/23/2022

Township, County, State: White Oak, Wake, North Carolina



Line Table		
Line #	Direction	Length
L1	S83°05'34"W	60.51
L2	N00°33'05"E	611.51
L3	S89°26'41"W	86.36
L4	S89°32'43"W	196.84
L5	N00°25'31"W	1106.72
L6	N89°31'03"E	196.62
L7	N89°45'15"E	624.92
L8	S01°22'07"W	378.11
L9	S01°24'13"W	179.82
L10	S01°24'13"W	546.04
L11	S89°25'59"W	443.33
L12	S00°33'05"W	604.83

Easement Line Table		
Line #	Direction	Length
E13	N89°31'03"E	70.00
E14	S00°25'31"E	453.01
E15	S34°41'42"W	121.68
E16	N00°25'31"W	121.68
E17	N00°25'31"W	430.79



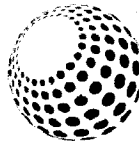
NOTES:

- This survey was prepared by Bateman Civil Survey Co., under the supervision of Jeffrey W. Baker, PLS.
- This plan has been prepared for layout and permitting purposes only.
- Property lines shown were taken from existing field evidence, existing deeds and/or plats of public record, and information supplied to the surveyor by the client
- All distances are horizontal ground distances and all bearings are North Carolina State Plane Coordinate System unless otherwise shown.
- No investigation into the existence of jurisdictional wetlands or riparian buffers performed by this firm.
- 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.
- No Grid Monuments found within 2000'.
- Tied to the National CORS Network through NC VRS.

ANNEXATION # . I Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the ____ day of ____, 20__, by the Town Council. I set my hand and seal of the Town of Apex, ____ Day / Month / Year

Allen Coleman, CMC, NCCCC, Town Clerk

UNLESS THIS MAP IS SIGNED AND SEALED BY THE SURVEYOR IN CHARGE, THIS MAP IS CONSIDERED PRELIMINARY AND NOT TO BE USED FOR RECORDING, CONVEYANCE OR SALES



Bateman Civil Survey Company

Engineers • Surveyors • Planners
2524 Reliance Ave., Apex, NC 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

OWNER

STEVEN B. & KATHRYN J WILKINS TRUSTEES
3228 US HWY 64 W & 3212 US HWY 64 W
APEX, NC, 27523

SATELLITE ANNEXATION MAP
FOR THE TOWN OF APEX

APEX, NC, WAKE COUNTY, WHITE OAK TOWNSHIP
REID# 0124220 & 0076962

REV: 12/12/22

Designed By: N/A

Drawn By: ABB

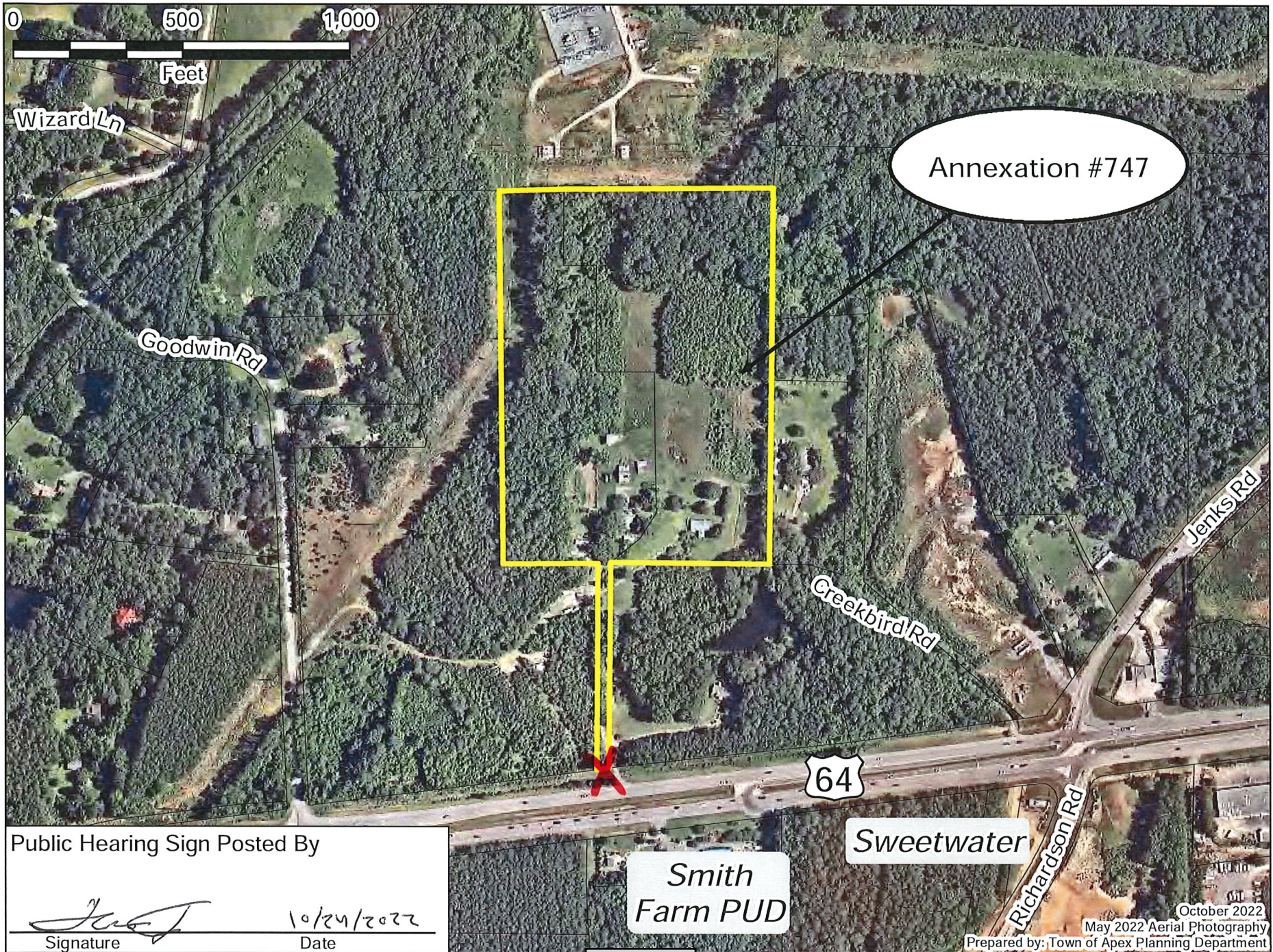
Checked By: JCH

Scale: 1"=200'

Date: 09/23/2022

Project #220473

SHEET
1 OF 1



PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2022-024
Fee Paid \$ 200.00

Submittal Date: 10-3-2022
Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Wilkins Steven B Trustee, Wilkins Kathryn J Trustee
Owner Name (Please Print)

0722378473

Property PIN or Deed Book & Page #

Phone

E-mail Address

Wilkins Steven B Trustee, Wilkins Kathryn J Trustee
Owner Name (Please Print)

0722364709

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

Property Information

Total Acreage to be annexed: 20.33 ^{21.246}
Population of acreage to be annexed: _____
Existing # of housing units: 2
Proposed # of housing units: 0
Zoning District*: R80W

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-024

Submittal Date: 10-3-2022

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Steven B. Wilkins, Trustee

Please Print

Steven B. Wilkins - Trustee
Signature

Kathryn J. Wilkins, Trustee

Please Print

Kathryn J. Wilkins Trustee
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County,
this the 29 day of SEPTEMBER, 2022.

SEAL



Daniel H. Woods
DANIEL H. WOODS Notary Public

My Commission Expires: 11/18/2023

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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-024

Submittal Date: 10-3-2022

COMPLETE IF IN A LIMITED LIABILITY COMPANY

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

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PAYMENT DATE

10/04/2022

COLLECTION STATION

eSuites

RECEIVED FROMJeff Roach - Peak
Engineering**DESCRIPTION**

Annexation #747 - Apex Light Industrial (Hwy 64) - 2022-00000024 Online Payment

TOWN OF APEX

P O BOX 250

APEX, NC 27502

(919) 362-8676 - Utility Payments
(919) 249-3418 - Permits Only
(919) 249-3426 - Planning & Zoning Only**BATCH NO.**

2023-00000975

RECEIPT NO.

2023-00061519

CASHIER

Tony Ibanez

PAYMENT CODE		RECEIPT DESCRIPTION		TRANSACTION AMOUNT
PPC		PROJECT PLANNING CENTER FEES Annexation #747 - Apex Light Industrial (Hwy 64) - 2022-00000024 Online Payment		\$200.00
Payments:		Type	Detail	Amount
		Other	CHG	\$200.00
		Total Amount:		\$200.00

Custom

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning Department

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ21 Apex Light Industrial and Ordinance. The applicant, Drew Thigpen, Greenberg Gibbons Properties, seeks to rezone approximately 55.68 acres from Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W) to Tech/Flex-Conditional Zoning (TF-CZ). The proposed rezoning is located at 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a public hearing on March 13, 2023 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0722378473, 0722368361, 0722364709, 0722361604, 0722472454, and 0722471690.

Attachments

- PH3-A1: Rezoning Case No. 22CZ21- Staff Report
 - Vicinity Map
 - Application
 - Miscellaneous Reports-Attachments
- PH3-A2: Rezoning Case No. 22CZ21 - Statement of Town Council and Ordinance
- PH3-A3: Rezoning Case No. 22CZ21 - Attachment A Legal Description



STAFF REPORT

Rezoning #22CZ21 Apex Light Industrial

3232, 3208, 3212, and 3228 US 64 Highway West, 0 and 7529 Creekbird Road

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All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 3232, 3208, 3212, 3228 US 64 Highway West, 0 and 7529 Creekbird Road
Applicant: Drew Thigpen, Greenberg Gibbons Properties
Owners: Stephens Road Partners LLC, John Brian Trustee Wilkins, Dena Liggett Trustee Wilkins, Xiang Trustee Qu, Xiaoyan Trustee Wang, Steven B Trustee Wilkins, Kathryn J Trustee Wilkins

PROJECT DESCRIPTION:

Acreage: ±55.68 acres
PINs: 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690
Current Zoning: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W)
Proposed Zoning: Tech/Flex -Conditional Zoning TF-CZ)
2045 Land Use Map: Office Employment/Commercial Services
Town Limits: Town Limits, ETJ, and Outside; Annexation required with rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential 80-W (R-80W)	Duke Energy substation; Cary/Apex Water Treatment Plant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32); Planned Commercial (PC); Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03)	Smith Farm (future commercial phase); Sweetwater (future commercial phase); commercial; US 64 Highway West
East:	Rural Residential (RR)	Single-family Residential; vacant
West:	Wake County Residential 80-W (R-80W); Rural Residential (RR)	Goodwin Rd; Single-family; vacant

Existing Conditions:

The subject properties total +/-55.68 acres and are located north of US 64 Highway West and east of Goodwin Road. The parcels contain a Duke easement, existing structures, and vegetation. The parcel addressed as 3208 US 64 Highway West contains a pond. The parcel addressed as 3228 US 64 Highway West contains a house that is shown on the Historic Inventory of Wake County map as surveyed only and has not yet been evaluated by Capital Area Preservation.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on August 24, 2022. The neighborhood meeting report is attached.

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Rezoning #22CZ21 Apex Light Industrial

3232, 3208, 3212, and 3228 US 64 Highway West, 0 and 7529 Creekbird Road

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2045 Land Use Map:

The 2045 Land Use Map classifies the subject properties as Office Employment/Commercial Services. 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:

- | | |
|--|---|
| 1. Daycare facility | 24. Grocery, general |
| 2. Drop-in or short term day care | 25. Grocery, specialty |
| 3. Government service | 26. Personal service |
| 4. Veterinary clinic or hospital | 27. Printing and copying service |
| 5. Vocational school | 28. Real estate sales |
| 6. Utility, minor | 29. Repair services, limited |
| 7. Wireless support structure | 30. Retail sales, general % |
| 8. Wireless communication | 31. Studio for art |
| 9. Entertainment, indoor | 32. Tailor shop |
| 10. Greenway | 33. Upholstery shop |
| 11. Park, active | 34. Pet services |
| 12. Park, passive | 35. Automotive Accessory Sales and Installation |
| 13. Youth or day camps | 36. Repair and maintenance, general |
| 14. Commissary | 37. Vehicle inspection center |
| 15. Restaurant, general | 38. Laboratory, industrial research |
| 16. Dispatching office | 39. Microbrewery |
| 17. Medical or dental office or clinic | 40. Microdistillery |
| 18. Medical or dental laboratory | 41. Woodworking or cabinet making |
| 19. Office, business or professional | 42. Wholesaling distribution center |
| 20. Research facility | 43. Manufacturing and processing (S) |
| 21. Artisan Studio | 44. Manufacturing and processing, minor |
| 22. Convenience store | 45. Glass Sales |
| 23. Convenience store with gas sales | 46. Building Supplies, wholesale |

Use Conditions:

1. The maximum square footage of uses developed on the Property shall be 500,000 square feet.
2. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking for Glass Sales use must be fully screened from any public right-of-way.
3. No more than 15% of any building's square footage shall include outdoor storage.
4. Conditions offered by the applicant to address recommendations of the Environmental Advisory include the following:
 - a. Post development peak runoff shall not exceed pre-development peak runoff for the 24- hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.

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- b. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
 - c. Each building constructed on the property shall be pre-configured with conduit for solar PV systems.
 - d. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000k for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
5. Developer shall dedicate right-of-way for the future interchange and realignment of Jenks Road according to the Apex Transportation Plan.
6. The developer shall provide a continuous east-west public vehicular route (the "East-West Drive") with sidewalk through the site from Goodwin Road to the eastern parcel boundary of the subject property to support the future extension of Lowell Road as planned with the Arden at Summit Pines development.
7. Buildings constructed on the property that are located north of the East-West Drive shall be subject to the following architectural conditions:
 - a. EIFS or synthetic stucco shall not be used in the first four feet above grade.
 - b. The building shall have more than one parapet height.
 - c. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it.
 - d. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, column recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - e. Service bays shall be screened from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.
 - f. A combination of exterior materials may be used for the industrial buildings.
 - g. Exterior Building materials shall not permit the use of vinyl siding.
8. Buildings constructed on the property that are located south of the East-West Drive shall be subject to the following architectural conditions:
 - a. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The first twelve feet (12') in height of the front façade of all buildings shall be a minimum seventy-five percent (75%) brick.
 - b. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - c. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. When drive-thru lanes are located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Drive-thrus shall not front on US 64 Highway. Service bays shall be screened

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from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.

- d. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. Buildings shall not have blank side walls creating a false front appearance.
 - e. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
 - f. Windows and storefront glazing shall be provided with different proportions to create a high-quality building design.
 - g. Thirty-five (35%) of glazing shall be provided at the street level. Overall building proportions shall be expressed in the window proportions. Expanses of vertical window which give the overall appearance of horizontal massing shall be avoided.
 - h. The building shall have more than one parapet height. Roofs may vary in compliance with UDO 9.3.2
 - i. Buildings shall be architecturally compatible and include more than one material color.
 - j. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim
 - vi. Precast concrete
 - vii. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
 - k. Exterior materials that shall not be allowed are as follows:
 - i. Vinyl siding
 - ii. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - iii. Metal walls
 - l. 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.
 - m. Soffits and fascia materials may be EIFS, architectural panels, or other quality materials as determined by the building Architect during Site Plan review.
9. The perimeter buffer along the eastern boundary of the assemblage – adjacent to Wake County PINs 0722-46-5567, 0722-46-3330, and 0722-46-1777 – shall be a minimum of 30' and shall be planted or preserved to the Type A buffer standard. The aforementioned buffer may be removed if the adjacent properties are developed with uses of the same or higher land use class according to UDO Sec. 8.2.6.B.4.
10. The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen

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export from the site shall be selected by the design team and coordinated with staff during Site Plan and Construction Document design and review.

11. The following language shall be added to any subdivision and/or site plan final plats for this project:

AVIGATION NOTICE: Deck Air Park, an active, general aviation airport open to the public, is located near this subdivision, and the flight paths of aircraft landing, taking off, and flying nearby pass directly over this subdivision. The lots shown on this plat will be subject to the impacts of the aviation uses being conducted to, from, at and nearby Deck Air Park for so long as that airport may continue to be used.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 18, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
• Maximum of 530,000 square feet of tech flex and light industrial uses	Added
• Maximum of 100,000 square feet of retail, commercial, and office uses	Not added
• Design stormwater to the 25-year storm event	Added
• Install signage near environmental sensitive areas to reduce pet waste and eliminate fertilizer near SCM drainage areas	Added
• Add a minimum 20-kilowatt(s) (kW) of solar photovoltaic (PV) system(s) to each building A, B, C, D, and the "retail building". A 20-kW solar PV system will consist of approximately 50 solar panels of dimensions 3.5 ft X 6 ft. The 20 kW may be comprised of a sum of smaller systems.	Not added
• Pre-configure each unit of the buildings for solar PV systems per town specifications	Added
• All buildings shall be pre-configured with conduit for a solar energy system.	Added
• Include energy efficient lighting in building design. <ul style="list-style-type: none">○ Lower maximum foot-candles outside of buildings.	Added
• Install timers or light sensors or smart lighting technology.	Not added
• Incorporate natural lighting techniques into building design	Not added
• Include International Dark Sky Association compliance standards. <ul style="list-style-type: none">○ Outdoor lighting shall be shielded in a way that focuses lighting to the ground.○ Use lighting that minimizes the emission of blue light to reduce glare shall be used.○ Lighting with a color temperature of 3000K or less shall be used for outside installations.	Added
• Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.	Not added

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PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning Case #22CZ21 Apex Light Industrial if Zoning Condition #5 “Developer shall dedicate right-of-way for the future interchange and realignment of Jenks Road according to the Apex Transportation Plan” is removed. The condition as written does not provide sufficient clarity for staff to ensure compliance during future site plan review, nor does it require anything beyond what is currently prescribed by the Unified Development Ordinance.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on March 13, 2023 and unanimously recommended approval with the conditions as proposed by the applicant. The Planning Board also provided a note with a request that the applicant consider adding a condition on stormwater nutrient removal.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map classifies the subject properties as Office Employment/Commercial Services. The proposed rezoning to Tech/Flex-Conditional Zoning (TF-CZ) is consistent with that land use classification.

Approval of the rezoning is reasonable and in the public interest because the proposed TF-CZ district will allow for non-residential development in an area that anticipates non-residential uses and encourage compatible development of the property. The rezoning commits to provide a continuous east to west public vehicular route with sidewalk, provides conditions to mitigate the environmental impact above Town standards, and will allow development that will generate jobs and increase the tax base.

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

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avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

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



PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 22CZ21

Submittal Date: 10/03/2022

Fee Paid: \$1,000.00

Project Information

Project Name: Apex Light Industrial

Address(es): See attachment A

PIN(s): See Attachment A

Acreage: +/- 55.68

Current Zoning: RR, TF-CZ, R80W (Wake County) Proposed Zoning: TF-CZ

Current 2045 LUM Classification(s): Office Employment and Commercial Services

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒

No ☐

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

Area classified as mixed use:

Acreage:

Area proposed as non-residential development:

Acreage:

Percent of mixed use area proposed as non-residential:

Percent:

Applicant Information

Name: Greenberg Gibbons Properties c/o Drew Thigpen, VP of Development

Address: 4929 Monroe Road

City: Charlotte

State: NC

Zip: 28205

Phone: 843.469.2517

E-mail: dthigpen@ggcommercial.com

Owner Information

Name: see attachment A

Address:

City:

State:

Zip:

Phone:

E-mail:

Agent Information

Name: Greenberg Gibbons Properties c/o Drew Thigpen, VP of Development

Address: 4929 Monroe Road

City: Charlotte

State: NC

Zip: 28205

Phone: 843.469.2517

E-mail: dthigpen@ggcommercial.com

Other contacts: Jason Barron, Morningstar Law Group (jbarron@morningstarlawgroup.com)
Jeff Roach, Peak Engineering (jroach@peakengineering.com)

PETITION INFORMATION

Application #: 22CZ21 Submittal Date: 10/03/2022

An application has been duly filed requesting that the property described in this application be rezoned from RR, TF-CZ and R80W 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 (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

1	<u>Day care facility</u>	21	<u>Artisan Studio</u>
2	<u>Drop-in or short term day care</u>	22	<u>Convenience store</u>
3	<u>Government service</u>	23	<u>Convenience store with gas sale</u>
4	<u>Veterinary clinic or hospital</u>	24	<u>Grocery, general</u>
5	<u>Vocational school</u>	25	<u>Grocery, specialty</u>
6	<u>Utility, minor</u>	26	<u>Personal service</u>
7	<u>Wireless support structure</u>	27	<u>Printing and copying service</u>
8	<u>Wireless communication facility</u>	28	<u>Real estate sales</u>
9	<u>Entertainment, indoor</u>	29	<u>Repair services, limited</u>
10	<u>Greenway</u>	30	<u>Retail sales, general %</u>
11	<u>Park, active</u>	31	<u>Studio for art</u>
12	<u>Park, passive</u>	32	<u>Tailor shop</u>
13	<u>Youth or day camps</u>	33	<u>Upholstery shop</u>
14	<u>Commissary</u>	34	<u>Pet services</u>
15	<u>Restaurant, general</u>	35	<u>Automotive Accessory Sales and Installation</u>
16	<u>Dispatching office</u>	36	<u>Repair and maintenance, general</u>
17	<u>Medical or dental office or clinic</u>	37	<u>Vehicle inspection center</u>
18	<u>Medical or dental laboratory</u>	38	<u>Laboratory, industrial research</u>
19	<u>Office, business or professional</u>	39	<u>Microbrewery</u>
20	<u>Research facility</u>	40	<u>Microdistillery</u>

PETITION INFORMATIONApplication #: 22CZ21 Submittal Date: 10/03/2022

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PROPOSED USES:

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1	<u>Woodworking or cabinet making</u>	21	<u></u>
2	<u>Wholesaling distribution center</u>	22	<u></u>
3	<u>Manufacturing and processing(s)</u>	23	<u></u>
4	<u>Manufacturing and processing, minor</u>	24	<u></u>
5	<u>Glass Sales</u>	25	<u></u>
6	<u>Building Supplies, wholesale</u>	26	<u></u>
7	<u></u>	27	<u></u>
8	<u></u>	28	<u></u>
9	<u></u>	29	<u></u>
10	<u></u>	30	<u></u>
11	<u></u>	31	<u></u>
12	<u></u>	32	<u></u>
13	<u></u>	33	<u></u>
14	<u></u>	34	<u></u>
15	<u></u>	35	<u></u>
16	<u></u>	36	<u></u>
17	<u></u>	37	<u></u>
18	<u></u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

PETITION INFORMATION

Application #: 22CZ21 Submittal Date: 10/03/2022

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

Please 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.

The subject rezoning seeks to develop the property for Tech Flex uses, which is consistent with the Office Employment and Commercial Services land use designation on the 2045 Land Use Map. Thus, the uses proposed are appropriate for this location.

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 site fronts along NC HWY 64, which makes the assemblage ideal for the tech flex and commercial uses sought to be developed on the property. Otherwise, the site is adjacent to vacant land and a Duke Energy substation.

PETITION INFORMATION

Application #: 22CZ21 Submittal Date: 10/03/2022

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

Development of the property for the uses permitted by the subject rezoning will be consistent with the Supplemental Standards of Section 4.4 the Town's Unified Development Ordinance.

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.

Development of the property consistent with this proposed rezoning will comply with Town UDO requirements while at the same time facilitating development of close to five hundred thousand square feet of office park and commercial uses on the property.

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 applicant has agreed to condition development of the Property to the 25-year storm event, thus aiding in minimizing environmental impacts from the development. Further, the development will include UDO required RCA for this area.

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.

To the applicant's knowledge there are sufficient public facilities and services to serve the development of the property consistent with the proposed rezoning.

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.

There will be no adverse impact to health, safety and welfare as a result of the proposed rezoning

PETITION INFORMATION

Application #: 22CZ21 Submittal Date: 10/03/2022

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

The proposed rezoning will not be detrimental to adjacent properties. First, it is to a zoning district that is consistent with the land use plan contemplated for the subject property along with others in close proximity. Additionally, the development will be consistent with Apex UDO standards for buffers, access, stormwater, RCA and others, such that there will be no detriment,

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.

There is nothing about the proposed use that would constitute a nuisance or hazard due to traffic or noise. Development of the property will be consistent with the traffic recommendations that will come from the traffic study. Further, the business park and retail uses will be high quality.

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.

No deviations are requested from the UDO.

REZONING #22CZ21 - APEX LIGHT INDUSTRIAL

PROPOSED CONDITIONS

1. The maximum square footage of uses developed on the Property shall be 500,000 square feet.
2. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking for Glass Sales use must be fully screened from any public right-of-way.
3. No more than 15% of any building's square footage shall include outdoor storage.
4. Conditions offered by the applicant to address recommendations of the Environmental Advisory Board include the following:
 - a. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
 - b. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
 - c. Each building constructed on the property shall be pre-configured with conduit for solar PV systems.
 - d. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000k for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
5. Developer shall dedicate right-of-way for the future interchange and realignment of Jenks Road according to the Apex Transportation Plan.
6. The developer shall provide a continuous east-west public vehicular route (the "East-West Drive") with sidewalk through the site from Goodwin Road to the eastern parcel boundary of the subject property to support the future extension of Lowell Road as planned with the Arden at Summit Pines development.
7. Buildings constructed on the property that are located north of the East-West Drive shall be subject to the following architectural conditions:
 - a. EIFS or synthetic stucco shall not be used in the first four feet above grade.
 - b. The building shall have more than one parapet height.
 - c. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it.
 - d. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, column recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - e. Service bays shall be screened from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.
 - f. A combination of exterior materials may be used for the industrial buildings.
 - g. Exterior Building materials shall not permit the use of vinyl siding.
8. Buildings constructed on the property that are located south of the East-West Drive shall be subject to the following architectural conditions:

- a. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The first twelve feet (12') in height of the front façade of all buildings shall be a minimum seventy-five percent (75%) brick.
- b. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
- c. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. When drive-thru lanes are located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Drive-thrus shall not front on US 64 Highway. Service bays shall be screened from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.
- d. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. Buildings shall not have blank side walls creating a false front appearance.
- e. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
- f. Windows and storefront glazing shall be provided with different proportions to create a high-quality building design.
- g. Thirty-five (35%) of glazing shall be provided at the street level. Overall building proportions shall be expressed in the window proportions. Expanses of vertical window which give the overall appearance of horizontal massing shall be avoided.
- h. The building shall have more than one parapet height. Roofs may vary in compliance with UDO 9.3.2.
- i. Buildings shall be architecturally compatible and include more than one material color.
- j. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim.
 - vi. Precast concrete

- vii. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
 - k. Exterior materials that shall not be allowed are as follows:
 - i. Vinyl siding
 - ii. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - iii. Metal walls
 - l. 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.
 - m. Soffits and fascia materials may be EIFS, architectural panels, or other quality materials as determined by the building Architect during Site Plan review.
- 9. The perimeter buffer along the eastern boundary of the assemblage – adjacent to Wake County PINs 0722-46-5567, 0722-46-3330, and 0722-46-1777 – shall be a minimum of 30' and shall be planted or preserved to the Type A buffer standard. The aforementioned buffer may be removed if the adjacent properties are developed with uses of the same or higher land use class according to UDO Sec. 8.2.6.B.4.
- 10. The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Site Plan and Construction Document design and review.
- 11. The following language shall be added to any subdivision and/or site plan final plats for this project:

AVIGATION NOTICE: Deck Air Park, an active, general aviation airport open to the public, is located near this subdivision, and the flight paths of aircraft landing, taking off, and flying nearby pass directly over this subdivision. The lots shown on this plat will be subject to the impacts of the aviation uses being conducted to, from, at and nearby Deck Air Park for so long as that airport may continue to be used.

AGENT AUTHORIZATION FORM

Application #: 22CZ21

Submittal Date: 10/03/2022

Stephens Road Partners, 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: 3232 US 64 Hwy W, Apex, NC 27523

The agent for this project is: Greenberg Gibbons Properties c/o Drew Thigpen

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

Agent Name: Drew Thigpen

Address: 4929 Monroe Road

Telephone Number: 843.469.2517

E-Mail Address: dthigpen@ggcommercial.com

Signature(s) of Owner(s)* Stephens Road Partners, LLC

Glenn Futrell - Manager

Glenn Futrell

Type or print name

9-27-22

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 #: 22CZ21

Submittal Date: 10/03/2022

The undersigned, Stephens Road Partners, 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 3232 US 64 Hwy W, Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated September 3, 2014, and recorded in the Wake County Register of Deeds Office on September 18, 2014, in Book 015784 Page 01929-01930.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on September 3, 2014, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on September 3, 2014, 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 27 day of September, 2022.

Glenn Futrell Stephens Road Partners, LLC (seal)

Glenn Futrell

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



[NOTARY SEAL]

Daniel H. Woods

Notary Public DANIEL H. WOODS

State of North Carolina

My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of 23.120 acres as shown on map entitled "Exterior Boundary Survey Whitley Property" by Robinson & Plante, PC recorded in Book of Maps 2014, Page 1252, Wake County Registry

AGENT AUTHORIZATION FORM

Application #: 22CZ21

Submittal Date: 10/03/2022

Steven B Wilkins and Kathryn J. Wilkins Trustees of the is the owner* of the property for which the attached
Steven BE. Wilkins and Kathryn J. Wilkins Family Trust date March 11, 2021
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: 3212 US 64 Hwy W., Apex, NC 27523

The agent for this project is: Greenberg Gibbons Properties c/o Drew Thigpen

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

Agent Name: Drew Thigpen

Address: 4929 Monroe Road

Telephone Number: 843.469.2517

E-Mail Address: dthigpen@ggcommercial.com

Signature(s) of Owner(s)*

Steven B. Wilkins - Trustee

Steven B. Wilkins

Type or print name

9/29/22

Date

Kathryn J. Wilkins, Trustee

Kathryn J. Wilkins, Trustee

Type or print name

09/29/2022

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 #: 22CZ21

Submittal Date: 10/03/2022

The undersigned, Steven B. Wilkins and Kathryn J. Wilkins, Trustees of (the "Affiant") first being duly sworn, hereby swears or affirms as follows: the Steven BE. Wilkins and Kathryn J. Wilkins Family Trust Date March 11, 2021

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 3212 US 64 Hwy W., Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated September 29, 2021, and recorded in the Wake County Register of Deeds Office on November 9, 2021, in Book 018789 Page 01467-01473.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on September 29, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on September 29, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

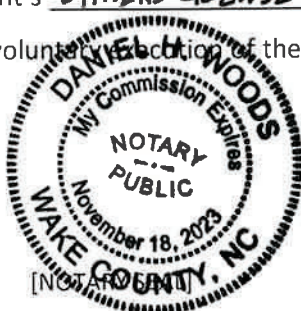
This the 29 day of SEPTEMBER, 2022

Steven B. Wilkins - Trustee
Kathryn J. Wilkins Trustee (seal)

Steven B. Wilkins and Kathryn J. Wilkins, Trustees of the Steven BE. Wilkins and Kathryn J. Wilkins Family Trust
Type or print name
Date March 11, 2021

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that STEVEN AND KATHRYN WILKINS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods
Notary Public DANIEL H. WOODS
State of North Carolina
My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Tract No. 2 containing 10.55 acres, more or less, according to the survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a point located in the center line of U.S. Highway 64, which point is located approximately 480 feet West of the center line of the intersection of U.S. Highway 64 and State Road 1601; running thence with the center line of U.S. Highway 64, South 82 degrees 53 minutes 33 seconds West 722.2 feet to a point; thence North 00 degrees 22 minutes 20 seconds East 758.16 feet to a point in the Southern line of Tract No. 1; thence North 89 degrees 26 minutes 37 seconds East 443.34 feet to a 30 inch Black Gum located in the Southeast corner of Tract 1; thence North 89 degrees 33 minutes 19 seconds East 112.91 feet to an existing iron pipe; thence South 13 degrees 02 minutes 07 seconds East 691.73 feet to a point located in the center line of U.S. Highway 64, being the point and place of BEGINNING. Reference is made to the above-described survey for a more accurate description of the property.

AGENT AUTHORIZATION FORM

Application #: 22CZ21

Submittal Date: 10/03/2022

Steven B. Wilkins and Kathryn J. Wilkins, Trustees of _____ is the owner* of the property for which the attached application is being submitted: the Steven B. Wilkins and Kathryn J. Wilkins Family Trust dated March 11, 2021

- ☐ 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: 3228 US 64 Hwy W., Apex, NC 27523

The agent for this project is: Greenberg Gibbons Properties c/o Drew Thigpen

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

Agent Name: Drew Thigpen

Address: 4929 Monroe Road

Telephone Number: 843.469.2517

E-Mail Address: dthigpen@ggcommercial.com

Signature(s) of Owner(s)*

Steven B. Wilkins - Trustee
Steven B. Wilkins 9/29/22
Type or print name Date

Kathryn J. Wilkins, Trustee
Kathryn J. Wilkins, Trustee 09/29/2022
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 #: 22CZ21

Submittal Date: 10/03/2022

The undersigned, Steven B. Wilkins and Kathryn J. Wilkins, Trustees of (the "Affiant") first being duly sworn, hereby swears or affirms as follows: the Steven B. Wilkins and Kathryn J. Wilkins Family Trust dated March 11, 2021

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 3228 US 64 Hwy W., Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated March 11, 2021, and recorded in the Wake County Register of Deeds Office on March 12, 2021, in Book 018392 Page 02618-02620.
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 March 11, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on March 11, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of SEPTEMBER, 2022.

Steven B. Wilkins - Trustee
Kathryn J. Wilkins Trustee (seal)

Steven B. Wilkins and Kathryn J. Wilkins, Trustees of the Steven B. Wilkins and Kathryn J. Wilkins Family Type or print name
Trust dated March 11, 2021

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that STEVEN AND KATHRYN WILKINS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods

Notary Public DANIEL H. WOODS

State of North Carolina

My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Tract No. 1 containing 11.41 acres, more or less, according to that survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a 30 inch Black Gum located in the Northern line of Tract 2 of said Subdivision, running thence South 89 deg. 26' 37" West 443.34 feet to a point, thence South 89 deg. 26' 37" West 30 feet to an existing iron pipe, thence North 60 deg. 00' 09" East 125.01 feet to a point, thence North 32 deg. 16' 05" East 90.90 feet to a point, thence North 01 deg. 41' 44" West 160.23 feet to a point, thence 00 deg. 26' 07" West 255.75 feet to a point, thence South 89 deg. 33' 51" West 170.74 feet to a point, thence North 00 deg. 26' 07" West 317.06 feet to a point, thence South 89 deg. 26' 37" West 100.00 feet to a point, thence North 00 deg. 26' 07" West 235.63 feet to an existing iron pipe, thence with the property now or previously owned by Lewis, North 89 deg. 45' 36" East 624.98 feet to an iron pipe set, thence with the property now or previously owned by Michael Jenks, South 01 deg. 23' 34" West 1,104.02 feet to a 30 inch Black Gum, the point and place of BEGINNING. Reference is made to the above- described survey for a more accurate description of the property.

AGENT AUTHORIZATION FORM

Application #: 22CZ21

Submittal Date: 10/03/2022

Jon Brian Wilkins and Dena Liggett Wilkins Trustees of the Jon Brian Wilkins and Dena Liggett Wilkins Family Trust, dated December 13, 2021 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: 3208 US 64 Hwy W, Apex, NC 27523

The agent for this project is: Greenberg Gibbons Properties c/o Drew Thigpen

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

Agent Name: Drew Thigpen

Address: 4929 Monroe Road

Telephone Number: 843.469.2517

E-Mail Address: dthigpen@ggcommercial.com

Signature(s) of Owner(s)*

Jon Brian Wilkins trustee
Jon Brian Wilkins trustee 9/30/22
Type or print name Date

Dena Liggett Wilkins Trustee
Dena Liggett Wilkins Trustee 9/30/22
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 #: 22CZ21

Submittal Date: 10/03/2022

The undersigned, John Brian Wilkins and Dena Liggett Wilkins, Trustees of the Jon Brian Wilkins and Dena Liggett Wilkins Family Trust, dated December 13, 2021 (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 3208 US 64 Hwy W, Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated December 13, 2021, and recorded in the Wake County Register of Deeds Office on December 14, 2021, in Book 018840 Page 02794-02796.
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 December 13, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on December 13, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of SEPTEMBER, 2022.

Jon Brian Wilkins trustee
Dena Liggett Wilkins trustee (seal)

Jon Brian Wilkins and Dena Liggett Wilkins, Trustees of the Jon Brian Wilkins and Dena Liggett Wilkins Family Trust, dated December 13, 2021 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 AND DENA WILKINS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods

Notary Public DANIEL H. WOODS

State of North Carolina

My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Lot 1 containing 2.00 +/- acres, and Lot 2 containing 2.0 +/- acres as shown on that map entitled "Property of Maggie W. Wilkins" recorded at Book of Maps 1981 page 752; together with that " 30' Private Road Easement" shown on the aforesaid map; and being the same property identified as "Tract Two" on that deed recorded at Book 3034 Page 523 in the Wake county Registry. See Book of Maps 1985 Page 2322.

&

Being all of that tract or parcel fo real property identified as "5.00 A.C. By D.M.D." containing 5.0 +/- acres as shown on that map entitled "Recombination Survey for Steven B. Wilkins and wife Kathryn J. Wilkins" recorded at Book of Maps 1985 Page 862 in the Wake County Register; and being the same property described in taht deed recorded at Book 3491 page 954 in the Wake County Registry.

&

Being all of Tract No. 1 containing 11.41 acres, more or less, according to that survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a 30 inch Black Gum located in the Northern line of Tract 2 of said Subdivision, running thence South 89 deg. 26' 37" West 443.34 feet to a point, thence South 89 deg. 26' 37" West 30 feet to an existing iron pipe, thence North 60 deg. 00' 09" East 125.01 feet to a point, thence North 32 deg. 16' 05" East 90.90 feet to a point, thence North 01 deg. 41' 44" West 160.23 feet to a point, thence 00 deg. 26' 07" West 255.75 feet to a point, thence South 89 deg. 33' 51" West 170.74 feet to a point, thence North 00 deg. 26' 07" West 317.06 feet to a point, thence South 89 deg. 26' 37" West 100.00 feet to a point, thence North 00 deg. 26' 07" West 235.63 feet to an existing iron pipe, thence with the property now or previously owned by Lewis, North 89 deg. 45' 36" East 624.98 feet to an iron pipe set, thence with the property now or previously owned by Michael Jenks, South 01 deg. 23' 34" West 1,104.02 feet to a 30 inch Black Gum, the point and place of BEGINNING. Reference is made to the above- described survey for a more accurate description of the property.

Being the same property described in that deed recorded at Book 4988 Page 366 in the Wake County Registry; and being the same property containing 11.41 acres identified as "Tract No. 1" on that map recorded at Book of Maps 1985 page 2322.

AGENT AUTHORIZATION FORM

Application #: 22CZ21

Submittal Date: 10/03/2022

Xiang Wang and Xiaoyan Qu Trustees of the Sean Wang and Angela Qu Revocable Living Trust dated July 11, 2018, is the owner* of the property for which the attached application is being submitted: and any amendments thereto

- ☐ 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: 7529 Creekbird Rd., Apex, NC 27523

The agent for this project is: Greenberg Gibbons Properties c/o Drew Thigpen

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

Agent Name: Drew Thigpen

Address: 4929 Monroe Road

Telephone Number: 843.469.2517

E-Mail Address: dthigpen@ggcommercial.com

Signature(s) of Owner(s)*

Xiang Wang Trustee
Xiang Wang
Type or print name

10/3/22
Date

Xiaoyan Qu Trustee
Xiaoyan Qu
Type or print name

Oct. 3, 2022
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 #: 22CZ21

Submittal Date: 10/03/2022

The undersigned, Xiang Wang and Xiaoyan Qu Trustees of the Sean Wang (the "Affiant") first being duly sworn, hereby swears or affirms as follows: and Angela Qu Revocable Living Trust dated July 11, 2018 and any amendments thereto.

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 7529 Creekbird Rd., Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated July 26, 2018, and recorded in the Wake County Register of Deeds Office on July 31, 2018, in Book 017201 Page 00407-00408.
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 July 26, 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 July 26, 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 3rd day of October, 2022: Wang's Trustee

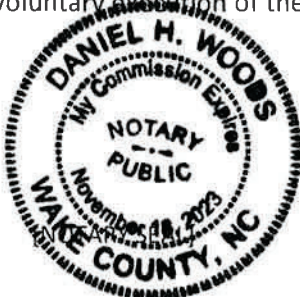
Angela Qu Trustee (seal)

Xiang Wang and Xiaoyan Qu, Trustees of the Sean Wang and Angela Qu Revocable Living Trust dated July 11, 2018, and any amendments thereto.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that XIANG WANG AND XIAOYAN WANG, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods

DANIEL H. WOODS

Notary Public

State of North Carolina

My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

All of Lot 3 as shown on a map recorded in Book of Maps 1995 Page 133 and re-recorded in Book of Maps 1995 page 1038, Wake County Registry.

Property Address: 7529 Creekbird Rd., Apex NC 27523
PIN:0722471690/REID: 0211592

ATTACHMENT A

PIN_NUM	DEED_ACR	SITE_ADDRESS	OWNER	ADDR1	ADDR2	CURRENT ZONING
0722361604	23.12	3232 US 64 HWY W	STEPHENS ROAD PARTNERS LLC	150 TOWERVIEW CT	CARY NC 27513-3595	TF-CZ - Tech/Flex Conditional Zoning
0722368361	8.45	3208 US 64 HWY W	WILKINS, JON BRIAN TRUSTEE WILKINS, DENA LIGGETT TRUSTEE	3208 US 64 HWY W	APEX NC 27523-8441	RR - Rural Residential
0722471690	2.76	7529 CREEKBIRD RD	WANG, XIANG TRUSTEE QU, XIAOYAN TRUSTEE	200 RICHELIEU DR	CARY NC 27518-8635	RR - Rural Residential
0722472454	0.438	7529 CREEKBIRD RD	WANG, XIANG TRUSTEE QU, XIAOYAN TRUSTEE	200 RICHELIEU DR	CARY NC 27518-8635	RR - Rural Residential
0722378473	11.41	3212 US 64 HWY W	WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	3228 US 64 HWY W	APEX NC 27523-8441	R80W (Wake County)
0722364709	8.92	3228 US 64 HWY W	WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	3228 US 64 HWY W	APEX NC 27523-8441	R80W (Wake County)
TOTAL ACRES	55.68					

Wake County Residential Development Notification

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	

New Residential Subdivision Information	
Date of Application for Subdivision	N/A
City, Town or Wake County Jurisdiction	
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PERMIT IN(s)	

Projected Dates Information	
Subdivision Completion Date	
Subdivision Projected First Occupancy Date	

Lot by Lot Development Information																				
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range			Price Range	Anticipated Completion Units & Dates								
								Min	Max	Low		High	Year	# Units	Year	# Units	Year	# Units		
Single Family																				
Townhomes																				
Condos																				
Apartments																				
Other	22CZ21	22CZ21	10/03/2022	10/03/2022	10/03/2022															

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to: studentassignment-gis-group@wcpss.net

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.

August 10, 2022

Date

Dear Neighbor:

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

Relevant parcel information can be found in Attachment A to this notice.

Relevant parcel information can be found in Attachment A to this notice.

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Rezoning of the assemblage of properties to permit the development of up to 530,000 square feet of light industrial and tech flex uses along with up to 575,000 square feet of business park and warehouse uses plus 75,000 square feet of retail uses.

Estimated submittal date: September 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s):	<u>Property Owner information can be found in Attachment A</u>
Applicant(s):	<u>Greenberg Gibbons Properties, LLC</u>
Contact information (email/phone):	<u>Jason Barron-Attorney for Applicant-jbarron@morningstarlawgroup.com</u>
Meeting Address:	<u>Zoom Registration Link - https://morningstarlaw.group/08242022mtg</u>
Date/Time of meeting**:	<u>August 24, 2022 / 5pm to 7pm</u>

Welcome: 5pm-5:05pm Project Presentation: 5:05pm-5:20pm Question & Answer: 5:20pm-7pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Apex Light Industrial Zoning: See Attachment A

Location: See Attachment A

Property PIN(s): See Attachment A Acreage/Square Feet: See Attachment A

Property Owner: See Attachment A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Greenberg Gibbons Properties, LLC

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jeff Roach - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

How to Participate in the August 24, 2022 Neighborhood Meeting

- To participate by PC, Mac, iPad, iPhone or Android device,
Go to <https://morningstarlaw.group/08242022mtg> to register for the meeting.
(Registration is necessary as we are required by the Town of Apex to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
 - To participate by phone,
 - Dial one of the following numbers:
 - +1 929 436 2866
 - +1 301 715 8592
 - +1 309 205 3325
 - +1 312 626 6799
 - +1 646 931 3860
 - +1 669 444 9171
 - +1 669 900 6833
 - +1 719 359 4580
 - +1 253 215 8782
 - +1 346 248 7799
 - +1 386 347 5053
 - +1 564 217 2000
 - Webinar ID: 867 5164 5781
 - Passcode: 325331
 - For attendance purposes as required by the Town of Apex, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at meetings@mstarlaw.com or call 919-590-0371.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at meetings@mstarlaw.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.

ATTACHMENT A

PIN_NUM	DEED_ACRE	SITE_ADDRESS	OWNER	ADDR1	ADDR2	CURRENT_ZONING
0722461777	2.75	7517 CREEKBIRD RD	HALL, STEPHEN J COLGAN, VIRGINIA A	7517 CREEKBIRD RD	APEX NC 27523-8463	RR - Rural Residential
0722477065	10.02	8308 JENKS RD	WHITFIELD, DORIS JENKS	3833 BACHELOR CREEK RD	ASHEBORO NC 27205-2141	RR - Rural Residential
0722361604	23.12	3232 US 64 HWY W	STEPHENS ROAD PARTNERS LLC	150 TOWERVIEW CT	CARY NC 27513-3595	TF-CZ - Tech/Flex Conditional Zoning
0722368361	8.45	3208 US 64 HWY W	WILKINS, JON BRIAN TRUSTEE WILKINS, DENA LIGGETT TRUSTEE	3208 US 64 HWY W	APEX NC 27523-8441	RR - Rural Residential
0722471690	2.76	7529 CREEKBIRD RD	WANG, XIANG TRUSTEE QU, XIAOYAN TRUSTEE	200 RICHELIEU DR	CARY NC 27518-8635	RR - Rural Residential
0722465567	9.99	8324 JENKS RD	JENKS, PHEOBE JEANNE TYNDALL, RHONDA ANNETTE STROTHER	2286 GUM SPRINGS CHURCH RD	PITTSBORO NC 27312-6643	RR - Rural Residential
0722463330	5.72	7501 CREEKBIRD RD	COC REAL ESTATE CO LLC	110 MACKENAN DR STE 300	CARY NC 27511-7901	RR - Rural Residential
0722378473	11.41	3212 US 64 HWY W	WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	3228 US 64 HWY W	APEX NC 27523-8441	R80W (Wake County)
0722364709	8.92	3228 US 64 HWY W	WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	3228 US 64 HWY W	APEX NC 27523-8441	R80W (Wake County)
TOTAL ACRES - 83.14						

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: ZOOM Platform

Date of meeting: August 23, 2022 Time of meeting: 5:00pm - 7:00pm

Property Owner(s) name(s): See Attachment A

Applicant(s): Greenberg Gibbons Properties c/o Drew Thigpen, VP of Development

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Nil Ghosh/Morningstar Law Group				
2.	Jeff Roach - Peak Engineering and Design				
3.	Drew Thigpen/Greenberg Gibbons				
4.	Tabatha Wilson	8320 Jenks Road			
5.	Kathryn Wilkins	3228 US Hwy 64 W			
6.	Steve Wilkins	3228 US Hwy 64 W			
7.	David Ball	1425 Goodwin Road			
8.	Jacqueline Ball	1425 Goodwin Road			
9.	Nancy Hatley	1420 Goodwin Rd			
10.	Cory Bowes				
11.	S. Smith				
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 Attachment A

Applicant(s): Greenberg Gibbons Properties c/o Drew Thigpen, VP of Development

Contact information (email/phone): dthigpen@ggcommercial.com/843.469.2517

Meeting Address: ZOOM Platform

Date of meeting: August 23, 2022

Time of meeting: 5:00pm - 7:00pm

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

Question/Concern #1:

See attached Summary of Issues

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

SUMMARY OF DISCUSSION ITEMS
NEIGHBORHOOD MEETING
AUGUST 24, 2022
APEX LIGHT INDUSTRIAL

1. Looking at the number of residences, employees and visitors of the Apex Light Industrial Project, how does that contend with the additional growth already occurring and causing trouble due to other developments in the area?

This is a non-residential development recommendation and does not have a residential component associated with it where people come in and out all hours of the day and night. There is a lot of development and there are a lot of people and companies moving to the area such as Apple and AmGen in research triangle park. Getting something on the 64 corridor that is a Tech/Flex type use fits perfectly with the Town's plan. The traffic study is currently ongoing which will recommend any improvements to mitigate any additional traffic that will be created with this project.

2. There are unfinished developments that will reach a tripping point with the access on 64Hwy, Jenks Rd. and major ingress egress challenges on Goodwin Road. How will a new development avoid adding to the already overstretched infrastructure?

As part of our traffic study, we have to evaluate not only the traffic that is currently out there, but we have to build in background projects – which are projects that have been approved but not yet constructed, and there is a two to four percent annual growth rate added for additional traffic. The study will identify what the concerns are today, concerns when the project opens, and what the concerns are three years from now. NCDOT has been looking at this entire corridor from Jordan Lake all the way to US 1 to go controlled access. That brings in another discussion point that could be 25 years down the road. How do we plan for that as well? The Super Suite section that has also been built there off of Sweetwater at Richardson Road and 64. We are evaluating all options, and these are the types of things the TIA will identify, is how do we mitigate our traffic to avoid creating more risk.

3. What about noise pollution?

There is not a lot we can do during construction. It is what it is. It is a temporary issue. We have some large buffer requirements along Goodwin Road and along 64. I believe there are some areas like the large transmission area for power, that are set aside so we don't have buildings set right up against the back of the ball property and we have some stormwater controls in that area in the current concept. I think there will be a minimal impact from a what are you going to see, hear, construction wise. These are development issues and tonight we are trying to focus on the land use and if this is the right thing. We know construction is noisy and a pain to deal with and we hope to minimize that will a good contractor that will put up controls.

4. What about water supply contamination?

This site will be connected to the Town of Apex water system. There will be public water available, and we are also looking at options for a pump station on the site to provide the sewer coming back to the Town's sewer supply. That will avoid any issue with your area.

5. What is the buffer on the Goodwin Road side?
There will be access to Goodwin Road, that is really the only way to get in and out. I believe the buffer requirement is 30 ft. That is something we are still verifying. Most likely there will be a 30 ft buffer between our project and your property. A lot depends on what the actual use is at that parcel. We will take a look at the land use requirements and make sure that the buffers meet or exceed these requirements.
6. What about crime control? Ten years ago, before Wimbledon, Jenks and Sweetwater, this area was one of the lowest areas for crime per capita. That is now changing fast. How will your plan avoid this deterioration?
The product that Greenberg Gibbons is a high-quality tech/flex. It is not going to be metal frame and will have a retail component that could bring everything from a doctor's office, dentist office, or sit-down restaurant. We are not doing any type of residential that would be a 24/7 living opportunity. With a non-residential type of development like this, it brings certain security requirements from tenants as well. These tenants will not want people breaking into their offices and they're going to protect their investment just like everyone else is protecting their house. Westwood Pond is across the street, which is high-end townhomes, Sweetwater where the homes are average size homes now selling for over a million dollars.
7. Regarding access to Goodwin Road, will that continue after construction is completed and if so, what enhancements are planned for Goodwin Road?
We are going to continue access from Goodwin Road down to 64. Apex and NCDOT have told us that we have to get to 64 and Goodwin Road is the only location. We will have a right in, right out proposed along 64 but the access to Goodwin is going to stay. Our traffic study will identify what that looks like. NCDOT would like to close Goodwin Road but that is not an option at this point, so we are looking at other alternatives such as a U-turn where you come out of Goodwin Road headed toward Jordan Lake and you make a U-turn to come back toward Apex. That will be identified in our traffic study. We are still working on where this project will end. It could go all the way to the recently approved Senior Living facility on Jenks Rd., it could stop west of Creek Bird Road. It just depends on if the property owners are willing to be a part of the project or not. I bring that up because long range plans for the 64 corridor is to eventually build Jenks Road as an interchange. When that happens, Goodwin Road will be closed, and you will have some type of frontage road taking you to Jenks Road. Depending on the properties that are included, we are looking at trying to get access to Jenks Road. We don't know if NCDOT will help us or support us in gaining access and that is why Goodwin Road is so important. The more access retail has the better and if they have that right in, right out off of 64, that is where they will be coming in and they will not be using Goodwin Road except maybe to leave the site.
8. Can you give an idea of the timeline for construction and road infrastructure?
The rezoning, site plan designs, and construction drawings is typically a 12–15-month process from where we are right now until you see a first shovel of dirt being turned over. It is a rather slow process depending on how this works out, I assume the infrastructure would be the first thing going in, where they put a pump station on the north side of the property, and I would envision that a lot of the grading work will happen at the initial construction phase. Then you will see the buildings develop as there are commitments from renters and as one building fills up, they will start doing the next one. If it makes

sense to build a couple at a time along the 64 corridor, they will come relatively soon. This will all be identified more in our site plan documents as we start that process. Knowing how many acres will be a part of the assemblage really makes a big difference too.

9. The Goodwin Road access concerns us a little bit. Where will your access to your property be on Goodwin Road?

We are currently trying to figure out where the best place to place the access. It will most likely be north of the Town of Apex's powerline. We may have another one south of it, but we don't know yet and we are still working with NCDOT to see where we can get those driveways in and how close we can be to the 64 intersection. There could be two points or even three, it just depends on what NCDOT comes back with when they start reviewing the traffic.

10. How far down Goodwin Road do you plan to widen because Goodwin Road now has no markings, and I don't even know what the width of it is? How far down the road are you plan to add your enhancements? You discussed coming into 64 and we are familiar with the access roads because we have looked at that about ten years ago regarding what they are planning on ultimately doing, but what's the plan for widening, curbing and guttering on Goodwin Road?

That is a great question. It is very early in the process and in my opinion, we are always required to do our side of the street, across our entire frontage. So this will be a two lane, could be edge and pavement, could be curb and gutter, we don't know yet. I also envision that if we have this large of a site, where our northern most access point is, down to 64, is going to have to be improved as any square footage of a tech/flex type use you have a little bit heavier traffic coming in and we will probably be doing 64 north of the powerlines, maybe even all the way back to Mr. Ball's property. We don't really know yet but that is something we are aware of and will be addressed in site plans. We will have to annex into the Town of Apex for water, electric and sewer. In doing so we will have to make sure fire trucks will be able to get down Goodwin Road into our site and they have a minimum pavement width to do that.

11. If you submit your application in September/October, realistically, when do you think you all would be open for business there?

It is all ballpark, but I would imagine, depending on the timeline we have laid out that the back half of 2024 would be when we would start bringing these buildings online. It does all depend on the rezoning and permits, but once we get permits it is about 10-12 months before we put shovels in the ground.

12. During the construction phase when you start bringing trucks in, how are you all going to keep Goodwin Road alive during that time?

Depending on what the final property assemblage is, if we can get over to Jenks Road, then we will bring them off of Jenks Road. If not, I think our TIA is going to show that we are going to want to get a right in, right out off of 64. We would love to have a construction access off of 64 so we don't tear up Goodwin Road during construction.

That is why I say Goodwin Road will be improved either because our trucks tear it up or because it is needed for good access to come in and out of the property. The good thing is that there is one existing driveway off of 64 and in the past, NCDOT has allowed us to use these existing driveways to gain construction access. That is what we would prefer to do.

13. Goodwin Road gets backed up when there are people trying to turn left onto 64 because of the amount of traffic that comes over that blind hill to the left, I want to note that and if you are putting construction traffic there and turning left onto 64 is just going to stop things. If that could be taken into consideration that would be great.
Absolutely, I appreciate that and it is helpful feedback. We can't give you an answer today, but I can tell you what our preference is and that is to access this site for construction purposes right off of 64. There are existing driveways off 64 to this assemblage so we hope that this would be allowed. I cannot tell you right now that construction traffic will not be on Goodwin Road, but if we can avoid it, that is our goal as well.
14. Did you say the traffic analysis should be completed in about a week's time?
Yes, that's right.
15. Is that going to be made readily available?
Once we make our submittal to the Town, all of the information will be uploaded to the Town of Apex's website. They have what is called an interactive development map and that is the easiest way to access the information a couple of days after we make the submittal. I do believe NCDOT is looking for a reason to cut off what is considered full access movement which means they do not want folks going straight across 64 anymore.
16. My question is will that happen before your construction or will that happen ten years down the line?
That is a great question. That is one of the things we will have to deal with as well. NCDOT has previously expressed some interest or design that would cut-off Goodwin's access to 64 or its full access to 64. We will have to plan for that as well. We don't know what is going to happen with NCDOT frankly all their project are behind in time and I don't know if this will get built and/or when.
17. One of NCDOT's plans was basically access on both sides of 64, and anybody who wanted access would come up access roads that would run up to an interchange somewhere, which could be all the way at 751 and 64 where they anticipate building a cloverleaf and an overpass there. Is that what you are still hearing from NCDOT?
A Coca-Cola bottling plant project just got approved off of 751 and NCDOT is trying to limit the amount of access onto 64 to provide more of a controlled access process. The last plans I saw still show Jenks Road as a grade separated crossing with some type of frontage road from Goodwin Road east to Jenks Road. You currently have a crossing across the American Tobacco Trail, my opinion is that anything east of the Tobacco Trail, including Goodwin Road will come east to Jenks Road. Anyone west of the Tobacco Trail will most likely go out toward 751 or there will be some interim superstreet section along the 64 corridor. We are talking about 30 years. We are one project on the 64 corridor, and we will probably have a road in the middle of our site that instead of having a frontage road, we are going to have a frontage road in the middle of our project.
18. What is the link for the Town of Apex interactive map? *Link provided in the chat/Q&A function.*
19. I am curious about the sewer plan, does part of it go out to Westford and part of it go out the back of the substation?
We are working with Steve Adams about a pump station on the property. I did a quick evaluation to see if sewer could go gravity to the White Oak pump station and we would

end up with a manhole that is like 47 feet deep. So, the only way to do it, and the Army Corps owns that big strip of land, and all these parcels that are from 64 north all flow to the Corps land. What eventually will happen is there will probably be a couple of pump stations along this route and they will probably pump back to either Jenks Road or pump across 64 toward Deer Creek. We are most likely in a pump station location for our project.

20. I presume that would probably be on the west side near Goodwin Road, is your low point northwest of the assemblage?

The best point for us is to put it right up against the Tobacco Trail on the Duke Energy property if we can get offsite easements. That would serve all of our property and pick up some property west of Goodwin Road, that would be the best option. Getting Duke to agree with that is slim to none so it would probably be on our property south of the Duke property.

21. So, you don't really have a gravity opportunity on the eastern half of it to the big outfall line that runs through Westford?

Depending on how much land we get. Directly across from Lowell Road is that new retirement facility that was recently rezoned, they can get to the big gravity line. The next piece to the west may be able to get to that but west of that it goes the wrong way, we can't get back to it. There is actually an aerial crossing north of Jenks Rd.

22. Have you done a TIA yet, or does that come later?

It is in process right now and will probably be done first of next week.

23. Is Kemley-Horn or someone local helping you out with that?

Yeah, BHV, it is a local company that helps out with traffic studies.

24. As these projects come in piece mill, how do they form equity with Westford Commercial, Sweetwater, Apex Industrial, in the timing?

To a certain extent, first guy in, first guy who gets to do all of the improvements. As part of the background study, our consultant will look at all those other projects as background traffic assuming that they are in place when the study is done. They will then look at improvements over and above that to mitigate our traffic and then if Westford stops, our client could be on the hook for those additional improvements that Westford, or Sweetwater had committed to.

25. Is it your belief that all recommendations from NCDOT are held on par with the goal being the short-range plan not the long-range plan as to offsite improvement requirements as part of the entitlement process?

I don't really have an answer to that because I don't think there really is a short-term plan other than to add superstreets along 64, where the long-term plan is full controlled access. We are looking at it as we are doing the best, we can to evaluate a site that could eventually go to a controlled access requirement and our project will likely have a road through the middle of it that will serve as a frontage road.

