AGENDA | REGULAR TOWN COUNCIL MEETING - VIRTUAL

September 14, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

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 Donna Hosch, Town Clerk

Motion to approve Minutes of the August 4, 2021 Special Council Meeting

CN2 Tesa Silver, Deputy Town Clerk

Motion to approve Minutes of the August 24, 2021 Regular Council Meeting

CN3 Donna Hosch, Town Clerk

Motion to approve amended Minutes for Public Hearing 4 on October 6, 2020 due to a scrivener's error in the first of the motions.

CN4 Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 07/04/2021

CN5 Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment related to the use "Personal Service" on August 24, 2021.

CN6 Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 24, 2021.

CN7 Liz Loftin, Senior Planner

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation – Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

CN8 Liz Loftin, Senior Planner

Motion to set Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni, LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

CN9 Shelly Mayo, Planner II

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation – Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

CN10 Shelly Mayo, Planner II

Motion to set the Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. (R-80W) to Planned Unit Development – Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

CN11 Liz Loftin, Senior Planner

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD. Jason Vickers for Beazer Homes, is the petitioner for the properties located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

CN12 Shannon Cox, Long Range Planning Manager

Motion to approve, and to authorize the Town Manager to sign and execute, the General Operating Agreement for Bus Operations – Community Funding Area Program for Wake Transit Fiscal Year 2022.

CN13 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon to install a fence of which 135 S.F. will encroach onto portions of the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN14 Russell Dalton, Traffic Engineering Manager

Motion to Approve a Hold Harmless Agreement with NCDOT for the drainage associated with the Apex Peakway U-5928 project and authorize Town Manager to execute same.

CN15 Mary Beth Manville, Human Resources Director

Motion to approve 6 additional full-time positions (FTEs) for the Administration (4 FTEs), Human Resources (1 FTE), and Economic Development (1 FTE) departments, and the associated budget amendment.

CN16 Michael Deaton, P.E., Director

Motion to approve an amended Fats, Oils, and Grease Ordinance providing legal authority for enforcement and inspection of Food Service Establishments as required by the Town's Sewer Collection System Permit issued by the North Carolina Department of Environmental Quality.

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 Christopher "C.J." Valenzuela, Housing Programs Manager and Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the August 4, 2021 Special Council Meeting

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 2021.08.04 Minutes

| SPECIAL TOWN COUNCIL MEETING

August 4, 2021 at 4:30 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

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

COMMENCEMENT

Mayor Gilbert called the meeting to order. He stated this was a big day for Apex as we move forward with our vision of the town. The Mayor spoke about unity and its importance. Division will take us in the wrong direction.

PUBLIC HEARINGS

PH1 Russel Dalton, Traffic Engineering Manager.

Schematic designs to carry forward to final design phase for the Saunders St Parking Lot, Commerce St Alley, Seaboard St Alley, The Peak on Salem Alley, Saunders St Gathering Place, and Salem Streetscape, as well as "Smart Parking" solutions

Staff presented the process overview which consisted of five phases. The proposed schedule based on the CIP was presented. The work session follow up on July 26th was overviewed which was attended by 8 or 9 residents. Projects not funded for this year would be in the CIP process. The parking summary was detailed, showing an increase of parking spaces including handicapped. Staff stated there would be a separate discussion on the solar canopy.

Staff presented the options for possible Council motion including streetscapes, gathering spaces, and smart parking. The schematic designs, the associated options, and the cost estimate summaries for each were presented.

Related to Sanders Lot solar canopy, staff outlined the project and the benefits to the public. The scope of the work was detailed along with the cost estimation. The total annual savings were stated which had a total payback of 19 years. There were pros and cons to the project, the pros outweighing the cons. The 100% clean energy goal was outlined. Staff recommended approval of this project.

Responding to Council, staff answered questions related to trees and shading, a possible future parking deck, and to where power would go. Staff clarified for Council curb vs. curbless, sidewalks, and timed parking. The contract with the church was clarified. There was discussion as to how parking availability could be identified by the public, i.e., technology options. Based on public comments, staff spoke about a crosswalk.

Shannon Flaherty, on behalf of the Apex Chamber Board of Directors, publicly gave support for the project which was thorough with diverse ideas. Business wise, this would be positive for the business community, thereby bringing in more businesses. Ms. Flaherty stated the parking was understandable, and her Board agreed with drop off spots. Change requires us all to pivot and change can be exciting. The Chamber Board applauded the work of Council, staff, the consultant, and volunteers.

Linda Land, Stylish Living, stated she had met with staff. She objected to portions of the plan. She spoke about the surveys which were completed and why she felt they were not complete or representative of the population of the town. Ms. Land spoke about the charette and its disadvantageous. She spoke about parking being removed.

Renee Lloyd was concerned about how much parking would be disrupted while these changes were being made. She talked about the current parking difficulty and asked had a census been done. Ms. Lloyd spoke about construction workers taking up parking spaces.

Nick Bryant, The Apex Gallery, was in agreement with moving forward, staggered parking, and builder owner buy in. He was not for moving forward with parking lot plans as there was no guarantee of securing the gravel lot. Mr. Bryant talked about the parking on various streets.

Marshall Barnes, Antiques on Salem Street, was concerned about moving forward without the parking situation being nailed down. He was opposed to removing parking on Salem Street. Mr. Marshall wanted Council to support the plan that supports at least some parking on Salem Street.

Alison Gantt stated she had strong support for almost all elements of the plan and was excited for the changes. She supported Option C and explained why. Ms. Gantt spoke about the drop zones, bollards, and other benefits.

Jason Millmore, Fresh Local Ice Cream, thanked everyone for getting us to this point. He was in full support of every recommendation. He just wanted something to happen, so he was not in support of any particular option. Mr. Millmore fully supported change and growth. The town is solving problems, and the few with concerns should not overshadow what the whole of the community wants. He spoke about growth in Cary; and thought that as this transpires in Apex, people will wish it had of been done sooner.

Jack Otepka, 621 Productions, urged everyone to consider the needs of the handicapped and elderly throughout the project. He spoke about merchandise being carried from the parking lot to his establishment by the handicapped and elderly, which he caters to. He asked for a spot out front as at least a drop off.

Marsha Lund stated she is the gravel parking lot. She has not talked much about the town owning this property. Therefore, this meeting seemed to be a bit ahead of the ball about the lot. Ms. Lund stated she was big on growth and has watched what has happened with small towns. She wanted the town to back up and get what it needed to make the town grow.

Mack and Pam Thorpe, The Rusty Bucket, were concerned about disruption of parking during construction. They talked about retail stores closing and not being replaced by retail. They

did not think the parking was going to be resolved until the town entertained a deck. The Thorpes liked Plan B, they are all for growth, and we all need to compromise.

Kyle Denis, Apex Outfitter & Mission Market, wanted to see this project move along. We finally have a plan and everyone is not going to be happy. But if we don't go forward, we never will. Mr. Denis talked about other municipalities and how they've moved forward with their downtowns. There needs to be a parking deck. Trees that are stressed should be assessed and possibly cut down. Mr. Denis felt it was too soon to decide on a solar deck. Maybe the town could lease rooftop space of the businesses for solar.

Saunders Lot - staff stated this was voted on previously with a vote of 4-1. Discussion ensued on the issue of parking and preservation of a particular tree.

Solar Canopy

Council Member Mahaffey made a motion to include the solar canopy. Motion failed without a second.

Council Member Gantt made an alternate motion to exclude the solar canopy. Motion failed without a second.

Council spoke about return on this investment and how this may be premature and not a good idea for inclusion.

Council stated return would be quicker than what he expected. He talked about there may be possibilities for reuse of the panels. Opportunities to do this will be few and far between.

Council stated we might be able to work out deals to have solar on rooftops of businesses.

Council spoke about other opportunities in other areas for solar where it may last longer.

Council spoke about where funding would come for this. All except one aspect are coming in over what we originally expected, confirmed by staff.

Council Member Dozier made a motion to explore the solar canopy further to include things like grant funding and other structures at the pleasure of the Council or the Town; Council Member Mahaffey seconded the motion.
Council Members Dozier, Mahaffey, Killingsworth, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

Commerce Street – Council talked about what business owners want as far as trash and recycling, parking and not seeing gathering space as being beneficial, and parking spaces. Staff spoke further on these issues. Hohe stated there could be legal issues related to parking if we wanted to assign spaces to certain businesses. Council spoke about parking for employees which she felt was necessary.

Council stated we are just starting this process, and there will be more of these meetings. Decisions tonight will probably not be 100%, and staff will come back if they need to. The purpose tonight was to get something officially on paper.

Council Member Mahaffey made a motion to proceed with the Commerce Street plan and include the option to
relocate utilities; Council Member Gantt seconded the motion.
The motion carried by a 5-0 vote.

Seaboard Street – staff answered questions about parking, about possibly making Seaboard one way, and adding more parking. Council stated again that this is a starting point; this is not the end of the conversation.

Council Member Mahaffey made a motion to proceed with the Seaboard Street plan, include relocating utilities, and explore
lease options with compactors; Council Member Gantt seconded the motion.

Council Members Dozier, Mahaffey, Killingsworth, and Gantt voted in the affirmative; Council Member Stallings voted in the negative.
The motion carried by a 4-1 vote.

Staff further explained parking on Seaboard Street.

Peak on Salem Alley – staff explained the concept and answered Council questions related to noise, i.e., from a stage.

Council Member Gantt made the motion to proceed; Council Member Mahaffey seconded the motion.
The motion carried by a 5-0 vote.

Salem Streetscape – staff spoke more about parking spaces and smart trashcans.

Council Member Gantt made a motion to proceed with curbless with bollards; Council Member Killingsworth seconded the motion.

Council stated he did not feel curbless was in line with the feel of Apex.

Council stated she was in favor of curb because of accessibility and safety. Conversation ensued about the bollards.

Council stated she was torn on the issue because of mobility issues.

Council stated she was a bit concerned because of mobility and safety.

Council Members Gantt, Killingsworth, and Stallings voted in the affirmative; Council Members Dozier and Mahaffey voted in the negative.
The motion carried by a 3-2 vote.

Council Member Killingsworth made a motion to approve Option B with the 10 spaces;

Council Member Stallings seconded the motion.

Council explained his opposition because of trees.

Council stated she would like a few more spaces.

Council stated we need a plan that's good for the long term. This process has gone on for years and we've gotten plenty of input. Parking spaces have consistently been of concern to citizens.

Council Members Killingsworth, and Stallings voted in the affirmative;
Council Members Dozier, Gantt and Mahaffey voted in the negative.
The motion failed 2-3.

Council Member Gantt made a motion to proceed with Option C;
Council Member Mahaffey seconded the motion.

Council spoke about how businesses would be more successful with this Option.

Two Council Members stated taking away parking from Salem Street would be an issue for them.

Council Members Gantt and Mahaffey voted in the affirmative; Council Members
Dozier, Killingsworth and Stallings voted in the negative.
The motion failed 2-3.

Conversation ensued as to why Council voted as it did.

Mayor Gilbert called for a 15-minute break.

Council wanted to hear staff thoughts, and its concerns were presented along with alternatives.

Council stated he was uncomfortable with redesigning this on the fly and approving an Option that the public hasn't seen and has not been through the process. He wanted to move forward with something tonight that had been presented, discussed, and commented on.

Council stated she was asking her colleagues to consider in the previous vote the removal of the tree for an active use for parking.

Council Member Mahaffey called for reconsideration of the previous vote for Option B with 10 spaces. Council Member Stallings seconded the vote. Council Members Dozier, Killingsworth, Mahaffey, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

Reconsideration of Option B with 10 spaces was now on the floor. Council Members Dozier, Killingsworth, Stallings, and Mahaffey voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

Council Member Dozier called for reconsideration of the Green Plan, Option B for the Saunders Lot;
Council Member Gantt seconded the motion.
The motion carried by a 5-0 vote.

Further conversation ensued about the tree. Staff stated we have tried to keep this tree alive. The tree is stressed because of stormwater issues. In a recent meeting, our arborist stated the tree and others in the area are, in fact, very stressed.

Reconsideration of the Green Plan, Option B was now on the floor. Council Members Mahaffey, and Stallings voted in the affirmative; Council Members Dozier, Gantt and Killingsworth voted in the negative.

The motion failed by a 2-3 vote.

Council Member Dozier made a motion to adopt Option A for the Saunders Lot; Council Member Gantt seconded the motion. Council Members Dozier, Killingsworth, and Gantt voted in the affirmative; Council Member Mahaffey and Stallings voted in the negative. The motion carried by a 3-2 vote.

Salem Streetscape

Council stated he believed an opportunity existed to save funds by excluding the signal upgrade.

Council Member Gantt made a motion to proceed with leasing smart trash cans, to include the signal upgrade, to use pavers, and include lighting control; Council Member Killingsworth seconded the motion. Council Members Gantt, Killingsworth, Dozier, and Stallings voted in the affirmative; Council Member Mahaffey voted in the negative. The motion carried by a 4-1 vote.

Smart Parking

Council Member Gantt made a motion to proceed to include the Saunders Lot and Seaboard and to exclude on-street and the Apex Baptist Church; Council Member Killingsworth seconded the motion. The motion carried by a 5-0 vote.

With no further business and no objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, Town Clerk

ATTEST:

_____

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the August 24, 2021 Regular Council Meeting

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 8.24.21 Regular Meeting Minutes

| REGULAR TOWN COUNCIL MEETING

August 24, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe. Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order, asked Council to express thoughts of gratitude, called for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Keith McGee, Fire Chief

Presentation of Medal of Honor to Captain Christopher Scott Pearson

Chief McGee relayed the events that occurred on Thursday, May 20, 2021 at 1118 Blackburn Road. While off duty Captain Christopher Scott Pearson, observed smoke from a fire and decided to investigate. Captain Pearson arrived on scene to find that the Whittens were still trapped in their home, despite efforts from neighbors trying to evacuate them from their home. Captain Pearson entered the home, without equipment, to attempt to safely rescue the Whittens. He was able to rescue Mrs. Whitten safely. Despite being injured, he attempted to rescue Mr. Whitten.

Chief McGee presented Captain Pearson with the Chief's Challenge Coin for excellence and with the Medal of Honor. Captain Pearson thanked Chief McGee, Chief Maynard, Chief Harrison, and the C-

Shift, his family, and he thanked Council for providing the equipment needed for Fire staff to be able to perform their jobs.

PR2 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program.

Staff provided an update on the Town of Apex Customer Assistance Program (CAP). The town received 48 applications, and 43 of those applications have been approved. Staff will continue to work with residents to ensure that as few residents as possible are cut off.

CONSENT AGENDA

CN1 Donna B. Hosch, Town Clerk

Minutes of the August 10, 2021 Regular Council Meeting

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated July 4, 2021.

CN3 Colleen Merays, Downtown & Small Business Development Coordinator

Special Event Permit request and Town Sponsorship request for Apex Chanukah Festival on Sunday, November 28, 2021 in the Apex Depot Parking Lot and Plaza.

CN4 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ04 Williams Farm PUD. Jessie Hardesty from the McAdams Co., is the petitioner for the property located at 4525 Green Level West Road.

CN5 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ09 Alderwood PUD. Jessie Hardesty from the McAdams Co., is the petitioner for the properties located at 1533 Wimberly Road and 7912, 8000 and 8016 Jenks Road.

CN6 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ16 Heelan PUD Amendment. Jason Barron, for M/I Homes, is the petitioner for the properties located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

CN7 Amanda Bunce, Current Planning Manager

Set Public Hearing for the September 14, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN8 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Joseph David Cusumano and wife Reagan Layne Cusumano to install two private driveways that will encroach a total of 765 S.F. onto the Town's 20' Public Waterline and Electric Easements and authorize the Town Manager to execute the same.

CN9 Craig Setzer, Director, Parks, Recreation & Cultural Resources

Changes to the FY 2021-2022 Fee Schedule to include rental fees for Apex Senior Center.

CN10 Colleen Merays, Downtown & Small Business Development Coordinator

Ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during American Legion Oktoberfest & Car Show on October 30, 2021.

CN11 Michael Deaton, P.E., Director

Amendment to Town of Apex Ordinance 12-78 *Limitations on Discharge* to allow the Water Resources Director to authorize exemptions for warranted cases to discharge to the sanitary sewer.

CN13 Keith McGee, Fire Chief

An additional full-time firefighter position in the fire department and corresponding Budget Ordinance Amendment 4.

CN14 Dennis Brown, Senior Capital Projects Manager

Contract Amendment #3 for GMP 3 with Construction Manager at Risk, J M Thompson, in the amount of $13,226,438.60 for the new Pleasant Park Project, and authorization for the Town Manager to execute.

CN15 Mary Beth Manville, Human Resources Director

COVID-19 Vaccine Incentive Policy for Town employees.

CN16 Mary Beth Manville, Human Resources Director

Personal Use of Social Media Policy for Town employees.

CN17 Council Member Audra Killingsworth

Ordinance prohibiting possession of venomous and exotic dangerous animals within town limits.

Mayor Pro Tem Dozier stated that Consent Agenda Item 12 needed to be removed from the Consent Agenda.

Mayor Pro Tem Dozier called for a motion to adopt the Consent Agenda.
Council Member Killingsworth made the motion with the requested change;
Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier stated that Public Hearing 2 needed to be heard before Public Hearing 1.

Mayor Pro Tem Dozier called for a motion to adopt the Regular Meeting Agenda.
Council Member Gantt made the motion with the requested change;
Council Member Killingsworth seconded the motion.
The motion carried by a 5-0 vote.

PUBLIC FORUM

Jamie Hackney, asked Council to support the Hackney PUD project, and briefly spoke about growth and development in Apex.

Chris Raleigh, stated that a modified condition needed to be added to the rezoning application in Unfinished Business item 2. The modification changed the 5 affordable town home units to 10 affordable town home units, and he asked for Council's support on the item.

Elizabeth Perkins, questioned the rate of growth and development in Apex, her concerns were in reference to Unfinished Business items 1 and 2. She stated that there are not enough schools, and that the proposed development will increase traffic in already congested area. She mentioned the affect that growth and development are causing to the environment, and asked the Town to slow down growth and build infrastructure to support the rate of growth.

Tim Baldwin, stated that the development proposed in Unfinished Business items 1 and 2 will cause water flow issues, and that it will cause water to run onto his property. He stated that the development will cause an increase in traffic and that it also poses other environmental concerns. He stated that the developers would take land away from residents.

PUBLIC HEARINGS

PH2 Liz Loftin, Senior Planner

Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way.

Staff stated that the applicant requested a continuance until the September 28, 2021 Regular Town Council Meeting.

Mayor Pro Tem Dozier called for a motion. Council Member Gantt made the motion; Council Member Killingsworth seconded the motion.
The motion carried by a 5-0 vote.

PH1 Liz Loftin, Senior Planner

Rezoning Application #21CZ13 Evans Road PUD. The applicant Jason Vickers for Beazer Homes, seeks to rezone approximately 34.57 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

Staff oriented Council to the site and a neighborhood meeting was conducted. The development will include 115 residential units with no more than 50 townhomes. A letter of impact was received from Wake County Public Schools and there will be insufficient school capacity. A preapplication meeting was held with the Environmental Advisory Board, and The Parks and Recreation Advisory Commission unanimously approved fee in lieu for the construction of a greenway trail. A public hearing was held before the Planning Board and the Planning Board recommended approval. Planning staff recommended approval.

Mayor Pro Tem Dozier declared the Public Hearing opened.

Neil Gosh, attorney for the applicant, stated the development will include both townhomes and single-family homes, and is consistent with the Town's plans and requirements. He stated that the developer is seeking to have NCDOT abandon its portion of Walden Road, allowing the developer to implement

road improvements and upon completion the road would become a Town road. He addressed concerns about the increase of traffic and stated that traffic calming devices could be included. The developer negotiated to obtain a private agreement that will help the Town increase infrastructure. The developer worked with staff to ensure that the development included greenways and crosswalks, and addressed concerns with school capacity by having a minimum of 10% of the homes have a primary bedroom located on the first floor. The developer committed to a donation to the Affordable Housing Fund of $215 per plot at the time of the final plat.

Larry Harris Sr, stated that he supports the development of the Evans Road Project. He explained the history of the area and how the development would be beneficial.

Brian Feekers, voiced concerns about children not being able to go to school in the Town that they live in and the issues the Town is facing with school capacity. He asked Council to build responsibly.

Katie Nash, reiterated what Mr. Feekers said. She talked about the rapid rate of growth in the Town, voiced concern on school capacity, and asked if growth in Town could be slowed down

Kevin Thorpe, Minister of Mt. Zion Baptist Church, thanked Council. He discussed his ancestors, the land that was left to him, and how the development would affect him. He stated that he supports the project, and expressed appreciation for the collaboration between the land owners and the developer.

Mark Steele, stated that he was in support of the project. He stated that the project meets all the Town's guidelines and will provide a wider range for housing diversity at various economic levels.

Mayor Pro Tem Dozier declared the Public Hearing Closed.

Council questioned if there were any affordable homes in the project and asked if they could increase the amount of homes with a primary bedroom located on the first floor. The applicant stated that this development was not a great site for affordable housing, and that they could increase the amount of homes with a primary bedroom located on the first floor from 10% to 25%. Council felt this change would help facilitate the concerns with school capacity.

Council questioned if the homes were energy efficient and how the developer planned to honor the Friendship legacy. The applicant stated that the homes will be energy efficient and that they are providing additional cemetery access, intend to keep Walden Road named as it is honoring one of the founding family's namesakes, and plan to use other family namesakes to name streets throughout the subdivision.

Council asked if the developer planned a tree canopy or for tree preservation. Jeff Roach with Peak Engineering and Design, stated that the developer will donate $7,300 to a tree fund. Council asked the affordability of the townhomes, and the applicant stated that the townhomes would be priced in the $400,000 range.

Council expressed appreciation for the efforts made to honor the people and history of Friendship, but asked for something additional to honor the people and community. Council stated that affordable housing should be considered in the development.

Mayor Pro Tem Dozier called a ten-minute break.

The applicant stated that they will continue to work with community on naming rights and will include historical markers within the development. The applicant stated that 10% of the townhomes could have a reduced lot size, which would reduce the cost of the townhomes.

Council asked if a public art easement would be included in the cemetery driveway entrance, and the applicant explained that the access would be on the backside. Council asked how the cemetery would be maintained in the future and the applicant stated that the family will be responsible for maintenance; they are not acquiring the property within the cemetery, they are only beautifying the area.

Council asked if the developer had addressed the concerns of the people most impacted, and what had been done to accommodate the concerns of the neighbors. The applicant stated that they had accomplished both of these tasks.

Mayor Pro Tem Dozier called for a motion. Council Member Gantt

made the motion to approve; Council Member Mahaffey seconded the motion.

Council suggested that staff and future applicants take steps to address school capacity in future applications. Council also asked for additional or amended conditions to be brought to their attention prior to meetings.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented Council to the amendments. The first set of amendments were previously discussed by Council in a work session, and are regarding the processes for Quasi-Judicial proceedings, Major Site Plans, and Minor Site Plans. The final amendments were to special uses and special use permits.

Mayor Pro Tem Dozier declared the Public Hearing opened. With no comments, Mayor Pro Tem Dozier declared the Public Hearing closed.

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

PH4 Vance Holloman, Finance Director

Findings and determinations regarding the need to finance the cost of acquiring, constructing and equipping a new Public Safety Facility and acquiring, constructing and equipping a new office building for use by the Town's Inspection Department, selecting a financial institution to provide financing and authorizing staff to file an application with the Local Government Commission to approve an installment financing agreement for the projects of up to $8.7 million.

Staff stated that Council was considering borrowing up to $8.7,000,000 for Public Safety Station 36 and Mason Street renovations. Staff stated that Council would also be considering a resolution regarding the terms and interest rate for the installment financing.

Mayor Pro Tem Dozier declared the Public Hearing opened. With no comments, Mayor Pro Tem Dozier declared the Public Hearing closed.

Mayor Pro Tem Dozier called for a motion.
Council Member Stallings made the motion to approve;
Council Member Gantt seconded the motion.
The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Liz Loftin, Senior Planner

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Edwin A. Goodwin, Testamentary Trust/Judy G. Hackney, Trustee (Hackney Tracts) property containing 2.867 acres located at 2600 Olive Chapel Road, Annexation #701 into the Town's corporate limits

AND

UB2 Liz Loftin, Senior Planner

Rezoning Application #20CZ14 Hackney PUD, Statement of Town Council, and Ordinance. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 73.64 acres located at 0, 2500, and 2600 Olive Chapel Road (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ). This item was continued from the April 27, 2021 meeting.

Staff stated that a Public Hearing was held in March and continued to the regular April Town Council meeting. At the April meeting the item was continued to October, due to new circumstances the applicant requested that Council reconsider earlier. The Planning Board recommended approval. Staff briefly reviewed the site with Council and stated that the development would-be built-in phases.

Council asked that the applicant addressed the concerns that were brought forth during Public Forum. Brendie Vega, Chris Raleigh, and Ed Tang addressed the concerns that were brought forth during Public Forum. The collector road was taken into consideration and was the final recommendation from

staff because it would impact fewer homes. A temporary construction easement would be needed for construction, but the developer would not take any land from any of the property owners, and they would be responsible for any cost incurred. The developer stated that they will comply with all stormwater requirements. Council thanked the developer for all their work and efforts on the project.

Mayor Pro Tem Dozier called for a motion.
Council Member Mahaffey made the motion to approve the annexation and rezoning with the added condition. Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

UB3 Amanda Bunce, Current Planning Manager
Amendment to the Unified Development Ordinance (UDO) requested by Tutu School Apex related to the Personal Service use in storefront locations downtown. The Public Hearing was held on July 27, 2021 and the vote continued to August 24, 2021.

Staff reviewed the amendment and stated that revisions have been made by the applicant. Ms. O'Brien, thanked Council for the opportunity to speak, explained the benefits of having a Tutu School in Apex. She asked Council to support the amendment.

Council stated that the ADBA requested to keep UDO as is and offered suggestions as to other places the school could be placed. Council expressed concern that by supporting the amendment Council is amending the UDO to fit a specific business' needs.

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

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Updates on Town Operations by Town Manager Crosby.

Town Manager Crosby congratulated Chief McGee on 30 years of service and Captain Pearson on receiving the Medal of Honor. She congratulated Tesa Silver for her work with the North Carolina Association of Municipal Clerks. She stated that the Finance department received the GFOA Award this year and has received each year since 1994. She stated that youth sports started this week. She encouraged everyone to wear mask and to get vaccinated.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business, Mayor Pro Tem Dozier adjourned the meeting.

_____

Tesa Silver, CMC, Town Clerk

ATTEST:

_____

Nicole L. Dozier, Mayor

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve amended Minutes for Public Hearing 4 on October 6, 2020 due to a scrivener's error in the first of the motions.

Approval Recommended?

Yes

Item Details

This scrivener's error relates to the approved Southwest Area Study Recommendation. Ms. Cox is working with a resident who incorrectly thought that the approval included a future grade separation at Holland and Friendship Roads. The revised Minutes corrects what was a confusing amendment.

Attachments

- Email from Shannon Cox, Long Range Planning Manager
- Redlined and clean versions of the revised Minutes

EXCERPT FROM MINUTES OF THE OCTOBER 6, 2020 COUNCIL MEETING WITH REDLINE CORRECTION TO THE MOTION

PH4 Shannon Cox, Long Range Planning Manager

Amendments to the Thoroughfare and Collector Street Plan map associated with recommendations from the regional Southwest Area Study led by the Capital Area Metropolitan Planning Organization (CAMPO)

Staff stated Friendship Road and Bosco Road (future Richardson Road extension) would be addressed this evening.

(1)For Friendship Road, an analysis was calculated which analyzed daily traffic. She spoke about future traffic volumes. All amendments were reviewed with Town departments, and the Planning staff recommended approval as there were generally no major concerns. There was a benefit as far as connectivity and mobility.

Staff stated that consequently there was substantial public comment prior to the Planning Board meeting related to the Catholic church, the concern being the amendment would impact their ability to expand in the future. Also, there were concerns about the proximity of the thoroughfare to their playing field and noise near a place of worship. Planning staff now no longer recommended the amendment – only the shift in the minor collector street. The Planning Board supported the Planning staffs' recommendation.

Responding to Council, staff explained why the change was initially made – it came from the study. Staff explained what would happen if Council rejected the amendment. Also explained was future traffic.

(2)For Bosco Road, a minor change was made in the alignment, and staff pointed out what was being recommended. Planning staff and the Planning Board recommended the amendment.

(3)Needs for additional capacity were the next set of amendments, and staff explained what these were. There was no recommendation from Planning staff, and staff explained why. Planning Board recommended the amendment. Responding to Council, staff spoke to right of way and number of lanes questions.

(4)Staff explained the Center Street and Ten Ten Road amendment which showed future 6-lanes with median and explained the reasons for this. Planning staff and the Planning Board recommended approval.

(5)The North Salem Street amendment was to upgrade to a future 4-lane road, and staff explained the reasons for this. Planning Board and Planning staff recommended the change.

Responding to Council, staff explained why Planning staff did not make recommendation on several of the items – staff wanted the decision to be in Councils' hands.

Mayor Gilbert declared the Public Hearing open.

Mr. Lee spoke about staff recommendation #1 and how he was finally able to communicate with his parents in their language because of attending the church. The church also helps others who want to learn the language as well as learning the rich cultural history.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to ~~approve amendment #1;~~approve the realignment of the future minor collector street with the Pleasant Park entrance and deny the proposed grade separation connecting Friendship Road and Holland Road; Council Member Stallings seconded the motion.

Council explained why he was opposed to the amendment.

Council stated he felt Council's issues could be addressed in the future.

Council Members Killingsworth, Stallings, Dozier, and Mahaffey voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 vote.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the Apex Tax Report dated 07/04/2021

Approval Recommended?

Yes

Item Details

At its regular meeting held on August 16, 2021, the Wake County Board of Commissioners approved the Apex Tax Report dated 07/04/2021.

Attachments

- Tax Report

WAKE COUNTY
NORTH CAROLINA

Wake County Tax Administration

Rebate Details

06/01/2021 - 06/30/2021

APEX

DATE	TIME	PAGE
07/04/2021	9:43:00 PM	1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
INDIVIDUAL PROPERTY ACCOUNTS											
788339	69.25	30.00	0.00	0.00	99.25	06/17/2021	0006937353	2021	2020	000000	RUCKER, ANN ELIZABETH
787245	2.77	0.00	0.00	0.00	2.77	06/03/2021	0006863964	2020	2020	000000	SULLIVAN, JAMES ANTHONY
789131	2.14	0.00	0.21	0.00	2.35	06/29/2021	0006801134	2020	2020	000000	CARY AIR CONDITIONING AND HEATING
789130	2.60	0.00	0.26	0.00	2.86	06/29/2021	0006801134	2019	2019	000000	CARY AIR CONDITIONING AND HEATING
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**76.76**	**30.00**	**0.47**	**0.00**	**107.23**		**4**	**Properties Rebated**			
TOTAL REBATED FOR APEX	**76.76**	**30.00**	**0.47**	**0.00**	**107.23**		**4**	**Properties Rebated for City**			

Tax Committee Meeting: 07/15/2021

Board of Commissioners Meeting: 08/16/2021

TO: Wake County Board of Commissioners and Town Board of Apex

FOR: Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties

Approved by:

The Wake County Tax Committee has approved the following policy to recommend relief of the late listing and/or vehicle penalties when at least one of the following conditions apply:

Relief Codes:

1. New to North Carolina
2. First time listing
3. Previous year listing on time
4. Omitted item(s) from listing - Current/previous listing on time
5. Military Deployment
6. Provided proof of timely listing

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Late List Appealed	Appeal/Request Type	Recommendation	Relief Code
17489	VIBRATION TECHNOLOGY & RELIABILITY PO BOX 254 APEX NC 27502	BUSINESS PERSONAL PROPERTY APEX	0006938594 2021 Not Billed	$15.54	Late List Penalty	No Relief	

This List Requires Board Action

Tax Committee Members: Natasha Baldwin, City Of Raleigh
Kim Lorbacher, Wake County Finance
Jessica Murphy-Rhem, Town Of Cary

Marcus Kinrade, Tax Administrator

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment related to the use "Personal Service" on August 24, 2021.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OF AUGUST 24, 2021 RELATED TO THE USE "PERSONAL SERVICE"

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments related to the use "Personal service" before the Town Council on the 27th day of July 2021.

The Apex Town Council held a public hearing on the 27th day of July 2021. 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 UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council, on the 24th day of August 2021 by a vote of 5 to 0 denied the Ordinance for UDO Amendments related to the use "Personal service".

The Apex Town Council finds from information and testimony provided at the public hearing that the denial of the UDO Amendments of August 24, 2021 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to Amendments to Sec. 4.2.2 *Use Table* in order to allow the use "Personal service" in the Central Business District in storefront locations subject to certain limitations would permit a use that was recently removed as a permitted use in such locations. Furthermore, denial is consistent with the Downtown Plan which encourages more retail and restaurant uses than office and service providers in this area.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 24, 2021.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF AUGUST 24, 2021

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 24th day of August 2021.

The Apex Town Council held a public hearing on the 24th day of August 2021. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 6-0 at the public hearing.

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

The Town Council the 24th day of August 2021 by a vote of 5 to 0, approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of August 24, 2021 are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Secs. 2.1.1 *Town Council*; 2.1.3.A *Board of Adjustment, Powers and Duties*; 2.1.7.A *Technical Review Committee, Powers and Duties*; 2.2.11.E *Public Notification, Timing of Notice*; 2.2.15 *Action by the Town Council*; 2.3.1 *Development Approvals, General Overview*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 2.3.7.E *Construction Plans for Master Subdivision Plans;* 8.3.9.E Parking – Other Eligible Alternatives; 8.6.2 Lighting Plan; *14.1.1 Dedication Generally; Fee in Lieu of Dedication Generally; Construction of Public Recreation Facilities with Fee-in-Lieu Monies Generally;* and 14.1.5 *Procedure for Determination of Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof; Performance Guarantees* redefine Major Site Plans to reduce the number of site plans that are classified as major and move the approval authority of these plans from Town Council to the Technical Review Committee due to the removal of the compatibility standard. In addition, the amendments move the approval authority for Special Use Permits to the Board of Adjustment as that body already handles quasi-judicial public hearings. Finally, the amendments provide an update to the position title for the Development Services Manager.

2. The amendments to UDO Secs. 4.2.2 *Use* Table, 4.3 *Use Classifications*, 4.4 *Supplemental Standards* changes the approval type of certain uses from Permitted to Special Use Permit or from Special Use Permit to Permitted, removes certain uses from zoning districts in which those uses are no longer deemed appropriate, and amend the use definition and supplement standards for certain uses based on changes to the Use Table.

3. The amendments to UDO Secs. 8.3.2 *Off-Street Parking Requirements*, 8.3.6.D *Parking Lot Design Standards, Surfacing and Maintenance* and 4.4.5.H *Supplemental Standards, Commercial Uses* amends the parking standards for the [illegible] and maintenance, general" and "Automotive

paint or body shop" in order to better reflect the current parking needs of such uses, requires screening for vehicle storage areas associated with the use "Automotive paint or body shop", and provides flexibility for the surface material for parking associated with the use "Land clearing and inert debris landfill".

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation – Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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

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

Annexation Petition# 716
Shri Varni, LLC (Apex C-Store)

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

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

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

This the 14th day of September 2021.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #716
Shri Varni, LLC (Apex C-Store)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 14th day of September 2021.

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	716	Submittal Date:	7/29/2021
Fee Paid	$ 200.00	Check #	Credit Card

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

SHRI VARNI, LLC-KALPESH PATEL	0710827861
Owner Name (Please Print)	Property PIN or Deed Book & Page #
443-854-2273	kalpesh036@gmail.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: BENTON W. DEWAR AND ASSOCIATES

Phone: 919-552-9813 Fax: 919-557-2255

E-mail Address: bentondewar@gmail.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	5.37	Need water service due to well failure	☐
Population of acreage to be annexed:		Need sewer service due to septic system failure	☐
Existing # of housing units:		Water service (new construction)	☑
Proposed # of housing units:		Sewer service (new construction)	☑
Zoning District*:	B-1	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 716 Submittal Date: 7/29/2021

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, SHRI VARNI, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 1st day of APRIL, 2021.

Name of Limited Liability Company SHRI VARNI, LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Carla R. Bryant, a Notary Public for the above State and County, this the 12th day of, April, 2021.

_____
Notary Public

SEAL

CARLA R. BRYANT
Notary Public - North Carolina
Chatham County
My Commission Expires Jan 15, 2025

My Commission Expires: 01/15/2025

COMPLETE IF IN A PARTNERSHIP

In witness whereof, SHRI VARNI, LLC, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 12 day of April, 2021.

Name of Partnership DEEPALI K. PATEL

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Carla R Bryant, a Notary Public for the above State and County, this the 12th day of April, 2021.

_____
Notary Public

SEAL

CARLA R. BRYANT
Notary Public - North Carolina
Chatham County
My Commission Expires Jan 15, 2025

My Commission Expires: 01/15/2025

LEGAL DESCRIPTION 1 OF 2

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO THE CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY (NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD (NCSR #1041);

THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 164.16 FEET ALONG OLD US 1 HWY TO A POINT;
THENCE SOUTH 58 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 100.00 FEET ALONG SAID ROAD TO A POINT;
THENCE SOUTH 48 DEGREES 38 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 193.10 FEET ALONG SAID ROAD TO A POINT;
THENCE 41 DEGREES 10 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 30.27 FEET LEAVING SAID CENTERLINE TO A POINT ON THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE SOUTH 48 DEGREES 37 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 210.63 FEET ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT;
THENCE NORTH 41 DEGREES 02 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 134.05 FEET ALONG SAID EASEMENT TO AN EIP;
THENCE NORTH 27 DEGREES 53 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 131.04 FEET ALONG SAID EASEMENT TO AN EIP;
THENCE NORTH 74 DEGREES 21 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 199.72 FEET LEAVING SAID EASEMENT TO AN EIP;
THENCE SOUTH 41 DEGREES 10 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 18.61 FEET TO AN EIP;
THENCE NORTH 05 DEGREES 42 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 209.86 FEET TO AN EIP;
THENCE NORTH 15 DEGREES 23 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 321.47 FEET TO AN EIP;
THENCE NORTH 79 DEGREES 30 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 245.40 FEET TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD;
THENCE SOUTH 10 DEGREES 11 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 79.66 FEET ALONG SAID CENTERLINE TO A POINT;
THENCE SOUTH 12 DEGREES 14 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT;
THENCE SOUTH 16 DEGREES 19 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT;
THENCE SOUTH 23 DEGREES 46 MINUTES 00 SECONDS EAST FOR A DISTANCE

OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT;
THENCE SOUTH 28 DEGREES 44 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 109.13 FEET TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 5.985 ACRES TO THE CENTERLINE, MORE OR LESS, OF WHICH 0.611 ACRES ARE IN THE RIGHT OF WAY, LEAVING 5.374 ACRES NET.

LEGAL DESCRIPTION 2 OF 2

ADJACENT
RIGHT OF WAY TO BE ANNEXED

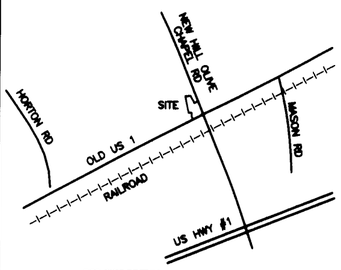
BEING 0.079 ACRES/3,443 SF OF OLD US 1 HWY, LOCATED ALONG THE FRONTAGE OF 3605 OLD US 1 HWY, NEW HILL, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY (NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD (NCSR #1141);

THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 133.10 FEET ALONG THE CENTERLINE OF OLD US 1 HWY TO A POINT;
THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 31.06 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 58 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 69.01 FEET ALONG SAID RIGHT OF WAY;
THENCE SOUTH 28 DEGREES 25 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 32.08 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OILD US 1 HWY;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 914.80 FEET AND AN ARC LENGTH OF 99.88 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 38 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 99.83 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE NORTH 28 DEGREES 29 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 33.51 FEET TO THE POINT A PLACE OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.079 ACRES MORE OR LESS.



VICINITY MAP NTS

NOTES

AREA BY COORDINATES
NO NCGS CONTROL FOUND WITHIN 2000'

PROPERTY SUBJECT TO BOTH ABOVE AND/OR BELOW GROUND UTILITIES AND/OR EASEMENTS. ONLY VISIBLE UTILITIES WERE LOCTED BY THE SURVEYOR. CALL 811 BEFORE ANY DIGGING OR CONSTRUCTION TO HAVE ALL UTILITIES LOCATED.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER F.E.M.A. MAP #3720071000K EFF. DATE: 2/2/2007 ZONE X

REFERENCES

D.B. 2175 PG. 175
D.B. 16639 PG. 353
D,B, 16044 PG. 2065
D.B. 16854 PG. 31
D.B. 16698 PG. 1214
OTHERS AS SHOWN

ANNEXATION #_____

I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA, CERTIFY THAT THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____DAY OF_____, 20_____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,_____.
DAY/MONTH/YEAR

_____
DONNA B. HOSCH, MMC NCCMC, TOWN CLERK

LEGEND:

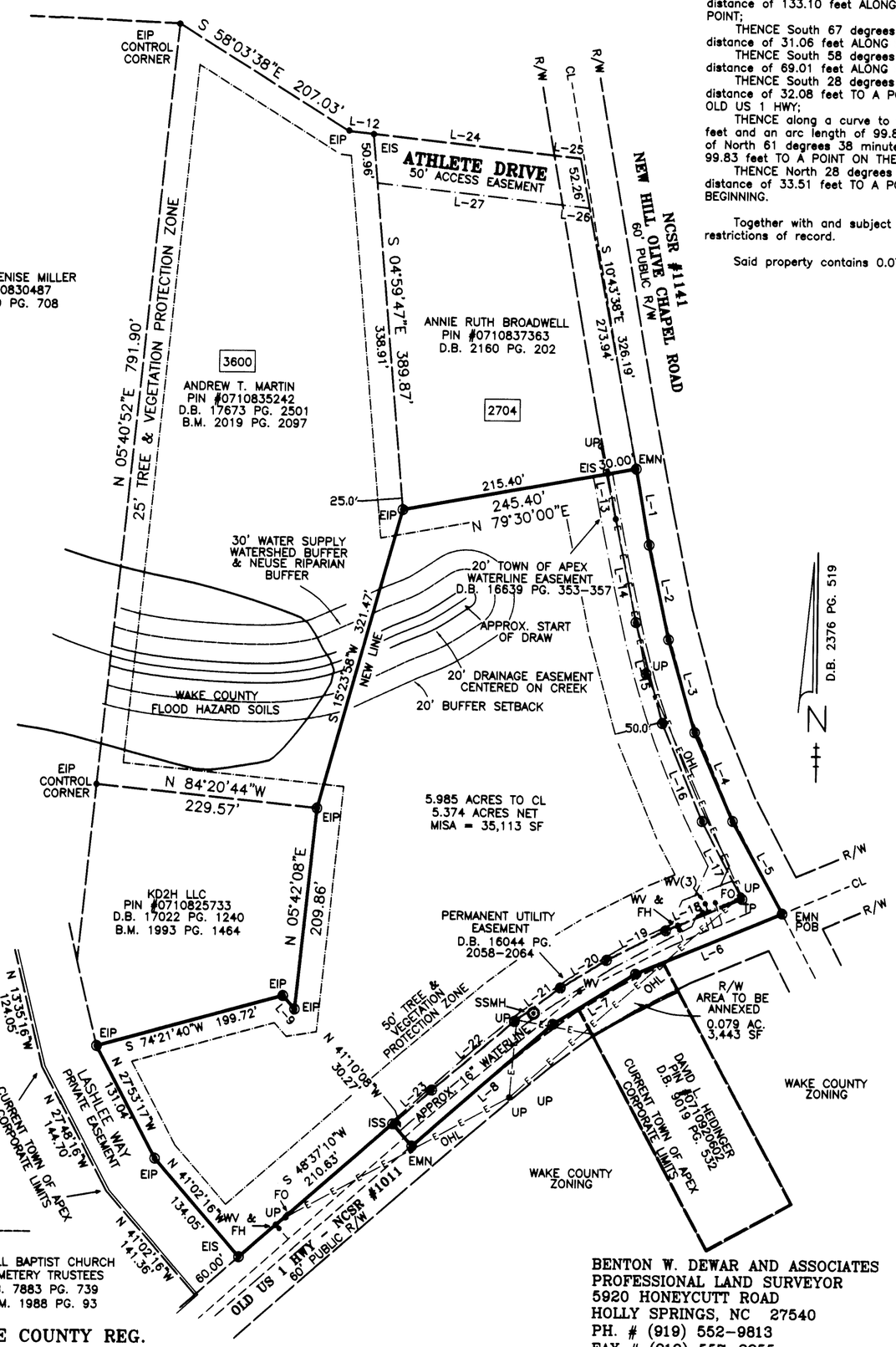
CMS – CONCRETE MONUMENT SET
ECM – EXISTING CONCRETE MONUMENT
EIP – EXISTING IRON PIPE
EIS – EXISTING IRON STAKE
ERB – EXISTING REBAR
ECS – EXISTING COTTON SPIKE
EPK – EXISTING PK NAIL
EN – EXISTING NAIL
ERS – EXISTING RAILROAD SPIKE
IPS – IRON PIPE SET
ISS – IRON STAKE SET
RSS – RAILROAD SPIKE SET
NS – NAIL SET
PKS – PK OR MAG. NAIL SET
R/W – RIGHT OF WAY
CL – CENTERLINE
B.M. – BOOK OF MAPS
P.B. – PLAT BOOK
M.B. – MAP BOOK
D.B. – DEED BOOK
SB – SET BACK
EP – EDGE PAVEMENT
BC – BACK OF CURB
MH – MANHOLE
ELEV – ELEVATION
UP – UTILITY POLE
TP – TELEPHONE PEDESTAL
C/O – SEWER CLEAN OUT
WV – WATER VALVE
WM – WATER METER
HYD – FIRE HYDRANT
T – TELEPHONE
E – ELECTRIC
W – WATER
S – SANITARY SEWER
G – GAS LINE
D – DRAINAGE
POB – POINT OF BEGINNING
EMN – EXISTING MAG NAIL

ANNEXED AREA SUMMARY

5.985 ACRES(0.611 AC R/W)
+0.079 ACRES
6.064 TOTAL ANNEXED ACRES

ANNEXED RIGHT OF WAY
0.611 ACRES
+0.079 ACRES
0.690 ACRES

6.064 TOTAL ACRES ANNEXED
–0.690 ACRES IN RIGHT OF WAY
5.374 ACRES NET ANNEXED



RIGHT OF WAY TO BE ANNEXED

LEGAL DESCRIPTION

BEING 0.079 ACRES/3,443 SF OF OLD US 1 HWY RIGHT OF WAY, LOCATED AT 3605 OLD US 1 HWY, APEX, NC; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISITNG MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY(NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD(NCSR #1141);

THENCE South 67 degrees 06 minutes 30 seconds West for a distance of 133.10 feet ALONG THE CENTERLINE OF OLD US 1 HWY TO A POINT;
THENCE South 67 degrees 06 minutes 30 seconds West for a distance of 31.06 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 58 degrees 00 minutes 00 seconds West for a distance of 69.01 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 28 degrees 25 minutes 12 seconds East for a distance of 32.08 feet TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE along a curve to the right having a radius of 914.80 feet and an arc length of 99.88 feet, being subtended by a chord of North 61 degrees 38 minutes 45 seconds East for a distance of 99.83 feet TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE North 28 degrees 29 minutes 17 seconds West for a distance of 33.51 feet TO A POINT BEING THE POINT AND PLACE OF BEGINNING.

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

Said property contains 0.079 acres more or less.

COURSE	BEARING	DISTANCE
L–1	S 10°11'17"E	79.66'
L–2	S 12°14'00"E	100.00'
L–3	S 16°19'00"E	100.00'
L–4	S 23°46'00"E	100.00'
L–5	S 28°44'00"E	109.13'
L–6	S 67°06'30"W	164.16'
L–7	S 58°00'00"W	100.00'
L–8	S 48°38'00"W	193.10'
L–9	N 41°10'08"W	18.61'
L–10	N 05°41'52"E	66.93'
L–11	N 05°52'21"E	33.13'
L–12	S 83°50'00"E	25.93'
L–13	S 10°41'24"E	47.12'
L–14	S 11°40'14"E	110.00'
L–15	S 15°17'26"E	107.64'
L–16	S 22°40'40"E	109.20'
L–17	S 27°48'45"E	90.81'
L–18	S 66°58'08"W	85.37'
L–19	S 62°34'06"W	68.33'
L–20	S 58°29'31"W	55.88'
L–21	S 53°10'46"W	58.79'
L–22	S 49°42'07"W	111.38'
L–23	S 48°46'49"W	53.48'
L–24	S 83°50'00"E	188.28'
L–25	S 83°50'00"E	27.50'
L–26	N 83°50'00"W	28.32'
L–27	N 83°50'00"W	192.78'

LEGAL DESCRIPTION

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY(NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD(NCSR #1141);

THENCE South 67 degrees 06 minutes 30 seconds West for a distance of 164.16 feet ALONG OLD US 1 HWY TO A POINT;
THENCE South 58 degrees 00 minutes 00 seconds West for a distance of 100.00 feet ALONG SAID ROAD TO A POINT;
THENCE South 48 degrees 38 minutes 00 seconds West for a distance of 193.10 feet ALONG SAID ROAD TO A POINT;
THENCE North 41 degrees 10 minutes 08 seconds West for a distance of 30.27 feet LEAVING SAID CENTERLINE TO A POINT OF THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE South 48 degrees 37 minutes 10 seconds West for a distance of 210.63 feet ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT;
THENCE North 41 degrees 02 minutes 16 seconds West for a distance of 134.05 feet ALONG SAID EASEMENT TO AN EIP;
THENCE North 27 degrees 53 minutes 17 seconds West for a distance of 131.04 feet ALONG SAID EASEMENT TO AN EIP;
THENCE North 74 degrees 21 minutes 40 seconds East for a distance of 199.72 feet LEAVING SAID EASEMENT TO AN EIP;
THENCE South 41 degrees 10 minutes 08 seconds East for a distance of 18.61 feet to an EIP;
THENCE North 05 degrees 42 minutes 08 seconds East for a distance of 209.86 feet to an EIP;
THENCE North 15 degrees 23 minutes 58 seconds East for a distance of 321.47 feet to an EIP;
THENCE North 79 degrees 30 minutes 00 seconds East for a distance of 245.40 feet TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD;
THENCE South 10 degrees 11 minutes 17 seconds East for a distance of 79.66 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 12 degrees 14 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 16 degrees 19 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 23 degrees 46 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 28 degrees 44 minutes 00 seconds East for a distance of 109.13 feet TO THE POINT AND PLACE OF BEGINNING.

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

Said property contains 5.985 acres to centerline more or less, of which 0.611 acres are in right of way, leaving 5.374 acres net.

OWNERS	SITE ADDRESS
SHRI VARNI, LLC 1812 VENEZIA WAY APEX, NC 27502 D.B. 17968 PG. 918 B.M. 2019 PG. 2097	3600 OLD US 1 NEW HILL, NC 27562

100 0 50 100 200 400

SATELLITE ANNEXATION PLAT FOR

I, BENTON W. DEWAR, PROFESSIONAL LAND SURVEYOR NO. 3040, CERTIFY: THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT–ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

BENTON W. DEWAR, NCPLS – 3040

I, BENTON W. DEWAR CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED BOOK 17968 PAGE 918 MAP # 2019 PAGE 2097 ; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 17968 PAGE 918 ; THAT THE RATIO OF PRECISION OR POSITIONAL ACURACY AS CALCULATED IS 1:15,000+ , THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47–30 AS AMMENDED. WITNESS MY original SIGNATURE, LICENSE NUMBER AND SEAL THIS 1st DAY OF SEPTEMBER, A.D. 2021

BENTON W. DEWAR, NCPLS – 3040

NEW HILL BAPTIST CHURCH & CEMETERY TRUSTEES
D.B. 7883 PG. 739
B.M. 1988 PG. 93

RECORDED IN BOOK OF MAPS 2021 PAGE _____ WAKE COUNTY REG.

BENTON W. DEWAR AND ASSOCIATES
PROFESSIONAL LAND SURVEYOR
5920 HONEYCUTT ROAD
HOLLY SPRINGS, NC 27540
PH. # (919) 552–9813
FAX # (919) 557–2255

THE TOWN OF APEX

LOT 1 BROADWELL/LEE PROPERTY
BOOK OF MAPS 2019 PAGE 2097
DEED BOOK 17968 PAGE 918
BUCKHORN TOWNSHIP
WAKE COUNTY – NORTH CAROLINA

PIN #0710827861
REID #0087668

CURRENT – R–40W(WAKE)
PROPOSED – B–1(APEX)

DATE: 4/28/2021
SCALE: 1" = 100'

21–68L
BROADWELL/18/650

Wake County Real Estate Data
Account Summary

Real Estate ID **0087668** PIN # **0710827861**

Location Address
3600 OLD US 1 HWY

Property Description
LO1 ANNIE RUTH LASHLEE BROADWELL ET AL
BM2019-02097

Property Owner	Owner's Mailing Address	Property Location Address
SHRI VARNI LLC (Use the Deeds link to view any additional owners)	**1812 VENEZIA WAY** **APEX NC 27502-4740**	**3600 OLD US 1 HWY** **NEW HILL NC 27562-9760**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**713--**				
Map/Scale	**0710 04**	Deed Date	**7/16/2020**	Land Value Assessed	**$217,320**
VCS	**03WC901**	Book & Page	**17968 0918**	Bldg. Value Assessed	
City		Revenue Stamps	**2000.00**		
Fire District	**23**	Pkg Sale Date			
Township	**BUCKHORN**	Pkg Sale Price		Tax Relief	
Land Class	**VACANT**	Land Sale Date	**7/16/2020**		
ETJ	**WC**	Land Sale Price	**$1,000,000**	Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	**R-40W**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	**0**		
Acreage	**5.37**	Recycle Units	**0**		
Permit Date	**8/30/2016**	Apt/SC Sqft		Use/Hist/Tax Relief	
Permit #	**0000170655**	Heated Area		Assessed	
				Total Value Assessed*	**$217,320**

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

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

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

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

Annexation Petition #716
Shri Varni, LLC (Apex C-Store)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on September 28, 2021.

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

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

This the 14th day of September 2021.

_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

LEGAL DESCRIPTION 1 OF 2

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO THE CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LEGAL DESCRIPTION 2 OF 2

ADJACENT
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SAID PROPERTY CONTAINS 0.079 ACRES MORE OR LESS.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	716	Submittal Date:	7/29/2021
Fee Paid	$ 200.00	Check #	Credit Card

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

SHRI VARNI, LLC-KALPESH PATEL	0710827861
Owner Name (Please Print)	Property PIN or Deed Book & Page #
443-854-2273	kalpesh036@gmail.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: BENTON W. DEWAR AND ASSOCIATES

Phone: 919-552-9813 Fax: 919-557-2255

E-mail Address: bentondewar@gmail.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	5.37	Need water service due to well failure	☐
Population of acreage to be annexed:		Need sewer service due to septic system failure	☐
Existing # of housing units:		Water service (new construction)	☑
Proposed # of housing units:		Sewer service (new construction)	☑
Zoning District*:	B-1	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 716 Submittal Date: 7/29/2021

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, SHRI VARNI, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 1st day of APRIL, 2021.

Name of Limited Liability Company SHRI VARNI, LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Carla R. Bryant, a Notary Public for the above State and County, this the 12th day of, April, 2021.

_____
Notary Public

SEAL

CARLA R. BRYANT
Notary Public - North Carolina
Chatham County
My Commission Expires Jan 15, 2025

My Commission Expires: 01/15/2025

COMPLETE IF IN A PARTNERSHIP

In witness whereof, SHRI VARNI, LLC, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 12 day of April, 2021.

Name of Partnership DEEPALI K. PATEL

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Carla R Bryant, a Notary Public for the above State and County, this the 12th day of April, 2021.

_____
Notary Public

SEAL

CARLA R. BRYANT
Notary Public - North Carolina
Chatham County
My Commission Expires Jan 15, 2025

My Commission Expires: 01/15/2025

LEGAL DESCRIPTION 1 OF 2

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO THE CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 41 DEGREES 02 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 134.05 FEET ALONG SAID EASEMENT TO AN EIP;
THENCE NORTH 27 DEGREES 53 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 131.04 FEET ALONG SAID EASEMENT TO AN EIP;
THENCE NORTH 74 DEGREES 21 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 199.72 FEET LEAVING SAID EASEMENT TO AN EIP;
THENCE SOUTH 41 DEGREES 10 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 18.61 FEET TO AN EIP;
THENCE NORTH 05 DEGREES 42 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 209.86 FEET TO AN EIP;
THENCE NORTH 15 DEGREES 23 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 321.47 FEET TO AN EIP;
THENCE NORTH 79 DEGREES 30 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 245.40 FEET TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD;
THENCE SOUTH 10 DEGREES 11 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 79.66 FEET ALONG SAID CENTERLINE TO A POINT;
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OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT;
THENCE SOUTH 28 DEGREES 44 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 109.13 FEET TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 5.985 ACRES TO THE CENTERLINE, MORE OR LESS, OF WHICH 0.611 ACRES ARE IN THE RIGHT OF WAY, LEAVING 5.374 ACRES NET.

LEGAL DESCRIPTION 2 OF 2

ADJACENT
RIGHT OF WAY TO BE ANNEXED

BEING 0.079 ACRES/3,443 SF OF OLD US 1 HWY, LOCATED ALONG THE FRONTAGE OF 3605 OLD US 1 HWY, NEW HILL, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY (NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD (NCSR #1141);

THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 133.10 FEET ALONG THE CENTERLINE OF OLD US 1 HWY TO A POINT;
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THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 914.80 FEET AND AN ARC LENGTH OF 99.88 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 38 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 99.83 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
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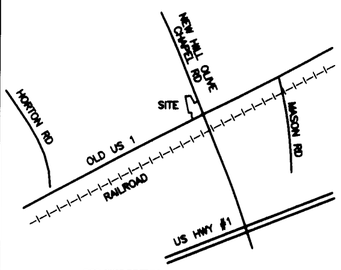


VICINITY MAP NTS

NOTES

AREA BY COORDINATES
NO NCGS CONTROL FOUND WITHIN 2000'

PROPERTY SUBJECT TO BOTH ABOVE AND/OR BELOW GROUND UTILITIES AND/OR EASEMENTS. ONLY VISIBLE UTILITIES WERE LOCTED BY THE SURVEYOR. CALL 811 BEFORE ANY DIGGING OR CONSTRUCTION TO HAVE ALL UTILITIES LOCATED.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER F.E.M.A. MAP #3720071000K EFF. DATE: 2/2/2007 ZONE X

REFERENCES

D.B. 2175 PG. 175
D.B. 16639 PG. 353
D,B, 16044 PG. 2065
D.B. 16854 PG. 31
D.B. 16698 PG. 1214
OTHERS AS SHOWN

ANNEXATION #_____

I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA, CERTIFY THAT THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____DAY OF_____, 20_____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,_____.
DAY/MONTH/YEAR

_____
DONNA B. HOSCH, MMC NCCMC, TOWN CLERK

LEGEND:

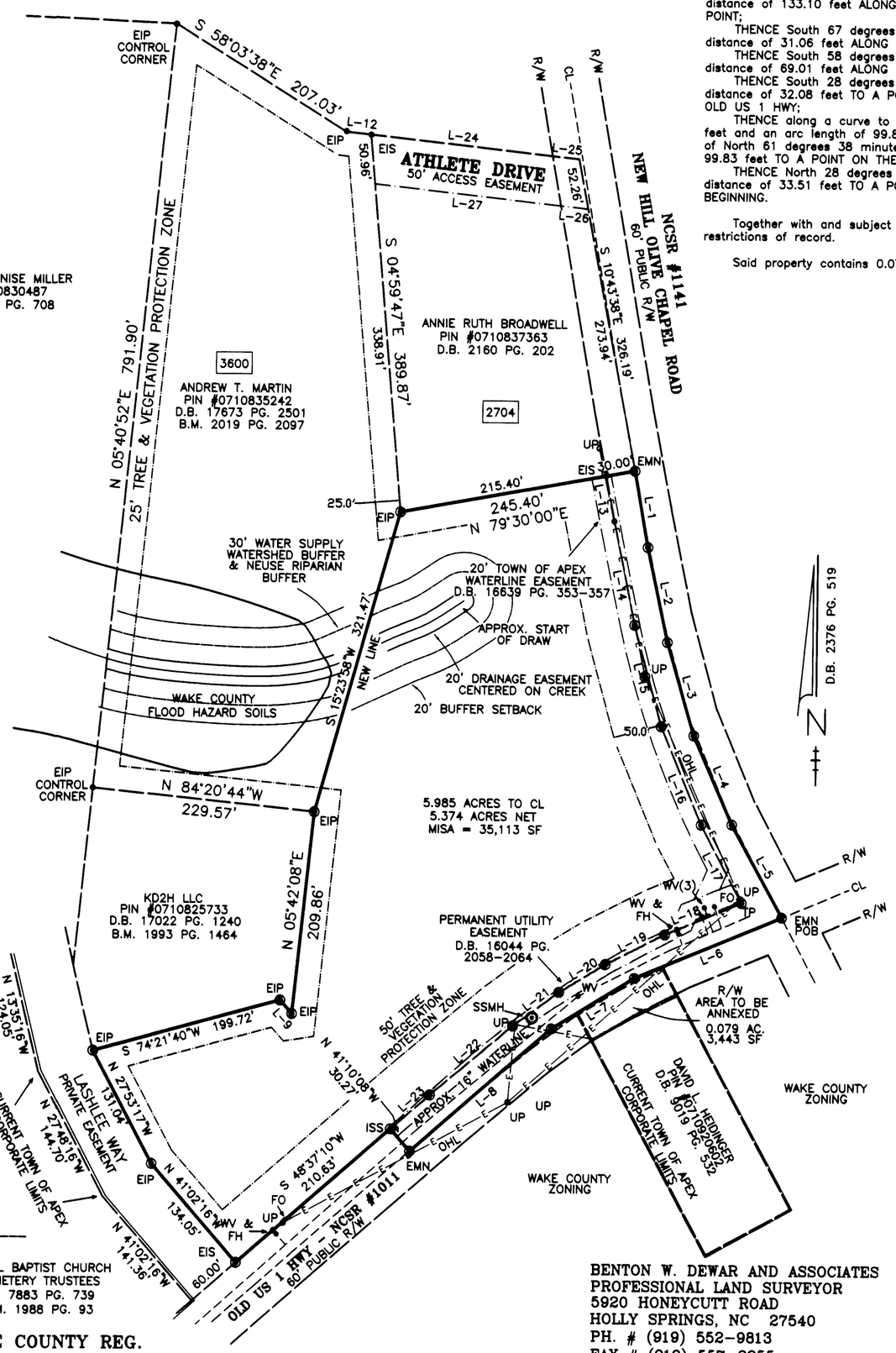
CMS – CONCRETE MONUMENT SET
ECM – EXISTING CONCRETE MONUMENT
EIP – EXISTING IRON PIPE
EIS – EXISTING IRON STAKE
ERB – EXISTING REBAR
ECS – EXISTING COTTON SPIKE
EPK – EXISTING PK NAIL
EN – EXISTING NAIL
ERS – EXISTING RAILROAD SPIKE
IPS – IRON PIPE SET
ISS – IRON STAKE SET
RSS – RAILROAD SPIKE SET
NS – NAIL SET
PKS – PK OR MAG. NAIL SET
R/W – RIGHT OF WAY
CL – CENTERLINE
B.M. – BOOK OF MAPS
P.B. – PLAT BOOK
M.B. – MAP BOOK
D.B. – DEED BOOK
SB – SET BACK
EP – EDGE PAVEMENT
BC – BACK OF CURB
MH – MANHOLE
ELEV – ELEVATION
UP – UTILITY POLE
TP – TELEPHONE PEDESTAL
C/O – SEWER CLEAN OUT
WV – WATER VALVE
WM – WATER METER
HYD – FIRE HYDRANT
T – TELEPHONE
E – ELECTRIC
W – WATER
S – SANITARY SEWER
G – GAS LINE
D – DRAINAGE
POB – POINT OF BEGINNING
EMN – EXISTING MAG NAIL

ANNEXED AREA SUMMARY

5.985 ACRES(0.611 AC R/W)
+0.079 ACRES
6.064 TOTAL ANNEXED ACRES

ANNEXED RIGHT OF WAY
0.611 ACRES
+0.079 ACRES
0.690 ACRES

6.064 TOTAL ACRES ANNEXED
–0.690 ACRES IN RIGHT OF WAY
5.374 ACRES NET ANNEXED



RIGHT OF WAY TO BE ANNEXED

LEGAL DESCRIPTION

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THENCE South 58 degrees 00 minutes 00 seconds West for a distance of 69.01 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 28 degrees 25 minutes 12 seconds East for a distance of 32.08 feet TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE along a curve to the right having a radius of 914.80 feet and an arc length of 99.88 feet, being subtended by a chord of North 61 degrees 38 minutes 45 seconds East for a distance of 99.83 feet TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE North 28 degrees 29 minutes 17 seconds West for a distance of 33.51 feet TO A POINT BEING THE POINT AND PLACE OF BEGINNING.

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

Said property contains 0.079 acres more or less.

COURSE	BEARING	DISTANCE
L–1	S 10°11'17"E	79.66'
L–2	S 12°14'00"E	100.00'
L–3	S 16°19'00"E	100.00'
L–4	S 23°46'00"E	100.00'
L–5	S 28°44'00"E	109.13'
L–6	S 67°06'30"W	164.16'
L–7	S 58°00'00"W	100.00'
L–8	S 48°38'00"W	193.10'
L–9	N 41°10'08"W	18.61'
L–10	N 05°41'52"E	66.93'
L–11	N 05°52'21"E	33.13'
L–12	S 83°50'00"E	25.93'
L–13	S 10°41'24"E	47.12'
L–14	S 11°40'14"E	110.00'
L–15	S 15°17'26"E	107.64'
L–16	S 22°40'40"E	109.20'
L–17	S 27°48'45"E	90.81'
L–18	S 66°58'08"W	85.37'
L–19	S 62°34'06"W	68.33'
L–20	S 58°29'31"W	55.88'
L–21	S 53°10'46"W	58.79'
L–22	S 49°42'07"W	111.38'
L–23	S 48°46'49"W	53.48'
L–24	S 83°50'00"E	188.28'
L–25	S 83°50'00"E	27.50'
L–26	N 83°50'00"W	28.32'
L–27	N 83°50'00"W	192.78'

LEGAL DESCRIPTION

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE South 48 degrees 38 minutes 00 seconds West for a distance of 193.10 feet ALONG SAID ROAD TO A POINT;
THENCE North 41 degrees 10 minutes 08 seconds West for a distance of 30.27 feet LEAVING SAID CENTERLINE TO A POINT OF THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE South 48 degrees 37 minutes 10 seconds West for a distance of 210.63 feet ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT;
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Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.985 acres to centerline more or less, of which 0.611 acres are in right of way, leaving 5.374 acres net.

OWNERS	SITE ADDRESS
SHRI VARNI, LLC 1812 VENEZIA WAY APEX, NC 27502	3600 OLD US 1 NEW HILL, NC 27562
D.B. 17968 PG. 918 B.M. 2019 PG. 2097	

100 0 50 100 200 400

SATELLITE ANNEXATION PLAT FOR

I, BENTON W. DEWAR, PROFESSIONAL LAND SURVEYOR NO. 3040, CERTIFY: THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT–ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

BENTON W. DEWAR, NCPLS – 3040

I, BENTON W. DEWAR CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED BOOK 17968 PAGE 918 MAP # 2019 PAGE 2097 ; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 17968 PAGE 918 ; THAT THE RATIO OF PRECISION OR POSITIONAL ACURACY AS CALCULATED IS 1:15,000+ , THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47–30 AS AMMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 1st DAY OF SEPTEMBER , A.D. 2021

BENTON W. DEWAR, NCPLS – 3040

NEW HILL BAPTIST CHURCH & CEMETERY TRUSTEES
D.B. 7883 PG. 739
B.M. 1988 PG. 93

RECORDED IN BOOK OF MAPS 2021 PAGE _____ WAKE COUNTY REG.

BENTON W. DEWAR AND ASSOCIATES
PROFESSIONAL LAND SURVEYOR
5920 HONEYCUTT ROAD
HOLLY SPRINGS, NC 27540
PH. # (919) 552–9813
FAX # (919) 557–2255

THE TOWN OF APEX

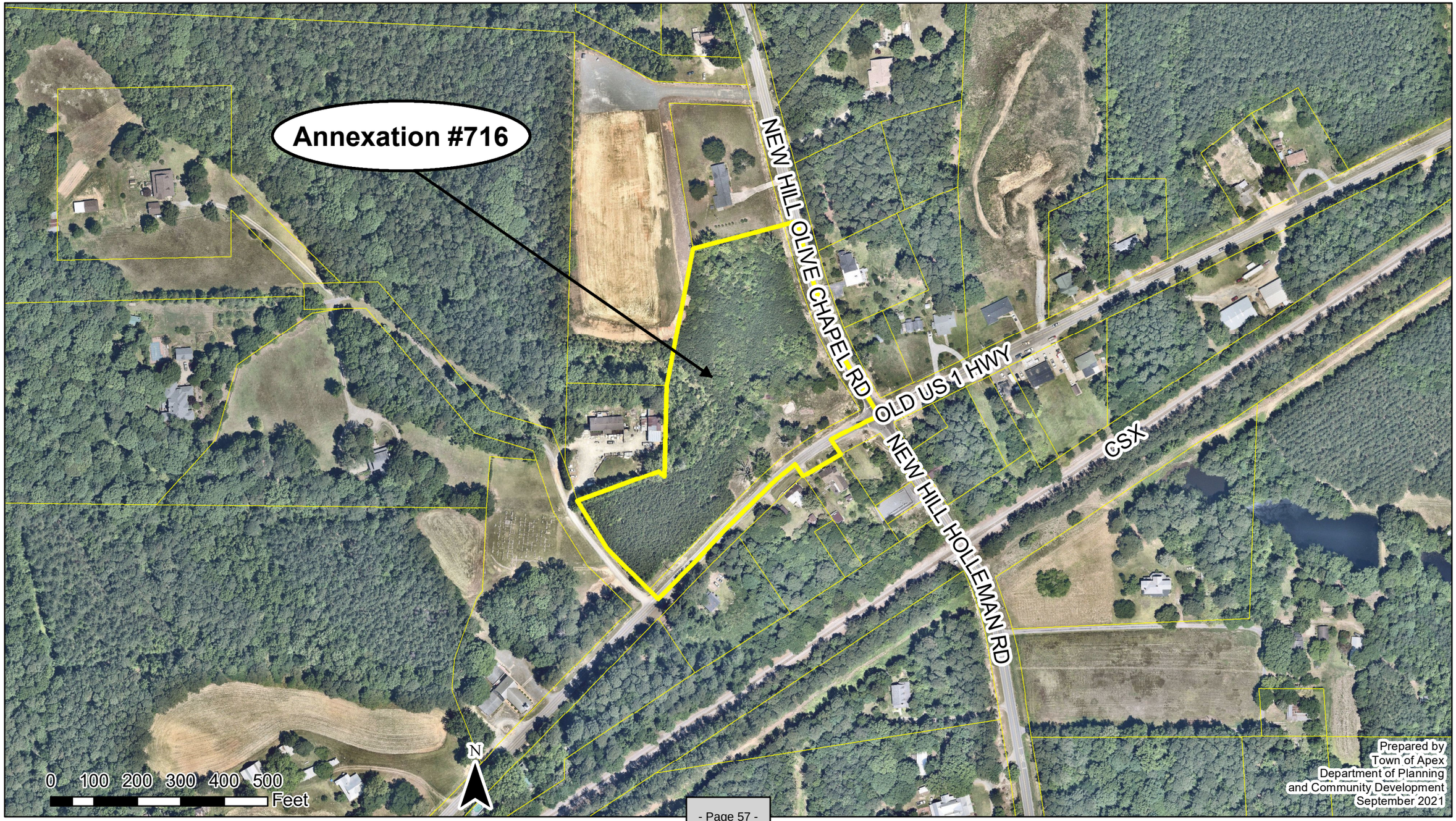
LOT 1 BROADWELL/LEE PROPERTY
BOOK OF MAPS 2019 PAGE 2097
DEED BOOK 17968 PAGE 918
BUCKHORN TOWNSHIP
WAKE COUNTY – NORTH CAROLINA

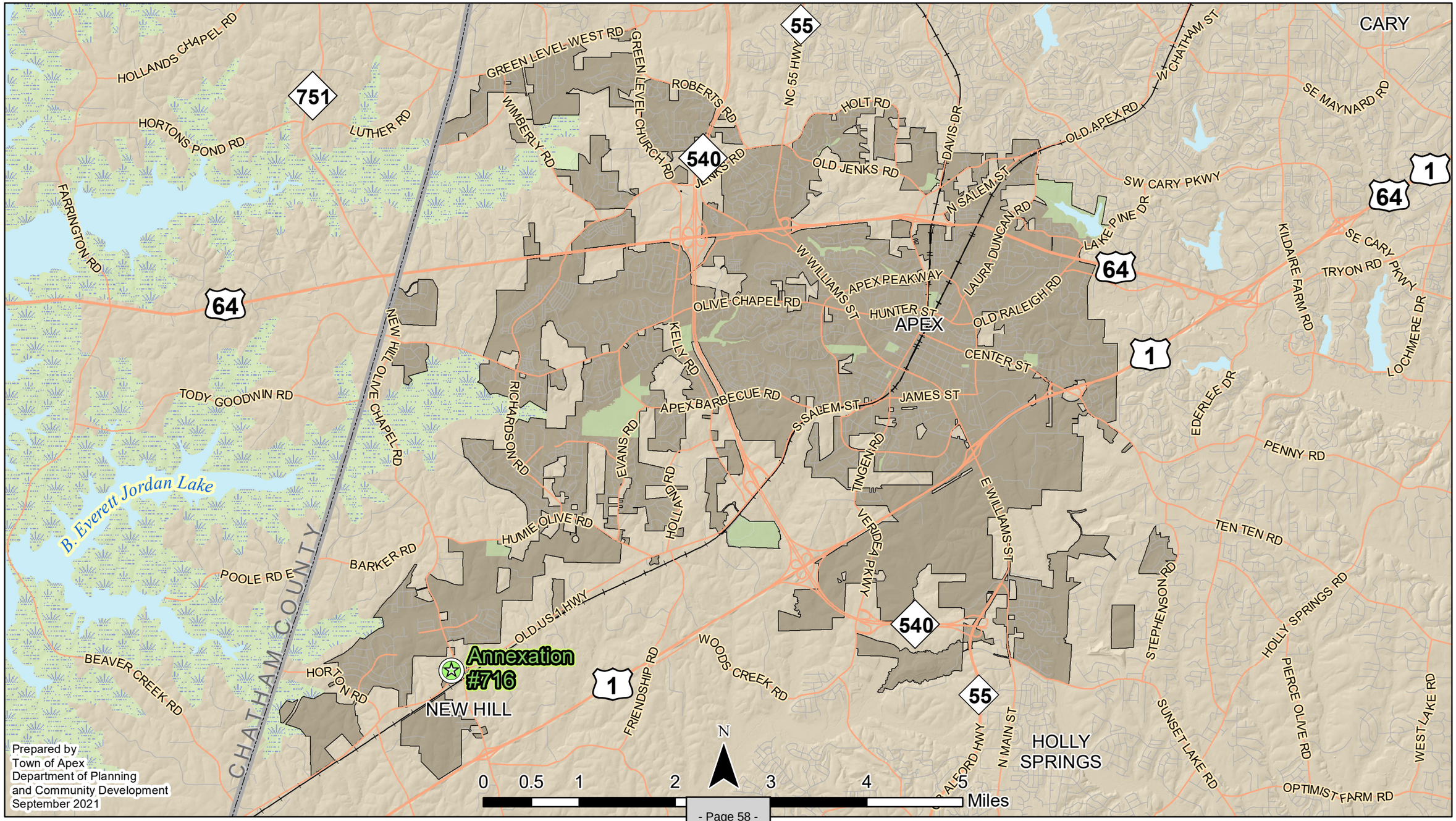
PIN #0710827861
REID #0087668

CURRENT – R–40W(WAKE)
PROPOSED – B–1(APEX)

DATE: 4/28/2021
SCALE: 1" = 100'

21–68L
BROADWELL/18/650


Annexation #716
NEW HILL OLIVE CHAPEL RD
OLD US 1 HWY
NEW HILL HOLLEMAN RD
CSX
N
0 100 200 300 400 500
Feet
Prepared by
Town of Apex
Department of Planning
and Community Development
September 2021



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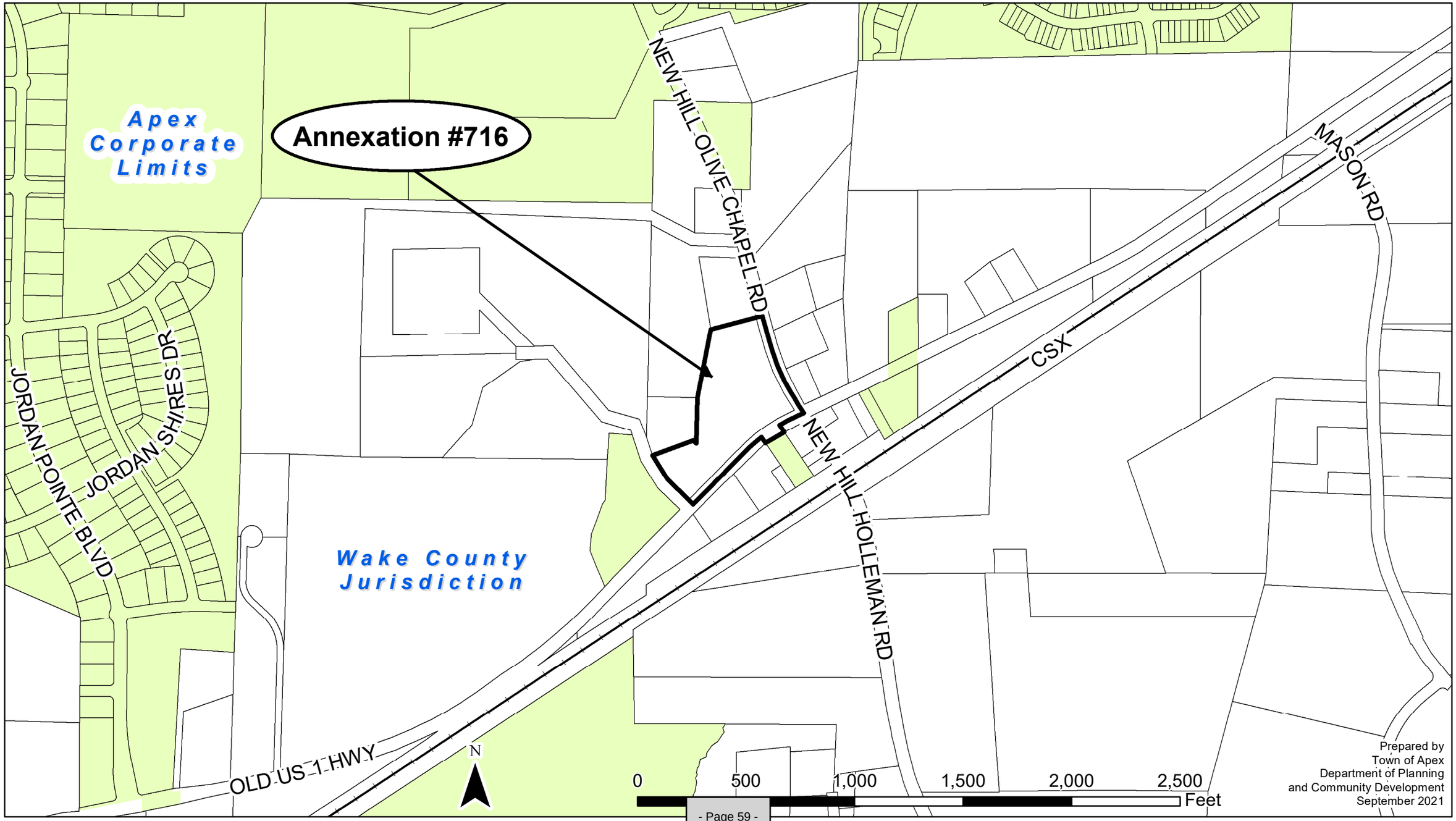
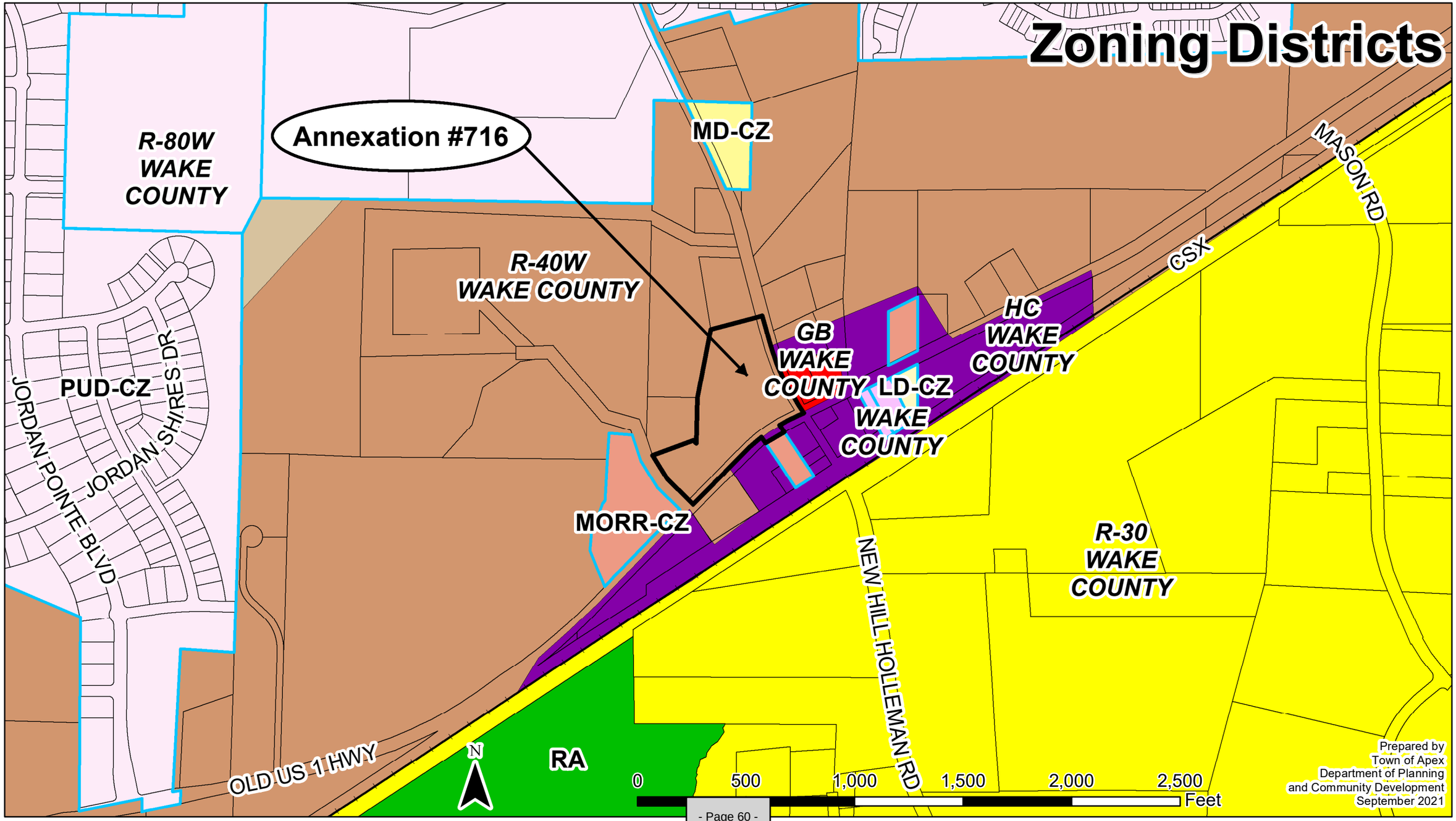
Town of Apex
Department of Planning
and Community Development
September 2021


Annexation #716
Apex Corporate Limits
Wake County Jurisdiction
NEW HILL OLIVE CHAPEL RD
NEW HILL HOLLEMAN RD
MASON RD
CSX
JORDAN POINTE BLVD
JORDAN SHIRES DR
OLD US 1 HWY
N
0
500
1,000
1,500
2,000
2,500
Feet
Prepared by
Town of Apex
Department of Planning
and Community Development
September 2021


Zoning Districts
Annexation #716
R-80W
WAKE
COUNTY
MD-CZ
R-40W
WAKE COUNTY
GB
WAKE
COUNTY
LD-CZ
WAKE
COUNTY
HC
WAKE
COUNTY
CSX
MASON RD
PUD-CZ
JORDAN POINTE BLVD
JORDAN SHIRES DR
MORR-CZ
NEW HILL HOLLEMAN RD
R-30
WAKE
COUNTY
OLD US 1 HWY
RA
N
0
500
1,000
1,500
2,000
2,500
Feet
Prepared by
Town of Apex
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September 2021

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TOGETHER WITH AND SUBJECT TO COVENENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni, LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The property to be rezoned is identified as PIN 0710827861.