26. My understanding of short-term, long-term is superstreet versus separated grade intersection and a small diamond type intersection and that is what I believe NCDOT calls the long-term plan. The short-term plan is a signalized intersection and superstreet requirement for the foreseeable future.

I believe they are looking to signalize the 64/Richardson intersection now. I think what will happen is the other projects along the 64 corridor from Yellow Bridge next to Avington, our project, your project, Legacy Apex, is not to signalize those projects yet.

Get the superstreets but don't do signalization yet until a point where it shows that the side traffic is heavy enough. Sweetwater is heavy coming up Richardson Road and making the right or left turn so that is a signalization option. But when you signalize that, it actually helps the Goodwin Road situation because it creates those false gaps.

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, Leticia Shapiro, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Platform (location/address)
on August 24, 2022 (date) from 5:00pm (start time) to 7:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

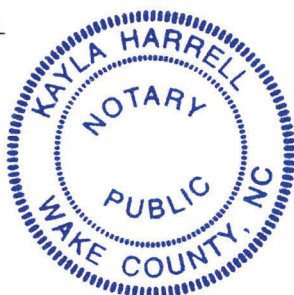
10/31/22
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Kayla Harrell, a Notary Public for the above State and County, on this the 3 day of October, 2022.

SEAL



Kayla Harrell
Notary Public
Kayla Harrell
Print Name

My Commission Expires: 12.8.2023

OWNER	ADDRESS 1	ADDRESS 2	ADDRESS 3
BALL, DAVID BALL, JACQUELINE	1425 GOODWIN RD	APEX NC 27523-6782	
BALL, DAVID C BALL, JACQUELINE F	7700 JENKS RD	APEX NC 27523-7818	
CARY TOWN OF APEX TOWN OF	PO BOX 8005	CARY NC 27512-8005	
CLARK, ANDREW L /TR SMITH, STALEY C	PO BOX 791	APEX NC 27502-0791	
COC REAL ESTATE CO LLC	110 MACKENAN DR STE 300	CARY NC 27511-7901	
DUKE ENERGY PROGRESS INC	TAX DEPT - DEC41B	550 S TRYON ST	CHARLOTTE NC 28202-4200
GOODWIN ROAD LLC	4728 CYPRESS FORD DR	FUQUAY VARINA NC 27526-9081	
GRAYDON HOLDINGS LLC	1734 REGATTA DR	FERNANDINA BEACH FL 32034-5534	
HALL, STEPHEN J COLGAN, VIRGINIA A	7517 CREEKBRD RD	APEX NC 27523-8463	
HATLEY, NANCY G	1420 GOODWIN RD	APEX NC 27523-6781	
JENKS, PHEOBIE JEANNE TYNDALL, RHONDA ANNETTE STROTHER	2286 GUM SPRINGS CHURCH RD	PITTSBORO NC 27312-6643	
JOHN HERTRICK AIR PARK INC	1628 AIR PARK DR	APEX NC 27523-7843	
KEPE1 HOLDINGS LLC	THE KALIKOW GROUP	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743
KEPE1 STC LLC	THE KALIKOW GROUP	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743
MEGLAUGHLIN, ROBERT J	1432 GOODWIN RD	APEX NC 27523-6781	
PAN-EDUCATIONAL SERVICES INC	1220 GOODWIN RD	APEX NC 27523-6778	
RUSSELL, PHILLIP E RUSSELL, JEANNE YOUNG	1440 GOODWIN RD	APEX NC 27523-6781	
RUSSELL, PHILLIP EUGENE RUSSELL, JEANNE Y	1440 GOODWIN RD	APEX NC 27523-6781	
SKJD HOLDINGS LLC	2521 SCHIEFFELIN RD STE 106	APEX NC 27502-4400	
SMITH, STALEY C SMITH, AARON E JR	PO BOX 457	APEX NC 27502-0457	
STEPHENS ROAD PARTNERS LLC	150 TOWERVIEW CT	CARY NC 27513-3595	
STRICKLAND, R MICHAEL TRUSTEE OF FAMILY TRUST (WILL OF C H YOUNG JR)	MARTHA YOUNG HEAFNER	138 WEE LOCH DR	CARY NC 27511-3885
WANG, XIANG TRUSTEE QU, XIAOYAN TRUSTEE	200 RICHELIEU DR	CARY NC 27518-8635	
WESTFORD COMMERCIAL WEH LP	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265	
WHITFIELD, DORIS JENKS	3833 BACHELOR CREEK RD	ASHEBORO NC 27205-2141	
WILKINS, JON BRIAN TRUSTEE WILKINS, DENA LIGGETT TRUSTEE	3208 US 64 HWY W	APEX NC 27523-8441	
WILKINS, STEVEN B TRUSTEE WILKINS, KATHRYN J TRUSTEE	3228 US 64 HWY W	APEX NC 27523-8441	
WILSON, TABATHA J	8320 JENKS RD	APEX NC 27523-7828	
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
Current Tenant	1421 Goodwin RD	APEX NC 27523	
Current Tenant	1501 Goodwin RD	APEX NC 27523	
Current Tenant	8308 Jenks RD	APEX NC 27523	
Current Tenant	8321 Jenks RD	APEX NC 27523	
Current Tenant	3221 Us 64 HWY W	APEX NC 27523	
Current Tenant	3223 Us 64 HWY W	APEX NC 27523	
Current Tenant	3228 Us 64 HWY W	APEX NC 27523	
Current Tenant	3301 Us 64 HWY W	APEX NC 27523	
Current Tenant	3416 Us 64 HWY W	APEX NC 27523	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ21 Apex Light Industrial

Planning Board Meeting Date: March 13, 2023



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±55.68 acres

PIN(s): 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

Current Zoning: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W)

Proposed Zoning: Tech/Flex-Conditional Zoning (TF-CZ)

2045 Land Use Map: Office Employment/Commercial Services

Town Limits: Town Limits, ETJ, and Outside; Annexation required with rezoning

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map

☒ Consistent

☐ Inconsistent

Reason: _____

☒ Apex Transportation Plan

☒ Consistent

☐ Inconsistent

Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ21 Apex Light Industrial

Planning Board Meeting Date: March 13, 2023



Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☒ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ21 Apex Light Industrial

Planning Board Meeting Date: March 13, 2023



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

☒

Consistent

☐

Inconsistent

Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

☒

Consistent

☐

Inconsistent

Reason: _____

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

☒

Consistent

☐

Inconsistent

Reason: _____

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

☒

Consistent

☐

Inconsistent

Reason: _____

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

☒

Consistent

☐

Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ21 Apex Light Industrial

Planning Board Meeting Date: March 13, 2023



Planning Board Recommendation:

Motion: Approve

Introduced by Planning Board member: Akers

Seconded by Planning Board member: Soh

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

As proposed by the applicant with a request that the applicant consider adding a condition on stormwater nutrient removal.

- ☐ *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 13th day of March 2023.

Attest:

Tina Sherman, Planning Board Vice-Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2023.03.13 17:14:11
-04'00'

Amanda Bunce, Current Planning Manager



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ21
Apex Light Industrial

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Drew Thigpen, Greenberg Gibbons Properties
Property Addresses: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road
Acreage: ±55.68 acres
Property Identification Numbers (PINs): 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690
2045 Land Use Map Designation: Office Employment/Commercial Services
Existing Zoning of Properties: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W)
Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41112>.

Dianne F. Khin, AICP
Planning Director


TOWN OF APEX
 100 N. MAIN ST., SUITE 200
 APEX, NC 27502

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL, CONDICIONAL ZONICIZADA
 Agriculture Industrial (Desarrollo de Unidad Planificada)

De conformidad con los disposiciones de los Estatutos Emendados de Carolina del Norte §§800-820 y con la Sección 2.1.3.3 de la Ordenanza de Desarrollo Unificado (UDU) del Ayuntamiento de Apex, por la presente se notificarán las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitudes para Drive Thruways, Greening Edificios, Propietarios.
- Aprobación automática Drive Thruways, Greening Edificios, Propietarios.
- Dirección de las propiedades: 1222, 832B, 832B, al 1322 UN H-4 Highway West, O yal 742N Emerald Road
- Superficie: 63.80 AC+/-
- Número de identificación de las propiedades: 0722278747, 0722368864, 0722368700, 0722368605, 0722367049 y al 7222787049
- Orientación actual en el Mapa de zona Terrestrial para 238S: Office Employment/Conditional Services
- Ordenamiento territorial existente de las propiedades: Rural Residential [RR], Tech/Vine Conditional Zoning [TV-CZ] 238C(20), Wake County Residential R-6 (R-6000)
- Ordenamiento territorial propuesto para las propiedades: Tech/Vine Conditional Zoning [TV-CZ]

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 North Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: el día martes del 2024 a las 9 AM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: [https://www.youtube.com/watch?v=KxwzWtEgkH8](#)

No se puede asistir, puede enviar una declaración escrita por correo electrónico a publiccomment@apexnc.gov o presentarla a la secretaría de la Junta de Planificación, del Pedimento 73 North Street, PO Box 10095 a P.O. Box 210, Apex, NC 27502, al menos diez (10) días antes de la votación de la Junta de Planificación. De la persona que asistirá y dirección para que cuente en el registro, las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No habrá sesión ni nombres de la audiencia pública en el asunto.

De conformidad con los requisitos estatutales de notificaciones públicas, se mostrará por video y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las intersecciones:



Las propiedades, límites, y descripciones de las viviendas en un valle de 100 pies del Ordenamiento Territorial Condicional Zonificación de Apex serán otorgadas mediante un proceso público de apertura de la Junta de Planificación. Los interesados pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. Los ciudadanos de la propiedad también pueden venir personalmente a la audiencia pública.

Puede ver el Mapa de zona Terrestrial para 238S aprobado el 11 de marzo de 2024 en la oficina de la Junta de Planificación o obtener información adicional visitando el sitio web de la Junta de Planificación de Apex. Puede encontrar más información en el Departamento de Planificación y Desarrollo Urbano de Apex.

Apex, NC 27502-10095

- Page 197 -



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ21

Apex Light Industrial (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Drew Thigpen, Greenberg Gibbons Properties

Agente autorizado: Drew Thigpen, Greenberg Gibbons Properties

Dirección de las propiedades: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creebird Road

Superficie: ±55.68 acres

Números de identificación de las propiedades: 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Tech/Flex-Conditional Zoning (TF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de marzo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41112>.

Dianne F. Khin, AICP
Directora de Planificación

TOWN OF APEX

AV. 14 de Mayo 1000, Urb. Los Andes
Asunción, Paraguay 12002

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL, COMERCIAL Y C2.21.21 Agua dulce industrial (Departamento de Industria y Planificación)

De conformidad con los disposiciones de los Estatutos Generales de Casaca del Norte 16100-022 y con la Sección 2.2.2.1 de la Ordenanza de Desarrollo Urbánico (Ord. 2012) del Ayuntamiento de Agua, por el presente se notifica las audiencias públicas ante la Junta de Planificación de Agua. El propósito de estas audiencias es consultar los siguientes:

Solicitantes: D. José Triguero, Greenland Edilicio Properties

Agente autorizador: D. José Triguero, Greenland Edilicio Properties

Dirección de las propiedades: 1221, 5235, 8238, y 8232 en la Highway West, 0 y 167529 Greenland Road
Superficie: 215.61 m²

Números de identificación de las propiedades: 0722778673, 0722683680, 0722683680, 0722720345, 0722720345
y 0722720345

Designación actual en el Mapa de Uso Territorial para 2030: Office Employment/Comercial use
Ordenamiento territorial existente de las propiedades: Rural Residential (R2), Rack/Work Commercial Zoning (TF-C2
R12-C20), Wake County Residential-90 (R-90)

Ordenamiento territorial propuesto para las propiedades: Tech/Use Commercial Zoning (TF-C2)

Lugar de la audiencia pública: Ayuntamiento de Agua

Cámaras del Comercio, 1^{ra} planta

77 Hunter Street, Agua, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 19 de mayo de 2023 a las 10:00 a.m.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por [YouTube](https://www.youtube.com/watch?v=7807807807) o través del siguiente enlace: <https://www.youtube.com/watch?v=7807807807>

Si se puede asistir, puede enviar una declaración escrita por correo electrónico a audenciaspublicas@agua.com o presentarla a la secretaría de la Junta de Planificación, así como a la Oficina de Agua (1000 y 167529 Greenland Road, Suite 215, Agua, NC 27003), el anterior día del último antes de la sesión de la Junta de Planificación. Deberá proporcionar su nombre y dirección para que quede en el registro. Las declaraciones recibidas se entregarán a la Junta de Planificación antes de la sesión. No habrá ningún intercambio de la audiencia pública en el asunto.

De conformidad con los requisitos establecidos de notificaciones públicas, se envió por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las instalaciones:

Las propiedades, límites, y asociaciones de propietarios se actualizaron a los datos del Ordenamiento Territorial Comunal propuesto. Los límites de las propiedades pueden cambiar. Todos los propietarios interesados pueden proporcionar comentarios sobre la solicitud a través de los canales especificados anteriormente. La ubicación de la propiedad (condición) puede verse en el [Mapa de Uso Territorial para 2030](https://www.apexnc.gov/development). Puede ver el Mapa de Uso Territorial para 2030 aquí: <https://www.apexnc.gov/development>. Si tiene preguntas o desea obtener más información, envíe correo electrónico al Departamento de Planificación y Desarrollo Comunal al 919-219-2626. Puede ver la solicitud y los documentos relacionados aquí: <https://www.apexnc.gov/development>

Elaborado por: D. José Triguero, GEP
Diseñado por: Planificación

Fecha de publicación: 27 de febrero - 13 de marzo

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TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ21
Apex Light Industrial

Project Location: 3208, 3212, 3228, & 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Applicant or Authorized Agent: Drew Thigpen, Greenberg Gibbons Properties

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on February 27, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

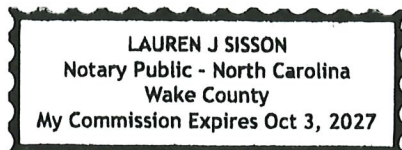
2/27/2023
Date

Shanne K. Kuhn
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J. Sisson, a Notary Public for the above

State and County, this the 27th day of February, 2023.



[Signature]
Notary Public

My Commission Expires: 10 / 03 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ21 Apex Light Industrial

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Drew Thigpen, Greenberg Gibbons Properties

Property Addresses: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Acreage: ±55.68 acres

Property Identification Numbers (PINs): 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W)

Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: March 28, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41112>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ21
Apex Light Industrial

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Drew Thigpen, Greenberg Gibbons Properties

Property Addresses: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Acreage: ±55.68 acres

Property Identification Numbers (PINs): 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

2045 Land Use Map Designation: Office Employment/Commercial Services

Existing Zoning of Properties: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential R0-W (R-80W)

Proposed Zoning of Properties: Tech/Flex-Conditional Zoning (TF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below

Town Council Public Hearing Date and Time: March 28, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighbc.org/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/41112>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ21
Apex Light Industrial (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Drew Thigpen, Greenberg Gibbons Properties

Agente autorizado: Drew Thigpen, Greenberg Gibbons Properties

Dirección de las propiedades: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Superficie: ±55.68 acres

Números de identificación de las propiedades: 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Tech/Flex-Conditional Zoning (TF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de marzo de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41112>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ21
Apex Light Industrial (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Drew Thigpen, Greenberg Gibbons Properties

Agente autorizado: Drew Thigpen, Greenberg Gibbons Properties

Dirección de las propiedades: 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Superficie: ±55.68 acres

Números de identificación de las propiedades: 0722378473, 0722368361, 0722364709, 0722361604, 0722472454 and 0722471690

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Tech/Flex-Conditional Zoning (TF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de marzo de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.aieghnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41117>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6 de marzo - 28 de marzo de 2023



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ21
Apex Light Industrial

Project Location: 3208, 3212, 3228, & 3232 US 64 Highway West, 0 and 7529 Creekbird Road

Applicant or Authorized Agent: Drew Thigpen, Greenberg Gibbons Properties

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on March 6, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/6/2023

Date

Sharon Akhri

Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 6th day of March, 202 3.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
/ Commission Expires Oct 3, 2027

[Signature]

Notary Public

SEAL

My Commission Expires: 10 / 03 / 2027



Rezoning #22CZ21

Wizard Ln

Broken Yolk Trl

Goodwin Rd

Creekbird Rd

Jenks Rd

Richardson Rd


64

64

Smith Farm
PUD

Sweetwater

Public Hearing Sign Posted By

 1-27-2023
Signature Date



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 55.68 ACRES LOCATED AT 3232, 3208, 3212, 3228 US 64 HIGHWAY WEST, 0 AND 7529 CREEKBIRD ROAD FROM RURAL RESIDENTIAL (RR), TECH/FLEX-CONDITIONAL ZONING (TF-CZ #14CZ09), AND WAKE COUNTY RESIDENTIAL 80-W (R-80W) TO TECH/FELX-CONDITIONAL ZONING (TF-CZ)

#22CZ21

WHEREAS, Drew Thigpen, Greenberg Gibbons Properties, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of November 2022 (the “Application”). The proposed conditional zoning is designated #22CZ21;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ21 before the Planning Board on the 13th day of March 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 13th day of March 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ21. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ21;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #22CZ21 before the Apex Town Council on the 28th day of March 2023;

WHEREAS, the Apex Town Council held a public hearing on the 28th day of March 2023. Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ21 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

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

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will allow for non-residential development in an area that anticipates non-residential uses and encourage compatible development of the property. The rezoning commits to provide a continuous east to west public vehicular route with sidewalk, provides conditions to mitigate the environmental impact above Town standards, and will allow development that will generate jobs and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #22CZ21 rezoning the subject properties located at 3232, 3208, 3212, 3228 US 64 Highway West, 0 and 7529 Creekbird Road from Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W) to Tech/Flex-Conditional Zoning (TF-CZ).

Ordinance Amending the Official Zoning District Map #22CZ21

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

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W) to Tech/Flex-Conditional Zoning (TF-CZ) District, subject to the conditions stated herein.

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

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

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

- | | |
|--|---|
| 1. Daycare facility | 24. Grocery, general |
| 2. Drop-in or short term day care | 25. Grocery, specialty |
| 3. Government service | 26. Personal service |
| 4. Veterinary clinic or hospital | 27. Printing and copying service |
| 5. Vocational school | 28. Real estate sales |
| 6. Utility, minor | 29. Repair services, limited |
| 7. Wireless support structure | 30. Retail sales, general % |
| 8. Wireless communication | 31. Studio for art |
| 9. Entertainment, indoor | 32. Tailor shop |
| 10. Greenway | 33. Upholstery shop |
| 11. Park, active | 34. Pet services |
| 12. Park, passive | 35. Automotive Accessory Sales and Installation |
| 13. Youth or day camps | 36. Repair and maintenance, general |
| 14. Commissary | 37. Vehicle inspection center |
| 15. Restaurant, general | 38. Laboratory, industrial research |
| 16. Dispatching office | 39. Microbrewery |
| 17. Medical or dental office or clinic | 40. Microdistillery |
| 18. Medical or dental laboratory | 41. Woodworking or cabinet making |
| 19. Office, business or professional | 42. Wholesaling distribution center |
| 20. Research facility | 43. Manufacturing and processing (S) |
| 21. Artisan Studio | 44. Manufacturing and processing, minor |
| 22. Convenience store | 45. Glass Sales |
| 23. Convenience store with gas sales | 46. Building Supplies, wholesale |

Ordinance Amending the Official Zoning District Map #22CZ21

Zoning Conditions:

1. The maximum square footage of uses developed on the Property shall be 500,000 square feet.
2. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking for Glass Sales use must be fully screened from any public right-of-way.
3. No more than 15% of any building's square footage shall include outdoor storage.
4. Conditions offered by the applicant to address recommendations of the Environmental Advisory include the following:
 - a. Post development peak runoff shall not exceed pre-development peak runoff for the 24- hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
 - b. The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
 - c. Each building constructed on the property shall be pre-configured with conduit for solar PV systems.
 - d. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3000k for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
5. Developer shall dedicate right-of-way for the future interchange and realignment of Jenks Road according to the Apex Transportation Plan.
6. The developer shall provide a continuous east-west public vehicular route (the "East-West Drive") with sidewalk through the site from Goodwin Road to the eastern parcel boundary of the subject property to support the future extension of Lowell Road as planned with the Arden at Summit Pines development.
7. Buildings constructed on the property that are located north of the East-West Drive shall be subject to the following architectural conditions:
 - a. EIFS or synthetic stucco shall not be used in the first four feet above grade.
 - b. The building shall have more than one parapet height.
 - c. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it.
 - d. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, column recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - e. Service bays shall be screened from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.
 - f. A combination of exterior materials may be used for the industrial buildings.
 - g. Exterior Building materials shall not permit the use of vinyl siding.
8. Buildings constructed on the property that are located south of the East-West Drive shall be subject to the following architectural conditions:
 - a. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The first twelve feet (12') in height of the front façade of all buildings shall be a minimum seventy-five percent (75%) brick.

Ordinance Amending the Official Zoning District Map #22CZ21

- b. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - c. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. When drive-thru lanes are located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Drive-thrus shall not front on US 64 Highway. Service bays shall be screened from surrounding public rights-of-ways or oriented towards the rear of the property. Service bays shall not be oriented towards US 64 Highway.
 - d. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. Buildings shall not have blank side walls creating a false front appearance.
 - e. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
 - f. Windows and storefront glazing shall be provided with different proportions to create a high-quality building design.
 - g. Thirty-five (35%) of glazing shall be provided at the street level. Overall building proportions shall be expressed in the window proportions. Expanses of vertical window which give the overall appearance of horizontal massing shall be avoided.
 - h. The building shall have more than one parapet height. Roofs may vary in compliance with UDO 9.3.2
 - i. Buildings shall be architecturally compatible and include more than one material color.
 - j. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim
 - vi. Precast concrete
 - vii. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
 - k. Exterior materials that shall not be allowed are as follows:
 - i. Vinyl siding
 - ii. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - iii. Metal walls
 - l. 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.
 - m. Soffits and fascia materials may be EIFS, architectural panels, or other quality materials as determined by the building Architect during Site Plan review.
9. The perimeter buffer along the eastern boundary of the assemblage – adjacent to Wake County PINs 0722-46-5567, 0722-46-3330, and 0722-46-1777 – shall be a minimum of 30' and shall be planted or preserved to the Type A buffer standard. The aforementioned buffer may be removed if the adjacent properties are developed with uses of the same or higher land use class according to UDO Sec. 8.2.6.B.4.

Ordinance Amending the Official Zoning District Map #22CZ21

10. The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Site Plan and Construction Document design and review.
11. The following language shall be added to any subdivision and/or site plan final plats for this project:
AVIGATION NOTICE: Deck Air Park, an active, general aviation airport open to the public, is located near this subdivision, and the flight paths of aircraft landing, taking off, and flying nearby pass directly over this subdivision. The lots shown on this plat will be subject to the impacts of the aviation uses being conducted to, from, at and nearby Deck Air Park for so long as that airport may continue to be used.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of 23.120 acres as shown on map entitled "Exterior Boundary Survey Whitley Property" by Robinson & Plante, PC recorded in Book of Maps 2014, Page 1252, Wake County Registry

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Tract No. 2 containing 10.55 acres, more or less, according to the survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a point located in the center line of U.S. Highway 64, which point is located approximately 480 feet West of the center line of the intersection of U.S. Highway 64 and State Road 1601; running thence with the center line of U.S. Highway 64, South 82 degrees 53 minutes 33 seconds West 722.2 feet to a point; thence North 00 degrees 22 minutes 20 seconds East 758.16 feet to a point in the Southern line of Tract No. 1; thence North 89 degrees 26 minutes 37 seconds East 443.34 feet to a 30 inch Black Gum located in the Southeast corner of Tract 1; thence North 89 degrees 33 minutes 19 seconds East 112.91 feet to an existing iron pipe; thence South 13 degrees 02 minutes 07 seconds East 691.73 feet to a point located in the center line of U.S. Highway 64, being the point and place of BEGINNING. Reference is made to the above-described survey for a more accurate description of the property.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Tract No. 1 containing 11.41 acres, more or less, according to that survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a 30 inch Black Gum located in the Northern line of Tract 2 of said Subdivision, running thence South 89 deg. 26' 37" West 443.34 feet to a point, thence South 89 deg. 26' 37" West 30 feet to an existing iron pipe, thence North 60 deg. 00' 09" East 125.01 feet to a point, thence North 32 deg. 16' 05" East 90.90 feet to a point, thence North 01 deg. 41' 44" West 160.23 feet to a point, thence 00 deg. 26' 07" West 255.75 feet to a point, thence South 89 deg. 33' 51" West 170.74 feet to a point, thence North 00 deg. 26' 07" West 317.06 feet to a point, thence South 89 deg. 26' 37" West 100.00 feet to a point, thence North 00 deg. 26' 07" West 235.63 feet to an existing iron pipe, thence with the property now or previously owned by Lewis, North 89 deg. 45' 36" East 624.98 feet to an iron pipe set, thence with the property now or previously owned by Michael Jenks, South 01 deg. 23' 34" West 1,104.02 feet to a 30 inch Black Gum, the point and place of BEGINNING. Reference is made to the above- described survey for a more accurate description of the property.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of Lot 1 containing 2.00 +/- acres, and Lot 2 containing 2.0 +/- acres as shown on that map entitled "Property of Maggie W. Wilkins" recorded at Book of Maps 1981 page 752; together with that " 30' Private Road Easement" shown on the aforesaid map; and being the same property identified as "Tract Two" on that deed recorded at Book 3034 Page 523 in the Wake county Registry. See Book of Maps 1985 Page 2322.

&

Being all of that tract or parcel fo real property identified as "5.00 A.C. By D.M.D." containing 5.0 +/- acres as shown on that map entitled "Recombination Survey for Steven B. Wilkins and wife Kathryn J. Wilkins" recorded at Book of Maps 1985 Page 862 in the Wake County Register; and being the same property described in taht deed recorded at Book 3491 page 954 in the Wake County Registry.

&

Being all of Tract No. 1 containing 11.41 acres, more or less, according to that survey entitled "Property of and Recombination Survey for J.L. Wilkins, Heirs", dated September 23, 1985, drawn by Holland Land Surveys, J.H. Holland, Jr., R.L.S., and BEGINNING at a 30 inch Black Gum located in the Northern line of Tract 2 of said Subdivision, running thence South 89 deg. 26' 37" West 443.34 feet to a point, thence South 89 deg. 26' 37" West 30 feet to an existing iron pipe, thence North 60 deg. 00' 09" East 125.01 feet to a point, thence North 32 deg. 16' 05" East 90.90 feet to a point, thence North 01 deg. 41' 44" West 160.23 feet to a point, thence 00 deg. 26' 07" West 255.75 feet to a point, thence South 89 deg. 33' 51" West 170.74 feet to a point, thence North 00 deg. 26' 07" West 317.06 feet to a point, thence South 89 deg. 26' 37" West 100.00 feet to a point, thence North 00 deg. 26' 07" West 235.63 feet to an existing iron pipe, thence with the property now or previously owned by Lewis, North 89 deg. 45' 36" East 624.98 feet to an iron pipe set, thence with the property now or previously owned by Michael Jenks, South 01 deg. 23' 34" West 1,104.02 feet to a 30 inch Black Gum, the point and place of BEGINNING. Reference is made to the above- described survey for a more accurate description of the property.

Being the same property described in that deed recorded at Book 4988 Page 366 in the Wake County Registry; and being the same property containing 11.41 acres identified as "Tract No. 1" on that map recorded at Book of Maps 1985 page 2322.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

All of Lot 3 as shown on a map recorded in Book of Maps 1995 Page 133 and re-recorded in Book of Maps 1995 page 1038, Wake County Registry.

Property Address: 7529 Creekbird Rd., Apex NC 27523
PIN:0722471690/REID: 0211592

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ21

Submittal Date: 10/03/2022

Insert legal description below.

Being all of 23.120 acres as shown on map entitled "Exterior Boundary Survey Whitley Property" by Robinson & Plante, PC recorded in Book of Maps 2014, Page 1252, Wake County Registry

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for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Public hearing and possible motion regarding amendments to the Transportation Plan related to Rezoning Case #22CZ22 in the vicinity of US 64, Olive Chapel Road, and Lawson Lane.

Approval Recommended?

Planning staff recommend adoption of the proposed amendments.

The Planning Board considered the proposed amendments at their March 13, 2023 meeting and unanimously recommended approval.

Item Details

The amendments to the Transportation Plan include proposed revisions to the Thoroughfare and Collector Street Plan map and Bicycle and Pedestrian System Plan map associated with the proposed Elevate Planned Unit Development.

Attachments

- PH4-A1: Rezoning Case No. 22CZ22 - Staff Report
- PH4-A2: Rezoning Case No. 22CZ22 - Planning Board Report to Town Council





The Thoroughfare and Collector Street Plan map, Transit Plan map, and Bicycle and Pedestrian System Plan map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not require a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Transportation Plan between US 64 and Olive Chapel Road, west of the American Tobacco Trail (see Figure 1), in order to make a decision.

The proposed amendments are associated with rezoning case #22CZ22 Elevate 64 West Planned Unit Development (PUD). The proposed amendments would modify both the Thoroughfare and Collector Street Plan map and Bicycle and Pedestrian System Plan map. The amendments are shown in Figure 1 and are explained in Table 1.

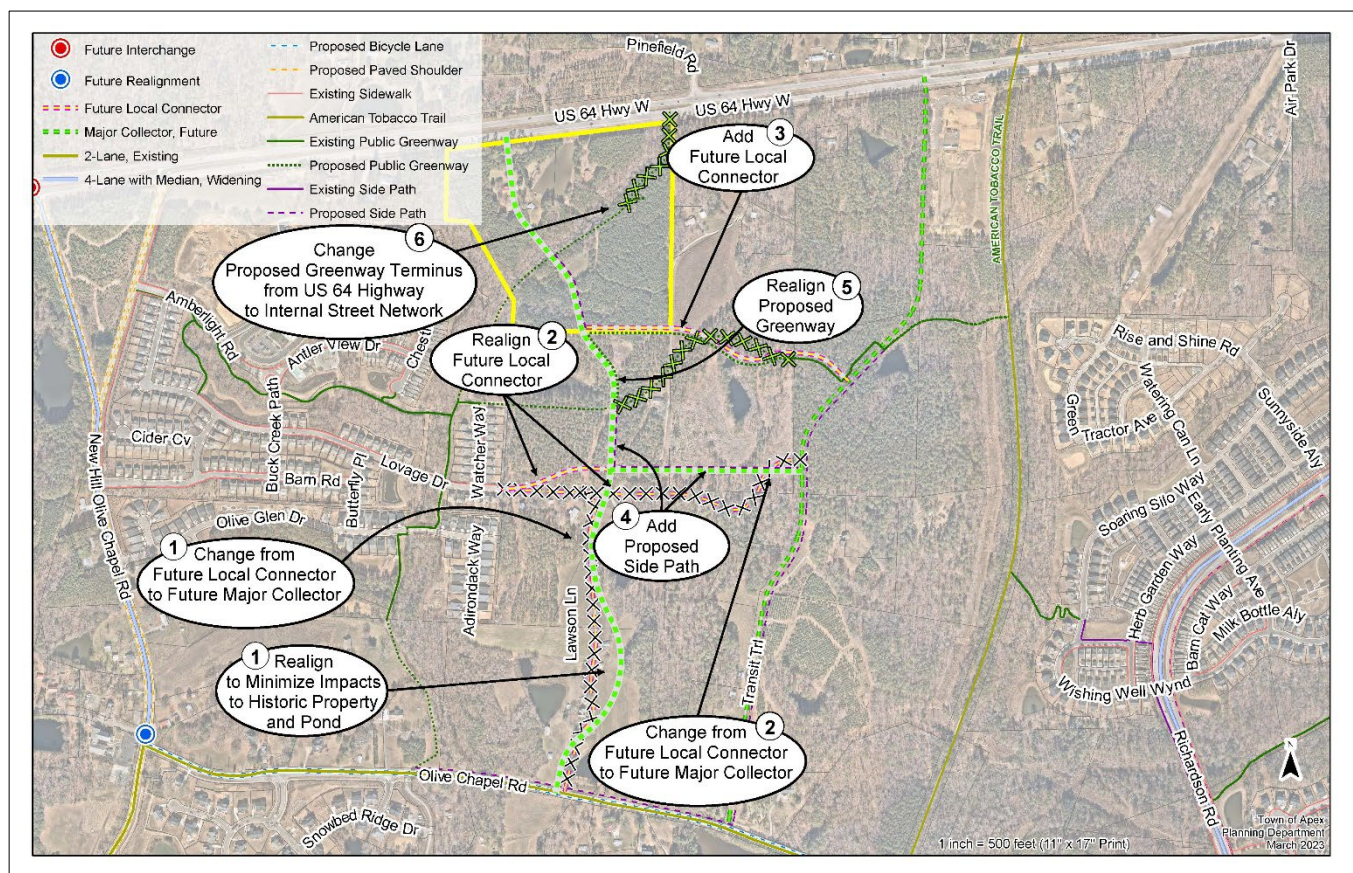


Figure 1. Proposed amendments to the Thoroughfare and Collector Street Plan map and Bicycle and Pedestrian System Plan map

Table 1. Summary of Proposed Amendments to the Thoroughfare and Collector Street Plan Map

#	Amendment	Explanation
1	Realign, extend, and upgrade Lawson Lane from a local connector to a major collector	The extension and upgrade are consistent with the intent for this roadway to serve as the main ingress/egress between Elevate PUD and US 64 Highway. The realignment is intended to minimize impacts to existing resources south of Elevate PUD.

#	Amendment	Explanation
2	Realign, extend, and upgrade Lovage Lane from a local connector to a major collector	This proposed amendment is outside of the area encompassed by the Elevate PUD and is a staff recommendation to provide future connectivity in this area consistent with the density and pattern of proposed development. While no future local routes are currently shown on the Transit Plan Map, this connection could serve as a future bus route if transit becomes viable in this area. In addition, emergency service providers indicated such a connection would improve response times. Finally, a future school site is anticipated at the eastern terminus of this roadway and would be better served by a higher-order facility.
3	Add a local connector from future Lawson Lane extension to future Transit Trail extension	This future connection would align with a street stub proposed with the Legacy PUD and will make it transparent that a connection is planned across the intervening property should development occur in the future.
4	Add side path along new major collectors	The proposed side path along Lawson Lane will provide an enhanced bicycle and pedestrian facility connection between two future greenway segments. This side path will provide an enhanced bicycle and pedestrian connection between the wide facilities proposed along Lawson Lane and Transit Trail. This may also serve as a future route to school.
5	Realign proposed extension of Reedy Branch Greenway between Lawson Lane extension and Transit Trail extension	The proposed realignment shifts the future extension of Reedy Branch Greenway to the street side along a portion of future Lawson Lane and the new local connector street, minimizing independent stream and land impacts.
6	Terminate future Deer Creek Greenway south of US 64 at internal street network	The amendment terminates the greenway at a logical point within the proposed Elevate PUD instead of directing cyclists and pedestrians to US 64 where there are no bicycle and pedestrian facilities nor crossing opportunities.

Programmed Projects:

There are no programmed municipal or state projects to complete the facilities addressed by these amendments.

Staff Recommendation:

Planning staff recommend supporting the proposed amendments. Transportation, Infrastructure and Development; Fire; Police; and Parks, Recreation, and Cultural Resources are also supportive of the proposed amendments.

Planning Board Recommendation:

The Planning Board unanimously recommended approval of the proposed amendments at their March 13, 2023 meeting.

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: March 13, 2023



Long range plan(s) proposed to be amended:

Transportation Plan

Description of the proposed amendment(s):

Amend the Thoroughfare and Collector Street Plan map and the Bicycle and Pedestrian System Plan map in the vicinity of US 64 Highway and Olive Chapel Road for consistency with the proposed rezoning case, #22CZ22 Elevate 64 West Planned Unit Development.

Planning Board recommendation:

Motion: Approve

Introduced by Planning Board member: Soh

Seconded by Planning Board member: Khodaparsast

☒ Approval of the proposed amendment(s) as presented

☐ Approval of the proposed amendment(s) with the following conditions or changes:

☐ Denial of the proposed amendment(s)

With 7 Planning Board member(s) voting "aye"

With 0 Planning Board member(s) voting "no"

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13th day of March 2023.

Attest:


Tina Sherman, Planning Board Vice-Chair

Amanda Bunce Digitally signed by Amanda Bunce
Date: 2023.03.13 18:11:06 -04'00'

Amanda Bunce, Current Planning Manager

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for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning Department

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ22 Elevate 64 West PUD. The applicant, FA Develop, LLC, seeks to rezone approximately 35.15 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3805 & 3809 US Hwy 64 W.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on March 13, 2023 and by a vote of 4-3 voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0712842430 & 0712749870.

Attachments

- PH5-A1: Rezoning Case No. 22CZ22 - Staff Report
 - Vicinity Map
 - Application
 - Miscellaneous Reports-Attachments



STAFF REPORT

Rezoning #22CZ22 Elevate 64 West PUD

March 28, 2023 Town Council Meeting



All property owners and tenants within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 3805 & 3809 US Hwy 64 West
Applicant: FA Develop, LLC
Authorized Agent: FA Develop, LLC
Owners: Louvenia Ann Goodwin

PROJECT DESCRIPTION:

Acreage: +/- 35.15 acres
PINs: 0712749870 & 071282430
Current Zoning: Rural Residential (RR)
Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)
2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services
Town Limits: Inside the ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential-80W	Single-family residential & Vacant; US 64 Hwy W
South:	Rural Residential (RR); Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ14)	Forestry; Townhomes (Deer Creek Subdivision)
East:	Rural Residential (RR)	Single-family residential; Forestry; Agriculture
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ14) Neighborhood Business-Conditional Zoning (B1-CZ #14CZ24)	Townhomes (Deer Creek Subdivision); Single-family residential

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 35.15 acres. The Elevate 64 West PUD is located along the southern side of the US Hwy 64 West corridor and is adjacent to the existing Deer Creek Subdivision to the west and forestry, agricultural, and residential land uses to the south and east. The surrounding properties are designated as mixed use on the 2045 Land Use Map, which promotes commercial, office, and high-density residential uses.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on September 29, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Office Employment/Commercial Services. The applicant is proposing a maximum of 392 residential units in this area. Per Town policy, the PUD also proposes 30% of the site as non-residential, which is approximately 10.55 acres. The proposed rezoning is consistent with the 2045 Land Use Map designations.

STAFF REPORT

Rezoning #22CZ22 Elevate 64 West PUD

March 28, 2023 Town Council Meeting



WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PLANNED UNIT DEVELOPMENT PLAN:

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

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.

Residential:

- Condominium
- Multi-family or Apartment

Non-Residential:

- Day care facility
- Drop-in or sort term day care
- Government Service
- Pharmacy
- Veterinary clinic or hospital
- Studio for art
- Botanical garden
- Tailor shop
- Greenway
- Park, active
- Park, passive
- Recreational facility, private
- Restaurant, general
- Medical or dental office or clinic
- Medical or dental laboratory
- Office, business or professional
- Publishing office
- Hotel or motel
- Artisan studio
- Barber and beauty shop
- Book store
- Convenience store
- Dry cleaners and laundry service
- Financial institution
- Floral shop
- Health/fitness center or spa
- Personal Service
- Pet services
- Microbrewery
- Microdistillery
- Grocery, general
- Grocery, specialty
- Retail sales, general
- Real estate sales

Architectural Conditions:

The following architectural controls are offered to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony.

Residential Requirements:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed

STAFF REPORT

Rezoning #22CZ22 Elevate 64 West PUD

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5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments on them.
8. Four of the following decorative features shall be used on each building:
 - Decorative shake
 - Board and batten
 - Decorative porch railing/posts
 - Shutters
 - Decorative/functional air vents on roof or foundation
 - Recessed windows
 - Decorative windows
 - Decorative brick/stone
 - Decorative gables
 - Decorative cornices
 - Tin/metal roof

Non-Residential Requirements

1. The predominant exterior building materials shall be high quality materials, including:
 - Brick masonry
 - Decorative concrete block (either integrally colored or textured)
 - Stone accents
 - Aluminum storefronts with anodized or pre-finished colors.
 - EIFS cornices, and parapet trim
 - Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance to the building shall be emphasized.
6. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

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.

Affordable Housing:

- At least twenty (20) residential units or, if greater, five percent (5%) of the total residential units (as shown on the first site plan submittal), shall be designated as restricted workforce affordable housing rental units (the "Affordable Units") for a minimum affordability period of ten (10) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Restriction Period").
- The Affordable Units shall be occupied by households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI), adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD).
- The Affordable Units may be either one or two bedroom units and rented during the Affordable Restriction Period at maximum rent limits applicable to households earning eighty percent (80%) of the Raleigh, NC Area Median Income ("AMI"), adjusted for family size, as most recently published by HUD and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake County Metropolitan Area.
- Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.

STAFF REPORT

Rezoning #22CZ22 Elevate 64 West PUD

March 28, 2023 Town Council Meeting



- During the Affordable Restriction Period, the property owner shall be responsible for performing all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance with this affordable housing condition.
- Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Units may freely be marketed and leased at market-rate rents.

PROPOSED DESIGN CONTROLS:

Maximum Residential Units:	392
Maximum Building Height:	
Residential:	60 ft and 4 stories
Non-Residential:	40 ft and 2 stories
Maximum Built-Upon Area:	70%

Building Setbacks:

- Notwithstanding any contrary UDO provision or language in this PUD, there shall be no minimum setback or buffer requirement along the shared property line between the Residential and Nonresidential uses.
- Residential buildings shall be setback 95 ft from the southern parent property line adjacent to the forestry use.
- All other building setbacks shall comply with the UDO.

Parking & Loading:

- Development in the Residential District shall comply with parking requirements in Section 8.3.2 of the Town of Apex UDO.
- Any garage units within the residential development will count towards parking requirement.
- Residential parking will provide a minimum of 5% of total parking with access to EV Charging.
- Parking in the Non-Residential area shall comply with parking requirements in Section 8.3.2 of the Town of Apex UDO.

PROPOSED RCA & BUFFERS:

The proposed Elevate 64 West PUD complies with the UDO requirements for RCA. The proposed layout will preserve the existing non-jurisdictional pond in addition to protecting other environmentally sensitive areas on the property and required Resource Conservation Areas consistent with the Town's UDO.

Buffers:	UDO Requirement:	Proposed:
Northern Boundary:	100-ft Type A*	Res: 100-ft Type A Non-Res: 100-ft Type A*
Southern Boundary:		
Adjacent to section without roadway frontage:	50-ft Type A	50-ft Type A
Southern side of new local connector:	50-ft Type A	30-ft Type B
Northern side of new local connector:	None	10-ft Type A
Eastern Boundary:		
Adjacent to large lot single-family:	20-ft Type B	20-ft Type B**
Adjacent to forestry:	50-ft Type A	20-ft Type B**
West Boundary:	15-ft Type A	15-ft Type A

STAFF REPORT

Rezoning #22CZ22 Elevate 64 West PUD

March 28, 2023 Town Council Meeting



Buffers:	UDO Requirement:	Proposed:
Along New North-South Major Collector:	Non-Res: 10-ft Type D; Res: 10-ft Type A	10-ft Type A

*Per UDO Sec. 8.2.6.B.5.f.ii.c: Highway buffers along non-residential uses meeting all of the following criteria shall be reduced to a planted 50' Type A buffer if they meet the following criteria.

- i. No more than 20% of the façades of non-residential buildings facing the highway can use EIFS or other synthetic stucco.
- ii. Pedestrian connections in the form of sidewalks and/or multi-use paths shall be made from non-residential buildings to adjacent residential development and properties with future residential land use. The form of the connection shall be determined by the Director of Planning and Community Development or designee.
- iii. Furthermore, properties that front a limited-controlled access highway with no other access or road frontage shall be allowed to reduce the opacity of no more than 50% of this buffer to a Type E buffer. The remainder of the buffer shall be planted to a Type A standard.

**Except where the existing Lawson Lane encroaches onto property. Where encroachment occurs, there shall be a 10-ft Type B buffer.

PUBLIC FACILITIES:

The Elevate 64 West PUD will be served by Town of Apex water, sanitary sewer, and electrical systems. The utility design will be finalized at Master Subdivision Plan review. A conceptual Utility Plan is included in the PUD Plan for reference. The ultimate design for the utilities shall meet the current Town of Apex Master Water and Sewer Plans for approval.

STORMWATER:

The development shall meet all UDO requirements for the treatment of stormwater. The development will also exceed the UDO requirements as follows:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, 25-year, 100-year and 24-hour storm events.
- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure, greenways, roadways, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize the impacts to the riparian buffer.
- The existing pond on-site will have at a minimum 1,500 sf of submerged and/or partially submerged vegetative shelf planted with wetland plantings to aid with water quality and protect the shoreline from erosion. The density of plantings will consist of 50 plants per 200 sf of area.

APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

Per the proposed amendment to the Apex Thoroughfare and Collector Street Plan map:

- A future north-south Major Collector is shown from US-64 Hwy W to Olive Chapel Road.
- The proposed amendment also shows a future local connector extending east to connect future Lawson Lane extension to future Transit Trail extension.
- The developer will build the future Major Collector and local connector and dedicate right-of-way within their property boundaries to meet the requirements shown in Advance Apex.

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The Bicycle and Pedestrian System Plan map shows a greenway connection to the Deer Creek Subdivision.

- The developer has committed to building the greenway within their project boundaries.
- This project shall comply with the Town's Bicycle and Pedestrian System Plan Map. Sidewalk shall be provided along both sides of all public streets within this development. Where required, the project shall construct 10-foot wide asphalt side paths in lieu of sidewalk along the public streets.

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Site Plan review and approval process.

Traffic Impact Analysis:

A Traffic Impact Analysis has been performed as part of this PUD rezoning consistent with the Town's standards. Based upon the Traffic Impact Analysis, the following traffic improvements are proposed for this development:

US Highway 64 at Site Access 1:

- Construct the access as a left-in, right-in, right-out.
- Provide a westbound turn lane on US 64 with 150 feet of storage and appropriate deceleration length and taper.
- Provide an eastbound right turn lane on US 64 with 100 feet of storage and appropriate deceleration length and taper as applicable.
- Provide a channelization northbound right-out free-flow lane with an eastbound 810-foot acceleration lane plus 240-foot taper on US 64.
- The site access will be designed in accordance with NCDOT and Town of Apex standards as applicable and is the only access permitted to connect to US 64 as part of the PUD.
- Site access will be provided via a north-south Major Collector Street to be constructed by the PUD from the US 64 to the southern boundary of the PUD.

Other:

- At US 64 at Pinefield Road, construct a concrete median diverter island between the westbound U-turn lane and the eastbound left-turn /U-turn lane on US 64 in conjunction with intersection widening as needed to accommodate these changes, preventing southbound left turns from Pinefield Road.
- Construct an east-west Local Connector Street starting at the north-south Major Collector Street and stubbing to the eastern boundary of the PUD.
- Cross access will be provided via public access easement to adjacent parcel to the:
 - east (PIN 0712-74-2710),
 - west (PIN 0712-93-2588), and
 - south (PIN 0712-83-4236) off of east/west local connector.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on July 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
1. The existing pond will be retained and protected.	Added
2. The development will install a minimum of 10 pet waste stations.	Added
3. Native flora will be incorporated into the landscape plan.	Added

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EAB Suggested Conditions	Applicant's Response
4. A minimum of 25-kW solar PV system for the generation of electricity to offset the electric consumption of the common area and pool. A 25-kW system will consist of approximately 66 solar panels.	Modified
5. Five percent of the parking spaces shall have EV charging stations installed.	Added
6. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff for the 25-year and 100-year 24-hour storm events.	Added
7. SCM and infrastructure shall not be placed in the stream buffer area, with the exception of Apex utility and greenway easements.	Added

Proposed EAB Conditions:

1. The existing pond shall be preserved and protected.
2. The project shall install at least ten (10) pet waste station throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.
3. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
4. A solar photovoltaic (PV) system of at least 7.5 KW shall be instated within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The system may be spread across on or more of the buildings, as needed. Any buildings with the solar PV system shall be identified on the Site Plan which may be amended from time to time.
5. The developer shall provide 5% of all parking spaces as EV charging spaces.
6. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and 100-year storm events in accordance with the Unified Development Ordinance.
7. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure, greenways, roadways, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Elevate 64 West Planned Unit Development at their November 30, 2022 meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication with credit for the construction of greenway trail within the project boundary as well as off-site into the existing, adjacent Deer Creek Subdivision. The rate of the fees owed will be set at the time of rezoning approval by the Town Council and will run the life of the project for the number and type of units proposed.

The Advisory Commission also recommended the proposal for Elevate 64 West to extend the public Reedy Creek Greenway from the existing Deer Creek subdivision to the western property line of Elevate 64 West. Greenway will also be extended within Elevate 64 West to proposed internal pedestrian network, exact route to be determined at the time of Site Plan approval. All approved greenway trails must be completed prior to the point of 50% of the Total number or residential units in the project being issued a building permit for the Site Plans.

PLANNING BOARD RECOMMENDATION:

Planning Board heard this item at their March 13, 2023 meeting. By a vote of 4 to 3, they voted to recommend

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approval of Rezoning Case #22CZ22 Elevate 64 West PUD as presented by the applicant. The dissenting opinions are attached to the Planning Board Report to Town Council.

PLANNING STAFF RECOMMENDATION:

During the Planning Board meeting, it was made clear that several members were concerned about the number of apartments that will connect to US 64 without a second connection to the greater street network. The Fire Code restricts the number of residential units off of one access point to 200.

After the Planning Board meeting, the Fire Marshal was consulted. He requested that the connections from the apartments to the proposed Major Collector be clarified on the plans. Once the plan was updated to show multiple connections to the future Major Collector, the Fire Marshal confirmed that the proposed plan meets the intent of the Fire Code. This is consistent with other developments that have constructed Major Collectors or Thoroughfares and proposed more than 300 residential units.

Planning staff recommends approval of Rezoning #22CZ22 Elevate 64 West PUD as proposed.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with the 2045 Land Use Map designations. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will construct portions of new Major Collector and Local Connector streets, build portions of the greenway network, add to the local housing stock, provide affordable housing units, and implement stricter environmental conditions than the UDO requires.

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.*

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- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being

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- issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
- b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
- (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
 - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.

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- 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.

Legislative Considerations

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

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

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complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



November 10, 2022

Dionne Brown, PE.
Davenport
4600 Marriott Drive, Suite 340
Raleigh, NC 27612
(919) 948-3289

Subject: **Staff summary and comments for the Signature Apex Development TIA, 09/28/2022**

Ms. Brown:

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 (2) intersections:

- US Hwy 64 and Site Access 1
- US Hwy 64 and Site Access 2

The following three (3) intersections were also included for analysis in the TIA study area:

- US Hwy 64 and New Hill Road / NC 751
- US Hwy 64 and New Hill Olive Chapel Road
- US Hwy 64 and Pinefield Road

Trip Generation

The proposed development is expected to consist of 392 apartments and 34,000 square feet of a medical office use. The development is projected to generate approximately 109 new trips entering and 143 new trips exiting the site during the weekday A.M. peak hour and 134 new trips entering and 154 new trips exiting the site during the weekday P.M. peak hour. The development is projected to add an additional 3,176 new daily trips onto the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2025, and the following three (3) background developments.

- Triangle Math and Science Academy Lower School (K-8)
- Triangle Math and Science Academy Upper School (9-12)
- Legacy PUD

It should be noted that the TMSA lower and upper school will have bell times staggered by at least 30 minutes. Therefore, the two school will not have simultaneous impacts on the adjacent roadway network in the AM peak hour of operations. However, for a conservative analysis the TIA considered impacts from both schools on the AM peak hour.

Trip Distribution and Assignment

The trip distributions to and from the development site are as follows:

- 55% to/from the east on US Hwy 64
- 25% to/from the west on US Hwy 64
- 15% to/from the north on NC 751 / New Hill Road
- 5% to/from the south on New Hill Olive Chapel 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 5 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 2022** - Existing year 2022 traffic.
- **No Build 2025** – Projected year (2025) with background traffic growth and background development.
- **Build 2025** – Projected year (2025) with background traffic, and site build-out including recommended improvements where applicable.
- **Build 2025 Offset-T** - Projected year (2025) with background traffic, and site build-out including recommended improvements where applicable, as well as NCDOT safety project that involves the reconstruction of multiple intersections to achieve an Offset-T configuration at NC 751 and New Hill Olive Chapel Road along US Hwy 64.

US Hwy 64 and Site Access 1

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service US Hwy 64 and Site Access 1		
	Build 2025	Build 2025 Offset-T
<u>Overall</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (US Hwy 64)</i>	NA	NA
<i>Westbound Left (US Hwy 64)</i>	D / D^2	D / D^2
<i>Northbound (Right-in / Right out Driveway)</i>	F / F^1	F / F^1

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches

TIA recommendations:

- The TIA recommends construction of a stop-controlled site access driveway with right-in/right-out and left-in operations. Additionally, the TIA recommends construction of an eastbound right turn lane with 100 feet of storage and appropriate deceleration length and taper and a westbound left turn lane of 150 feet of storage and appropriate deceleration length and taper along US Hwy 64, subject to NCDOT review and approval of an access break. Site Access 1 is proposed to be constructed as a two-way, two-lane major collector roadway approximately 1,200 feet west of Pinefield Road, and approximately 2,100 feet east of New Hill Olive Chapel Road along US Hwy 64.

Apex staff recommendations:

In addition to the recommendations in the TIA Apex staff recommends construction of a channelized right-out turn lane with an 810-foot acceleration lane and 240-foot taper on US Hwy 64 per *AASHTO: A Policy on Geometric Design of Highways and Streets*. The northbound approach of the proposed major collector roadway is projected to operate at LOS F in both peak hours with average vehicle delays approaching 90 seconds per vehicle and 95th percentile queues approaching 175 feet. The construction of a channelized right turn and an acceleration lane will mitigate congestion and delays on the major collector to LOS A and will improve the safety of the right turn maneuver onto US Hwy 64. Staff also recommend the intersection be designed to accommodate a westbound WB-40 U-turn.

US Hwy 64 and Site Access 2 (Right-in Only)

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service US Hwy 64 and Site Access 2		
	Build 2025	Build 2025 Offset-T
<u>Overall</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (US Hwy 64)</i>	NA	NA

TIA recommendations:

- The TIA recommends construction of Site Access 2 as a right-in only, with a single lane of ingress. Additionally, the TIA recommends construction of an eastbound right turn lane with 100 feet of storage and appropriate deceleration length and taper. Since Site Access 2 is a right-in only, there are no delays and level of service metrics associated with the movement.

Apex staff recommendations:

Apex staff does not recommend an access point (right-in only) at this location. Site Access 2 is proposed too close to the intersection of Pinefield Road (within the start of the left turn taper) and would conflict with the acceleration lane recommended for Site Access 1, which causes safety concerns on US Hwy 64. Additionally, consolidating access along US Hwy 64 to a single point of ingress and egress at Site Access 1 better aligns with the long-term vision for the corridor based on the *US 64 Corridor Study Wake and Chatham Counties*.

US 64 at New Hill Road/NC 751

Table 3. A.M. / P.M. Signalized Peak Hour Levels of Service US Hwy 64 and New Hill Road/NC 751				
	Existing 2022	No Build 2025	Build 2025	Build 2025 Offset-T
Overall	<u>D / D</u>	<u>F / F</u>	<u>F / F</u>	<u>F / F</u>
Eastbound (US Hwy 64)	<u>C / C</u>	<u>D / D</u>	<u>D / D</u>	<u>B / B</u>
Westbound (US Hwy 64)	<u>C / C</u>	<u>F / E</u>	<u>F / F</u>	<u>F / F</u>
Northbound (New Hill Road)	<u>F / F</u>	<u>F / F</u>	<u>F / F</u>	<u>NA</u>
Southbound (NC 751)	<u>D / D</u>	<u>E / E</u>	<u>E / E</u>	<u>E / F</u>

TIA recommendations:

- The TIA recommends no improvements at this intersection. The TIA recognizes that the intersection will operate at LOS F in both the No Build and the two Build scenarios. However, the TIA indicates that the deterioration in the level of service at this intersection is the result of the Triangle Math and Science Academies development.
- It should also be noted that the TIA assumed that both the Upper and Lower TMSA schools will have an impact on both peak hours. However, the school PM peak hour does not correspond with the roadway PM peak hour as the K-12 schools will be let out between 2PM-4PM. Also, school operations are planned to be staggered by at least 30 minutes in the AM peak hour, therefore assuming that both the TMSA schools will impact the intersection simultaneously in the AM peak is conservative.
- Apex staff recommendations:
Apex staff concurs with the recommendations in the TIA. The development is not projected to add more than 5% to the overall traffic of the intersection, and no more than 10% to any single movement. Per the UDO Section 13.19, the development is not responsible for any improvements at this intersection.

It should be noted that an adjacent development currently in review with Apex staff (Apex Gateway) has recommended improvements that will partially mitigate congestion, as well as safety issues at this intersection. Additionally, Apex staff is in coordination with NCDOT about the possibility of the Offset-T roadway re-configuration at this intersection. Coordination is on-going with consideration to improving safety and operations.

US Hwy 64 and New Hill Olive Chapel Road

Table 4. A.M. / P.M. Peak Hour Levels of Service US Hwy 64 and New Hill Olive Chapel Road				
	Unsignalized	Signalized		
	Existing 2022	No Build 2025	Build 2025	Build 2025 Offset - T
Overall	NA	D / C	D / C	D / C
Eastbound (US Hwy 64)	NA	D / D	D / D	C / C
Westbound Left (US Hwy 64)	NA	C / C	E / E	B / B
Northbound (New Hill Olive Chapel Road)	C / C ¹	F / E	F / E	D / D

1. Level of service for stop-controlled minor street approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection. The TIA recognizes that some approaches and movements at the intersection will operate at LOS E or LOS F in both the No Build and the two Build scenarios. However, the TIA indicates that the deterioration in the level of service at this intersection is the result of the Triangle Math and Science Academies development.
- It should also be noted that the TIA assumed that both the Upper and Lower TMSA schools will have an impact on both peak hours. However, the school PM peak hour does not correspond with the roadway PM peak hour as the K-12 schools will be let out between 2PM-4PM. Also, school operations are planned to be staggered by at least 30 minutes in the AM peak hour, therefore assuming that both the TMSA schools will impact the intersection simultaneously in the AM peak is conservative.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is not projected to add more than 5% to the overall traffic of the intersection, and no more than 10% to any single movement. Per the UDO Section 13.19, the development is not responsible for any improvements at this intersection.

It should be noted that Apex staff is in coordination with NCDOT about the possibility of the Offset-T roadway re-configuration at this intersection. Coordination is on-going with consideration to improving safety and operations.

US Hwy 64 and Pinefield Road

Table 5. A.M. / P.M. Unsignalized Peak Hour Levels of Service US Hwy 64 and Pinefield Road				
	Existing 2022	No Build 2025	Build 2025	Build 2025 Offset - T
Overall	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Eastbound (US Hwy 64)	B / C^2	F / F^2	F / F^2	F / F^2
Westbound (US Hwy 64)	A / D^2	A / F^2	A / F^2	A / F^2
Southbound (Pinefield Road)	E / F^1	F / F^1	C / C^1	C / C^1

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches

TIA recommendations:

- The TIA recommends no improvements at this intersection.

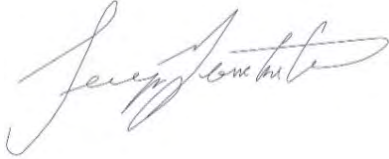
Apex staff recommendations:

Apex staff recommends construction of safety improvements at this intersection by the developer, subject to NCDOT review and approval. Staff recommends widening the intersection to install a concrete median diverter island between the westbound U-turn lane and the eastbound left turn/U-turn lane on US Hwy 64. This will reduce the chances of head-on collisions. Additionally, this will restrict southbound left turn movements across US Hwy 64 from Pinefield Drive. Since the development is proposing to construct a left-over at Site Access 1 further to the west, the development will provide a U-turn opportunity for the left turning traffic out of Pinefield Road. This U-turn opportunity removes the need for vehicular conflicts associated with the potentially unsafe left turn crossing maneuver at this location.

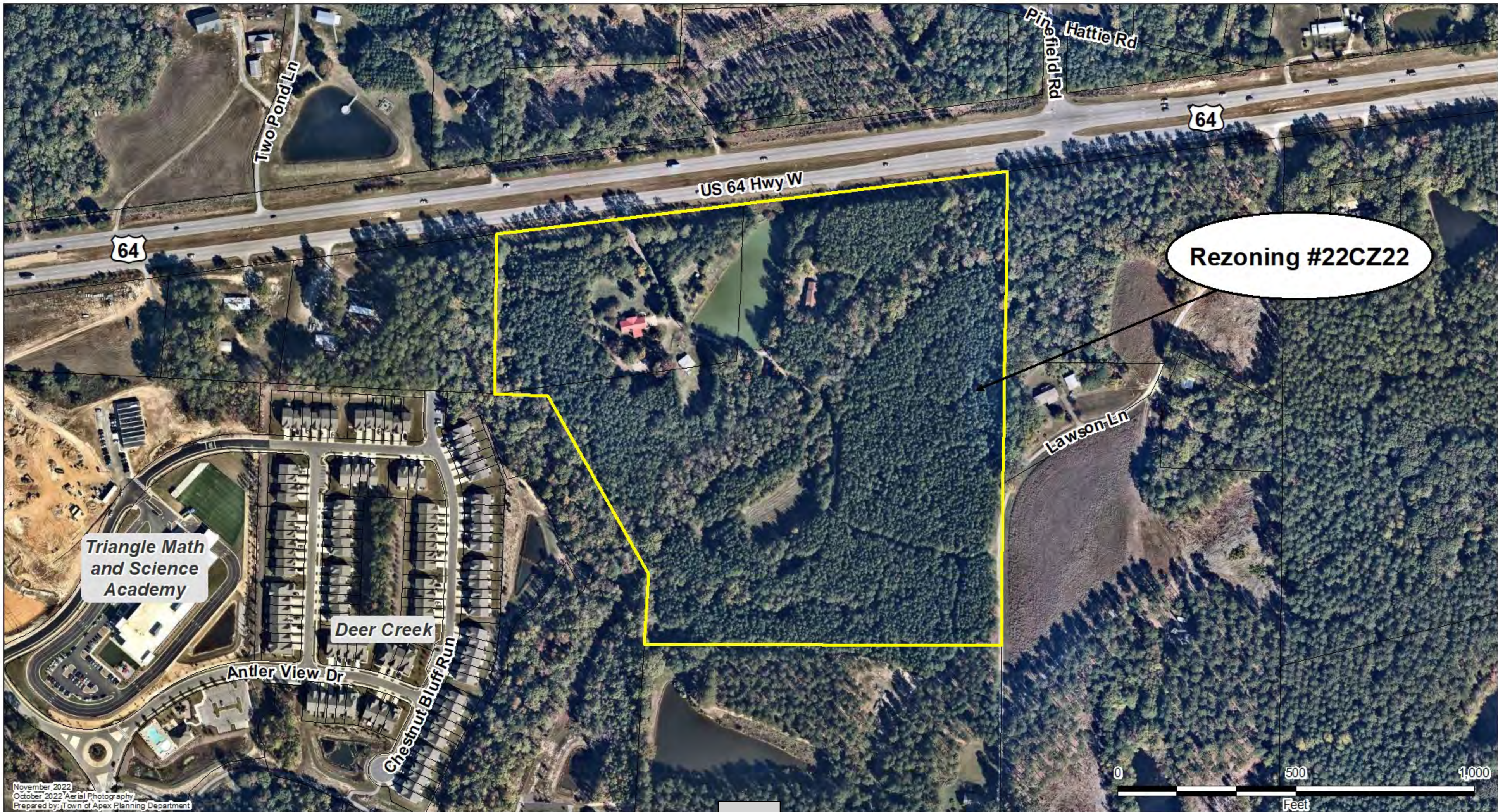
The development is projected to increase the traffic demand on the eastbound left turn movement by more than 10% of no build conditions and impact the left turn queues. 95th percentile queues are projected to increase to approximately 250 ft in the PM peak hour which reaches the capacity limits of the left turn storage lane at this intersection, warranting improvements per UDO section 13.19. It is unlikely that a traffic signal will be warranted at this location based on traffic volumes.

Please coordinate with the NCDOT District Engineer's Office concerning any recommendations on NCDOT facilities. Town staff will be available for meetings to discuss improvements on Town maintained roadways as needed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Serge Grebenschikov', written in black ink.

Serge Grebenschikov, PE
Traffic Engineer
919-372-7448



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>22CZ22</u>	Submittal Date:	<u>10/03/2022</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Elevate 64 West
Address(es): 3805 & 3809 US Hwy 64
PIN(s) 0712-84-2430, 0712-74-9870

Acreage: +/- 35.15

Current Zoning: RR Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Office Employment, Commercial Services, High Density Residential

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

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

Area classified as mixed use:	Acreage:	<u>35.15</u>
Area proposed as non-residential development:	Acreage:	<u>10.545</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>30%</u>

Applicant Information

Name: FA Develop, LLC
Address: 530 Eugene Court
City: Greensboro State: NC Zip: 27401
Phone: 336.294.9199 E-mail: admin@signaturepropertygroup.com

Owner Information

Name: Louvenia Ann S Goodwin
Address: 3809 US 64 Hwy W
City: Apex State: NC Zip: 27523
Phone: 919-781-7074 E-mail:

Agent Information

Name: CE Group - Joe Faulkner
Address: 301 Glenwood Ave, Suite 220
City: Raleigh State: NC Zip: 27603
Phone: (919) 606-7703 E-mail: joe@CEGROUP.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ22

Submittal Date: 10/03/2022

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The 2045 Land Use Map designates this site for High Density Residential, Office Employment, and/or Commercial Services. The proposed use of 392 apartment units and 34,000 SF of commercial space is consistent with the 2045 Land Use Map.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Apex has designated the Highway 64 frontage for mixed use including high density residential. Adjoining or nearby sites have already been rezoned for townhomes, apartments, schools, and commercial uses which are under construction or completed.

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

The proposed CZ District will comply with Section 4.4's supplemental standards.

PETITION PROCESS INFORMATION

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

See attached Exhibit A for a discussion of proposed zoning conditions that will minimize any potential adverse effects. The proposed use will not generate excessive or unusual trash, traffic, or other nuisances.

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.

Please see attached Exhibit B, with recommendations of the Environmental Advisory Board and the Applicant's proposed zoning conditions to accommodate these recommendations.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed uses are not likely to have any adverse impact on public facilities or services and are consistent with the Apex 2045 land use plan. Applicant has obtained a preliminary Traffic Impact Study indicating no adverse impact on roads.

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 uses will expand housing options for Apex residents, as well as extend a segment of greenway. The proposed development will include construction of a 12" water main on the frontage of Hwy 64 per Apex long-term infrastructure plan.

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

The proposed uses will not be detrimental to adjacent properties. On the contrary, the construction of new road, water, and sewer infrastructure in this development will benefit adjacent properties and increase their value.

PETITION PROCESS INFORMATION

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

The proposed uses will not constitute a nuisance or hazard due to traffic, noise, or population.

The preliminary TIA demonstrates a no adverse impact on traffic, and the proposed use is consistent with the Apex 2045 Land Use Plan.

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 applicant will seek site plan review from Apex staff to create a development that meets or exceeds the requirements of the UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ22

Submittal Date: 10/03/2022

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 22CZ22Submittal Date: 10/03/2022**Proposed Subdivision/Development Information**Description of location: 3809 Highway 64 WestNearest intersecting roads: New Hill Olive Chapel Road to the west, Lawson Lane (private), to the east.Wake County PIN(s): 0712-84-2430, 0712-74-9870Township: White Oak**Contact Information (as appropriate)**Contact person: Craig TaylorPhone number: 336.294.9199

Fax number: _____

Address: 530 Eugene Court, Greensboro NC 27401E-mail address: ctaylor@signaturepropertygroup.comOwner: Louvenia Ann S GoodwinPhone number: 919-781-7074

Fax number: _____

Address: 3809 US 64 Hwy W, Apex NC 27523

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Elevate 64 West2nd Choice (Optional): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ22

Submittal Date: 10/03/2022

**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.

_____, 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 #: 22CZ22

Submittal Date: 10/03/2022

Louvenia Ann S. Goodwin is the owner* of the property for which the attached application is being submitted:

☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.

☐ Site Plan

☐ Subdivision

☐ Variance

☐ Other: _____

The property address is: 3805 & 3809 US Hwy 64 West, Apex NC

The agent for this project is: FA Develop, LLC

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

Agent Name: FA Develop, LLC

Address: 530 Eugene Ct, Greensboro NC 27401

Telephone Number: 336.294.9199

E-Mail Address: admin@signaturepropertygroup.com

Signature(s) of Owner(s)*

X Louvenia Ann S. Goodwin

Louvenia Ann S Goodwin

Type or print name

October 2, 2022

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ22Submittal Date: 10/03/2022

The undersigned, FA Develop, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

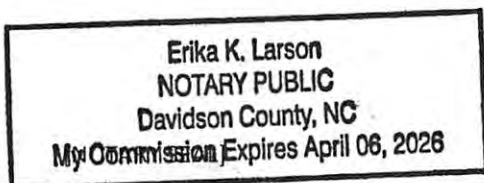
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3805&3809 US Hwy 64 West, Apex NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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.

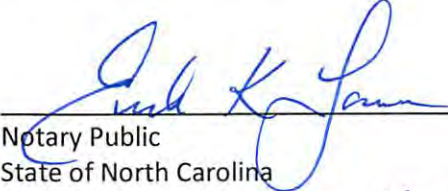
This the 3d day of October, 2022.

 (seal)
VP - FA Develop, LLC - Craig Taylor
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Guilford

I, the undersigned, a Notary Public in and for the County of Guilford, hereby certify that Craig A. Taylor, 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: 4-6-24

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTIONApplication #: 22CZ22Submittal Date: 10/03/2022**Insert legal description below.**

Being all of Wake County parcel number 0712749870 and 0712842430 as described in deed book (D.B.) 18884 page (Pg.) 1101 and book of maps (B.M.) 1987 Pg. 493, recorded in the Wake County Register of Deeds and being more particularly bounded and described as follows:

Beginning at a 1/2" iron pipe, said pipe being the Northwest corner of Mabopane Foundation as described in D.B. 17693 Pg. 551 and on the Southern right of way (R/W) of U.S. HWY 64, thence following the Southern R/W of U.S. HWY 64 for the following courses and distances N 82°56'01" E a distance of 583.30' to THE TRUE POINT OF BEGINNING, a 1/2" iron pipe, being the Northeast corner of said Mabopane Foundation; thence N 82°56'01" E a distance of 1432.12' to a 5/8" rebar, the Northwest corner of Clara's Legacy, LLC as described in D.B. 18483 Pg. 1288; thence with the Western lines of said Clara's Legacy, LLC and Gaylene W. Goodwin as described in D.B. 12-E Pg. 3228 S 00°38'48" W a distance of 1323.37' to a 1" iron pipe, the Northeast corner of Seagroves Family, LLC as described in D.B. 14213 Pg. 2028, passing a 1" iron pipe at a distance of 528.04' and a 1/2" iron pipe at a distance of 865.27'; thence with the Northern line of said Seagroves Family, LLC N 89°57'28" W a distance of 1002.06' to a 1/2" iron pipe, the Northwest corner of said Seagroves Family, LLC and on the Eastern line of Deer Creek Owners Association, as described in D.B. 19016 Pg. 2557, passing a 1/2" iron pipe at a distance of 687.31'; thence with the Eastern line of said Deer Creek Owners Association for the following courses and distances N 03°21'09" E a distance of 195.23' to a 1/2" iron pipe; thence N 29°30'01" W a distance of 573.36' to a 1/2" iron pipe; thence N 86°51'40" W a distance of 149.09' to a 1/2" iron pipe, on the Northern line of said Deer Creek Owners Association and the Southeast corner of said Mabopane Foundation; thence following the Eastern line of said Mabopane Foundation N 02°00'16" E a distance of 444.55' to the point of beginning, having an area of 35.15 acres, more or less.

Developer Company Information	
Company Name	FA Develop, LLC
Company Phone Number	336.294.9199
Developer Representative Name	Craig Taylor
Developer Representative Phone Number	336.294.9199
Developer Representative Email	ctaylor@signaturepropertygroup.com

New Residential Subdivision Information	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Elevate 64
Address of Subdivision (if unknown enter nearest cross streets)	3805 US Hwy 64 W
REID(s)	
PIN(s)	0712-84-2430, 0712-74-9870

Projected Dates Information	
Subdivision Completion Date	October 2025
Subdivision Projected First Occupancy Date	July 2024

Lot by Lot Development <i>Information</i>																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments	392			200	192							2024	224	2025			
Other																	

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

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.

9/14/2022

Date

Dear Neighbor:

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

3805 US 64 Hwy West

0712842430

3809 US 64 Hwy West

0712749870

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development) <small>Proposed Transportation Plan Amendments are associated</small>	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

392 Multifamily apartments and 34,000sq feet of Commercial Office Space

Estimated submittal date: October 3, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Louvenia Ann S. Goodwin

Applicant(s): FA Develop, LLC

Contact information (email/phone): ctaylor@signaturepropertygroup.com/(336)294-9199

Meeting Address: See attached

Date/Time of meeting**: September 29/5:00 to 7:00

Welcome: 5:00-5:10 Project Presentation: 5:10-6:00 Question & Answer: 6:00-7:00

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Elevate Apex Zoning: Ex. = RR / Prop.= PUD-CZ

Location: 3805/3809 US 64 Highway West

Property PIN(s): 0712842430_0712749870 Acreage/Square Feet: +/- 35.15 Acres

Property Owner: Louvenia Ann S. Goodwin

Address: 3809 US Highway 64 West

City: Apex State: NC Zip: 27563

Phone: 919-781-7074

Email: _____

Developer: FA Develop, LLC

Address: 530 Eugene Ct.

City: Greensboro State: NC Zip: 27401

Phone: (336) 294-9199

Fax: _____

Email: ctaylor@signaturepropertygroup.com

Engineer: CE Group

Address: 301 Glenwood Ave, Suite 220

City: Raleigh State: NC Zip: 27603

Phone: (919) 606-7703

Fax: _____

Email: joe@CEGROUP.com

Builder (if known): Signature Development Group

Address: 530 Eugene Ct.

City: Greensboro State: NC Zip: 27401

Phone: (336) 294-9199

Fax: _____

Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom Meeting

Date of meeting: 9/29/2022 Time of meeting: 5PM to 7PM

Property Owner(s) name(s): Louvenia Ann S Goodwin

Applicant(s): FA Develop, 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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Ryan Smith/Seagroves Family, LLC	1732 Lawson Ln. Apex, NC 27502			
2.	Paula Howard	599 Neodak Rd Apex, NC 27523			
3.	Jennifer Gordiano	2021 Buckner Clark Rd Pittsboro 27312			
4.	Rebecca Iphone	1125 Chestnut Bluff Run Apex 27502			
5.	Joe Faulkner/CE Group	301 Glenwood Ave Suite 220 Raleigh			
6.	Craig Taylor/Signature	530 Eugene Ct. Greensboro			
7.	Britt Bowers/Signature	530 Eugene Ct. Greensboro			
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): Louvenia Ann S. Goodwin

Applicant(s): FA Develop, LLC

Contact information (email/phone): ctaylor@signaturepropertygroup.com/336-294-9199

Meeting Address: Zoom Meeting

Date of meeting: 9/29/2022

Time of meeting: 5PM - 7PM

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

Question/Concern #1:

How wide will the perimeter buffers be on the southern boundary of the property? Commenter believes buffers should be 50 feet due to neighboring land being Agricultural Type 6.

Applicant's Response:

Buffers currently designed at 25 feet, we will check UDO and design accordingly.

Question/Concern #2:

Neighboring land is Wake County Voluntary Agricultural District, activities involve controlled burning and heavy equipment. May be requirement to notify residents of these activities.

Applicant's Response:

Applicant will review notification requirements and address accordingly.

Question/Concern #3:

Neighboring land has an agricultural dam that if breached may flow onto subject property.

Applicant's Response:

Based on the topo any breach would go into Deer Creek, not toward planned buildings.

Question/Concern #4:

Fences and retaining walls and how will your property be graded out?

Applicant's Response:

Too early in the process to know for sure.

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): Louvenia Ann S. Goodwin

Applicant(s): FA Develop, LLC

Contact information (email/phone): ctaylor@signaturepropertygroup.com/336-294-9199

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Question/Concern #1: 5

Will new roads stub directly to property line? Expressed concern about new road exposing neighboring land to trespassing and illegal dumping.

Applicant's Response:

Typically town requires new roads to be built to property line. Applicant will consider fencing and barriers to reduce trespassing.

Question/Concern #2: 6

Commenter questioned impact of development on Lawson Lane which is private road, specifically regarding access, fencing, and setbacks.

Applicant's Response:

New development will not connect to Lawson Lane. Setbacks will be in accordance with UDO. Fencing in the area will be considered.

Question/Concern #3: 7

When we will have a more detailed site plan?

Applicant's Response:

Probably by the end of October.

Question/Concern #4: 8

Are zoom meetings the required way to have neighborhood meetings? An in person meeting would be better. Many residents that wanted to attend but couldn't because of technology limitations.

Applicant's Response:

Zoom meetings are optional. We will consider holding a second, in-person meeting.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Louvenia Ann S. Goodwin

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Question/Concern #1: 9

What areas will be tree save areas? Will there be Type A or B Buffers?

Applicant's Response:

Tree save areas and buffers shown in Green on site plan, subject to further design and review by Apex.

Buffer is currently planned for Type B.

Question/Concern #2: 10

Have you done a traffic study? Is DOT recommending U turn at Pinefield Road? Will additional traffic lights be installed?

Applicant's Response:

Preliminary TIA is complete, suggests minimal impact on traffic. Development will be right out only, with u-turn possible at Pinefield. TIA does not suggest additional traffic lights.

Question/Concern #3: 11

Where is the construction entrance? Will Lawson Lane be used for construction traffic?

Applicant's Response:

Construction entrance will be on Highway 64 at approximate location of current driveways. Lawson Lane will not be used.

Question/Concern #4: 12

What is the height of 4 story apartment building? Will it have a flat roof or pitched?

Applicant's Response:

Not sure of the height but we can find out. We plan to use pitched roofs in this location.

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, Craig Taylor, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom Meeting (location/address) on September 29, 2022 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/3/22
Date

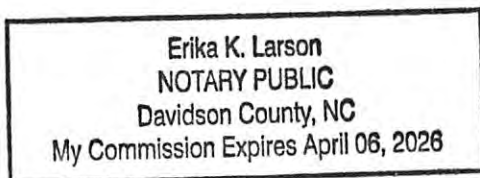
By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Guilford

Sworn and subscribed before me, ERIKA K. LARSON, a Notary Public for the above State and County, on this the 3rd day of October, 20 22.

SEAL

[Signature]
Notary Public
ERIKA K. LARSON
Print Name



My Commission Expires: 4-6-26

ELEVATE 64 WEST

Planned Unit Development

Apex, North Carolina

November 4, 2022



APPLICANT:	FA Develop, LLC 530 Eugene Ct Greensboro, NC 27401
CONSULTANT:	CE Group, Inc. 301 Glenwood Ave. Suite 220 Raleigh, NC 27603

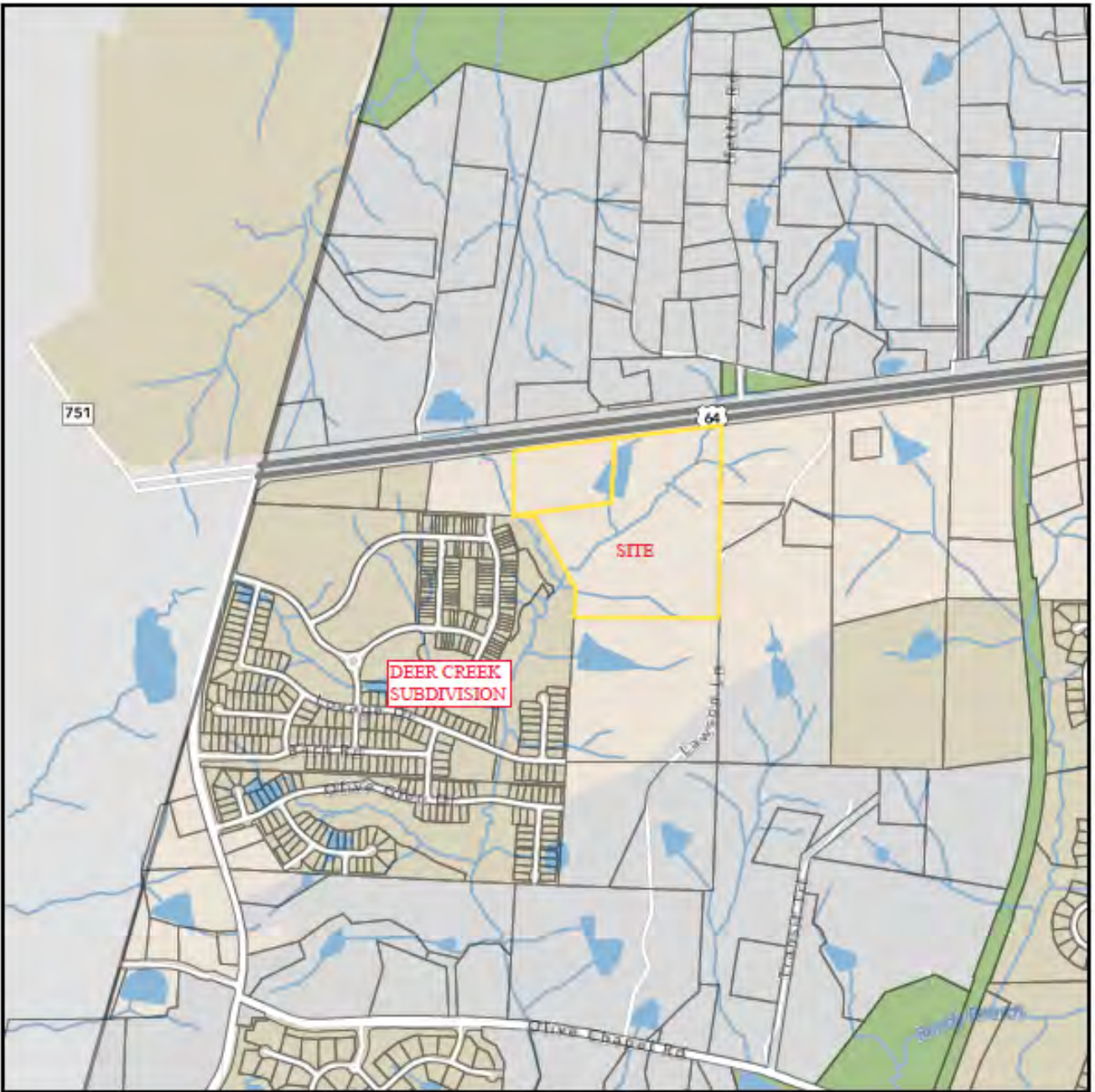
ELEVATE 64 WEST

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ELEVATE 64 WEST

VICINITY MAP



ELEVATE 64 WEST

PROJECT DATA

Name of Project:	Elevate 64 West
Property Owner:	Louvenia Ann S Goodwin 3809 US 64 Hwy West Apex, NC 27523
Developer:	FA Develop, LLC 530 Eugene Ct Greensboro, NC 27401
Prepared by:	CE Group, Inc. 301 Glenwood Avenue Suite 220 Raleigh, NC 27603
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Mixed Use: Office Employment/Commercial Services/High Density Residential
Site Address:	3805 & 3809 US Hwy 64 West Apex, NC
Property Identification Number:	0712749870 & 071282430
Total Acreage:	+/- 35.15 Acres
Area Designated as Mixed Use on 2045 LUM:	+/-35.15 Acres
Area Proposed as Non-Residential:	30% minimum - 10.545 Acres Minimum (including RCA, Buffers, etc)

ELEVATE 64 WEST

PURPOSE STATEMENT

Elevate 64 West is a proposed mixed-use development consisting of high density residential and non-residential uses. The property is located along the southern side of the US Hwy 64 West corridor and is adjacent to the existing Deer Creek Subdivision to the west and agricultural / residential use land to the south and east. All these surrounding properties are designated as mixed use on the 2045 Land Use Map, which promotes commercial, office, and high-density residential uses.

The proposed development will consist of high-density residential luxury apartments which will be highly amenitized. Amenities will include a pool, clubhouse with fitness area, outdoor grilling kitchen, dog park, and many others. In addition to the high density residential the development will also provide for complimentary non-residential uses in accordance with the 2045 Land Use Map. The total site area is 35.15 acres of which 30% minimum will be dedicated to these non-residential uses. The non-residential use will be located along the US 64 Highway corridor.

The development is compatible with the surrounding areas. This site is within a rapidly developing area of the Town's ETJ with Deer Creek subdivision and Triangle Math and Science Academy located to the west. Agriculture and a single-family residence are located to the east of the site. There is an existing Forestry use to the south which will be partially buffered by an open space/stormwater control measure area which will include a 50-foot buffer as required by UDO section 8.2.6. The remaining portion of the forestry use will be buffered via a new planned local connector roadway (50' right-of-way) which will also provide a 30-foot street front buffer along the property line.

There is also an amendment to the Town's Transportation Plan that will include a future north-south Major Collector that can potentially connect US Highway 64 to Olive Chapel Road. In addition, there is an east-west future local connector being proposed. This development will construct both roads within the boundaries of the project.

ELEVATE 64 WEST

The proposed layout will preserve the existing non-jurisdictional pond in addition to protecting other environmentally sensitive areas on the property and required Resource Conservation Areas as required by the Town's UDO. There is an existing greenway located on the adjacent Deer Creek subdivision which will be extended 730-feet offsite through this development and connected to the internal roadway system. This connection provides further connectivity for the Town's greenway system plan, benefiting current and future residents. In addition, there will be internal sidewalks providing safe connectivity to the proposed uses and to the adjacent properties.

ELEVATE 64 WEST

PERMITTED USES

Below is a list of permitted uses for both the high-density residential use area and non-residential uses. All uses are subject to the limitations and regulations stated in the Town's UDO.

RESIDENTIAL:

Condominium

Multi-family or Apartment

NON-RESIDENTIAL:

Day care facility

Drop-in or short term day care

Government Service

Veterinary clinic or hospital

Botanical garden

Greenway

Park, active

Park, passive

Recreational facility, private

Restaurant, general

Medical or dental office or clinic

Medical or dental laboratory

Office, business or professional

Publishing office

Hotel or motel

Artisan studio

Barber and beauty shop

Book store

Convenience store

Dry cleaners and laundry service

Financial institution

Floral shop

Health/fitness center or spa

Personal Service

Pharmacy

Studio for art

Tailor shop

Pet services

Microbrewery

Microdistillery

Grocery, general

Grocery, specialty

Retail sales, general

Real estate sales

ELEVATE 64 WEST

DESIGN CONTROLS

RESIDENTIAL

MULTI-FAMILY APARTMENT OR CONDOMINIUMS

Acreage: Approximately 24.585 acres

Total Number of Units: 392 units maximum (1- and 2-bedroom units)

Maximum Building Height: 60' 4-stories

Internal Building setbacks per UDO section 5.2.2.F

Building Setback along
Southern Parent Property line
(Forestry Use) 95'

NONRESIDENTIAL

Acreage: Approximately 10.545 acres

Maximum Height: 40' 2-stories

Notwithstanding any contrary UDO provision or language in this PUD, there shall be no minimum setback or buffer requirement along the shared property line between the Residential and Non-residential uses.

BUFFERS/STREETSCAPES/LANDSCAPING

Perimeter Buffers:

Western Buffer: 15-foot Type A

Southern Buffer: 50-foot (along non-roadway frontage section Forestry use) Type A
30-foot Streetfront Type B along local collector south side of roadway
10-foot Streetfront Type A along local collector north side of roadway

Eastern Buffer: 20-foot Type B, except where the Lawson Lane encroaches onto property.
Where the encroachment occurs, there shall be a 10-foot Type B buffer.

Streetscape Buffers:

Along US 64 – 100-feet Type A
Along New Major Collector - 10-feet Type A

ELEVATE 64 WEST

Per UDO 8.2.6.B.5.f.ii.c.: Highway buffers along non-residential uses meeting all of the following criteria shall be reduced to a planted 50' Type A buffer.

- i. No more than 20% of the façades of non-residential buildings facing the highway can use EIFS or other synthetic stucco.
- ii. Pedestrian connections in the form of sidewalks and/or multi-use paths shall be made from non-residential buildings to adjacent residential development and properties with future residential land use. The form of the connection shall be determined by the Director of Planning and Community Development or designee.
- iii. Furthermore, properties that front a limited-controlled access highway with no other access or road frontage shall be allowed to reduce the opacity of no more than 50% of this buffer to a Type E buffer. The remainder of the buffer shall be planted to a Type A standard.

AFFORDABLE HOUSING

At least twenty (20) residential units or, if greater, five percent (5%) of the total residential units (as shown on the first site plan submittal), shall be designated as restricted workforce affordable housing rental units (the "Affordable Units") for a minimum affordability period of ten (10) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Restriction Period"). The Affordable Units shall be occupied by households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI), adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Units may be either one or two bedroom units and rented during the Affordable Restriction Period at maximum rent limits applicable to households earning eighty percent (80%) of the Raleigh, NC Area Median Income ("AMI"), adjusted for family size, as most recently published by HUD and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake County Metropolitan Area. Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions. During the Affordable Restriction Period, the property owner shall be responsible for performing all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance with this affordable housing condition. Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Units may freely be marketed and leased at market-rate rents.

ARCHITECTURAL STANDARDS

The following architectural controls are offered to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony.

ELEVATE 64 WEST

RESIDENTIAL REQUIREMENTS

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each façade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Garage doors must have windows, decorative details or carriage-style adornments on them.
8. Four of the following decorative features shall be used on each building:

- Decorative shake
- Board and batten
- Decorative porch railing/posts
- Shutters
- Decorative/functional air vents on roof or foundation
- Recessed windows
- Decorative windows
- Decorative brick/stone
- Decorative gables
- Decorative cornices
- Tin/metal roof

NON-RESIDENTIAL REQUIREMENTS

1. The predominant exterior building materials shall be high quality materials, including:
 1. Brick masonry
 2. Decorative concrete block (either integrally colored or textured)
 3. Stone accents
 4. Aluminum storefronts with anodized or pre-finished colors.
 5. EIFS cornices, and parapet trim
 6. Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance to the building shall be emphasized.
6. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

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.

ELEVATE 64 WEST

REPRESENTATIVE RESIDENTIAL BUILDING ELEVATIONS



ELEVATE 64 WEST



REPRESENTATIVE NON-RESIDENTIAL BUILDING ELEVATIONS



ELEVATE 64 WEST



ELEVATE 64 WEST



ELEVATE 64 WEST

PARKING AND LOADING

Development in the Residential District shall comply with parking requirements in Section 8.3.2 of the Town of Apex UDO. Any garage units within the residential development will count towards parking requirement. Residential parking will provide a minimum of 5% of total parking with access to EV Charging.

Parking in the Non-Residential area shall comply with parking requirements in Section 8.3.2 of the Town of Apex UDO.

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

This project is located within the Beaver Creek Drainage Basin. Accordingly, the Property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7.

Resource Conservation Areas (RCA)

The Development shall include a minimum of 25% RCA. RCA area shall comply with Section 8.1.2 of the UDO.

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 3720071200L, dated July 19, 2022.

Historic Structures

The Property is currently vacant and there are no known historic structures present within the project boundary.

ELEVATE 64 WEST

Environmental Commitments Summary

The Applicant met with the Apex Environmental Advisory Board (EAB) on July 20, 2022. The EAB made seven recommendations. These recommendations, and Applicants plan to address them, are set forth below:

1. Existing pond will be retained and protected.
 - a. The existing pond shall be preserved and protected.
2. Install a minimum of 10 pet waste stations.
 - a. The project shall install at least ten (10) pet waste station throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths.
3. Native flora will be incorporated into landscape plan.
 - a. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
4. A minimum 7.5-kilowatt (kW) solar PV system for the generation of electricity to partially offset the electric consumption of the common area and pool.
 - a. A solar photovoltaic (PV) system of at least 7.5 KW shall be instated within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The system may be spread across on or more of the buildings, as needed. Any buildings with the solar PV system shall be identified on the Site Plan which may be amended from time to time.
5. Five percent (5%) of the parking spaces have EV charging stations installed.
 - a. The developer shall provide 5% of all parking spaces as EV charging spaces.
6. For stormwater management, post-development peak runoff shall not exceed the pre-development peak runoff for the 25-year and 100-year 24-hour storm events.
 - a. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year and 100-year storm events in accordance with the Unified Development Ordinance.
7. SCM and infrastructure shall not be placed in the stream buffer area, with the exception of Apex utility and greenway easements.
 - a. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure, greenways, roadways, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

ELEVATE 64 WEST

STORMWATER MANAGEMENT

The Development 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, 100 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, bioretention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure, greenways, roadways, and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize the impacts to the riparian buffer.

Existing Pond on-site will have at a minimum 1,500 sf of submerged and/or partially submerged vegetative shelf planted with wetland plantings to aid with water quality and protect the shoreline from erosion. Density of plantings will consist of 50 plants per 200 sf of area. Plant material will be in accordance to the NCDENR BMP manual Chapter C-3.

PARKS AND RECREATION

The Elevate 64 West project was reviewed at the November 30th, 2022 Parks, Recreation and Cultural Resources Advisory Commission meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication with credit for the construction of greenway trail within the project boundary as well as off-site into the existing, adjacent Deer Creek Subdivision. The rate of the fees owed will be set at the time of rezoning approval by the Town Council and will run the life of the project for the number and type of units proposed.

GREENWAY TRAILS

The Advisory Commission also recommended the proposal for Elevate 64 West to extend the public Reedy Creek Greenway from the existing Deer Creek subdivision to the western property line of Elevate 64 West. Greenway will also be extended within Elevate 64 West to proposed internal pedestrian network, exact route to be determined at the time of Site Plan approval. All approved greenway trails must be completed prior to the point of 50% of the Total number or residential units in the project being issued a building permit for the Site Plans.

ELEVATE 64 WEST

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in Town of Apex UDO and shall be designed according to the Town of Apex and NCDOT engineering standards where applicable. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex UDO and Transportation Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and are consistent with the Town's recommendations regarding the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. All proposed access points to state-maintained roadways including improvements specified in the zoning conditions are ultimately subject to both Apex and NCDOT approval at the time of subdivision and site plan and are subject to change if required based on engineering evaluation at that time.

- US Highway 64 at Site Access 1
 - Construct the access as a left-in, right-in, right-out.
 - Provide a westbound turn lane on US 64 with 150 feet of storage and appropriate deceleration length and taper.
 - Provide an eastbound right turn lane on US 64 with 100 feet of storage and appropriate deceleration length and taper as applicable.
 - Provide a channelization northbound right-out free-flow lane with an eastbound 810-foot acceleration lane plus 240-foot taper on US 64.
 - The site access will be designed in accordance with NCDOT and Town of Apex standards as applicable and is the only access permitted to connect to US 64 as part of the PUD.
 - Site access will be provided via a north-south Major Collector Street to be constructed by the PUD from the US 64 to the southern boundary of the PUD.
- US 64 at Pinefield Road
 - Construct a concrete median diverter island between the westbound U-turn lane and the eastbound left-turn/U-turn lane on US 64 in conjunction with intersection

ELEVATE 64 WEST

widening as needed to accommodate these changes, preventing southbound left turns from Pinefield Road.

- Construct an east-west Local Connector Street starting at the north-south Major Collector Street and stubbing to the eastern boundary of the PUD
- Cross access will be provided via public access easement to adjacent parcel to the east (PIN# 0712-74-2710).
- Cross access will be provided via public access easement to adjacent parcel to the west (PIN# 0712-93-2588).
- Cross Access will be provided via public access easement to adjacent parcel to the south (PIN # 0712-83-4236) off of east/west local connector.

PEDESTRIAN IMPROVEMENTS

This project shall comply with the Town's Bicycle and Pedestrian System Plan Map. Sidewalk shall be provided along both sides of all public streets within this development. Where required, the project shall construct 10-foot wide asphalt side paths in lieu of sidewalk along the public streets.

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.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the Developer and shall meet UDO standards.

PHASING

The Development will be completed in multiple phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

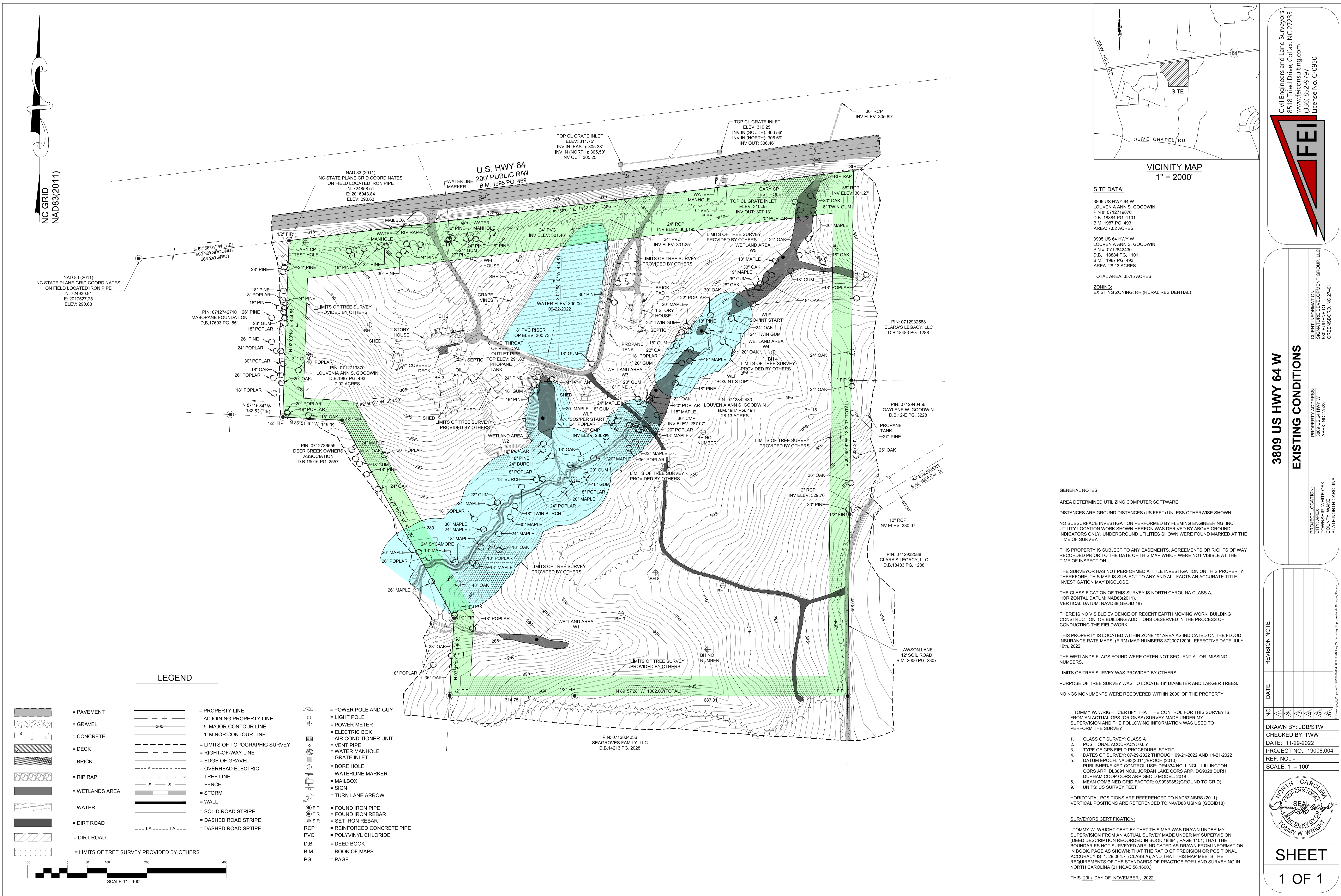
CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, if the requested Land Use Map Amendment is approved. The Future Land Use Map designates the Property as High Density/Office Employment/Commercial Services.

ELEVATE 64 WEST

COMPLIANCE WITH UDO

The development standards adopted for this PUD comply with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.











ELEVATE 64 WEST PD PLAN EXHIBIT

APEX, NORTH CAROLINA
February 24, 2022

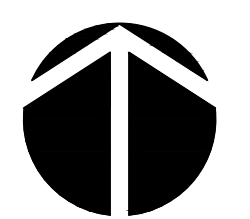
PROPOSED MULTI-FAMILY UNITS = ±392 UNITS
MAIN TRACT AREA = ±35.83 AC
RETAIL/OFFICE MIN. AREA = 10.548 ACRES
WATERSHED: JORDAN LAKE / PRIMARY WATERSHED
PROTECTION OVERLAY

LEGEND

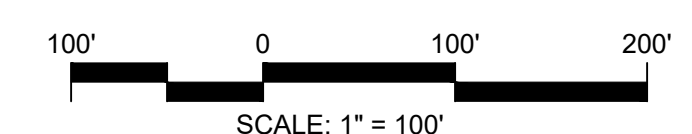
-  APPROXIMATE RCA AREA
-  APPROXIMATE GREENWAY TRAIL EXTENSION FROM EXISTING DEER CREEK SUBDIVISION
-  STORMWATER MANAGEMENT DEVICE/OPEN SPACE
-  APPROXIMATE MULTI-FAMILY (HIGH DENSITY RESIDENTIAL) AREA
-  APPROXIMATE RETAIL / OFFICE AREA
-  APPROXIMATE LOCATION OF PROPOSED ACCESS AND PUBLIC CROSS ACCESS EASEMENT
-  APPROXIMATE LOCATION OF MAJOR COLLECTOR AND LOCAL COLLECTOR ROADWAYS
-  APPROXIMATE PUBLIC ROAD ACCESS

DEVELOPMENT NOTES:

- 1) PLAN SHEET IS INTENDED FOR ILLUSTRATIVE USE ONLY AND IS SUBJECT TO CHANGE.
- 2) PER 2.3.4(F)(1)(F)(I) OF THE UDO, THE PD PLAN FOR THE PUD-CZ SHALL DEMONSTRATE A SAFE AND ADEQUATE ON-SITE TRANSPORTATION CIRCULATION SYSTEM. THE ON-SITE TRANSPORTATION CIRCULATION 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 SPECIFICATION AND STANDARD DETAILS AND SHOW REQUIRED RIGHT-OF-WAY WIDTHS AND ROAD SECTIONS.
- 3) MAJOR COLLECTOR AND LOCAL CONNECTOR ROAD ALIGNMENT LOCATION WILL BE DETERMINED AT THE MAJOR SUBDIVISION PLAN STAGE WITH TOWN STAFF APPROVAL. ANY SUBSTANTIAL CHANGES MAY REQUIRE TRANSPORTATION PLAN AMENDMENTS.
- 4) SITE MUST MEET CURRENT TOWN WATER SYSTEM MASTER PLAN. MUST COORDINATE WITH PROJECT NEXT DOOR AND VERIFY WATER MAIN CONNECTIONS ADJACENT TO US 64.



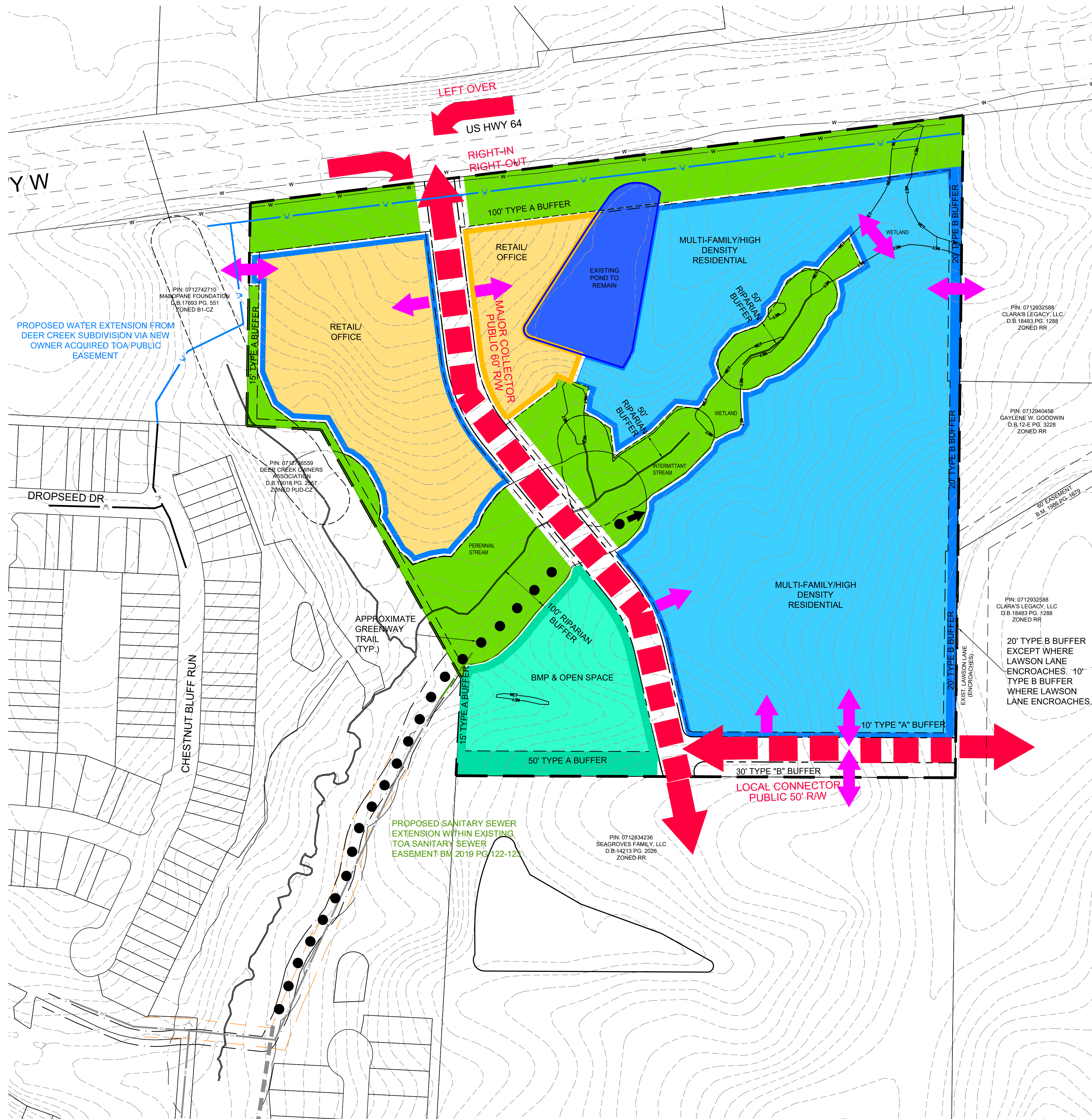
NORTH



CE GROUP

301 GLENWOOD AVE, SUITE 220
RALEIGH, NC 27603
PHONE: 919-367-8790
www.cegroupinc.com
License # C-1739

PRELIMINARY DESIGN
NOT RELEASED
FOR CONSTRUCTION



NOT USED

ELEVATION MATERIAL KEY (CONTINUED):

- 17 6-0 x 6-8 WOOD FRAME FULL LITE GLASS JULIET BALCONY DOOR W/ 12" TRANSOM
• 2" BRICK MOLD BOARD JAMBS & HEAD
• SLOPED BRICK VENEER ROWLOCK SILL, SOLDIER COURSE HEAD
- 18 6-0 x 6-8 WOOD FRAME FULL LITE GLASS JULIET BALCONY DOOR W/ 12" TRANSOM
• 5/4 5.5" FIBER CEMENT BOARD SILL, JAMBS, & HEAD
- 19 PRE-FINISHED 42" ALUMINUM GUARDRAIL
- 20 PRE-FINISHED 42" ALUMINUM JULIET BALCONY GUARDRAIL
- 22 CIRCULATION RAINSCREEN: COMPOSITE DECKING SLATS ON METAL FRAME (SEE STRUCTURAL)
- 23 ONE-LIGHT OUTDOOR CYLINDER ACCENT LIGHT
- 24 TWO-LIGHT OUTDOOR CYLINDER ACCENT LIGHT
- 25 HVAC WALL PLENUM W/ ARCHITECTURAL LOUVER & SLOPED BRICK VENEER ROWLOCK SILL, BRICK VENEER JAMBS, SOLDIER COURSE HEAD
ONLY REQUIRED ON WALLS ADJACENT TO SUNOOM WITH MECHANICAL UNIT FACING
- 26 HVAC WALL PLENUM W/ ARCHITECTURAL LOUVER & 5/4 2.5" FIBER CEMENT TRIM
ONLY REQUIRED ON WALLS ADJACENT TO SUNOOM WITH MECHANICAL UNIT FACING
- 27 30"x30" HARDIE BOARD ACCENT MEDALLION W/ 5/4 3.5" FIBER CEMENT BOARD TRIM & 4/4 2" FIBER CEMENT BOARD BATTENS
- 28 ALUMINUM FRAME SUNSHADE AWNINGS WITH 8:12 PITCH STANDING SEAM METAL ROOF TO MATCH CIRCULATION ENTRY ROOFS (DESIGN BY OTHERS)

ELEVATION MATERIAL KEY (CONTINUED):

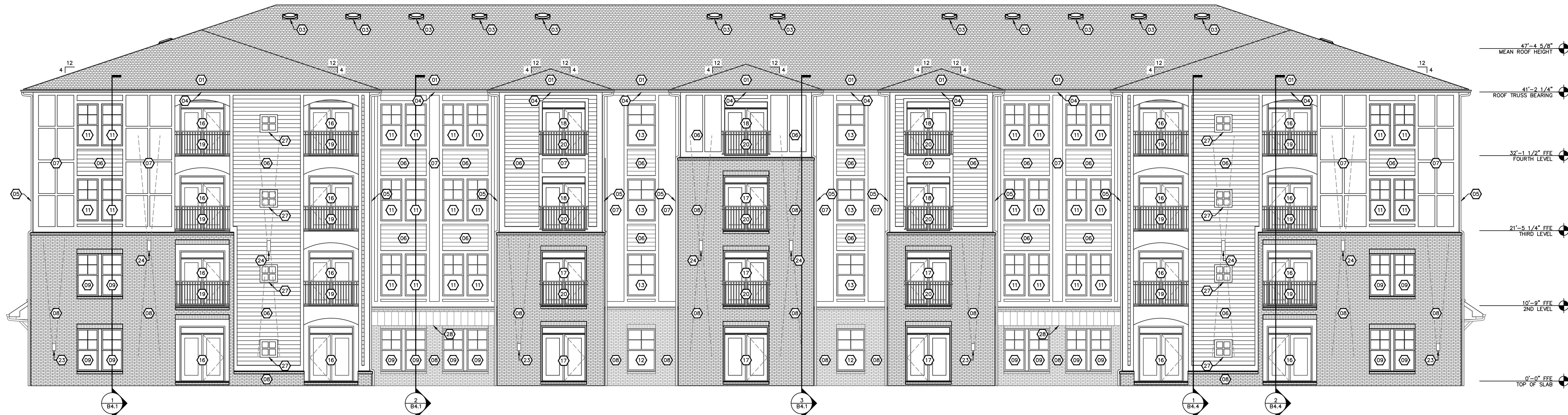
- 09 3-0 x 6-0 VINYL FRAME SINGLE HUNG WINDOW
• 5/4 5.5" FIBER CEMENT BOARD CENTER MULLION
• SLOPED BRICK VENEER ROWLOCK SILL, BRICK VENEER JAMBS, SOLDIER COURSE HEAD
- 10 NOT USED
- 11 3-0 x 6-0 VINYL FRAME SINGLE HUNG WINDOW
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ELEVATION MATERIAL KEY:

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- 02 METAL ROOF OVER #15 ROOFING FELT
- 03 METAL DOME ATTIC VENT - SEE BUILDING ROOF PLAN
- 04 PRE-FINISHED 5K ALUMINUM SEAMLESS GUTTER OVER ALUMINUM TRIM COIL FASCIA
- 05 PRE-FINISHED 4"x3" ALUMINUM DOWNSPOUT - CONNECT TO UNDERGROUND STORMWATER SYSTEM (SEE CIVIL DRAWINGS)
- 06 8.25" FIBER CEMENT LAP SIDING (7" EXPOSURE)
• 5/4 5.5" FIBER CEMENT BOARD: FRIEZE BOARD & CLADDING TRANSITIONS
• 5/4 9.25" FIBER CEMENT BOARD: SILL TRIM & WALL CORNER TRIM (RIP WALL CORNER TRIM ADJACENT TO BRICK VENEER AS REQUIRED TO ALIGN WITH TRIM ABOVE)
- 07 FIBER CEMENT PANELS
• 5/4 5.5" FIBER CEMENT BOARD: FRIEZE BOARD & CLADDING TRANSITIONS
• 4/4 3.5" FIBER CEMENT BOARD: VERTICAL & HORIZONTAL BATTEN STRIPS
• 5/4 5.5" FIBER CEMENT BOARD: PORCH OPENING JAMBS
• 5/4 9.25" FIBER CEMENT BOARD: SILL TRIM, WALL CORNER TRIM, CIRCULATION OPENING CORNERS
- 08 BRICK VENEER
• SLOPED ROWLOCK SILL: CLADDING TRANSITIONS & PORCH OPENING SILLS
• SOLDIER COURSE: PORCH OPENING HEAD



1 PARKING LOT ELEVATION
1/8" = 1"



2 STREET ELEVATION
1/8" = 1"

RE

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OMITIAN A. DREYER
FIRM NO. C-2825

Version Name:	Construction Documents
Date:	2022-03-10
Version:	01

ELEVATIONS - PARKING LOT & STREET

PROJECT NUMBER:
20-15

DRAWN BY:
JAD

SHEET:
BLDG56-1
B3.1

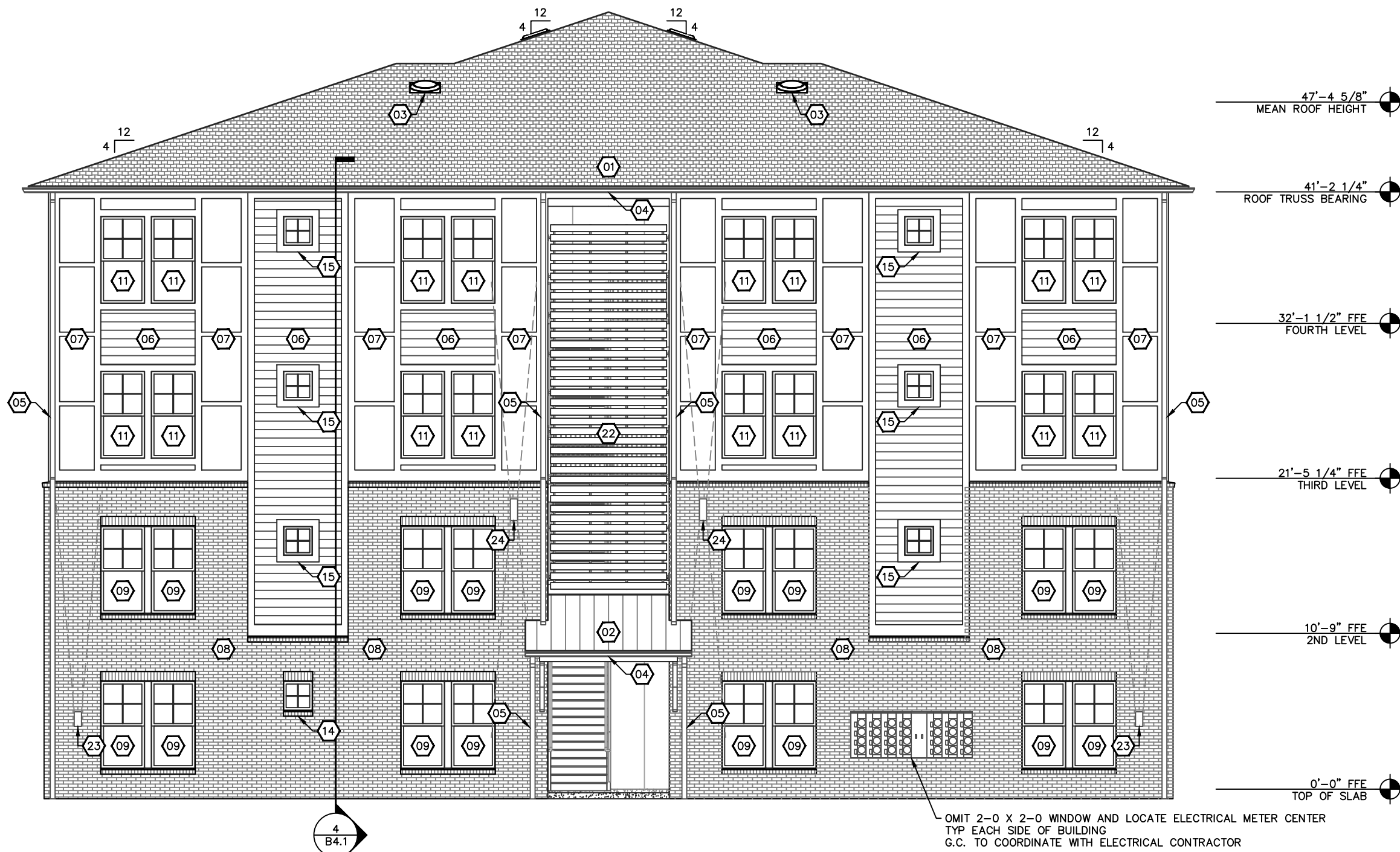
NOT USED

- ELEVATION MATERIAL KEY (CONTINUED):
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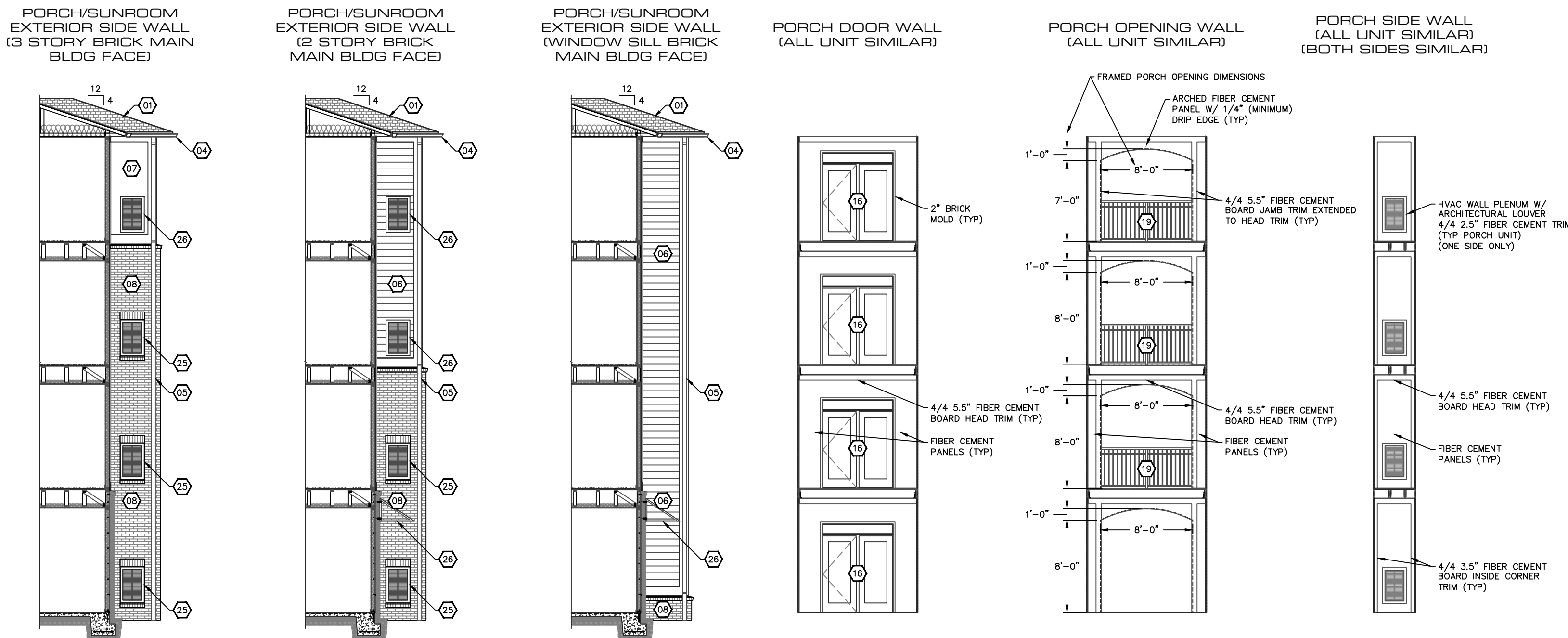
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NOT USED



NOT USED



RE

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MATTHEW A. DREXLER
FIRM NO. C-2825

Version Name:	Construction Documents
Date:	2022-03-10
Version:	01

ELEVATIONS - SIDE & PORCH & SUNROOM SIDES

PROJECT NUMBER:
20-15

DRAWN BY:
JAD

SHEET:
**BLDG56-1
B3.2**

TRANSPORTATION IMPACT ANALYSIS

Signature Apex Development

Apex, NC

Prepared for FA Development, LLC



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Transportation Impact Analysis

Signature Apex Development Apex, NC

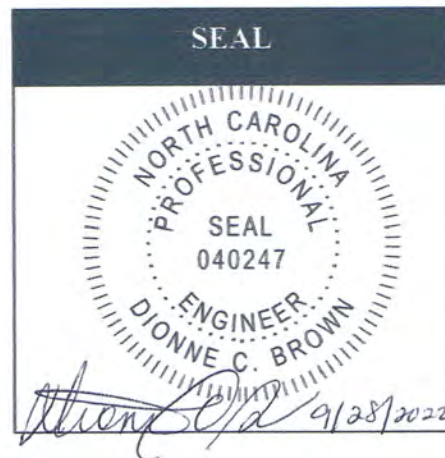
Prepared for FA Development, LLC
September 27, 2022

Analysis by: Dionne C. Brown, P.E.