Attachments

- Vicinity Map
- Application

Rezoning #21CZ11
Lashlee Way
New Hill Olive Chapel Rd
Old US 1 Hwy
New Hill Holleman Rd
Womble Cir
0
250
500
Feet
April 2021
January 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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

Application #: 21CZ11 Submittal Date: April 1, 2021

2045 LUM Amendment: n/a Fee Paid: paid

Project Information

Project Name: APEX C-STORE

Address(es): 3600 OLD US 1 HIGHWAY

PIN(s): 0710827861

Acreage: 5.37

Current Zoning: R-40W Proposed Zoning: B-1 CZ

Current 2045 LUM Designation: OFFICE EMPLOYMENT & COMMERCIAL SERVICES

Proposed 2045 LUM Designation: COMMERCIAL SERVICES

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: Shri Varni LLC - Kalpesh Patel

Address: 1812 Venzia Way

City: Apex State: Apex Zip: 27502

Phone: 443-854-2273 E-mail: kalpesh036@gmail.com

Owner Information

Name: Same as above

Address:

City: State: Zip:

Phone: E-mail:

Agent Information

Name: The Isaacs Group, P.C.

Address: 8720 Red Oak Blvd. Suite 420

City: Charlotte State: NC Zip: 28217

Phone: 704-626-6217 E-mail: wpugh@isaacsgrp.com

Other contacts: William Pugh-The Isaacs Group P.C.

Brian Upton-The Isaacs Group P.C.

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: #21CZ11 Submittal Date: April 1, 2021

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

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

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

3600 OLD US 1 HIGHWAY

Current 2045 Land Use Classification: OFFICE EMPLOYMENT & COMMERCIAL SERVICES

Proposed 2045 Land Use Classification: COMMERCIAL SERVICES

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

The partially wooded tract at 3600 Old US 1 Highway is currently zone as residential. The rezoning of the parcel to commercial is in line with the 2045 Land Use Map.

PETITION INFORMATION

Application #: #21CZ11 Submittal Date: April 1, 2021

An application has been duly filed requesting that the property described in this application be rezoned from _____ to _____. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1		21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: #21CZ21 Submittal Date: April 1, 2021

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.

•Increase design storm pre- and post-attenuation requirement to the 25-year storm.

•Plant deciduous shade trees on southern side of buildings.

•Include solar conduit in building design.

•Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

•Lighting with a color temperature of 3000K or less shall be used for outside installations.

If a color temperature of 3000K is unavailable, 3500K is acceptable.

•Preserve native trees within the buffer, including the large existing trees along the southern property line.

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 LUM indicates this area for commercial development. The site is being rezoned for commercial use.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

This is a transitional area from rural residential to urban commercial and the proposed use(s) are consistent with this area.

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

The proposed development will comply will all conditions of of Section 4.4 of the UDO.

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

Existing vegetation will be preserved in the perimeter buffer yards to minimize the visual impact on surrounding properties. If perimeter buffers are deemed to be lacking sufficient existing vegetation, supplemental plantings can be added.

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.

In addition to the preservation of vegetation in the perimeter buffers, the on-site storm water management facility will be designed to attenuate the 25-year storm event.

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.

Driveway locations will be positioned away from the intersection as directed by the DOT to minimize congestion at the proposed access to the site.

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.

In addition to the positioning of the driveways, site lighting will be provided in accordance with the town ordinance while providing a sense of security for customers patronizing the proposed business(es).

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

The development is intended to compliment the adjacent properties in order to provide services to the surrounding area.

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 use(s) proposed with this development are in accordance with the 2045 LUM.

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 ISAACS GROUP
CIVIL ENGINEERING DESIGN & LAND SURVEYING
8720 RED OAK BOULEVARD, STE. 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

May 14, 2021

To: Town of Apex North Carolina
P.O. Box 250
Apex, NC 27502

From: Brian T. Upton, P.E.
The Isaacs Group, P.C.
8720 Red Oak Blvd. Suite 420
Charlotte, NC 28217

Re: Rezoning Case #21CZ11 Apex C-Store

ARCHITECTURAL CONDITIONS

1. Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The exterior materials for nonresidential product include a combination of building materials. The primary (front) façade of the main buildings to be considered include:

- 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. EIFS or synthetic stucco shall not be uses in the
- first four feet above grade and shall be limited to only 25% of each building facade.
- Precast concrete

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: #21CZ11 Submittal Date: April 1, 2021

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

	Owner's Name	PIN
1.	See attached List:	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 3/31/21 By: William Pugh

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, William Pugh, a Notary Public for the above State and County, on this the 31st day of March, 2021.

KAREN A. KOCHER NOTARY PUBLIC SEAL MECKLENBURG COUNTY, NC

Karen A Kocher
Notary Public

KAREN A Kocher
Print Name

My Commission Expires: March 24, 2024

Myrtle H Horton
P.O. Box 312
New Hill, NC 27562-0312
PIN: 0710714834

Richard S. Burroughs Trustee
2508 Lashlee Way
New Hill, NC 27562-9607
PIN: 0710728789

Michael & Doris Nagle
3701 Old US 1 Hwy #1
New Hill, NC 27562-9763
PIN: 0710813926

New Hill Baptist Church & Cemetery
3700 Old US 1 Hwy
New Hill, NC 27562-9762
PIN: 0710824319

David M. Hepburn
1976 Old Byre Way
Apex, NC 27502-9113
PIN: 0710825733

Tony R. Vedder
3613 Old US 1 Hwy
New Hill, NC 27562-9761
PIN: 0710827352

Shri Varni, LLC
1812 Venezia Way
Apex, NC 27502-4740
PIN: 0710827861

Earl & Janet Miller III
112 Pine Springs Dr.
Council, NC 28434-8415
PIN: 0710829407

Ralph & Denies Miller, JR.
2509 Lashlee Way
New Hill, NC 27562-9608
PIN: 0710830487

Andrew T. Martin
105 Dunedin Ct.
Cary, NC 27511-6405
PIN: 0710835242

Annie Ruth L Broadwell
2704 New Hill Olive Chapel Rd.
New Hill, NC 27562-9176
PIN: 0710837363

David L. Heidinger
P.O. Box 287
Raleigh, NC 27602-2331
PIN: 0710920602

Public Service Co. of NC Inc.
800A Gaston Rd.
Gastonia, NC 28056-6519
PIN: 0710921567

Seaboard Air Line RR CO
3610 Bush St.
Raleigh, NC 27609-7511
PIN: 0710921594

Powell and Mason, LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710921922

Moss & Patina LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710922715

B Janice Siff & Aileen Denny
1631 Courtland Rd.
Alexandria, VA 22306-2704
PIN: 0710923721

Loretta Roundy Young
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710931101

Claude Lee & Judy A Hudson
P.O. Box 7
New Hill, NC 27592-0007
PIN: 0710931641

Sula and Williams LLC
2717 New Hill-Olive Chapel Rd.
New Hill, NC 27562-9177
PIN: 0710932040

Apex First In-Vestments LLC
5448 Apex Peakway #222
Apex, NC 27502-3924
PIN: 0710934464

Laura B. Atkins
P.O. Box 217
New Hill, NC 27562-0217
PIN: 0710940061

AGENT AUTHORIZATION FORM

Application #: #21CZ11 Submittal Date: April 1, 2021

Shri Varni LLC - Kalpesh Patel 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: 3600 Old US 1 Highway

The agent for this project is: The Isaacs Group, P.C.

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

Agent Name: Brian Upton P.E. and William Pugh

Address: 8720 Red Oak Blvd. Suite 420 Charlotte, NC 28217

Telephone Number: 704.527.3440

E-Mail Address: bupton@isaacsgrp.com and wpugh@isaacsgrp.com

Signature(s) of Owner(s)*

KALPESH PATEL — 04/01/21
Type or print name — Date

DEEPALI PATEL — 04/01/21
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 #: #21CZ11 Submittal Date: April 1, 2021

The undersigned, Kalpesh Patel (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 3600 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/13/2020, and recorded in the Wake County Register of Deeds Office on 7/16/2020, in Book 17968 Page 918.

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 7/13/2020, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 3600 Old US 1 Highway, 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 1st day of April, 2021.

(seal)

KALPESH PATEL

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Chatham, hereby certify that Kalpesh Patel, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

CARLA R. BRYANT
Notary Public - North Carolina
Chatham County
My Commission Expires Jan 15, 2025

[NOTARY SEAL]

Notary Public
State of North Carolina
My Commission Expires: 01/15/2025

Application #: #21CZ11 Submittal Date: April 1, 2021

Insert legal description below.

SEE ATTACHED DEED

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

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONATAINING 5.985 ACRES TO CENTRLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY(NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD(NCSR #1141);

THENCE South 67 degrees 06 minutes 30 seconds West for a distance of 164.16 feet ALONG OLD US 1 HWY TO A POINT;
THENCE South 58 degrees 00 minutes 00 seconds West for a distance of 100.00 feet ALONG SAID ROAD TO A POINT;
THENCE South 48 degrees 38 minutes 00 seconds West for a distance of 193.10 feet ALONG SAID ROAD TO A POINT;
THENCE North 41 degrees 10 minutes 08 seconds West for a distance of 30.27 feet LEAVING SAID CENTERLINE TO A POINT OF THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY;
THENCE South 48 degrees 37 minutes 10 seconds West for a distance of 210.63 feet ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT;
THENCE North 41 degrees 02 minutes 16 seconds West for a distance of 134.05 feet ALONG SAID EASEMENT TO AN EIP;
THENCE North 27 degrees 53 minutes 17 seconds West for a distance of 131.04 feet ALONG SAID EASEMENT TO AN EIP;
THENCE North 74 degrees 21 minutes 40 seconds East for a distance of 199.72 feet LEAVING SAID EASEMENT TO AN EIP;
THENCE South 41 degrees 10 minutes 08 seconds East for a distance of 18.61 feet to an EIP;
THENCE North 05 degrees 42 minutes 08 seconds East for a distance of 209.86 feet to an EIP;
THENCE North 15 degrees 23 minutes 58 seconds East for a distance of 321.47 feet to an EIP;
THENCE North 79 degrees 30 minutes 00 seconds East for a distance of 245.40 feet TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD;
THENCE South 10 degrees 11 minutes 17 seconds East for a distance of 79.66 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 12 degrees 14 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 16 degrees 19 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 23 degrees 46 minutes 00 seconds East for a distance of 100.00 feet ALONG SAID CENTERLINE TO A POINT;
THENCE South 28 degrees 44 minutes 00 seconds East for a distance of 109.13 feet TO THE POINT AND PLACE OF BEGINNING.

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

Said property contains 5.985 acre[illegible]nterline more or less, of which 0.611 acres are in right [illegible]eaving 5.374 acres net.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification (N/A)

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company *Information*	
Company *Name*	
Company Phone *Number*	
Developer Representative *Name*	
Developer Representative *Phone Number*	
Developer Representative *Email*	

New Residential Subdivision *Information*	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(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																	

Revised 08/10/2018

Instruction Packet and Affidavit for

Electronic Neighborhood Meetings

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

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

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

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

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

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

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

INSTRUCTIONS

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

Whenever feasible, an in-person Neighborhood Meeting following all of the requirements of the standard Neighborhood Meeting procedures shall be held prior to public hearing by the Planning Board and/or Town Council or approval by Technical Review Committee, as appropriate. Feasibility shall be determined by the Planning Director, taking into account the regularly published schedule, length of delay caused by ongoing emergency declarations, amount of public interest expressed during the electronic neighborhood meeting and afterwards, and any other pertinent information that would show that a particular project warrants an in-person neighborhood meeting prior to public hearings and/or approval.

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

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements be

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

- During emergency declarations and/or limits on size of gatherings and social distancing, the meeting must be held as follows prior to application submittal:
    - Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (which coincide with the State of North Carolina recognized holidays).
- An attendance sheet must be used log known attendees at the electronic meeting. Note if no one attended.
- Mailed materials requirements:

  In addition to a vicinity map, the following documents shall be mailed with the meeting notice:
    - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), an existing zoning map of the area must be provided to help facilitate discussion.
    - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed copies of the maps or plans from the applicant by contacting the applicant and requesting such; applicant shall provide reduced copies upon request.
    - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
    - "Common Construction Issues & Who to Call" sheet (attached) must be included.
    - A copy of the mailed materials must be included as part of the Neighborhood Meeting report.
- The agenda for the Electronic Neighborhood Meeting shall include:
    - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
    - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
    - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by virtual attendees, and responses by the applicant, if any, must be noted. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant during the Electronic Neighborhood Meeting and in the Neighborhood Meeting Report.
- The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

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

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

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

3/9/21
Date

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

3600 OLD US 1 HIGHWAY	0710827861
Address(es)	PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
REZONING FOR THE CONSTRUCTION OF A C-STORE WITH A FUEL CANOPY.

Estimated submittal date: April 2021

MEETING INFORMATION:

Property Owner(s) name(s):	SHRI VARNI, LLC(NEEL PATEL)
Applicant(s):	THE ISAACS GROUP, P.C.
Contact information (email/phone):	WILLIAM PUGH-wpugh@isaacsgrp.com-704.626.6217
Electronic Meeting invitation/call in info:	Please Email: wpugh@isaacsgrp.com for meeting link
Date of meeting**:	3/24/21
Time of meeting**:	5:00 PM

MEETING AGENDA TIMES:

Welcome: 5:00-5:15 PM Project Presentation: 5:15-5:45 PM Question & Answer: 5:45 PM-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/Planning.

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: APEX C-STORE Zoning: EX. R-40W/PROP. B-1

Location: 3600 OLD US 1 HIGHWAY

Property PIN(s): 0710827861 Acreage/Square Feet: 5.37/233,917.20 SQ. FT.

Property Owner: SHRI VARNI, LLC(NEEL PATEL)

Address: 1812 VENZIA WAY

City: APEX State: NC Zip: 27502

Phone: 919.525.8917 Email: neelkpatel@gmail.com

Developer: SHRI VARNI, LLC(NEEL PATEL)

Address: 1812 VENZIA WAY

City: APEX State: NC Zip: 27502

Phone: 919.525.8917 Fax: Email: neelkpatel@gmail.com

Engineer: THE ISAACS GROUP, P.C.,(BRIAN T. UPTON, P.E.

Address: 8720 RED OAK BLVD. SUITE 420

City: CHARLOTTE State: NC Zip: 28217

Phone: 704.527.3440 Fax: 704.527.8335 Email: bupton@isaacsgrp.com

Builder (if known): TBD

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	 (919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470

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

Trash:	James Misciagno	919-372-7470

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

Temporary Sediment Basins:	James Misciagno	919-372-7470

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537

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

Electric Utility Installation:	Rodney Smith	919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: MEETING HELD VIA TEAMS

Date of meeting: 3/24/21 Time of meeting: 5:30

Property Owner(s) name(s): SHRI VARNI, LLC

Applicant(s): THE ISAACS GROUP, P.C.

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	LORETTA YOUNG	2717 NEW HILL-OLIVE CHAPEL RD NEW HILL, NC 27562	[redacted]	[redacted]	Y
2.	DAVID HORTON Jr	P.O. BOX 312NGS DR COUNCIL, NC 28434	[redacted]	[redacted]	Y
3.	DOUGLAS DENNY	1631 COURTLAND RD. ALEXANDRIA, VA 22306	[redacted]	[redacted]	Y
4.	EARL & JANET MILLER	112 PINE SPRINGS DR COUNCIL, NC 28434	[redacted]	[redacted]	Y
5.	KALPESH PATEL(OWNER)	1812 VENEZIA WAY APEX, NC 27502	[redacted]	[redacted]	Y
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): SHRI VARNI, LLC(NEEL PATEL)

Applicant(s): THE ISAACS GROUP, P.C.

Contact information (email/phone): WILLIAM PUGH-wpugh@isaacsgrp.com-704.626.6217

Meeting Format: MEETING BEING HELD VIA TEAMS

Date of meeting: 3/24/21 Time of meeting: 5:30 PM

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

Question/Concern #1:

WHAT BRAND OF GAS WILL BE SERVED AT THE PROPOSED C-STORE?

Applicant's Response:

THE OWNER STATED, "BP GAS WILL MOST LIKELY BE THE BRAND".

Question/Concern #2:

WILL THERE BE ANY OTHER DEVELOPMENT ON THE PARCEL?

Applicant's Response:

THE ENGINEER STATED, "ONLY THE OPEN SPACE BETWEEN THE FUEL CANOPY AND THE ACCESS DRIVE OFF OF NEW HILL OLIVE CHAPEL ROAD WILL BE DEVELOPED".

Question/Concern #3:

WILL THE C-STORE SERVE FOOD OR HAVE AN EATING AREA?

Applicant's Response:

THE OWNER STATED, "THEY ARE TRYING TO WORK OUT A DEAL WITH CHICK-FIL OR POSSIBLY SOME OTHER FASTFOOD USE. NOTHING HAS BEEN FINLIZED AT THIS TIME".

Question/Concern #4:

WHAT IS THE PROJECTED OPENING DATE FOR THE C-STORE?

Applicant's Response:

THE ENGINEER STATED, "THE PROJECT WILL HOPEFULLY OPEN DURING THE FIRST QUARTER OF 2022:.

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

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

I, WILLIAM PUGH, do hereby declare as follows:
Print Name

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

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

3. The meeting was conducted via MICROSOFT TEAMS (indicate format of meeting) on 3/24/21 (date) from 5:00 (start time) to 7:31 (end time).

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

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

3/26/2021
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, William Pugh, a Notary Public for the above State and County, on this the 26th day of March, 2021.

SEAL
KAREN A. KOCHER
NOTARY
PUBLIC
MECKLENBURG COUNTY, NC

[signature]
Notary Public
KAREN A. KOCHER
Print Name

My Commission Expires: March 24, 2021

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September14, 2021

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation – Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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

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

Annexation Petition #711
John William Long and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD)

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

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

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

This the 14th day of September 2021.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #711
John William Long and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 14th day of September 2021.

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	711	Submittal Date:	5/3/2021
Fee Paid	$ 200.00	Check #	MC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

(1) Deannas Dowry LLC Owner Name (Please Print)	Portion of 0722040381 Property PIN or Deed Book & Page #
John H. Bryson III POA Phone	804-922-0305 jbryson@openplan.com E-mail Address
Susan Yates Owner Name (Please Print)	919-810-2791 Hopper.yates@aim.com Property PIN or Deed Book & Page #
Phone	E-mail Address
(2) Long, John William Long, Faye C Owner Name (Please Print)	0722037373 Property PIN or Deed Book & Page #
919-880-6944 Phone	Johnlong1@prodigy.net E-mail Address

SURVEYOR INFORMATION

Surveyor: WithersRavenel - Ben Dayton

Phone: 919-469-3340 Fax:

E-mail Address: bdayton@withersravenel.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	34.335	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☐
Proposed # of housing units:	55 +/-	Sewer service (new construction)	☐
Zoning District*:	R-80 W	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 711 Submittal Date: 5/3/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

John William Long Please Print	John William Long Signature
Faye C. Long Please Print	Faye C. Long Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ DAVIE

Sworn and subscribed before me, Jennifer D. Collins, a Notary Public for the above State and County, this the 20th day of, April, 2021.

Jennifer D Collins
Notary Public

SEAL

JENNIFER D COLLINS NOTARY PUBLIC DAVIE COUNTY, NC

My Commission Expires: 12/12/2022

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 #: 711 **Submittal Date:** 5/3/2021

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 DEANNAS DOWRY, LLC

By: Carol W Bryan
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sean Braudrick, a Notary Public for the above State and County, this the 21st day of April, 2021.

SEAL

SEAN E. W. BRAUDRICK
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7140858
MY COMM. EXPIRES: 02/28/2023
NOTARY PUBLIC

Notary Public

My Commission Expires: 02/28/23

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: Carol W Bryan
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: _____

Legacy Apex Annexation Legal Description:

Beginning at an Existing Iron Pipe located on the Western Right of Way of the American Tobacco Trail and having North Carolina Grid Coordinates (NAD83, 2011), N: 722,806.09', E: 2,021,093.03'; said Iron Pipe also being the Northeast corner of that parcel of land owned by Martha S. Clement, Deed Book 2819, Page 423 and Book of Maps 1980, Page 239, Wake County Registry. Thence South 83°14'18" West a distance of 625.41' to an Existing Iron Pipe; Thence North 88°22'09" West a distance of 96.90' to an Existing Iron Pipe; Thence North 88°06'17" West a distance of 329.76' to an Existing Iron Pipe; Thence North 88°07'13" West a distance of 346.86' to an Existing Iron Pipe; Thence North 00°38'28" East a distance of 966.08' to a Point; Thence North 76°25'00" East a distance of 820.35' to an Existing Iron Pipe; Thence South 88°56'40" East a distance of 508.89' to an Existing Iron Pipe; Thence South 04°52'38" East a distance of 747.81' to a Point; Thence South 04°32'44" East a distance of 99.12' to a Point; Thence with a curve to the right having a radius of 2,814.96', an arc length of 256.96', a chord bearing of South 01°16'55" East, and distance of 256.87', to an Existing Iron Pipe, being the point and place of **Beginning**, and having an area of 34.335 Acres (1,495,667) Square Feet, more or less.

Wake County Real Estate Data
Account Summary

Real Estate ID **0075719** PIN # **0722040381**

Location Address
3601 US 64 HWY W

Property Description
BRADSHAW-BRYSON PROPERTY BM2004-01409

Property Owner	Owner's Mailing Address	Property Location Address
DEANNAS DOWRY LLC (Use the Deeds link to view any additional owners)	**10203 MAREMONT CIR** **RICHMOND VA 23238-3621**	**3601 US 64 HWY W** **APEX NC 27523-8448**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**619--**				
Map/Scale	**0722 03**	Deed Date	**6/16/2008**	Land Value Assessed	**$2,845,088**
VCS	**20AP900**	Book & Page	**13139 0920**	Bldg. Value Assessed	
City		Revenue Stamps			
Fire District	**23**	Pkg Sale Date			
Township	**WHITE OAK**	Pkg Sale Price		Tax Relief	
Land Class	**FOR-FARM**	Land Sale Date			
ETJ	**AP**	Land Sale Price		Land Use Value	**$19,332**
Spec Dist(s)				Use Value Deferment	**$2,825,756**
Zoning	**RR**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	**$2,825,756**
History ID 2		Total Units	**0**		
Acreage	**45.06**	Recycle Units	**0**		
Permit Date		Apt/SC Sqft		Use/Hist/Tax Relief	**$19,332**
Permit #		Heated Area		Assessed	
				Total Value Assessed*	**$2,845,088**

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

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

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

Wake County Real Estate Data
Account Summary

Real Estate ID **0048933** PIN # **0722037373**

Location Address
0 OLIVE CHAPEL RD

Property Description
PROP LOUIS C SMITH TRC-1

Property Owner	Owner's Mailing Address	Property Location Address
LONG, JOHN WILLIAM & FAYE C (Use the Deeds link to view any additional owners)	**314 NC HIGHWAY 751** **APEX NC 27523-5491**	**0 OLIVE CHAPEL RD** **APEX NC 27502-0000**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**619-00000-0024**				
Map/Scale	**0722 03**	Deed Date	**1/1/1972**	Land Value Assessed	**$548,808**
VCS	**20WC900**	Book & Page	**02070 0631**	Bldg. Value Assessed	
City		Revenue Stamps			
Fire District	**23**	Pkg Sale Date	**1/1/1972**		
Township	**WHITE OAK**	Pkg Sale Price	**$9,500**	Tax Relief	
Land Class	**FOR-FARM**	Land Sale Date			
ETJ	**WC**	Land Sale Price		Land Use Value	**$1,725**
Spec Dist(s)				Use Value Deferment	**$547,083**
Zoning	**R-80W**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	**$547,083**
History ID 2		Total Units	**0**		
Acreage	**15.00**	Recycle Units	**0**		
Permit Date		Apt/SC Sqft		Use/Hist/Tax Relief	**$1,725**
Permit #		Heated Area		Assessed	
				Total Value Assessed*	**$548,808**

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

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

Annexation Petition #711
John William Long and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at six o'clock p.m. on the 28th day of September 2021.

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

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

This the 14th day of September 2021.

_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

Legacy Apex Annexation Legal Description:

Beginning at an Existing Iron Pipe located on the Western Right of Way of the American Tobacco Trail and having North Carolina Grid Coordinates (NAD83, 2011), N: 722,806.09', E: 2,021,093.03'; said Iron Pipe also being the Northeast corner of that parcel of land owned by Martha S. Clement, Deed Book 2819, Page 423 and Book of Maps 1980, Page 239, Wake County Registry. Thence South 83°14'18" West a distance of 625.41' to an Existing Iron Pipe; Thence North 88°22'09" West a distance of 96.90' to an Existing Iron Pipe; Thence North 88°06'17" West a distance of 329.76' to an Existing Iron Pipe; Thence North 88°07'13" West a distance of 346.86' to an Existing Iron Pipe; Thence North 00°38'28" East a distance of 966.08' to a Point; Thence North 76°25'00" East a distance of 820.35' to an Existing Iron Pipe; Thence South 88°56'40" East a distance of 508.89' to an Existing Iron Pipe; Thence South 04°52'38" East a distance of 747.81' to a Point; Thence South 04°32'44" East a distance of 99.12' to a Point; Thence with a curve to the right having a radius of 2,814.96', an arc length of 256.96', a chord bearing of South 01°16'55" East, and distance of 256.87', to an Existing Iron Pipe, being the point and place of **Beginning**, and having an area of 34.335 Acres (1,495,667) Square Feet, more or less.

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	711	Submittal Date:	5/3/2021
Fee Paid	$ 200.00	Check #	MC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

(1) Deannas Dowry LLC Owner Name (Please Print)	Portion of 0722040381 Property PIN or Deed Book & Page #
John H. Bryson III POA Phone	804-922-0305 jbryson@openplan.com E-mail Address
Susan Yates Owner Name (Please Print)	919-810-2791 Hopper.yates@aim.com Property PIN or Deed Book & Page #
Phone	E-mail Address
(2) Long, John William Long, Faye C Owner Name (Please Print)	0722037373 Property PIN or Deed Book & Page #
919-880-6944 Phone	Johnlong1@prodigy.net E-mail Address

SURVEYOR INFORMATION

Surveyor: WithersRavenel - Ben Dayton

Phone: 919-469-3340 Fax:

E-mail Address: bdayton@withersravenel.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	34.335	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☐
Proposed # of housing units:	55 +/-	Sewer service (new construction)	☐
Zoning District*:	R-80 W	Receive Town Services	☑

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 711 Submittal Date: 5/3/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

John William Long Please Print	Signature
Faye C. Long Please Print	Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ DAVIE

Sworn and subscribed before me, Jennifer D. Collins, a Notary Public for the above State and County, this the 20th day of, April, 2021.

Jennifer D Collins
Notary Public

SEAL

JENNIFER D COLLINS NOTARY PUBLIC DAVIE COUNTY, NC

My Commission Expires: 12/12/2022

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 #: 711 **Submittal Date:** 5/3/2021

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 DEANNAS DOWRY, LLC

By: Carol W Bryan
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sean Braudrick, a Notary Public for the above State and County, this the 21st day of April, 2021.

SEAL

SEAN E. W. BRAUDRICK
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7140858
MY COMM. EXPIRES: 02/28/2023
NOTARY PUBLIC

Notary Public

My Commission Expires: 02/28/23

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: Carol W Bryan
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____.

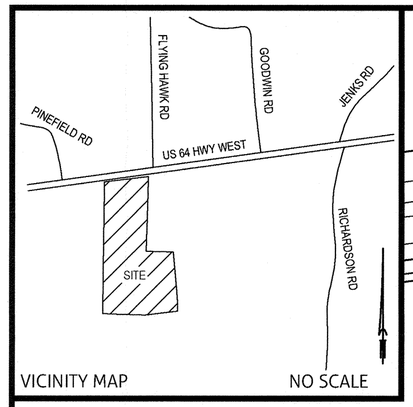
Notary Public

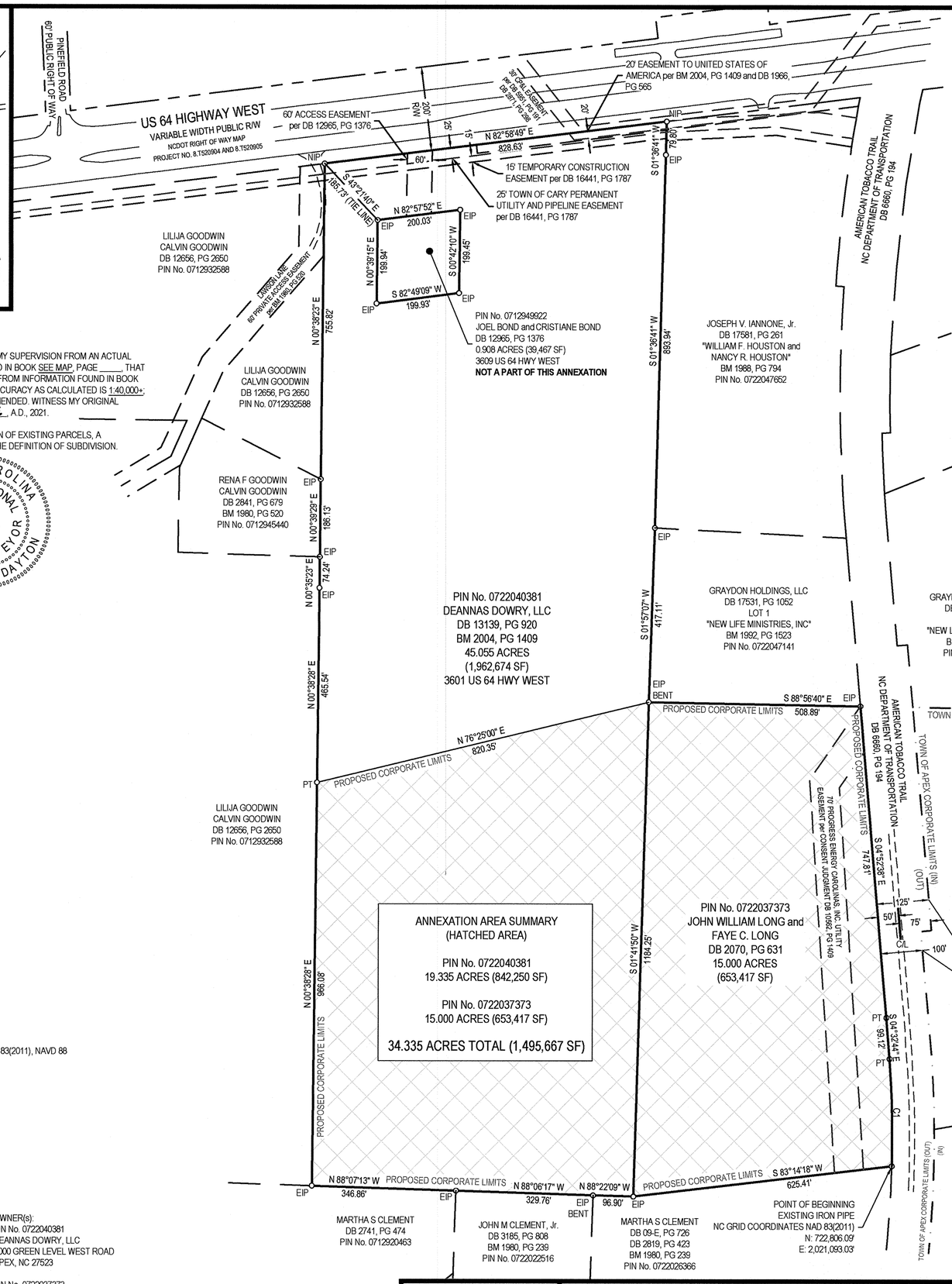
SEAL

My Commission Expires: _____

Legacy Apex Annexation Legal Description:

Beginning at an Existing Iron Pipe located on the Western Right of Way of the American Tobacco Trail and having North Carolina Grid Coordinates (NAD83, 2011), N: 722,806.09', E: 2,021,093.03'; said Iron Pipe also being the Northeast corner of that parcel of land owned by Martha S. Clement, Deed Book 2819, Page 423 and Book of Maps 1980, Page 239, Wake County Registry. Thence South 83°14'18" West a distance of 625.41' to an Existing Iron Pipe; Thence North 88°22'09" West a distance of 96.90' to an Existing Iron Pipe; Thence North 88°06'17" West a distance of 329.76' to an Existing Iron Pipe; Thence North 88°07'13" West a distance of 346.86' to an Existing Iron Pipe; Thence North 00°38'28" East a distance of 966.08' to a Point; Thence North 76°25'00" East a distance of 820.35' to an Existing Iron Pipe; Thence South 88°56'40" East a distance of 508.89' to an Existing Iron Pipe; Thence South 04°52'38" East a distance of 747.81' to a Point; Thence South 04°32'44" East a distance of 99.12' to a Point; Thence with a curve to the right having a radius of 2,814.96', an arc length of 256.96', a chord bearing of South 01°16'55" East, and distance of 256.87', to an Existing Iron Pipe, being the point and place of **Beginning**, and having an area of 34.335 Acres (1,495,667) Square Feet, more or less.





GENERAL NOTES

1. BASIS OF BEARINGS: NC STATE PLANE GRID COORDINATES, NAD83(2011) VERTICAL DATUM NAVD88.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
3. AREAS SHOWN HEREON WERE COMPUTED USING THE COORDINATE METHOD.
4. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
5. SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAPS 3720072200J DATED MAY 2, 2006 and MAP 3720071200K DATED FEBRUARY 2, 2007.
6. IRON PIPES SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2814.96'	256.96'	256.87'	S 01°16'55" E

SURVEYOR'S CERTIFICATE

"I, BENJAMIN E. DAYTON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE MAP, PAGE _____, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE MAP, PAGE ____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:40,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 2ND DAY OF JUNE, A.D., 2021.