Drafting/Graphics by: John Davenport, III

Reviewed by: Erin Govea, P.E.

Sealed by: Dionne C. Brown, P.E.



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**Transportation Impact Analysis
Signature Apex Development
Prepared for FA Development, LLC
September 27, 2022**

Executive Summary

The purpose of this report is to assess the transportation impact of the proposed Signature Apex Development. The proposed development is located between New Hill Olive Chapel Road and Lawson Lane south of US Highway 64 in Apex, NC. Signature Apex Development will consist of 392 apartment units and 34,000 square feet of medical office space. This development proposes two (2) access points on US Highway 64.

Trip Generation

Based on trip generation rates and equations published in Trip Generation (Institute of Transportation Engineers, 11th Edition), this development has a trip generation potential of 3,176 daily trips, with 252 trips in the AM peak hour and 288 trips in the PM peak hour.

Capacity Analysis and Recommendations

This analysis has been conducted based on NCDOT guidelines and has identified the potential traffic impacts of this development.

With the exception of US Highway 64 at Pinefield Road, all study intersections are expected to operate at LOS E or better. The proposed left-over access is expected to operate on US Highway 64 with a westbound 100-foot storage lane and appropriate taper. This access is far enough from Pinefield Road that there will not be a queuing issue. Both accesses are recommended to provide an eastbound right turn lanes of 100 feet of storage with appropriate taper. Table A summarizes the recommended improvements.

Conclusion

This TIA was performed in order to assess transportation impacts of the proposed site as well as background traffic. Recommendations have been given to accommodate these impacts. The analysis indicates that with the recommended improvements in place, the proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area. Please note that the access points should be designed according to NCDOT and Town of Apex standards as applicable.

Table A – Recommended Improvements Summary	
Intersection	Recommendations
US Highway 64 at New Hill Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at New Hill Olive Chapel Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at Pinefield Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at Site Access 1 (LIRIRO)	<ul style="list-style-type: none"> Construct the access as a left-in, right-in, right-out Provide a westbound 100-foot storage lane with appropriate taper Provide an eastbound 100-foot storage lane with appropriate taper The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.
US Highway 64 at Site Access 2 (RI)	<ul style="list-style-type: none"> Construct the access as a right-in Provide an eastbound 100-foot storage lane with appropriate taper The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.



**Transportation Impact Analysis
Signature Apex Development
Prepared for FA Development, LLC
September 27, 2022**

Introduction

The purpose of this report is to assess the transportation impact of the proposed Signature Apex Development. The proposed development is located between New Hill Olive Chapel Road and Lawson Lane south of US Highway 64 in Apex, NC. Signature Apex Development will consist of 392 apartment units and 34,000 square feet of medical office space. This development proposes two (2) access points on US Highway 64. Figure 1 illustrates a concept plan in the appendix and Figures 2A and 2B display approximate and potential site location and study vicinity of this analysis.

Traffic conditions were assessed during the weekday AM (7-9 AM) and PM (4-6 PM) peak hours for the following conditions:

- 2022 Existing Conditions
- 2025 Future No-Build Conditions
- 2025 Future Build Conditions
- 2025 Future Build Conditions + Improvements

The study was conducted according to the standards and best practices utilized in the transportation engineering profession. Field data were collected consistent with industry standards and best practices. Trip generation was calculated using the *Trip Generation Manual, 11th Edition* published by the Institute of Transportation Engineers (ITE). This is the industry-standard method for trip generation. Data were analyzed using the methodology outlined in the *Highway Capacity Manual, 6th Edition* (HCM) published by the Transportation Research Board (TRB). Both publications are industry-standard publications and are routinely used by North Carolina Department of Transportation (NCDOT). Capacity and level of service are the design criteria for this traffic study. Modeling and intersection analyses were performed using Synchro (Version 10.3), a state-of-the-art software package widely used and accepted by transportation professionals and governments all over the United States and the world. These data sources and tools are adequate to reach the conclusions contained within this study.

The scope for this development was determined through coordination with NCDOT and Town of Apex staff. This is documented in the Appendix. Information regarding the proposed development was provided by Signature Development Group.

Existing Study Area

Based on professional experience, the study area included the following intersections:

- US Highway 64 at New Hill Road
- US Highway 64 at New Hill Olive Chapel Road
- US Highway 64 at Pinefield Road/ Hattie Road
- US Highway 64 at Site Access 1 (LIRIRO)
- US Highway 64 at Site Access 2 (RIRO)

A field investigation was conducted by DAVENPORT staff to determine the existing roadway conditions in the study area. Table 1 summarizes this information. Figure 3 shows the existing lane geometry.

Table 1 - Street Inventory					
Facility Name	Route	Typical Cross Section	Pavement Width	Speed Limit	Maintained By
US Highway 64	US 64	4-Lane Divided Median	Approx. 93'	55 MPH	NCDOT
New Hill Road	NC 751/ SR 1001	2-Lane Undivided	Approx. 27'	45 MPH	NCDOT
New Hill Olive Chapel Road	SR 1141	2-Lane Undivided	Approx. 21'	45 MPH	NCDOT
Pinefield Road	SR 3115	2-Lane Undivided	Approx. 32'	Not Posted Otherwise Assumed 35 MPH	NCDOT

Base Traffic Volumes

Turning movement counts were collected for the following intersections by Quality Counts on December 8, 2021, and July 27, 2022:

- US Highway 64 at New Hill Road
- US Highway 64 at New Hill Olive Chapel Road
- US Highway 64 at Pinefield Road/ Hattie Road

The counts were projected to a Base Year 2022 by using a 3% growth rate. The traffic volumes were balanced between the study intersections to provide a more conservative analysis. Figure 4 shows existing AM and PM peak hour volumes. More information can be found in the Traffic Volume Data section of the appendix.

Approved Developments and Committed Improvements

Approved Developments

Approved developments are developments that have been recently approved in the area, but not yet constructed. According to the Town staff, there are two approved developments in the vicinity of the proposed development.

Triangle Math and Science Academy (TMSA) High School is planned south of US 64 between Amberlight Road and Dropseed Drive in Apex. The school is proposed to contain grades K-8 and be open by 2022. The site trips associated with this approved development will be incorporated in the analysis for the future conditions.

The Legacy Development is planned south of US 64 and west of the former Tee-to-Green site in Apex. The development is proposed to consist of up to 400 apartment units and be build by 2024. The site trips associated with this approved development will be incorporated in the analysis for the future conditions.

More information and Figure A shows the total approved development volumes in the appendix.

Committed Improvements

Committed Improvements are improvements that are planned by Town, NCDOT or a developer in the area, but not yet constructed. Per NCDOT and Town staff, an improvement at US 64 and NC 751 is in the planning stages that will convert the intersection into an offset-T. This improvement will be incorporated in the models for the future conditions. More information and rerouting volumes of this improvement is shown in Figure B in the appendix.

Methodology

The analysis for this TIA was conducted utilizing NCDOT standards. The following table contains a summary of the base assumptions:

Table 2 – Assumptions and Parameters	
Peak Hour Factor	0.90
Background Traffic Annual Growth Rate	3.0% per year for all roadways
Base Signal Timing/ Phasing	Provided by NCDOT
Analysis Software	Synchro/SimTraffic Version 10.3
Lane widths	12-feet unless measured otherwise
Truck percentages	2%

Trip Generation

The development is expected to consist of 360 apartment units and 34,000 square feet of medical office space. The trip generation potential of this site was projected based on the most recent edition (11th Edition) of the ITE *Trip Generation Manual*, which is the industry-standard methodology. Also, NCDOT Congestion Management provides guidance on the selection of appropriate rates and equations from the *Trip Generation Manual*, and these guidelines were applied. Table 3 presents the results.

Table 3 - ITE Trip Generation									
Signature Apex Development									
Average Weekday Driveway Volumes					24 Hour	AM Peak Hour		PM Peak Hour	
					Two-Way				
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Data Source</u>	<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Multifamily Housing (Mid-Rise)	221	392	Dwelling Units	Adj. Eq.	1823	37	124	93	60
Medical Office	720	34	Th. Sq. Ft.	Adj. Eq.	1353	72	19	41	94
Unadjusted Trips					3,176	109	143	134	154
Total Trips					3,176	109	143	134	154

Trip Distribution

The trip distribution patterns for future site traffic were projected based on existing traffic patterns. The directional percentages for site traffic are listed below. The primary trip distribution model for this project is shown in Figure 5.

- 55% to and from the east on US Highway 64
- 25% to and from the west on US Highway 64
- 15% to and from the north on NC 751/ New Hill Road
- 5% to and from the south on New Hill Olive Chapel Road

Future No Build Traffic

The 2025 future no-build traffic volumes were computed by applying a 3.0% compounded annual growth rate to the base traffic volumes. Figure 6 shows the 2025 future no-build traffic volumes for AM and PM peaks.

Total Traffic

The 2025 build-out traffic volume was obtained by summing the 2025 future no-build traffic volumes and site trips due to this project. Primary site trips are shown in Figure 7. The resulting build volume totals for AM and PM peaks are shown in Figure 8. More information can be found in the Traffic Volume Data section of the appendix.

Capacity Analysis

Level of Service Evaluation Criteria

The Transportation Research Board's Highway Capacity Manual (HCM) utilizes a term "level of service" to measure how traffic operates in intersections and on roadway segments. There are currently six levels of service ranging from A to F. Level of service "A" represents low-volume traffic operations and Level of Service "F" represents high-volume, oversaturated traffic operations. Synchro Traffic Modeling software was used to determine the level of service for studied intersections. All worksheet reports from the analyses can be found in the Appendix.

**Table 4 – Level of Service and Control Delay Criteria
from Highway Capacity Manual**

Levels of Service and Control Delay Criteria			
Signalized Intersection		Unsignalized Intersection	
Level of Service	Control Delay Per vehicle (sec)	Level of Service	Delay Range (sec)
A	≤ 10	A	≤ 10
B	> 10 and ≤ 20	B	> 10 and ≤ 15
C	> 20 and ≤ 35	C	> 15 and ≤ 25
D	> 35 and ≤ 55	D	> 25 and ≤ 35
E	> 55 and ≤ 80	E	> 35 and ≤ 50
F	> 80	F	> 50

Discussion of Results

US Highway 64 at New Hill Road

This signalized intersection operates at LOS D during the AM and PM peak hours under base scenarios. This intersection planned to be converted into an offset-T in the future conditions. In future no build and build conditions, this the intersection is expected to operate at LOS C in the AM and PM peak. No improvements are recommended.

US Highway 64 at New Hill Olive Chapel Road

This unsignalized intersection's worst approach operates at LOS B during the AM and PM peak hours under base scenarios. This intersection is planned to be converted into a signalized offset-T in the future conditions. In the future no build and future build conditions, LOS C is expected in the AM and PM peaks. No improvements are recommended.

US Highway 64 at Pinefield Road

This unsignalized intersection's worst approach operates at LOS C and D during the AM peak and PM peak hours under base scenarios. In the future no build condition, LOS D is expected in the AM and PM peaks. Pinefield Road has a low volume of traffic, less than 5 vehicles per hour during the peak hours, is expected to have a minimal queue. In the future build condition, LOS D is expected in AM peak and LOS E in the PM peak. LOS E is typical for unsignalized intersections due to the lack of gaps for left turn movements onto a major roadway. Therefore, no improvements are recommended. However, in the future, this intersection should be evaluated to be converted into a reduced conflict intersection (RCI).

US Highway 64 at Site Access 1 (LIRIRO)

In the future build conditions, a median break is requested to construct a left-in, right-in/right-out. This intersection's worst approach is expected to operate at LOS D in the AM peak hour and LOS E in the PM peak hour. The need for left and right turn lanes was reviewed based on NCDOT "Policy on Street and Driveway Access to North Carolina Highways." Based on the AADT on US Highway 64 being above 4,000 vpd, it is recommended to provide a 100-foot eastbound right turn lane with appropriate taper. It so also recommended to provide a westbound left turn lane of 100 feet of storage with appropriate taper for the crossover directional median break. The queues were evaluated, and the median break will not cause a queuing issue with the Pinefield Road median break. The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.

US Highway 64 at Site Access 2 (RI)

In the future build conditions, this intersection is expected to be constructed as a right-in only. Therefore a LOS is not computed; however, the need for right turn lane was reviewed based on NCDOT "Policy on Street and Driveway Access to North Carolina

Highways.” Based on the AADT on US Highway 64 being above 4,000 vpd, it is recommended to provide a 100-foot eastbound right turn lane with appropriate taper. The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.

Recommended improvements at the study intersections are illustrated in Figure 9.

Level of Service Summary

Table 5 presents the summary of the level of service analysis for all study intersections:

Table 5 - Level of Service Summary				
AM Peak	2022 Base Year	2025 No Build	2025 Build	2025 Build + Improvements
US Highway 64 at New Hill Road	D (41.6)	C (23.2)	C (23.9)	
US Highway 64 at New Hill Olive Chapel Road	B (10.1) NB Approach	C (28.5)	C (29.2)	
US Highway 64 at Pinefield Road	C (20.4) SB Approach	D (29.2) SB Approach	D (31.2) SB Approach	
US Highway 64 at Site Access 1 (LIRIRO)			D (33.1) NB Approach	D (31.5) NB Approach
US Highway 64 at Site Access 2 (RI)				
PM Peak	2022 Base Year	2025 No Build	2025 Build	2025 Build + Improvements
US Highway 64 at New Hill Road	D (37.6)	C (31.8)	C (33.0)	
US Highway 64 at New Hill Olive Chapel Road	B (10.2) NB Approach	C (24.6)	C (24.9)	
US Highway 64 at Pinefield Road	D (25.1) SB Approach	D (33.8) SB Approach	E (36.8) SB Approach	
US Highway 64 at Site Access 1 (LIRIRO)			E (47.1) NB Approach	E (43.8) NB Approach
US Highway 64 at Site Access 2 (RI)				
LOS (delay in seconds)				
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay				



Summary and Conclusion

The purpose of this report is to assess the transportation impact of the proposed Signature Apex Development. The proposed development is located between New Hill Olive Chapel Road and Lawson Lane south of US Highway 64 in Apex, NC. Signature Apex Development will consist of 392 apartment units and 34,000 square feet of medical office space. This development proposes two (2) access points on US Highway 64.

Trip Generation

Based on trip generation rates and equations published in Trip Generation (Institute of Transportation Engineers, 11th Edition), this development has a trip generation potential of 3,176 daily trips, with 252 trips in the AM peak hour and 288 trips in the PM peak hour.

Capacity Analysis and Recommendations

This analysis has been conducted based on NCDOT guidelines and has identified the potential traffic impacts of this development.

With the exception of US Highway 64 at Pinefield Road, all study intersections are expected to operate at LOS E or better. The proposed left-over access is expected to operate on US Highway 64 with a westbound 100-foot storage lane and appropriate taper. This access is far enough from Pinefield Road that there will not be a queuing issue. Both accesses are recommended to provide an eastbound right turn lanes of 100 feet of storage with appropriate taper. Table 6 summarizes the recommended improvements.

Conclusion

This TIA was performed in order to assess transportation impacts of the proposed site as well as background traffic. Recommendations have been given to accommodate these impacts. The analysis indicates that with the recommended improvements in place, the proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area. Please note that the access points should be designed according to NCDOT and Town of Apex standards as applicable.

Table 6 – Recommended Improvements Summary

Intersection	Recommendations
US Highway 64 at New Hill Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at New Hill Olive Chapel Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at Pinefield Road	<ul style="list-style-type: none"> No improvements recommended
US Highway 64 at Site Access 1 (LIRIRO)	<ul style="list-style-type: none"> Construct the access as a left-in, right-in, right-out Provide a westbound 100-foot storage lane with appropriate taper Provide an eastbound 100-foot storage lane with appropriate taper The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.
US Highway 64 at Site Access 2 (RI)	<ul style="list-style-type: none"> Construct the access as a right-in Provide an eastbound 100-foot storage lane with appropriate taper The site access should be designed in accordance with NCDOT and Town of Apex standards as applicable.

Figures

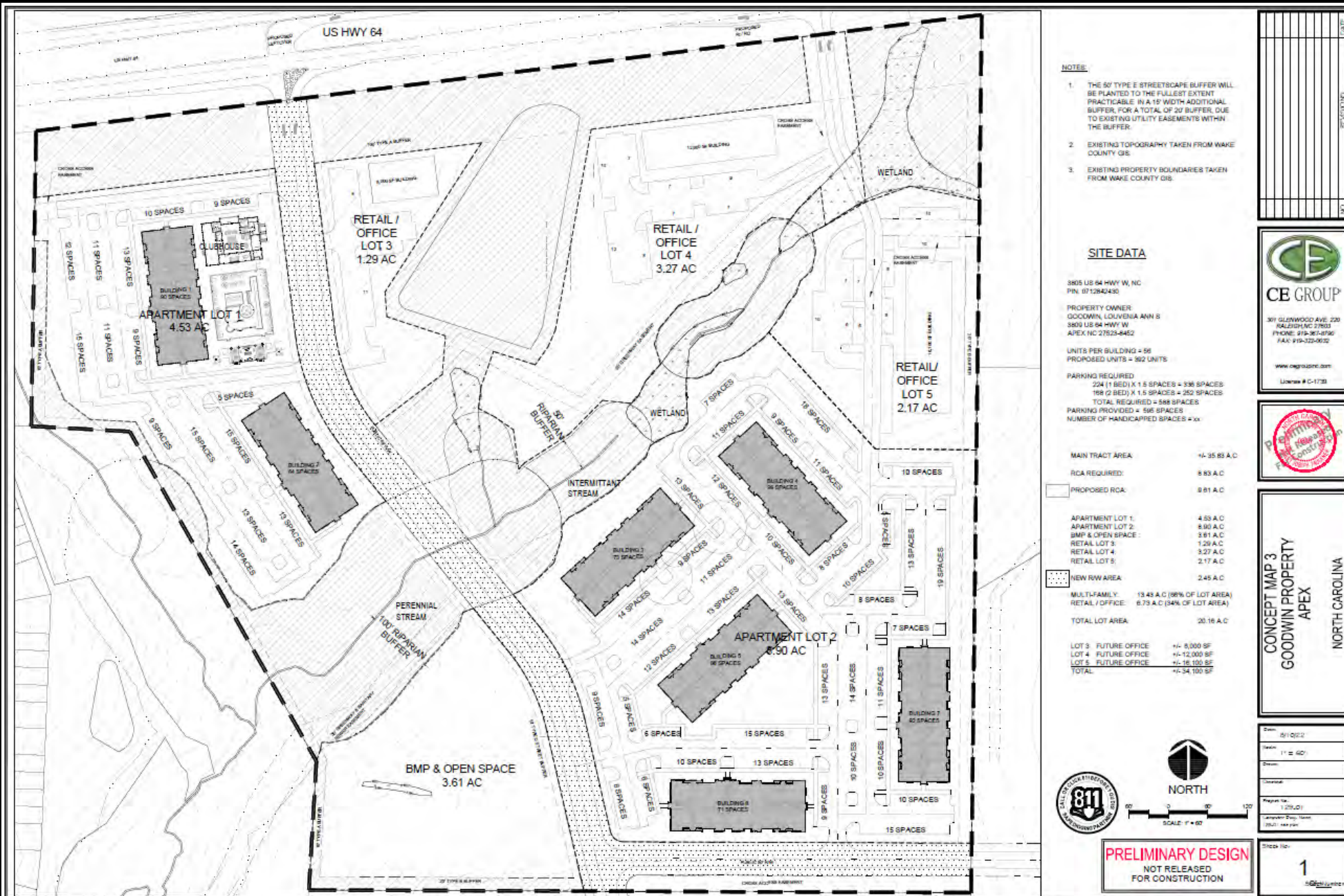
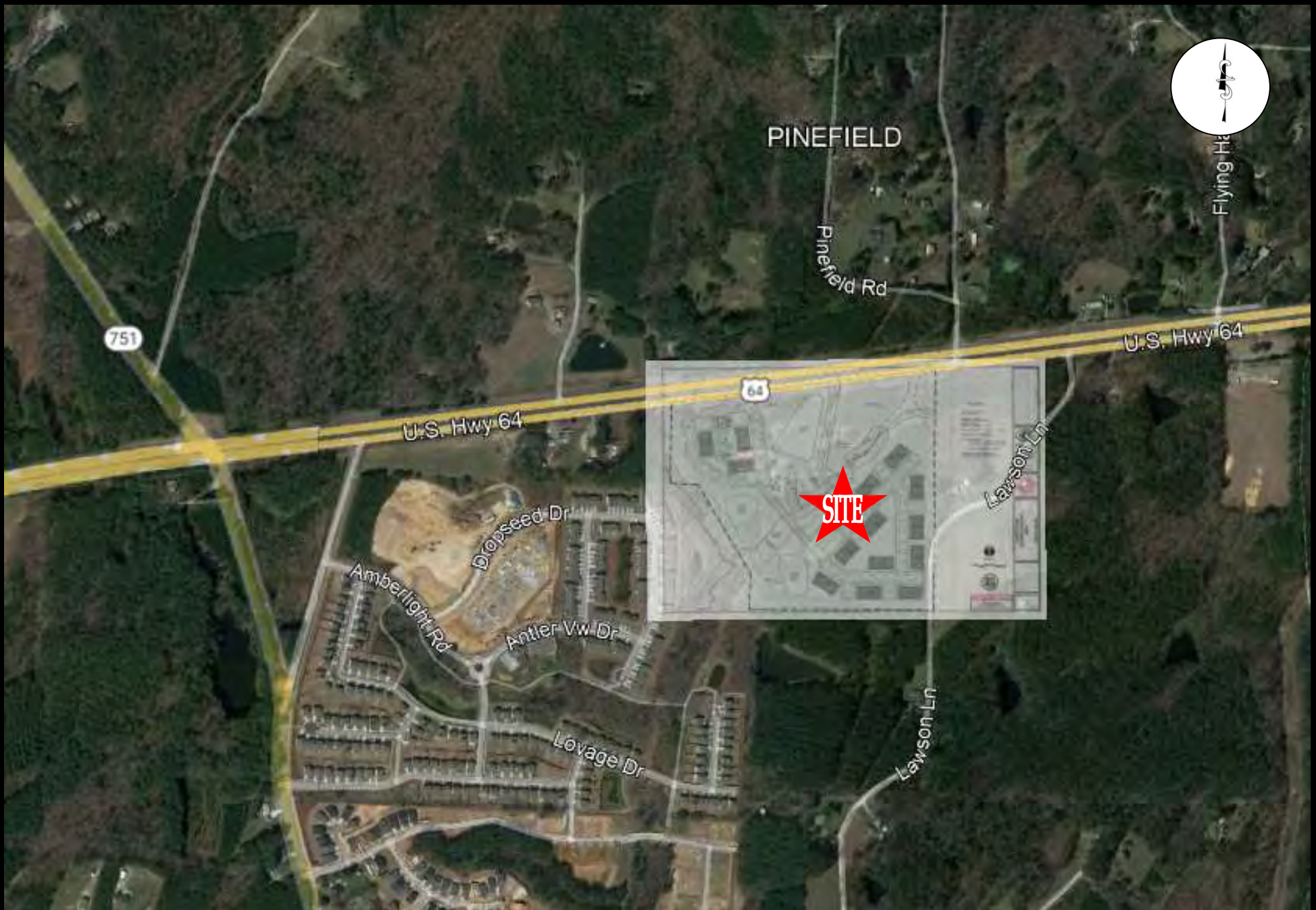
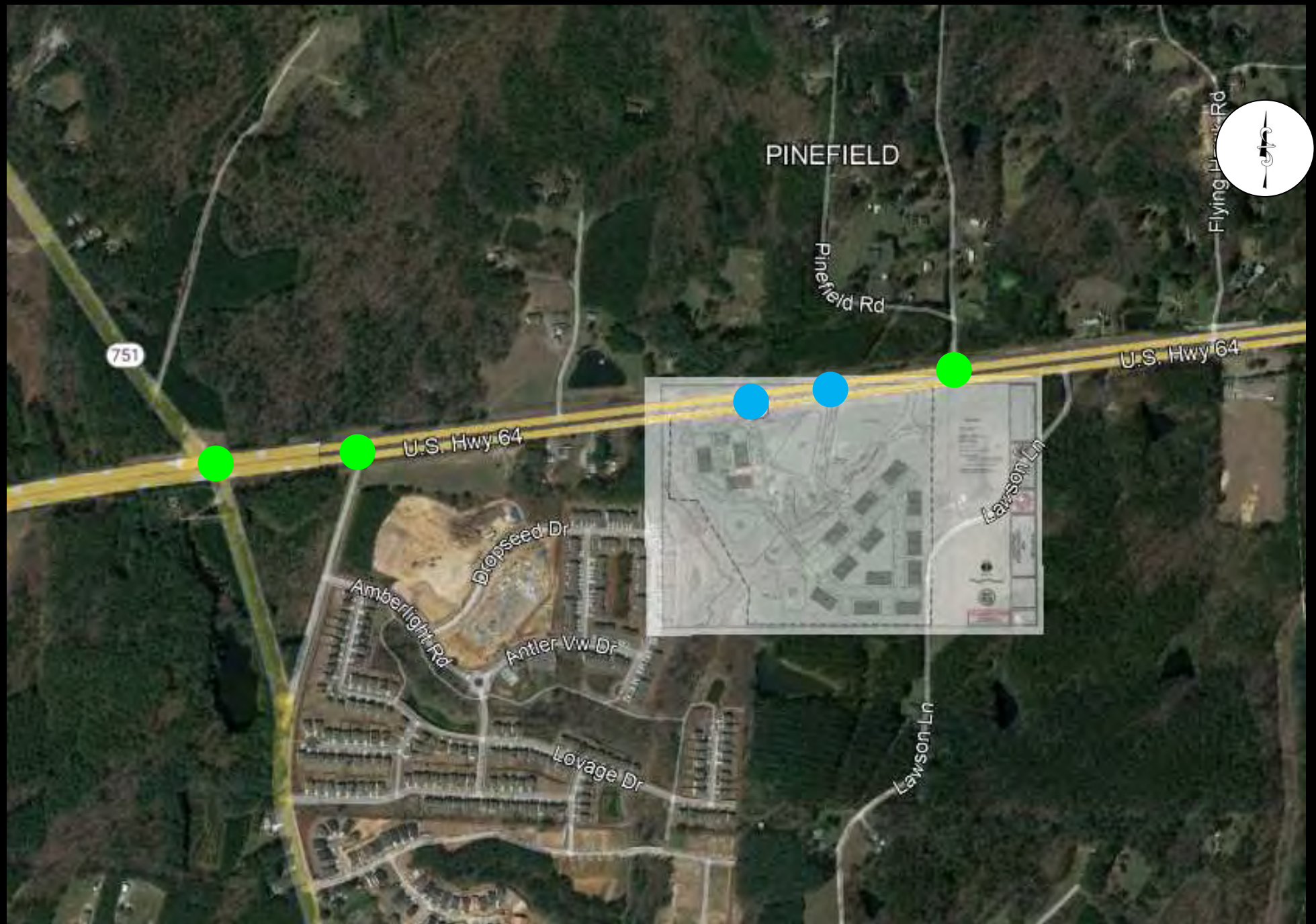
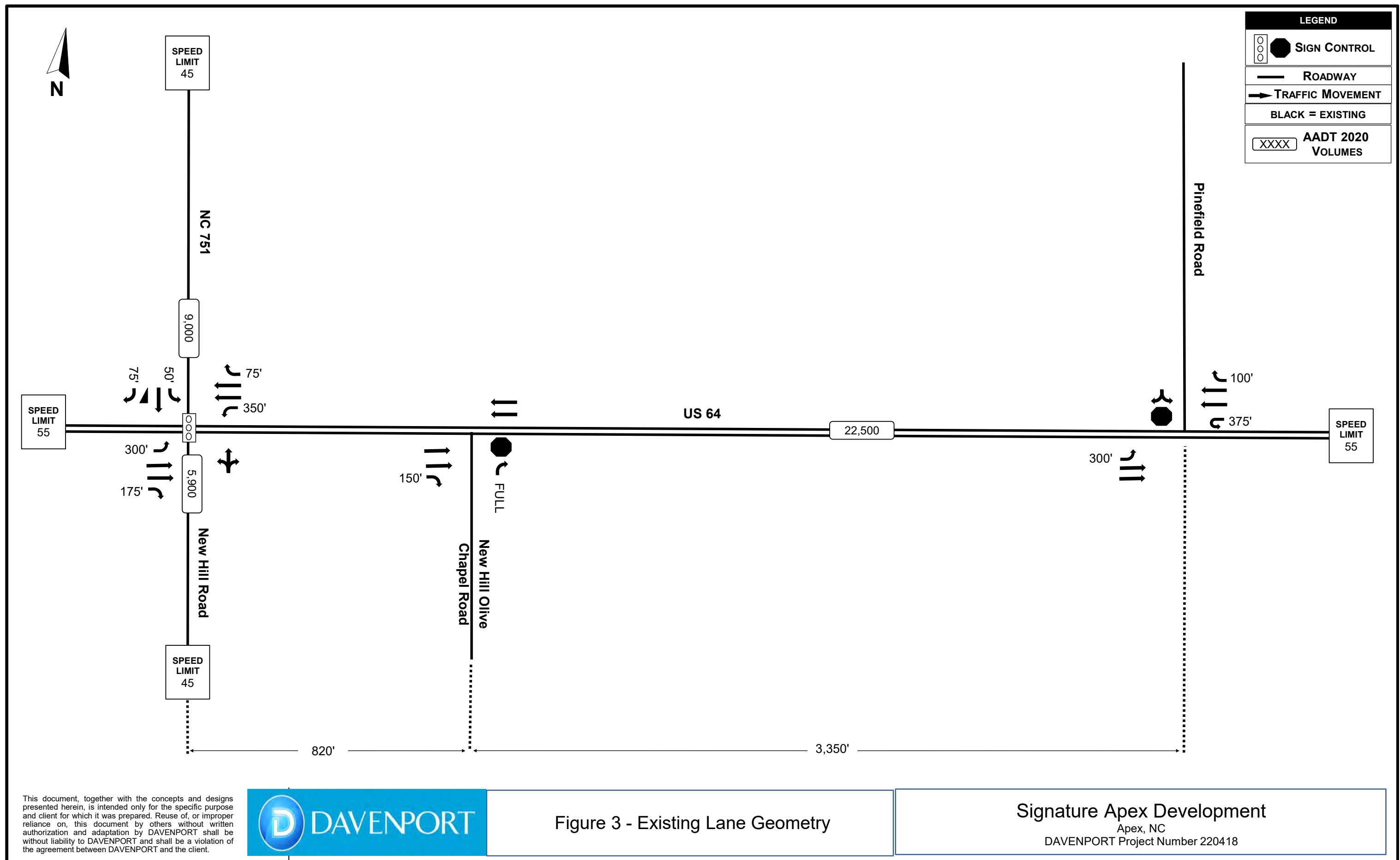


FIGURE 1
CONCEPT PLAN










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Figure 3 - Existing Lane Geometry

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418



LEGEND	
	SIGN CONTROL
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
AM/PM PEAKS	

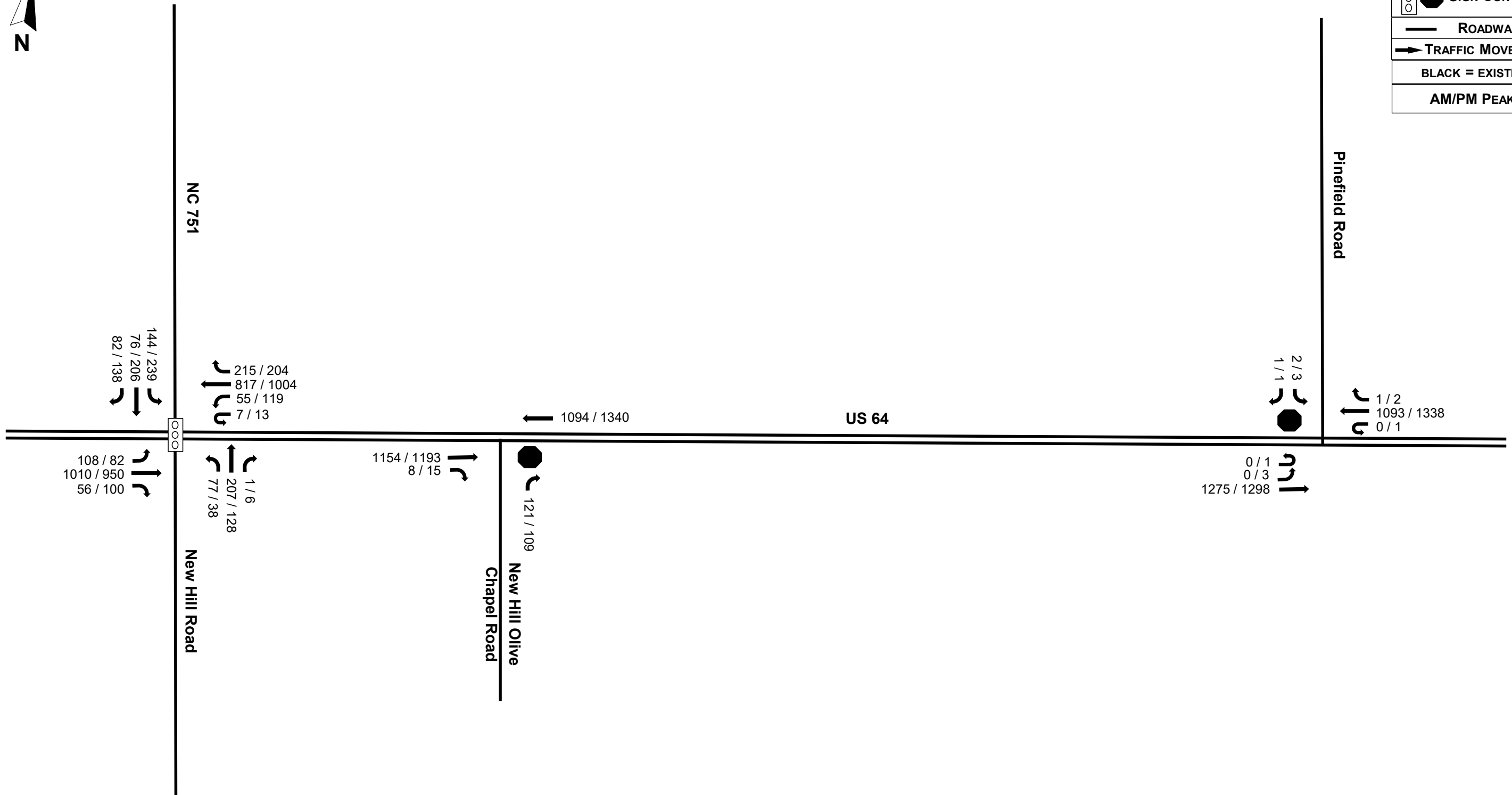
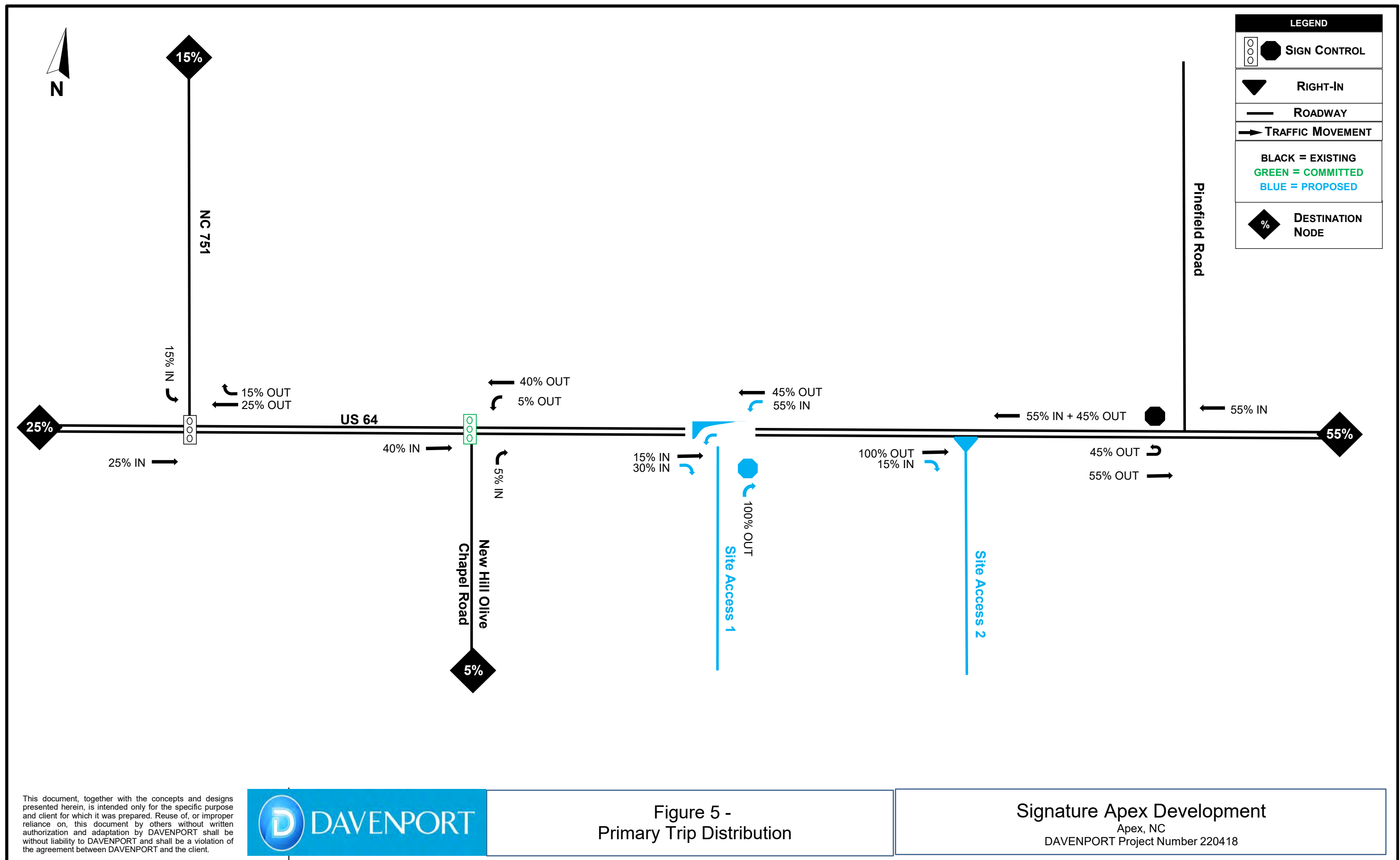


Figure 4 -
2022 Existing Traffic Volumes

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Apex, NC
DAVENPORT Project Number 220418



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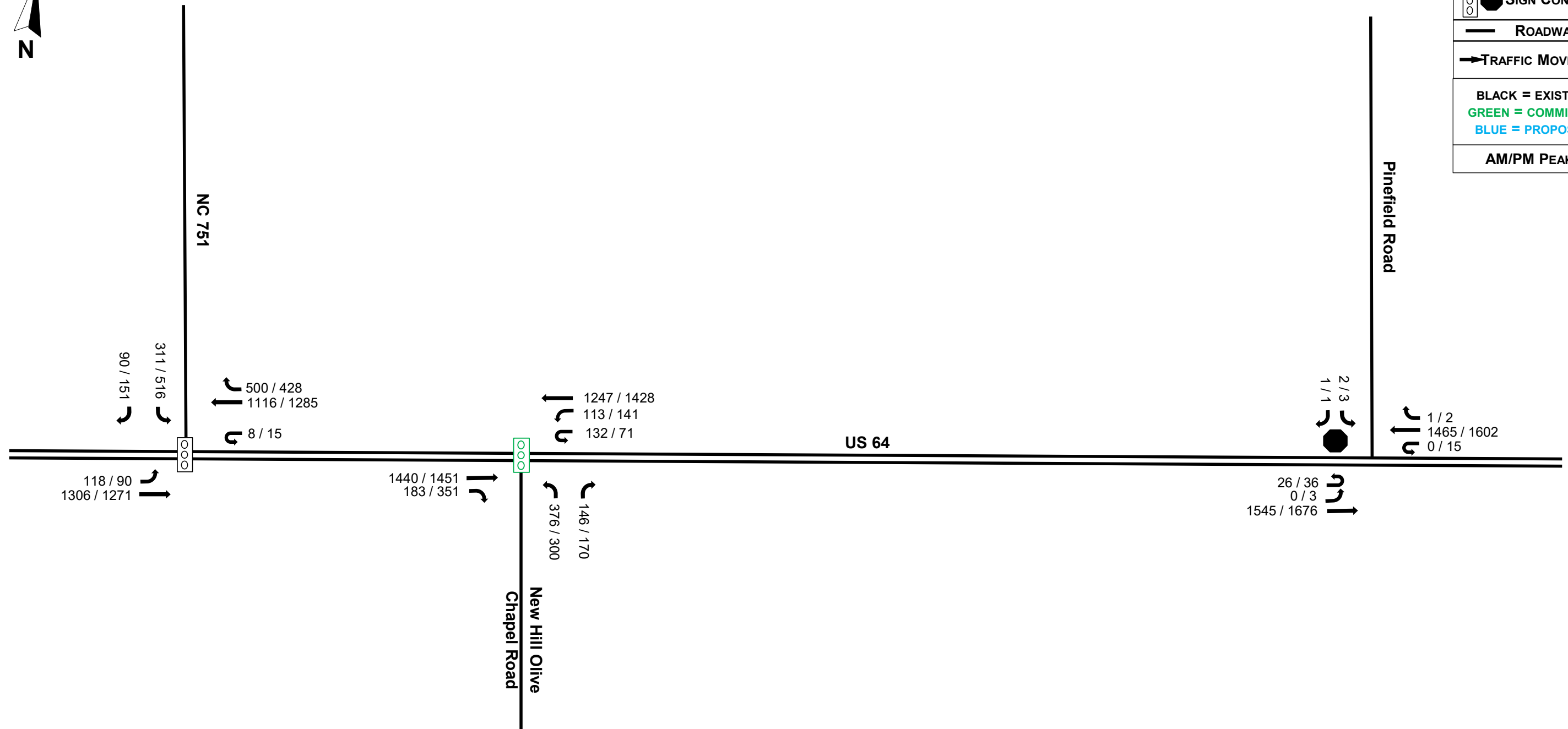


Figure 5 -
Primary Trip Distribution

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418



LEGEND	
	SIGN CONTROL
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREEN = COMMITTED	
BLUE = PROPOSED	
AM/PM PEAKS	

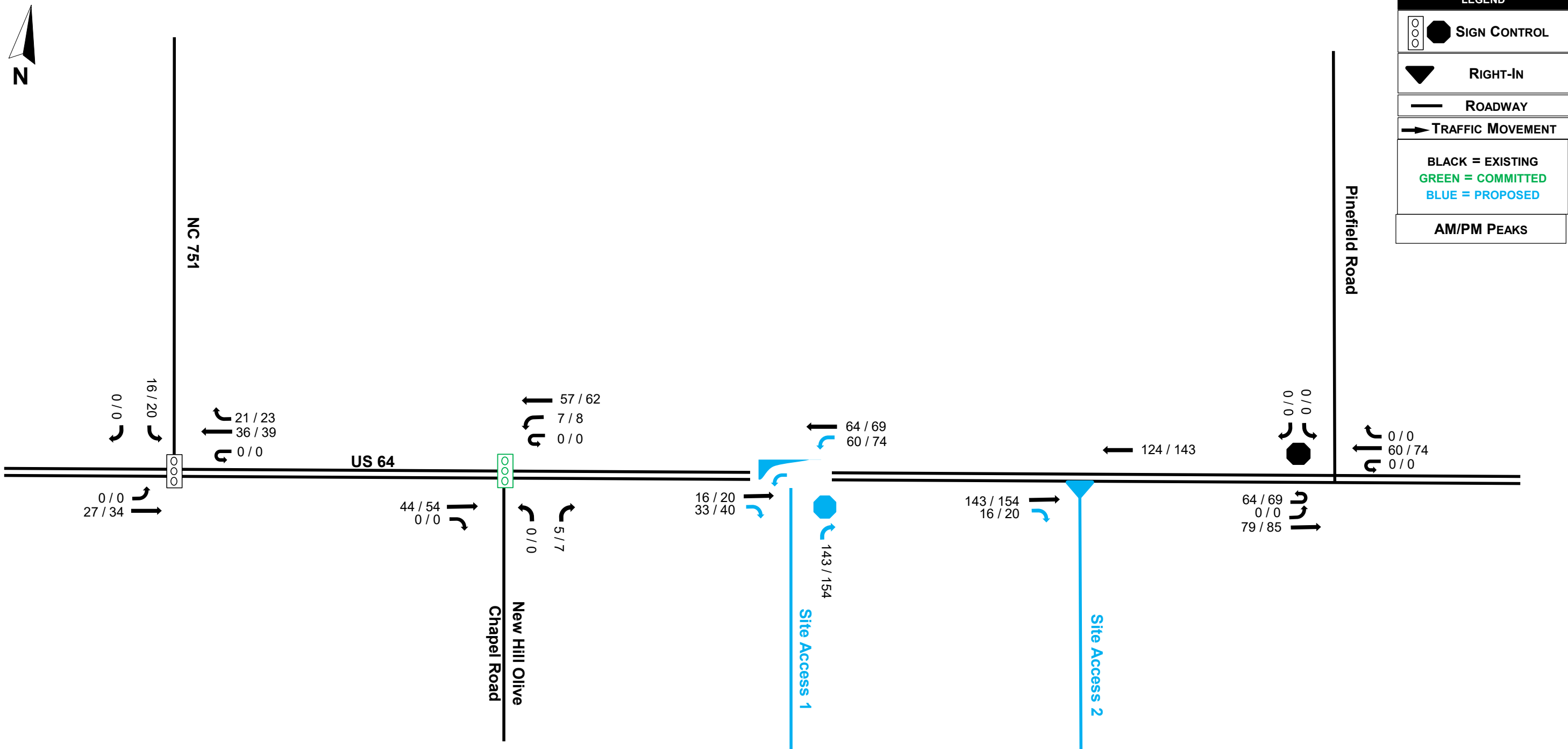


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Figure 6 -
2025 Future No Build Volumes

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DAVENPORT Project Number 220418

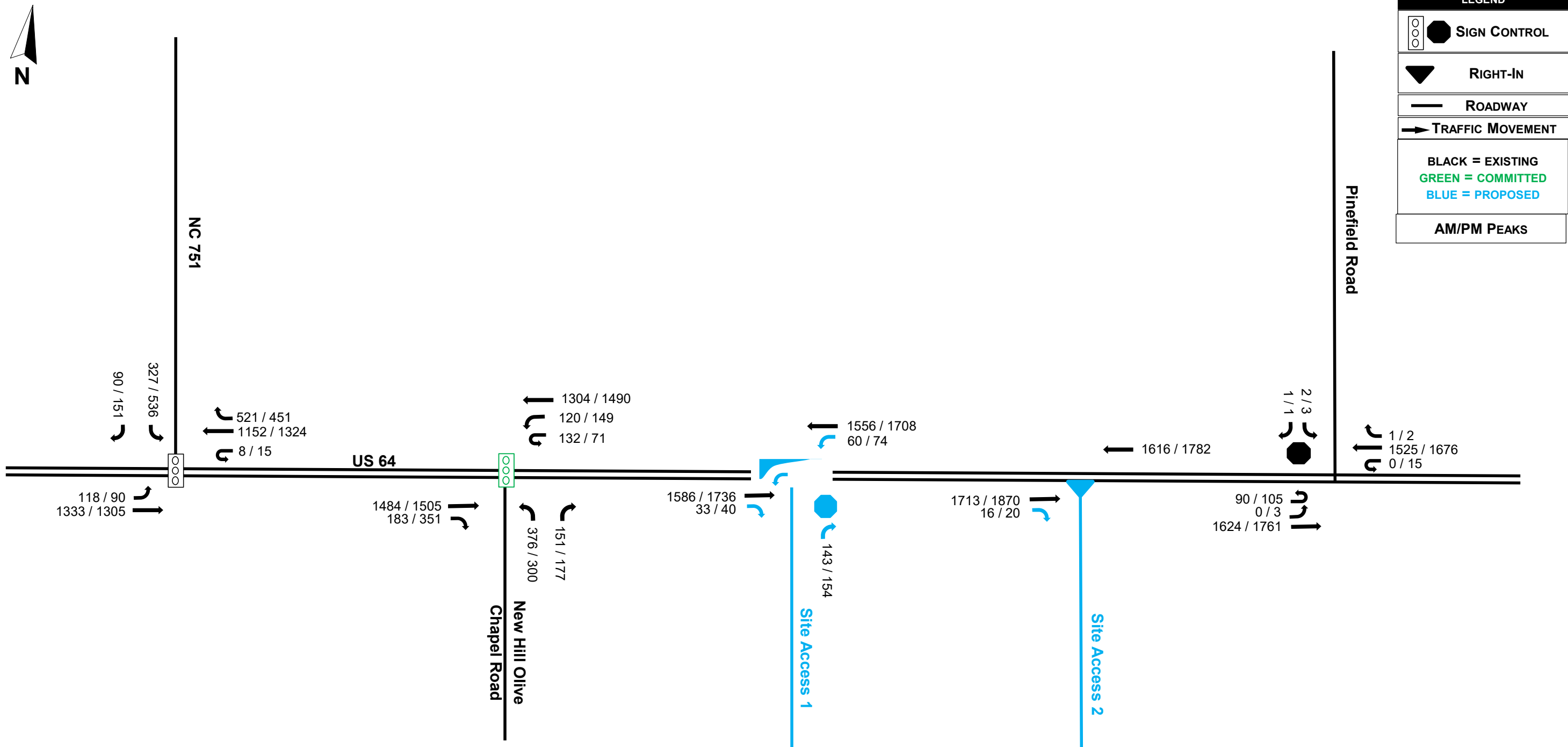


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Figure 7 -
Primary Site Trips

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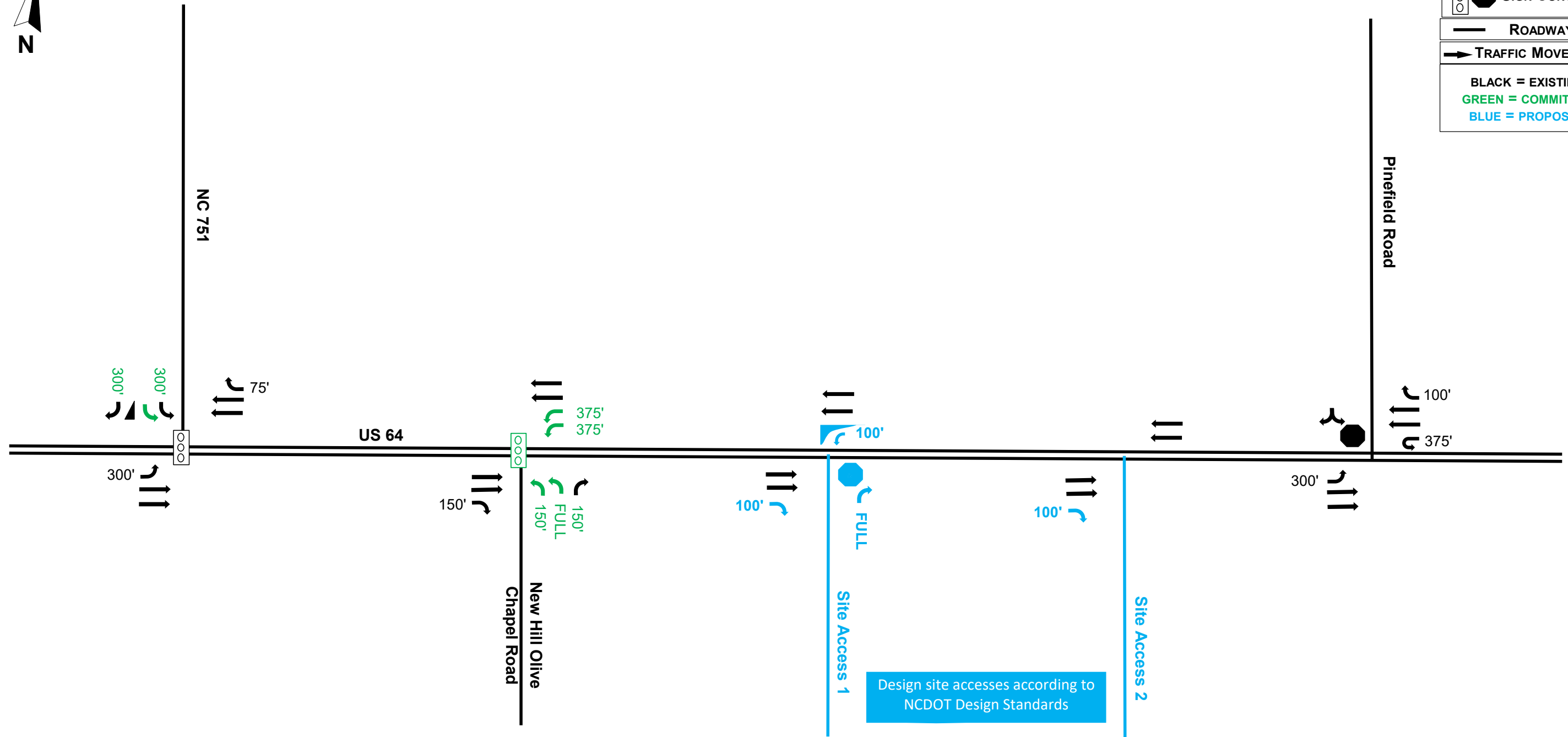


Figure 8 -
2025 Future Build Volumes

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418



LEGEND	
	SIGN CONTROL
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREEN = COMMITTED	
BLUE = PROPOSED	



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Figure 9 - Recommended Improvements

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418

Appendix

Trip Generation

Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

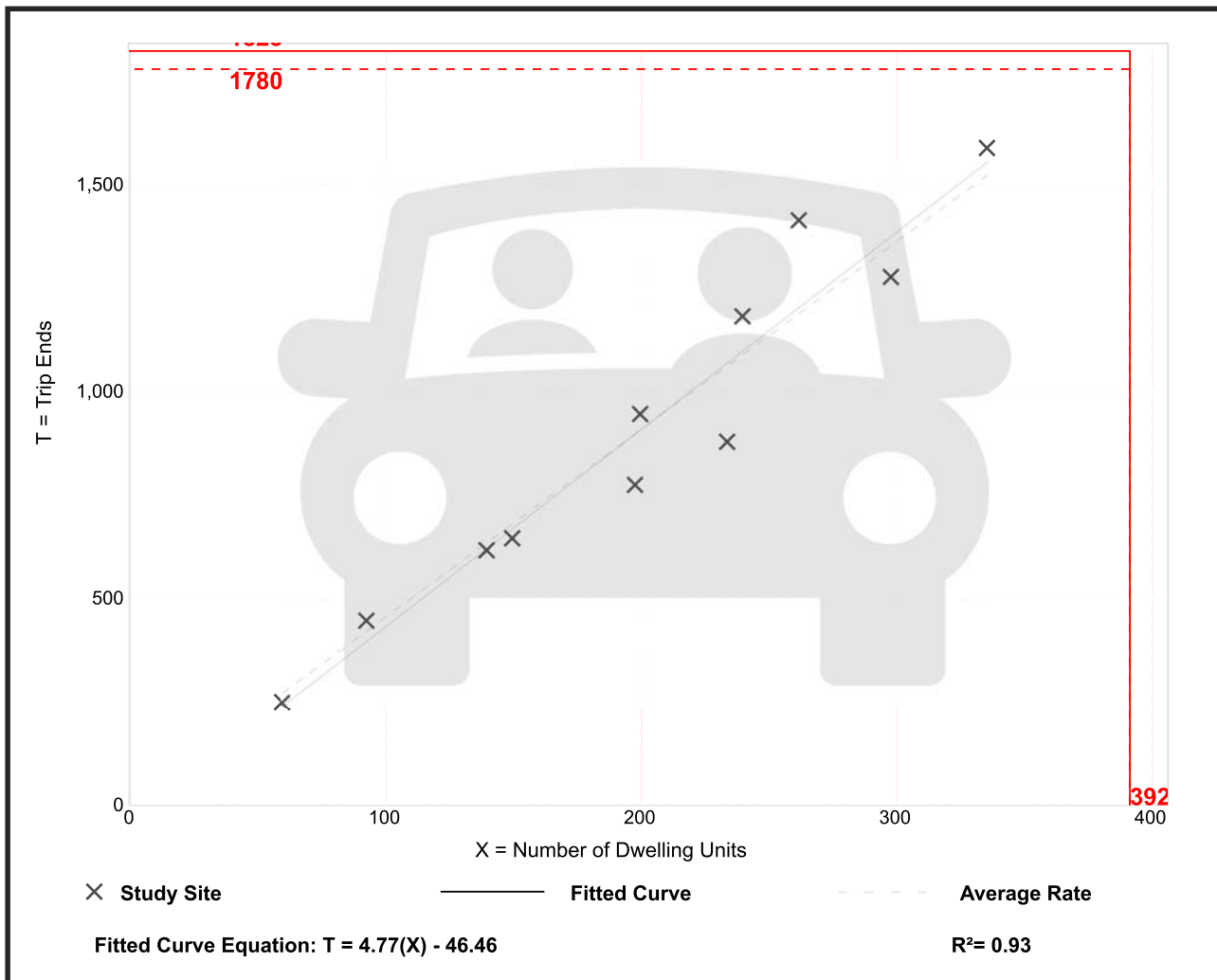
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 30

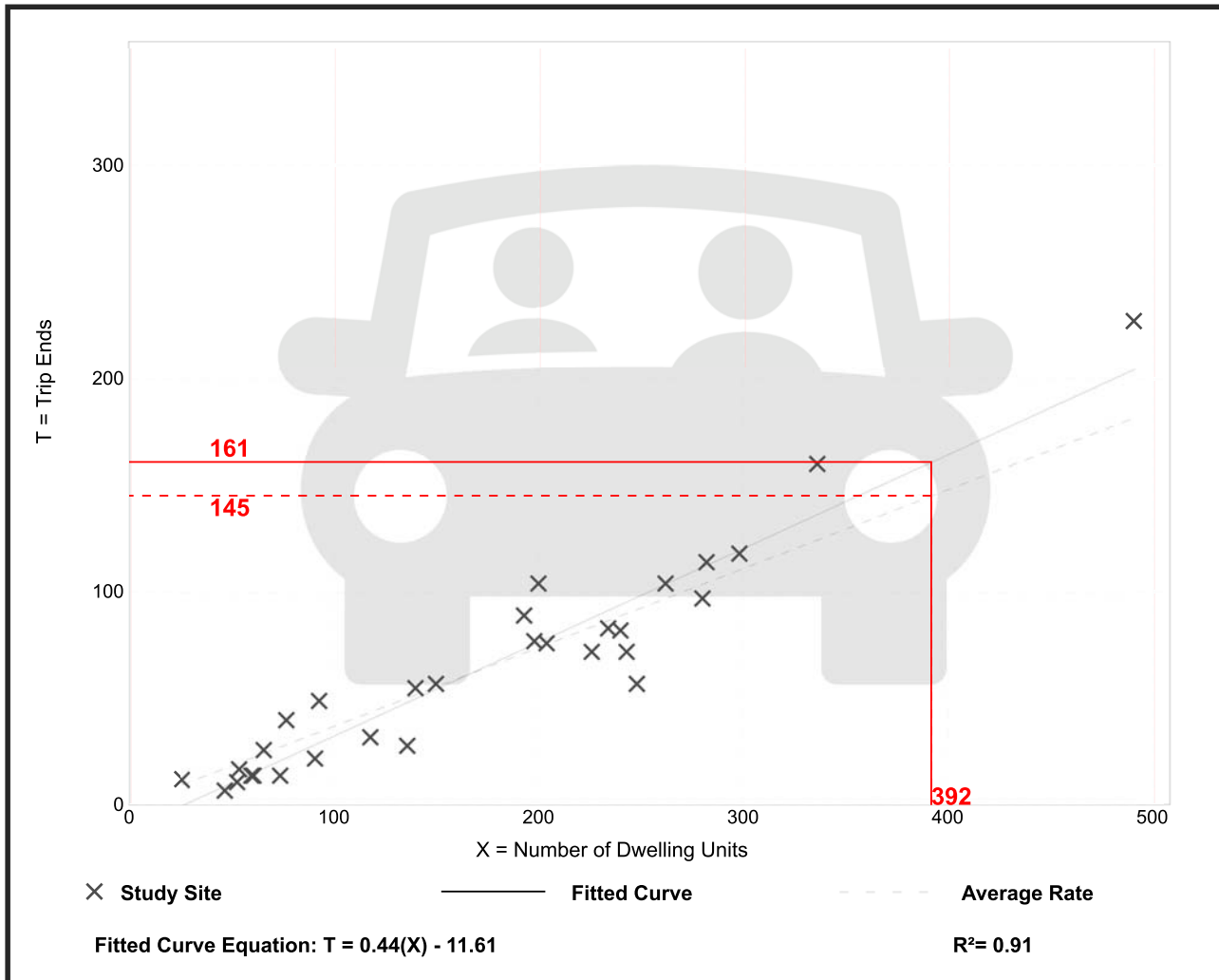
Avg. Num. of Dwelling Units: 173

Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

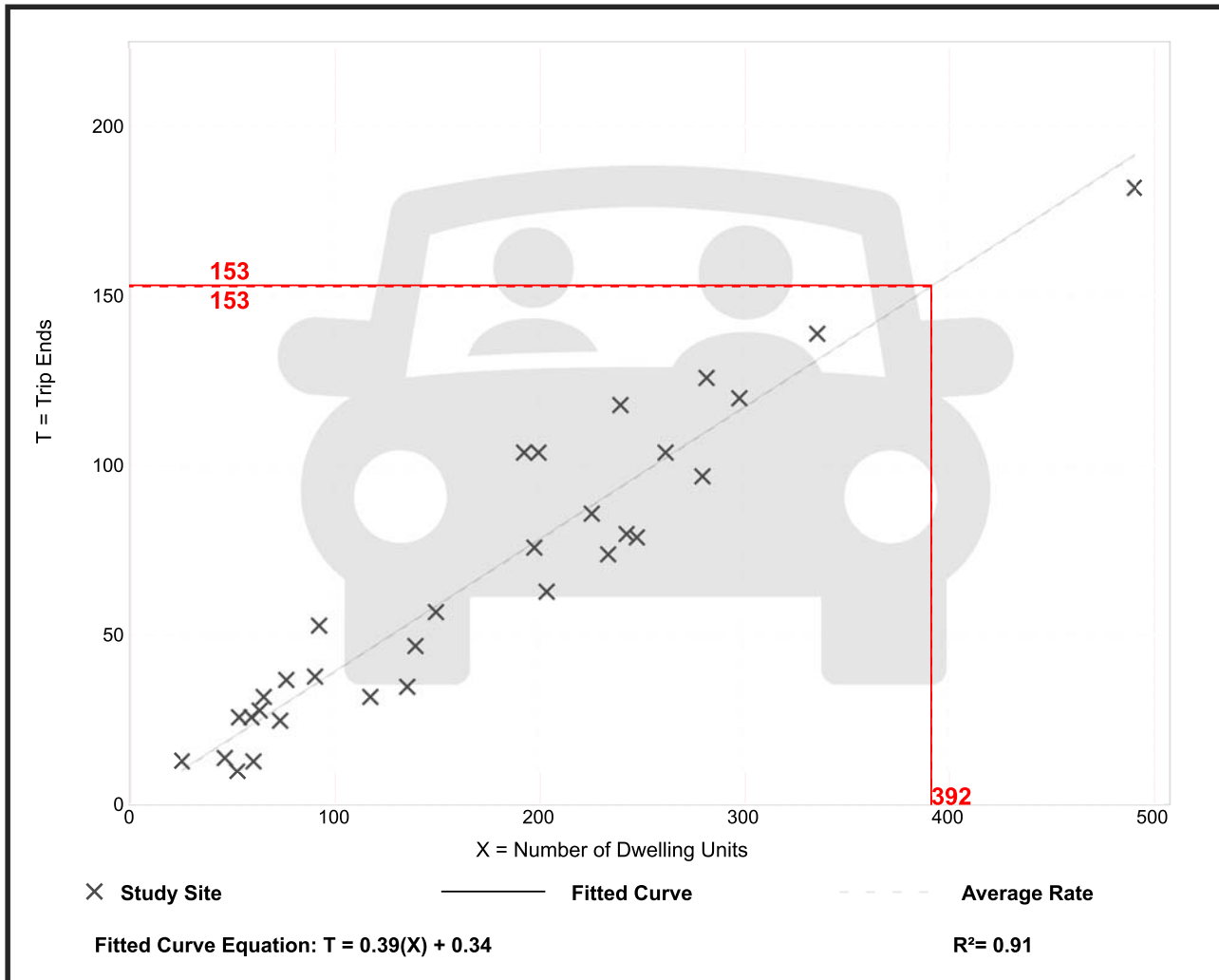
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Medical-Dental Office Building - Stand-Alone (720)

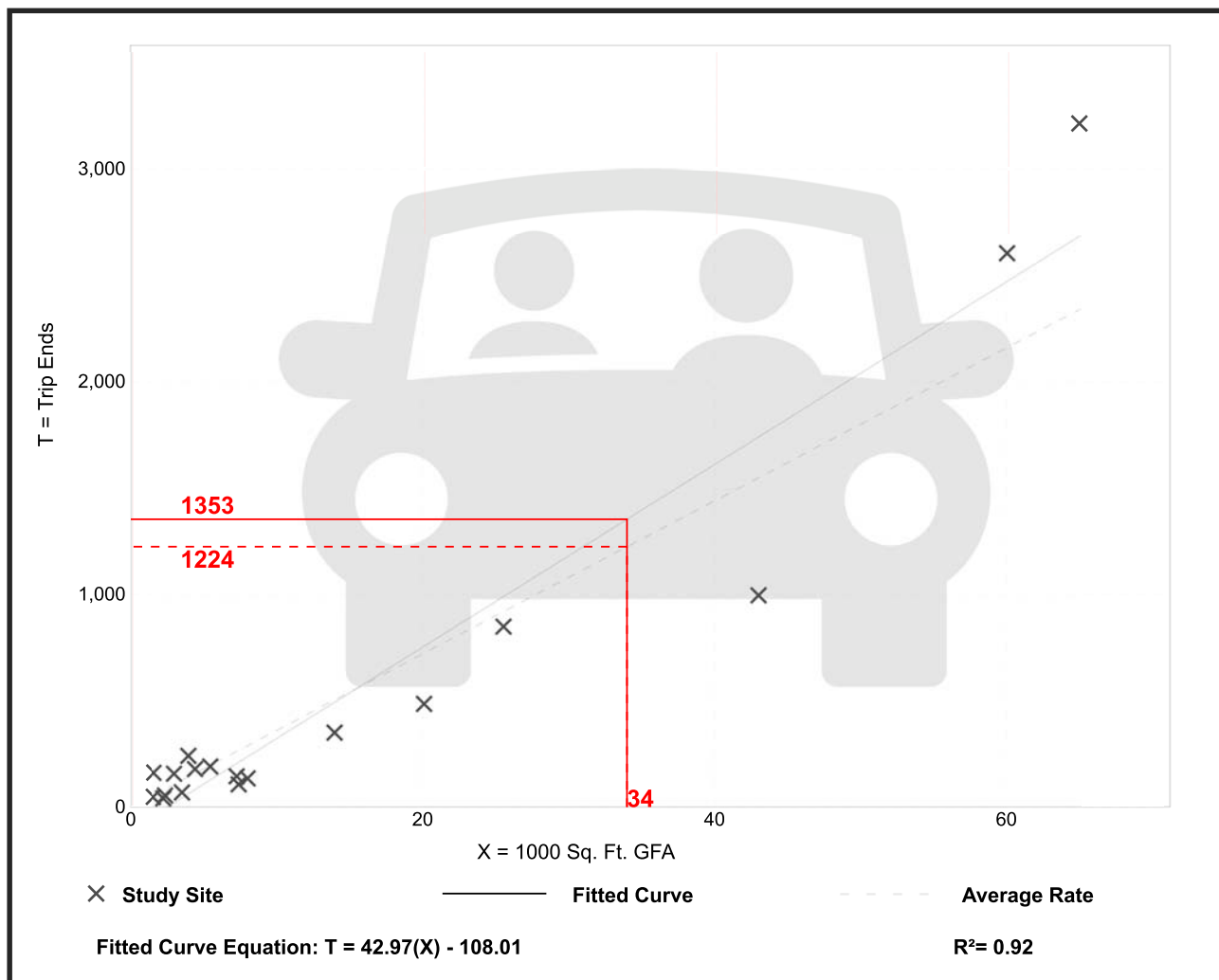
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.00	14.52 - 100.75	13.38

Data Plot and Equation



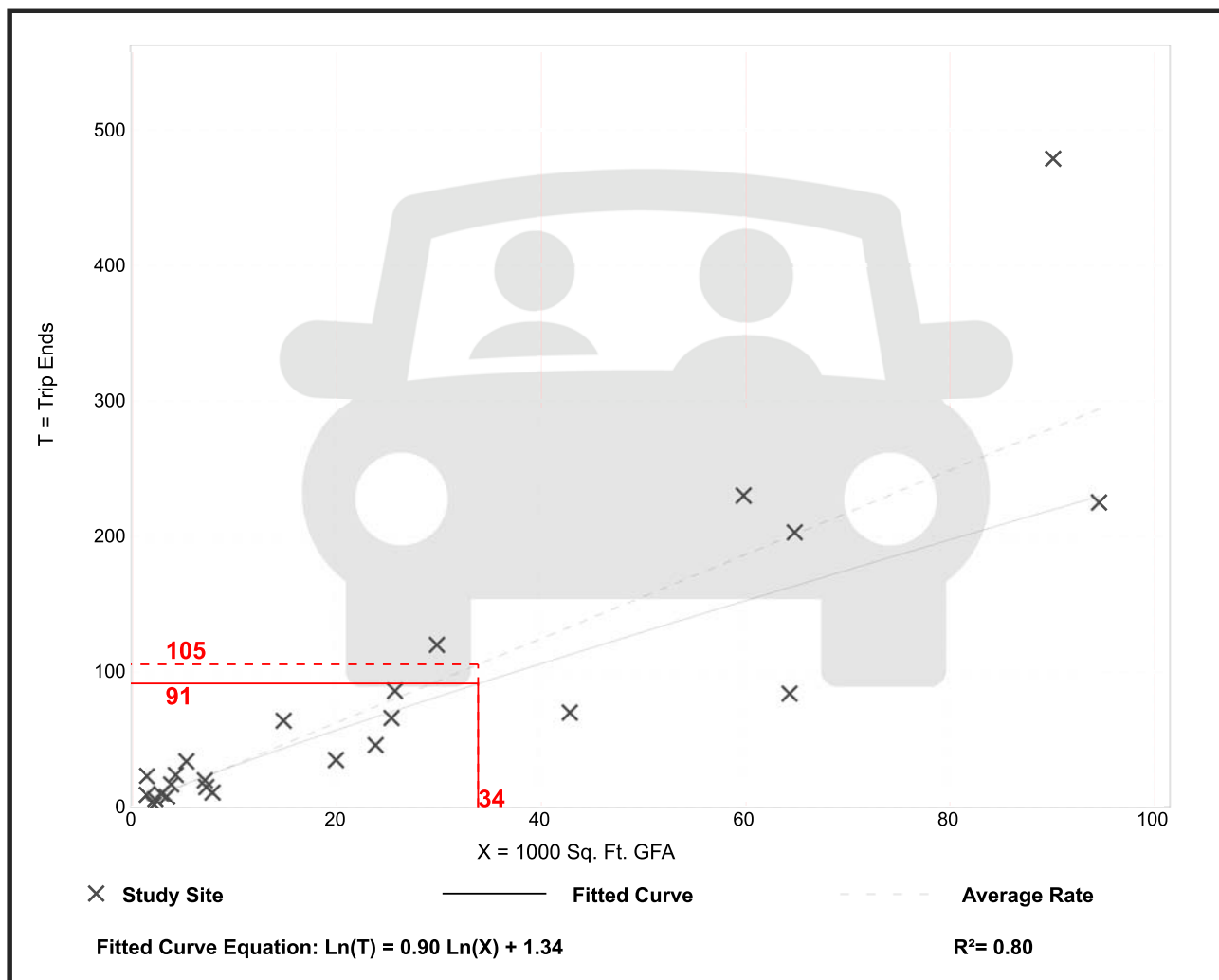
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 24
 Avg. 1000 Sq. Ft. GFA: 25
 Directional Distribution: 79% entering, 21% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.10	0.87 - 14.30	1.49

Data Plot and Equation



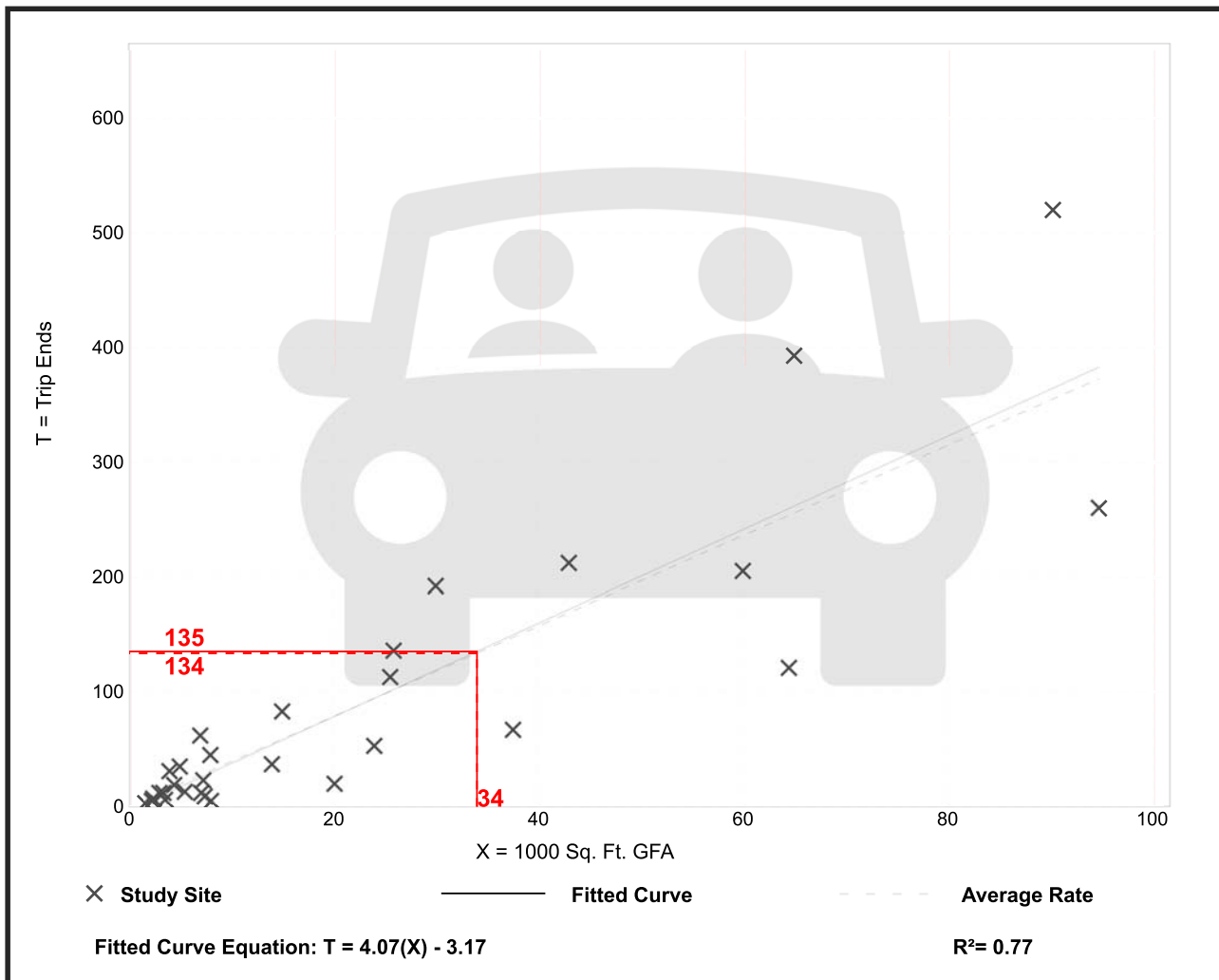
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 30
 Avg. 1000 Sq. Ft. GFA: 23
 Directional Distribution: 30% entering, 70% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.93	0.62 - 8.86	1.86

Data Plot and Equation
























Level of Service Analysis

AM Base Conditions

Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

												
Lane Group	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations												
Traffic Volume (vph)	108	1010	56	7	55	817	215	77	207	4	144	76
Future Volume (vph)	108	1010	56	7	55	817	215	77	207	4	144	76
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		200		275		75	0		0	75	
Storage Lanes	1		1		1		1	0		0	1	
Taper Length (ft)	100				100			25			100	
Lane Util. Factor	1.00	0.95	1.00	0.95	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850				0.850		0.998			0.922
Flt Protected	0.950				0.950				0.987		0.950	
Satd. Flow (prot)	1770	3539	1583	0	1770	3539	1583	0	1835	0	1770	1717
Flt Permitted	0.220				0.152				0.850		0.301	
Satd. Flow (perm)	410	3539	1583	0	283	3539	1583	0	1580	0	561	1717
Right Turn on Red			No				No			No		
Satd. Flow (RTOR)												
Link Speed (mph)		55				55			45			45
Link Distance (ft)		1019				859			1394			1003
Travel Time (s)		12.6				10.6			21.1			15.2
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	120	1122	62	8	61	908	239	86	230	4	160	84
Shared Lane Traffic (%)												
Lane Group Flow (vph)	120	1122	62	0	69	908	239	0	320	0	160	175
Turn Type	D.P+P	NA	Perm	D.P+P	D.P+P	NA	pm+ov	Perm	NA		pm+pt	NA
Protected Phases	5	2		1	1	6	7		8		7	4
Permitted Phases	6		2	2	2		6	8			4	
Detector Phase	5	2	2	1	1	6	7	8	8		7	4
Switch Phase												
Minimum Initial (s)	7.0	14.0	14.0	7.0	7.0	17.0	9.0	9.0	9.0		9.0	9.0
Minimum Split (s)	12.6	25.8	25.8	12.4	12.4	25.8	15.7	24.4	24.4		15.7	24.9
Total Split (s)	20.0	90.0	90.0	20.0	20.0	90.0	35.0	35.0	35.0		35.0	70.0
Total Split (%)	11.1%	50.0%	50.0%	11.1%	11.1%	50.0%	19.4%	19.4%	19.4%		19.4%	38.9%
Maximum Green (s)	14.4	82.2	82.2	14.6	14.6	82.2	28.3	28.6	28.6		28.3	63.1
Yellow Time (s)	3.0	5.8	5.8	3.0	3.0	5.8	3.0	4.4	4.4		3.0	5.3
All-Red Time (s)	2.6	2.0	2.0	2.4	2.4	2.0	3.7	2.0	2.0		3.7	1.6
Lost Time Adjust (s)	-0.6	-2.8	-2.8		-0.4	-2.8	-1.7		-1.4		-1.7	-1.9
Total Lost Time (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0
Lead/Lag	Lead	Lag	Lag	Lead	Lead	Lag	Lead	Lag	Lag		Lead	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0
Recall Mode	None	Max	Max	None	None	Max	None	None	None		None	None
Act Effct Green (s)	95.9	87.2	87.2		95.9	85.1	111.7		30.0		56.6	56.6
Actuated g/C Ratio	0.57	0.52	0.52		0.57	0.51	0.67		0.18		0.34	0.34
v/c Ratio	0.37	0.61	0.08		0.29	0.51	0.23		1.13		0.47	0.30
Control Delay	18.4	30.6	21.7		17.9	29.3	11.7		152.7		45.1	42.6
Queue Delay	0.0	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0
Total Delay	18.4	30.6	21.7		17.9	29.3	11.7		152.7		45.1	42.6
LOS	B	C	C		B	C	B		F		D	D
Approach Delay		29.1				25.2			152.7			43.8
Approach LOS		C				C			F			D













Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

Lane Group	SBR
Lane Configurations	
Traffic Volume (vph)	82
Future Volume (vph)	82
Ideal Flow (vphpl)	1900
Storage Length (ft)	0
Storage Lanes	0
Taper Length (ft)	
Lane Util. Factor	1.00
Frt	
Flt Protected	
Satd. Flow (prot)	0
Flt Permitted	
Satd. Flow (perm)	0
Right Turn on Red	No
Satd. Flow (RTOR)	
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	
Peak Hour Factor	0.90
Adj. Flow (vph)	91
Shared Lane Traffic (%)	
Lane Group Flow (vph)	0
Turn Type	
Protected Phases	
Permitted Phases	
Detector Phase	
Switch Phase	
Minimum Initial (s)	
Minimum Split (s)	
Total Split (s)	
Total Split (%)	
Maximum Green (s)	
Yellow Time (s)	
All-Red Time (s)	
Lost Time Adjust (s)	
Total Lost Time (s)	
Lead/Lag	
Lead-Lag Optimize?	
Vehicle Extension (s)	
Recall Mode	
Act Effct Green (s)	
Actuated g/C Ratio	
v/c Ratio	
Control Delay	
Queue Delay	
Total Delay	
LOS	
Approach Delay	
Approach LOS	

Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

												
Lane Group	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Queue Length 50th (ft)	54	443	33		30	340	97		~404		128	142
Queue Length 95th (ft)	96	581	68		60	456	147		#665		196	216
Internal Link Dist (ft)		939				779			1314			923
Turn Bay Length (ft)	275		200		275		75				75	
Base Capacity (vph)	365	1843	824		303	1798	1135		283		406	667
Starvation Cap Reductn	0	0	0		0	0	0		0		0	0
Spillback Cap Reductn	0	0	0		0	0	0		0		0	0
Storage Cap Reductn	0	0	0		0	0	0		0		0	0
Reduced v/c Ratio	0.33	0.61	0.08		0.23	0.51	0.21		1.13		0.39	0.26

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 167.5

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.13

Intersection Signal Delay: 41.6

Intersection LOS: D

Intersection Capacity Utilization 74.8%

ICU Level of Service D

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: New Hill Road & US Highway 64

		
20 s	90 s	70 s
		
20 s	90 s	35 s
		35 s









Lane Group	SBR
Queue Length 50th (ft)	
Queue Length 95th (ft)	
Internal Link Dist (ft)	
Turn Bay Length (ft)	
Base Capacity (vph)	
Starvation Cap Reductn	
Spillback Cap Reductn	
Storage Cap Reductn	
Reduced v/c Ratio	
Intersection Summary	

HCM Unsignalized Intersection Capacity Analysis

200: New Hill Olive Chapel Road & US Highway 64

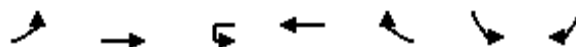
09/28/2022







						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↗		↑↑		↗
Traffic Volume (veh/h)	1154	8	0	1094	0	121
Future Volume (Veh/h)	1154	8	0	1094	0	121
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1282	9	0	1216	0	134
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh)	1			1		
Upstream signal (ft)	859					
pX, platoon unblocked			0.77		0.77	0.77
vC, conflicting volume			1291		1890	641
vC1, stage 1 conf vol					1282	
vC2, stage 2 conf vol					608	
vCu, unblocked vol			794		1567	0
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	84
cM capacity (veh/h)			638		212	840
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	NB 1
Volume Total	641	641	9	608	608	134
Volume Left	0	0	0	0	0	0
Volume Right	0	0	9	0	0	134
cSH	1700	1700	1700	1700	1700	840
Volume to Capacity	0.38	0.38	0.01	0.36	0.36	0.16
Queue Length 95th (ft)	0	0	0	0	0	14
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	10.1
Lane LOS						B
Approach Delay (s)	0.0			0.0		10.1
Approach LOS						B
Intersection Summary						
Average Delay			0.5			
Intersection Capacity Utilization			46.1%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022



Movement	EBL	EBT	WBU	WBT	WBR	SBL	SBR	
Lane Configurations								
Traffic Volume (veh/h)	4	1275	0	1093	4	4	4	
Future Volume (Veh/h)	4	1275	0	1093	4	4	4	
Sign Control	Free		Free		Stop			
Grade	0%		0%		0%			
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	
Hourly flow rate (vph)	4	1417	0	1214	4	4	4	
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type	Raised		Raised					
Median storage veh	1		1					
Upstream signal (ft)								
pX, platoon unblocked			0.00					
vC, conflicting volume	1218		0			1930	607	
vC1, stage 1 conf vol						1214		
vC2, stage 2 conf vol						716		
vCu, unblocked vol	1218		0			1930	607	
tC, single (s)	4.1		0.0			6.8	6.9	
tC, 2 stage (s)						5.8		
tF (s)	2.2		0.0			3.5	3.3	
p0 queue free %	99		0			98	99	
cM capacity (veh/h)	568		0			167	439	
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	708	708	607	607	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	568	1700	1700	1700	1700	1700	1700	242
Volume to Capacity	0.01	0.42	0.42	0.36	0.36	0.00	0.00	0.03
Queue Length 95th (ft)	1	0	0	0	0	0	0	3
Control Delay (s)	11.4	0.0	0.0	0.0	0.0	0.0	0.0	20.4
Lane LOS	B							C
Approach Delay (s)	0.0			0.0				20.4
Approach LOS								C
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			45.2%		ICU Level of Service		A	
Analysis Period (min)			15					

AM Future No-Build Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

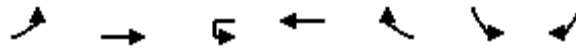
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	118	1306	8	1116	500	311	90
Future Volume (vph)	118	1306	8	1116	500	311	90
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950					0.950	
Satd. Flow (prot)	1770	3539	0	3539	1583	3433	1583
Flt Permitted	0.950			0.937		0.950	
Satd. Flow (perm)	1770	3539	0	3316	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	131	1451	9	1240	556	346	100
Shared Lane Traffic (%)							
Lane Group Flow (vph)	131	1451	0	1249	556	346	100
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	16.4	137.0		115.6	115.6	24.5	24.5
Actuated g/C Ratio	0.10	0.80		0.67	0.67	0.14	0.14
v/c Ratio	0.78	0.51		0.56	0.52	0.71	0.44
Control Delay	104.3	6.9		16.3	16.8	78.4	73.6
Queue Delay	0.0	0.0		0.6	0.9	0.0	0.0
Total Delay	104.3	6.9		16.9	17.7	78.4	73.6
LOS	F	A		B	B	E	E
Approach Delay		15.0		17.1		77.3	
Approach LOS		B		B		E	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	146	255		368	300	194	105
Queue Length 95th (ft)	#263	352		475	442	252	171
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	175	2828		2235	1067	660	304
Starvation Cap Reductn	0	0		550	251	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.75	0.51		0.74	0.68	0.52	0.33

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 171.5

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.78

Intersection Signal Delay: 23.2

Intersection LOS: C

Intersection Capacity Utilization 88.6%

ICU Level of Service E

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

142 s	38 s
22 s	120 s
	38 s

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↵	↗
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↘↘	↑↑	↘↘	↑
Traffic Volume (vph)	1440	183	132	113	1247	376	146
Future Volume (vph)	1440	183	132	113	1247	376	146
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				3399	935	
Travel Time (s)	10.6				42.1	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1600	203	147	126	1386	418	162
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1600	203	0	273	1386	418	162
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	115.0	37.0	28.0	28.0	143.0	37.0	28.0
Total Split (%)	63.9%	20.6%	15.6%	15.6%	79.4%	20.6%	15.6%
Maximum Green (s)	108.0	30.0	21.0	21.0	136.0	30.0	21.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	75.1	112.7		18.3	98.5	32.5	55.9
Actuated g/C Ratio	0.53	0.80		0.13	0.70	0.23	0.40
v/c Ratio	0.85	0.16		0.61	0.56	0.53	0.26
Control Delay	33.1	3.7		66.1	11.4	53.4	32.9
Queue Delay	0.1	0.0		0.0	0.0	0.0	0.0
Total Delay	33.2	3.7		66.1	11.4	53.4	32.9
LOS	C	A		E	B	D	C
Approach Delay	29.9				20.4	47.6	
Approach LOS	C				C	D	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	635	36		123	306	175	100
Queue Length 95th (ft)	778	64		197	352	281	192
Internal Link Dist (ft)	779				3319	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	2801	1263		568	3331	790	683
Starvation Cap Reductn	230	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.62	0.16		0.48	0.42	0.53	0.24

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 141.2

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 28.5

Intersection LOS: C

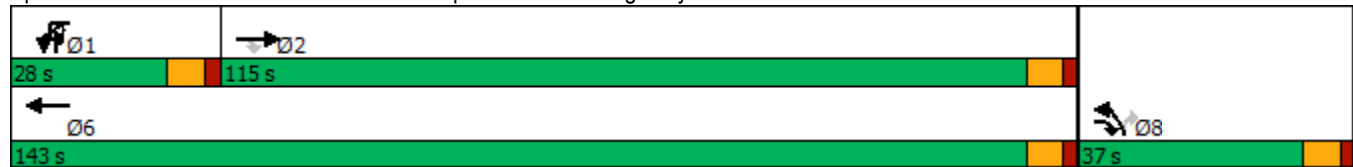
Intersection Capacity Utilization 70.0%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64



HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022

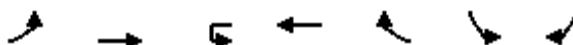


Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↗	↗↗	↘	↗↗	↗	↗↗	
Traffic Volume (veh/h)	26	4	1545	0	1465	4	4	4
Future Volume (Veh/h)	26	4	1545	0	1465	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1717	0	1628	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1632		0			2494	814
vC1, stage 1 conf vol							1628	
vC2, stage 2 conf vol							866	
vCu, unblocked vol	0	1632		0			2494	814
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			96	99
cM capacity (veh/h)	0	394		0			104	321
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	858	858	814	814	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	394	1700	1700	1700	1700	1700	1700	157
Volume to Capacity	0.01	0.51	0.51	0.48	0.48	0.00	0.00	0.05
Queue Length 95th (ft)	1	0	0	0	0	0	0	4
Control Delay (s)	14.2	0.0	0.0	0.0	0.0	0.0	0.0	29.2
Lane LOS	B							D
Approach Delay (s)	0.0			0.0				29.2
Approach LOS								D
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			52.7%		ICU Level of Service			A
Analysis Period (min)			15					

AM Future Build Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

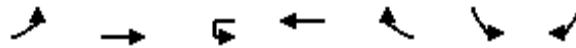
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	118	1333	8	1152	521	327	90
Future Volume (vph)	118	1333	8	1152	521	327	90
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950					0.950	
Satd. Flow (prot)	1770	3539	0	3539	1583	3433	1583
Flt Permitted	0.950			0.936		0.950	
Satd. Flow (perm)	1770	3539	0	3313	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	131	1481	9	1280	579	363	100
Shared Lane Traffic (%)							
Lane Group Flow (vph)	131	1481	0	1289	579	363	100
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	16.4	137.1		115.7	115.7	25.4	25.4
Actuated g/C Ratio	0.10	0.79		0.67	0.67	0.15	0.15
v/c Ratio	0.78	0.53		0.58	0.55	0.72	0.43
Control Delay	105.3	7.4		17.1	17.8	78.6	72.7
Queue Delay	0.0	0.0		0.7	1.0	0.0	0.0
Total Delay	105.3	7.4		17.8	18.8	78.6	72.7
LOS	F	A		B	B	E	E
Approach Delay		15.3		18.1		77.3	
Approach LOS		B		B		E	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	147	274		396	326	204	105
Queue Length 95th (ft)	#266	374		510	478	264	171
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	174	2812		2221	1061	657	303
Starvation Cap Reductn	0	0		534	244	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.75	0.53		0.76	0.71	0.55	0.33

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 172.5

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.78

Intersection Signal Delay: 23.9

Intersection LOS: C

Intersection Capacity Utilization 90.8%

ICU Level of Service E

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

 Ø2	 Ø3
142 s	38 s
 Ø5	 Ø7
22 s	38 s
 Ø6	
120 s	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↖	↗
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↘↘	↑↑	↘↘	↑
Traffic Volume (vph)	1484	183	132	120	1304	376	151
Future Volume (vph)	1484	183	132	120	1304	376	151
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				2149	935	
Travel Time (s)	10.6				26.6	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1649	203	147	133	1449	418	168
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1649	203	0	280	1449	418	168
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	115.0	37.0	28.0	28.0	143.0	37.0	28.0
Total Split (%)	63.9%	20.6%	15.6%	15.6%	79.4%	20.6%	15.6%
Maximum Green (s)	108.0	30.0	21.0	21.0	136.0	30.0	21.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	80.6	118.4		18.9	104.6	32.6	56.6
Actuated g/C Ratio	0.55	0.80		0.13	0.71	0.22	0.38
v/c Ratio	0.85	0.16		0.64	0.58	0.55	0.28
Control Delay	32.9	3.7		69.5	11.6	57.3	36.2
Queue Delay	0.2	0.0		0.0	0.0	0.0	0.0
Total Delay	33.1	3.7		69.5	11.6	57.3	36.2
LOS	C	A		E	B	E	D
Approach Delay	29.9				21.0	51.3	
Approach LOS	C				C	D	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	679	37		130	346	183	109
Queue Length 95th (ft)	813	63		219	386	305	221
Internal Link Dist (ft)	779				2069	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	2692	1271		546	3249	759	656
Starvation Cap Reductn	285	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.69	0.16		0.51	0.45	0.55	0.26

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 147.4

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 29.2

Intersection LOS: C

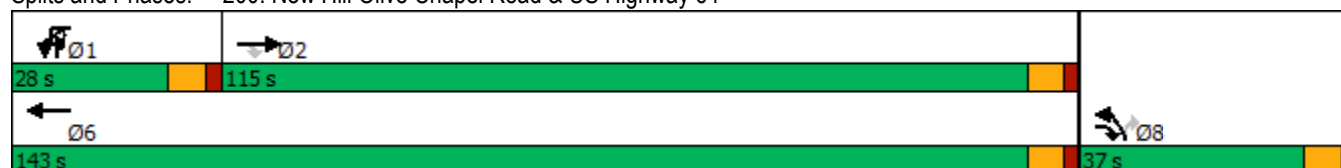
Intersection Capacity Utilization 71.4%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64



HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022












Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↗	↗↗	↘	↗↗	↗	↗↗	
Traffic Volume (veh/h)	90	4	1624	0	1525	4	4	4
Future Volume (Veh/h)	90	4	1624	0	1525	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1804	0	1694	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1698		0			2604	847
vC1, stage 1 conf vol							1694	
vC2, stage 2 conf vol							910	
vCu, unblocked vol	0	1698		0			2604	847
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			96	99
cM capacity (veh/h)	0	371		0			96	305
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	902	902	847	847	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	371	1700	1700	1700	1700	1700	1700	146
Volume to Capacity	0.01	0.53	0.53	0.50	0.50	0.00	0.00	0.05
Queue Length 95th (ft)	1	0	0	0	0	0	0	4
Control Delay (s)	14.8	0.0	0.0	0.0	0.0	0.0	0.0	31.2
Lane LOS	B							D
Approach Delay (s)	0.0			0.0				31.2
Approach LOS								D
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			61.6%		ICU Level of Service			B
Analysis Period (min)			15					

HCM Unsignalized Intersection Capacity Analysis

400: Site Access 1 & US Highway 64

09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	1586	33	60	1556	0	143
Future Volume (Veh/h)	1586	33	60	1556	0	143
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1762	37	67	1729	0	159
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh)	1			1		
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			1799		2779	900
vC1, stage 1 conf vol					1780	
vC2, stage 2 conf vol					998	
vCu, unblocked vol			1799		2779	900
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			80		100	44
cM capacity (veh/h)			339		79	282
Direction, Lane #	EB 1	EB 2	WB 1	WB 2	NB 1	
Volume Total	1175	624	643	1153	159	
Volume Left	0	0	67	0	0	
Volume Right	0	37	0	0	159	
cSH	1700	1700	339	1700	282	
Volume to Capacity	0.69	0.37	0.20	0.68	0.56	
Queue Length 95th (ft)	0	0	18	0	80	
Control Delay (s)	0.0	0.0	6.8	0.0	33.1	
Lane LOS			A		D	
Approach Delay (s)	0.0		2.4		33.1	
Approach LOS					D	
Intersection Summary						
Average Delay			2.6			
Intersection Capacity Utilization			90.2%		ICU Level of Service	
Analysis Period (min)			15			
			E			

HCM Unsignalized Intersection Capacity Analysis

500: Site Access 2 & US Highway 64

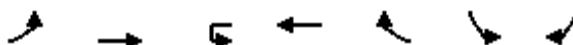
09/28/2022

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑		
Traffic Volume (veh/h)	1713	16	0	1616	0	0
Future Volume (Veh/h)	1713	16	0	1616	0	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1903	18	0	1796	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh	1			1		
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			1921	2810	960	
vC1, stage 1 conf vol				1912		
vC2, stage 2 conf vol				898		
vCu, unblocked vol			1921	2810	960	
tC, single (s)			4.1	6.8	6.9	
tC, 2 stage (s)				5.8		
tF (s)			2.2	3.5	3.3	
p0 queue free %			100	100	100	
cM capacity (veh/h)			304	77	257	
Direction, Lane #	EB 1	EB 2	WB 1	WB 2		
Volume Total	1269	652	898	898		
Volume Left	0	0	0	0		
Volume Right	0	18	0	0		
cSH	1700	1700	1700	1700		
Volume to Capacity	0.75	0.38	0.53	0.53		
Queue Length 95th (ft)	0	0	0	0		
Control Delay (s)	0.0	0.0	0.0	0.0		
Lane LOS						
Approach Delay (s)	0.0		0.0			
Approach LOS						
Intersection Summary						
Average Delay			0.0			
Intersection Capacity Utilization			51.2%	ICU Level of Service		A
Analysis Period (min)			15			

AM Future Build + Improvements Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

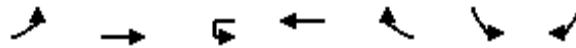
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	118	1333	8	1152	521	327	90
Future Volume (vph)	118	1333	8	1152	521	327	90
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950					0.950	
Satd. Flow (prot)	1770	3539	0	3539	1583	3433	1583
Flt Permitted	0.950			0.936		0.950	
Satd. Flow (perm)	1770	3539	0	3313	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	131	1481	9	1280	579	363	100
Shared Lane Traffic (%)							
Lane Group Flow (vph)	131	1481	0	1289	579	363	100
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	16.4	137.1		115.7	115.7	25.4	25.4
Actuated g/C Ratio	0.10	0.79		0.67	0.67	0.15	0.15
v/c Ratio	0.78	0.53		0.58	0.55	0.72	0.43
Control Delay	105.3	7.4		17.1	17.8	78.6	72.7
Queue Delay	0.0	0.0		0.7	1.0	0.0	0.0
Total Delay	105.3	7.4		17.8	18.8	78.6	72.7
LOS	F	A		B	B	E	E
Approach Delay		15.3		18.1		77.3	
Approach LOS		B		B		E	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	147	274		396	326	204	105
Queue Length 95th (ft)	#266	374		510	478	264	171
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	174	2812		2221	1061	657	303
Starvation Cap Reductn	0	0		534	244	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.75	0.53		0.76	0.71	0.55	0.33

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 172.5

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.78

Intersection Signal Delay: 23.9

Intersection LOS: C

Intersection Capacity Utilization 90.8%

ICU Level of Service E

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

142 s		38 s	
22 s	120 s	38 s	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↖	↗
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↘↘	↑↑	↘↘	↑
Traffic Volume (vph)	1484	183	132	120	1304	376	151
Future Volume (vph)	1484	183	132	120	1304	376	151
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				2149	935	
Travel Time (s)	10.6				26.6	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1649	203	147	133	1449	418	168
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1649	203	0	280	1449	418	168
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	115.0	37.0	28.0	28.0	143.0	37.0	28.0
Total Split (%)	63.9%	20.6%	15.6%	15.6%	79.4%	20.6%	15.6%
Maximum Green (s)	108.0	30.0	21.0	21.0	136.0	30.0	21.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	80.6	118.4		18.9	104.6	32.6	56.6
Actuated g/C Ratio	0.55	0.80		0.13	0.71	0.22	0.38
v/c Ratio	0.85	0.16		0.64	0.58	0.55	0.28
Control Delay	32.9	3.7		69.5	11.6	57.3	36.2
Queue Delay	0.2	0.0		0.0	0.0	0.0	0.0
Total Delay	33.1	3.7		69.5	11.6	57.3	36.2
LOS	C	A		E	B	E	D
Approach Delay	29.9				21.0	51.3	
Approach LOS	C				C	D	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	679	37		130	346	183	109
Queue Length 95th (ft)	813	63		219	386	305	221
Internal Link Dist (ft)	779				2069	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	2692	1271		546	3249	759	656
Starvation Cap Reductn	285	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.69	0.16		0.51	0.45	0.55	0.26

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 147.4

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 29.2

Intersection LOS: C

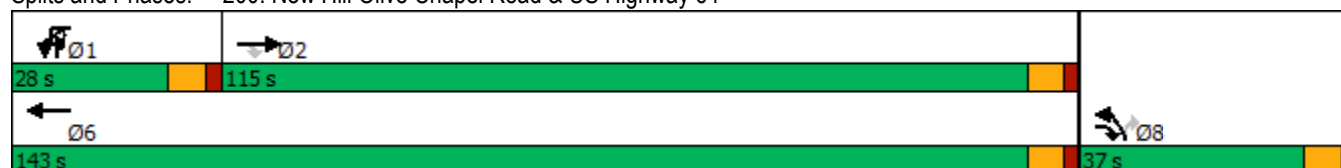
Intersection Capacity Utilization 71.4%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64



HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022









Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↗	↗↗	↘	↗↗	↗	↗↗	
Traffic Volume (veh/h)	90	4	1624	0	1525	4	4	4
Future Volume (Veh/h)	90	4	1624	0	1525	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1804	0	1694	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1698		0			2604	847
vC1, stage 1 conf vol							1694	
vC2, stage 2 conf vol							910	
vCu, unblocked vol	0	1698		0			2604	847
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			96	99
cM capacity (veh/h)	0	371		0			96	305
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	902	902	847	847	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	371	1700	1700	1700	1700	1700	1700	146
Volume to Capacity	0.01	0.53	0.53	0.50	0.50	0.00	0.00	0.05
Queue Length 95th (ft)	1	0	0	0	0	0	0	4
Control Delay (s)	14.8	0.0	0.0	0.0	0.0	0.0	0.0	31.2
Lane LOS	B							D
Approach Delay (s)	0.0			0.0				31.2
Approach LOS								D
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			61.6%		ICU Level of Service			B
Analysis Period (min)			15					

HCM Unsignalized Intersection Capacity Analysis

400: Site Access 1 & US Highway 64







09/28/2022

							
Movement	EBT	EBR	WBL	WBT	NBL	NBR	
Lane Configurations	↑↑	↑	↓	↑↑		↑	
Traffic Volume (veh/h)	1586	33	60	1556	0	143	
Future Volume (Veh/h)	1586	33	60	1556	0	143	
Sign Control	Free			Free	Stop		
Grade	0%			0%	0%		
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	
Hourly flow rate (vph)	1762	37	67	1729	0	159	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised			Raised			
Median storage veh)	1			1			
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume				1799	2760	881	
vC1, stage 1 conf vol					1762		
vC2, stage 2 conf vol					998		
vCu, unblocked vol				1799	2760	881	
tC, single (s)				4.1	6.8	6.9	
tC, 2 stage (s)					5.8		
tF (s)				2.2	3.5	3.3	
p0 queue free %				80	100	45	
cM capacity (veh/h)				339	81	290	
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	NB 1
Volume Total	881	881	37	67	864	864	159
Volume Left	0	0	0	67	0	0	0
Volume Right	0	0	37	0	0	0	159
cSH	1700	1700	1700	339	1700	1700	290
Volume to Capacity	0.52	0.52	0.02	0.20	0.51	0.51	0.55
Queue Length 95th (ft)	0	0	0	18	0	0	77
Control Delay (s)	0.0	0.0	0.0	18.2	0.0	0.0	31.5
Lane LOS				C	D		
Approach Delay (s)	0.0				0.7	31.5	
Approach LOS					D		
Intersection Summary							
Average Delay				1.7			
Intersection Capacity Utilization				59.4%	ICU Level of Service		B
Analysis Period (min)				15			

HCM Unsignalized Intersection Capacity Analysis

500: Site Access 2 & US Highway 64






















09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↗		↑↑		
Traffic Volume (veh/h)	1713	16	0	1616	0	0
Future Volume (Veh/h)	1713	16	0	1616	0	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1903	18	0	1796	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh	1			1		
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			1921		2801	952
vC1, stage 1 conf vol					1903	
vC2, stage 2 conf vol					898	
vCu, unblocked vol			1921		2801	952
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			304		77	260
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	
Volume Total	952	952	18	898	898	
Volume Left	0	0	0	0	0	
Volume Right	0	0	18	0	0	
cSH	1700	1700	1700	1700	1700	
Volume to Capacity	0.56	0.56	0.01	0.53	0.53	
Queue Length 95th (ft)	0	0	0	0	0	
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	
Lane LOS						
Approach Delay (s)	0.0			0.0		
Approach LOS						
Intersection Summary						
Average Delay			0.0			
Intersection Capacity Utilization			50.7%	ICU Level of Service		A
Analysis Period (min)			15			

PM Base Conditions

Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

												
Lane Group	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations												
Traffic Volume (vph)	82	950	100	13	119	1004	204	38	128	6	239	206
Future Volume (vph)	82	950	100	13	119	1004	204	38	128	6	239	206
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		200		275		75	0		0	75	
Storage Lanes	1		1		1		1	0		0	1	
Taper Length (ft)	100				100			100			100	
Lane Util. Factor	1.00	0.95	1.00	0.95	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850				0.850		0.995			0.940
Flt Protected	0.950				0.950				0.989		0.950	
Satd. Flow (prot)	1770	3539	1583	0	1770	3539	1583	0	1833	0	1770	1751
Flt Permitted	0.149				0.163				0.824		0.346	
Satd. Flow (perm)	278	3539	1583	0	304	3539	1583	0	1527	0	645	1751
Right Turn on Red			No				No			No		
Satd. Flow (RTOR)												
Link Speed (mph)		55				55			45			45
Link Distance (ft)		1019				859			1394			1003
Travel Time (s)		12.6				10.6			21.1			15.2
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	91	1056	111	14	132	1116	227	42	142	7	266	229
Shared Lane Traffic (%)												
Lane Group Flow (vph)	91	1056	111	0	146	1116	227	0	191	0	266	382
Turn Type	D.P+P	NA	Perm	D.P+P	D.P+P	NA	pm+ov	Perm	NA		pm+pt	NA
Protected Phases	5	2		1	1	6	7		8		7	4
Permitted Phases	6		2	2	2		6	8			4	
Detector Phase	5	2	2	1	1	6	7	8	8		7	4
Switch Phase												
Minimum Initial (s)	7.0	14.0	14.0	7.0	7.0	17.0	9.0	9.0	9.0		9.0	9.0
Minimum Split (s)	12.6	25.8	25.8	12.4	12.4	25.8	15.7	24.4	24.4		15.7	24.9
Total Split (s)	20.0	90.0	90.0	20.0	20.0	90.0	35.0	35.0	35.0		35.0	70.0
Total Split (%)	11.1%	50.0%	50.0%	11.1%	11.1%	50.0%	19.4%	19.4%	19.4%		19.4%	38.9%
Maximum Green (s)	14.4	82.2	82.2	14.6	14.6	82.2	28.3	28.6	28.6		28.3	63.1
Yellow Time (s)	3.0	5.8	5.8	3.0	3.0	5.8	3.0	4.4	4.4		3.0	5.3
All-Red Time (s)	2.6	2.0	2.0	2.4	2.4	2.0	3.7	2.0	2.0		3.7	1.6
Lost Time Adjust (s)	-0.6	-2.8	-2.8		-0.4	-2.8	-1.7		-1.4		-1.7	-1.9
Total Lost Time (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0
Lead/Lag	Lead	Lag	Lag	Lead	Lead	Lag	Lead	Lag	Lag		Lead	
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0
Recall Mode	None	Max	Max	None	None	Max	None	None	None		None	None
Act Effct Green (s)	97.2	85.3	85.3		97.2	87.3	119.6		25.9		58.2	58.2
Actuated g/C Ratio	0.57	0.50	0.50		0.57	0.51	0.70		0.15		0.34	0.34
v/c Ratio	0.37	0.60	0.14		0.53	0.62	0.20		0.82		0.67	0.64
Control Delay	20.1	33.3	25.4		23.4	32.7	10.0		97.9		52.2	52.7
Queue Delay	0.0	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0
Total Delay	20.1	33.3	25.4		23.4	32.7	10.0		97.9		52.2	52.7
LOS	C	C	C		C	C	B		F		D	D
Approach Delay		31.7				28.3			97.9			52.5
Approach LOS		C				C			F			D













Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

Lane Group	SBR
Lane Configurations	
Traffic Volume (vph)	138
Future Volume (vph)	138
Ideal Flow (vphpl)	1900
Storage Length (ft)	0
Storage Lanes	0
Taper Length (ft)	
Lane Util. Factor	1.00
Frt	
Flt Protected	
Satd. Flow (prot)	0
Flt Permitted	
Satd. Flow (perm)	0
Right Turn on Red	No
Satd. Flow (RTOR)	
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	
Peak Hour Factor	0.90
Adj. Flow (vph)	153
Shared Lane Traffic (%)	
Lane Group Flow (vph)	0
Turn Type	
Protected Phases	
Permitted Phases	
Detector Phase	
Switch Phase	
Minimum Initial (s)	
Minimum Split (s)	
Total Split (s)	
Total Split (%)	
Maximum Green (s)	
Yellow Time (s)	
All-Red Time (s)	
Lost Time Adjust (s)	
Total Lost Time (s)	
Lead/Lag	
Lead-Lag Optimize?	
Vehicle Extension (s)	
Recall Mode	
Act Effct Green (s)	
Actuated g/C Ratio	
v/c Ratio	
Control Delay	
Queue Delay	
Total Delay	
LOS	
Approach Delay	
Approach LOS	

Lanes, Volumes, Timings
100: New Hill Road & US Highway 64

09/28/2022

												
Lane Group	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Queue Length 50th (ft)	45	466	70		75	491	87		214		231	361
Queue Length 95th (ft)	76	565	118		116	594	135		#334		327	491
Internal Link Dist (ft)		939				779			1314			923
Turn Bay Length (ft)	275		200		275		75				75	
Base Capacity (vph)	297	1771	792		307	1811	1136		269		418	670
Starvation Cap Reductn	0	0	0		0	0	0		0		0	0
Spillback Cap Reductn	0	0	0		0	0	0		0		0	0
Storage Cap Reductn	0	0	0		0	0	0		0		0	0
Reduced v/c Ratio	0.31	0.60	0.14		0.48	0.62	0.20		0.71		0.64	0.57

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 170.5

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.82

Intersection Signal Delay: 37.6

Intersection LOS: D

Intersection Capacity Utilization 78.7%






ICU Level of Service D

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: New Hill Road & US Highway 64

		
Ø1	Ø2	Ø4
20 s	90 s	70 s
		
Ø5	Ø6	Ø7
20 s	90 s	35 s
		
		Ø8
		35 s









Lane Group	SBR
Queue Length 50th (ft)	
Queue Length 95th (ft)	
Internal Link Dist (ft)	
Turn Bay Length (ft)	
Base Capacity (vph)	
Starvation Cap Reductn	
Spillback Cap Reductn	
Storage Cap Reductn	
Reduced v/c Ratio	
Intersection Summary	

HCM Unsignalized Intersection Capacity Analysis

200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↗		↑↑		↗
Traffic Volume (veh/h)	1193	15	0	1340	0	109
Future Volume (Veh/h)	1193	15	0	1340	0	109
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1326	17	0	1489	0	121
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh)	1			1		
Upstream signal (ft)	859					
pX, platoon unblocked			0.79		0.79	0.79
vC, conflicting volume			1343		2070	663
vC1, stage 1 conf vol					1326	
vC2, stage 2 conf vol					744	
vCu, unblocked vol			892		1817	27
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	85
cM capacity (veh/h)			594		182	819
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	NB 1
Volume Total	663	663	17	744	744	121
Volume Left	0	0	0	0	0	0
Volume Right	0	0	17	0	0	121
cSH	1700	1700	1700	1700	1700	819
Volume to Capacity	0.39	0.39	0.01	0.44	0.44	0.15
Queue Length 95th (ft)	0	0	0	0	0	13
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	10.2
Lane LOS						B
Approach Delay (s)	0.0			0.0		10.2
Approach LOS						B
Intersection Summary						
Average Delay			0.4			
Intersection Capacity Utilization			46.4%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022



Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↗	↕	↖	↕	↗	↖	
Traffic Volume (veh/h)	1	4	1298	1	1338	4	4	4
Future Volume (Veh/h)	1	4	1298	1	1338	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1442	0	1487	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1491		0			2216	744
vC1, stage 1 conf vol							1487	
vC2, stage 2 conf vol							729	
vCu, unblocked vol	0	1491		0			2216	744
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			97	99
cM capacity (veh/h)	0	446		0			127	357
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	721	721	744	744	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	446	1700	1700	1700	1700	1700	1700	187
Volume to Capacity	0.01	0.42	0.42	0.44	0.44	0.00	0.00	0.04
Queue Length 95th (ft)	1	0	0	0	0	0	0	3
Control Delay (s)	13.1	0.0	0.0	0.0	0.0	0.0	0.0	25.1
Lane LOS	B							D
Approach Delay (s)	0.0			0.0				25.1
Approach LOS								D
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			47.0%		ICU Level of Service			A
Analysis Period (min)			15					

PM Future No-Build Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

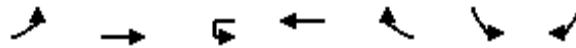
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	90	1271	15	1285	428	516	151
Future Volume (vph)	90	1271	15	1285	428	516	151
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950			0.999		0.950	
Satd. Flow (prot)	1770	3539	0	3536	1583	3433	1583
Flt Permitted	0.950			0.913		0.950	
Satd. Flow (perm)	1770	3539	0	3231	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	100	1412	17	1428	476	573	168
Shared Lane Traffic (%)							
Lane Group Flow (vph)	100	1412	0	1445	476	573	168
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	15.6	137.0		116.4	116.4	32.6	32.6
Actuated g/C Ratio	0.09	0.76		0.65	0.65	0.18	0.18
v/c Ratio	0.65	0.52		0.69	0.46	0.92	0.59
Control Delay	99.2	9.3		22.6	18.0	92.6	76.5
Queue Delay	0.0	0.0		1.6	0.7	0.0	0.0
Total Delay	99.2	9.3		24.2	18.7	92.6	76.5
LOS	F	A		C	B	F	E
Approach Delay		15.2		22.8		89.0	
Approach LOS		B		C		F	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	116	317		563	279	347	184
Queue Length 95th (ft)	188	360		645	368	#453	273
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	167	2699		2094	1026	630	291
Starvation Cap Reductn	0	0		436	263	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.60	0.52		0.87	0.62	0.91	0.58

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 179.6

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.92

Intersection Signal Delay: 31.8

Intersection LOS: C

Intersection Capacity Utilization 97.8%

ICU Level of Service F

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

142 s		38 s	
22 s	120 s	38 s	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↵	↗
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↑↑	↑↑	↑↑	↑
Traffic Volume (vph)	1451	351	71	141	1428	300	170
Future Volume (vph)	1451	351	71	141	1428	300	170
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				3399	935	
Travel Time (s)	10.6				42.1	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1612	390	79	157	1587	333	189
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1612	390	0	236	1587	333	189
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	120.0	34.0	26.0	26.0	146.0	34.0	26.0
Total Split (%)	66.7%	18.9%	14.4%	14.4%	81.1%	18.9%	14.4%
Maximum Green (s)	113.0	27.0	19.0	19.0	139.0	27.0	19.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	72.3	106.9		16.5	93.8	29.5	51.0
Actuated g/C Ratio	0.54	0.80		0.12	0.70	0.22	0.38
v/c Ratio	0.84	0.31		0.56	0.64	0.44	0.31
Control Delay	30.3	4.3		62.2	11.8	50.0	33.4
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0
Total Delay	30.3	4.3		62.2	11.8	50.0	33.4
LOS	C	A		E	B	D	C
Approach Delay	25.3				18.3	44.0	
Approach LOS	C				B	D	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	590	74		100	356	129	114
Queue Length 95th (ft)	732	124		166	411	217	218
Internal Link Dist (ft)	779				3319	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	3062	1267		549	3446	758	663
Starvation Cap Reductn	198	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.56	0.31		0.43	0.46	0.44	0.29

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 133.5

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.84

Intersection Signal Delay: 24.6

Intersection LOS: C

Intersection Capacity Utilization 69.2%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64

Ø1	Ø2	
26 s	120 s	
Ø6		Ø8
146 s		34 s

HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022



Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↗	↕	↖	↕	↗	↖	
Traffic Volume (veh/h)	36	4	1676	15	1602	4	4	4
Future Volume (Veh/h)	36	4	1676	15	1602	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1862	0	1780	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1784		0			2719	890
vC1, stage 1 conf vol							1780	
vC2, stage 2 conf vol							939	
vCu, unblocked vol	0	1784		0			2719	890
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			95	99
cM capacity (veh/h)	0	344		0			87	286
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	931	931	890	890	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	344	1700	1700	1700	1700	1700	1700	133
Volume to Capacity	0.01	0.55	0.55	0.52	0.52	0.00	0.00	0.06
Queue Length 95th (ft)	1	0	0	0	0	0	0	5
Control Delay (s)	15.6	0.0	0.0	0.0	0.0	0.0	0.0	33.8
Lane LOS	C							D
Approach Delay (s)	0.0			0.0				33.8
Approach LOS								D
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			56.3%		ICU Level of Service			B
Analysis Period (min)			15					

PM Future Build Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

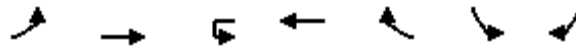
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	90	1305	15	1324	451	536	151
Future Volume (vph)	90	1305	15	1324	451	536	151
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950			0.999		0.950	
Satd. Flow (prot)	1770	3539	0	3536	1583	3433	1583
Flt Permitted	0.950			0.912		0.950	
Satd. Flow (perm)	1770	3539	0	3228	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	100	1450	17	1471	501	596	168
Shared Lane Traffic (%)							
Lane Group Flow (vph)	100	1450	0	1488	501	596	168
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	15.6	137.0		116.4	116.4	33.0	33.0
Actuated g/C Ratio	0.09	0.76		0.65	0.65	0.18	0.18
v/c Ratio	0.65	0.54		0.71	0.49	0.95	0.58
Control Delay	99.2	9.6		23.5	18.7	96.7	76.1
Queue Delay	0.0	0.0		2.0	0.8	0.0	0.0
Total Delay	99.2	9.6		25.5	19.5	96.7	76.1
LOS	F	A		C	B	F	E
Approach Delay		15.4		24.0		92.2	
Approach LOS		B		C		F	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	116	332		595	300	363	184
Queue Length 95th (ft)	188	376		680	395	#482	273
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	167	2693		2087	1023	629	290
Starvation Cap Reductn	0	0		425	257	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.60	0.54		0.90	0.65	0.95	0.58