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

BENJAMIN E. DAYTON, PLS L-4390

6.2.21

NORTH CAROLINA PROFESSIONAL SEAL L-4390 LAND SURVEYOR BENJAMIN E. DAYTON

GPS NOTE

THE FOLLOWING INFORMATION WAS USED TO OBTAIN NC GRID NAD 83(2011), NAVD 88 STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:

1. CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)
2. POSITIONAL ACCURACY: 0.03' (H), 0.05' (V)
3. GPS FIELD PROCEDURE: VRS
4. DATE OF SURVEY: 11/2/2020
5. DATUM/EPOCH: NAD 83(2011), EPOCH 2010.00
6. PUBLISHED DATE/FIXED CONTROL USED: VRS, NCRD
7. GEOID MODEL: GEOID 12B
8. COMBINED GRID FACTOR: 0.999898192
9. UNITS: US SURVEY FEET
10. GRID/GROUND POINT: Y(N) 725,284.26' X(E) 2,020,117.03'

ANNEXATION #_____

"I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20___, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____

DAY/MONTH/YEAR

_____

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

-SEAL-

LEGEND

(EIP)-EXISTING IRON PIPE
(IPS)-IRON PIPE SET
(PT)-COMPUTED POINT (NO MONUMENT FOUND OR SET)
(FHYD)-FIRE HYDRANT
(WV)-WATER VALVE
(LP)-LIGHT POLE
(PP)-POWER POLE
(EPD)-ELECTRIC PEDESTAL
(WM)-WATER METER
(MB)-MAILBOX
(EOP)-EDGE OF PAVEMENT
(TLP)-TLELPHONE PEDESTAL
(SSMH)-SANITARY SEWER MANHOLE
(CMP)-CORRUGATED METAL PIPE
(RCP)-REINFORCED CONCRETE PIPE

OWNER(s):
PIN No. 0722040381
DEANNAS DOWRY, LLC
4000 GREEN LEVEL WEST ROAD
APEX, NC 27523

PIN No. 0722037373
JOHN W. LONG
FAYE C. LONG
314 NC HWY 751
APEX, NC 27523

200' 100' 0' 200' 400' 600'
SCALE IN FEET

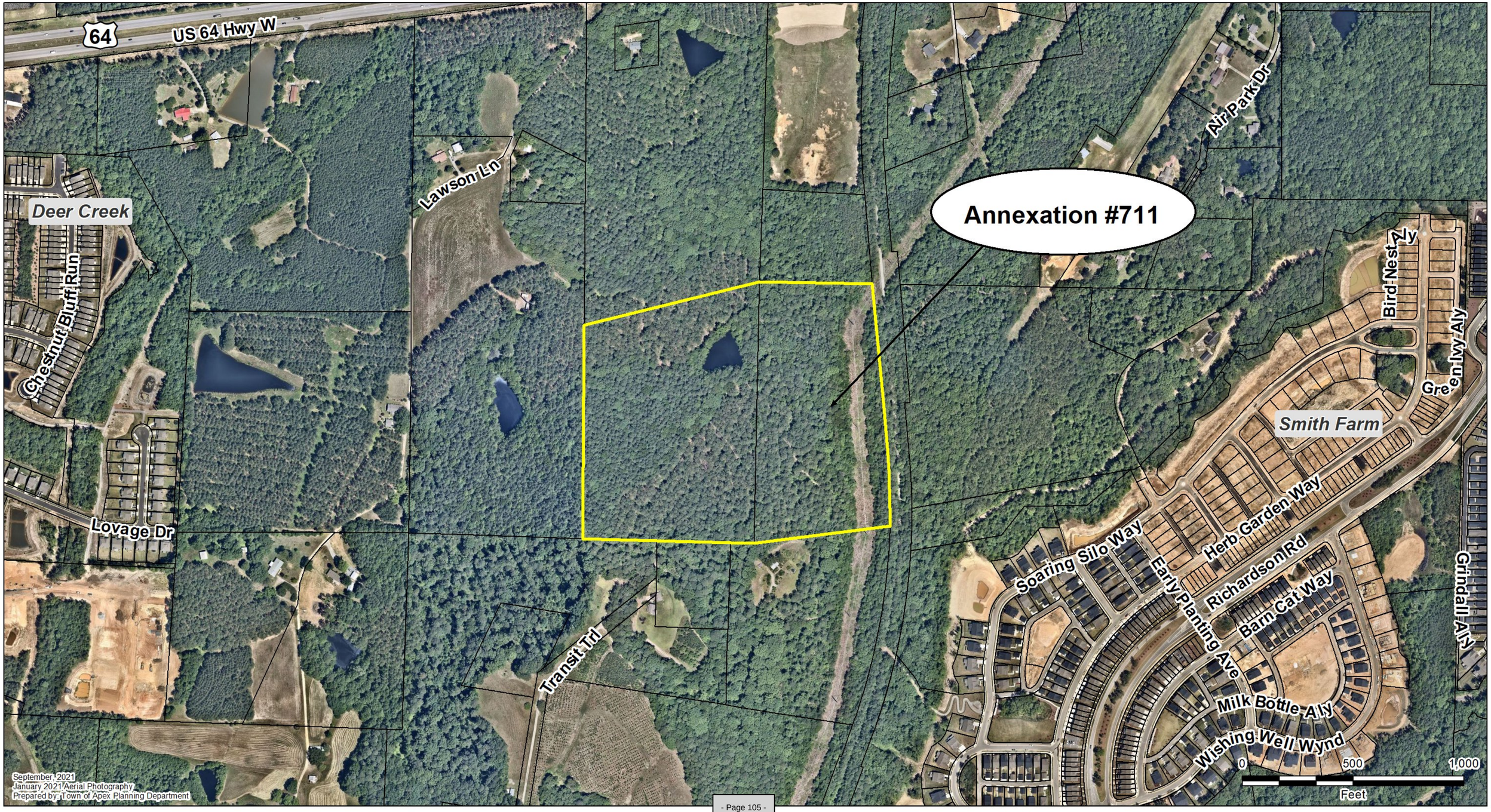
DATE: 4-15-2021	
SCALE: 1"=200'	
SURVEYED BY: WR	
DRAWN BY: BD	
CHECK & CLOSURE BY: BD	
CAD FILE: ANNEXATION MAP.DWG	
PROJECT NO: 02200685.00	

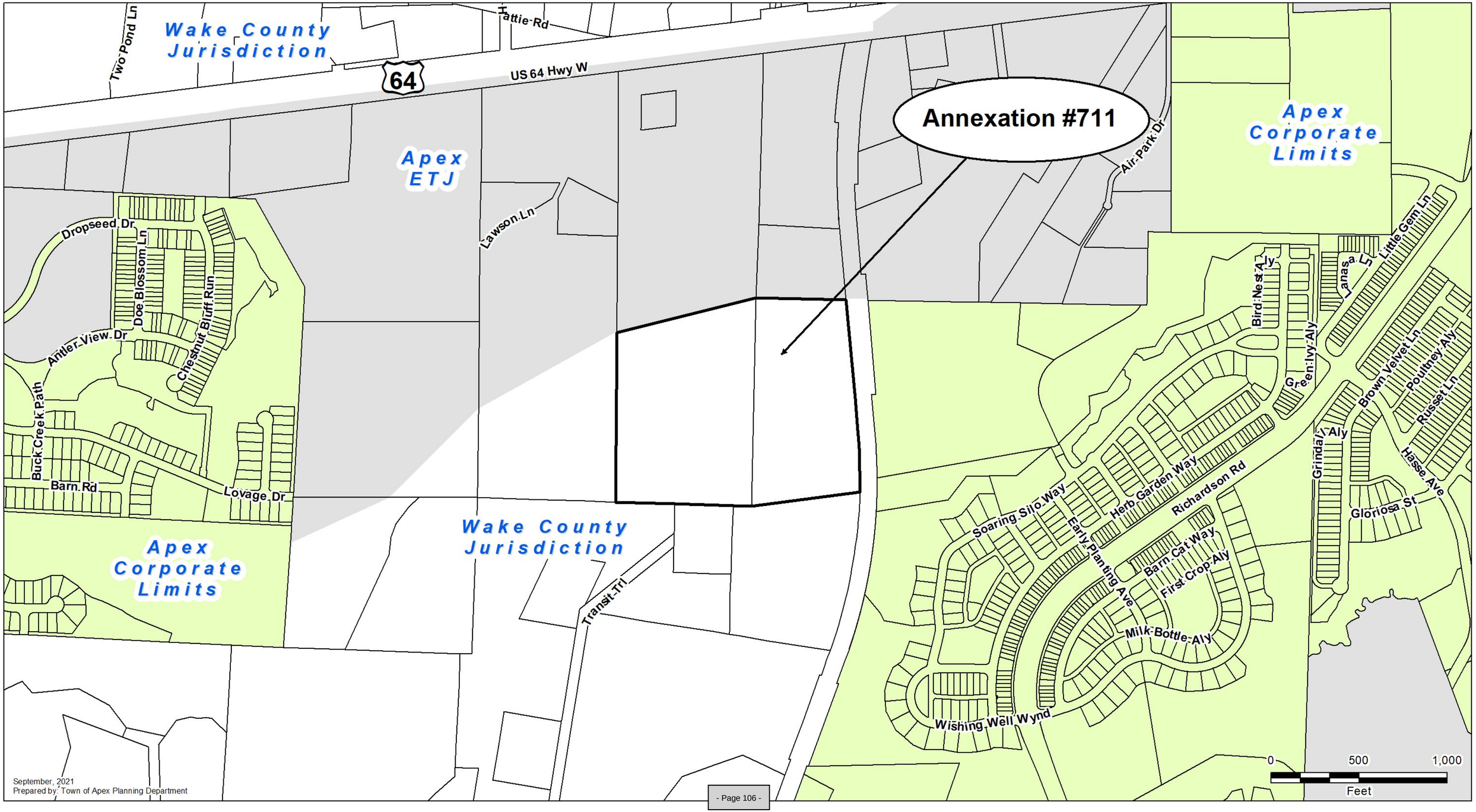
SATELLITE ANNEXATION MAP for the TOWN OF APEX

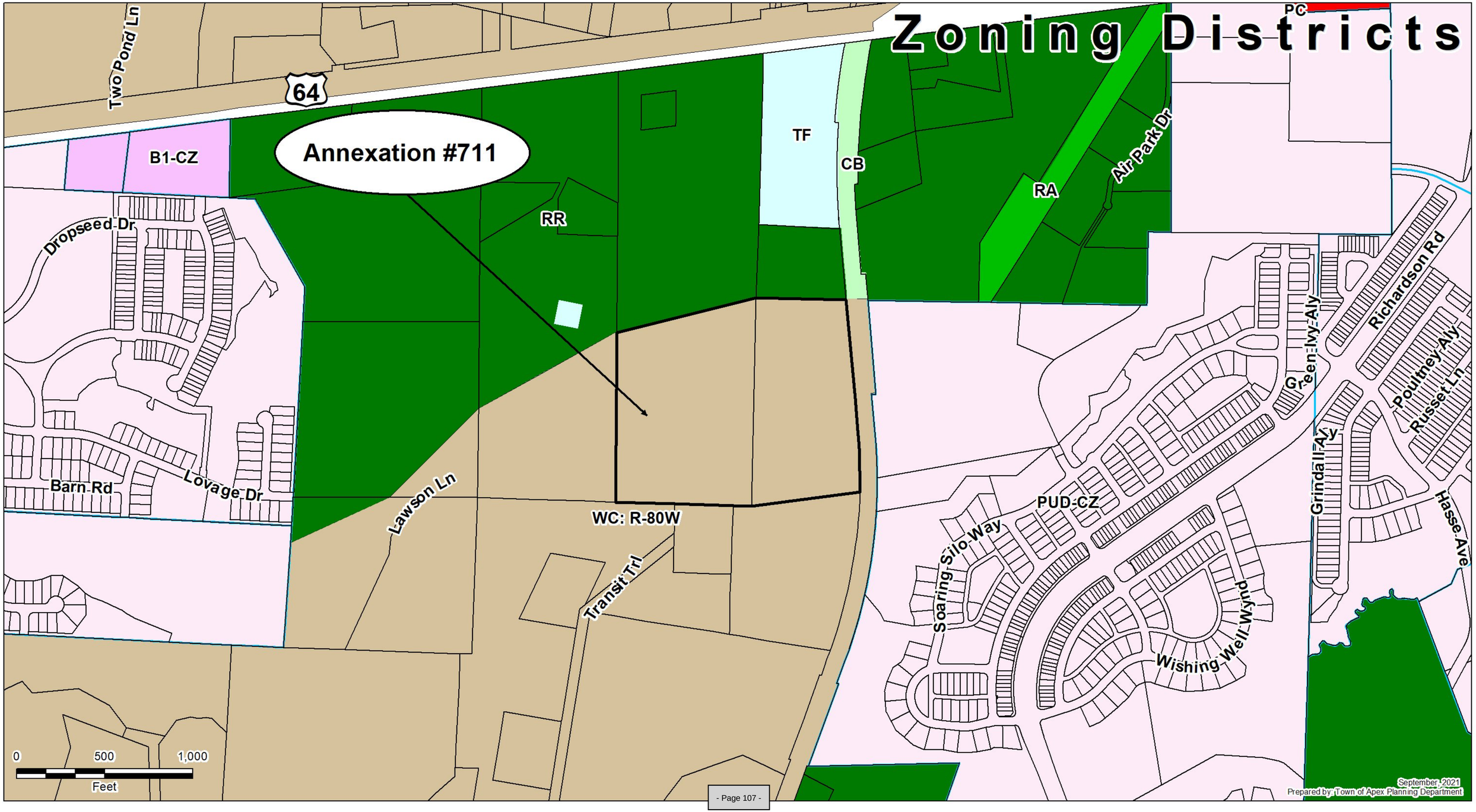
DEANNAS DOWRY, LLC
JOHN W. LONG and FAYE C. LONG

TOWNSHIP: WHITE OAK	COUNTY: WAKE	STATE: NORTH CAROLINA
R-80W (PER GIS)	PIN Nos. 0722040381 and 0722037373	

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


Annexation #711
US 64 Hwy W
64
Deer Creek
Chestnut Bluff Run
Lawson Ln
Air Park Dr
Bird Nest Aly
Green Ivy Aly
Smith Farm
Herb Garden Way
Richardson Rd
Barn Cat Way
Soaring Silo Way
Early Planting Ave
Milk Bottle Aly
Wishing Well Wynd
Grindall Aly
Lovage Dr
Transit Trl
0
500
1,000
Feet
September 2021
January 2021 Aerial Photography
Prepared by Town of Apex Planning Department


Annexation #711
Wake County Jurisdiction
Apex ETJ
Apex Corporate Limits
Wake County Jurisdiction
Apex Corporate Limits
US 64 Hwy W
64
Hattie Rd
Two Pond Ln
Lawson Ln
Air Park Dr
Transit Trl
Dropseed Dr
Doe Blossom Ln
Chestnut Bluff Run
Antler View Dr
Buck Creek Path
Barn Rd
Lovage Dr
Bird Nest Aly
Lanasa Ln
Little Gem Ln
Green Ivy Aly
Brown Velvet Ln
Poultrey Aly
Russet Ln
Grinda Aly
Hasse Ave
Gloriosa St
Richardson Rd
Herb Garden Way
Soaring Silo Way
Early Planting Ave
Barn Cat Way
First Crop Aly
Milk Bottle Aly
Wishing Well Wynd
0
500
1,000
Feet
September, 2021
Prepared by: Town of Apex Planning Department


Zoning Districts
Annexation #711
Two Pond Ln
64
B1-CZ
TF
CB
RR
RA
Air Park Dr
PC
Dropseed Dr
Barn Rd
Lovage Dr
Lawson Ln
WC: R-80W
Transit Trl
PUD-CZ
Soaring Silo Way
Wishing Well Wynd
Green Ivy Aly
Grindall Aly
Richardson Rd
Poultney Aly
Russet Ln
Hasse Ave
0
500
1,000
Feet
September 2021
Prepared by: Town of Apex Planning Department

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. (R-80W) to Planned Unit Development – Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The property to be rezoned is identified as PINs 0722040381, 0722037373, and 0712949922.

Attachments

- Vicinity Map
- Application

Rezoning #21CZ12
Pinefield Rd
Tattie Rd
US 64 Hwy W
64
64
Lawson Ln
Air Park Dr
Deck Air Park
Sweetwater
Smith Farm PUD
Chestnut Bluff Run
Deer Creek
Lovage Dr
Soaring Silo Way
Early Planting Ave
Richardson Rd
Barn Cat Way
Grindall Aly
0
500
1,000
Feet
July 2021
May 2021 Aerial Photography
Prepared by Town of Apex Planning Department

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: 2021-002(NW) Rezoning Case #21CZ02 Submittal Date: 5/3/21

Fee Paid $3310.00 TIA $1000 PUD 2110.00 Check # Visa

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Legacy

Address(es): 3601 US 64 HWY W, 0 Olive Chapel Road, and 3609 US 64 HWY W

PIN(s) 0722040381, 0722037373, 0712949922,

Acreage: 60.97 +/-

Current Zoning: Rural Residential, R-80 W Proposed Zoning: PUD CZ

Current 2045 LUM Designation: North:Mixed Use,Comm.,O&I,High Density Res.,South Low Density Res.

Requested 2045 LUM Designation: North:Mixed Use,Comm.,O&I,High Density Res.,South Low Density Res.

See next page for LUM amendment

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

Area classified as mixed use: Acreage: 30.99

Area proposed as non-residential development: Acreage: 5.35

Percent of mixed use area proposed as non-residential: Percent: 17.3%(including 10 ac. Tee 2 Green)

Applicant Information

Name: GCI Acquisitions LLC ATTN: Ryan Linker

Address: 25101 Chagrin Blvd. Suite #300

City: Beachwood State: Ohio Zip: 44122

Phone: 216-644-5992 E-mail: rlinker@goldbergcompanies.com

Owner Information

Name: Deannas Dowry,LLC (John H Bryson III, Susan Yates), John William and Faye Long, Joel and Christiane Bond

Address: 3601 US 64 HWY W, 0 Olive Chapel Rd, 3609 US 64 HWY W

City: Apex State: NC Zip: 27523

Phone: 804-922-0305;919-880-6944;919-810-2298 E-mail: jbryson@openplan;Johnlong1@prodigy.net;joelbond@gmail.com

Agent Information

Name: GCI Acquisitions LLC ATTN: Ryan Linker

Address: 25101 Chagrin Blvd. Suite #300

City: Beachwood State: Ohio Zip: 44112

Phone: 216-644-5992 E-mail: rlinker@goldbergcompanies.com

Other contacts: Contact Person: Glenda Toppe 919-605-7390 glenda@gstplanning.com

Ed Tang 919-369-0125 etang@withersravenell.com,

Travis Fluitt 919-653-2948 Travis.Fluitt@kimley-horn..com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 2021-002 Submittal Date: 5/3/21

2045 LAND USE MAP AMENDMENT (if applicable)

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

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

South of US 64 HWY W and North Olive Chapel Road

Current 2045 Land Use Classification: North:Mixed Use,Comm.,O&I,High Density Res.,South Low Density Res.

Proposed 2045 Land Use Classification: North:Mixed Use,Comm.,O&I,High Density Res.,South Low Density Res.

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

There is an amendment proposed to the 2045 Land Use Plan Map. The proposed PUD shifts the line for the Low Density Residential component of the Plan slightly to the . south. This is due to topographic features and the proposed road configuration. This revision also reduces the number of single-family detached homes, thus minimizing the impact on Wake County Public School System.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 2021-002 Submittal Date: 5/3/21

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

	Owner's Name	PIN
1.	See Attached List.	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 4/29/2021 By: Glenda S. Tappe

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Geraldine Guillory, a Notary Public for the above State and County, on this the 29th day of April, 2021.

Geraldine Guillory
Notary Public

Geraldine Guillory
Print Name

SEAL

GERALDINE GUILLORY
MY COMMISSION EXPIRES
NOTARY
PUBLIC
OCTOBER 31, 2024
WAKE COUNTY, NC

My Commission Expires: 10-31-2024

2021-002

CLEMENT, MARTHA S
3200 OLIVE CHAPEL RD
APEX NC 27502-6785

BOND, JOEL BOND, CRISTIANE
3609 US 64 HWY W
APEX NC 27523-8448

SLOVER, SARAH J
327 E PARK ST
CARY NC 27511-3518

CLEMENT, MARTHA S
3200 OLIVE CHAPEL RD
APEX NC 27502-6785

SHELTON PROPERTY INVESTMENTS LLC
2701 WEAVER HILL DR
APEX NC 27502-6548

POLLOCK, AARON L
POLLOCK, CAROLINA W
1521 FLYING HAWK RD
APEX NC 27523-7858

NC DEPARTMENT OF TRANSPORTATION
PO BOX 25201
RALEIGH NC 27611-5201

LENNAR CAROLINAS, LLC
1100 PERIMETER PARK DR STE 112
MORRISVILLE NC 27560-9119

GOODWIN, LILIJA B
GOODWIN, CALVIN LEE
1812 LAWSON LN
APEX NC 27502-9324

NC DEPARTMENT OF TRANSPORTA-TION
PO BOX 1067
ABERDEEN NC 28315-1067

BRANTON, CHARLES J
3608 US 64 HWY W
APEX NC 27523-8447

LONG, JOHN WILLIAM
LONG, FAYE C
314 NC HIGHWAY 751
APEX NC 27523-5491

SHELTON PROPERTY INVESTMENTS LLC
2701 WEAVER HILL DR
APEX NC 27502-6548

EVERETT, JOSEPH MCNEILL
EVERETT, PHYLLIS JANE
1421 FLYING HAWK RD
APEX NC 27523-7856

LENNAR CAROLINAS, LLC
1100 PERIMETER PARK DR STE 112
MORRISVILLE NC 27560-9119

GRAYDON HOLDINGS LLC
1734 REGATTA DR
FERNANDINA BEACH FL 32034-5534

GOODWIN, CALVIN L<
GOODWIN, RENA F
1621 LAWSON LN
APEX NC 27502-8595

LAWRENCE, JUSTIN MARKHAM
LAWRENCE, BASWELL H
1007 JAMES ST
APEX NC 27502-2137

CLEMENT, JOHN M JR
CLEMENT, JUDY S
1801 TRANSIT TRL
APEX NC 27502-8506

DEANNAS DOWRY LLC
10203 MAREMOUNT DR
RICHMOND, VA 23233

MCHUGH, JUDY B
3557 HERBERT FAUCETTE RD
BULLOCK NC 27507-9320

ROBACK, DONALD MICHAEL KENNY, MARIA ANN
1505 FLYING HAWK RD
APEX NC 27523-7858

LENNAR CAROLINAS, LLC
1100 PERIMETER PARK DR STE 112
MORRISVILLE NC 27560-9119

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 2021-002 Submittal Date: 5/3/21

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 2021-002 Submittal Date: 5/3/21

Proposed Subdivision/Development Information

Description of location: South of US 64 HWY W, West of the ATT and North of Olive Chapel Road

Nearest intersecting roads: Lawson Lane and US 64 HWY W

Wake County PIN(s): 0712949922, 0722040381, 0722037373

Township: White Oak

Contact Information (as appropriate)

Contact person: Glenda Toppe, AICP Glenda S. Toppe & Associates

Phone number: 919-605-7390 Fax number:

Address: 4139 Gardenlake Drive Raleigh, NC 27612

E-mail address: glenda@gstplanning.com

Owner: Deannas Dowry,LLC(John H Bryson III Susan Yates),John William & Faye Long, Joel & Cristiane Bond

Phone number: Fax number:

Address: 10203 Maremount Dr. Richmond, VA; 314 NC Highway 751, Apex, NC; 3609 US 64 HWY W Apex, NC

E-mail address:

Proposed Subdivision/Development Name

1st Choice: Legacy

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 2021-002 Submittal Date: 5/3/21

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

3609 and 3601 US 64 HWY W, 0 Olive Chapel Road

(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.

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER:	GCI Acquisitions LLC	TOWN OF APEX	
BY:	Ryan Linker Authorized Agent	BY:	Authorized Agent
DATE:	4-20-21	DATE:	

AFFIDAVIT OF OWNERSHIP

Application #: 2021-002 Submittal Date: 5/3/21

The undersigned, GCI Acquisitions LLC, Ryan Linker (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 3601 US 64 HWY W and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. 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 21st day of April, 2021.

Ryan Linker ~~(seal)~~

RYAN LINKER

Type or print name

STATE OF ~~NORTH CAROLINA~~ OHIO
COUNTY OF Cuyahoga

I, the undersigned, a Notary Public in and for the County of Cuyahoga, hereby certify that Ryan Linker, 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.

Allison Brown
Notary Public
Recorded in Cuyahoga County
My Commission Expires
December 1st, 2021
[NOTARY SEAL]

Allison Brown
Notary Public
State of ~~North Carolina~~ OHIO
My Commission Expires: 12/1/2021

AGENT AUTHORIZATION FORM

Application #: 2021-002 Submittal Date: 5/3/21

John William and Faye Long is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Olive Chapel Road

The agent for this project is: GCI Acquisitions LLC, Ryan Linker

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

Agent Name: GCI Acquisitions LLC, Ryan Linker

Address: 25101 Chagrin Blvd. Suite #300 Beachwood, Ohio 44112

Telephone Number: 216-644-5992

E-Mail Address: rlinker@ goldbergcompanies.com

Signature(s) of Owner(s)*

John W Long — Date: April 22 2021

Type or print name: John W. Long

Faye C. Long — Date: 4-22-21

Type or print name: Faye C. Long

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 #: 2021-002 Submittal Date: 5/3/21

The undersigned, GCI Acquisitions LLC, Ryan Linker (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Olive Chapel Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, 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 26 day of April, 2021.

Ryan Linker ~~(seal)~~

RYAN LINKER

Type or print name

STATE ~~OF NORTH CAROLINA~~ Ohio
COUNTY OF Cuyahoga

I, the undersigned, a Notary Public in and for the County of Cuyahoga, hereby certify that Ryan Linker, 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.

Allison Brown
Notary Public
Recorded in Cuyahoga County
My Commission Expires
December 1st, 2021

[NOTARY SEAL]

Allison Brown
Notary Public
State of ~~North Carolina~~ Ohio
My Commission Expires: 12-1-2021

AGENT AUTHORIZATION FORM

Application #: 2021-002 **Submittal Date:** 5/3/21

Joel and Christiane Bond 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: 3609 US 64 HWY W

The agent for this project is: GCI Acquisitions LLC, Ryan Linker

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

Agent Name: GCI Acquisitions LLC, Ryan Linker

Address: 25101 Chagrin Blvd. Suite #300 Beachwood, Ohio 44112

Telephone Number: 216-644-5992

E-Mail Address: rlinker@ goldbergcompanies.com

Signature(s) of Owner(s)*

Joel C. Bond — dotloop verified 04/21/21 1:42 PM EDT RJ1K-NN39-E2OP-R1V4

Joel Bond

Type or print name — Date

Cristiane Beth Houston Bond — dotloop verified 04/21/21 1:24 PM EDT 9TY0-ZDQJ-KKTE-OOM6

Christiane Bond

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 #: 2021-002 Submittal Date: 5-3-21

The undersigned, GCI Acquisitions LLC, Ryan Linker (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 3609 US 64 HWY W and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. 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 26 day of April, 2021.

Ryan Linker -(seal)

RYAN LINKER

Type or print name

STATE OF ~~NORTH CAROLINA~~ Ohio
COUNTY OF Cuyahoga

I, the undersigned, a Notary Public in and for the County of Cuyahoga, hereby certify that Ryan Linker, 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.

Allison Brown
Notary Public
Recorded in Cuyahoga County
My Commission Expires
December 1st, 2021
[NOTARY SEAL]

Allison Brown
Notary Public
State of ~~North Carolina~~ Ohio
My Commission Expires: 12-1-2021

AGENT AUTHORIZATION FORM

Application #: 2021-002 **Submittal Date:** 5-3-21

Deannas Dowry,LLC John H. Bryson III Susan Yates **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: 3601 US 64 HWY W

The agent for this project is: GCI Acquisitions LLC, Ryan Linker

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

Agent Name: GCI Acquisitions LLC, Ryan Linker

Address: 25101 Chagrin Blvd. Suite #300 Beachwood, Ohio 44112

Telephone Number: 216-644-5992

E-Mail Address: rlinker@ goldbergcompanies.com

Signature(s) of Owner(s)*

Carol W. Bryson — dotloop verified 04/21/21 12:23 PM EDT

Carol Bryson-Manager

Type or print name **Date**

Type or print name **Date**

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 2021-002 Submittal Date: 5-3-21

The undersigned, GCI Acquisitions LLC, Ryan Linker (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 3601 US 64 HWY W and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. 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 21st day of April, 2021.

Ryan Linker ~~(seal)~~

RYAN LINKER

Type or print name

STATE OF ~~NORTH CAROLINA~~ OHIO
COUNTY OF Cuyahoga

I, the undersigned, a Notary Public in and for the County of Cuyahoga, hereby certify that Ryan Linker, 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.

Allison Brown
Notary Public
Recorded in Cuyahoga County
My Commission Expires
December 1st, 2021
[NOTARY SEAL]

Allison Brown
Notary Public
State of ~~North Carolina~~ OHIO
My Commission Expires: 12/1/2021

Application #: 2021 · 002 Submittal Date: 5-3-21

Insert legal description below.

AS SURVEYED
LEGAL DESCRIPTION

TRACT 1 LEGAL DESCRIPTION (PIN NO. 0712949922) JOEL BOND AND CHRISTIANE BOND

BEGINNING AT A NEW IRON PIPE LOCATED ON THE SOUTHERN RIGHT OF WAY OF US HWY 64 AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; SAID IRON PIPE ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND OWNED BY DEANNAS DOWRY, LLC, DEED BOOK 13139, PAGE 920 AND BOOK OF MAPS 2004, PAGE 1409, WAKE COUNTY REGISTRY. THENCE LEAVING SAID RIGHT OF WAY, SOUTH 43°21'40" EAST, 185.73' TO AN EXISTING IRON PIPE, SAID PIPE BEING THE TRUE POINT AND PLACE OF BEGINNING, THENCE NORTH 82°57'52" EAST, 200.03' TO AN EXISTING IRON PIPE, THENCE SOUTH 00°42'10" WEST, 199.45' TO AN EXISTING IRON PIPE, THENCE SOUTH 82°49'09" WEST, 199.93' TO AN EXISTING IRON PIPE, THENCE NORTH 00°39'15" EAST, 199.94' TO AN EXISTING IRON PIPE, THE TRUE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 0.908 ACRES (39,567 SF), MORE OR LESS.

TRACT 2 LEGAL DESCRIPTION (PIN NO. 0722040381) DEANNAS DOWRY, LLC

BEGINNING AT A NEW IRON PIPE LOCATED ON THE SOUTHERN RIGHT OF WAY OF US HWY 64 AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; SAID IRON PIPE ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND OWNED BY DEANNAS DOWRY, LLC, DEED BOOK 13139, PAGE 920 AND BOOK OF MAPS 2004, PAGE 1409, WAKE COUNTY REGISTRY. THENCE NORTH 82°58'49" EAST, 828.63' TO A NEW IRON PIPE, THENCE SOUTH 01°36'41" WEST, 79.80' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°36'41" WEST, 893.94' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°57'07" WEST, 417.11' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°41'50" WEST, 1,184.25' TO AN EXISTING IRON PIPE, THENCE NORTH 88°22'09" WEST, 96.90' TO AN EXISTING IRON PIPE, THENCE NORTH 88°06'17" WEST, 329.76' TO AN EXISTING IRON PIPE, THENCE NORTH 88°07'13" WEST, 346.86' TO AN EXISTING IRON PIPE, THENCE NORTH 00°38'28" EAST, 1,431.61' TO AN EXISTING IRON PIPE, THENCE NORTH 00°35'23" EAST, 74.24' TO AN EXISTING IRON PIPE, THENCE NORTH 00°39'29" EAST, 186.13' TO AN EXISTING IRON PIPE, THENCE NORTH 00°38'23" EAST, 755.82' TO A NEW IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 45.963 ACRES (2,002,141 SF), MORE OR LESS.

TRACT 3 LEGAL DESCRIPTION (PIN NO. 0722037373) JOHN WILLIAM LONG AND FAYE C. LONG

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT OF WAY OF THE AMERICAN TOBACCO TRAIL AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 722,806.09', E: 2,021,093.03'; SAID IRON PIPE ALSO BEING THE NORTHEAST CORNER OF THAT PARCEL OF LAND OWNED BY MARTHA S. CLEMENT, DEED BOOK 2819, PAGE 423 AND BOOK OF MAPS 1980, PAGE 239, WAKE COUNTY REGISTRY. THENCE SOUTH 83°14'18" WEST, 625.41' TO AN EXISTING IRON PIPE, THENCE NORTH 01°41'50" EAST, 1,184.25' TO AN EXISTING IRON PIPE, THENCE SOUTH 88°56'40" EAST, 508.89' TO AN EXISTING IRON PIPE, THENCE SOUTH 04°52'38" EAST, 747.81' TO A POINT, THENCE SOUTH 04°32'44" EAST, 99.12' TO A POINT, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2,814.96', AN ARC LENGTH OF 256.96', AND A CHORD BEARING AND DISTANCE OF SOUTH 01°16'55" EAST, 256.87' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 15.000 ACRES (653,417 SF), MORE OR LESS.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

December 2, 2020
Date

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

3609 and 3601 US 64 HWY W, 0 Olive Chapel Rd — Address(es)

PIN 0712949922,0722040381,0722037373 — PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
The proposed rezoning is a PUD that includes a Village Center with a variety of nonresidential uses along with mulit-family and single-family uses. The request complies with the 2045 Land Use Plan Map.

Estimated submittal date: January 4, 2021

MEETING INFORMATION:

Property Owner(s) name(s):	Long, Dowry, Bond
Applicant(s):	GCI Acquisitions LLC
Contact information (email/phone):	Glenda Toppe, glenda@gstplanning.com, 919-605-7390
Electronic Meeting invitation/call in info:	If you are interested in attending the meeting,contact Ryan Linker by email by 5:00 PM on Tuesday, December 15. His email is rlinker@goldbergcompanies.com.
Date of meeting**:	Wednesday, December 16, 2020
Time of meeting**:	5:30 pm - 7:30 pm

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

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

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: Legacy Zoning: PUD CZ

Location: 3609 and 3601 US 64 HWY W, and 0 Olive Chapel Road

Property PIN(s): 0712949922,0722040381,0722037373 Acreage/Square Feet: 60.97 acres

Property Owner: Bond, Dowry, Long

Address: 3609 US 64 W, 4000 Green Level West Rd., 314 NC Highway 751

City: Apex State: NC Zip: 27523

Phone: Email:

Developer: GCI Acquisitions LLC

Address: 25101 Chagrin Blvd. Suite #300

City: Beachwood State: Ohio Zip: 44122

Phone: 216.831.6100 Fax: 216.831.2745 Email: rlinker@goldbergcompanies.com

Engineer: Ed Tang, PE

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: 919.238.0338 Fax: Email: etang@withersravenel.com

Builder (if known): GCI Acquisitions LLC

Address: 25101 Chagrin Blvd. Suite #300

City: Beachwood State: Ohio Zip: 44122

Phone: 919.238.0338 Fax: 216.831.2745 Email: rlinker@goldbergcompanies.com

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

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470

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

Trash:	James Misciagno	919-372-7470

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

Temporary Sediment Basins:	James Misciagno	919-372-7470

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

Electric Utility Installation:	Rodney Smith	919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Electronic virtual meeting

Date of meeting: Dec. 16, 2020 Time of meeting: 5:30 pm-7:30 pm

Property Owner(s) name(s): Bond, Dowry, Long

Applicant(s): GCI Acquisitions LLC rlinker@goldbergcompanies.com

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Joel & Cristiane Bond	3606 US HWWY 64 W Apex	[redacted]		Yes
2.	John & Faye Long	314 NC HWY 751 Apex			
3.					
4.	Edward "Brad" Bradshaw	500 New Hill-Olive Chapel Rd			
5.	Kip Clement				Yes
6.	Chris Goodwin	1453 Tody Goodwin Rd			
7.	Jim Clark	115 MacKenan Drive Cary			
8.	Ryan Linker	25101 Chagrin Blvd Beachwood OH			
9.	Travis Fluitt	421 Fayetteville St Ste 600 Ral.			
10.	Ian Stuart	25101 Chagrin Blvd Beachwood OH			
11.	Glenda Toppe	4139 Gardenlake Drive Ral			
12.	Charles Zevenhuizen	Barker Realty			
13.	Evan Vlaeminck	2510Chagrin Blvd BeachwoodOH			
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Bond, Dowry, Long

Applicant(s): GCI Acquisitions LLC

Contact information (email/phone): Glenda S. Toppe glenda@gstplanning.com 919-605-7390

Meeting Format: Electronic virtual meeting

Date of meeting: Dec. 16, 2020 Time of meeting: 5:30 pm - 7:30 pm

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

Question/Concern #1:
Are the arrows shown connection points. Property owner immediately to the south of the project.

Applicant's Response:
Yes, the dashed lines are potential roads.Not approved yet. Any road would would be extended to your property line, but not further. Then if you choose to develop your property, the road could continue in the future.

Question/Concern #2:
Resident asked if there will be a greenway connection to the American Tobacco Trail.

Applicant's Response:
The Town's Greenway Plan envisions a connection to the American Tobacco Trail, but the specifics have not been determined. Glenda Toppe offered to send a copy of the Master Plan and suggested Angela Reincke.

Question/Concern #3:
There was a question about the type of buffer required along the southern property line.

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Glenda Tappe, do hereby declare as follows:
Print Name

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

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

3. The meeting was conducted via Electronic virtual (indicate format of meeting) on Dec. 16, 2020 (date) from 5:30 pm (start time) to 7:30 pm (end time).

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

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

4/29/2021
Date

By: Glenda A. Tappe

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Geraldine Guillory, a Notary Public for the above State and County, on this the 29 day of April, 20 21.

SEAL

Geraldine Guillory
Notary Public

Geraldine Guillory
Print Name

My Commission Expires: 10.31.2024

GERALDINE GUILLORY
MY COMMISSION EXPIRES
NOTARY PUBLIC
OCTOBER 31, 2024
WAKE COUNTY, NC

GLENDA S. TOPPE & ASSOCIATES
LAND PLANNING, ZONING & ENTITLEMENT CONSULTANTS

December 2, 2020

Dear Property Owner,

The purpose of this letter is to invite you to a neighborhood meeting to discuss a rezoning in Apex. Attached you will find a vicinity map of the property. The name the development is Legacy Apex. The size of the project is approximately 60.97acres. The current zoning is Rural Residential (RR Apex) and Residential-80 Watershed (R-80 W Wake County). The portion of the property located in Wake County will need to be annexed. The proposed zoning is Planned Unit Development Conditional Zoning (PUD-CZ).

The properties are located at 3609 US 64 HWY W, 3601 US 64 HWY W, and 0 Olive Chapel Road. The accompanying PINS are 0712949922, 0722040381, and 0722037373.

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. The proposed development includes a Village Center which will include a mix of non-residential uses, along with multi-family and single-family uses. The request complies with the adopted Apex 2045 Land Use Plan Map.

The applicant is GCI Acquisitions LLC. We are estimating a submittal date for the rezoning of January 4, 2021.

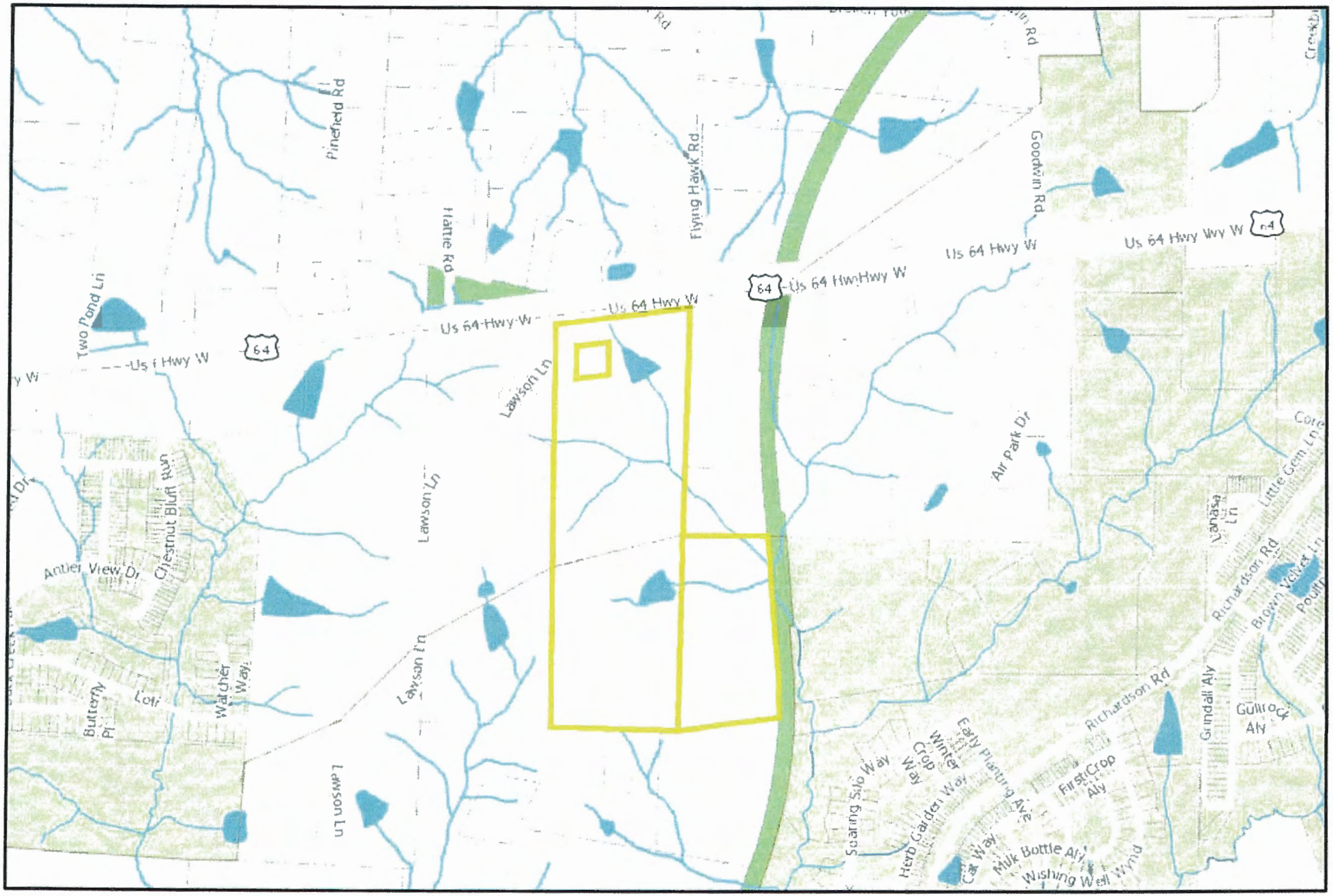
Due to Covid19 Virus, we will be holding a virtual meeting. **The date for the virtual meeting is Wednesday, December 16, 2020 from 5:30 pm - 7:30 pm.**

If you are interested in attending the virtual meeting, please send Ryan Linker with GCI Acquisitions an email by **Tuesday at 5:00 pm on December 15** requesting a meeting invite. Upon request, Ryan will send you a link for a virtual meeting held either on Zoom or Microsoft Teams. Ryan's email address is: rlinker@goldbergcompanies.com.

If you have any questions, please call or email Glenda Toppe.

Thank you.