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 180

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.95

Intersection Signal Delay: 33.0

Intersection LOS: C

Intersection Capacity Utilization 98.4%

ICU Level of Service F

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

142 s		38 s	
22 s	120 s	38 s	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↵	↗
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↘↘	↑↑	↘↘	↑
Traffic Volume (vph)	1505	351	71	149	1490	300	177
Future Volume (vph)	1505	351	71	149	1490	300	177
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				2149	935	
Travel Time (s)	10.6				26.6	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1672	390	79	166	1656	333	197
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1672	390	0	245	1656	333	197
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	121.0	33.0	26.0	26.0	147.0	33.0	26.0
Total Split (%)	67.2%	18.3%	14.4%	14.4%	81.7%	18.3%	14.4%
Maximum Green (s)	114.0	26.0	19.0	19.0	140.0	26.0	19.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	76.3	109.9		16.9	98.2	28.5	50.4
Actuated g/C Ratio	0.56	0.80		0.12	0.72	0.21	0.37
v/c Ratio	0.85	0.31		0.58	0.65	0.47	0.34
Control Delay	30.0	4.3		63.9	11.8	53.1	36.0
Queue Delay	0.1	0.0		0.0	0.0	0.0	0.0
Total Delay	30.1	4.3		63.9	11.8	53.1	36.0
LOS	C	A		E	B	D	D
Approach Delay	25.2				18.5	46.7	
Approach LOS	C				B	D	

Lanes, Volumes, Timings

200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	626	75		106	391	134	125
Queue Length 95th (ft)	767	123		176	447	225	239
Internal Link Dist (ft)	779				2069	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	3025	1270		535	3416	714	635
Starvation Cap Reductn	237	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.60	0.31		0.46	0.48	0.47	0.31

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 136.9

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 24.9

Intersection LOS: C



Intersection Capacity Utilization 71.3%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64

 Ø1	 Ø2	
26 s	121 s	
 Ø6		 Ø8
147 s		33 s

HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022












Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↰	↶↶	↰	↶↶	↰	↰	
Traffic Volume (veh/h)	105	4	1761	15	1676	4	4	4
Future Volume (Veh/h)	105	4	1761	15	1676	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1957	0	1862	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1866		0			2848	931
vC1, stage 1 conf vol							1862	
vC2, stage 2 conf vol							986	
vCu, unblocked vol	0	1866		0			2848	931
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			95	99
cM capacity (veh/h)	0	319		0			78	268
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	978	978	931	931	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	319	1700	1700	1700	1700	1700	1700	121
Volume to Capacity	0.01	0.58	0.58	0.55	0.55	0.00	0.00	0.07
Queue Length 95th (ft)	1	0	0	0	0	0	0	5
Control Delay (s)	16.4	0.0	0.0	0.0	0.0	0.0	0.0	36.8
Lane LOS	C							E
Approach Delay (s)	0.0			0.0				36.8
Approach LOS								E
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			65.7%		ICU Level of Service			C
Analysis Period (min)			15					

HCM Unsignalized Intersection Capacity Analysis

400: Site Access 1 & US Highway 64







09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	1736	40	74	1708	0	154
Future Volume (Veh/h)	1736	40	74	1708	0	154
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	1929	44	82	1898	0	171
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh	1			1		
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			1973		3064	986
vC1, stage 1 conf vol					1951	
vC2, stage 2 conf vol					1113	
vCu, unblocked vol			1973		3064	986
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			72		100	31
cM capacity (veh/h)			290		62	247
Direction, Lane #	EB 1	EB 2	WB 1	WB 2	NB 1	
Volume Total	1286	687	715	1265	171	
Volume Left	0	0	82	0	0	
Volume Right	0	44	0	0	171	
cSH	1700	1700	290	1700	247	
Volume to Capacity	0.76	0.40	0.28	0.74	0.69	
Queue Length 95th (ft)	0	0	28	0	114	
Control Delay (s)	0.0	0.0	11.4	0.0	47.1	
Lane LOS			B		E	
Approach Delay (s)	0.0		4.1		47.1	
Approach LOS					E	
Intersection Summary						
Average Delay			3.9			
Intersection Capacity Utilization			104.9%	ICU Level of Service		G
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

500: Site Access 2 & US Highway 64

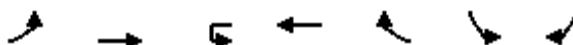
09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↱			↑↑		
Traffic Volume (veh/h)	1870	20	0	1782	0	0
Future Volume (Veh/h)	1870	20	0	1782	0	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	2078	22	0	1980	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised		Raised			
Median storage veh	1		1			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			2100		3079	1050
vC1, stage 1 conf vol					2089	
vC2, stage 2 conf vol					990	
vCu, unblocked vol			2100		3079	1050
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			258		62	224
Direction, Lane #	EB 1	EB 2	WB 1	WB 2		
Volume Total	1385	715	990	990		
Volume Left	0	0	0	0		
Volume Right	0	22	0	0		
cSH	1700	1700	1700	1700		
Volume to Capacity	0.81	0.42	0.58	0.58		
Queue Length 95th (ft)	0	0	0	0		
Control Delay (s)	0.0	0.0	0.0	0.0		
Lane LOS						
Approach Delay (s)	0.0		0.0			
Approach LOS						
Intersection Summary						
Average Delay			0.0			
Intersection Capacity Utilization			55.7%	ICU Level of Service	B	
Analysis Period (min)			15			

PM Future Build + Improvements Conditions

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

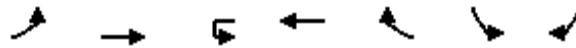
09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations							
Traffic Volume (vph)	90	1305	15	1324	451	536	151
Future Volume (vph)	90	1305	15	1324	451	536	151
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	275		275		75	300	300
Storage Lanes	1		0		1	1	1
Taper Length (ft)	100		100			200	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	0.97	1.00
Frt					0.850		0.850
Flt Protected	0.950			0.999		0.950	
Satd. Flow (prot)	1770	3539	0	3536	1583	3433	1583
Flt Permitted	0.950			0.912		0.950	
Satd. Flow (perm)	1770	3539	0	3228	1583	3433	1583
Right Turn on Red					No		No
Satd. Flow (RTOR)							
Link Speed (mph)		55		55		45	
Link Distance (ft)		1019		859		1003	
Travel Time (s)		12.6		10.6		15.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	100	1450	17	1471	501	596	168
Shared Lane Traffic (%)							
Lane Group Flow (vph)	100	1450	0	1488	501	596	168
Turn Type	Prot	NA	Perm	NA	Perm	Prot	Perm
Protected Phases	5	2		6		3	
Permitted Phases			6		6		7
Detector Phase	5	2	6	6	6	3	7
Switch Phase							
Minimum Initial (s)	7.0	14.0	17.0	17.0	17.0	9.0	9.0
Minimum Split (s)	14.6	25.8	25.8	25.8	25.8	17.7	17.7
Total Split (s)	22.0	142.0	120.0	120.0	120.0	38.0	38.0
Total Split (%)	12.2%	78.9%	66.7%	66.7%	66.7%	21.1%	21.1%
Maximum Green (s)	15.0	135.0	113.0	113.0	113.0	31.0	31.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	Max	Max	Max	None	None
Act Effect Green (s)	15.6	137.0		116.4	116.4	33.0	33.0
Actuated g/C Ratio	0.09	0.76		0.65	0.65	0.18	0.18
v/c Ratio	0.65	0.54		0.71	0.49	0.95	0.58
Control Delay	99.2	9.6		23.5	18.7	96.7	76.1
Queue Delay	0.0	0.0		2.0	0.8	0.0	0.0
Total Delay	99.2	9.6		25.5	19.5	96.7	76.1
LOS	F	A		C	B	F	E
Approach Delay		15.4		24.0		92.2	
Approach LOS		B		C		F	

Lanes, Volumes, Timings
100: US Highway 64 & New Hill Road

09/28/2022



Lane Group	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	116	332		595	300	363	184
Queue Length 95th (ft)	188	376		680	395	#482	273
Internal Link Dist (ft)		939		779		923	
Turn Bay Length (ft)	275				75	300	300
Base Capacity (vph)	167	2693		2087	1023	629	290
Starvation Cap Reductn	0	0		425	257	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.60	0.54		0.90	0.65	0.95	0.58

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 180

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.95

Intersection Signal Delay: 33.0

Intersection LOS: C

Intersection Capacity Utilization 98.4%

ICU Level of Service F

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 100: US Highway 64 & New Hill Road

<p>Ø2</p>		<p>Ø3</p>	
142 s		38 s	
<p>Ø5</p>	<p>Ø6</p>	<p>Ø7</p>	
22 s	120 s	38 s	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022

	→	↘	↶	↙	←	↗	↘
Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↘↘	↑↑	↘↘	↑
Traffic Volume (vph)	1505	351	71	149	1490	300	177
Future Volume (vph)	1505	351	71	149	1490	300	177
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		150		375		150	150
Storage Lanes		1		2		1	1
Taper Length (ft)				200		200	
Lane Util. Factor	0.95	1.00	0.95	0.97	0.95	0.97	1.00
Frt		0.850					0.850
Flt Protected				0.950		0.950	
Satd. Flow (prot)	3539	1583	0	3433	3539	3433	1583
Flt Permitted				0.950		0.950	
Satd. Flow (perm)	3539	1583	0	3433	3539	3433	1583
Right Turn on Red		No					No
Satd. Flow (RTOR)							
Link Speed (mph)	55				55	45	
Link Distance (ft)	859				2149	935	
Travel Time (s)	10.6				26.6	14.2	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	1672	390	79	166	1656	333	197
Shared Lane Traffic (%)							
Lane Group Flow (vph)	1672	390	0	245	1656	333	197
Turn Type	NA	pm+ov	Prot	Prot	NA	Prot	pm+ov
Protected Phases	2	8	1!	1	6	8	1!
Permitted Phases		2					8
Detector Phase	2	8	1	1	6	8	1
Switch Phase							
Minimum Initial (s)	14.0	7.0	7.0	7.0	14.0	7.0	7.0
Minimum Split (s)	25.0	25.0	14.0	14.0	25.0	25.0	14.0
Total Split (s)	121.0	33.0	26.0	26.0	147.0	33.0	26.0
Total Split (%)	67.2%	18.3%	14.4%	14.4%	81.7%	18.3%	14.4%
Maximum Green (s)	114.0	26.0	19.0	19.0	140.0	26.0	19.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0	5.0
Lead/Lag	Lag		Lead	Lead			Lead
Lead-Lag Optimize?	Yes		Yes	Yes			Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Max	None	None	None	Max	None
Act Effect Green (s)	76.3	109.9		16.9	98.2	28.5	50.4
Actuated g/C Ratio	0.56	0.80		0.12	0.72	0.21	0.37
v/c Ratio	0.85	0.31		0.58	0.65	0.47	0.34
Control Delay	30.0	4.3		63.9	11.8	53.1	36.0
Queue Delay	0.1	0.0		0.0	0.0	0.0	0.0
Total Delay	30.1	4.3		63.9	11.8	53.1	36.0
LOS	C	A		E	B	D	D
Approach Delay	25.2				18.5	46.7	
Approach LOS	C				B	D	

Lanes, Volumes, Timings
200: New Hill Olive Chapel Road & US Highway 64

09/28/2022



Lane Group	EBT	EBR	WBU	WBL	WBT	NBL	NBR
Queue Length 50th (ft)	626	75		106	391	134	125
Queue Length 95th (ft)	767	123		176	447	225	239
Internal Link Dist (ft)	779				2069	855	
Turn Bay Length (ft)		150		375		150	150
Base Capacity (vph)	3025	1270		535	3416	714	635
Starvation Cap Reductn	237	0		0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0
Reduced v/c Ratio	0.60	0.31		0.46	0.48	0.47	0.31

Intersection Summary

Area Type: Other

Cycle Length: 180

Actuated Cycle Length: 136.9

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 24.9

Intersection LOS: C

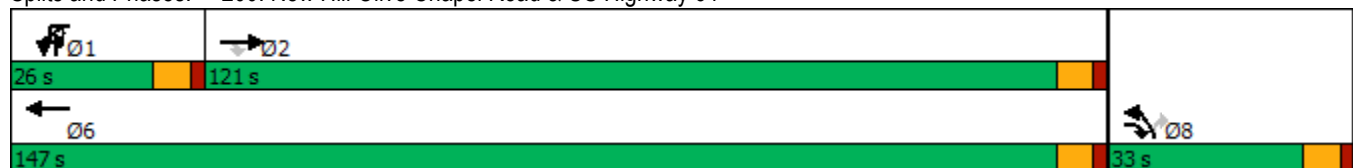
Intersection Capacity Utilization 71.3%

ICU Level of Service C

Analysis Period (min) 15

! Phase conflict between lane groups.

Splits and Phases: 200: New Hill Olive Chapel Road & US Highway 64



HCM Unsignalized Intersection Capacity Analysis

300: US Highway 64 & Pinefield Road

09/28/2022









Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBL	SBR
Lane Configurations		↰	↶↶	↰	↶↶	↰	↰	
Traffic Volume (veh/h)	105	4	1761	15	1676	4	4	4
Future Volume (Veh/h)	105	4	1761	15	1676	4	4	4
Sign Control			Free		Free		Stop	
Grade			0%		0%		0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	0	4	1957	0	1862	4	4	4
Pedestrians								
Lane Width (ft)								
Walking Speed (ft/s)								
Percent Blockage								
Right turn flare (veh)								
Median type			Raised		Raised			
Median storage veh			1		1			
Upstream signal (ft)								
pX, platoon unblocked	0.00			0.00				
vC, conflicting volume	0	1866		0			2848	931
vC1, stage 1 conf vol							1862	
vC2, stage 2 conf vol							986	
vCu, unblocked vol	0	1866		0			2848	931
tC, single (s)	0.0	4.1		0.0			6.8	6.9
tC, 2 stage (s)							5.8	
tF (s)	0.0	2.2		0.0			3.5	3.3
p0 queue free %	0	99		0			95	99
cM capacity (veh/h)	0	319		0			78	268
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	WB 4	SB 1
Volume Total	4	978	978	931	931	4	0	8
Volume Left	4	0	0	0	0	0	0	4
Volume Right	0	0	0	0	0	4	0	4
cSH	319	1700	1700	1700	1700	1700	1700	121
Volume to Capacity	0.01	0.58	0.58	0.55	0.55	0.00	0.00	0.07
Queue Length 95th (ft)	1	0	0	0	0	0	0	5
Control Delay (s)	16.4	0.0	0.0	0.0	0.0	0.0	0.0	36.8
Lane LOS	C							E
Approach Delay (s)	0.0			0.0				36.8
Approach LOS								E
Intersection Summary								
Average Delay			0.1					
Intersection Capacity Utilization			65.7%		ICU Level of Service			C
Analysis Period (min)			15					

HCM Unsignalized Intersection Capacity Analysis

400: Site Access 1 & US Highway 64







09/28/2022

							
Movement	EBT	EBR	WBL	WBT	NBL	NBR	
Lane Configurations	↑↑	↑	↑	↑↑		↑	
Traffic Volume (veh/h)	1736	40	74	1708	0	154	
Future Volume (Veh/h)	1736	40	74	1708	0	154	
Sign Control	Free			Free	Stop		
Grade	0%			0%	0%		
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	
Hourly flow rate (vph)	1929	44	82	1898	0	171	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised			Raised			
Median storage veh)	1			1			
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume				1973	3042	964	
vC1, stage 1 conf vol					1929		
vC2, stage 2 conf vol					1113		
vCu, unblocked vol				1973	3042	964	
tC, single (s)				4.1	6.8	6.9	
tC, 2 stage (s)					5.8		
tF (s)				2.2	3.5	3.3	
p0 queue free %				72	100	33	
cM capacity (veh/h)				290	63	255	
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	NB 1
Volume Total	964	964	44	82	949	949	171
Volume Left	0	0	0	82	0	0	0
Volume Right	0	0	44	0	0	0	171
cSH	1700	1700	1700	290	1700	1700	255
Volume to Capacity	0.57	0.57	0.03	0.28	0.56	0.56	0.67
Queue Length 95th (ft)	0	0	0	28	0	0	108
Control Delay (s)	0.0	0.0	0.0	22.2	0.0	0.0	43.8
Lane LOS				C			E
Approach Delay (s)	0.0			0.9		43.8	
Approach LOS						E	
Intersection Summary							
Average Delay				2.3			
Intersection Capacity Utilization				64.2%	ICU Level of Service		C
Analysis Period (min)				15			

HCM Unsignalized Intersection Capacity Analysis

500: Site Access 2 & US Highway 64

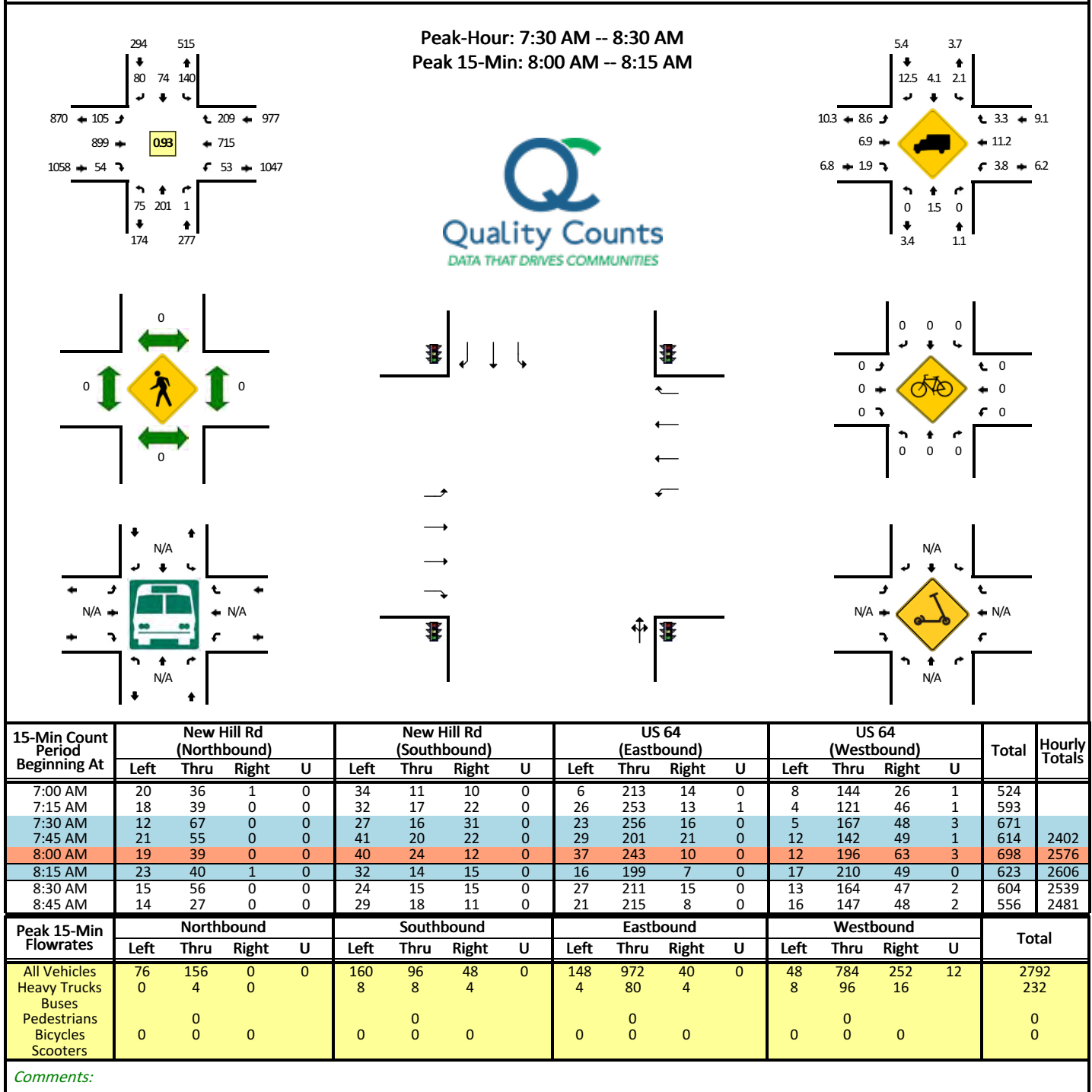
09/28/2022

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑		↑↑		
Traffic Volume (veh/h)	1870	20	0	1782	0	0
Future Volume (Veh/h)	1870	20	0	1782	0	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	2078	22	0	1980	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised			Raised		
Median storage veh)	1			1		
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			2100		3068	1039
vC1, stage 1 conf vol					2078	
vC2, stage 2 conf vol					990	
vCu, unblocked vol			2100		3068	1039
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)					5.8	
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			258		62	227
Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	
Volume Total	1039	1039	22	990	990	
Volume Left	0	0	0	0	0	
Volume Right	0	0	22	0	0	
cSH	1700	1700	1700	1700	1700	
Volume to Capacity	0.61	0.61	0.01	0.58	0.58	
Queue Length 95th (ft)	0	0	0	0	0	
Control Delay (s)	0.0	0.0	0.0	0.0	0.0	
Lane LOS						
Approach Delay (s)	0.0			0.0		
Approach LOS						
Intersection Summary						
Average Delay			0.0			
Intersection Capacity Utilization			55.0%	ICU Level of Service		B
Analysis Period (min)			15			

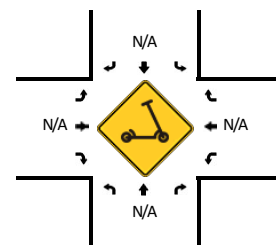
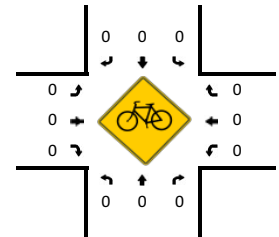
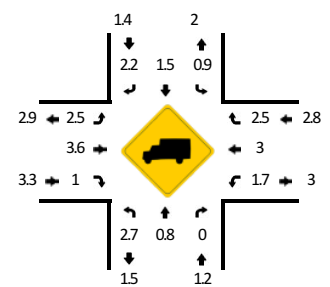
Traffic Volume Data

LOCATION: New Hill Rd -- US 64
CITY/STATE: Chatham, NC

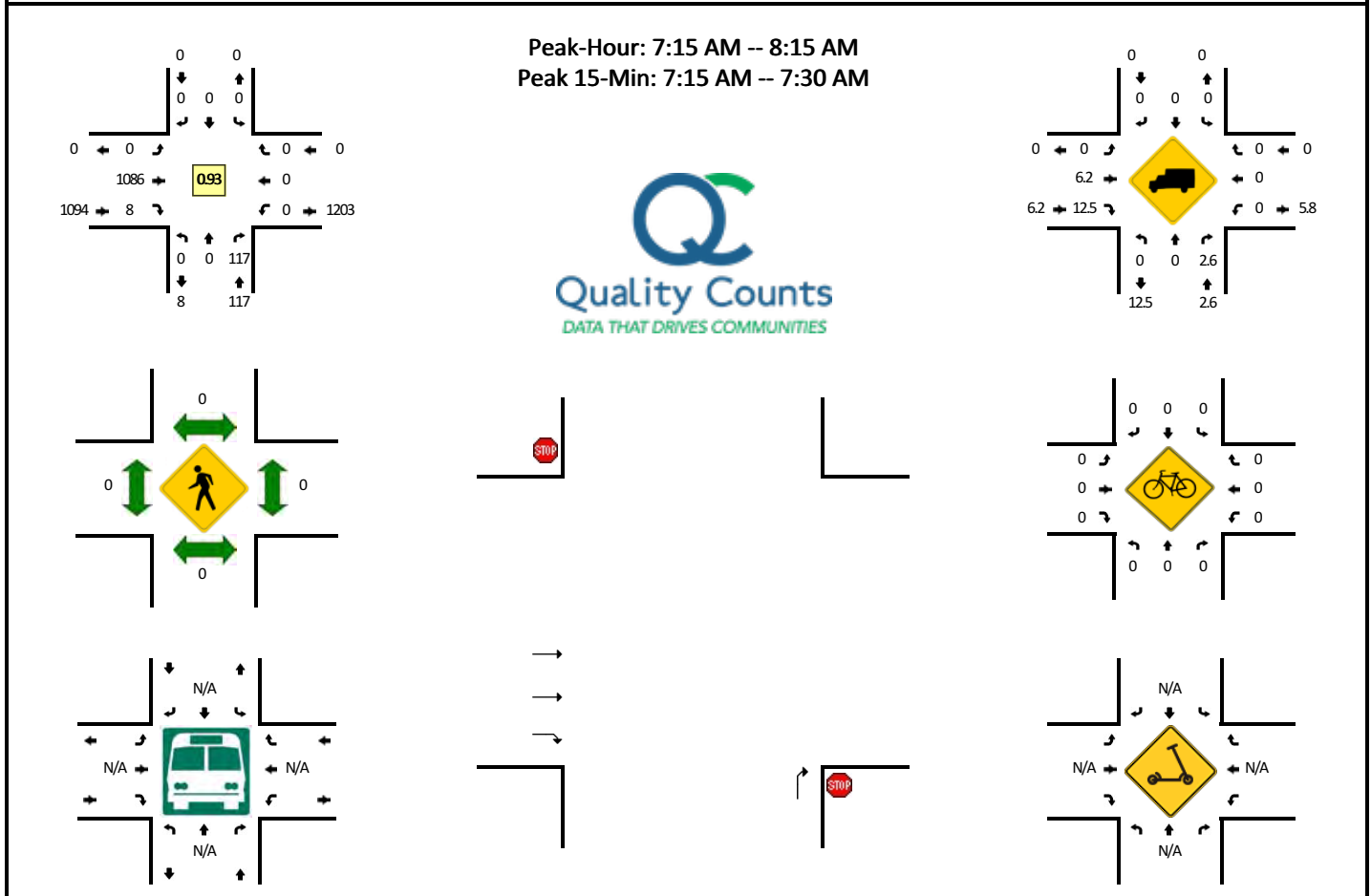
QC JOB #: 15891301
DATE: Wed, Dec 8 2021



QC JOB #: 15891302
DATE: Wed, Dec 8 2021



Comments:

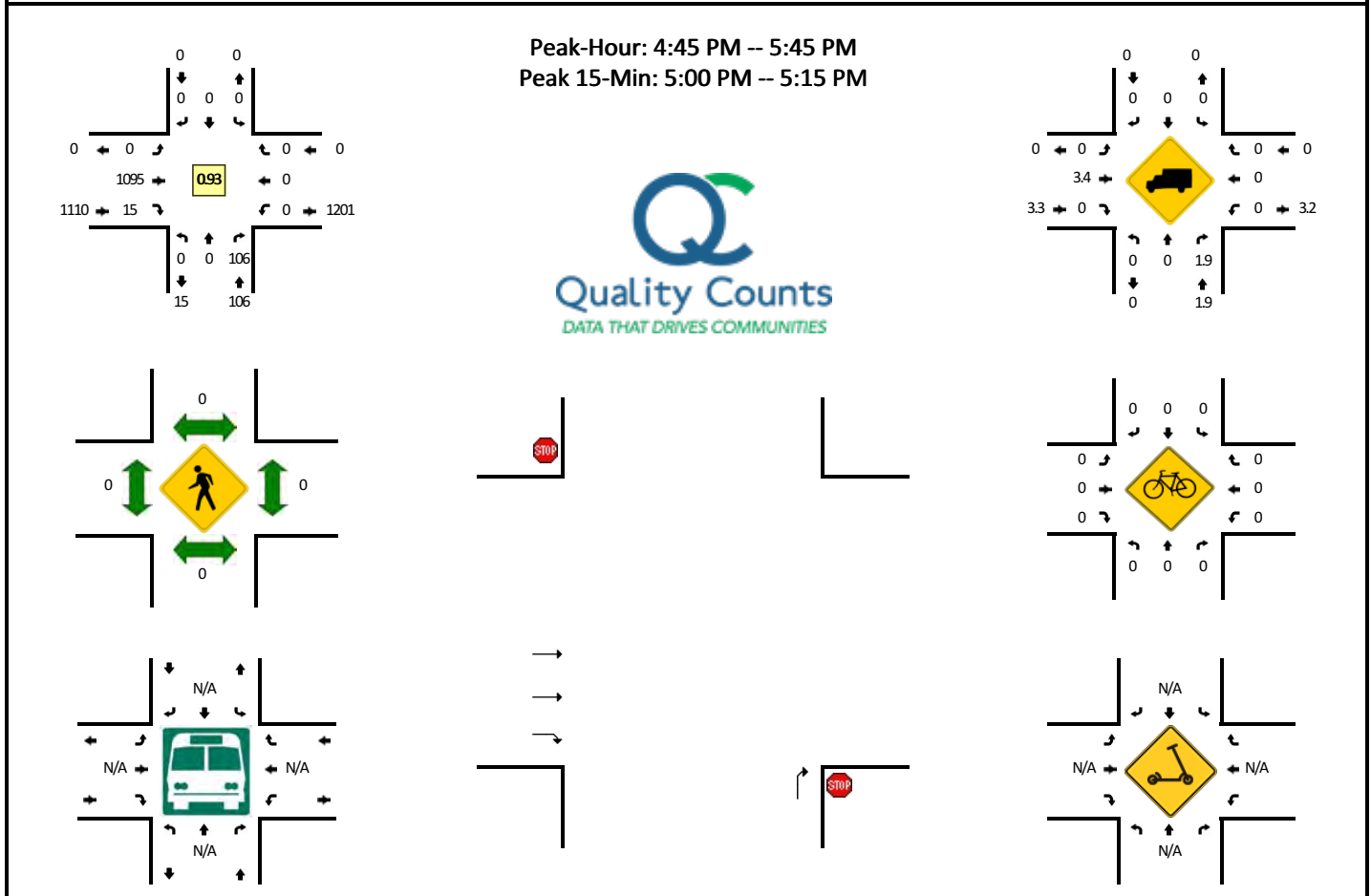
LOCATION: New Hill Olive Chapel Rd -- US 64**QC JOB #:** 15891303**CITY/STATE:** Wake, NC**DATE:** Wed, Dec 8 2021

15-Min Count Period Beginning At	New Hill Olive Chapel Rd (Northbound)				New Hill Olive Chapel Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	25	0	0	0	0	0	0	225	3	0	0	0	0	0	253	
7:15 AM	0	0	29	0	0	0	0	0	0	293	2	0	0	0	0	0	324	
7:30 AM	0	0	30	0	0	0	0	0	0	279	3	0	0	0	0	0	312	
7:45 AM	0	0	30	0	0	0	0	0	0	236	0	0	0	0	0	0	266	1155
8:00 AM	0	0	28	0	0	0	0	0	0	278	3	0	0	0	0	0	309	1211
8:15 AM	0	0	31	0	0	0	0	0	0	221	3	0	0	0	0	0	255	1142
8:30 AM	0	0	34	0	0	0	0	0	0	235	1	0	0	0	0	0	270	1100
8:45 AM	0	0	45	0	0	0	0	0	0	247	2	0	0	0	0	0	294	1128
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	0	0	116	0	0	0	0	0	0	1172	8	0	0	0	0	0	1296	
Heavy Trucks	0	0	0	0	0	0	0	0	0	56	0	0	0	0	0	0	56	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

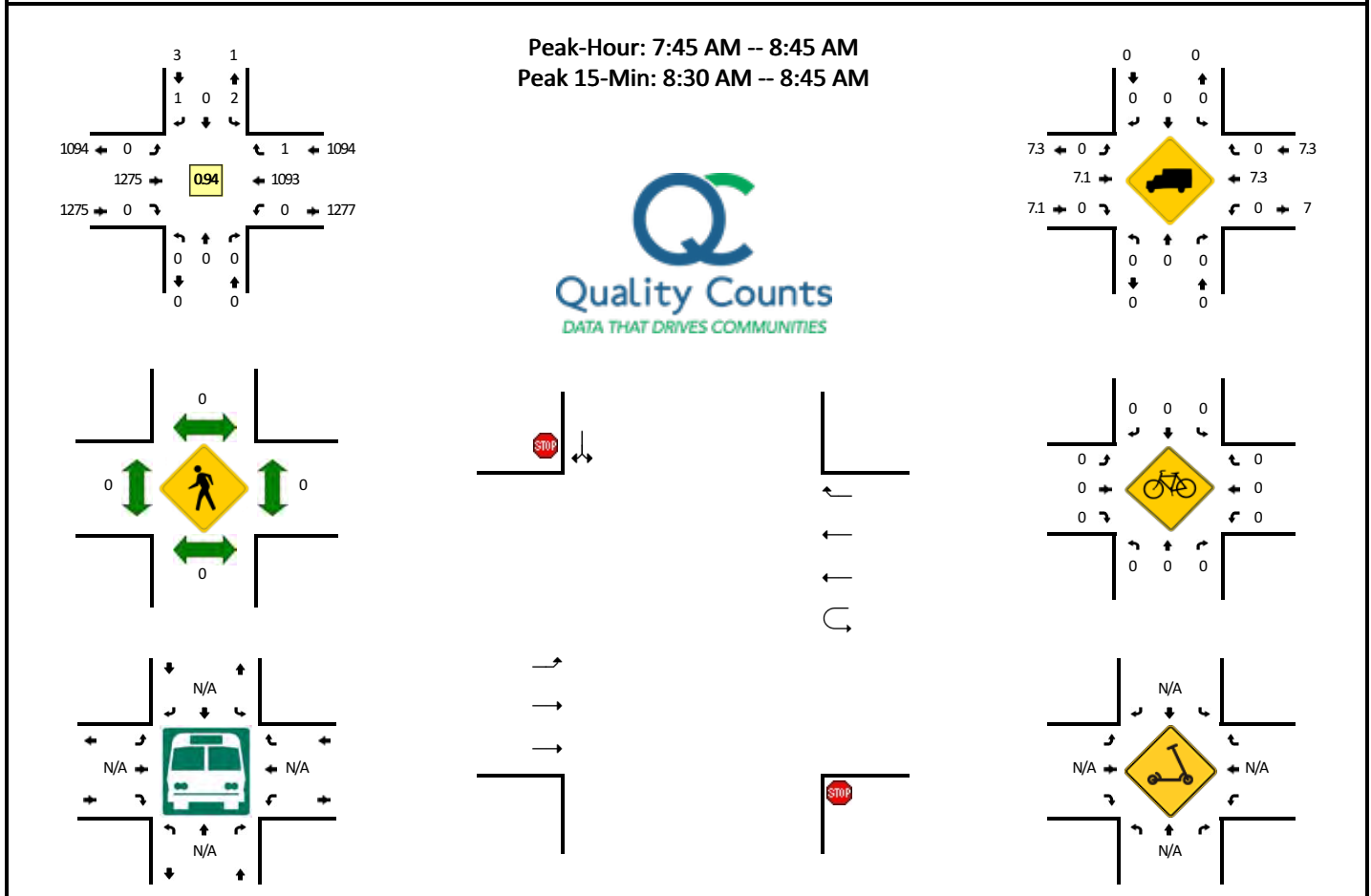
Report generated on 7/25/2022 8:04 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: New Hill Olive Chapel Rd -- US 64**QC JOB #:** 15891304**CITY/STATE:** Wake, NC**DATE:** Wed, Dec 8 2021

15-Min Count Period Beginning At	New Hill Olive Chapel Rd (Northbound)				New Hill Olive Chapel Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:00 PM	0	0	20	0	0	0	0	0	0	171	4	0	0	0	0	0	195	
2:15 PM	0	0	25	0	0	0	0	0	0	202	3	0	0	0	0	0	230	
2:30 PM	0	0	29	0	0	0	0	0	0	202	2	0	0	0	0	0	233	
2:45 PM	0	0	17	0	0	0	0	0	0	170	3	0	0	0	0	0	190	848
3:00 PM	0	0	16	0	0	0	0	0	0	205	2	0	0	0	0	0	223	876
3:15 PM	0	0	27	0	0	0	0	0	0	217	0	0	0	0	0	0	244	890
3:30 PM	0	0	25	1	0	0	0	0	0	208	5	0	0	0	0	0	239	896
3:45 PM	0	0	20	0	0	0	0	0	0	237	2	0	0	0	0	0	259	965
4:00 PM	0	0	22	0	0	0	0	0	0	224	6	0	0	0	0	0	252	994
4:15 PM	0	0	17	0	0	0	0	0	0	281	9	0	0	0	0	0	307	1057
4:30 PM	0	0	24	0	0	0	0	0	0	236	6	0	0	0	0	0	266	1084
4:45 PM	0	0	15	0	0	0	0	0	0	259	4	0	0	0	0	0	278	1103
5:00 PM	0	0	31	0	0	0	0	0	0	291	5	0	0	0	0	0	327	1178
5:15 PM	0	0	36	0	0	0	0	0	0	276	2	0	0	0	0	0	314	1185
5:30 PM	0	0	24	0	0	0	0	0	0	269	4	0	0	0	0	0	297	1216
5:45 PM	0	0	25	0	0	0	0	0	0	248	5	0	0	0	0	0	278	1216
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	0	0	124	0	0	0	0	0	0	1164	20	0	0	0	0	0	1308	
Heavy Trucks	0	0	4		0	0	0		0	64	0		0	0	0		68	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Pinefield Rd -- US 64**CITY/STATE:** Wake, NC**QC JOB #:** 15891305**DATE:** Wed, Jul 27 2022

15-Min Count Period Beginning At	Pinefield Rd (Northbound)				Pinefield Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	0	0	0	0	0	241	0	0	0	206	1	0	448	
7:15 AM	0	0	0	0	0	0	0	0	0	300	0	1	0	241	0	0	542	
7:30 AM	0	0	0	0	0	0	0	0	0	328	0	0	0	253	0	0	581	
7:45 AM	0	0	0	0	0	0	0	0	0	346	0	0	0	276	0	0	622	2193
8:00 AM	0	0	0	0	0	0	0	0	0	298	0	0	0	274	0	0	572	2317
8:15 AM	0	0	0	0	1	0	0	0	0	297	0	0	0	251	0	0	549	2324
8:30 AM	0	0	0	0	1	0	1	0	0	334	0	0	0	292	1	0	629	2372
8:45 AM	0	0	0	0	1	0	0	0	0	302	0	1	0	268	3	0	575	2325
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	0	0	0	0	4	0	4	0	0	1336	0	0	0	1168	4	0	2516	
Heavy Trucks	0	0	0	0	0	0	0	0	0	120	0	0	0	120	0	0	240	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

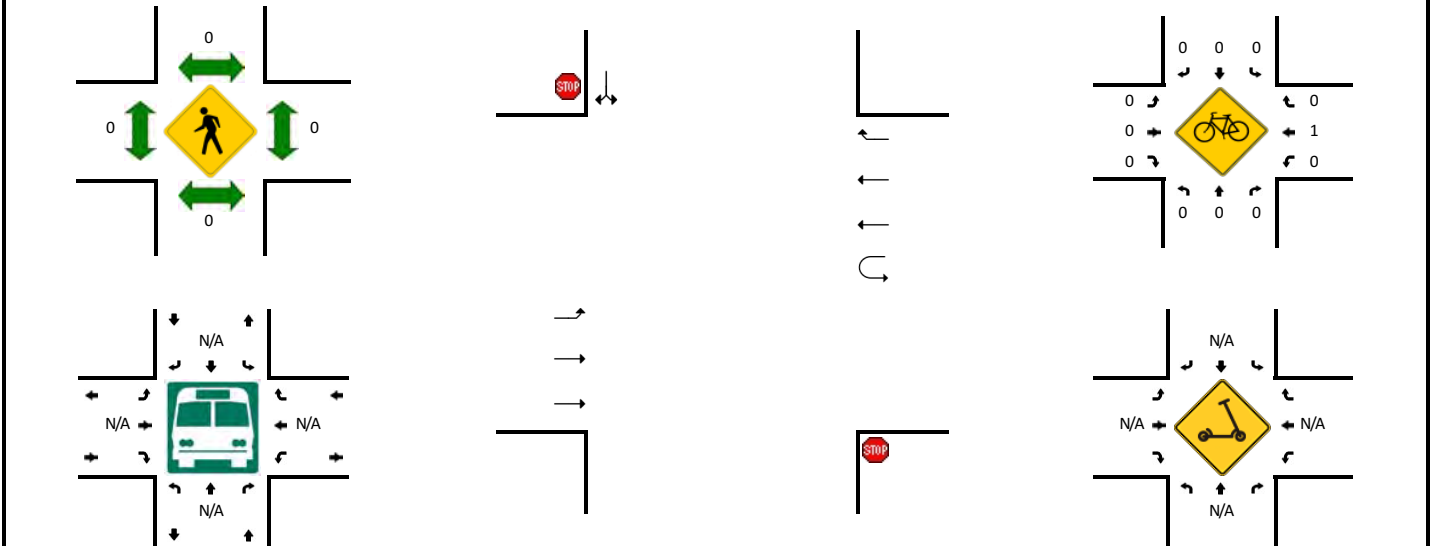
Comments:

Report generated on 8/1/2022 2:39 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Pinefield Rd -- US 64**CITY/STATE:** Wake, NC**QC JOB #:** 15891306**DATE:** Wed, Jul 27 2022

Peak-Hour: 5:00 PM -- 6:00 PM
 Peak 15-Min: 5:15 PM -- 5:30 PM



15-Min Count Period Beginning At	Pinefield Rd (Northbound)				Pinefield Rd (Southbound)				US 64 (Eastbound)				US 64 (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	0	0	3	0	1	0	0	261	0	1	0	263	3	0	532	
4:15 PM	0	0	0	0	1	0	1	0	0	280	0	0	0	313	3	0	598	
4:30 PM	0	0	0	0	0	0	0	0	0	340	0	1	0	314	0	0	655	
4:45 PM	0	0	0	0	0	0	0	0	0	282	0	0	0	307	1	0	590	2375
5:00 PM	0	0	0	0	0	0	0	0	1	314	0	0	0	339	1	1	656	2499
5:15 PM	0	0	0	0	1	0	1	0	0	352	0	1	0	338	1	0	694	2595
5:30 PM	0	0	0	0	1	0	0	0	0	312	0	1	0	346	0	0	660	2600
5:45 PM	0	0	0	0	1	0	0	0	0	320	0	0	0	315	0	0	636	2646
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	0	0	0	0	4	0	4	0	0	1408	0	4	0	1352	4	0	2776	
Heavy Trucks	0	0	0	0	0	0	0	0	0	52	0	0	0	28	0	0	80	
Buses																		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Scoters																		

Comments:

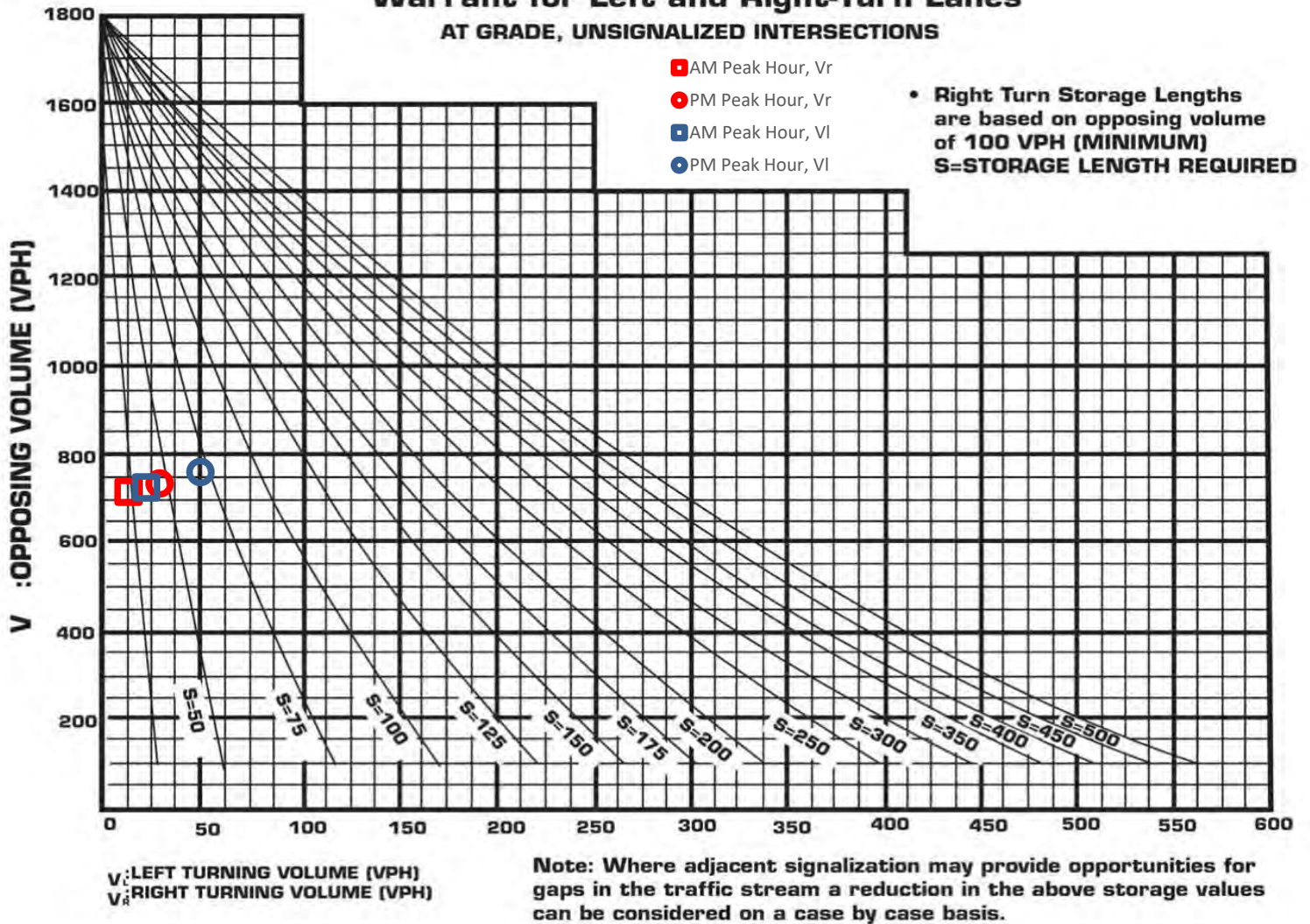
Report generated on 8/1/2022 2:39 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

Supporting Documents

Peak Hour	Volumes		Peak Hour	Volumes	
	Opposing	Lefts		Opposing	Rights
AM	723	19	AM	713	10
PM	758	47	PM	732	26

Warrant for Left and Right-Turn Lanes AT GRADE, UNSIGNALIZED INTERSECTIONS

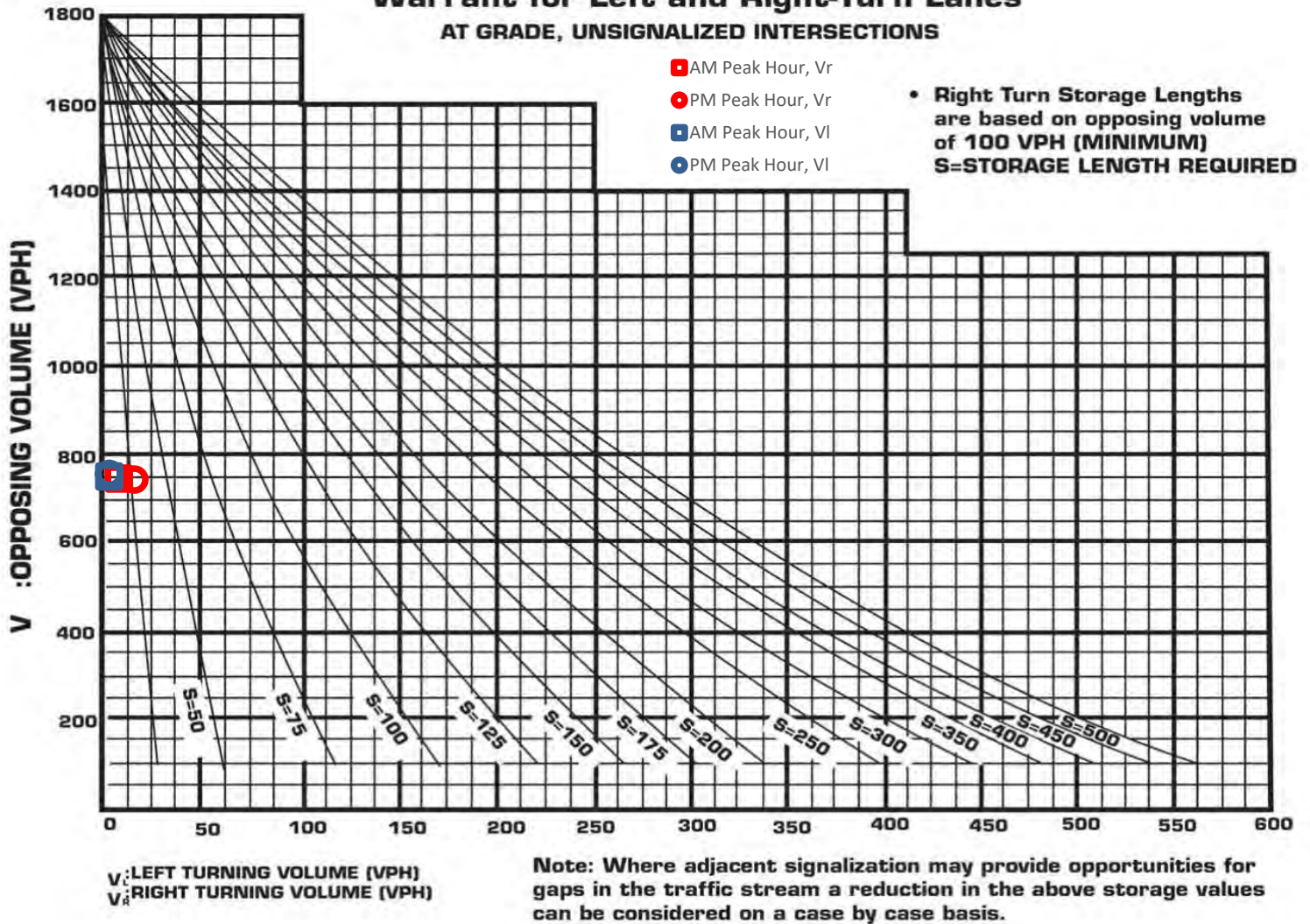


TURN LANE WARRANT SUMMARY

SITE ACCESS 1 - FULL BUILD

Peak Hour	Volumes		Peak Hour	Volumes	
	Opposing	Lefts		Opposing	Rights
AM	748	0	AM	743	5
PM	754	0	PM	741	13

Warrant for Left and Right-Turn Lanes AT GRADE, UNSIGNALIZED INTERSECTIONS



TURN LANE WARRANT SUMMARY

SITE ACCESS 2 - FULL BUILD



NCDOT Traffic Impact Analysis Need Screening / Scoping Request



TIA Need
Screening



TIA
Scoping



TIA
Submittal

A Traffic Impact Analysis (TIA) may be required for developments based on the site trip generation estimates, site context, or at the discretion of the NCDOT District Engineer. The Applicant or the TIA Consultant shall submit this form along with the site plan to the District Engineer to determine the TIA need and, if a TIA is required, initiate the TIA scoping process. Without an approved scope, the TIA is incomplete and will be rejected until the study is revised to conform to NCDOT's TIA requirements.

Project Name: Signature Apex Development Previous Name: If Applicable _____

Location: S of US 64 b/w New Hill Rd & Lawson Ln County: Wake Municipality: _____

Project Description: 392 proposed apartment units and 34,000 sq ft medical office with two (2) site accesses

☐

Project Contact:	Applicant	TIA Consultant
Company Name	<u>Signature Property Group</u>	<u>DAVENPORT</u>
Contact Person	<u>Phillip Arrington</u>	<u>Dionne Brown, PE</u>
Phone Number	<u>(336) 706-3272</u>	<u>(919) 324-1665 ext: 24402</u>
Email	<u>parrington@signaturepropertygroup.com</u>	<u>dbrown@davenportworld.com</u>
Mailing Address	<u>305 Blandwood Avenue</u>	<u>4600 Marriott Drive, Suite 340</u>
	<u>Greensboro, NC 27401</u>	<u> Raleigh, NC 27612</u>

Site Plan Prepared By: C.E. Group, Inc.

Site Plan Date: 06/23/2022

See site plan/vicinity map requirements on page 2.

Parcel Size: 35.3 Acre(s)

Anticipated Build-Out Year: 2025

Weekday Site Trip Generation - Do NOT adjust for mode split, pass-by, internal capture, or diverted trips.

ITE LUC	Proposed Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
221	Mid-Rise Multi	392	Dw. Units	1823	Adj. Street	37	124	161	93	60	153	ITE Equation
	Medical Office	34	Th Sq Ft	1353	Adj. Street	72	19	91	41	94	135	ITE Equation
Total				3176		109	143	252	134	154	288	

Refer to the current [NCDOT Congestion Management Capacity Analysis Guidelines](#) for acceptable trip calculation methods and data sources.

**Explain local or other data sources, if used: _____

☒ The estimated site trips meet NCDOT's TIA trip threshold of 3,000 daily trips.

☒ The estimated site trips meet the municipal TIA trip threshold of 100

☐ This project is located in a known [STIP](#) and/ or local CIP project # _____

☐ This project includes a rezoning request.

☐ The proposed site access is located within 1,000 feet of an interchange.

☐ The Applicant requests for a new or modified control-of-access break.

☐ The Applicant requests for a new or modified median break.

Applicant's Signature

Effective Date: 10/01/2017 (Version 17-721)

Name

Date



NCDOT Traffic Impact Analysis Need Screening / Scoping Request



Site Plan/Vicinity Map Requirement for TIA Need Screening: While the site plan may not be finalized during the TIA scoping stage, the graphic representation of the proposed development shall provide adequate details on the development scope and context. More specifically, the site plan/map shall clearly show the location and type of each access point, spacing to adjacent and opposing driveways or intersections, internal street network, proposed buildings/parcels with their anticipated uses and sizes at full build-out and, if applicable, any nearby interstate, US, NC or Secondary Roads (SR).

Project Name: _____ **Project Reference Number:** _____

- ☒ **A TIA is Required by the Local Government.** In addition, the study area is expected to include NCDOT maintained transportation facilities.
- ☒ **A TIA is Required by NCDOT,** per the [Policy on Street and Driveway Access to North Carolina Highways](#).

If either or both of the boxes above are checked, the Applicant/TIA Consultant is hereby requested to fill out as much as possible of the following TIA scoping checklist, and return it along with the supporting documents to NCDOT prior to the scoping meeting.

- ☐ **A TIA is NOT required.** This decision is based on the development information presented above. Changes in the development plan will require re-evaluation of the TIA need, and may necessitate a TIA. The Applicant should inform the District Engineer of any significant changes in a timely fashion to avoid delays or rejections of the driveway permit / encroachment agreement applications.

Additional Comments:

The TIA need decision is made by the NCDOT Division _____ District _____ on _____.

NCDOT District Representative's Signature

Email concurrence may be used in lieu of the signature

Print Name



NCDOT TIA Scoping Checklist



Project Name: Signature Apex Development

TIA Scoping Date: 09/02/22

☒ **TIA Need Screening Forms are Attached.** Project Reference #: _____ Decision Date: _____

☒ **Site Plan and Access**

☒ Provide a site plan illustrating site access, internal and external roadways, buildings and land uses.

Refer to NCDOT's [Policy on Street and Driveway Access to North Carolina Highways](#) pages 14 and 15 for site plan requirements.

☒ Identify site access.

New Access	On Road	Access Type		Driveway Spacing		
	Road Name	Permitted Movements	Traffic Control	Distance (ft)	Direction	Nearest Intersection / Access
Access A	US 64	Other	2-Way Stop	438	West	Hattie Road
Access B	US 64	RIRO w/ Left-Over	2-Way Stop	1255	West	Hattie Road
Access C						
Access D						
Access E						
Access F						
Access G						
Access H						
Existing Access	Existing Intersection of		Access Modification	Proposed Interconnectivity (If Applicable)		
	Road A	Road B		Connector #	Road Connected	Adjacent Development
Access 1			Please Select	Connector 1		
Access 2				Connector 2		
Access 3				Connector 3		
Access 4				Connector 4		

☐ Additional access clarifications and provisions (e.g., proposed control-of-access or median breaks, modifications of existing access, loading/unloading area access, bike/pedestrian accommodation).

☐ **Proposed K-12 School Site**

☐ NCDOT [MSTA School Traffic Calculator](#) for Select School Type shall be used.

☐ Peak Hour Factors (PHFs) shall be adjusted/weighted for new school trips (0.5 PHF by default).

☐ Internal school circulation analysis is required, and should be submitted in advance or concurrent with the TIA submittal.

☐ Clarify traffic operation plans (e.g. traffic circulation pattern, pedestrian access, drop-off/pick-up zone location and configuration, queue storage area and, if applicable, staggered start times).



NCDOT TIA Scoping Checklist



☒ Trip Generation

The TIA Consultant shall prepare trip generation estimates following the current [NCDOT Congestion Management Capacity Analysis Guidelines](#), and submit the calculation sheets and supporting information to the District Engineer for approval prior to capacity analysis.

ITE LUC	Proposed Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
221	Mid-Rise Multi	392	Dw. Units	1823	Adj. Street	37	124	161	93	60	153	ITE Equation
720	Medical Office	1353	Th Sq Ft	1353	Adj. Street	72	19	91	41	94	135	ITE Equation
Unadjusted Site Trips				3176		109	143	252	134	154	288	
Internal Capture Trips (Attach Calculation Sheets)												Please Select
Internal Capture % of Unadjusted Site Trips				%		%			%			
LUC	Proposed Land Use	Any Internal Trips?		Pass-By % of External Trips								
		Please Select		%		%			%			Please Select
				%		%			%			
				%		%			%			
				%		%			%			
				%		%			%			
Pass-By Trips (Attach Calculation Sheets)												
Adjacent Street Volumes												Please Select
Non-Pass-By Primary Trips												
Diverted Trips, if Applicable and Justifiable												Please Select

**Explain local or other data sources, if used:

Trip generation data was provided by the client from a similar site.

☐ Existing Site Trip Information for Redevelopment Projects (Attach separate sheets as needed)

ITE LUC	Existing Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
					Please Select							Please Select
Total Existing Site Trips												



NCDOT TIA Scoping Checklist



☒ Trip Distribution

- ☒ Trip distribution diagrams are submitted concurrently with this document (attach separate sheets).
- ☐ Trip distribution diagrams will be submitted separately, along with supporting information, to the District Engineer for review and approval prior to capacity analysis. The trip distribution shall be based on the current and anticipated traffic patterns, as well as instructions noted below.

If required by the District Engineer, the following additional diagrams shall also be submitted:

- ☐ Mixed-Use Developments (separate diagrams for residential, commercial, and office trips)
- ☐ Inter-Development Trips (if 'internal' trips cross public streets)
- ☐ Pass-By Trips
- ☐ Diverted Trips
- ☐ Each Analysis Period

☐ Mode Split

- ☐ Provide Data Source and Justification

Mode Period	Auto		
AM Peak	%	%	%
PM Peak	%	%	%
Daily	%	%	%
	%	%	%

- ☐ Identify proper infrastructure and accommodation for other modes of travel.

☒ Analysis Peak Periods:

- ☒ Weekday AM Peak 7-9 AM
- ☒ Weekday PM Peak 4-6 PM
- ☐ Weekday Midday Peak _____
- ☐ Weekday PM School Peak _____
- ☐ Weekend _____ Peak _____
- ☐ Other _____



NCDOT TIA Scoping Checklist



☒ Study Area Intersections and Data Collection

The study area shall include the site access intersections (both new and existing) identified under “Site Plan and Access” on page 1, as well as the following external and, if applicable, internal intersections.