Glenda Toppe, AICP
Glenda S. Toppe & Associates
glenda@gstplaning.com
919-605-7390



Bond, Long and Dowry Vicinity Map

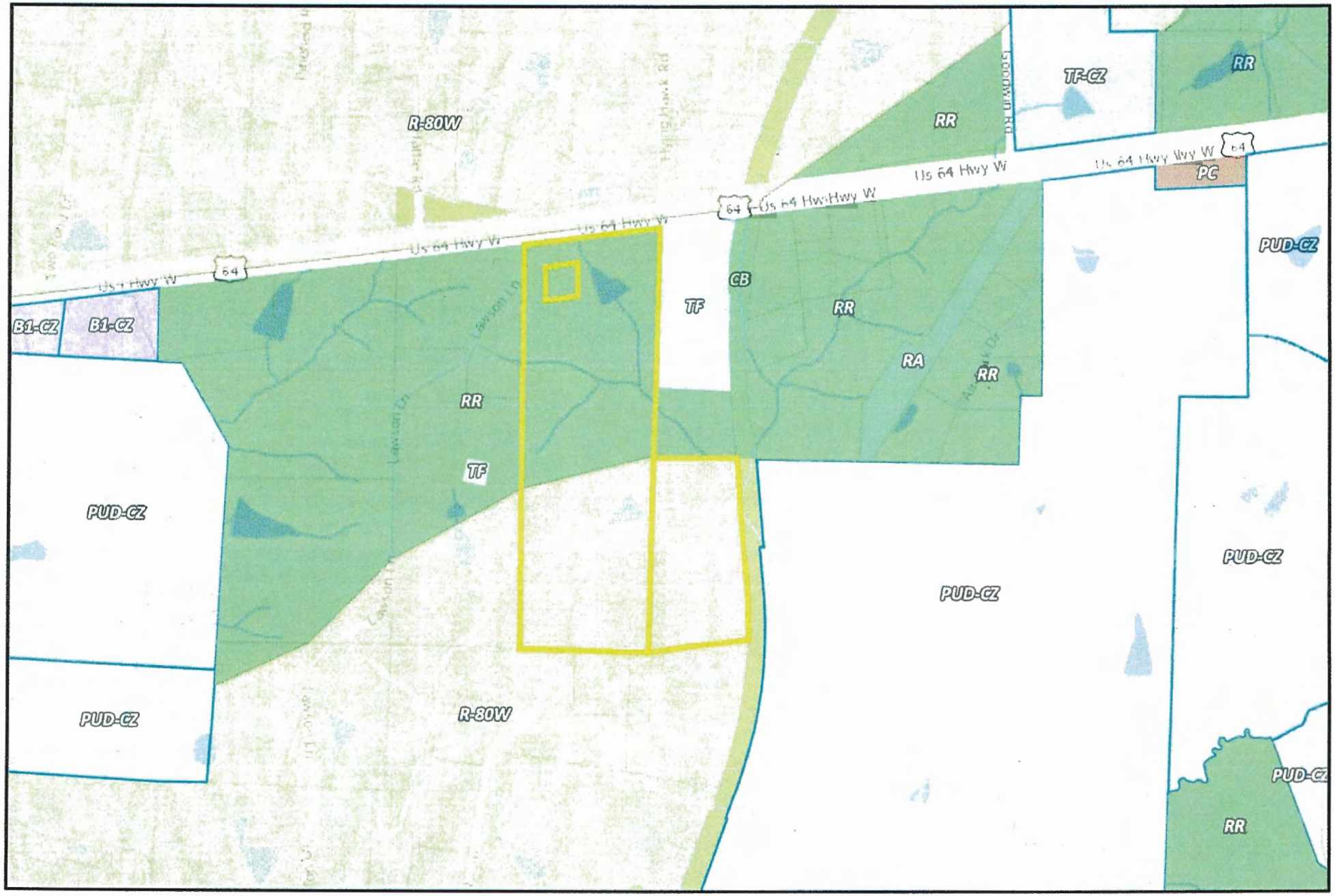
N

0 425 850 1,700 ft

1 inch = 800 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



Zoning: Apex RR; Wake Co. R-80 W

N

0 425 850 1,700 ft

1 inch = 800 feet

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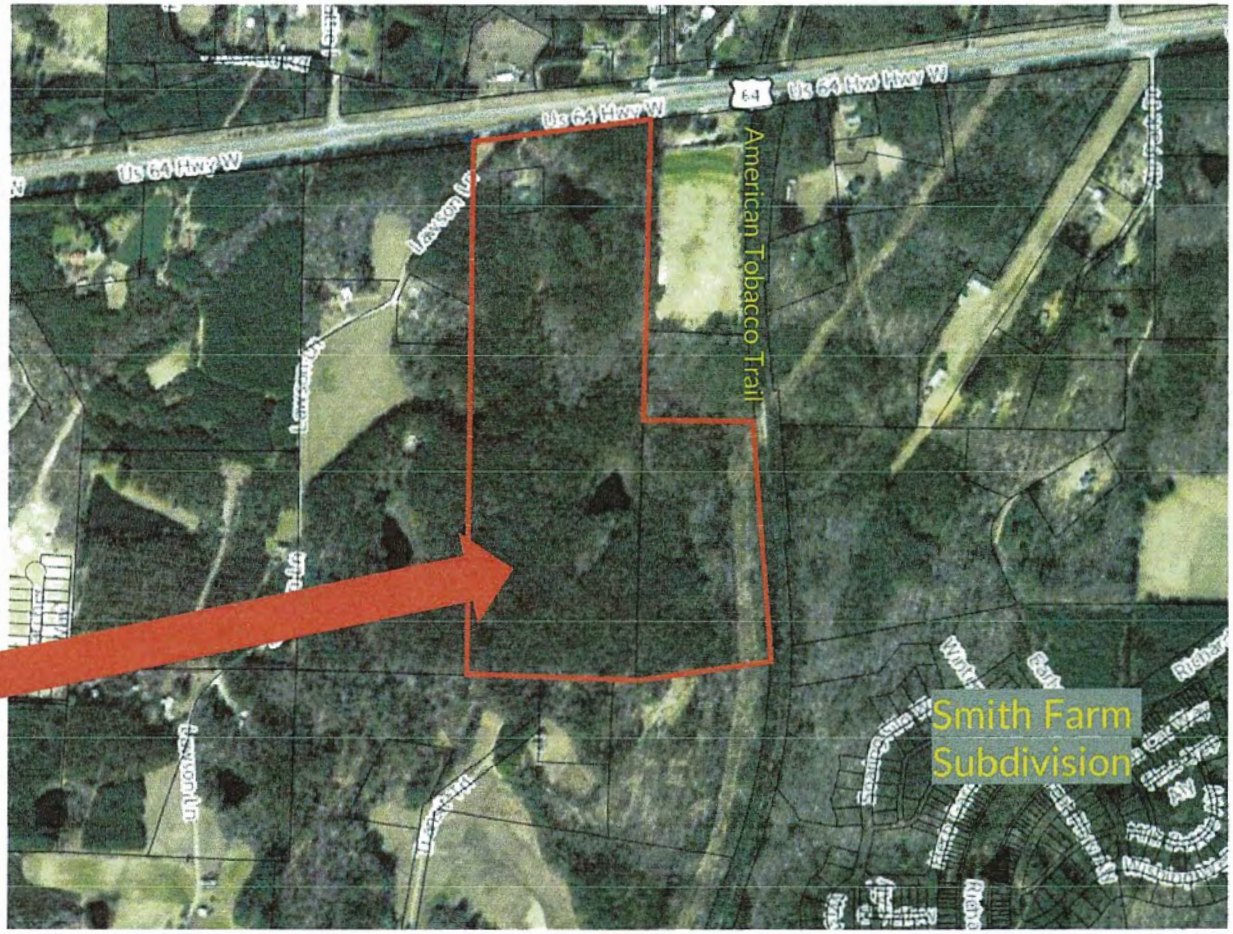
C-1
MF-1
SF-1
Us 64 Hwy W
Us 64 Hwy W
Us 64 Hwy W
Us 64 Hwy W
Us 64 Hwy
64
Lawson Ln
Lawson Ln
Lawson Ln
Lawson Ln
Richardson Rd
Richardson Rd
Goodwin Rd
Goodwin Rd
Broker York Rd
Sylva Heights Rd
Hunter Rd
Hunter Rd
Hunter Rd
Hunter Rd
Ivy Ridge Dr
Ivy Ridge Dr
Ivy Ridge Dr

Site Location

Rezoning Area
61 acres

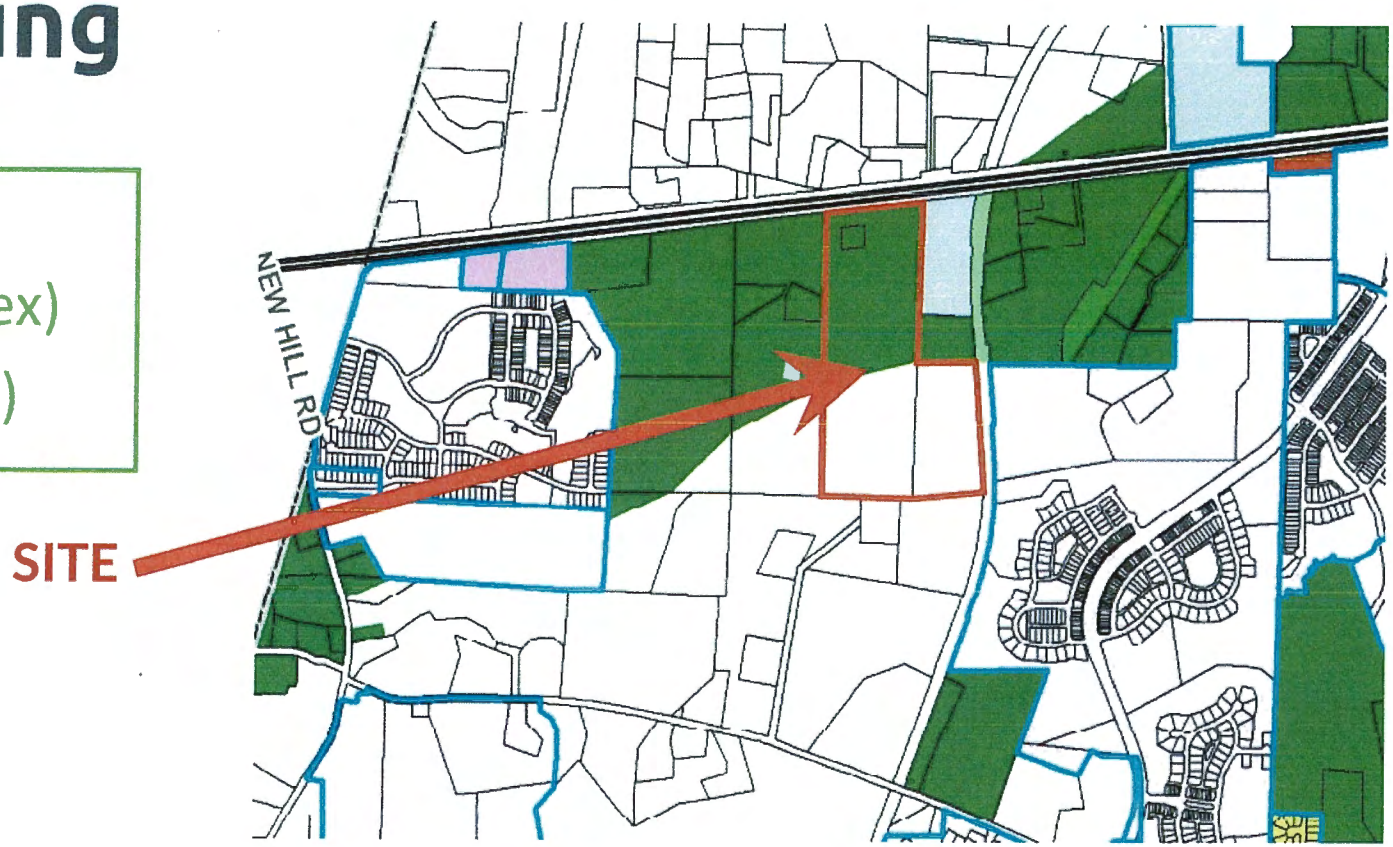


WithersRavenel
Our People. Your Success.

Existing Zoning

Base Zoning:

- Rural Residential (Apex)
- R-80W (Wake County)

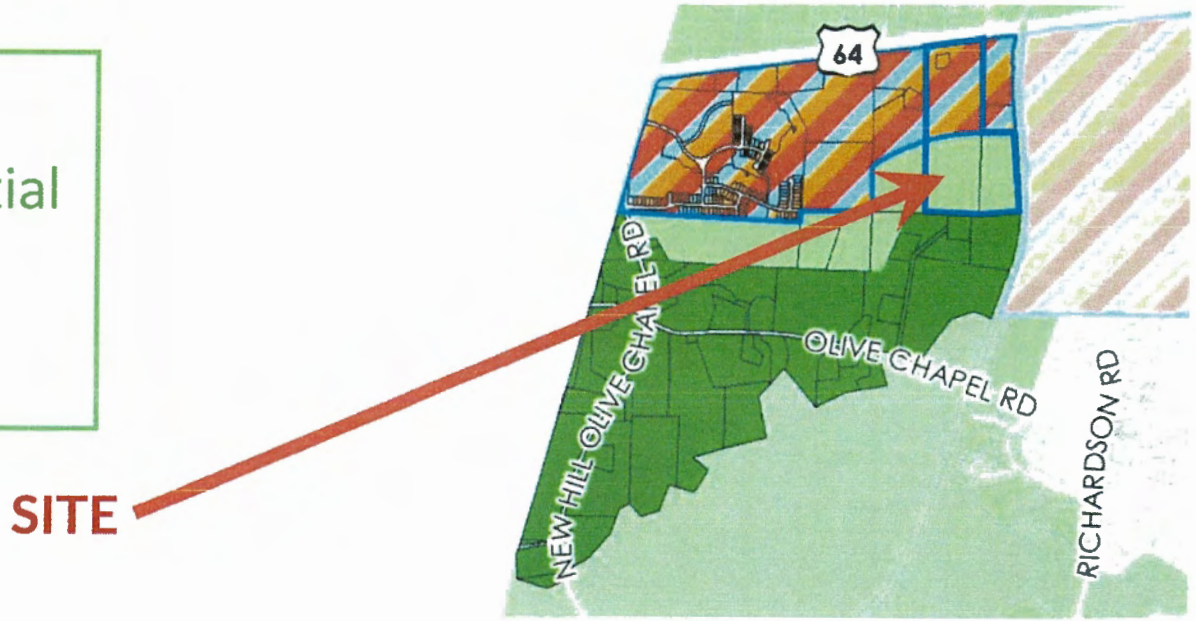


Town of Apex
Future Land Use Map

Destination Center

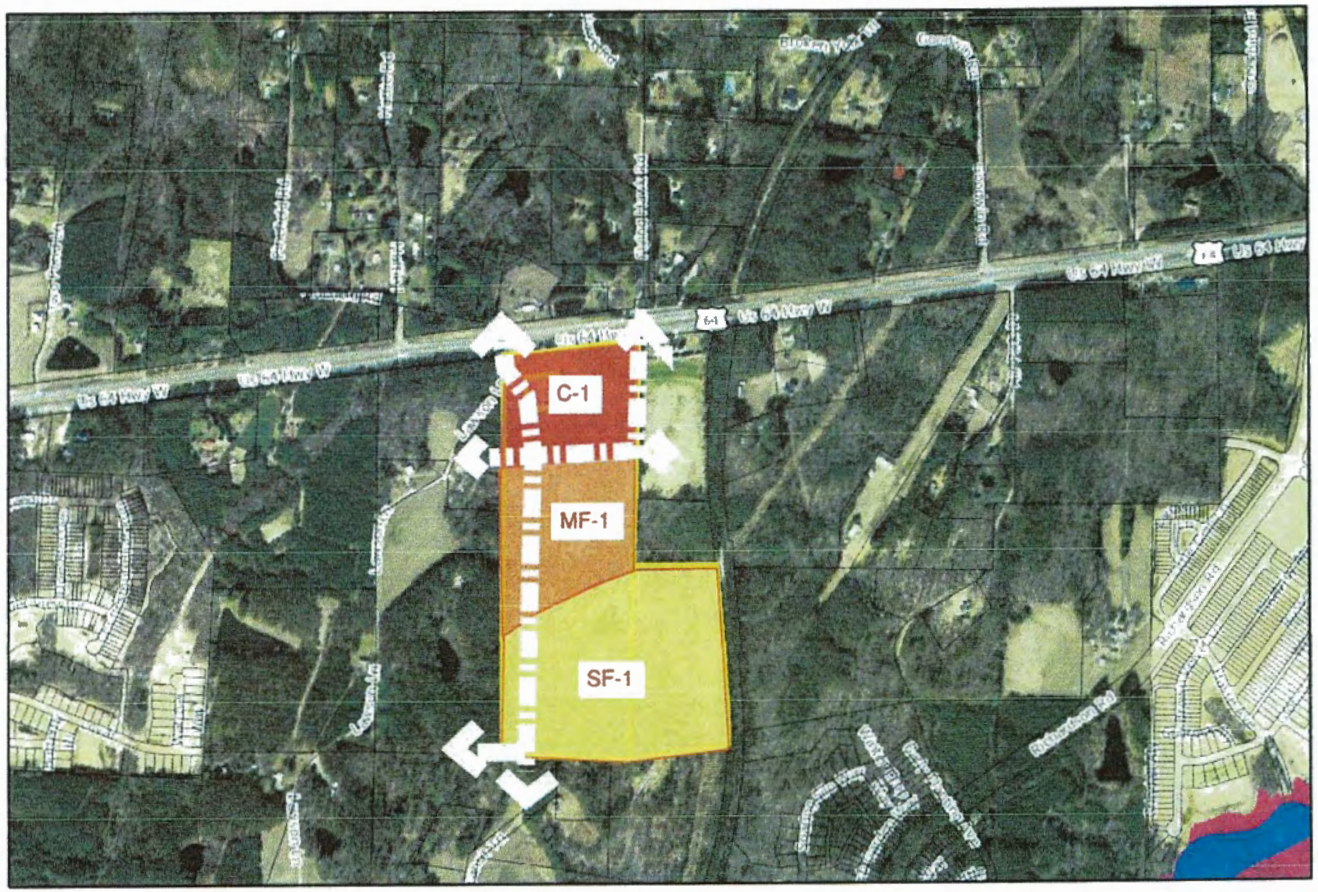
- Low/High Density Residential
- Office Employment
- Commercial Services

2045 Land Use Map:



Plan Unit Development (PUD)

Legend:
- C-1: Commercial
- MF-1: Multi-Family
- SF-1: Single Family/ Townhomes/Duplex



GCI Apex Site

CONCEPTUAL PUD PLAN

N

0 425 850 1,700 ft

1 inch = 800 feet

Disclaimer
Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use or its interpretation.

PRELIMINARY AND SUBJECT TO CHANGE

ELEVATION STUDY: ARCHITECTURAL STYLING DETAILS

SCALE: 1/8"=1'-0"

NOTE: THESE ARE ILLUSTRATIVE ONLY AND ACTUAL BUILDING ELEVATIONS FOR THE SINGLE FAMILY DETACHED PRODUCT MAY VARY BASED ON END USER BUT WILL COMPLY WITH THE ARCHITECTURAL SECTION OF THE PUD.

WithersRavenel
Engineers | Planners | Surveyors

GCI- LEGACY PUD
Apex, North Carolina

ILLUSTRATIVE ELEVATIONS

Job No	02200685	Drawn By	WR
Date	05-03-2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No
A1.0

GCI PLANNED UNIT DEVELOPMENT

LEGACY

A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

DATE: AUGUST 30, 2021

Applicant:
GCI Acquisitions, LLC
25101 Chagrin Blvd. Suite #300
Beachwood, Ohio 44122

Consultants:

Glenda S. Toppe & Associates
WithersRavenel
Kimley-Horn

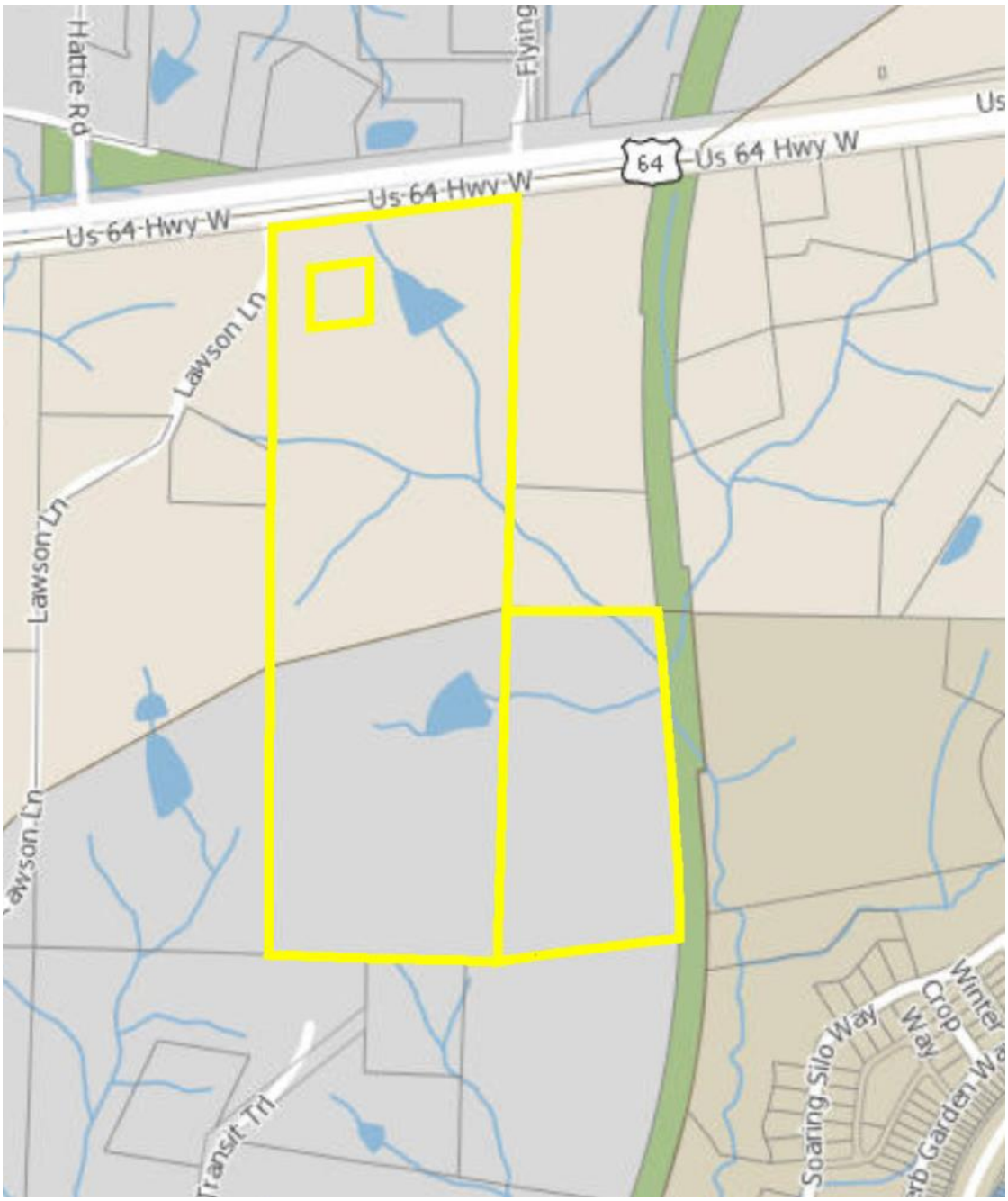
Legacy PUD

Section 1: Table of Contents

Section 1: Table of Contents
Section 2: Vicinity Map
Section 3: Project Data
Section 4: Purpose Statement
Section 5: Permitted Uses
Section 6: Design Controls
Section 7: Architectural Standards
Section 8: Parking, Loading and Sidewalk
Section 9: RCA
Section 10: Signage
Section 11: Public Facilities
Section 12: Natural Resources and Environmental Data
Section 13: Stormwater Management
Section 14: Parks and Recreation
Section 15: Transportation Improvements
Section 16: EAB
Section !7: Affordable Housing
Section 18: Consistency with 2045 Land Use Plan Map
Section 19: Compliance with Unified Development Ordinance (UDO)
Section 20: Elevations

Legacy PUD

Section 2: Vicinity Map



Legacy PUD

Section 3: Project Data

Prepared By:

Planner
Glenda Toppe, AICP
Glenda S. Toppe & Associates
4139 Gardenlake Drive
Raleigh, North Carolina 27612
919-605-7390
glenda@gstplanning.com

Engineer
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WithersRavenel
115 Mackenan Drive
Cary, North Carolina 27511
919-238-0338
etang@withersravenel.com

Traffic Engineer
Travis Fluitt, P.E.
Kimley-Horn
421 Fayetteville Street, Suite 600
Raleigh, North Carolina 27601
919-653-2948
travis.fluitt@kimley-horn.com

Applicant
GCI Acquisitions, LLC
25101 Chagrin Blvd. Suite #300
Beachwood, Ohio 44122

Designated Contact
Glenda Toppe

Current Zoning:	Rural Residential (RR) Residential-80 Watershed (R-80W Wake County)
Proposed Rezoning:	Planned Unit Development - Conditional Zoning (PUD-CZ)
Existing 2045 LUM Designation:	Mixed Use: Commercial Services, Office & Institutional, and High-Density Residential Low Density Residential
Proposed 2045 LUM Designation:	Mixed Use: Commercial Services, Office & Institutional, and High-Density Residential Low Density Residential
Overall Project Area:	+/- 61 Acres
Area within Mixed Use Village Center	29.29 +/- acres (We are providing 5.66 acres/29.29 acres =19.3% if you don't add Tee2Green.)
Area Designated as Low Density Residential	31.68 +/- acres

Legacy PUD

Section 4: Purpose Statement

Purpose Statement explains how this project meets the standards found for Planned Unit Developments (PUD) in Sec. 2.3.4 of the UDO.

Legacy is a proposed mixed use development consisting of nonresidential, multi-family and low density residential development. The property is located south of US 64 HWY W. The American Tobacco Trail is to the east as is the Smith Farm subdivision. Deer Creek PUD is approximately one mile to the west. The PUD consists of the three (3) parcels. The current zoning is Rural Residential in Apex and Residential-80W in Wake County. The total acreage is approximately 61 acres. The proposed 2045 Land Use Map designation is Mixed Use to the north, which includes Commercial Services, Office Employment, and High Density Residential. The south portion of the site is designated as Low Density Residential. The proposed zoning classification is PUD CZ.

The purpose of the proposed PUD is to provide a high-quality development that is compatible with the character of the surrounding area and complies with the 2045 Land Use Map. The proposed development includes streetscapes and buffers. The planned detached single-family homes provide the appropriate transition from the higher density residential uses to the north to the lower densities to the south. The design protects the environmentally sensitive areas on the property and establishes Resource and Conservation areas in accordance with the Town's requirements. The proposed PUD will meet or exceed all other requirements of the Apex Transportation Plan and the Town of Apex.

The proposed new development is intended to provide an area for nonresidential development that will be combined with the nonresidential development planned for the property on our eastern property boundary. This area will satisfy the requirements for the commercial and office development portion of the Land Use Map. The proposed plan then transitions to high density residential. After the high density residential, the proposed use is low density residential as per the 2045 Land Use Plan Map. Potential uses include detached residential, townhouses, and school.

An amendment to the Town's Transportation Plan is proposed to add a major collector street to the Plan.

The type of development planned is appropriate at this location. The proposed development is intended to provide a community that is configured on the property in a way that integrates the new development into the existing area. Sidewalks, integrated into the community will provide for pedestrian connectivity along the proposed street network, ensuring that the development plan provides for a safe and attractive pedestrian network. The community will have both nonresidential and residential development. By incorporating of a mixture of multi-family unit sizes and the potential for single family for sale, the PUD will offer a variety of housing options for people who want to live in this community. The PUD takes into account the environmental features of the property. The proposed PUD will maintain the architectural integrity consistent with Town of Apex standards and will complement the vision Apex has memorialized in their "Advance Apex" long range plan. The planned community will enhance adjoining property values by offering a high-quality development that will complement and anchor future development in the surrounding area.

Section 5: Permitted Uses

The table below lists the uses that are allowed in the proposed PUD. The list of uses will provide the opportunity for the proposed development to have flexibility in the ultimate build out of the project. Uses are subject to the limitations and regulations stated in the UDO.

Non-Residential uses listed in MF-1 are only permitted on the first floor of vertical mixed use buildings. Apartments and Condominiums are permitted on the upper floors of vertical mixed use buildings in either the MF-1 or C-1 areas.

Legacy PUD

Uses	SF-1	MF-1	C-1
Residential Uses			
Accessory apartment	P	P	
Single-Family	P		
Townhouse	P*	P	
Duplex	P*	P	
Multi-family or apartment**		P	P
Triplex or quadplex	P*	P	
Public & Civic Uses			
Ambulatory Health-care Facility with Emergency Dept.			P
Assembly Hall, nonprofit	P		P
Assembly Hall, for profit	P		P
Church, or place of worship	P/S		P/S
Day Care Facility	P		P
Drop-in or short-term day care	P		P
Government service			P
Hospital			P
School, public or private	P		P
Veterinary clinic or hospital			P
Vocational school			P
Utilities			
Communication tower, commercial	S	S	S
Communication tower, constructed stealth	S	S	S
Communication tower, camouflage stealth	S	S	S
Communication tower, public safety	S	S	S
Utility, Minor	P	P	P
Wireless support structure	P	P	P

Legacy PUD

Wireless communication facility	P	P	P
Recreational Uses			
Botanical garden		P	P
Entertainment, indoor			P
Greenway	P	P	P
Park, active	P	P	P
Park, passive	P	P	P
Recreation facility, private	P	P	
Food & Beverage Service			
Restaurant, drive through			P
Restaurant, general		P	P
Office & Research			
Medical or dental office or clinic		P	P
Medical or dental laboratory		P	P
Office, business or professional		P	P
Public Accommodations			
Bed & breakfast			P
Hotel or motel			P
Retail Sales & Service			
Artisan studio			P
Barber and beauty shop			P
Bookstore			P
Convenience store w/gas sales			P
Dry cleaners and laundry service			P
Farmer's market			P
Financial institution			P
Floral shop			P
Gas & fuel, retail			P
Grocery, general/specialty			P
Health/fitness center or spa			P

Kennel			P
Personal service			P
Pharmacy			P
Real estate sales			P
Retail sales, general			P
Studio for art			P
Tailor shop			P
Pet services			P

P = Permitted Uses

S = Special Use Permit

* = may only take up a portion of the SF area. Per the 2045 LUM, they may only be constructed in conjunction with SF homes.

** = Vertical mixed use may be an option for Multifamily or condominiums.

Section 6: Design Controls

RESIDENTIAL

Single Family Area: Single-family, Townhomes, Duplexes, Triplexes, and Quadplexes:

Acreage: Approximately 31.68 acres

Maximum Number of Units: 75

Maximum Density: 2.4 units/acre

Single Family:

Minimum Lot Width: 50 feet

Maximum Building Height: 45 feet

Public/Civic Uses: 65 feet

Communications Towers/Wireless facilities: 200 feet.

Building Setbacks:

Front: 10 feet to front façade; 20 feet from sidewalk to garage door.

Side: 5 feet

Rear: 15 feet

Corner: 0 feet

Porch, patio, deck and other accessary structures may encroach into the prescribed setbacks as allowed by the existing Town of Apex UDO.

Townhomes, Duplexes, Triplexes and Quadplexes:

Minimum Lot Width: 20 feet

Legacy PUD

Maximum Building Height: 45 feet

Building Setbacks:

Front: 10 feet to front façade

20 feet from sidewalk to garage door

Side: Aggregate 8 feet between buildings

Rear: 15 feet

Corner End Unit: 10 feet

Multi-Family: Apartments and/or Condominiums

Acreage: Approximately 23.63 acres

Maximum Number of Units: 400

Maximum Height: 55 feet

Building setback: 10 feet from property line, public right-of-way, or riparian and perimeter buffers

NON-RESIDENTIAL

Area: Approximately 5.66 acres

Square Footage: The maximum commercial is 27,500 square feet

Maximum Height:

Hotels: 75 feet

Public/Civic Uses: 65 feet

Communications Towers/Wireless facilities: 200 feet.

All Other Uses: 50 feet

Building setbacks: 10 feet from property lines, perimeter buffers or riparian buffers

BUFFERS/STREETSCAPES/LANDSCAPING

Perimeter Buffers:

Southern buffer: 20-foot Type B buffer

Eastern buffer: 50-foot Type A buffer adjacent to ATT

Western buffer: 20-foot Type B buffer

Streetscapes:

US HWY 64 W: 50-foot Type A buffer (measured from the ultimate right-of-way)*

The development will meet the UDO Sec. 8.2.6.B.5.f.ii requirements to reduce from a 100-foot Type A buffer.

Major Collector Street: 30 feet Type D (Along the MF-1 frontage)

10 feet Type A (Along the SF-1 frontage)

Legacy PUD

Section 7: Architectural Standards

Architectural standards are important to the Town of Apex. The Town and its citizens expect quality development. This PUD provides standards for both residential and nonresidential development.

Single-Family:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building design.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. The garage shall not protrude more than 1' out from the front façade or front porch.
5. Eaves shall project at least 12 inches from the wall of the structure.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
   a) Windows
   b) Bay window
   c) Recessed window
   d) Decorative window
   e) Trim around the windows
   f) Wrap around porch or side porch
   g) Two or more building materials
   h) Decorative brick/stone
   i) Decorative trim
   j) Decorative shake
   k) Decorative air vents on gable
   l) Decorative gable
   m) Decorative cornice
   n) Column
   o) Portico
   p) Balcony
   q) Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.
11. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
12. All single-family homes shall be pre-configured with conduit for a solar energy system.
13. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Townhomes, Duplexes, Triplexes, Quadplexes:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
    a. Windows
    b. Bay window
    c. Recessed window
    d. Decorative window
    e. Trim around the windows
    f. Wrap around porch or side porch
    g. Two or more building materials
    h. Decorative brick/stone
    i. Decorative trim
    j. Decorative shake
    k. Decorative air vents on gable
    l. Decorative gable
    m. Decorative cornice
    n. Column
    o. Portico
    p. Balcony
    q. Dormer

Multi-Family: Apartments

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 facade 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 facade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.

Non-Residential:

1. The predominant exterior building materials shall be high quality materials, including brick, glass, native stone, precast concrete, and decorative masonry units.
2. Cut off lighting fixtures and side shields on the sides where the property is adjacent to residential zoning shall only be allowed.
3. EIFS cornices and parapet trim are permitted.

4. 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 facade.
5. Prohibited materials include:
    a. Vinyl siding. Vinyl details and trim are permitted.
    b. Painted, smooth faced concrete block
    c. Metal Walls. Decorative metal accents and panels may be accepted.
6. Exterior lighting shall not exceed a color temperature of 3,500K and meet UDO requirements for full cut off lights.
7. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 60 KW/1,000 heated square feet of building floor area.

Section 8: Parking, Loading and Sidewalk

Parking and loading shall comply with all applicable requirements of the UDO.

Sidewalks shall be provided on both sides of all public streets. The streets within apartments shall be privately owned and maintained.

Section 9: RCA and Landscaping

RCA Requirements:

Gross square footage and percent of RCA required: 18.4 acres or approximately 30% of the overall site

- (Mixed Use area = 25%)
- (Low Density residential area = 35% (assumed mass graded, if not mass graded then this area is 30%)

	Approx. Area	Ratio	RCA Area
Low Density Residential	31.68	35%	11.08
Mixed Use Area	29.29	25%	7.32
Overall Gross	60.97	30%	18.41*

**Note that the total RCA area can be provided in any combination anywhere within the PUD as long as the total area is met.*

The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of and adaptive species for the canopy, understory and shrub levels. A minimum of 75% of the species selected shall be native or a 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.

Legacy PUD

Section 10: Signage

Signage will comply with all applicable requirements of the UDO.

Section 11: Public Facilities

Water and Sanitary Sewer:

All lots within the project will be served by the Town of Apex Public Water and Sewer system. Refer to sheet 3.0 of the PUD plan for conceptual connections to infrastructure within the surrounding vicinity. This project will meet the Town of Apex Master Plans for Water and Sewer.

Roadways:

Internal streets shall be designed to Town of Apex public road standards. The proposed development roadway system will be in accordance with the Apex Thoroughfare and Collector Street plan. Refer to sheet 2.0 of the PUD plan for proposed access points and planned/future connectivity. Access points are shown conceptual and will be finalized at site/subdivision plan stage. Internal streets to the multifamily area will be private streets and maintained by the apartment complex.

Section 12: Natural Resources and Environmental Data

Existing Vegetation:

The site is primarily wooded with pines and hardwoods typically found in this area. There are several small ponds on site. They will be evaluated for preservation at site or subdivision plan submission.

The existing streams on site will be assessed at site or subdivision plan submission. Any intermittent or perennial streams will have the riparian buffers and be protected in accordance with the UDO and NCDWR regulations. Existing vegetation within the buffers will remain undisturbed. To the extent practicable, the project will minimize the number of stream crossings that will provide interconnectivity of the site for emergency services and good circulation practices. The NCDWR and US Army Corps will have final permit authority on the number of crossings.

Watershed:

The site is located within Primary Watershed Protection Overlay of the Beaver Creek Basin via Reedy Branch.

Percentage of Built Upon Area (Impervious Surface)

The maximum built-upon area shall be 70% per section 5.1 of the UDO.

Landscaping:

- The project will plant deciduous shade trees on the southern side of buildings where applicable.
- The project will plant pollinator friendly flora that is diverse and provides blooming in succession from spring to fall.
- The project will provide and allow for undisturbed spaces (e.g. leaf piles, un-mowed fields, fallen trees) for nesting and overwintering for native pollinators and wildlife.
- Planting warm season grasses for drought resistance.
- To further illustrate the project's commitment to preserving and replacing tree canopy, at the time of first subdivision or site plan submittal the developer will provide a donation to a local non-profit organization with a mission towards tree preservation in the amount of $10,000.

Energy Efficiency:

- Per the UDO requirements, the project will include EV charging stations that are spread out on the site where feasible. The charging stations will be at least a level 2, or 40 amps.
- The exterior lighting for all multi-family and commercial buildings and parking lots will be 100% LED fixtures.
- Exterior lighting will meet UDO requirements to provide only full cut off lights.
- The project will install light timers or sensors or smart lighting technology for the multifamily units in the parking lot/outdoor lighting in the parking lot.
- All bedrooms and living rooms in multifamily units will have a window for natural lighting.

Other:

- The proposed development shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.
- Install a minimum of five (5) pet waste stations throughout the community.

Section 13: Stormwater Management

The proposed development plan will require stormwater management measures in accordance with Sections 6.1and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the site will be conveyed to the proposed Stormwater Control Measures, which will be identified on plans during the major subdivision or site plan approval stage. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year and10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85%Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.

Section 14: Parks and Recreation

On May 26, 2021, The PRCR Committee recommended a fee-in-lieu of dedication with credit provided for construction of greenway trail that will provide an east-west connection in a similar location on the Greenway Master plan.

Section 15: Transportation Improvements

The following improvements are committed to be performed by the development:

1. Convert the intersection of US 64 at Flying Hawk Road to a directional crossover in both directions in Phase 1, prior to first certificate of occupancy (CO), serving a new major collector street intersection to the south. In addition, developer shall conduct a signal warrant analyses for the collector street half of the intersection prior to the last CO for the apartments and prior to the last CO for the commercial development and install a traffic signal if permitted by NCDOT at either point.
2. Construct a new major collector street along the eastern property line to connect to US 64 at the intersection of Flying Hawk Road/directional crossover. The proposed major collector will be constructed as part of the development plan from US 64 southward through the project serving local connections to the east, west, and south. Construction of the major collector street may be phased in accordance with a phasing plan to be approved as part of site and subdivision plans.

3. Construct an eastbound right turn lane with 100 feet of storage and appropriate deceleration length and taper per NCDOT guidance on US 64 at the new major collector street in Phase 2, prior to first certificate of occupancy for the mixed-use area and/or prior to the first residential subdivision plat.
4. Construct a right-in-only driveway with 100 feet of storage and appropriate deceleration length and taper per NCDOT guidance on US 64 approximately 700-800 feet west of the major collector street, if/when that access is proposed west of the major collector street.
5. Construct a U-turn bulb at Pinefield Road in Phase 1 that can at a minimum accommodate a Bus-40 vehicle if the current geometry does not accommodate that movement.
6. Construct a U-turn bulb at Goodwin Road in Phase 1 that can at a minimum accommodate a Bus-40 vehicle if the current geometry does not accommodate the turn movement in Phase 1. In addition, developer shall conduct a signal warrant analyses for the intersection prior to the last CO for the apartments and prior to the last CO for the commercial development and install a traffic signal if permitted by NCDOT at either point.

Section 16: Environmental Advisory Board Recommendations

The consultants and developer for this project met with the EAB on April 15, 2021. The EAB's recommendations are listed below.

- Install signage near environmental sensitive areas in order to:
  - Reduce pet waste near SCM drainage areas.
  - Eliminate fertilizer near SCM drainage areas.
- Plant trees as designed for efficiency.
  - *Option 1:* Plant deciduous shade trees on southern side of buildings.
- Increase biodiversity.
  - *Option 1:* Plant pollinator-friendly flora.
- Implement green infrastructure.
  - *Option 4:* Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall.
  - *Option 5:* Provide and allow for undisturbed spaces (e.g. leaf piles, un-mowed fields, fallen trees) for nesting and overwintering for native pollinators and wildlife.
- Include landscaping that requires less irrigation and chemical use.
  - *Option 1:* Plant warm season grasses for drought-resistance.
- Install pet waste stations in neighborhoods.
- Install convenient electric vehicle charging stations.
  - Spread out charging stations as much as possible considering all sides of the property for all potential users.
- Include energy efficient lighting in building design.

- *Option 1:* Lower maximum foot-candles outside of buildings.

- Install timers or light sensors or smart lighting technology.
- Incorporate natural lighting techniques into building design.
- Add east to west connections to existing surrounding greenways, including from the American Tobacco Trail.
- Include International Dark Sky Association compliance standards.
  - Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
  - Lighting that minimizes the emission of blue light to reduce glare shall be used.
- Minimize the number of stream crossings, keeping the riparian buffer connected without barriers, as much as possible.
- Provide space for additional tree plantings by single-family residential in planning for above and underground obstructions.

Section 17: Affordable Housing

Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of $215/multi-family unit. If at the time of the first Final Plat, the FUND is yet to be established, the developer shall contribute said funds to a non-profit organization participating in the development and construction of affordable housing units. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

Section 18: Consistency with 2045 Land Use Plan Map

The Apex 2045 Future Land Use Map designates the property as Mixed Use to the north, which includes Commercial Services, Office Employment and, high density residential. The southern portion of the site is designated as Low Density Residential. The uses proposed comply with the 2045 Future Land Use Map designations of Mixed Use: Commercial Services, Office Employment and High Density Residential and Low Density Residential with a maximum density of 3 dwelling units per acre. No changes to the 2045 Land Use Map are proposed.

The purpose of the proposed PUD is to provide a high-quality development that is compatible with the character of the surrounding area and complies with the 2045 Land Use Map. The planned detached single-family homes provide the appropriate transition from the higher density residential uses to the north to the lower densities to the south. The design protects the environmentally sensitive areas on the property and establishes Resource and Conservation areas in accordance with the Town's requirements. The proposed PUD will meet or exceed all other requirements of the Apex Transportation Plan and the Town of Apex.

The mixed use development planned is appropriate at this location. The proposed development is intended to create an integrated, multi-purpose community that is designed to incorporate aspects of new and existing development in the vicinity. The Applicant expects that the planned community will enhance adjoining property values by offering a high quality development that will complement the surrounding area.

Legacy PUD

Section 19: Compliance with Unified Development (UDO)

The proposed development is consistent with all applicable requirements of the Town's Unified Development Ordinance unless otherwise specified in the PUD document.

Simultaneous with the PUD request there is also a concurrent amendment request to the Town's Transportation Plan to add the north-south major collector road.

Section 20: Elevations

Elevations provided are representative of architecture, material and building types. Final elevations submitted at Major Subdivision Plan will meet the requirements of the Architectural Controls in Section 7 of the PUD Plan.

PLANNED UNIT DEVELOPMENT

LEGACY

APEX, NORTH CAROLINA

AUGUST 13, 2021

PUD PLAN
FOR: LEGACY APEX
WR PROJECT NO.0220685

VICINITY MAP
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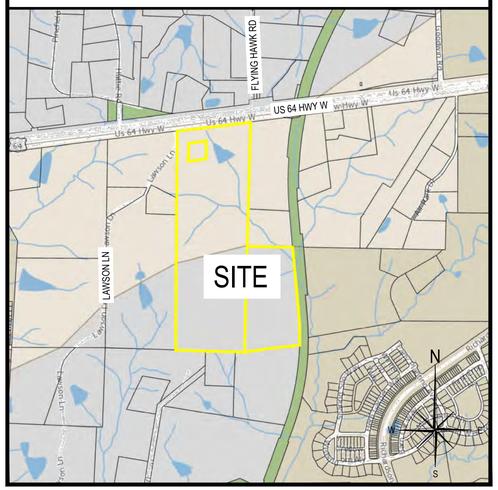

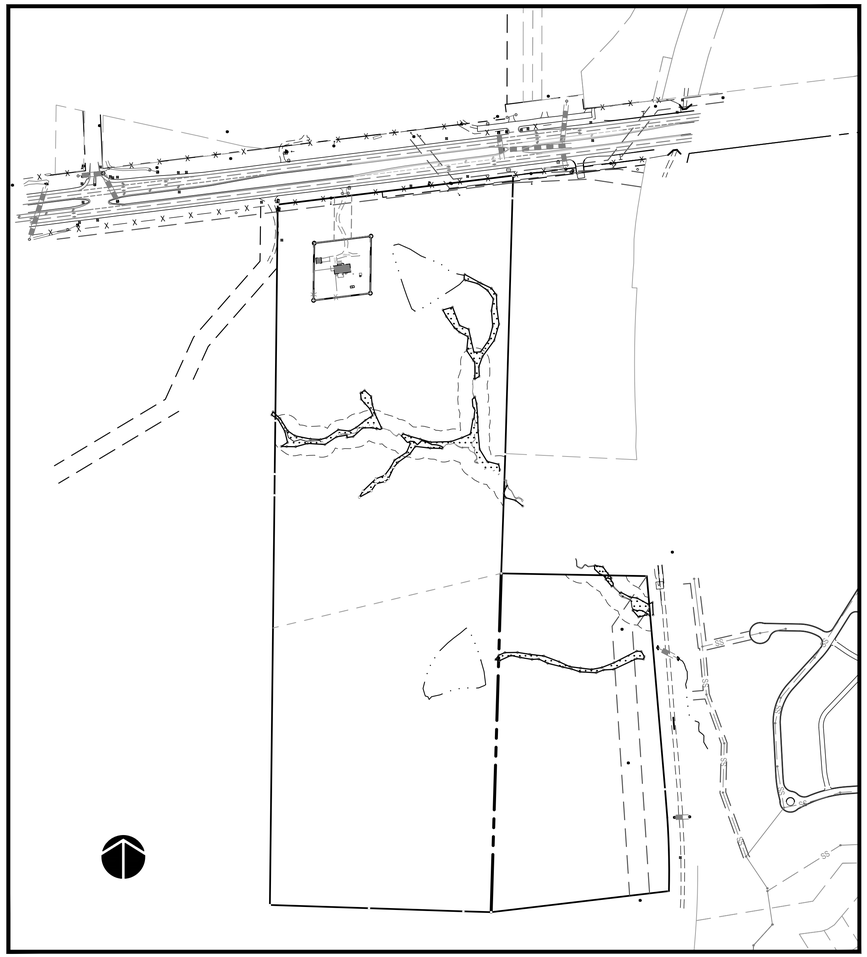

Sheet List Table	
Sheet Number	Sheet Title
C0.0	Cover
C1.0	Overall Existing Conditions
C1.1	Existing Conditions
C2.0	Conceptual Site Plan
C3.0	Conceptual Utility Plan
A1.0 - A1.3	Illustrative Elevations

SITE DATA				
2045 LAND USE PLAN DESIGNATION	CURRENT	MIXED USE, COMMERICAL, OFFICE AND HIGH DENSITY RESIDENTIAL		
	PROPOSED	NO CHANGE		
ZONING	CURRENT	RURAL RESIDENTIAL (RR) (R-80W)		
	PROPOSED	PLANNED UNIT DEVELOPMENT (PUD-CZ)		
AREA OF TRACTS IN PROPOSED PUD	0712-94-9922	0.91 ACRES		
	0722-03-7373	15 ACRES		
	0722-04-0381	45.06 ACRES		
	TOTAL:	60.97 ACRES		
AREA DESIGNATED AS MIXED-USE ON 2045 LAND USE MAP	26.63 ACRES + 2.66 ACRES (ADDED TO MIXED USE) = 29.29 AC			
AREA OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	5.66 ACRES (DOES NOT INCLUDE 10.2 ACRES OF TEE2 GREEN SITE)			
PERCENT OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	19.3% (DOES NOT INCLUDE TEE2GREEN SITE)			
	40.2% (INCLUDES 10.2 ACRES OF TEE2GREEN SITE)			
REQUESTED SEWER CAPACITY	TO BE DETERMINED			
MAXIMUM RESIDENTIAL DENSITY	MULTIFAMILY = 17 UPA, SINGLE FAMILY = 2.4 UPA			
MAXIMUM BUILDING HEIGHT	MULTIFAMILY = 55', SINGLE FAMILY, TOWNHOMES, DUPLEX, TRI AND QUAD PLEX = 45', HOTELS = 75', NON-RESIDENTIAL: 50'			
SETBACKS: SINGLE FAMILY	FRONT: 20 FT FROM GARAGE TO BACK OF SIDEWALK, 10 TO FRONT FACADE	REAR: 15 FT	SIDE: 5 FT	CORNER SIDE: 10 FT
SETBACKS: TOWNHOMES, DUPLEXES, TRI AND QUAD PLEXES	FRONT: 10' TO FRONT FACADE, 20' FROM BACK OF SIDEWALK TO GARAGE	REAR: 15 FT	SIDE: AGGREGATE 8' BETWEEN BLDGS	
WATERSHED	JORDAN LAKE WATERSHED, PRIMARY WATERSHED PROTECTION OVERLAY			
HISTORIC STRUCTURES	N/A			
COMMUNITY AMENITIES	COMMUNITY GATHERING SPACE WITH BENCHES, TOT LOT			
SITE BUFFERS	NORTH	50' TYPE A BUFFER ALONG US 64		
	EAST	50' TYPE A BUFFER ALONG ATT		
	SOUTH	20' TYPE B BUFFER		
	WEST	20' TYPE B BUFFER		

A NEW MAJOR COLLECTOR ROAD WILL BE CONSTRUCTED BETWEEN US 64 AND THE SOUTHERN PROPERTY LINE. THE MAJOR COLLECTOR WILL SERVE AS ACCESS TO THE SOUTHERN PORTION OF THE SITE AND ALSO ULTIMATELY AS PARCELS TO THE SOUTH DEVELOP TIE INTO OLIVE CHAPEL ROAD. NO WIDENING OF US 64 IS PROPOSED;

DEVELOPER/OWNER

GOLDBERG COMPANIES, INC
25101 CHAGRIN BLVD #300
BEECHWOOD, OH 44122

ATTN: IAN STUART

PREPARED BY:

WithersRavenel
Engineers | Planners | Surveyors

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

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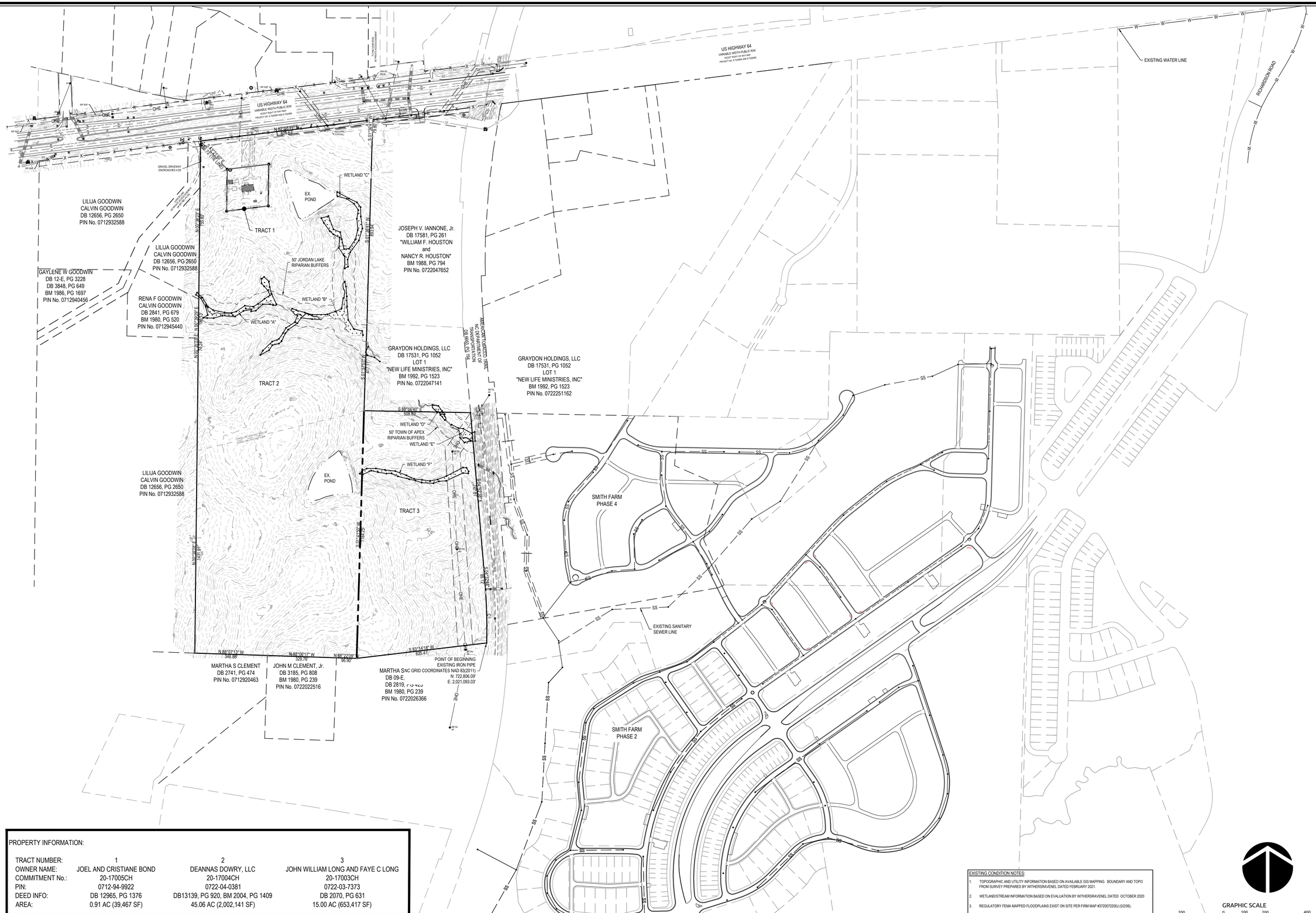

PROPERTY INFORMATION:

TRACT NUMBER:	1	2	3
OWNER NAME:	JOEL AND CRISTIANE BOND	DEANNAS DOWRY, LLC	JOHN WILLIAM LONG AND FAYE C LONG
COMMITMENT No.:	20-17005CH	20-17004CH	20-17003CH
PIN:	0712-94-9922	0722-04-0381	0722-03-7373
DEED INFO:	DB 12965, PG 1376	DB13139, PG 920, BM 2004, PG 1409	DB 2070, PG 631
AREA:	0.91 AC (39,467 SF)	45.06 AC (2,002,141 SF)	15.00 AC (653,417 SF)

EXISTING CONDITION NOTES:

1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING. BOUNDARY AND TOPO FROM SURVEY PREPARED BY WITHERSRAVENEL DATED FEBRUARY 2021.
2. WETLANDS/STREAM INFORMATION BASED ON EVALUATION BY WITHERSRAVENEL DATED OCTOBER 2020
3. REGULATORY FEMA MAPPED FLOODPLAINS EXIST ON SITE PER FIRM MAP #3720072200J (5/2/06).
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
5. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.

WithersRavenel
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GCI- LEGACY PUD

Apex, North Carolina

OVERALL EXISTING CONDITIONS

Job No. 02200685	Drawn By WR
Date 05/03/2021	Designer WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
C1.0

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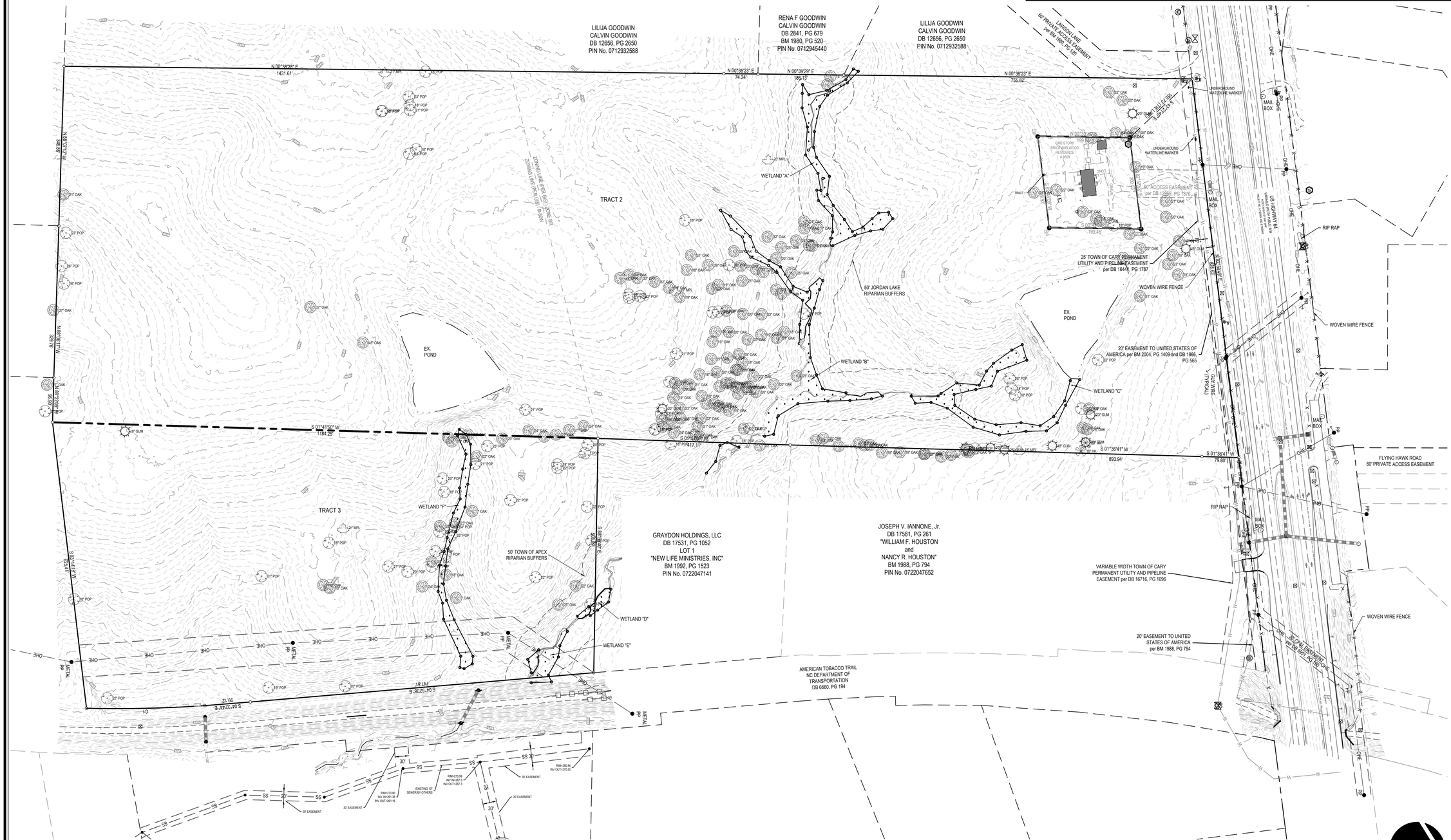

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GRAPHIC SCALE

100 0 50 100 200

1 inch = 100 ft.

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GCI- LEGACY PUD

Apex, North Carolina

EXISTING CONDITIONS

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.

C1.1

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NOTES:

1. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
2. PER 2.3.4(F)(1)(A)(IV) OF THE UDO, SIDEWALKS MUST BE PROVIDED ON BOTH SIDES OF ALL STREETS FOR SINGLE-FAMILY DETACHED HOMES IN PUD-CZ DEVELOPMENT DISTRICTS.
3. PER 2.3.4(F)(1)(F)(I) OF THE UDO, THE PD PLAN FOR PUD-CZ SHALL DEMONSTRATE 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.
4. PER UDO SECTION 7.2.5.B.8, IF ANY MASS GRADING IS PROPOSED IN THE SINGLE-FAMILY SECTIONS OF THE PUD, THE FOLLOWING PROVISION WILL APPLY TO LOT COVERAGE AREA FOR SINGLE-FAMILY: AN ADDITIONAL FIVE PERCENT (5%) RESOURCE CONSERVATION AREA (RCA) SHALL BE SET ASIDE. THIS REQUIREMENT IS ADDED TO THE STANDARD RCA PERCENTAGE REQUIREMENT FOUND IN SEC. 8.1.2.C SIZE OF THE RCA.
5. COLLECTOR ROAD ALIGNMENT LOCATION WILL BE DETERMINED AT THE MAJOR SUBDIVISION PLAN STAGE.
6. EXISTING PONDS WILL BE EVALUATED BY A LICENSED ENGINEER. EVALUATION RECOMMENDATIONS MAY REQUIRE A CHANGE TO SIZE, BOUNDARY OR REMOVAL OF EXISTING PONDS.

NOTE: A TRANSPORTATION PLAN AMENDMENT IS NEEDED TO ADD THE MAJOR NORTH-SOUTH COLLECTOR TO THE TOWN TRANSPORTATION PLAN.

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

GCI LEGACY

CONCEPT PLAN

Job No.	02200685	Drawn By	WR
Date	05/03/21	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
2.0

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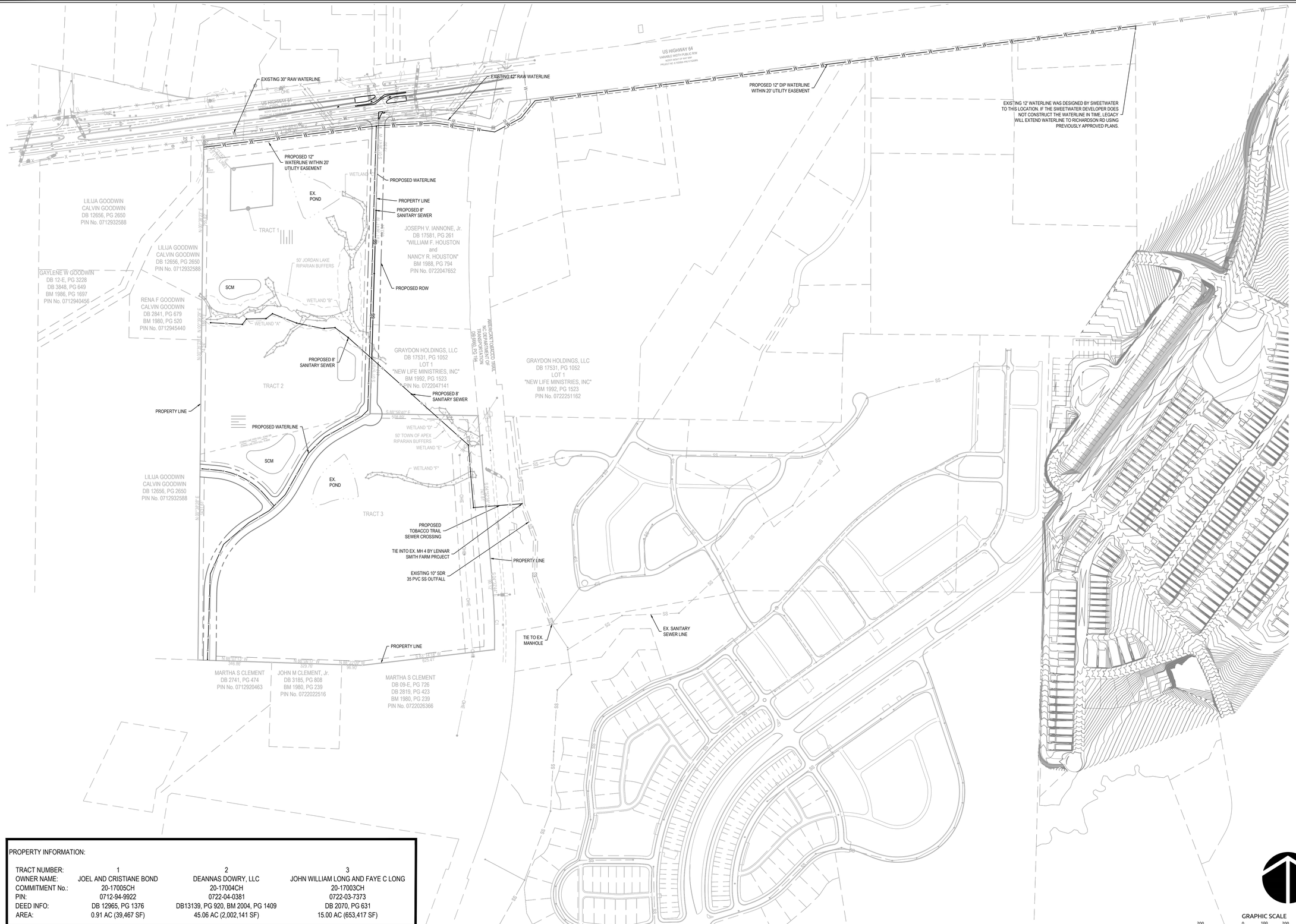

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COMMITMENT No.:	20-17005CH	20-17004CH	20-17003CH
PIN:	0712-94-9922	0722-04-0381	0722-03-7373
DEED INFO:	DB 12965, PG 1376	DB13139, PG 920, BM 2004, PG 1409	DB 2070, PG 631
AREA:	0.91 AC (39,467 SF)	45.06 AC (2,002,141 SF)	15.00 AC (653,417 SF)

NOTE: SUBDIVISION PLAN AND CONSTRUCTION DRAWINGS WILL FALL UNDER THE 2021 STANDARDS AND SPECIFICATIONS,

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3240 | license #: C-0832 | www.withersravenel.com

GCI- LEGACY PUD

Apex, North Carolina

CONCEPTUAL UTILITY PLAN

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
C3.0

K:\30\30-0685\300685-GCI Legacy Apex\CAD\Drawing Sets\PUD Amendment\Concept Plans.dwg Tuesday, August 24, 2021 9:51:42 AM - TANG, ED

NOTE: THESE ARE ILLUSTRATIVE ONLY AND ACTUAL BUILDING ELEVATIONS MAY VARY BASED ON END USER BUT WILL COMPLY WITH THE ARCHITECTURAL SECTION OF THE PUD.

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GCI- LEGACY PUD

Apex, North Carolina

ILLUSTRATIVE ELEVATIONS

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
A1.0

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GCI- LEGACY PUD

Apex, North Carolina

ILLUSTRATIVE ELEVATIONS

Job No. 02200685	Drawn By WR
Date 05/03/2021	Designer WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
A1.1

K:\20\20-0685\200685-GCI Legacy Apex\CAD\Drawing Sets\PUD Amendment\A1.0 Architectuals.dwg Tuesday, June 8, 2021 3:38:14 PM - TANG, ED

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GCI- LEGACY PUD

Apex, North Carolina

ILLUSTRATIVE ELEVATIONS

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
A1.2

K:\20\20-0685\200685-GCI-Legacy Apex\CADD\Drawing Sets\PUD Amendment\A1.0 Architectuals.dwg Tuesday, June 8, 2021 3:39:23 PM - TANG, ED

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GCI- LEGACY PUD

Apex, North Carolina

ILLUSTRATIVE ELEVATIONS

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions

Sheet No.
A1.3

K:\20\20-0685\200685-GCI Legacy Apex\CAD\Drawing Sets\PUD Amendment\A1.0 Architecturals.dwg Tuesday, June 8, 2021 3:40:15 PM - TANG, ED

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD. Jason Vickers for Beazer Homes, is the petitioner for the properties located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #21CZ13 was approved at the August 24, 2021 Town Council meeting.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 34.57 ACRES LOCATED AT 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 EVANS ROAD; 0, 7616, 7628 HUMIE OLIVE ROAD; 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 WALDEN ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ13

WHEREAS, Jason Vickers, Beazer Homes, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 3rd day of May 2021 (the "Application"). The proposed conditional zoning is designated #21CZ13;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ13 before the Planning Board on the 9th day of August 2021;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of August 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ13. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously by a vote of 6 to 0 for the application for #21CZ13;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ13 before the Apex Town Council on the 24rd day of August 2021;

WHEREAS, the Apex Town Council held a public hearing on the 24th day of August 2021. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ13 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium Density & Medium/High Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and 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;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will provide a transition between lower and higher residential densities and provide pedestrian accommodation at the Humie Olive and Evans Road intersection. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 5 and 0 approved Application #21CZ13 rezoning the subject tract located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Rd.; 0, 7616, 7628 Humie Olive Rd.; 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Rd. from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Evans Road PUD which are imposed as part of this rezoning.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member_____

Seconded by Council Member_____

With ____ Council Member(s) voting "aye."

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

This the _____ day of _____ 2021.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #21CZ13 Submittal Date: 5-3-21

Insert legal description below.

1. Kevin T. Thorpe - 0721-80-1110 - DB 7710 Pg4 94
2. MCWILL, LLC - 0721-80-3174 - DB 15964 Pg 879
3. Dione & Robert Horton - 0721-80-1336 - DB 17083 Pg 18
4. Sam Walden Heirs - 0721-80-1336 - DB 1761 Pg 229
5. Shirley Lynn Heirs - 0721-80-1553 - DB 1813 Pg 79
6. Shirley Lynn Heirs - 0721-80-3505 - DB 1761 Pg 305
7. Sam Walden Heirs - 0721-80-3619 - DB 1761 Pg 229
8. Joseph Paul Page Heirs - 0721-81-3022 - DB 15183 Pg 1934
9. Joseph B. Shaw Heirs - 0721-80-4836 - DB 14501 Pg 2611
10. Kenneth & Sharon Joyner - 0721-81-4170 - DB 11783 Pg 6801
11. Ivory Lee Harris Heirs - 0721-81-5061 - DB 2807 Pg 928
12. Almie Linwood Evans - 0721-80-7948 - DB 2477 Pg 189
13. Kevin T. Thorpe & Lathan Powell - 0721-90-1910 - DB 13996 Pg 1271
14. Kevin T. Thorpe & Lathan Powell - 0721-80-9611 - DB 13996 Pg 1271
15. John & Robin Williams - 0721-80-1975 - DB 15183 Pg 1934
16. Ronald & Margaret Allison - 0721-81-0212 - DB 10630 Pg 1968
17. Willie Larry Harris Sr. - 0721-81-2581 - DB 14082 Pg 2458
18. Willie Larry Harris Sr. - 0721-81-6313 - DB 14082 Pg 2467
19. Jo Ella W. Harris - 0721-81-6591 - DB 14614 Pg 894
20. Willie Larry Harris Sr. - 0721-71-9581 - DB 13597 PG 1236

"Attachment B"

Evans Road PUD Assembly

PD PLAN

APEX, NORTH CAROLINA

Submitted: May 3, 2021

Resubmittal: July 9, 2021

PREPARED BY:

MORNINGSTAR LAW GROUP

PEAK Engineering & Design

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

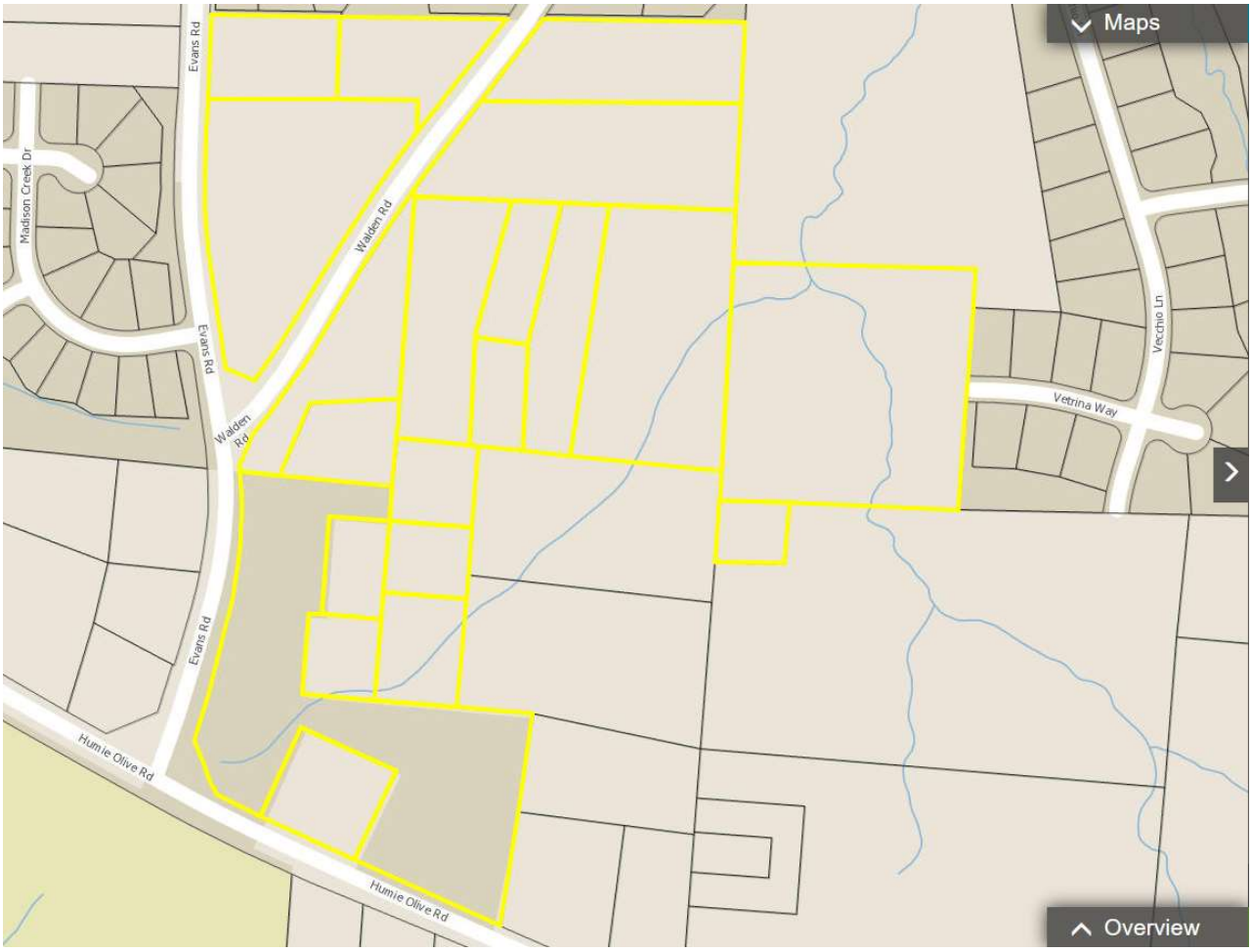
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Evans Road PUD is located in the Town of Apex, northeast of the intersection of Evans Road and Humie Olive Road. The Assembly is surrounded on three sides by residential communities built in the last seven years. To the north is the Manors at Bella Casa, to the west is the Madison community, and the Verona at Bella Casa community is east of the project area. Directly south is Humie Olive Road, and across Humie Olive Road are the Apex Friendship schools. Walden Road runs through the subject property. Development of the proposed community will realign Walden Road and make a more sensible east-west connection from Evans Road to Vecchio Lane aligned with Madison Creek Drive.

Section 3: Project Data

A. Name of Project:

Evans Road PUD

B. Property Owners:

MCWILL, LLC
15711 Verdura Ave
Paramount, CA 90723

Horton, Dione & Robert
P.O. Box 6
Apex, NC 27502

Sam Walden Heirs
36 Snowflower Lane
Willingboro, NJ 08046

Shirley Lynn Heirs
3317 Lorena Lynn Ct
Fuquay Varina, NC 27526

Sam Walden Heirs
1305 S. Paxon Street
Philadelphia, PA 19143

Joseph Paul Page Heirs
1994 Flint Hill Drive
Lawrenceville, GA 30044

Joseph B. Shaw Heirs
3747 Corbett Road
Mebane, NC 27302

Joyner, Kenneth & Sharon
2909 Walden Road
Apex, NC 27502

Ivory Lee Harris Heirs
655 Enterprise Dr Apt 137
Rohnert Park, C 94928

Evans, Almie Linwood
1609 N. Myrtle Ave
Clearwater, FL 33755

Thorpe, Kevin T. & Powell, Lathan
2308 Narrawood Street
Raleigh, NC 27614

Williams, John & Robin
2917 Walden Road
Apex, NC 27502

Allison, Ronald & Margaret
3305 Evans Road
Apex, NC 27502

Harris, Willie Larry Sr.
2929 Evans Road
Apex, NC 27502

Harris, Jo Ella W.
2909 Evans Road
Apex, NC 27502

Prepared By:
Nil Ghosh, Associate
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

C. Current Zoning Designation:

Rural Residential (RR)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Medium Density Residential (3-7 units/acre); and
Medium/High Density Residential (7-14 units/acre)

F. Proposed Use

Up to 115 dwelling units and associated open space, recreational amenities, and infrastructure.

G. Size of Project

34.573 Acres (including 1.623 acres of right-of-way)

Section 4: Purpose Statement

The Evans Road PUD development will be a residential community with both single-family detached and townhome units. The maximum building height shall be forty feet (40') measured to the top of any pitched roof. For a site adjacent to existing single-family homes, across the street from public schools, and adjacent to a planned Neighborhood Mixed Use Center and Office corridor, the mixed housing type residential development is intended to provide a transition between the more intense and non-residential developments existing or planned south along Humie Olive and the existing single-family residential communities to the north.

A thirty-foot streetscape shall be established along the right-of-way for Humie Olive Road (a thoroughfare) and a thirty-foot streetscape shall be established along the right-of-way for Evans Road (a minor collector). A twenty-foot buffer shall be established around the remaining perimeter of the project.

This concept is consistent with the Town's stated PUD goals to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium to medium-high density housing near a planned Neighborhood Mixed Use Center where there are not many options for the same.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

Site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*. The proposed PUD will provide a development density that is consistent with principles found throughout the Advance Apex 2045 Comprehensive Plan.

Section 5: Permitted Uses

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

- Single-family
- Townhouse
- Accessory Apartment
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall apply:

A. A maximum of 115 residential units shall be permitted upon the property. No more than 50 Townhouse units shall be allowed on the property.
B. All buildings constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
C. Signage or informational brochures shall be provided by any homeowner's association regarding the need to eliminate fertilizer near SCMs.
D. Developer shall install pollinator-friendly flora within SCM Planting areas.
E. Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual.
F. Sod used within perimeter buffers, SCMs, and along streets shall not be fescue grasses.
G. Developer shall apply for Energy Star or other energy efficiency rating for all newly constructed homes on the property.
H. Developer shall install at least three (3) pet waste stations within the community.
I. SCMs shall not be located within State dictated stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
J. Prior to final plat approval, developer shall make a one-time donation to the Apex Affordable Housing Fund in an amount equal to $215.00 per residential lot on the final plat.
K. A minimum of 25% of the single-family detached homes shall provide the primary bedroom on the main floor.
L. A minimum of 10% of the townhome units shall be 15% narrower than the average width of the other townhome units.
M. Each play lawn shall include an historical marker with information about the Friendship area. The developer will work with the Town of Apex and the historical owners of the property to determine the content of each historical marker.
N. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipate to contain single family and townhome lots. Prior to recording the first subdivision plat for the property, the developer will provide a donation of $7,350 to a local non-profit organization with a mission towards tree preservation and replacement.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Densities (SF per non-residential use) This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density - The overall gross density shall not exceed 6.0 units per acre.
Design Controls – Dimensional standards below shall apply to all residential uses, and at a minimum, will comply with the following:

Maximum Density:	6.0 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	115
Maximum Built-Upon Area:	60%
Minimum Lot Size:	n/a
Minimum Lot Width:	50 feet for single-family detached 22 feet for townhouse
Maximum Building Height:	40 feet, no more than 3 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Single Family (feet)	Townhouse (feet)
Front	10	10
Front (garage)	20	20
Side	5	0
Rear	10	10
Building	10	10

Minimum Buffer/RCA Setbacks: 10 feet for Buildings
5 feet for Parking Areas

C. Buffers

Perimeter Buffers

Northern boundary (Bella Casa):	20-foot Type B
Southern boundary (Humie Olive Road):	30-foot Type B
Western boundary (Evans Road):	30-foot Type B
Eastern boundary (Bella Casa and residential uses)	20-foot Type B
Adjacent to REID 0103305 (Stewarts Cemetery)	10-foot Type B

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Humie Olive Road and a 30' Type B buffer shall be established along Evans Road.

Section 7: Proposed Architectural Controls

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

Townhomes:

A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
E. The garage cannot protrude more than 1 foot out from the front façade or front porch.
F. Front facades shall have horizontal relief achieved using recesses and projections.
G. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
   - Bay windows
   - Recessed windows
   - Decorative windows
   - Trim around the windows
   - Wrap around porch or side porch
   - Two or more building materials
   - Decorative brick or stone
   - Decorative trim
   - Decorative shakes
   - Decorative air vents on gables
   - Decorative cornice
   - Column on gable
   - Portico
   - Balcony
   - Dormer
   - Decorative gable

Single-Family

A. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
B. The garage shall not protrude more than 1 foot out from the front façade and front porch.
C. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
D. Eaves shall project at least 12 inches from the wall of the structure.
E. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
F. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
G. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
H. Front porches shall be a minimum of 6 feet deep.
I. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- Bay windows
- Recessed windows
- Decorative windows
- Trim around the windows
- Wrap around porch or side porch
- Two or more building materials
- Decorative brick or stone
- Decorative trim
- Decorative shakes
- Decorative air vents on gables
- Decorative cornice
- Column on gable
- Portico
- Balcony
- Dormer
- Decorative gable

Section 8: Parking and Loading

Parking for the Evans Road PUD Assembly shall comply with Apex UDO Section 8.3, Off-Street Parking and Loading.