External Intersection	Intersection of		Traffic Control	Intersection Turning Movement Counts			Notes
	Road A	Road B		New / Existing	Date of Counts	Growth Adjustment	
#1	US 64	New Hill	Signal	Use Existing Counts	12/08/21	3%	
#2	US 64	New Hill Olive	2-Way Stop	Use Existing Counts	12/08/21	3%	
#3	US 64	Hattie	2-Way Stop	Require New Counts			
#4	US 64	Site Access 1	2-Way Stop				Proposed
#5	US 64	Site Access 2	2-Way Stop				Proposed
#6							
#7							
#8							
#9							
#10							
#11							
#12							

Internal Intersection	Intersection of		Access Type		Intersection Spacing		
	Road A	Road B	Traffic Control	Permitted Movements	Distance (ft)	Direction	Nearest Intersection
#101			Please Select	Please Select		Please Select	
#102							
#103							
#104							
#105							

The following data will be collected:

- ☐ New traffic turning movement counts in ☐ 15-min intervals ☐ 5-min intervals (near schools)
 Unless otherwise noted above, new traffic counts shall be collected at the existing study intersections during the analysis periods. Weekday counts shall avoid Mondays, Fridays, holidays, school breaks, road closures, and major weather events.
- ☐ To account for the impact of existing and/or proposed school traffic, PHFs will be adjusted for:
 intersections numbered: _____
 and access points numbered: _____
- ☐ Traffic Forecast Data for TIP: _____
- ☒ Roadway/Intersection Configuration & Traffic Control
- ☒ Traffic Signal Phasing & Timing Data
- ☐ Crash Data: _____ Period: _____
- ☐ Other: _____



NCDOT TIA Scoping Checklist



☒ Future Year Conditions

☐ Project Build-Out Year: _____

☒ Future Analysis Year(s): _____ 2025

☐ Identify below any funded/committed future transportation improvements, as well as any approved but incomplete developments near the site.

Funded STIP / Local CIP Project	Project Description		Year Complete
R-5887			Post
Nearby Approved Development	Location	Future Land Use (exclude any completed phases)	Committed Improvements
Triangle Math&Sci Acad	New Hill Olive Chapel & US 64		Multiple
Legacy PUD	Flying Hawk & US 64		Multiple

☒ Annual Growth Factor: 3 %

Justification/Data Source: _____

☐ Local Comprehensive Transportation Plan Compliance

☐ Identify Applicable Local Transportation Planning Documents

☐ Identify Applicable Roadways inside the Study Area

Road Name	Classification	Speed Limit	Proposed Cross-Section	Proposed Right-of-Way	Compliance Requirements	Affect Study Intersection #



NCDOT TIA Scoping Checklist



☒ Study Method

The traffic analysis shall follow the current [*NCDOT Congestion Management Capacity Analysis Guidelines*](#), [*Policy on Street and Driveway Access to North Carolina Highways*](#), and use the current approved version of analysis software (e.g. Synchro/SimTraffic, HCS, Sidra Intersection, TransModeler).

The study shall include the following analysis scenarios for each analysis period.

1. Existing Conditions
2. Future No-Build Conditions (existing + background growth + approved developments + committed or funded improvements)
3. Future Build Conditions (future no-build + site trips)
4. Future Build with Improvements Conditions (future build traffic with improvements to mitigate the proposed development's impacts) and, if applicable:
- ☐ 5. TIP Design Year Analysis _____
- ☐ 6. Alternative Access Scenario (without proposed control-of-access or median break / modification)

The following additional analysis/outputs should be provided as warranted:

- ☐ Signal Warrant Analysis for accesses/intersections _____
- ☐ Multi-Modal Level of Service Analysis
- ☐ School Loading Zone Traffic Simulation
- ☐ Phasing Analysis (scope separately as needed)
- ☐ Safety/Crash Analysis
- ☐ Control-of-Access Modification Justification
- ☐ Median Break / Modification Justification
- ☐ Other _____

☐ Submittals

In addition to the hardcopies required below, the TIA Consultant shall provide the District Engineer and, if required, the local government an electronic copy of the study documents, including the latest site plan, figures and appendices, in searchable PDF files and the original traffic analysis files (e.g., Synchro, HCS). To expedite review, the NCDOT electronic submittals shall also be delivered concurrently to:

- ☐ Div. Traffic Engr ☐ Regional Traffic Engr ☐ Congestion Management ☒ Other _____

Submittals	NCDOT		Local Government	
	Electronic	Hardcopy	Electronic	Hardcopy
Trip Generation & Distribution	Required		Required	
Draft TIA Report	Required			
Final Sealed TIA Report	Required		Required	

- ☐ **Additional Comments** (municipal TIA requirements, approved variations from NCDOT guidelines)



NCDOT TIA Scoping Checklist



Agreement by All Parties

The undersigned agree to the contents and methodology described above for completing the required traffic impact analysis for the proposed development identified herein. Any changes to the above methodology contemplated by the Applicant or the TIA Consultant must be submitted to the District Engineer in writing. If approved by NCDOT, then such changes may be accepted for the TIA report. Subsequent revisions to the development plan (e.g. land use, density, site access, or schedule) may require additional scoping and analysis, and may modify the TIA requirements.

This agreement shall become effective on the date approved by NCDOT, and shall expire ____ months after the effective date or upon significant changes to the roadway network and/or development assumptions, whichever occurs first. Once expired, renewal or re-scoping will be required for subsequent TIA submittals.

APPLICANT

_____ Signature	_____ Print Name	_____ Date
--------------------	---------------------	---------------

TIA CONSULTANT

_____ Signature	_____ Print Name	_____ Date
--------------------	---------------------	---------------

LOCAL GOVERNMENT REPRESENTATIVE (If Applicable)

_____ Signature	_____ Print Name	_____ Date
--------------------	---------------------	---------------

Email concurrence may be used in lieu of the signature.

NCDOT DISTRICT REPRESENTATIVE

Reviewed and approved by the NCDOT Division ____ District ____ on _____.

_____ Signature	_____ Print Name
--------------------	---------------------

Email concurrence may be used in lieu of the signature.

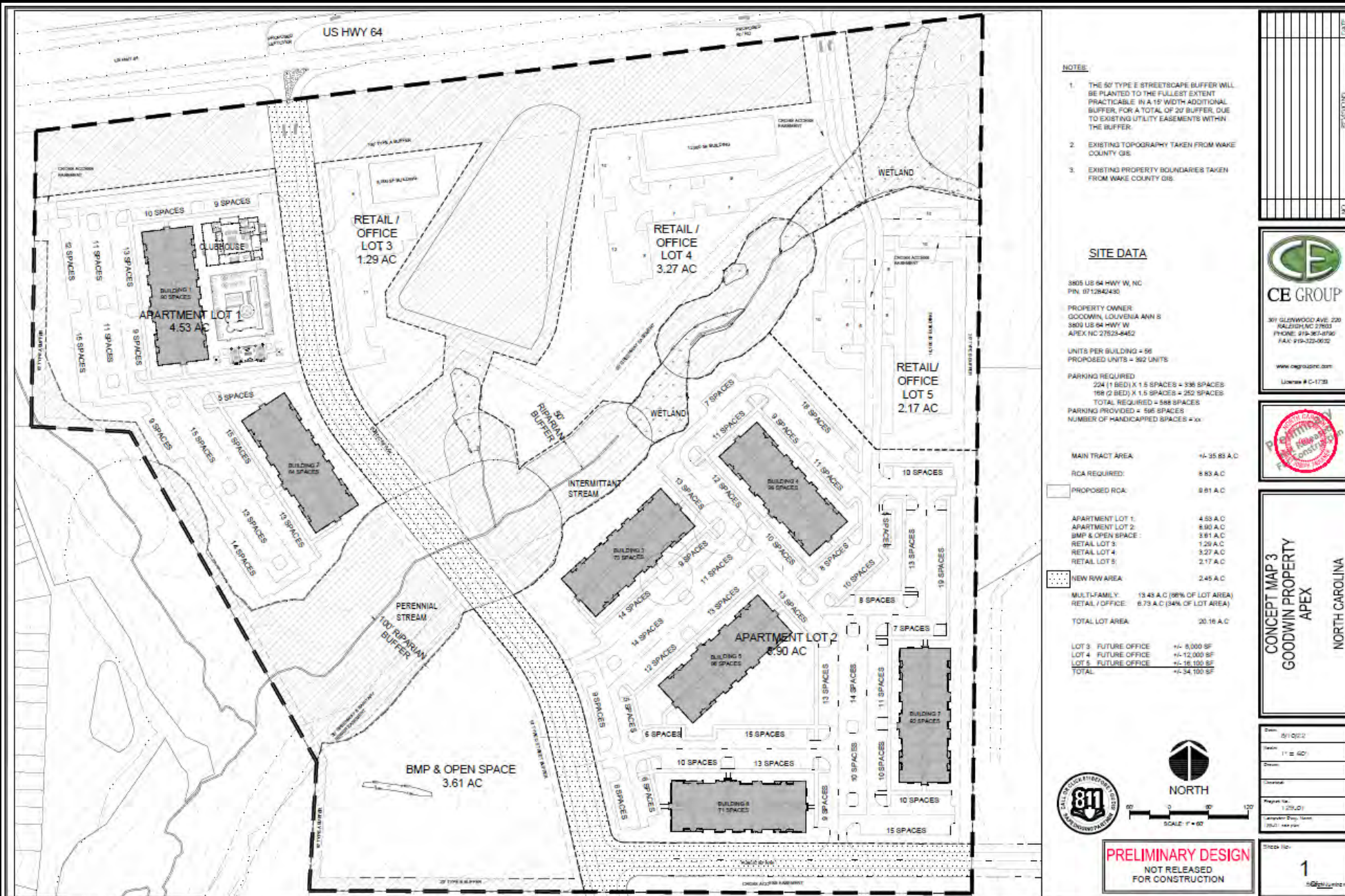
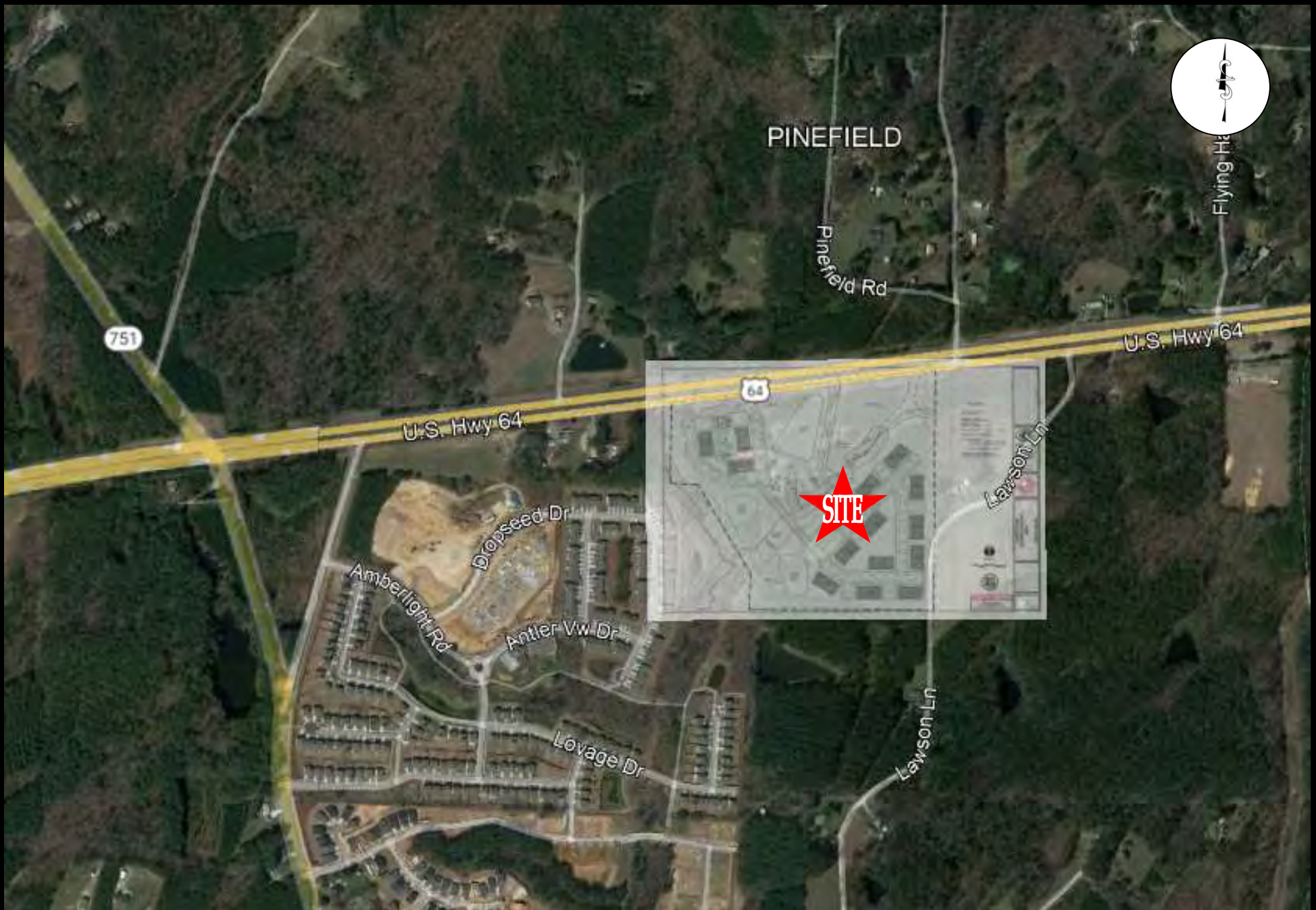
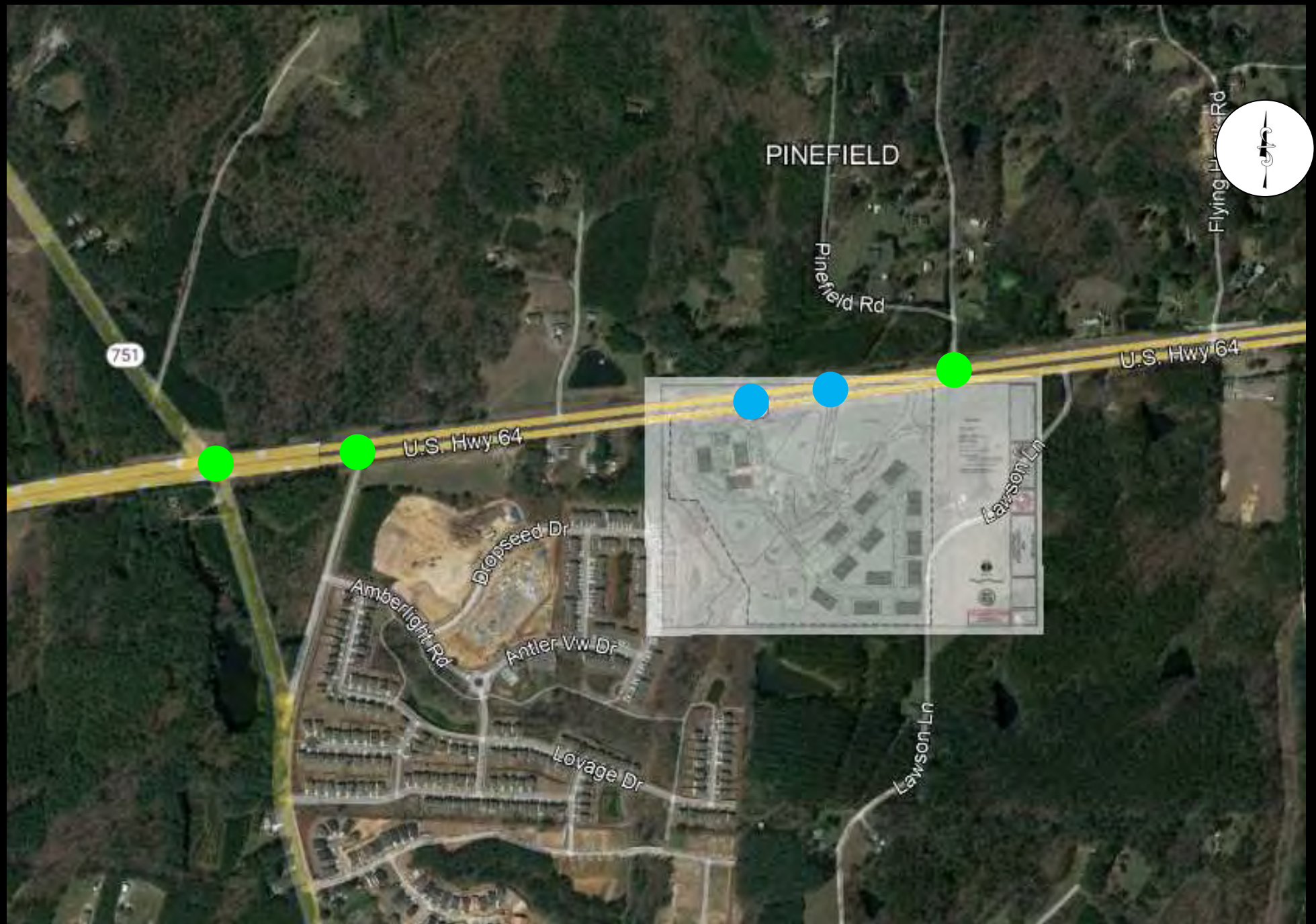





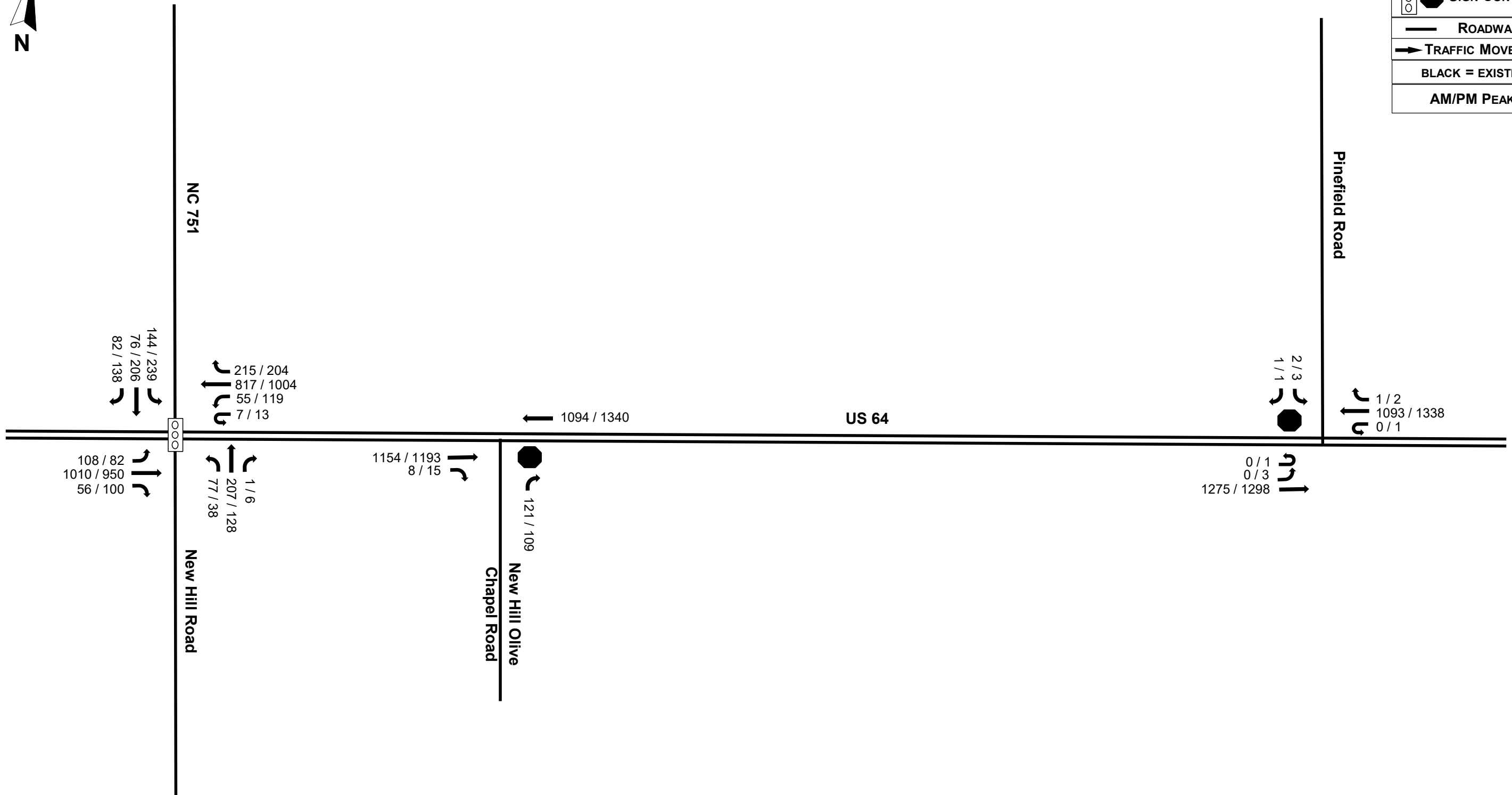
FIGURE 1
CONCEPT PLAN







LEGEND	
	SIGN CONTROL
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
AM/PM PEAKS	

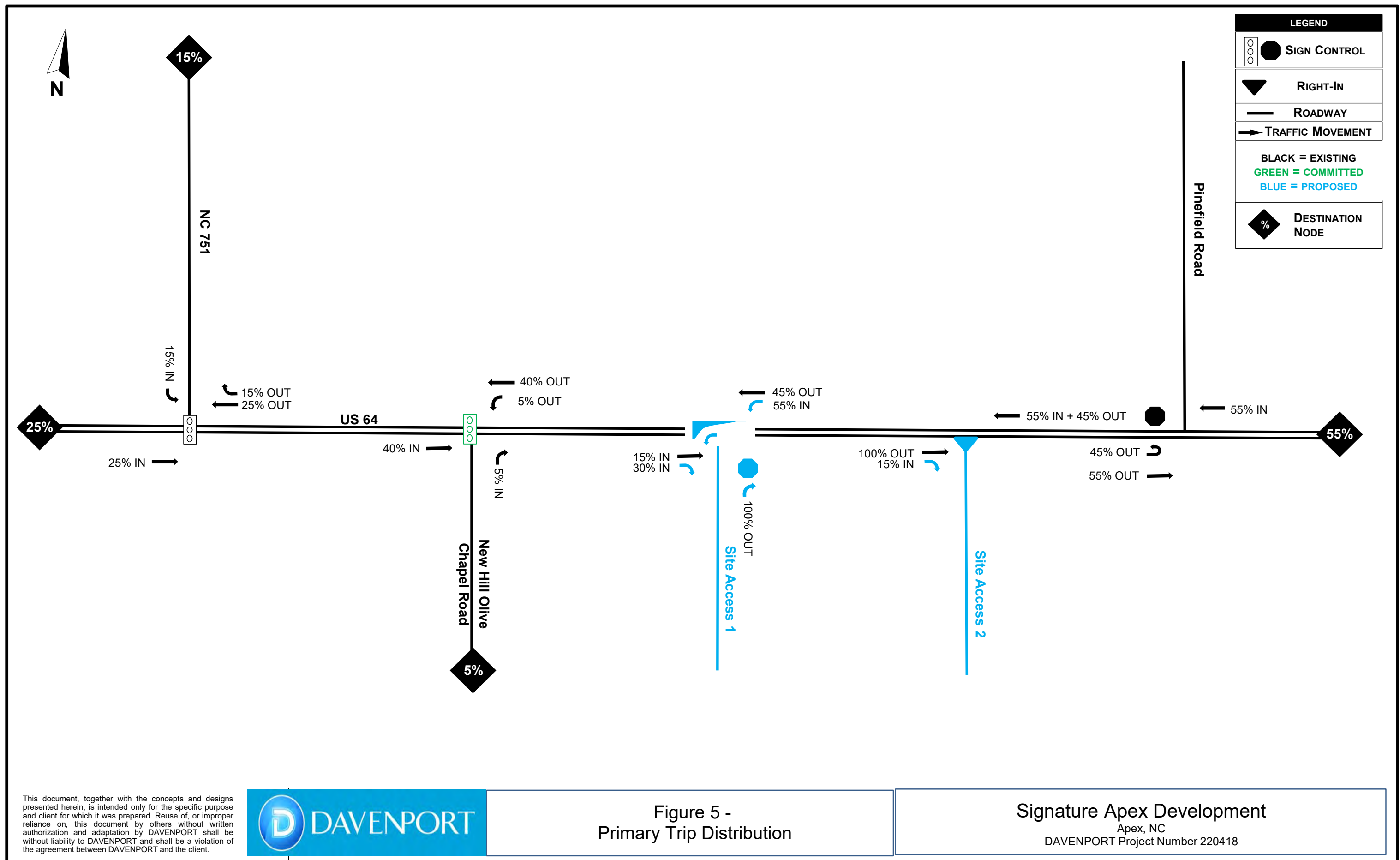


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Figure 4 -
2022 Existing Traffic Volumes

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418

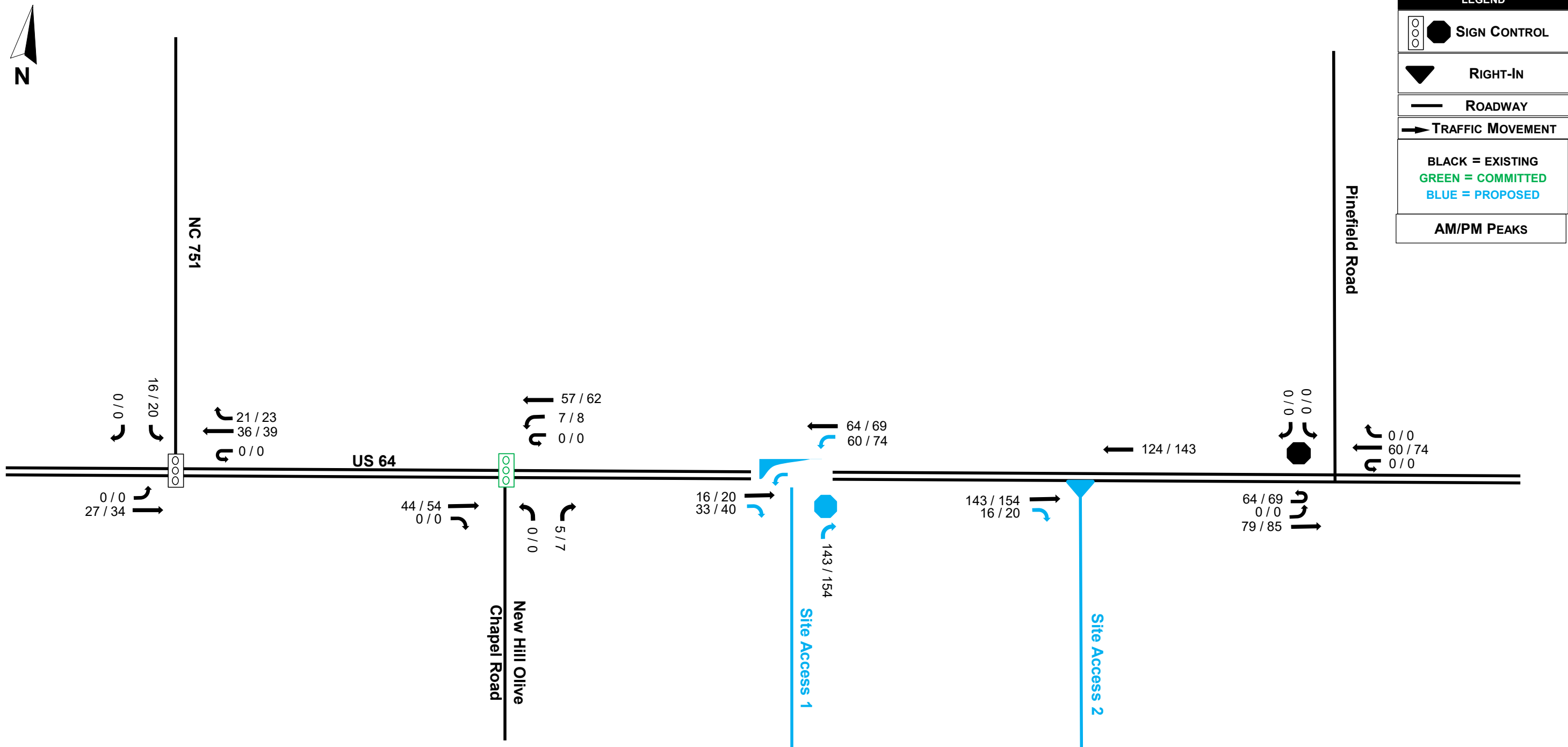


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Figure 5 -
Primary Trip Distribution

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418



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Figure 7 -
Primary Site Trips

Signature Apex Development
Apex, NC
DAVENPORT Project Number 220418

Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

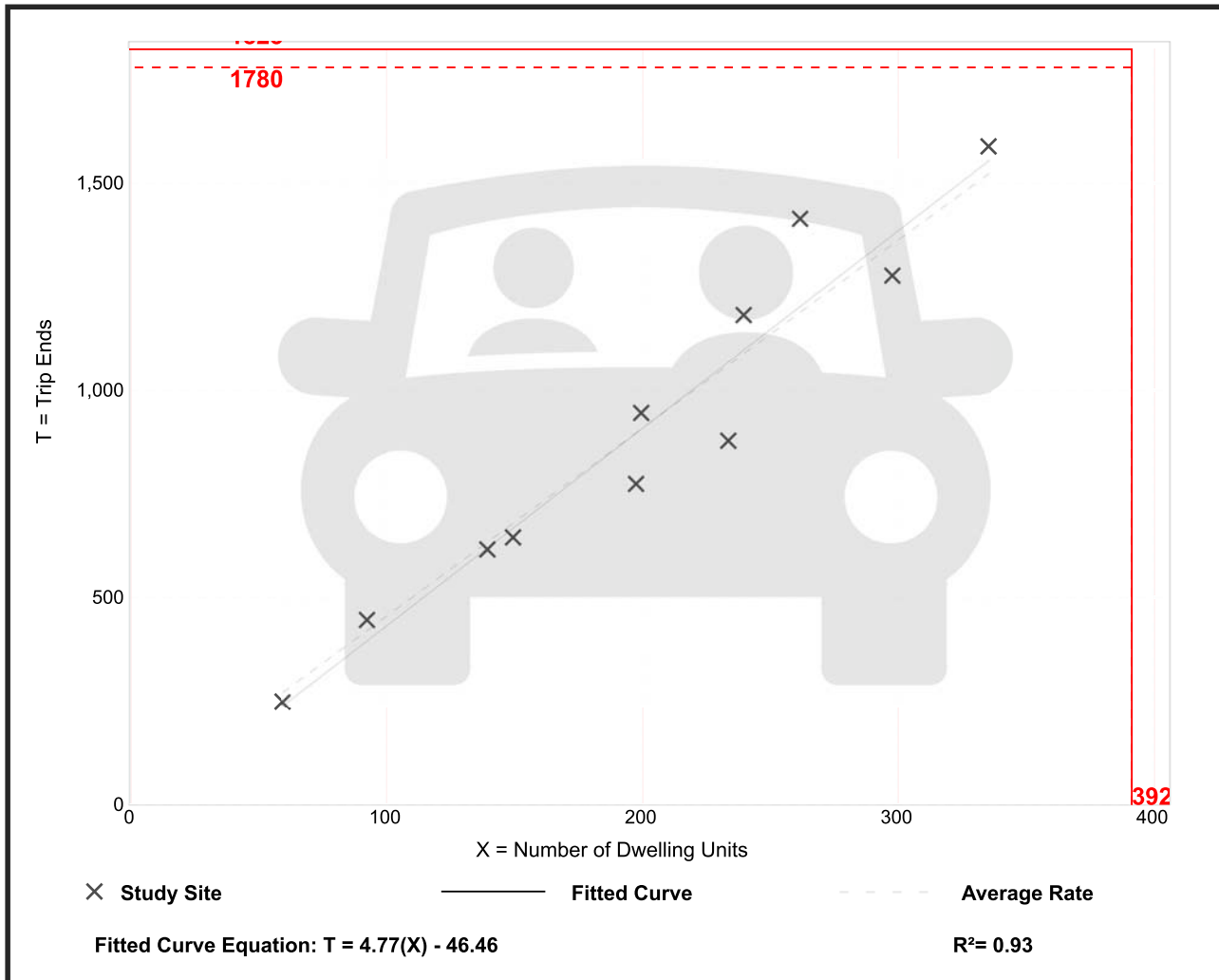
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 30

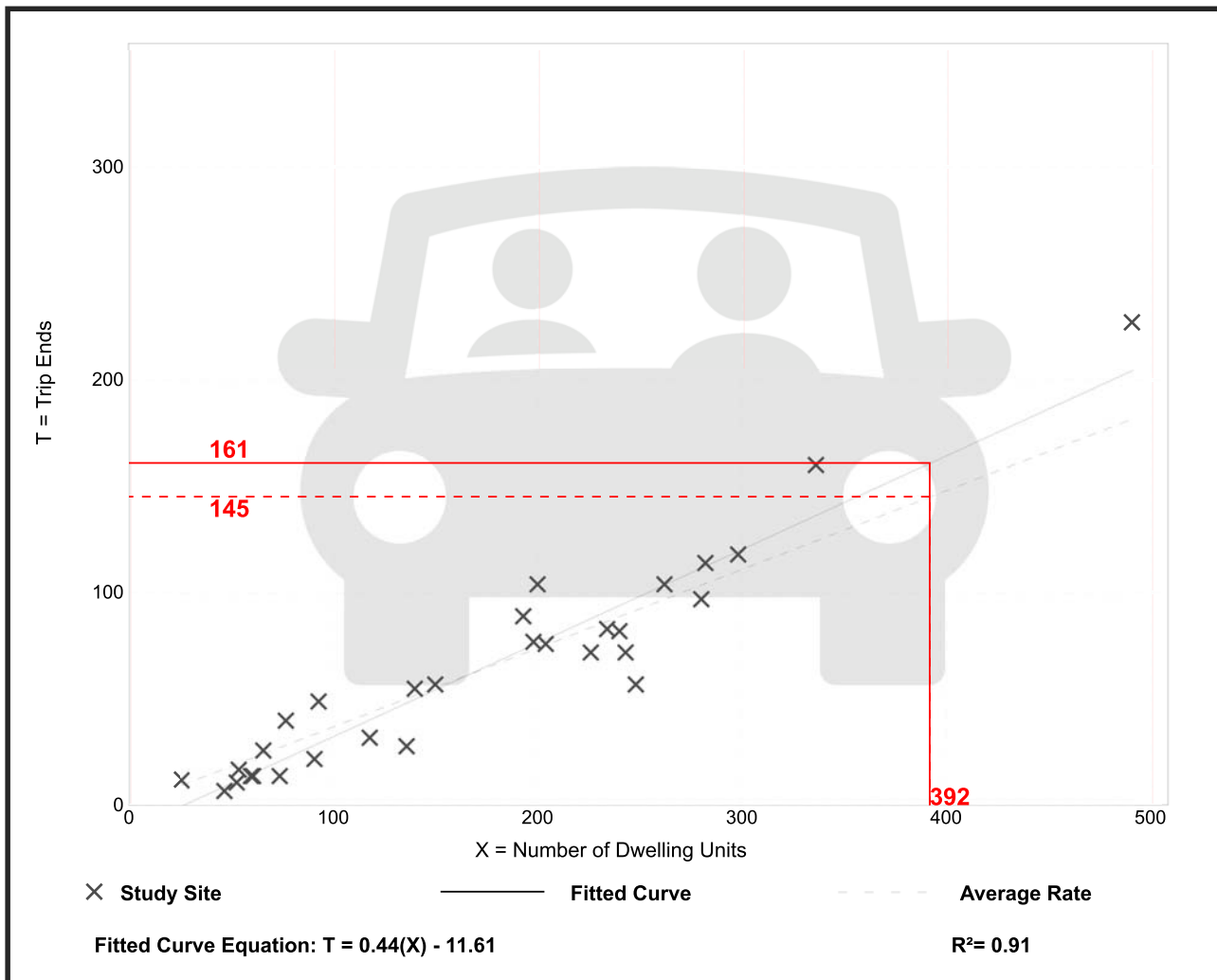
Avg. Num. of Dwelling Units: 173

Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

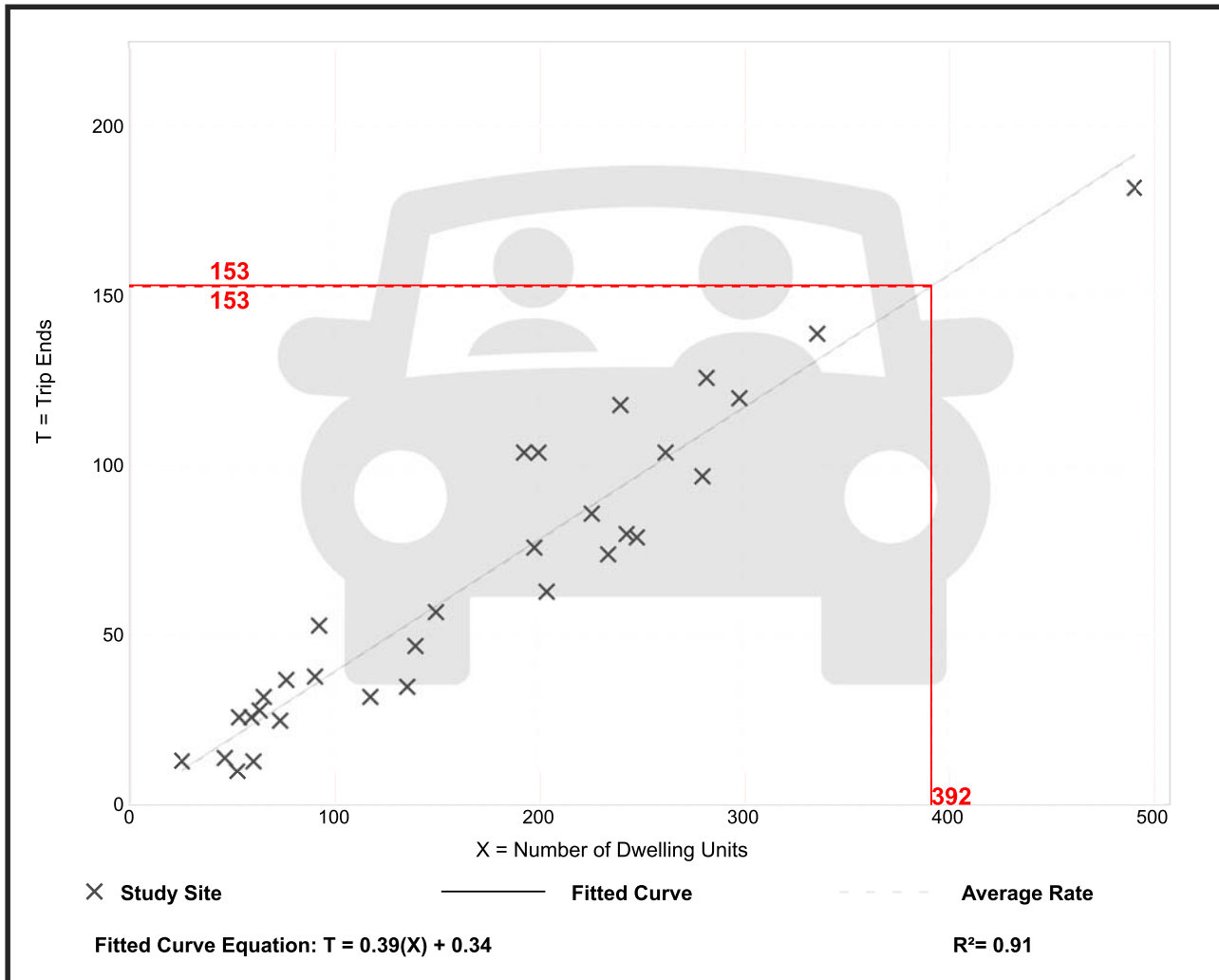
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Medical-Dental Office Building - Stand-Alone (720)

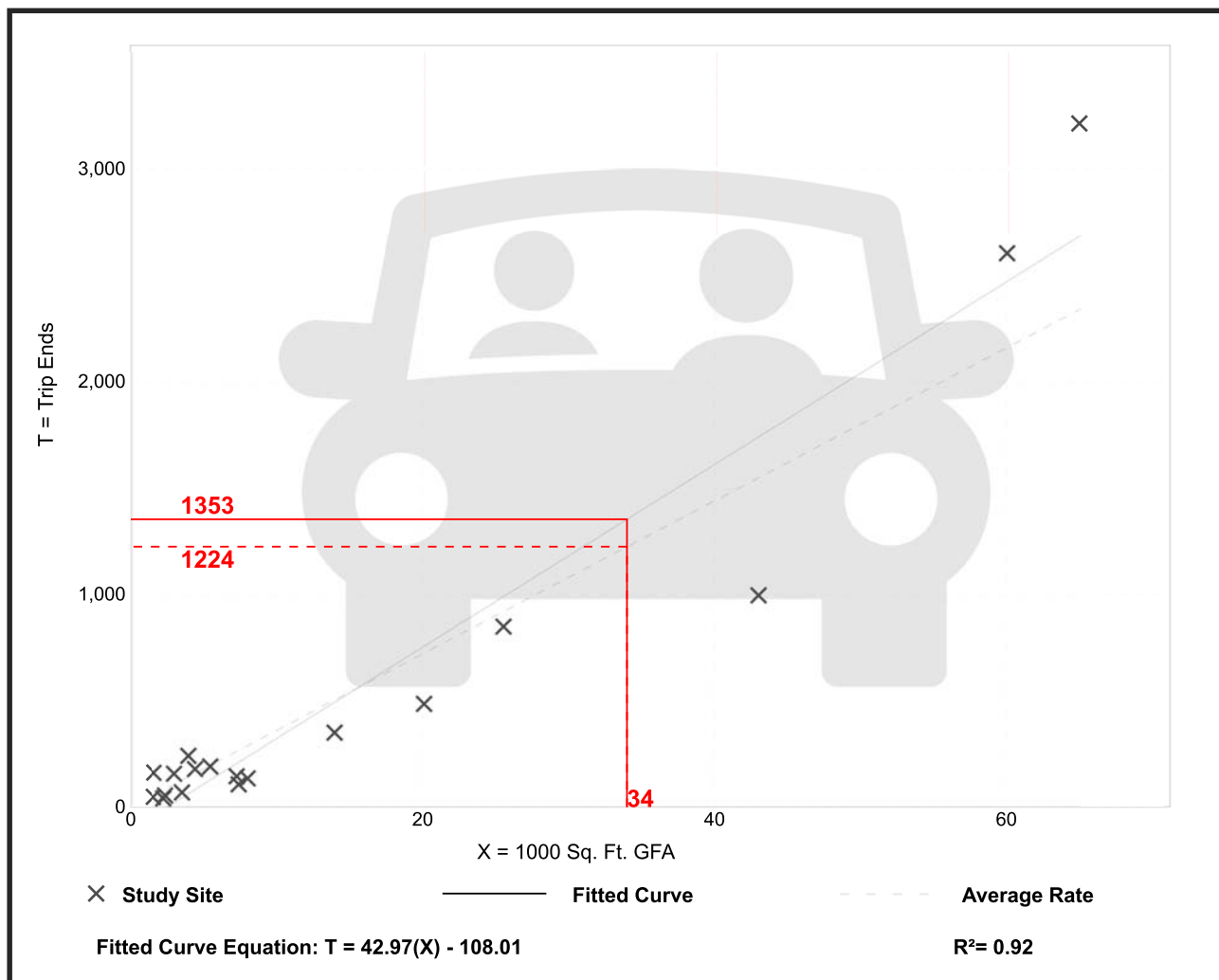
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.00	14.52 - 100.75	13.38

Data Plot and Equation



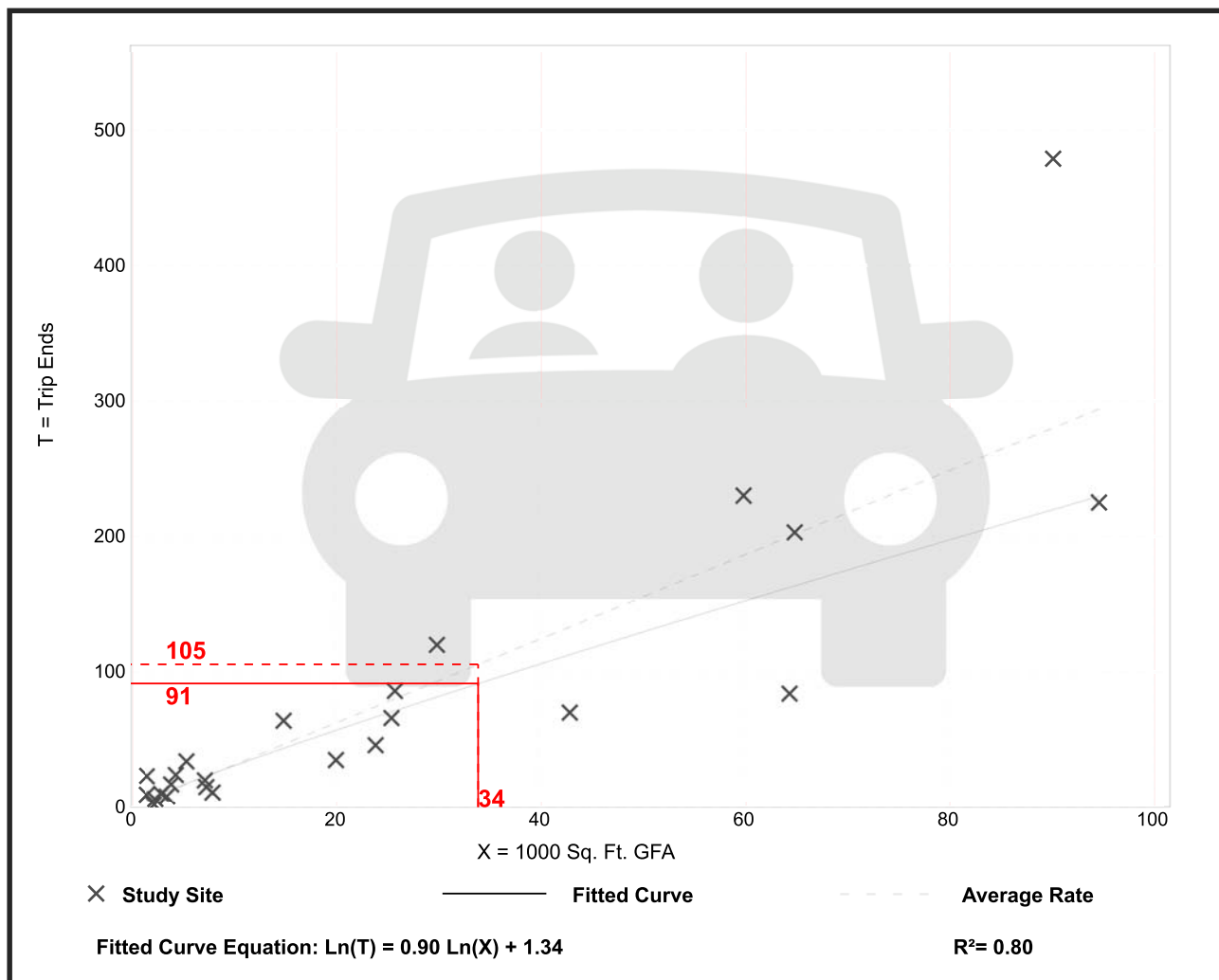
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 24
 Avg. 1000 Sq. Ft. GFA: 25
 Directional Distribution: 79% entering, 21% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.10	0.87 - 14.30	1.49

Data Plot and Equation



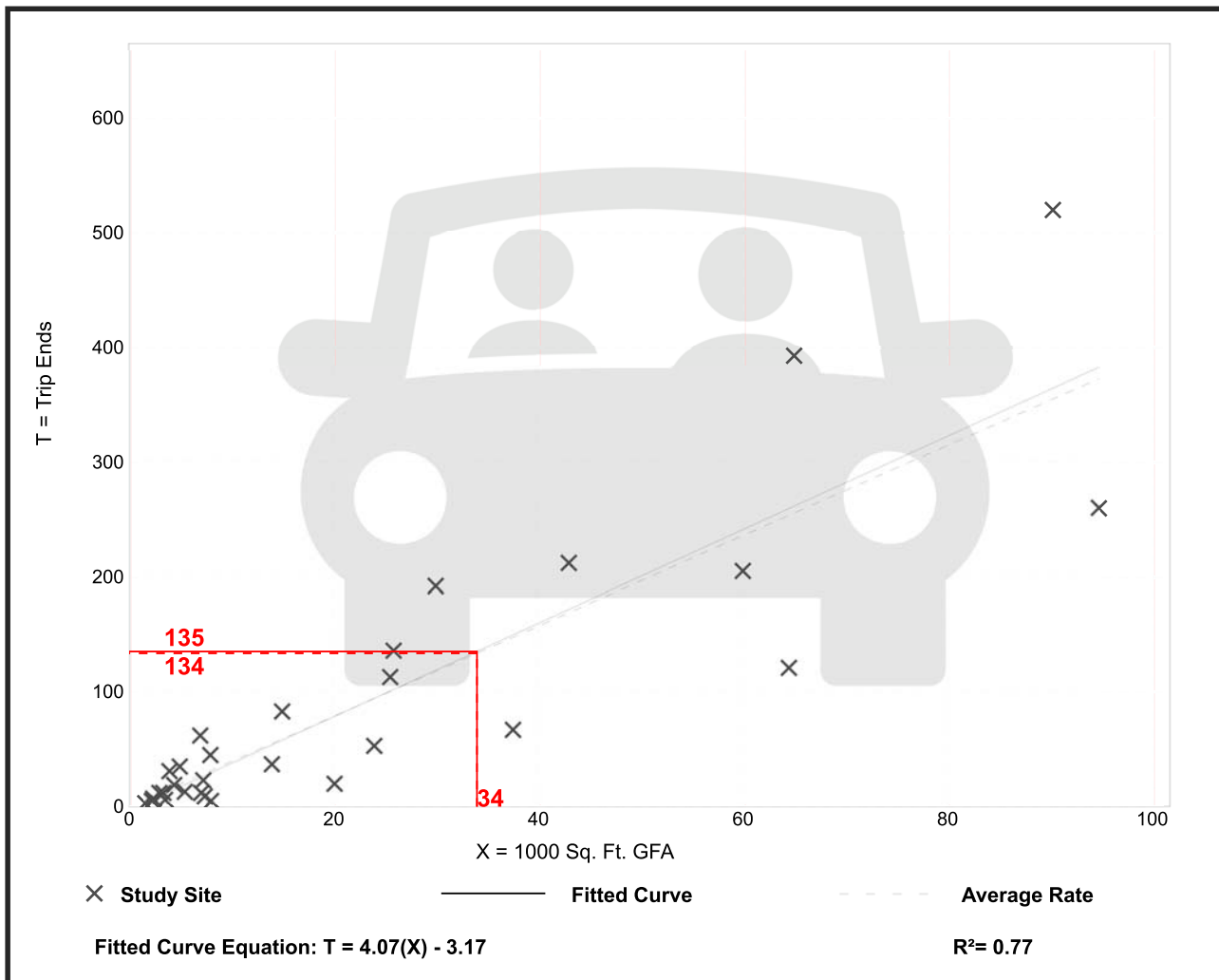
Medical-Dental Office Building - Stand-Alone (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 30
 Avg. 1000 Sq. Ft. GFA: 23
 Directional Distribution: 30% entering, 70% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

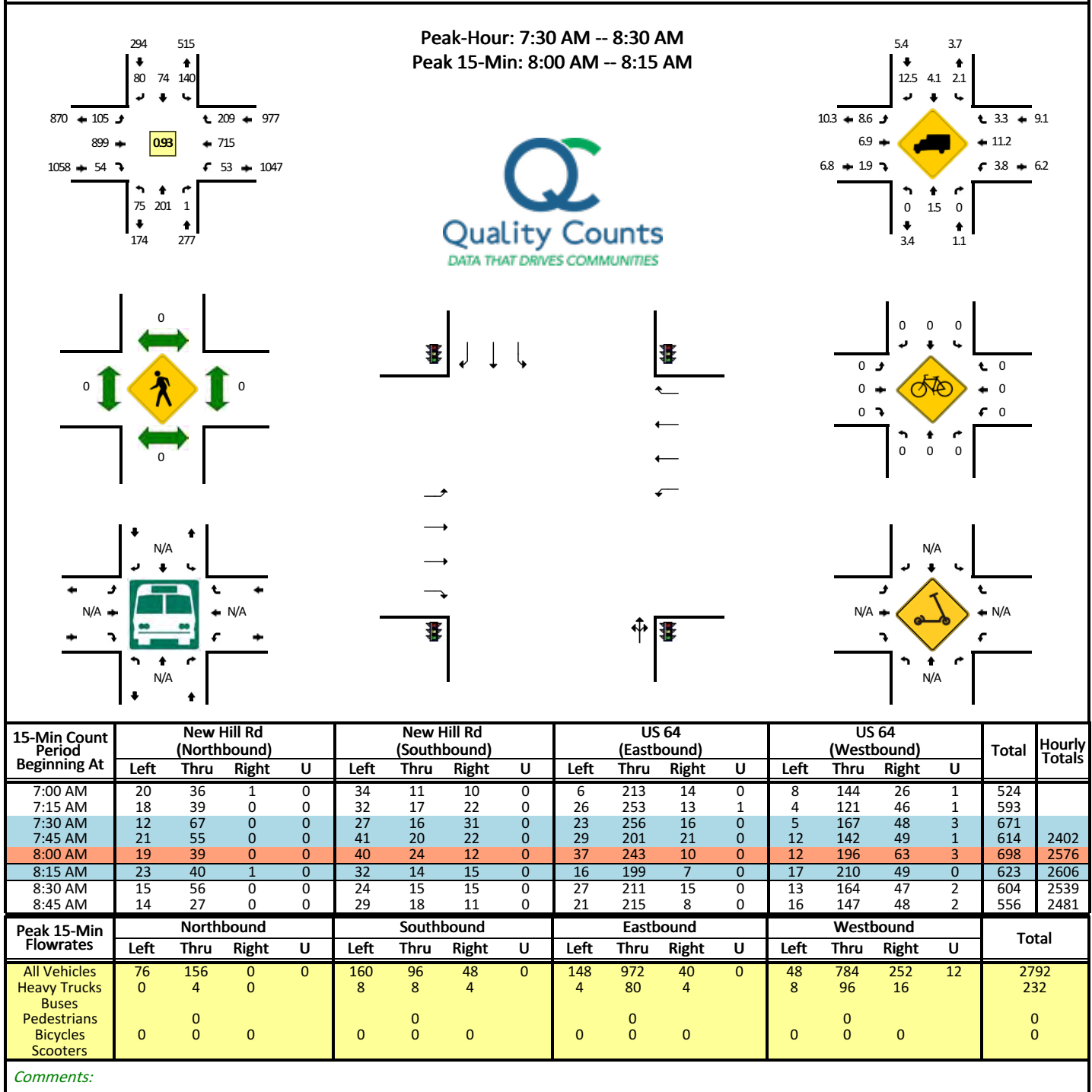
Average Rate	Range of Rates	Standard Deviation
3.93	0.62 - 8.86	1.86

Data Plot and Equation



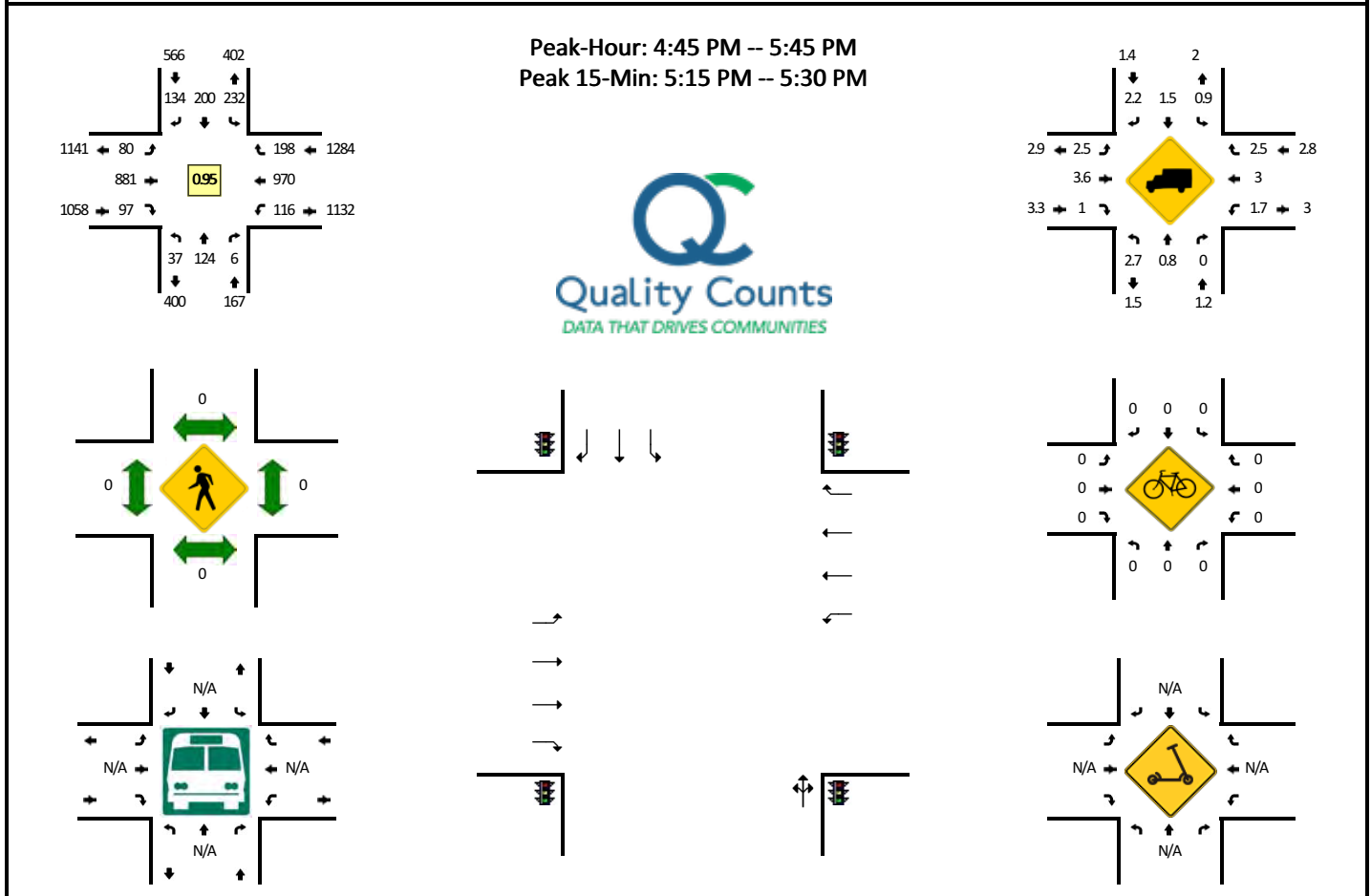
LOCATION: New Hill Rd -- US 64
CITY/STATE: Chatham, NC