Section 9: Signage

All signage for the Evans Road PUD Assembly shall comply with Apex UDO Section 8.7, *Signs*.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Jordan Lake Watershed, which is within the Cape Fear River Basin. While the site is within the Primary Watershed Protection Overlay District, it does not contain any FEMA designated 100-year floodplain.

B. Resource Conservation Areas (RCA) – Required and Provided
This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The Site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

C. Historic structures
Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

The Evans Road PUD Assembly shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.

Section 12: Parks and Recreation

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on June 30, 2021 and unanimously recommended fee-in-lieu of dedication with a credit for construction of greenway trail if an opportunity is identified at the time of Master Subdivision plan review and approval. The recommendation is based on the 2021-2022 rates and proposed maximum lot count provided:

Single Family detached Units:	$3,495.24 x 65 = $227,190.60
Single Family attached Units:	$2,354.05 x 50 = $117,702.50
Total residential fee in lieu per current unit count:	$344,893.10

(final PRCR amount will be coordinated with staff during Master Subdivision Plan and Construction Document reviews)

Per Article 14, of the UDO credit for greenway against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction. The greenway shall be completed prior to 25% of the total units for the project receiving building permits.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure**
  Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site.
  Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**
  Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

  <u>Evans Road</u>
  The Developer shall widen Evans Road along the project frontage as development occurs based upon a minimum 35-foot curb and gutter roadway section with a 5-foot sidewalk and dedication based upon a 60-foot right-of-way.

  <u>Humie Olive Road</u>
  The Developer shall widen Humie Olive Road along the project frontage as development occurs based upon a minimum 41-foot curb and gutter roadway section with 10-foot side path and dedication based upon an 80-foot right-of-way.

  <u>Evans Road and Madison Creek Drive at Site Drive 1</u>
  - The Developer shall construct one (1) full-access point to Evans Road aligned with the existing Madison Creek Drive.
  - Construct westbound approach with one (1) ingress lane and one (1) egress lane.
  - Provide stop control for the westbound approach.

Humie Olive Road at Site Drive 2

- The Developer shall construct one (1) right-in/right-out access point to Humie Olive Road located approximately 450-feet east of Evans Road.
- Construct southbound approach, striped as a right-in/right-out with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane along Humie Olive Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Construct a monolithic concrete median on Humie Olive Road to prohibit left-turn movements.

Humie Olive Road and Evans Road

- Provide pedestrian accommodations across the north and east legs of the intersection, with crosswalks and traffic signal modifications including push buttons and crosswalk indicators to accommodate new pedestrian phases.

- **Wayfinding Improvements**
  Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**
  All lots within the project will be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of Master Subdivision Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference.

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

Section 14: Phasing Plan

This PUD may be completed in up to three (3) phases, with construction anticipated to begin in 2022. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

Based upon discussions with Town staff through the Technical Review Committee pre-application and zoning review processes, the proposed land use is consistent with the Town's 2045 Land Use Map.

Section 16: Compliance with the 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). Any deviations from UDO requirements have been specifically defined within this document. The project includes two deviations:

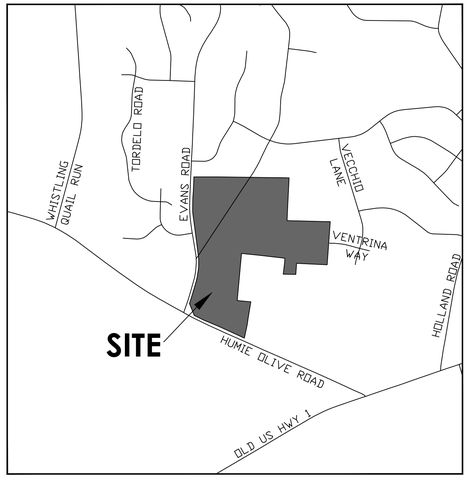
1. Deviation from the 5% RCA mass grading penalty as outlined in Section 7.2.5 of the Town of Apex UDO; and
2. Reduction in the buffer adjacent to Stewarts Cemetery (REID 0103305)

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Master Subdivision Plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the Master Subdivision Plan approval as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan.

EVANS ROAD PUD ASSEMBLY

PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING
EVANS ROAD @ HUMIE OLIVE ROAD
APEX, NORTH CAROLINA
PROJECT NUMBER: 200304
MAY 3, 2021



VICINITY MAP
NOT TO SCALE

AERIAL MAP
NOT TO SCALE

OWNER/DEVELOPER
BEAZER HOMES
JASON VICKERS
5400 TRINITY ROAD SUITE 313
RALEIGH, NC 27607
PHONE: (919) 448-6167

CIVIL ENGINEER
PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
PHONE: (919) 439-0100

TRANSPORTATION ENGINEER
RAMEY KEMP & ASSOCIATES
NATE BOUQUIN
5808 FARINGDON PLACE SUITE 100
RALEIGH, NC 27609

ENVIRONMENTAL CONSULTANT
SOIL & ENVIRONMENTAL CONSULTANTS (S&EC)
STEPHEN BALL
8412 FALLS OF NEUSE ROAD SUITE 104
RALEIGH, NC 27615

DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

SITE INFORMATION:

Property Owner/Site Address Page	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book &
KEVIN T THORPE 7628 HUMIE OLIVE RD APEX, NC 27502	0721-80-1110	70642	072104	0.999	DB 7710, PG 949
MCWILL LLC 3029 EVANS RD APEX, NC 27502	0721-80-3174	43207	072104	6.243	DB 15964, PG 879
DJONE HORTON 3033 EVANS RD APEX, NC 27502	0721-80-1336	82068	0721 04	0.503	DB 17083, PG 18
SAM WALDEN HEIRS 0 EVANS RD APEX, NC 27502	0721-80-2377	183428	072104	0.764	DB 94-E, PG 468
SHIRLEY W LYNN HEIRS 3025 EVANS RD APEX, NC 27502	0721-80-1553	43195	072104	0.501	DEED NOT AVAILABLE
SHIRLEY W LYNN HEIRS 0 EVANS RD APEX, NC 27502	0721-80-3505	43230	072104	0.502	DEED NOT AVAILABLE
SAM WALDEN HEIRS 3027 EVANS RD APEX, NC 27502	0721-80-3619	73331	072104	0.605	DB 94-E, PG 468
JOSEPH PAUL PAGE HEIRS 0 WALDEN RD APEX, NC 27502	0721-81-3022	58177	072104	1.822	DB 2184, PG 232
JOSEPH B SHAW HEIRS 2921 EVANS RD APEX, NC 27502	0721-80-4836	78415	072104	0.473	DB 19-E, PG 791
KENNETH T JOYNER & SHARON ELAINE JOYNER 2909 WALDEN RD APEX, NC 27502	0721-81-4170	62891	072104	0.635	DB 11783, PG 680
IVORY LEE HARRIS HEIRS 0 WALDEN RD APEX, NC 27502	0721-81-5061	28597	072104	1.122	DEED NOT AVAILABLE
ALMIE LINWOOD EVANS 2925 WALDEN RD APEX, NC 27502	0721-80-7948	21169	072104	2.923	DB 2477, PG 189
KEVIN T THORPE & LATHAM POWELL 0 HUMIE OLIVE RD APEX, NC 27502	0721-90-1910	56864	072104	4.951	DEED NOT AVAILABLE
KEVIN T THORPE & LATHAM POWELL 7616 HUMIE OLIVE RD APEX, NC 27502	0721-80-9611	56865	072104	0.371	DEED NOT AVAILABLE
JOHN R & ROBIN WILLIAMS 2917 WALDEN RD APEX, NC 27502	0721-80-1975	165103	072104	1.822	DB 15183, PG 1934
RONALD A ALLISON & MARGARET L ALLISON 2912 WALDEN RD APEX, NC 27502	0721-81-0212	165100	072104	4.082	DB 10630, PG 1968
WILLIE LARRY HARRIS 2828 WALDEN RD APEX, NC 27502	0721-81-2581	173485	072104	0.987	DB 14082, PG 2458
WILLIE LARRY HARRIS SR 2905 WALDEN RD APEX, NC 27502	0721-81-6313	89597	072104	2.666	DB 14082, PG 2467
JO ELLA W HARRIS 2825 WALDEN RD APEX, NC 27502	0721-81-6591	82261	072104	1.732	DB 14614, PG 894
WILLIE LARRY HARRIS SR 2929 WALDEN RD APEX, NC 27502	0721-71-9581	89594	072104	0.94	DB 13597, PG 1236
Total acreage:				34.642 acres	

SITE INFORMATION CONTINUED:

Existing Zoning:	RR (Rural Residential)
Proposed Zoning:	PUD-CZ (Planned Unit Density - Conditional Zoning)
Current 2045 Land Use Map:	Medium Density Residential, Medium/High Density Residential
Existing Use:	Vacant, Single Family Residential
Township:	Buckhorn
Flood Zone Information:	Firm Panel 3720072100J does not show the presence of flood zones on the properties.
Watershed Information:	Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin
Historical:	No historical structures on site
Proposed Uses:	Single Family; Townhouse; Accessory Apartment; Greenway; Recreation facility, private; Park active; Park, passive; Utility, minor
Buildings:	65 Single Family Detached, 50 Single Family Attached
Density:	3.4 DU/acre (less than 6 DU/acre)
Building Height:	40 feet / 3-stories
Built Upon Area (BUA):	60%

Building Setbacks:

	Single Family	Townhomes
Front:	10 feet	10 feet
Front (garage):	20 feet	20 feet
Side:	5 feet	0 feet
Rear:	10 feet	10 feet
Building to Building:	10 feet	10 feet
From Buffer/RCA:	10 feet for buildings 5 feet for parking areas	

Parking:	Parking to comply with UDO Section 8.3.2
Single Family Detached	
Required Spaces:	2 spaces per dwelling unit 65 dwelling units x 2 spaces/unit
Proposed Spaces:	130 spaces (parking is provided within garages and driveways)
Single Family Attached (Townhomes)	
Required Spaces:	2 spaces per dwelling unit plus .25 per unit for guest parking 2 spaces x 50 dwelling units = 100 spaces .25 x 50 dwelling units = 13 spaces Total = 113 parking spaces

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
EVANS ROAD PUD ASSEMBLY
EVANS ROAD @ HUMIE OLIVE ROAD
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY

title:
COVER SHEET

proj #: 180903
date: May 3, 2021
dwg by: JE chkd by: JR
scale: As Noted
sheet: *C000*
SKETCH PLAN

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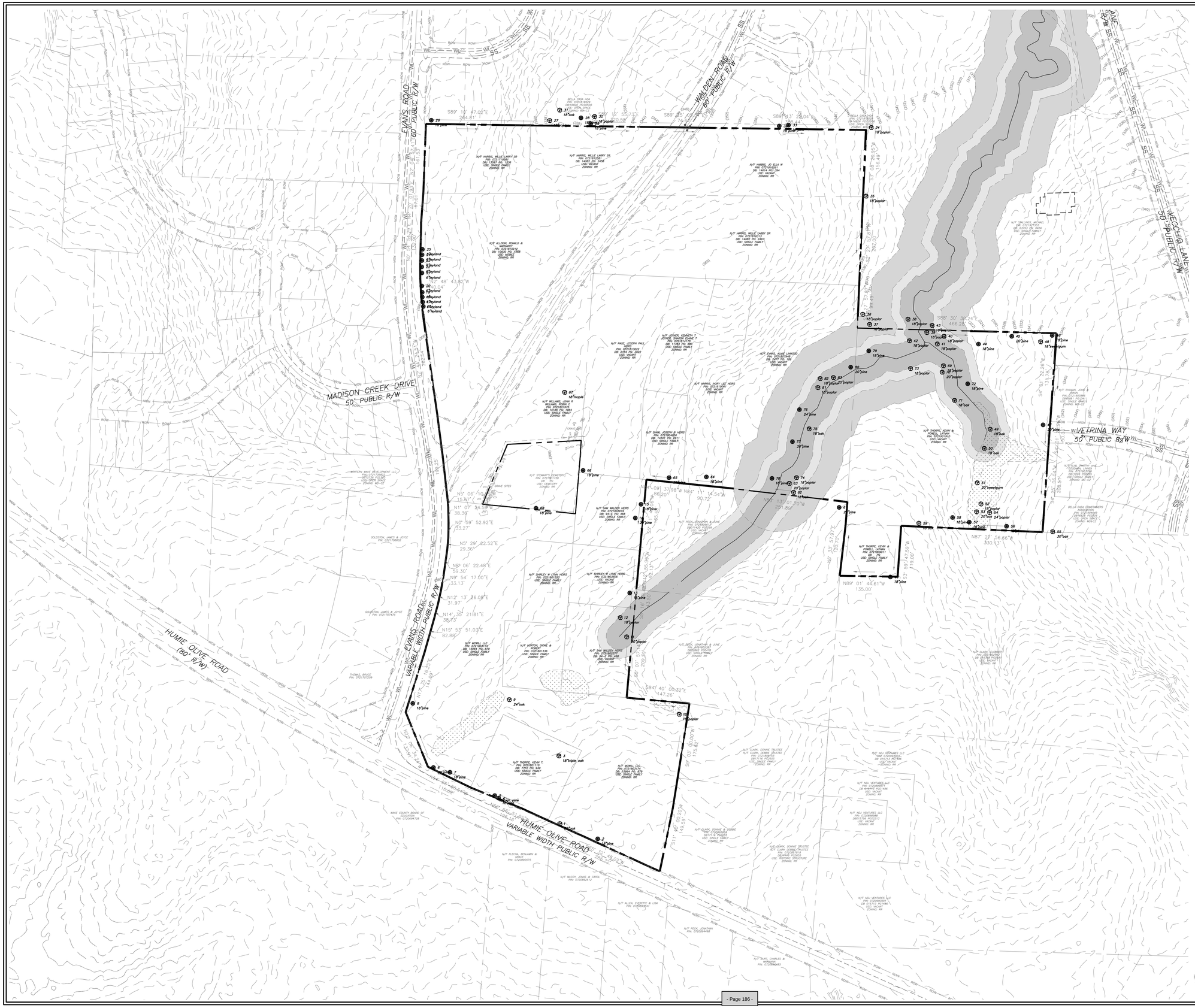

TREE LEGEND

PINE TREES (>18" DBH)

DECIDUOUS TREES (>18" DBH)

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

N

0 50 100 200

SCALE: 1" =100'

1 C001 EXISTING CONDITIONS

SCALE: 1"= 100'

PEAK Engineering & Design

1125 Apex Peakway | Apex, NC 27502

ph: 919.439.0700

www.PeakEngineering.com

NC License #P-0673

project:

EVANS ROAD PUD ASSEMBLY

BUCKHORN TOWNSHIP

APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY

title:

EXISTING CONDITIONS

proj #: 180903

date: May 3, 2021

dwg by: JE

chkd by: JR

scale: As Noted

sheet: *C001*

SKETCH PLAN

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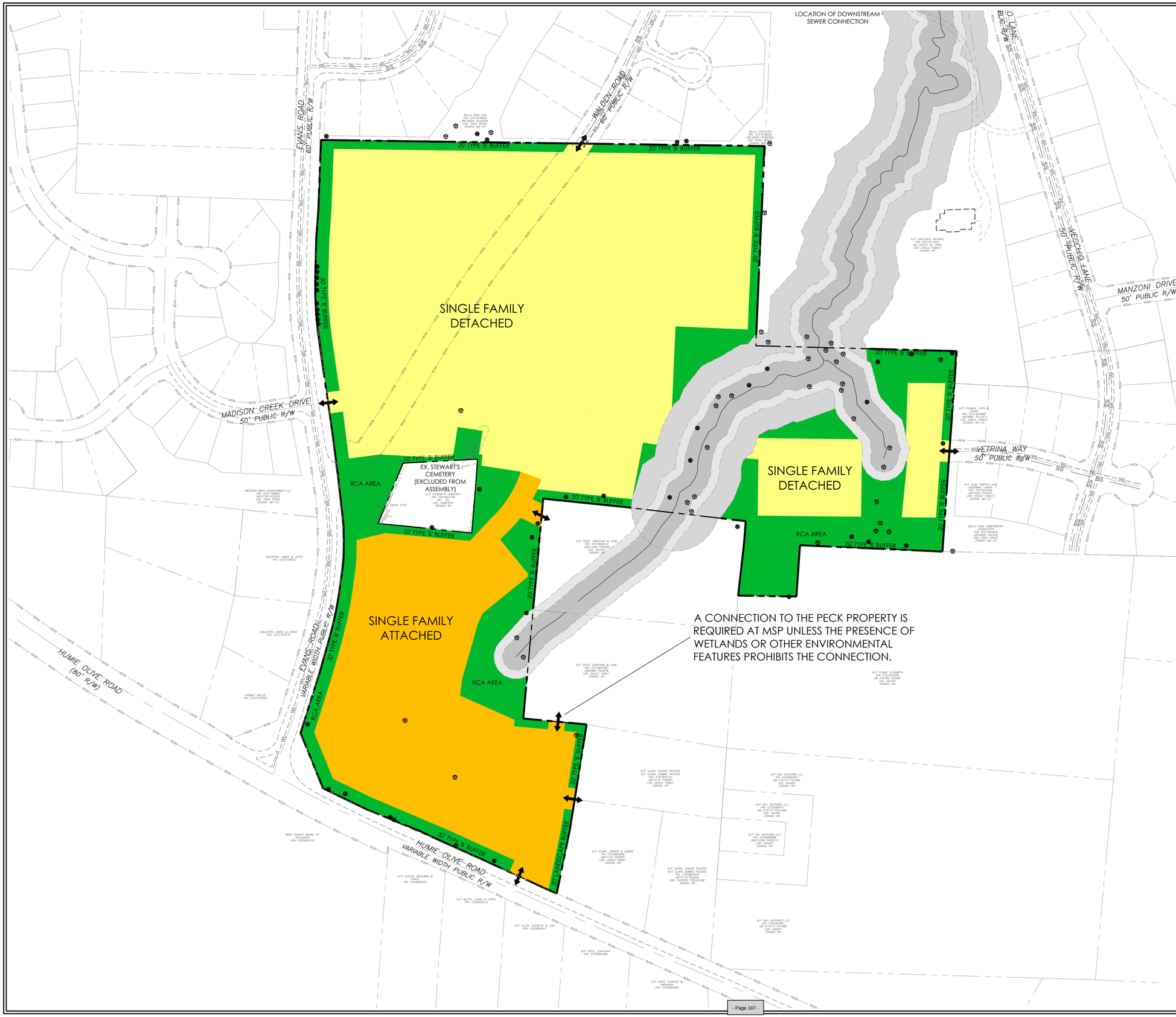

1 C100 CONCEPTUAL SITE PLAN
SCALE: 1"= 100'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0700
www.PeakEngineering.com
NC License #P-0673

project:
EVANS ROAD PUD ASSEMBLY
EVANS ROAD @ HUMIE OLIVE ROAD
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

No.	DATE	REVISION	BY

title:
CONCEPTUAL SITE PLAN

proj #: 180903
date: May 3, 2021
dwg by: JE
chkd by: JR
scale: As Noted
sheet: *C100*
SKETCH PLAN

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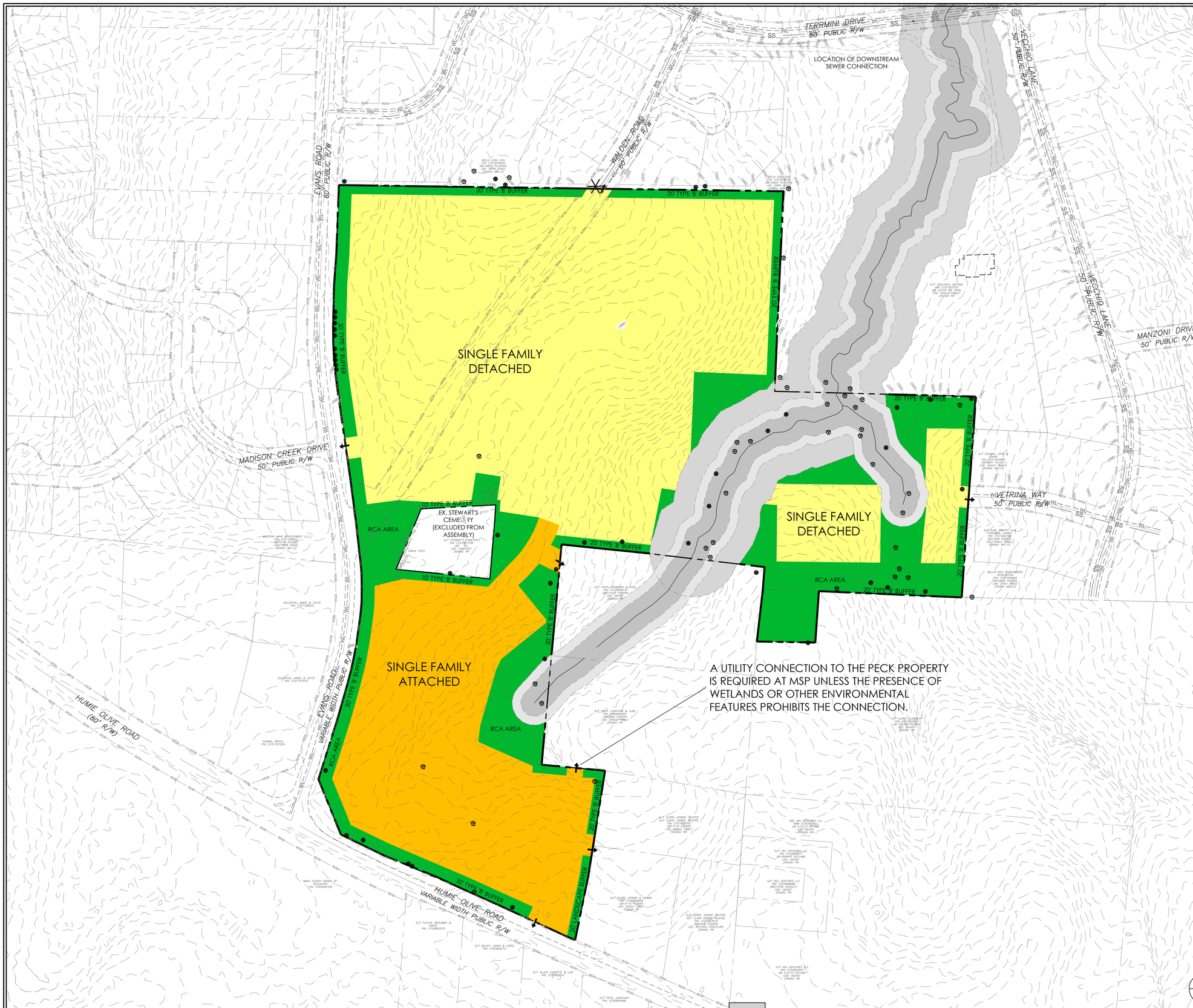

UTILITY NOTES:

1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

PROJECT PERIMETER BOUNDARY

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

N

0 50 100 200

SCALE: 1" =100'

1 C200 CONCEPTUAL UTILITY PLAN

SCALE: 1"= 100'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
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seal:

No.	DATE	REVISION	BY

title:
CONCEPTUAL UTILITY PLAN

proj #: 180903

date: May 3, 2021

dwg by: JE chkd by: JR

scale: As Noted

sheet: *C200*

SKETCH PLAN

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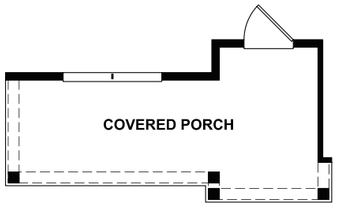
Paid Options

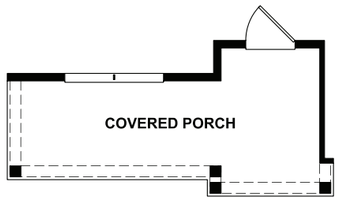
Structural options that add square footage or other structure (s) to the home for a fee

Optional Exterior FCL on Second Floor

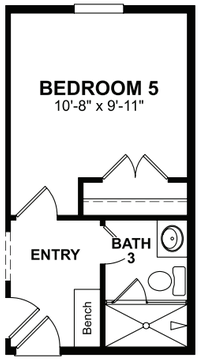
Optional Exterior FHL on Second Floor



Optional Exterior FCL on First Floor



Optional Exterior FHL on First Floor



Optional Bedroom 5/Bath 3 ILO Study/Powder

Legend

OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door	Dotted Lines Denote Optional Items
W - Washer	Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	

BEAZER HOMES

Beckett

3-5 beds / 2.5-3 baths
2,556 sq. ft.
2-car garage

French Country L Exterior

Farmhouse L Exterior

Traditional L Exterior

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BZH LISTED NYSE

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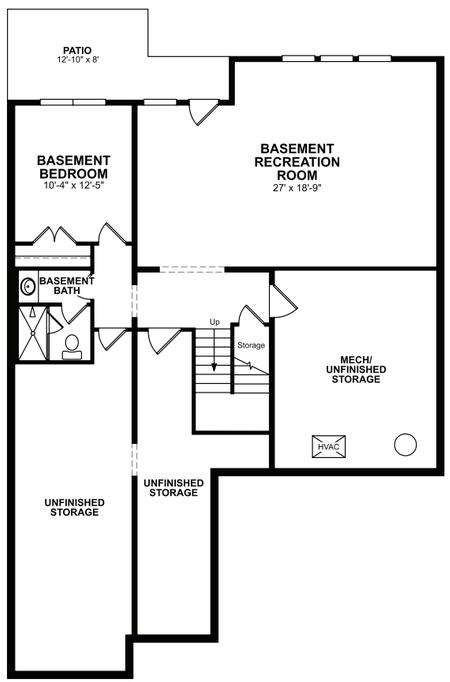
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

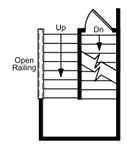
BEAZER HOMES

Dianne

4-6 beds / 3.5-4.5 baths
3,501 sq. ft.
2-car garage



Optional Basement



Stairs to
Optional Basement

Arts & Crafts L Exterior

French Country L Exterior

Farmhouse L Exterior

Traditional A Exterior

Legend

OPT - Optional
ILO - In Lieu Of
UTIL - Utility
WIC - Walk In Closet
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Dotted Lines Denote Optional Items
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BZH LISTED NYSE EQUAL HOUSING OPPORTUNITY ENERGY STAR PARTNER

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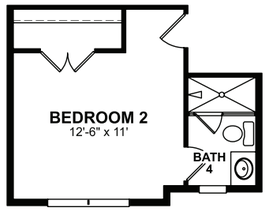
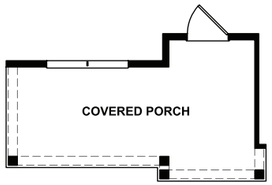
Paid Options

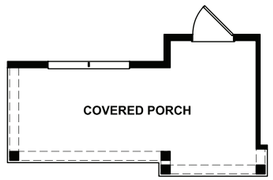
Structural options that add square footage or other structure (s) to the home for a fee



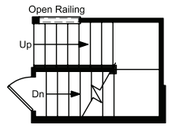
Optional Bath 4
ILO Walk-In Closet



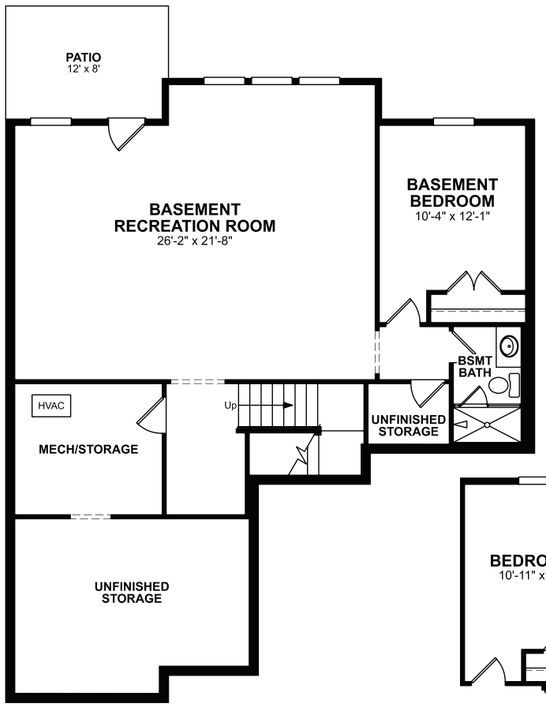
Elevation FCL



Elevation FHL



Stairs to Optional Basement



Optional Basement

Elevation FCL

Elevation FHL

Optional Bedroom 5/
Bath 3 ILO Study/Powder

Legend

OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
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WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	

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V643 v1.2 2-21

BEAZER HOMES

Miller

4-6 beds / 2.5-5 baths
2,972 sq. ft.
2-car garage

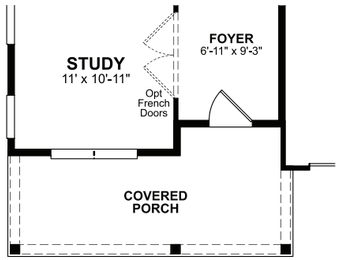
French Country L Exterior

Farmhouse L Exterior

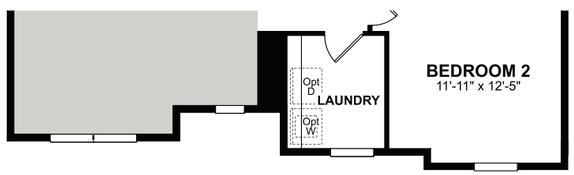
Traditional L Exterior

Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Elevation FHL/ FHM/ FCL/ TRM



Elevation FHL/ FHM

Legend

OPT - Optional
ILO - In Lieu Of
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WIC - Walk In Closet
WIP - Walk In Pantry
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SGD - Sliding Glass Door
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WH - Water Heater
DW - Dishwasher
REF - Refrigerator

HVAC - Heating Ventilating and Air Conditioning
MECH - Mechanical Room
WO - Wall Oven
MO - Microwave Oven
LIN - Linen
PAN - Pantry

Dotted Lines Denote Optional Items

Dashed Lines Denote Elevated Features

BEAZER HOMES

Douglas

5 beds / 4.5 baths
3,431 sq. ft.
2-car garage

French Country L Exterior

Farmhouse L Exterior

Farmhouse M Exterior

Traditional L Exterior

Traditional M Exterior

BZH LISTED NYSE
ENERGY STAR PARTNER

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V648 v1.3 4-21

BEAZER HOMES

DIANNE
RLH V567

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRA/TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Plan Elev FCL
F-1.4	Slab Plan Options
F-2.0	Crawl Plan
F-2.1	Crawl Plan Partials
F-3.0	Basement Plan
F-3.1	Basement Plan Partials
A-1.0	First Floor Plan & Partial
A-1.1	First Floor Plan Partials
A-2.0	Second Floor Plan & Partial
A-2.1	Second Floor Plan Partials
A-3.0	Front Elevation TRA
A-3.1	Side Elevations TRA
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-3.6	Front Elevation FCL
A-3.7	Side Elevations FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Optional Fireplace
O-3.0	Optional Screened Porch
O-4.0	Optional Basement Elevation

Sheet List

Sheet #	Description
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
E-4.0	Basement Electrical Plan
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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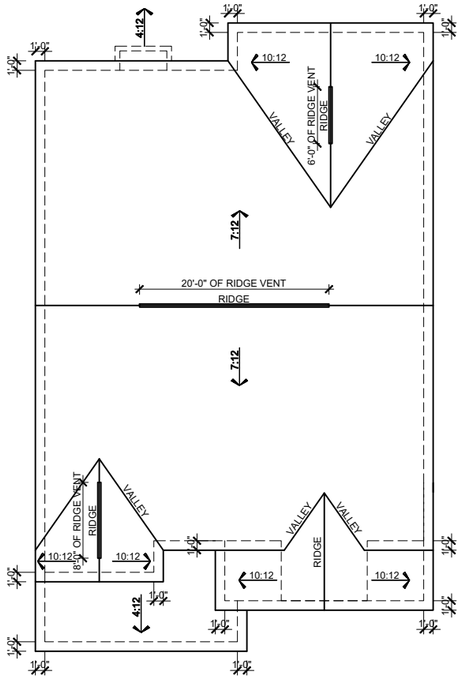
BEAZER HOMES

RLH V567 3.2
Cover Sheets
Cover Sheet

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: CS-1.0

Plot Date: 24-07-2020 21:15:02; By: Vijay Panchal



ROOF PLAN TRA

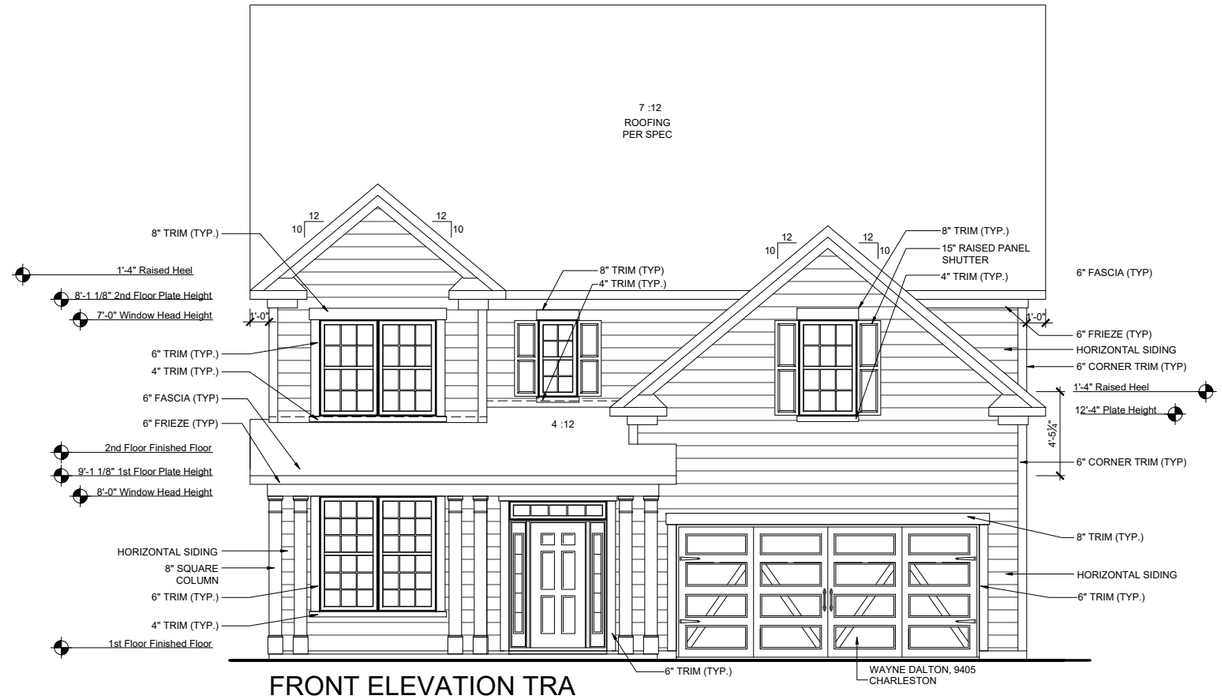
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRA

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		2161 SF
2161 SF x 1/300		7.13SF
7.13 SF x 144 SQ. IN.	REQ TOTAL VENT:	1026.9 IN.
HIGH VENTING		
(34') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		612 SQ. IN.
LOW VENTING		
(50') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		450 SQ. IN.
TOTAL FREE AREA PROVIDED		1062 SQ. IN.

PORCH/GARAGE ROOF TRA

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		246 SF
246 SF x 1/300		.81 SF
.81 SF x 144 SQ. IN.	REQ TOTAL VENT:	116.90 IN.
HIGH VENTING		
(0') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		0 SQ. IN.
LOW VENTING		
(14') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		126 SQ. IN.
TOTAL FREE AREA PROVIDED		126 SQ. IN.



FRONT ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION - TRA on CRAWLSPACE

SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)

REAR ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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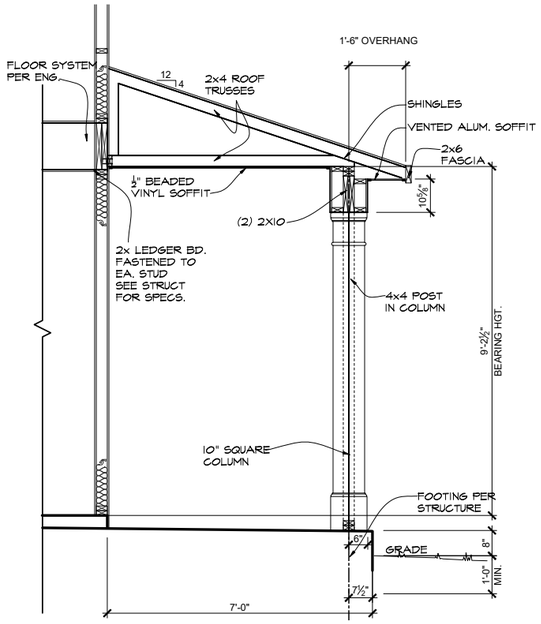
BEAZER HOMES

RLH V567 3.2
Elevation Plans
Front Elevation TRA

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.0

Plot Date: 24-07-2020 21:24:43; By: Vijay Panchal



FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)

LEFT ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

RIGHT ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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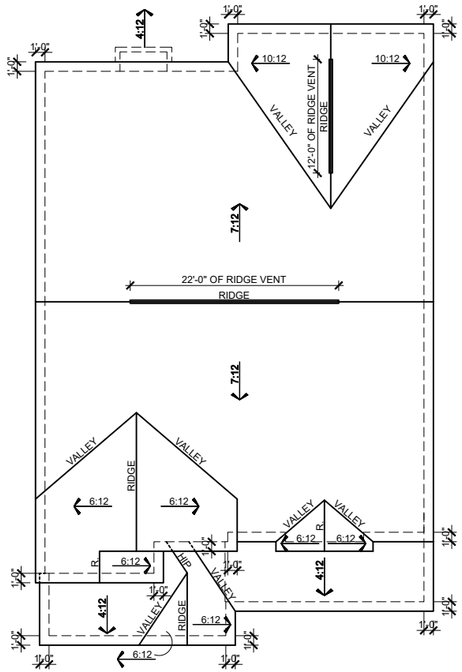
BEAZER HOMES

RLH V567 3.2
Elevation Plans
Side Elevations TRA

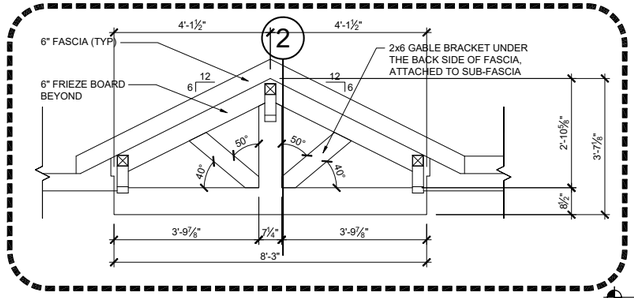
drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.1

Plot Date: 24-07-2020 21:24:45; By: Vijay Panchal



ROOF PLAN ACL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



1 GABLE END DETAIL

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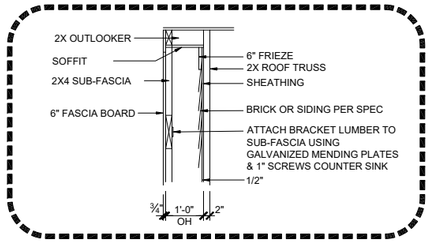
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



2 GABLE END SECTION DETAIL

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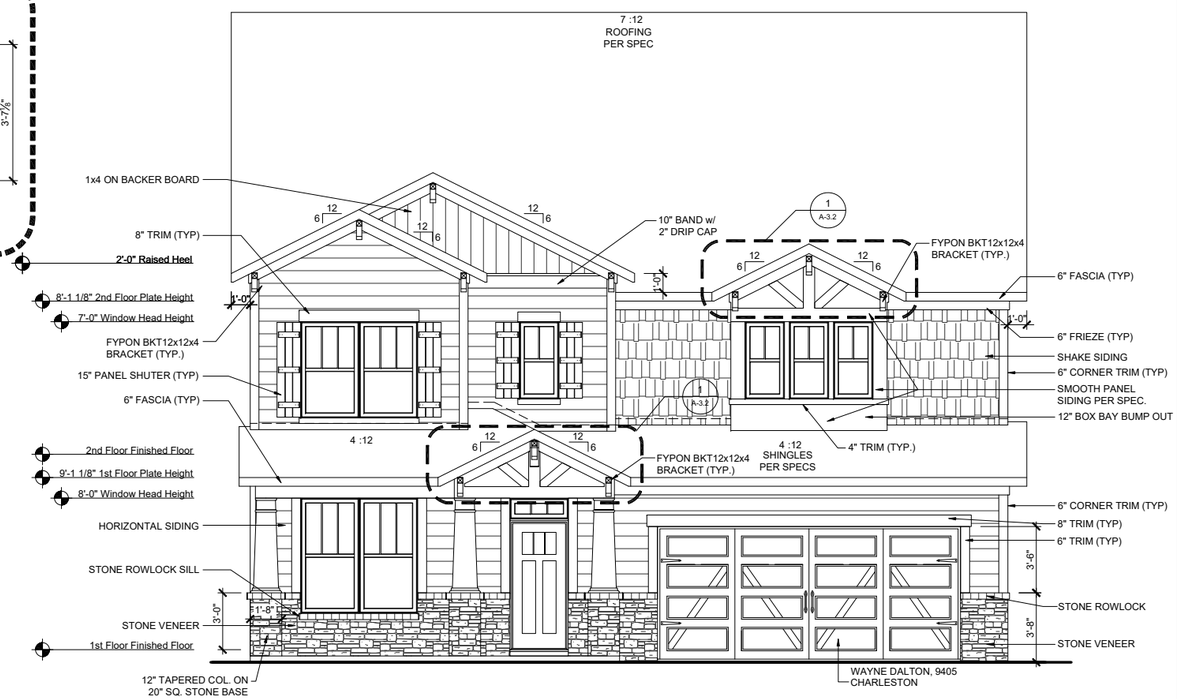
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION - ACL on CRAWLSPACE

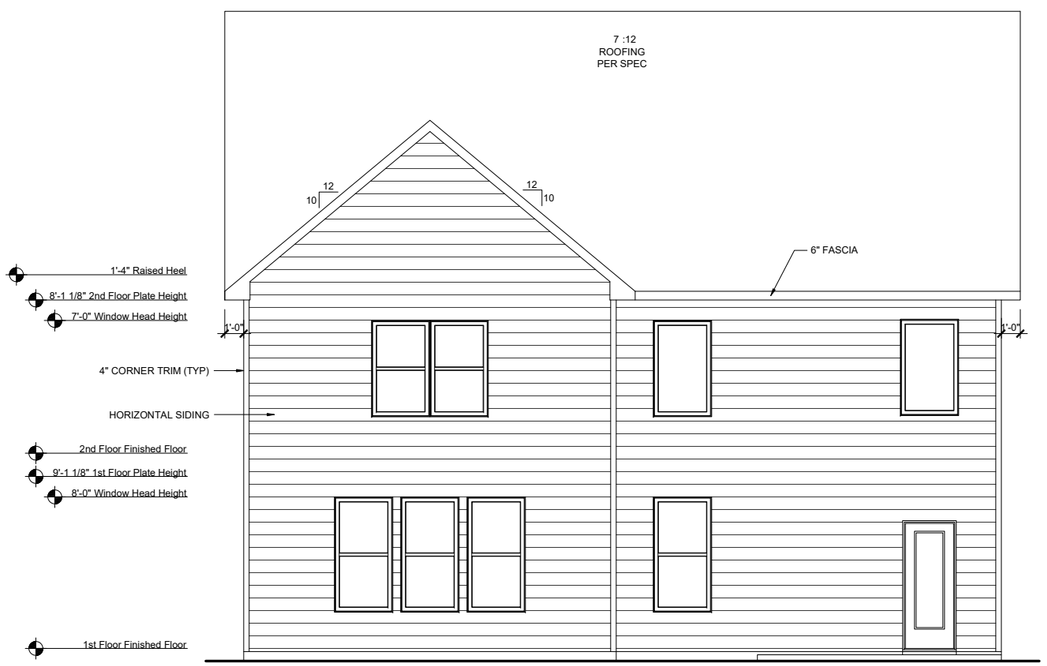
SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF ACL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		2091 SF
2091 SF x 1/300		6.97 SF
6.97 SF x 144 SQ. IN.	REQ TOTAL VENT:	1004 IN.
HIGH VENTING		
(34') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		612 SQ. IN.
LOW VENTING		
(50') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		450 SQ. IN.
TOTAL FREE AREA PROVIDED		1062 SQ. IN.