QC JOB #: 15891301
DATE: Wed, Dec 8 2021



LOCATION: New Hill Rd -- US 64
CITY/STATE: Chatham, NC

QC JOB #: 15891302
DATE: Wed, Dec 8 2021

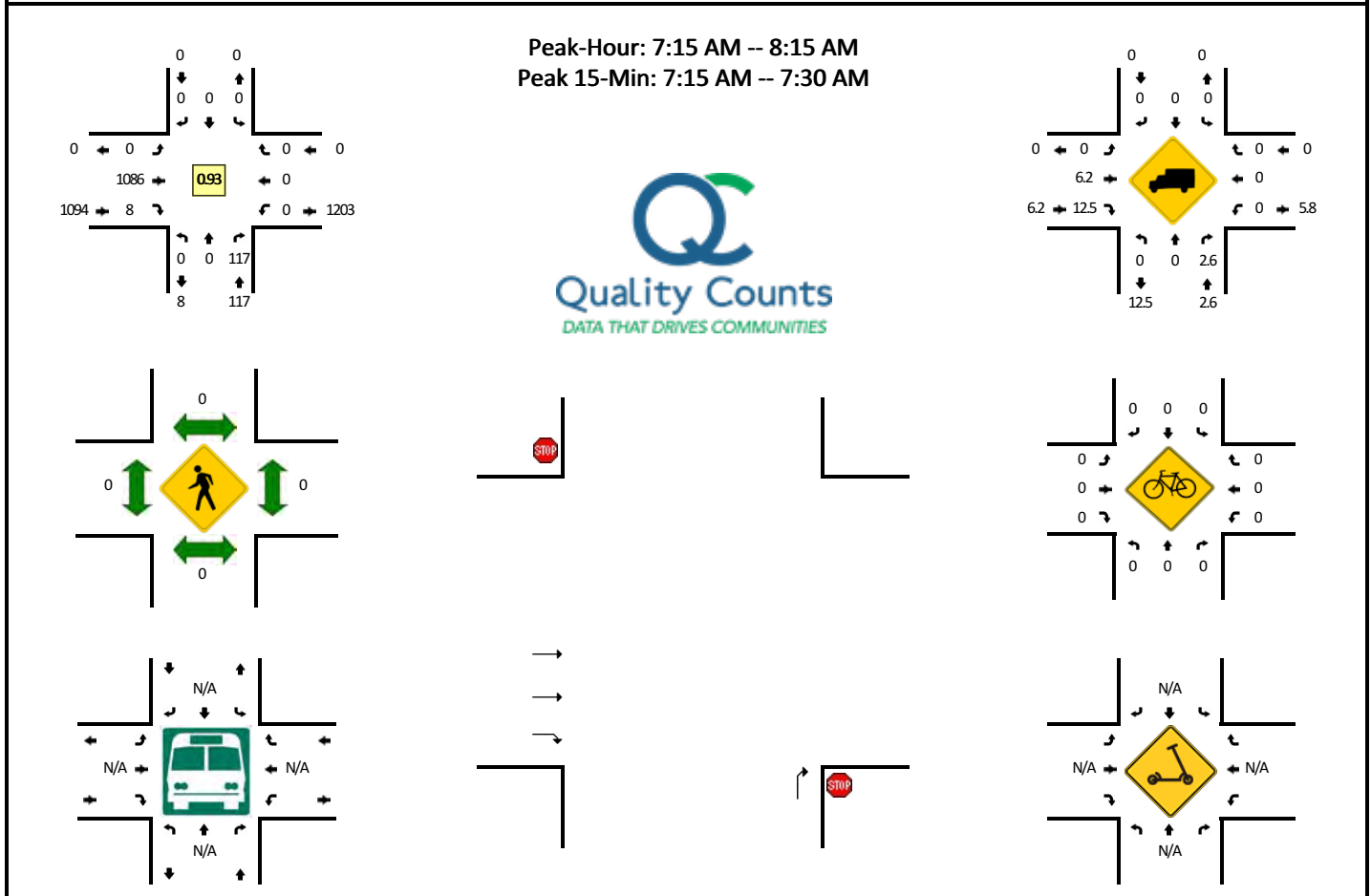


15-Min Count Period Beginning At	New Hill Rd (Northbound)				New Hill Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:00 PM	15	12	1	0	26	15	26	0	16	149	19	0	18	168	26	4	495	
2:15 PM	12	13	0	0	25	20	19	0	19	178	13	1	15	183	23	4	525	
2:30 PM	6	13	1	0	31	17	25	0	11	171	17	0	13	169	30	3	507	
2:45 PM	16	17	0	0	25	23	21	0	14	150	17	0	22	176	50	1	532	2059
3:00 PM	11	20	0	0	44	19	21	0	7	156	12	0	21	215	30	2	558	2122
3:15 PM	12	12	0	0	41	20	23	0	25	183	16	0	25	199	40	1	597	2194
3:30 PM	11	27	1	0	41	30	25	0	14	177	24	1	25	237	34	2	649	2336
3:45 PM	12	17	0	0	33	28	20	0	16	212	20	0	27	231	41	2	659	2463
4:00 PM	12	28	0	0	43	44	33	0	14	192	25	0	24	223	33	7	678	2583
4:15 PM	10	22	3	0	45	42	37	0	19	229	16	0	28	236	51	10	748	2734
4:30 PM	10	28	0	0	56	43	30	0	17	181	25	0	29	238	32	5	694	2779
4:45 PM	7	32	0	0	54	35	41	0	17	219	18	0	24	224	37	4	712	2832
5:00 PM	14	30	5	0	62	56	23	0	15	229	23	0	24	252	58	3	794	2948
5:15 PM	2	34	0	0	59	46	39	0	22	222	26	0	28	270	57	1	806	3006
5:30 PM	14	28	1	0	57	63	31	0	26	211	30	0	27	224	46	5	763	3075
5:45 PM	13	27	0	0	57	44	35	0	20	199	13	0	22	205	46	5	686	3049
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	136	0	0	236	184	156	0	88	888	104	0	112	1080	228	4	3224	
Heavy Trucks	0	0	0	0	0	0	0	0	8	8	0	0	0	20	0	0	36	
Buses																		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Scoters																		

Comments:

LOCATION: New Hill Olive Chapel Rd -- US 64
CITY/STATE: Wake, NC

QC JOB #: 15891303
DATE: Wed, Dec 8 2021

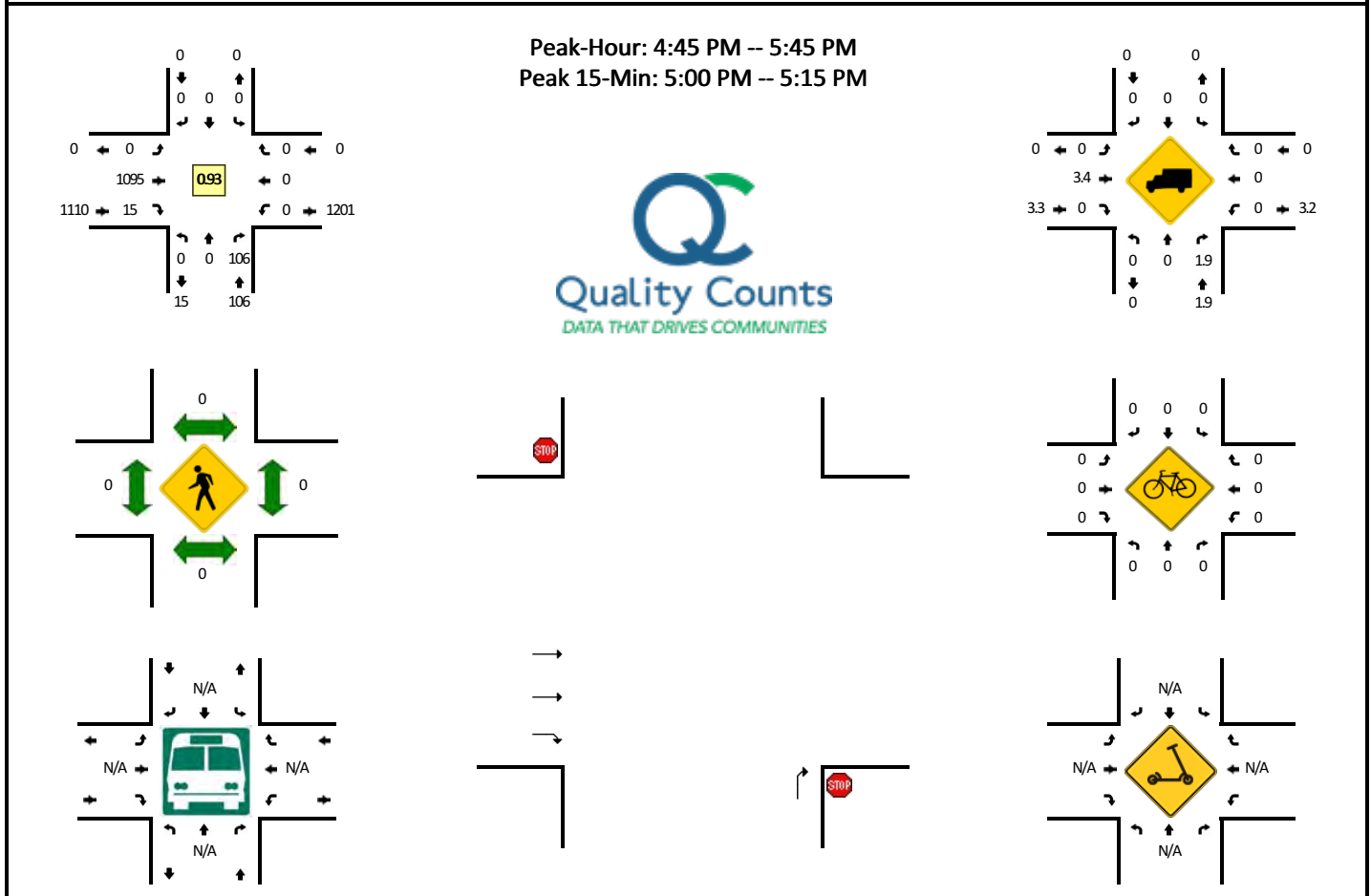


15-Min Count Period Beginning At	New Hill Olive Chapel Rd (Northbound)				New Hill Olive Chapel Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	25	0	0	0	0	0	0	225	3	0	0	0	0	0	253	
7:15 AM	0	0	29	0	0	0	0	0	0	293	2	0	0	0	0	0	324	
7:30 AM	0	0	30	0	0	0	0	0	0	279	3	0	0	0	0	0	312	
7:45 AM	0	0	30	0	0	0	0	0	0	236	0	0	0	0	0	0	266	1155
8:00 AM	0	0	28	0	0	0	0	0	0	278	3	0	0	0	0	0	309	1211
8:15 AM	0	0	31	0	0	0	0	0	0	221	3	0	0	0	0	0	255	1142
8:30 AM	0	0	34	0	0	0	0	0	0	235	1	0	0	0	0	0	270	1100
8:45 AM	0	0	45	0	0	0	0	0	0	247	2	0	0	0	0	0	294	1128
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	0	0	116	0	0	0	0	0	0	1172	8	0	0	0	0	0	1296	
Heavy Trucks	0	0	0	0	0	0	0	0	0	56	0	0	0	0	0	0	56	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

Report generated on 7/25/2022 8:04 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

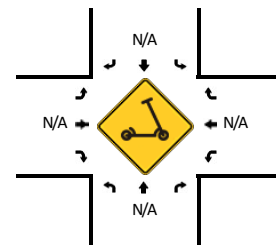
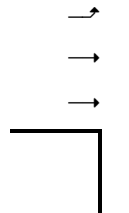
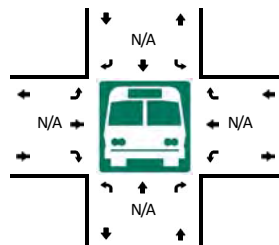
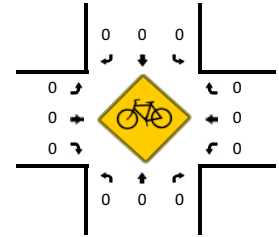
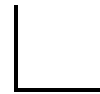
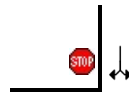
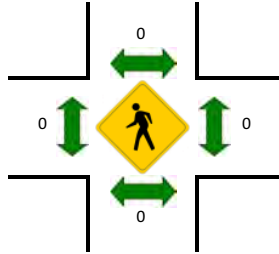
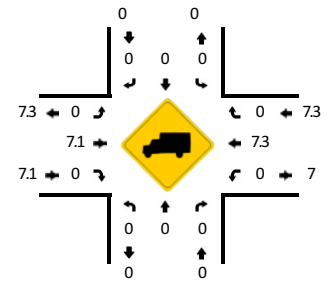
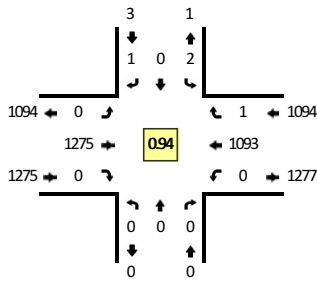
LOCATION: New Hill Olive Chapel Rd -- US 64**QC JOB #:** 15891304**CITY/STATE:** Wake, NC**DATE:** Wed, Dec 8 2021

15-Min Count Period Beginning At	New Hill Olive Chapel Rd (Northbound)				New Hill Olive Chapel Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:00 PM	0	0	20	0	0	0	0	0	0	171	4	0	0	0	0	0	195	
2:15 PM	0	0	25	0	0	0	0	0	0	202	3	0	0	0	0	0	230	
2:30 PM	0	0	29	0	0	0	0	0	0	202	2	0	0	0	0	0	233	
2:45 PM	0	0	17	0	0	0	0	0	0	170	3	0	0	0	0	0	190	848
3:00 PM	0	0	16	0	0	0	0	0	0	205	2	0	0	0	0	0	223	876
3:15 PM	0	0	27	0	0	0	0	0	0	217	0	0	0	0	0	0	244	890
3:30 PM	0	0	25	1	0	0	0	0	0	208	5	0	0	0	0	0	239	896
3:45 PM	0	0	20	0	0	0	0	0	0	237	2	0	0	0	0	0	259	965
4:00 PM	0	0	22	0	0	0	0	0	0	224	6	0	0	0	0	0	252	994
4:15 PM	0	0	17	0	0	0	0	0	0	281	9	0	0	0	0	0	307	1057
4:30 PM	0	0	24	0	0	0	0	0	0	236	6	0	0	0	0	0	266	1084
4:45 PM	0	0	15	0	0	0	0	0	0	259	4	0	0	0	0	0	278	1103
5:00 PM	0	0	31	0	0	0	0	0	0	291	5	0	0	0	0	0	327	1178
5:15 PM	0	0	36	0	0	0	0	0	0	276	2	0	0	0	0	0	314	1185
5:30 PM	0	0	24	0	0	0	0	0	0	269	4	0	0	0	0	0	297	1216
5:45 PM	0	0	25	0	0	0	0	0	0	248	5	0	0	0	0	0	278	1216
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	0	0	124	0	0	0	0	0	0	1164	20	0	0	0	0	0	1308	
Heavy Trucks	0	0	4		0	0	0		0	64	0		0	0	0		68	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Pinefield Rd -- US 64**CITY/STATE:** Wake, NC**QC JOB #:** 15891305**DATE:** Wed, Jul 27 2022

Peak-Hour: 7:45 AM -- 8:45 AM
 Peak 15-Min: 8:30 AM -- 8:45 AM



15-Min Count Period Beginning At	Pinefield Rd (Northbound)				Pinefield Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	0	0	0	0	0	241	0	0	0	206	1	0	448	
7:15 AM	0	0	0	0	0	0	0	0	0	300	0	1	0	241	0	0	542	
7:30 AM	0	0	0	0	0	0	0	0	0	328	0	0	0	253	0	0	581	
7:45 AM	0	0	0	0	0	0	0	0	0	346	0	0	0	276	0	0	622	2193
8:00 AM	0	0	0	0	0	0	0	0	0	298	0	0	0	274	0	0	572	2317
8:15 AM	0	0	0	0	1	0	0	0	0	297	0	0	0	251	0	0	549	2324
8:30 AM	0	0	0	0	1	0	1	0	0	334	0	0	0	292	1	0	629	2372
8:45 AM	0	0	0	0	1	0	0	0	0	302	0	1	0	268	3	0	575	2325
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	0	0	0	0	4	0	4	0	0	1336	0	0	0	1168	4	0	2516	
Heavy Trucks	0	0	0	0	0	0	0	0	0	120	0	0	0	120	0	0	240	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

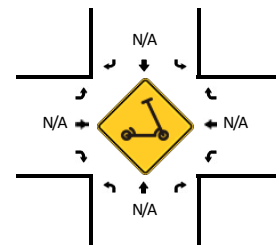
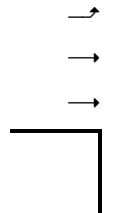
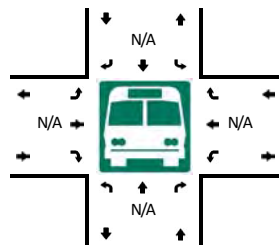
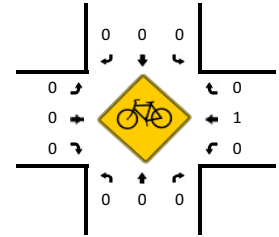
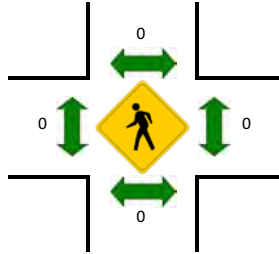
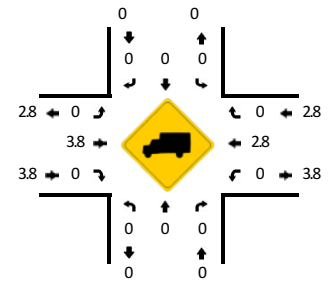
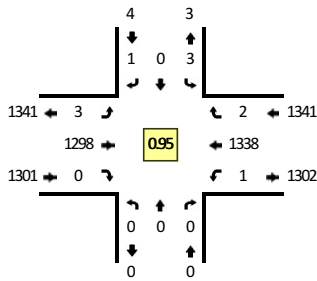
Comments:

Report generated on 8/1/2022 2:39 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Pinefield Rd -- US 64**CITY/STATE:** Wake, NC**QC JOB #:** 15891306**DATE:** Wed, Jul 27 2022

Peak-Hour: 5:00 PM -- 6:00 PM
 Peak 15-Min: 5:15 PM -- 5:30 PM

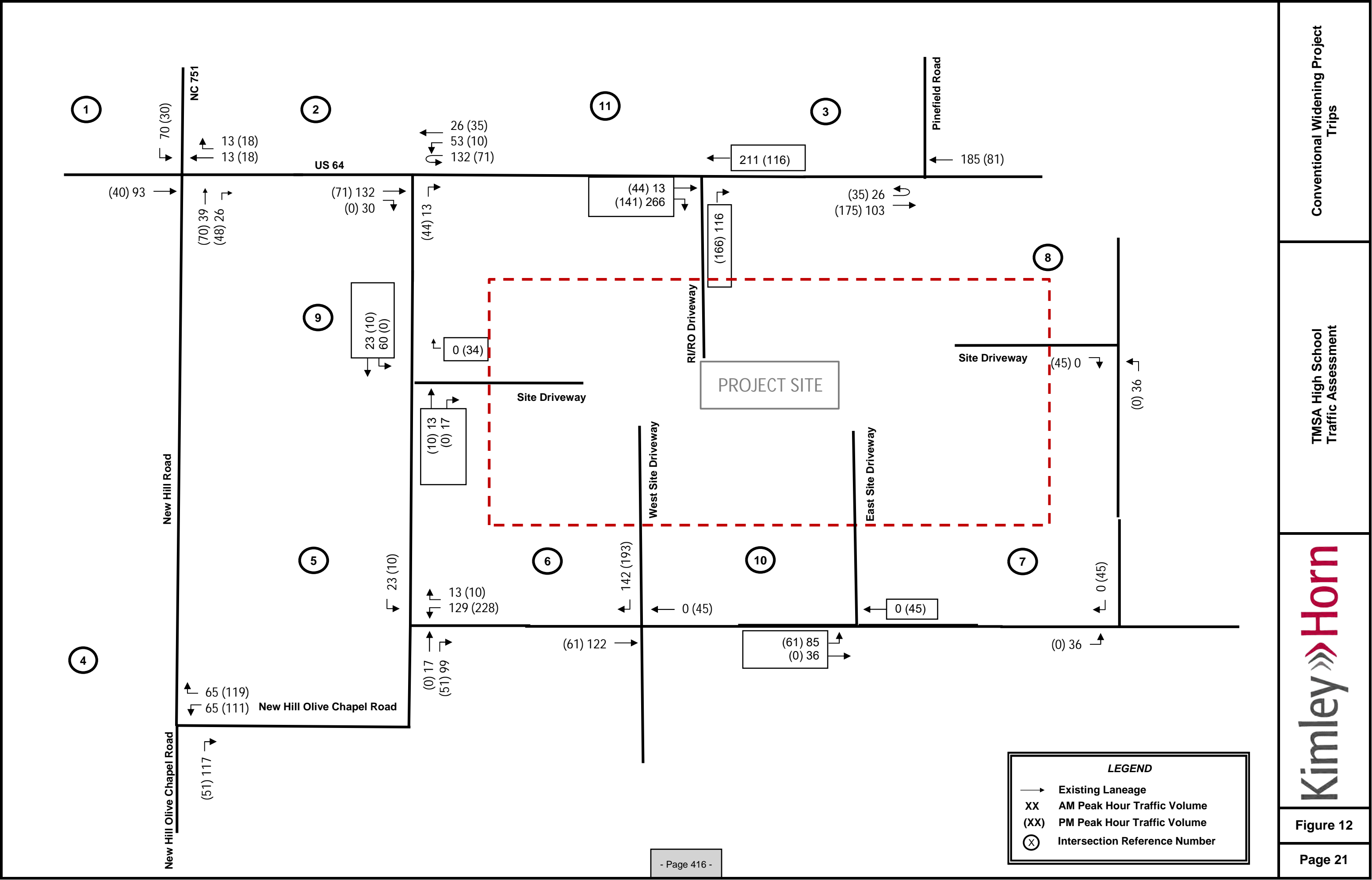


15-Min Count Period Beginning At	Pinefield Rd (Northbound)				Pinefield Rd (Southbound)				US 64 (Eastbound)				US 64 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	3	0	1	0	0	261	0	1	0	263	3	0	532	
4:15 PM	0	0	0	0	1	0	1	0	0	280	0	0	0	313	3	0	598	
4:30 PM	0	0	0	0	0	0	0	0	0	340	0	1	0	314	0	0	655	
4:45 PM	0	0	0	0	0	0	0	0	0	282	0	0	0	307	1	0	590	2375
5:00 PM	0	0	0	0	0	0	0	0	1	314	0	0	0	339	1	1	656	2499
5:15 PM	0	0	0	0	1	0	1	0	0	352	0	1	0	338	1	0	694	2595
5:30 PM	0	0	0	0	1	0	0	0	0	312	0	1	0	346	0	0	660	2600
5:45 PM	0	0	0	0	1	0	0	0	0	320	0	0	0	315	0	0	636	2646
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	0	0	0	0	4	0	4	0	0	1408	0	4	0	1352	4	0	2776	
Heavy Trucks	0	0	0	0	0	0	0	0	0	52	0	0	0	28	0	0	80	
Buses																		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Scooters																		

Comments:

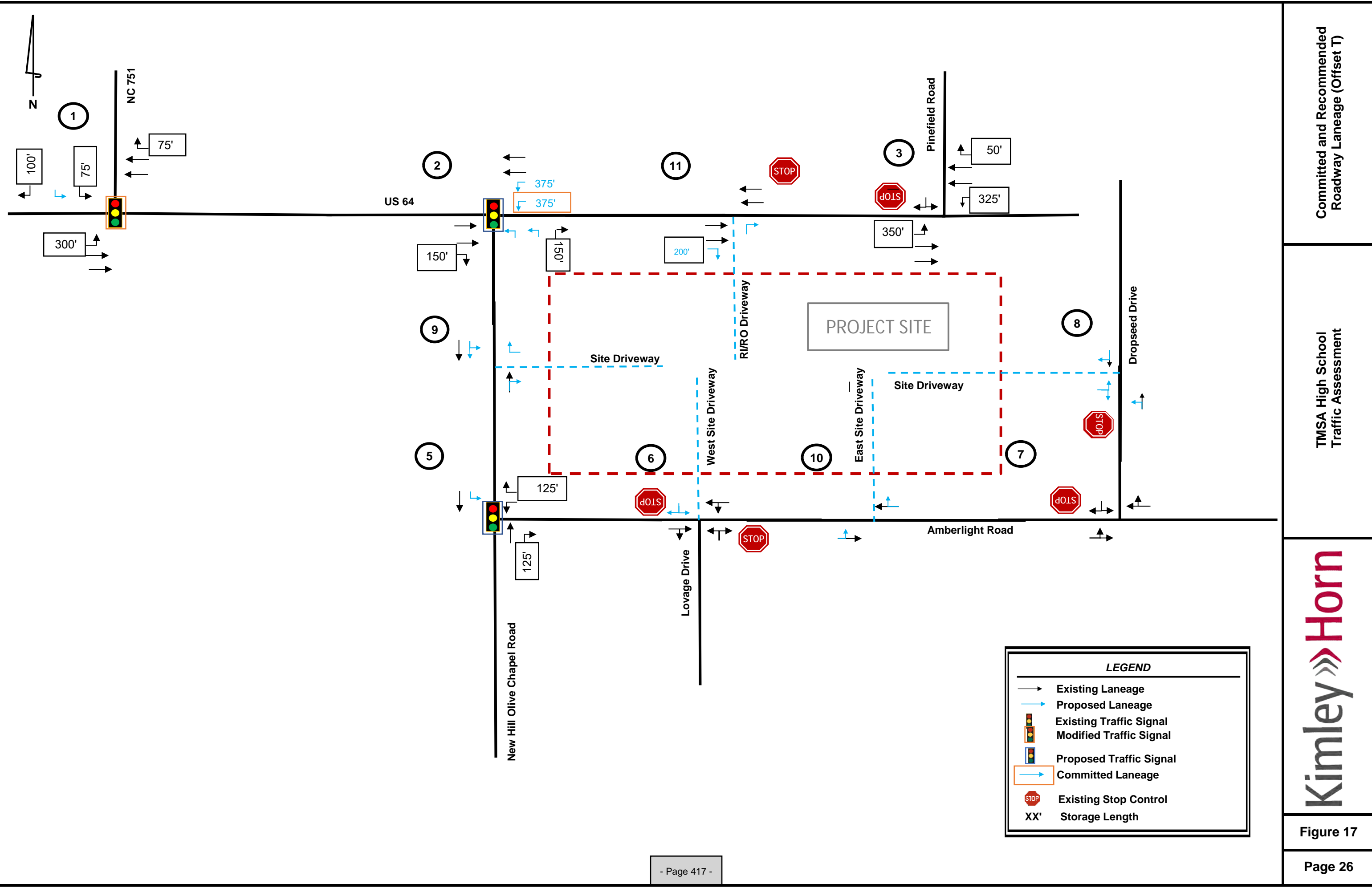
Report generated on 8/1/2022 2:39 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212



Conventional Widening Project
Trips

TMSA High School
Traffic Assessment



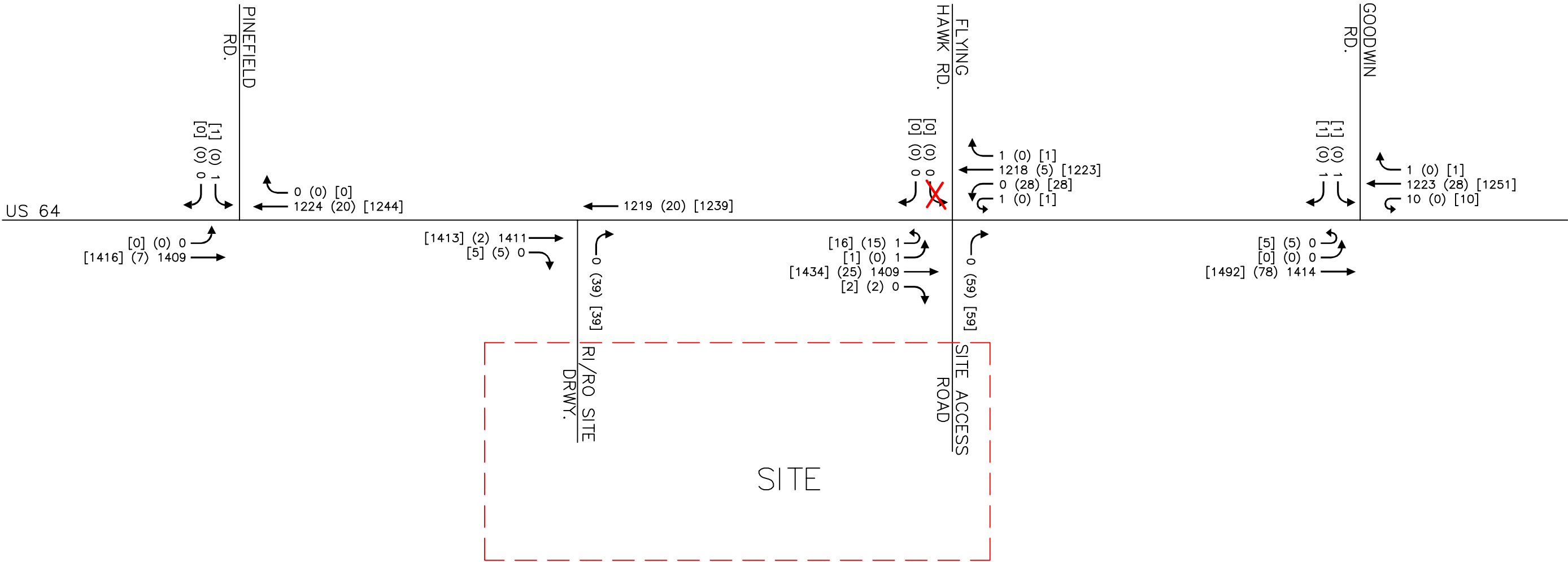

Committed and Recommended
Roadway Laneage (Offset T)

TMSA High School
Traffic Assessment

Figure 17

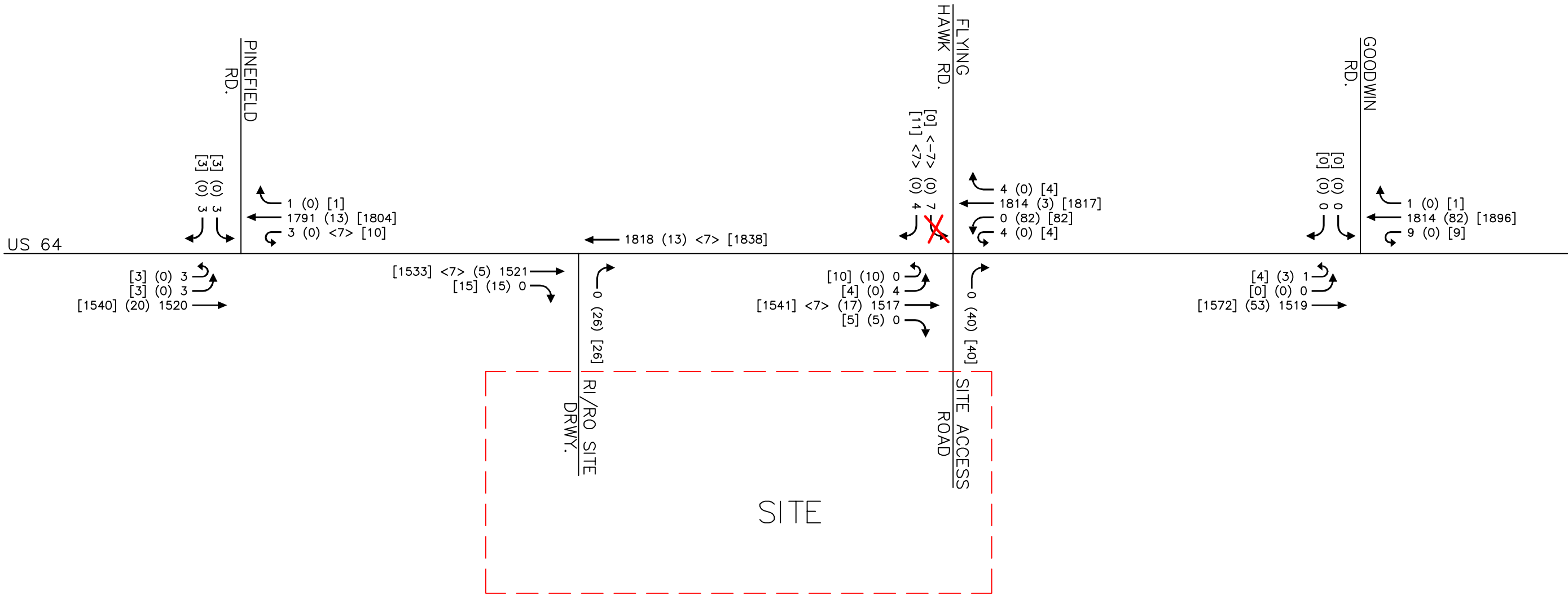

- LEGEND
- XX BACKGROUND TRAFFIC
 - (XX) SITE TRAFFIC
 - [XX] TOTAL BUILD-OUT TRAFFIC

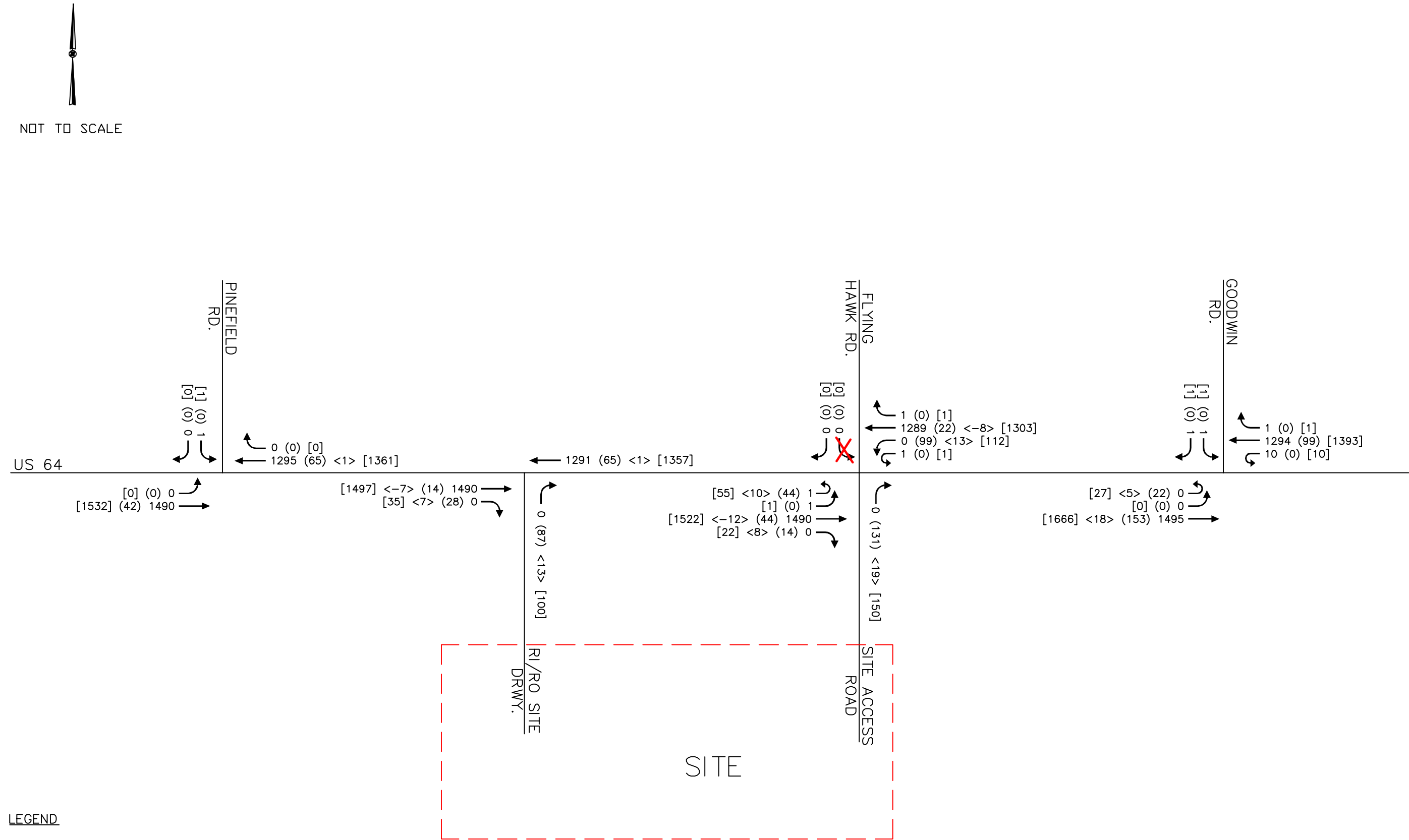
NOT TO SCALE



- LEGEND
- XX BACKGROUND TRAFFIC
 - (XX) SITE TRAFFIC
 - <XX> ACCESS DIVERSION
 - [XX] TOTAL BUILD-OUT TRAFFIC

NOT TO SCALE

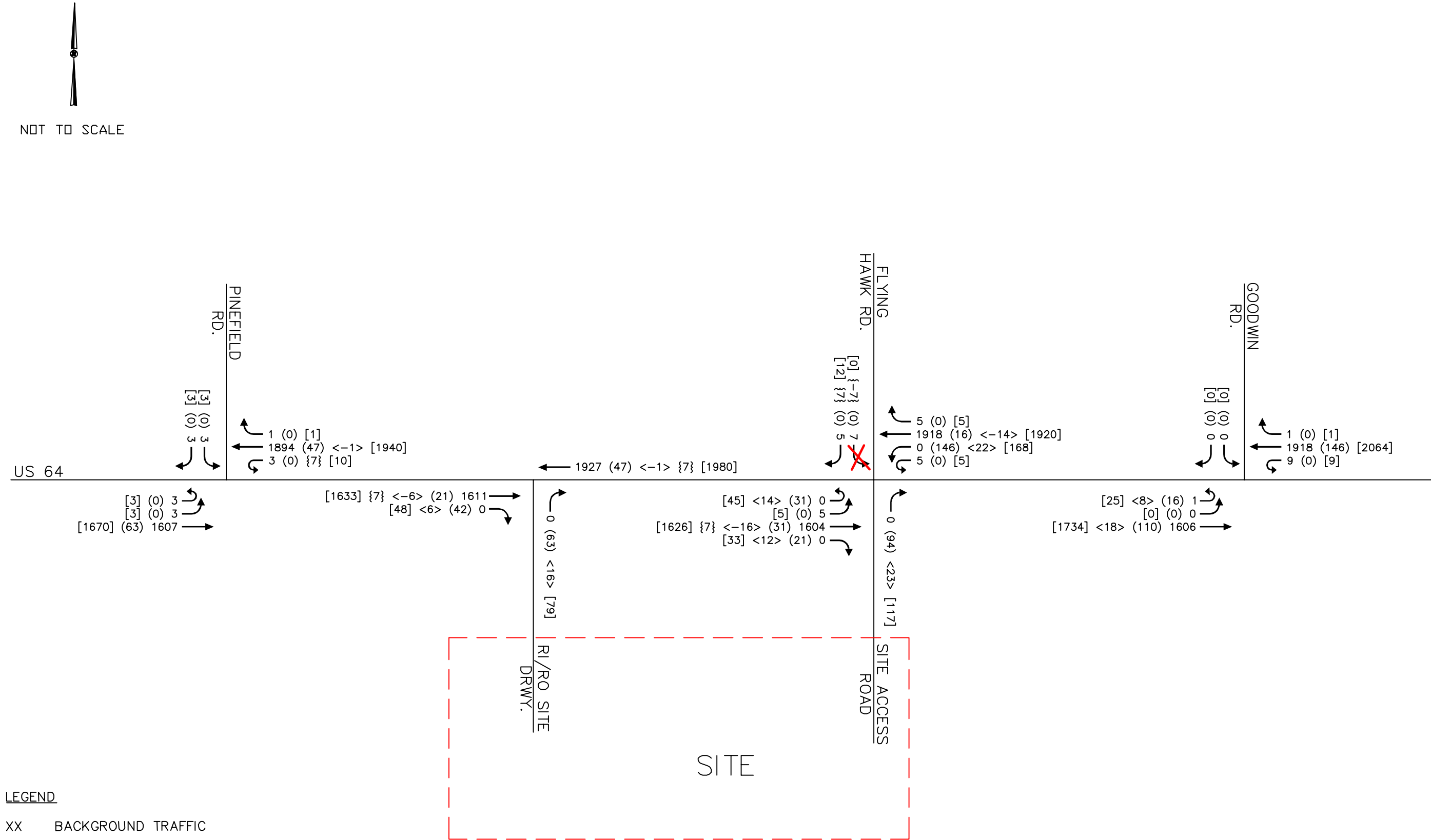




PROJECTED (2026) PHASE 2 BUILD-OUT
AM PEAK HOUR TRAFFIC VOLUMES
— WITH RI/RO DRIVEWAY

US 64 RESIDENTIAL – PHASE 2
APEX, NC
TRAFFIC IMPACT ANALYSIS

FIGURE 1





NC 751

240' (12/11)

200' TAPER

300' STORAGE

US 64

US 64

150' STORAGE

200' TAPER

SR 1001 (NEW HILL RD)

SR 1141 (NEW HILL OLIVE CHAPEL RD)

100' STORAGE

200' TAPER

SR 1001 (NEW HILL RD)

SR 1141 (NEW HILL OLIVE CHAPEL RD)

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ22 Elevate 64 West

Planning Board Meeting Date: March 13, 2023



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 35.15 acres

PIN(s): 0712749870 & 071282430

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

Town Limits: Inside 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: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ22 Elevate 64 West

Planning Board Meeting Date: March 13, 2023



Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☒ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☐ Consistent ☐ Inconsistent Reason: _____

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ22 Elevate 64 West

Planning Board Meeting Date: March 13, 2023



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.



Consistent



Inconsistent

Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

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



Consistent



Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ22 Elevate 64 West

Planning Board Meeting Date: March 13, 2023



Planning Board Recommendation:

Motion: Approve

Introduced by Planning Board member: Soh

Seconded by Planning Board member: Akers

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

As proposed by the applicant.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 4 Planning Board Member(s) voting "aye"

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached.

This report reflects the recommendation of the Planning Board, this the 13th day of March 2023.

Attest:

Tina Sherman, Planning Board Vice-Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2023.03.13 18:10:23
-04'00'

Amanda Bunce, Current Planning Manager

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: DANIEL KHODAPARAST

Meeting Date: 03/13/2023

☒ Rezoning # 22CZ22

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

WHILE I APPROVE OF THE DESIGN/SCOPE OF
THE PROJECT, I DO NOT FEEL THAT A SINGLE
ACCESS ON 64 WILL BE ADEQUATE FOR THE
VOLUME OF UNITS. THERE IS TOO MUCH UNCERTAINTY
AROUND FUTURE DEVELOPMENT CONNECTIONS.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Keith Braswell

Meeting Date: March 13 2023

☒ Rezoning # 22CZ22

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

The reason for my dissenting vote is the 1 access for a property with almost 400 units. This access directly onto Hwy 64 will be dangerous. 400 units with the only access is a major Highway needs another access.

PLANNING BOARD REPORT TO TOWN COUNCIL

Dissenting Member Comments



Planning Board Member Name: Tim Royal

Meeting Date: 3/13/2023

☒ Rezoning # 22CZ22 Elevate 64 West

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

392 total residential units with commercial added with only 1 access point. During the Smith Farm and Sweetwater PUD's, a ribbon street was laid out which connected US HWY 64 to Olive Chapel giving well needed connectivity. On this project, we are unsure if the property owners to the south and east will ever sale which could render this project to forever have only 1 access point.



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ22 Elevate 64 West PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: FA Develop, LLC

Authorized Agent: FA Develop, LLC

Property Addresses: 3805 & 3809 US Hwy 64 W

Acreage: ± 35.15 acres

Property Identification Numbers (PINs): 0712842430 & 0712749870

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: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41113>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ22
Elevate 64 West PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: FA Develop, LLC

Agente autorizado: FA Develop, LLC

Dirección de la propiedades: 3805 y 3809 US Hwy 64 W

Superficie: ±35.15 acres

Números de identificación de la propiedades: 0712842430 y 0712749870

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedades: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

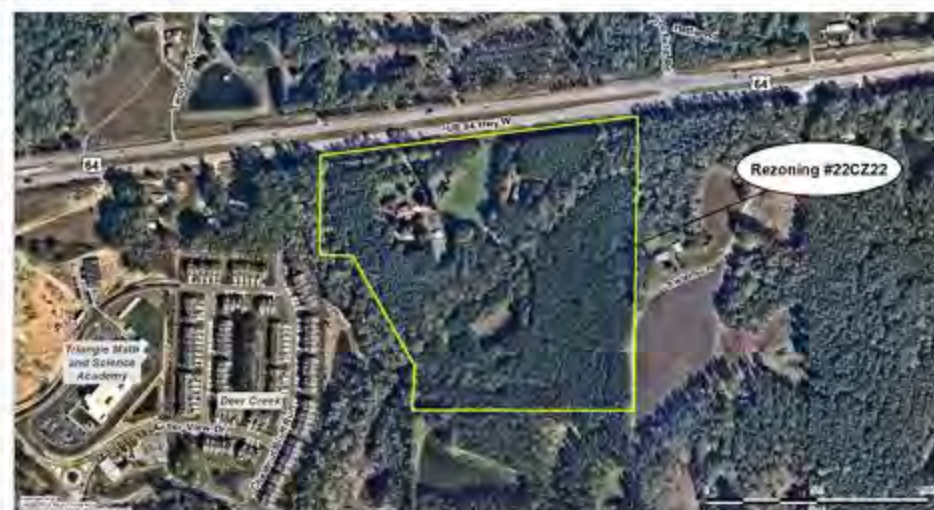
Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de marzo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41113>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ22 Elevate 64 West PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: FA Develop, LLC

Authorized Agent: FA Develop, LLC

Property Addresses: 3805 & 3809 US Hwy 64 W

Acreage: ± 35.15 acres

Property Identification Numbers (PINs): 0712842430 & 0712749870

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: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: March 13, 2023 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41113>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ22

Elevate 64 West PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: FA Develop, LLC

Agente autorizado: FA Develop, LLC

Dirección de la propiedades: 3805 y 3809 US Hwy 64 W

Superficie: ±35.15 acres

Números de identificación de la propiedades: 0712842430 y 0712749870

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedades: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de marzo de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

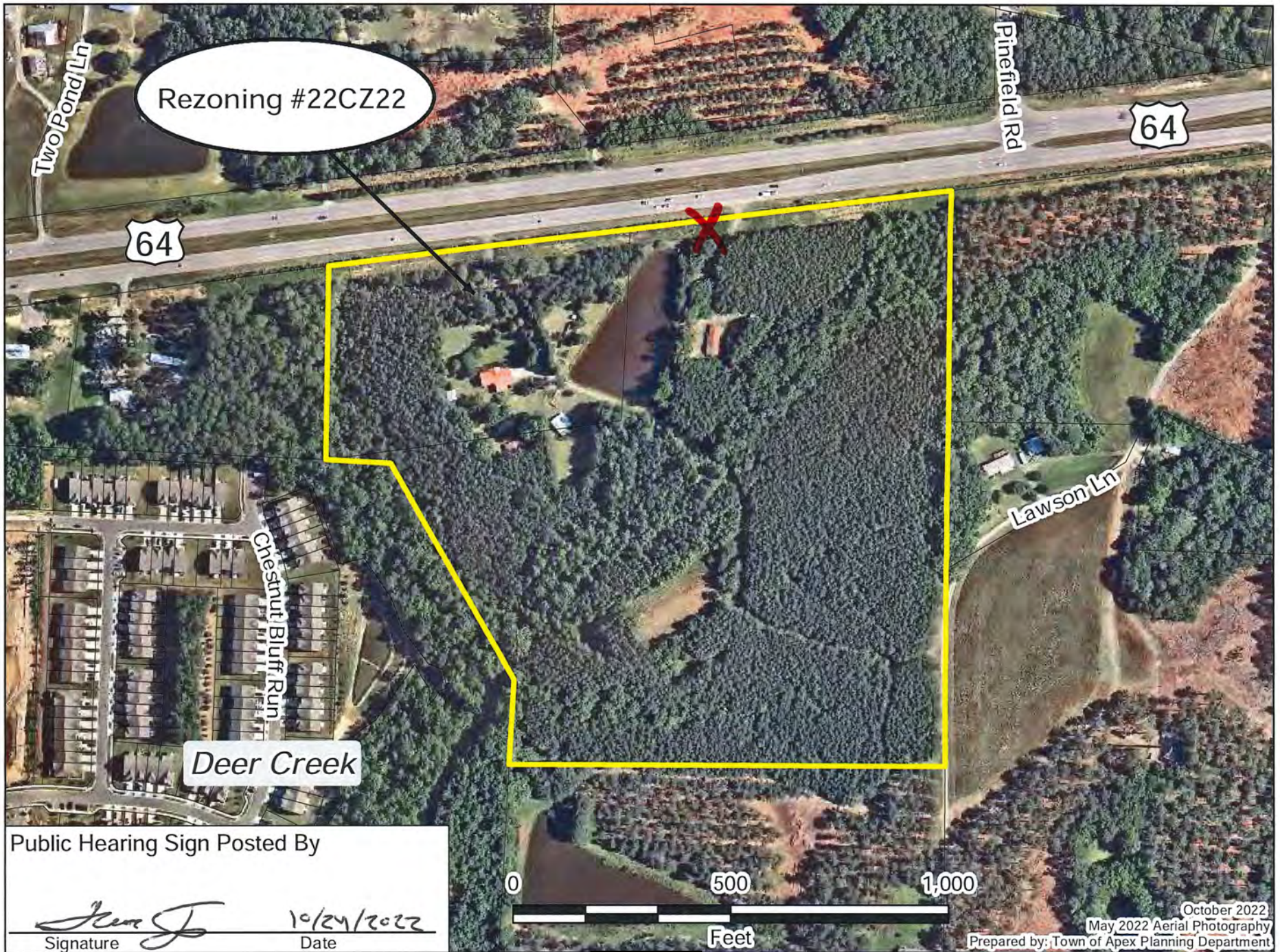
De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41113>.

Dianne F. Khin, AICP
Directora de Planificación





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ22
Elevate 64 West PUD

Project Location: 3805 & 3809 US Hwy 64 W

Applicant or Authorized Agent: FA Develop, LLC

Firm: FA Develop, LLC

This is to certify that I, as the Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on February 24, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

2/27/2023

Date

Shanne Fkhin

Planning Director

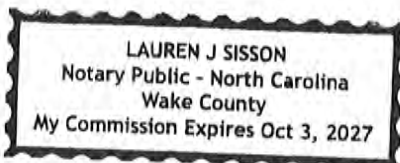
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 27th day of FEBRUARY, 2023.

[Signature]

Notary Public



My Commission Expires: 10 / 03 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ22 Elevate 64 West PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: FA Develop, LLC

Authorized Agent: FA Develop, LLC

Property Addresses: 3805 & 3809 US Hwy 64 W

Acreage: ± 35.15 acres

Property Identification Numbers (PINs): 0712842430 & 0712749870

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: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

Town Council Public Hearing Date and Time: March 28, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lmapc>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41113>

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ22 Elevate 64 West PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

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Authorized Agent: FA Develop, LLC

Property Addresses: 3805 & 3809 US Hwy 64 W

Acreage: ± 35.15 acres

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Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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Town Council Public Hearing Date and Time: March 28, 2023 6:00 PM

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<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



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Dianne F. Khin, AICP
Planning Director

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: FA Develop, LLC

Agente autorizado: FA Develop, LLC

Dirección de la propiedades: 3805 y 3809 US Hwy 64 W

Superficie: ±35.15 acres

Números de identificación de la propiedades: 0712842430 y 0712749870

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedades: Rural Residencial (RR)

Ordenamiento territorial propuesto para la propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de marzo de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41113>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ22
Elevate 64 West PUD
Project Location: 3805 & 3809 US Hwy 64 W
Applicant or Authorized Agent: FA Develop, LLC
Firm: FA Develop, LLC

This is to certify that I, as the Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on March 3, 2023, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3-16-23

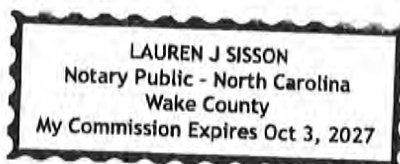
Date

Amel Bue for Dianne Kohn
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 16th day of MARCH, 2023.



[Signature]
Notary Public

My Commission Expires: 10 / 3 / 2023



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

November 15, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 3, 2022
- Name of development: 22CZ22 Elevate 64 West PUD
- Address of rezoning: 3805 & 3809 US Hwy 64 West
- Total number of proposed residential units: 392
- Type(s) of residential units proposed: Apartments

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - ☒ Elementary ☐ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☐ School expansion or construction within the next five years may address concerns at these grade levels:
 - ☐ Elementary ☐ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan Pulliam

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 28, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their March 13, 2023 meeting and unanimously recommended approval.

Item Details

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.1.9.A *Apex Environmental Advisory Board* and 2.2.7.B *Neighborhood Meetings* in order to change the timing of Environmental Advisory Board review to after application submittal and add an additional neighborhood meeting after application submittal in the month prior to the anticipated public hearing dates.

Requested by Planning Staff:

Amendments to Sec. 4.4.1.J.2 *Supplemental Standards; Residential Uses; Townhouse, detached; Alleys and Driveways* in order to remove the requirement that no more than 10 lots be on a single alleyway without an intervening alleyway and to require that alleys for such use follow the standards for residential alleys in Sec. 7.2.1.H.2.

Attachments

- PH6-A1: Unified Development Ordinance (UDO) Amendments: Staff Report
 - Planning Board Report to Town Council
 - Public Notice
- PH6-A2: Unified Development Ordinance (UDO) Amendment: Ordinance



STAFF REPORT

Amendments to the Unified Development Ordinance

March 28, 2023 Town Council Meeting



Requested by Planning Committee of Town Council:

1. **Amendments to Secs. 2.1.9.A *Apex Environmental Advisory Board* and 2.2.7.B *Neighborhood Meetings* in order to change the timing of Environmental Advisory Board review to after application submittal and add an additional neighborhood meeting after application submittal in the month prior to the anticipated public hearing dates.**

Background: The Planning Committee of Town Council suggested the following changes to the rezoning process that require UDO amendments:

- a) Move the Environmental Advisory Board (EAB) meeting from a pre-application requirement to post-application submittal so that the EAB has a complete picture of the proposed rezoning application.
- b) Add a requirement for an additional neighborhood meeting after submittal in the month prior to the anticipated public hearing dates. This will allow adjacent property owners to review an updated version of the proposal and increase opportunities to provide input to the applicant. If adopted, the Neighborhood Meeting instructions will be revised to decrease the minimum meeting time from two hours to one hour.

The Committee also discussed changing the timing of votes on rezonings to allow for the public hearing to be held at one meeting as the first reading and the vote to be held at a subsequent meeting as the second reading. With changes to NCGS 160D, state law no longer requires a supermajority (4/5 vote) to approve a rezoning on the first reading, which means that a second reading is no longer necessary. The UDO already grants the Town Council the ability to continue the public hearing or vote on a rezoning at a subsequent meeting, so no UDO amendment is required to change the standard practice from how it is done today. However, staff would like direction on whether Council would prefer we change the rezoning schedule to note the ability to vote at a subsequent meeting or at the same meeting as the public hearing, to be determined at the Council's discretion.

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

...

- 2) Review, with applicants, during the ~~pre-application~~ **staff review** phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

...

2.2.7 Neighborhood Notice

...

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezoning; Major Site Plans; residential subdivisions, excluding exempt subdivisions; Special Use Permits; and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Planning Director a written report of at least one (1) neighborhood meeting held by the petitioner. **For Rezoning, the petitioner must file a written report of an additional neighborhood meeting according to subsection 1) below.** The neighborhood meeting shall comply with the following procedures.

1) *General*

The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application and any associated long range plan amendments, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The **initial** neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting. **For Rezoning, an additional neighborhood meeting shall be held in the month prior to the anticipated Planning Board public hearing date.**

2) *Time and Place*

The neighborhood meeting shall be held either:

- a) At a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application; or
- b) Virtually with both internet and dial-in options per the guidelines in the Neighborhood Meeting Packet.

3) *Notification*

The applicant shall provide notification of the neighborhood meeting a minimum of 14 calendar days in advance of the meeting by mail, to all property owners and tenants abutting and located within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Planning Department. The applicant shall request this notification list from Town GIS staff per the guidelines in the Neighborhood Meeting Packet. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 300-foot notification area shall be measured from the property line of that entire parcel.

...

Requested by Planning Staff:

- 2. Amendments to Sec. 4.4.1.J.2 *Supplemental Standards; Residential Uses; Townhouse, detached; Alleys and Driveways* in order to remove the requirement that no more than 10 lots be on a single alleyway without an intervening alleyway and to require that alleys for such use follow the standards for residential alleys in Sec. 7.2.1.H.2.**

Background: The standard proposed to be removed was enacted prior to the development of a certain subdivision. Detached townhomes are very rare and staff believes it is more appropriate for the same alley standards to apply to all housing types.

4.4.1 Supplemental Standards; Residential Uses

...

J) Townhouse, detached

...

- 2) *Alleys and Driveways.* Each detached townhouse lot shall be required to either be rear loaded from an alleyway, or in the absence of an alley, garages must be placed in the rear with a shared driveway from the front. **Alleys shall comply with the standards found in Sec. 7.2.1.H.2.**

~~a) There shall be no more than 10 lots on a single alleyway without an intervening alleyway.~~

~~b) The alley shall consist of a 26' wide dedicated right of way with 16' asphalt strip located entirely outside of the lots.~~

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their March 13, 2023 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: March 13, 2023



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Akers

Seconded by Planning Board member: Rhodes

- ☒ 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 7 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 13th day of March 2023.

Attest:


Tina Sherman, Planning Board Vice-Chair

Amanda Bunce Digitally signed by Amanda Bunce
Date: 2023.03.13 18:24:00 -04'00'
Amanda Bunce, Current Planning Manager



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, 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 that are applicable Town-wide:

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.1.9.A *Apex Environmental Advisory Board* and 2.2.7.B *Neighborhood Meetings* in order to change the timing of Environmental Advisory Board review to after application submittal and add an additional neighborhood meeting after application submittal in the month prior to the anticipated public hearing dates.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.J.2 *Supplemental Standards; Residential Uses; Townhouse, detached; Alleys and Driveways* in order to remove the requirement that no more than 10 lots be on a single alleyway without an intervening alleyway and to require that alleys for such use follow the standards for residential alleys in Sec. 7.2.1.H.2.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: March 28, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: March 9-28, 2023



TOWN OF APEX

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Dianne F. Khin, AICP
Planning Director

Published Dates: March 9-28, 2023



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

Solicitado por el Comité de Planificación del Consejo Municipal:

1. Enmiendas a las Secc. 2.1.9.A *Consejo Asesor Ambiental de Apex* y 2.2.7.B *Asambleas Vecinales* para cambiar la fecha de la revisión del Consejo Asesor Ambiental a una fecha posterior a la presentación de la solicitud y agregar una asamblea vecinal adicional después de la presentación de la solicitud en el mes anterior a las fechas previstas de las audiencias públicas.

Solicitado por el personal de planificación:

2. Enmiendas a la Secc. 4.4.1.J.2 *Normas complementarias; Usos residenciales; Casa, no adosada; Callejones y entradas para automóvil* con el fin de eliminar el requisito de que no haya más de 10 lotes en un mismo callejón o pasaje sin un pasaje intermedio y para que sea requerido que los callejones con tal uso sigan las normas para callejones residenciales de la Secc. 7.2.1.H.2.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de marzo de 2023 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 9 de marzo-28 de marzo de 2023



TOWN OF APEX

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Solicitado por el personal de planificación:

2. Enmiendas a la Secc. 4.4.1.J.2 *Normas complementarias; Usos residenciales; Casa, no adosada; Callejones y entradas para automóvil* con el fin de eliminar el requisito de que no haya más de 10 lotes en un mismo callejón o pasaje sin un pasaje intermedio y para que sea requerido que los callejones con tal uso sigan las normas para callejones residenciales de la Secc. 7.2.1.H.2.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 28 de marzo de 2023 6:00 PM

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Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 9 de marzo-28 de marzo de 2023

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 2.1.9.A and 2.2.7.B are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

...

- 2) Review, with applicants, during the ~~pre-application~~ **staff review** phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

...

2.2.7 Neighborhood Notice

...

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezoning; Major Site Plans; residential subdivisions, excluding exempt subdivisions; Special Use Permits; and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Planning Director a written report of at least one (1) neighborhood meeting held by the petitioner. **For Rezoning, the petitioner must file a written report of an additional neighborhood meeting according to subsection 1) below.** The neighborhood meeting shall comply with the following procedures.

1) *General*

The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application and any associated long range plan amendments, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The **initial** neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting. **For Rezoning, an additional neighborhood meeting shall be held in the month prior to the anticipated Planning Board public hearing date.**

Section 2. Section 4.4.1.J.2 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:

4.4.1 Supplemental Standards; Residential Uses

...

J) Townhouse, detached

...

2) *Alleys and Driveways.* Each detached townhouse lot shall be required to either be rear loaded from an alleyway, or in the absence of an alley, garages must be placed in the rear with a shared driveway from the front. **Alleys shall comply with the standards found in Sec. 7.2.1.H.2.**

a) ~~There shall be no more than 10 lots on a single alleyway without an intervening alleyway.~~

b) ~~The alley shall consist of a 26' wide dedicated right of way with 16' asphalt strip located entirely outside of the lots.~~

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. Section 1 of this ordinance is effective May 1, 2023. Any Environmental Advisory Board meetings conducted in accordance with the Unified Development Ordinance before May 1, 2023 shall be valid and remain in effect after Section 1 becomes effective.

Section 6. Except as provided in Section 5, the ordinance shall be effective upon enactment on the _____ day of _____ 2023.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

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: CLOSED SESSION

Meeting Date: March 14, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Approval Recommended?

Yes

Item Details

NCGS §143-318.11 (1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

Attachments

- N/A