PORCH/GARAGE ROOF ACL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		301 SF
301 SF x 1/300		1.00 SF
1.00 SF x 144 SQ. IN.	REQ TOTAL VENT:	144 IN.
HIGH VENTING		
(0') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		0 SQ. IN.
LOW VENTING		
(20') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		180 SQ. IN.
TOTAL FREE AREA PROVIDED		180 SQ. IN.



REAR ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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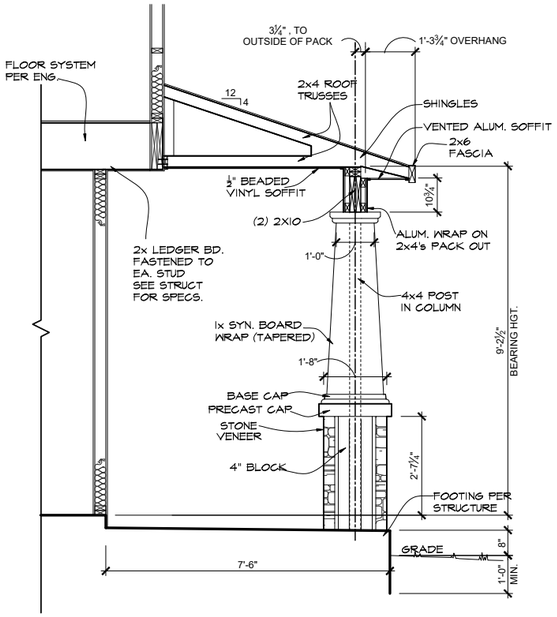
RLH V567 3.2
Elevation Plans
Front Elevation ACL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.2

Plot Date: 24-07-2020 21:24:48; By: Vijay Panchal



FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)

LEFT ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

RIGHT ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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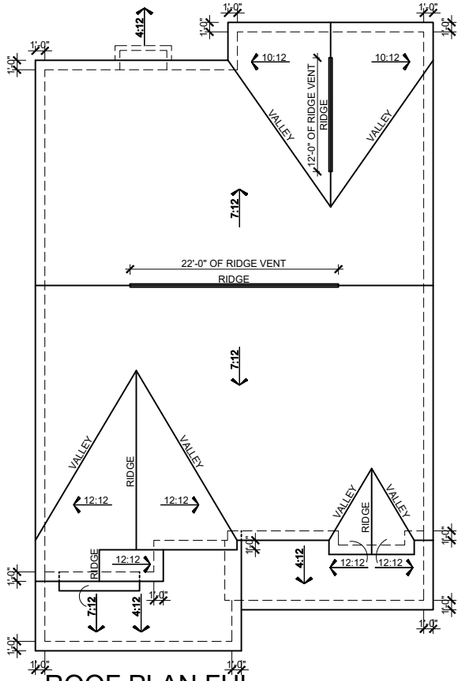
RLH V567 3.2

Elevation Plans

Side Elevations ACL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:
A-3.3

Plot Date: 24-07-2020 21:24:50; By: Vijay Panchal



ROOF PLAN FHL

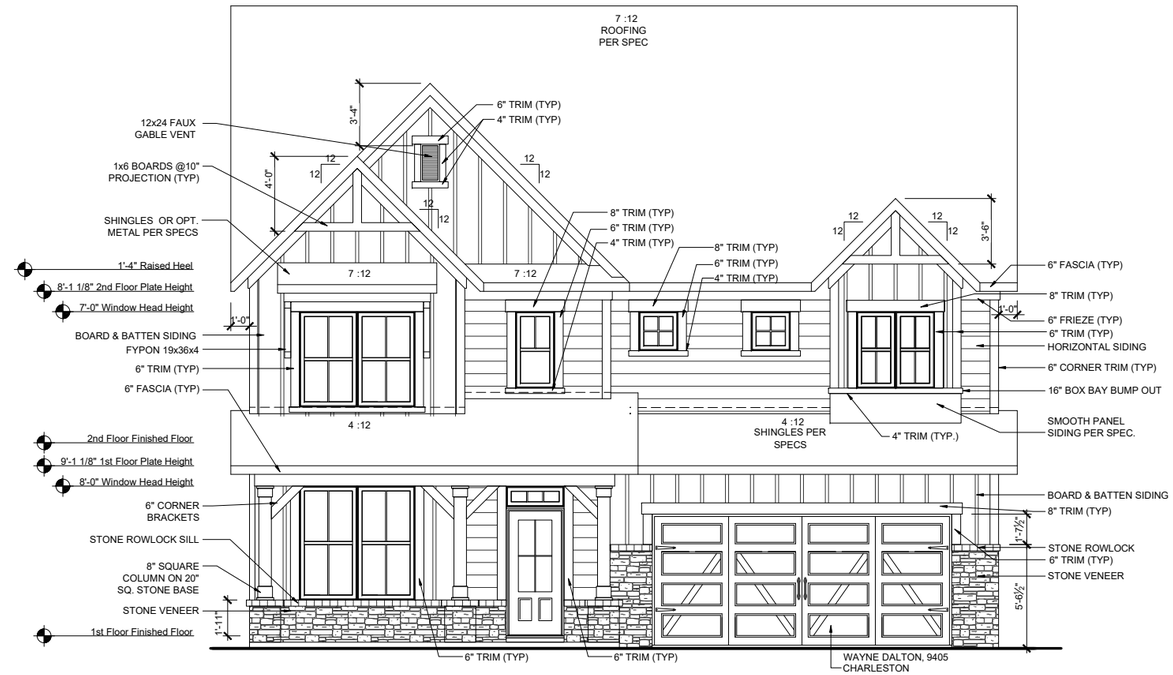
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		2094 SF
2094 SF x 1/300		6.91 SF
6.91 SF x 144 SQ. IN.	REQ TOTAL VENT:	995.1 IN.
HIGH VENTING (34') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		612 SQ. IN.
LOW VENTING (50') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		450 SQ. IN.
TOTAL FREE AREA PROVIDED		1062 SQ. IN.

PORCH/GARAGE ROOF FHL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		369 SF
369 SF x 1/300		1.22 SF
1.22 SF x 144 SQ. IN.	REQ TOTAL VENT:	176.3 IN.
HIGH VENTING (0') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		0 SQ. IN.
LOW VENTING (20') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		180 SQ. IN.
TOTAL FREE AREA PROVIDED		180 SQ. IN.

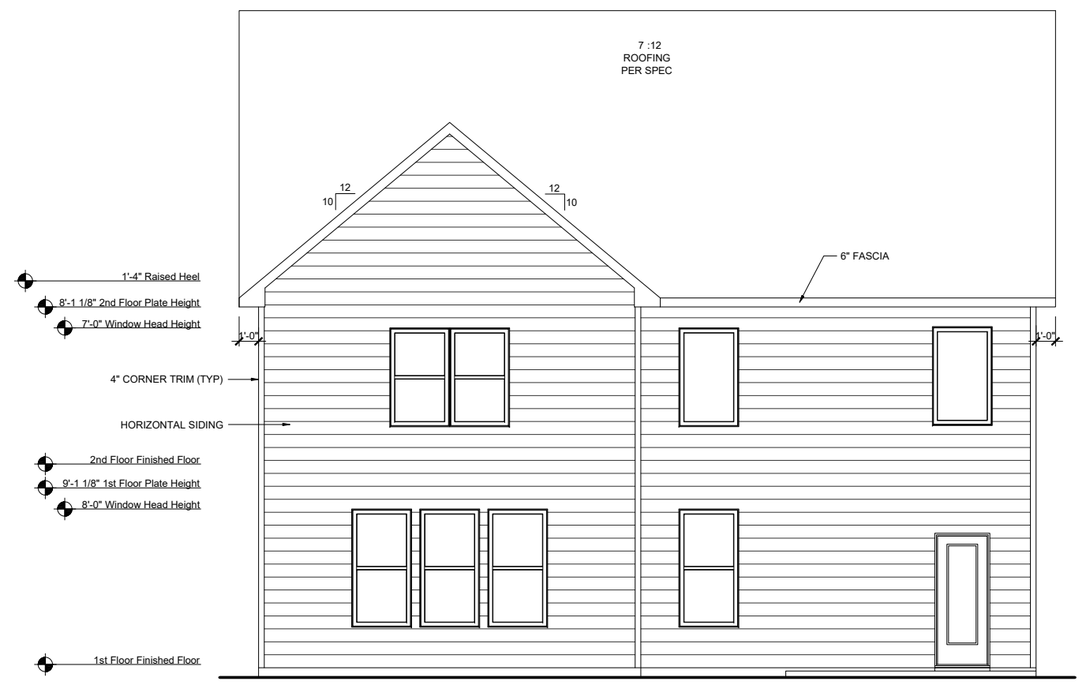


FRONT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION - FHL on CRAWLSPACE

SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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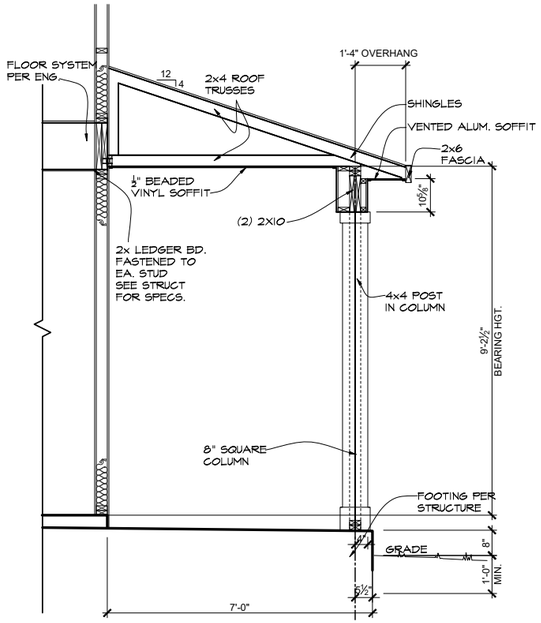
RLH V567 3.2

Elevation Plans

Front Elevation FHL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.4

Plot Date: 24-07-2020 21:24:53; By: Vijay Panchal

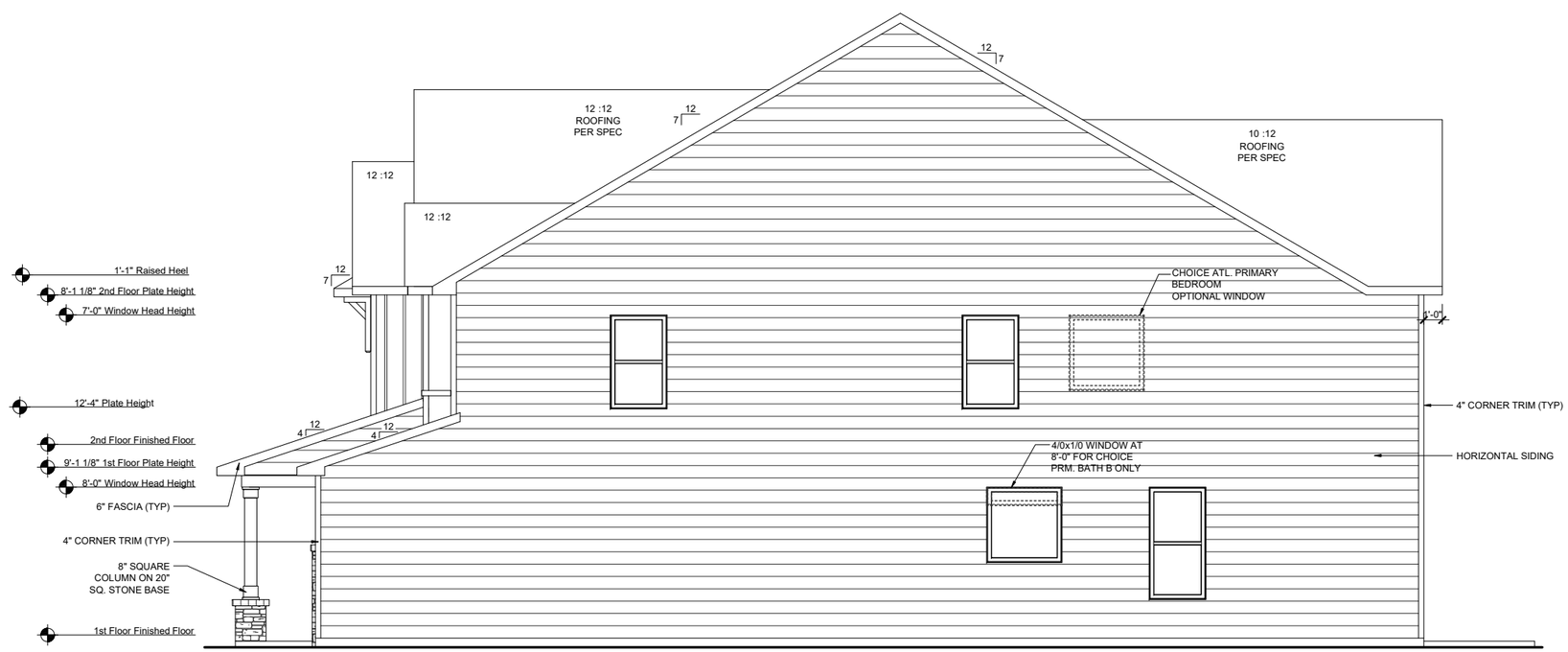


FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)

LEFT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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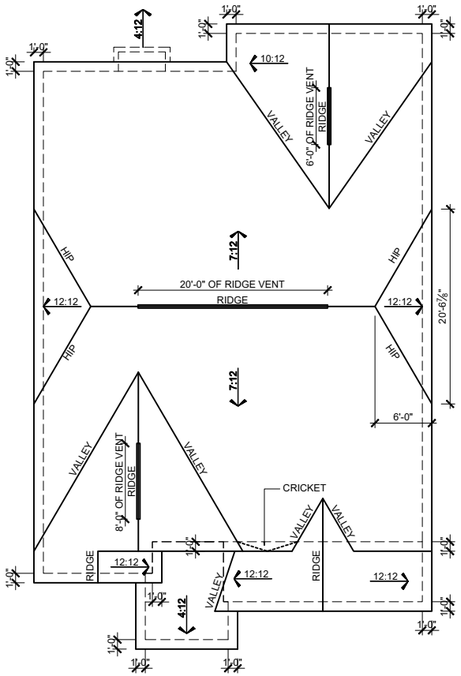
RLH V567 3.2

Elevation Plans

Side Elevations FHL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.5

Plot Date: 24-07-2020 21:24:55; By: Vijay Panchal



ROOF PLAN FCL

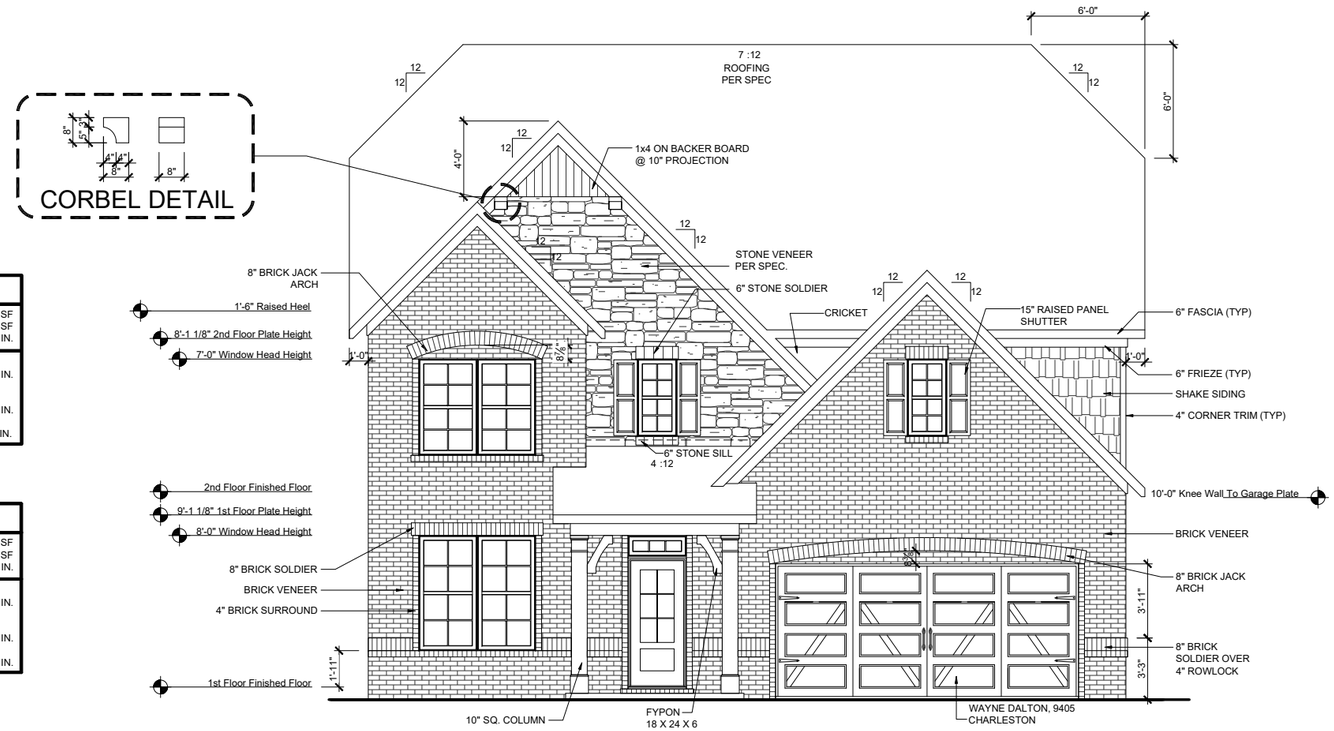
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		2113 SF
2113 SF x 1/300		6.97 SF
6.97 SF x 144 SQ. IN.	REQ TOTAL VENT:	1004.1 IN.
HIGH VENTING		
(34') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		612 SQ. IN.
LOW VENTING		
(50') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		450 SQ. IN.
TOTAL FREE AREA PROVIDED		1062 SQ. IN.

PORCH/GARAGE ROOF FCL

ATTIC VENT CALCULATION		
ATTIC SQUARE FOOTAGE =		208 SF
208 SF x 1/300		.69 SF
.69 SF x 144 SQ. IN.	REQ TOTAL VENT:	98.8 IN.
HIGH VENTING		
(0') RIDGE VENTS x 18 SQ. IN. PER LINEAL FT		0 SQ. IN.
LOW VENTING		
(12') SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT		108 SQ. IN.
TOTAL FREE AREA PROVIDED		108 SQ. IN.

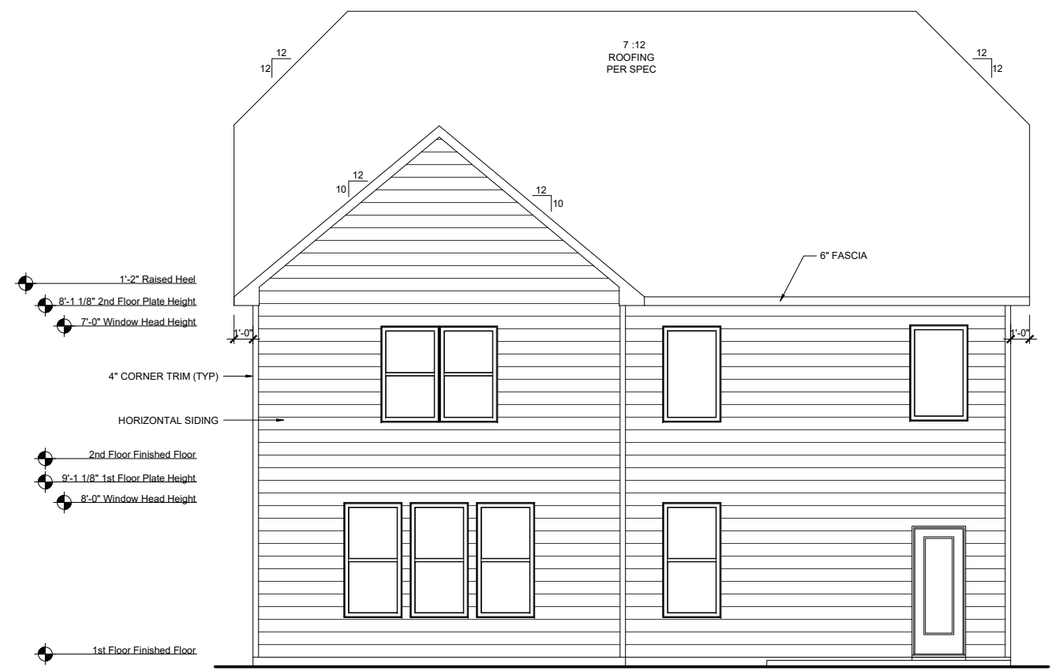


FRONT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION - FCL on CRAWLSPACE

SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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BEAZER HOMES

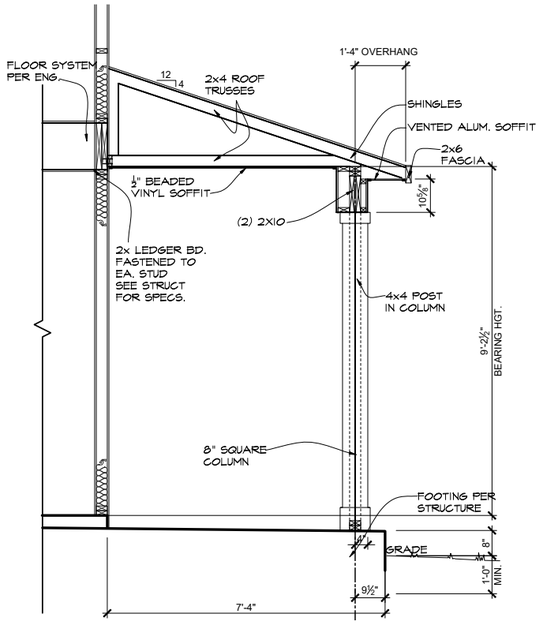
RLH V567 3.2

Elevation Plans

Front Elevation FCL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.6

Plot Date: 24-07-2020 21:24:59; By: Vijay Panchal

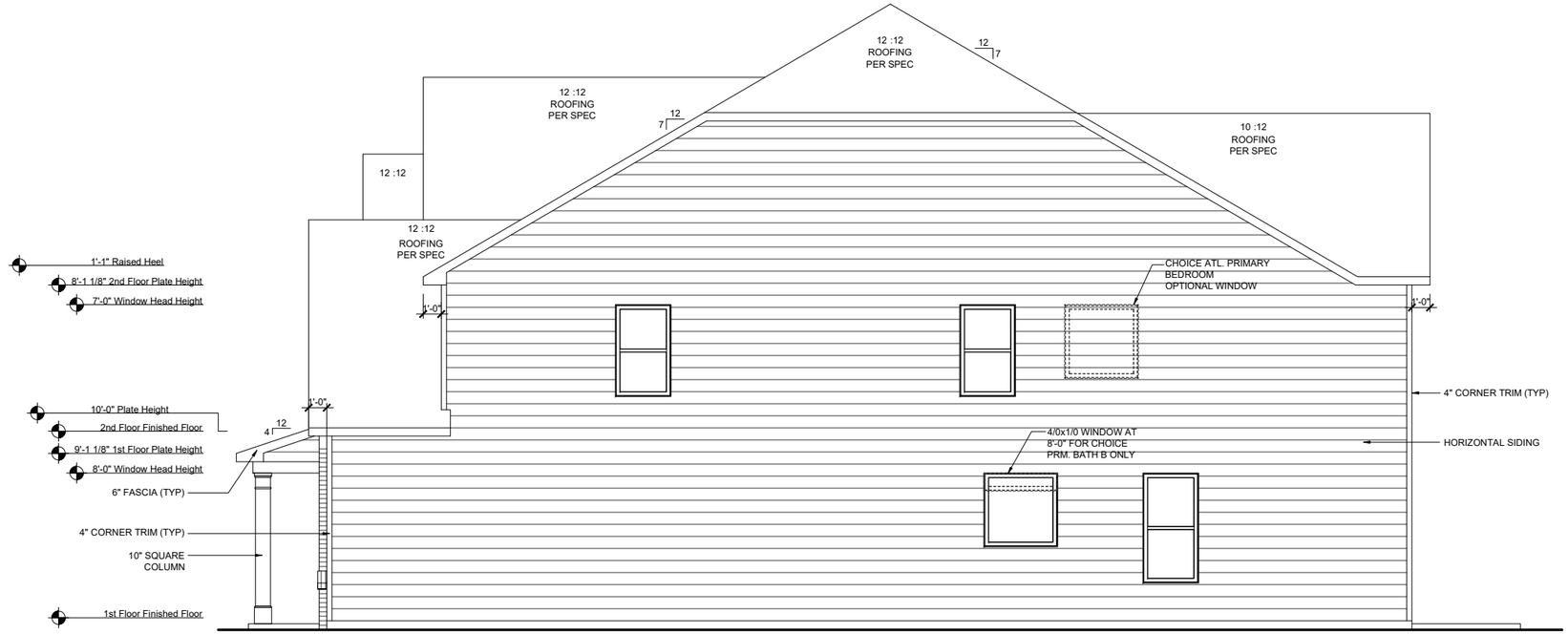


FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)

LEFT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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BEAZER HOMES

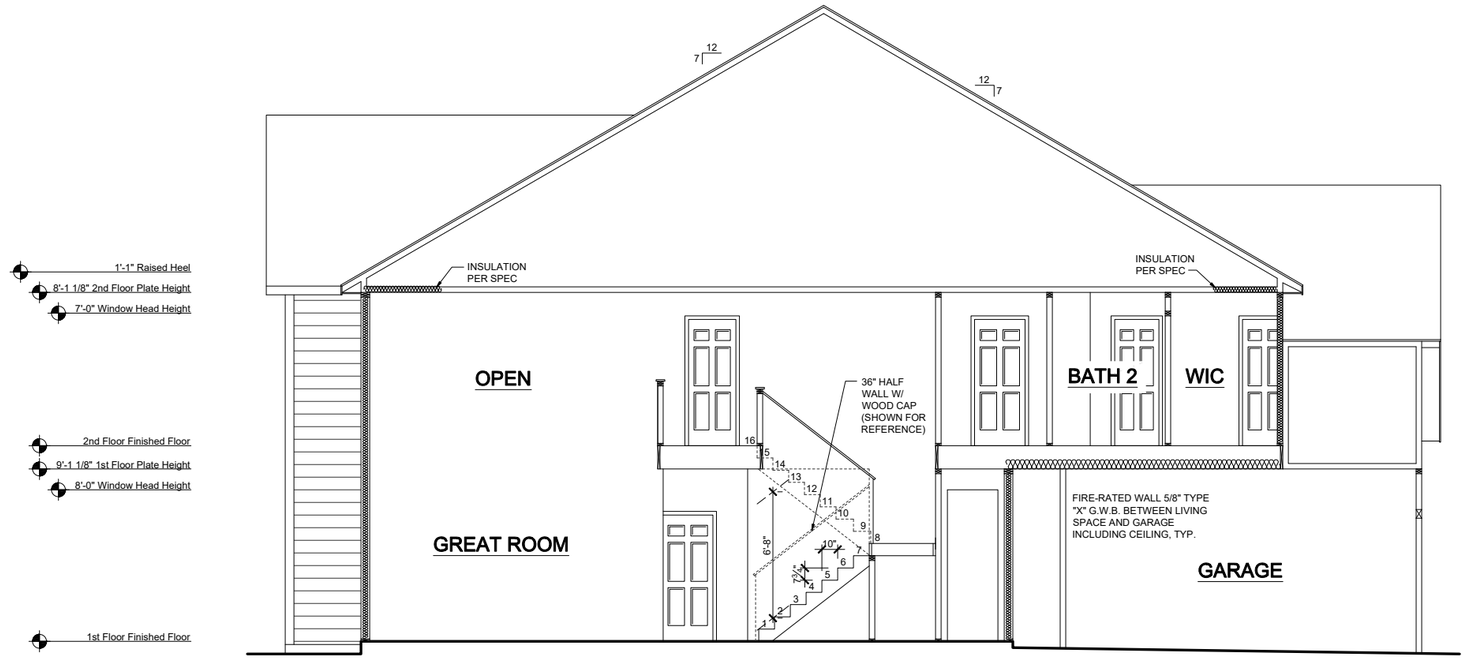
RLH V567 3.2

Elevation Plans

Side Elevations FCL

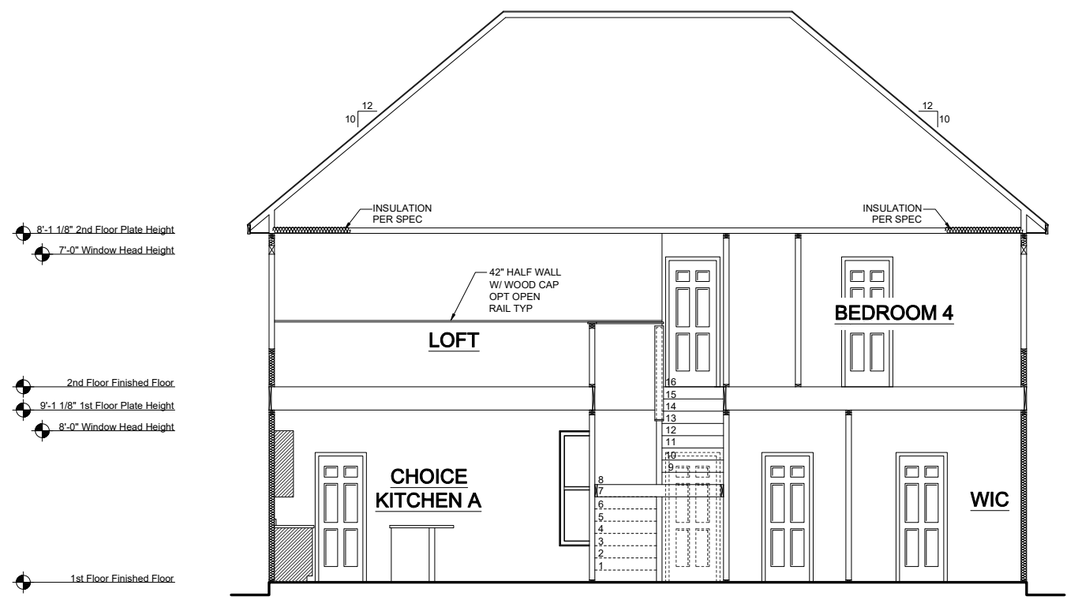
drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-3.7

Plot Date: 24-07-2020 21:25:01; By: Vijay Panchal



SECTION 1

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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BEAZER HOMES

RLH V5673.2

Typical Sections

Sections

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: A-4.0

Plot Date: 24-07-2020 21:25:02; By: Vijay Panchal

REAR ELEVATION AT BASEMENT

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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BEAZER HOMES

RLH V567 3.2

Structural Options

Optional Basement Elevation

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number: O-4.0

Plot Date: 24-07-2020 21:17:55; By: Vijay Panchal

BECKETT
RLH V642

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan FHL
F-1.2	Slab Plan FCL
F-1.3	Slab Plan Options
F-2.0	Crawl Plan TRL
F-2.1	Crawl Plan Partials
A-1.0	First Floor Plan & Partials
A-2.0	Second Floor Plan & Partials
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Floor Plan Options
O-2.1	Optional Screened Porch
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details
S-5.1	Shear Transfer Details

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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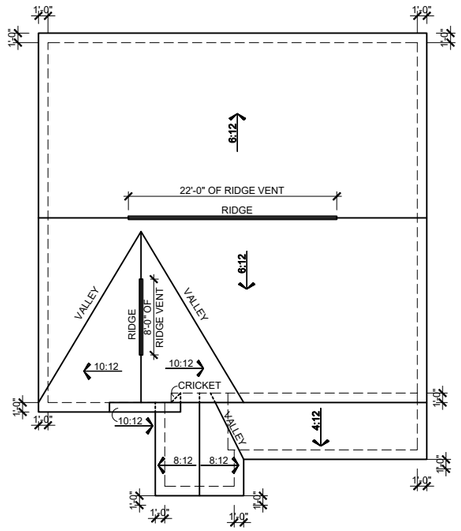
RLH V642 | 1.3
Cover Sheets
Cover Sheet

drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number: CS-1.0

Plot Date: 23-07-2020 09:23:53; By: Amar



ROOF PLAN TRL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1456 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1456 SQ FT x 1/300) x 144) /2 = 349 SQ. IN.

349 / 18 NFA OF RIDGE VENT = 19 L.F.
349 / 9 NFA OF SOFFIT VENT = 39 L.F.

ACTUAL RIDGE VENT PROVIDED: 30'
ACTUAL SOFFIT VENT PROVIDED: 60'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

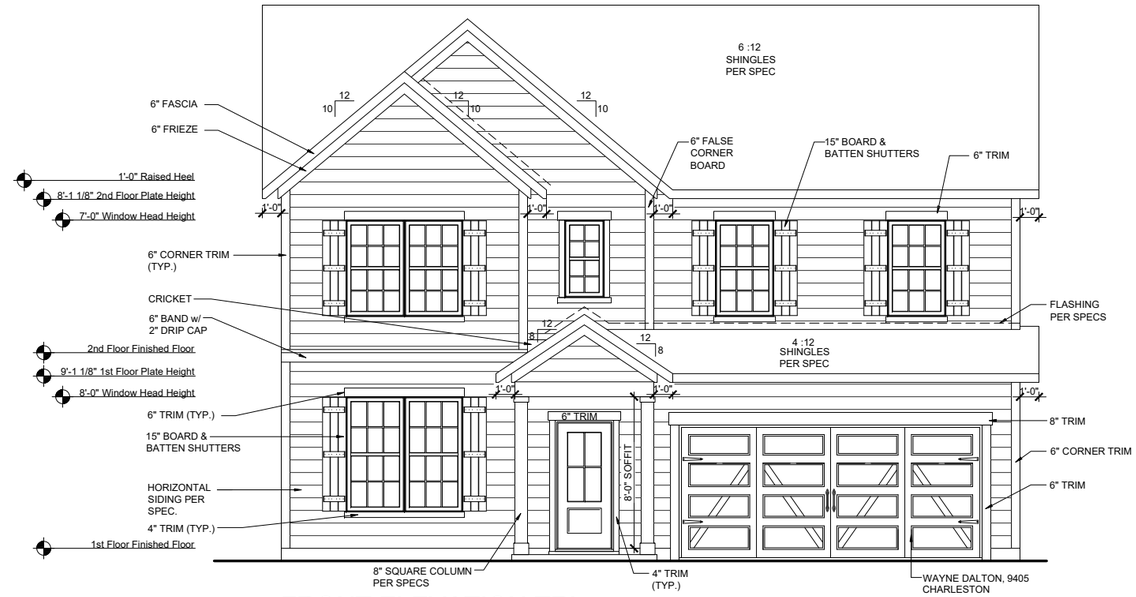
TOTAL SQ. FT. OF ROOF AREA: 187 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((187 SQ FT x 1/150) x 144) = 180 SQ. IN.

180 / 9 NFA OF SOFFIT VENT = 20 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 34'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

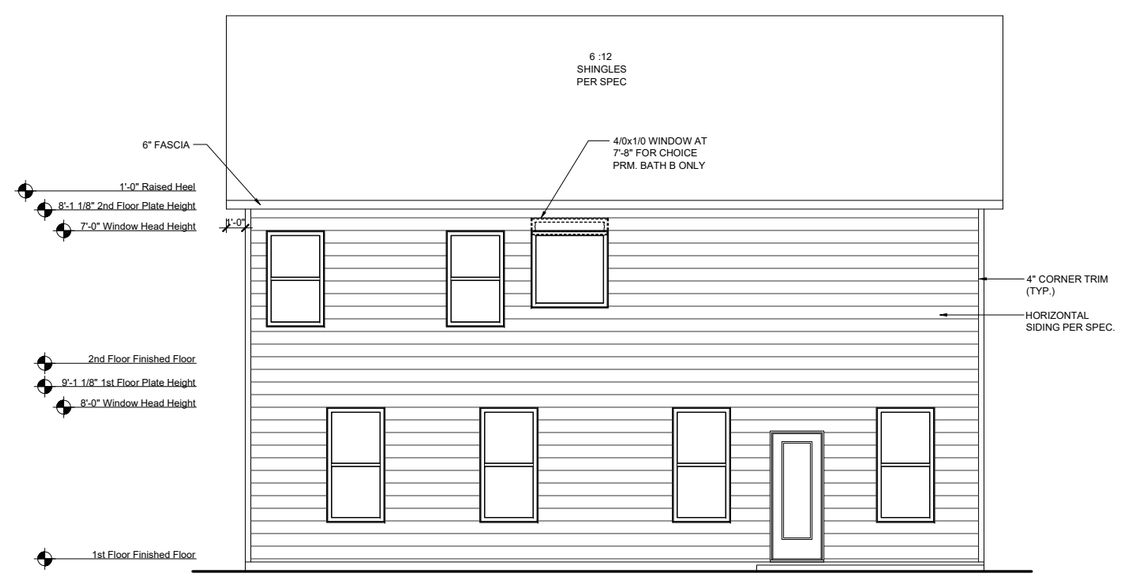


FRONT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION TRL on CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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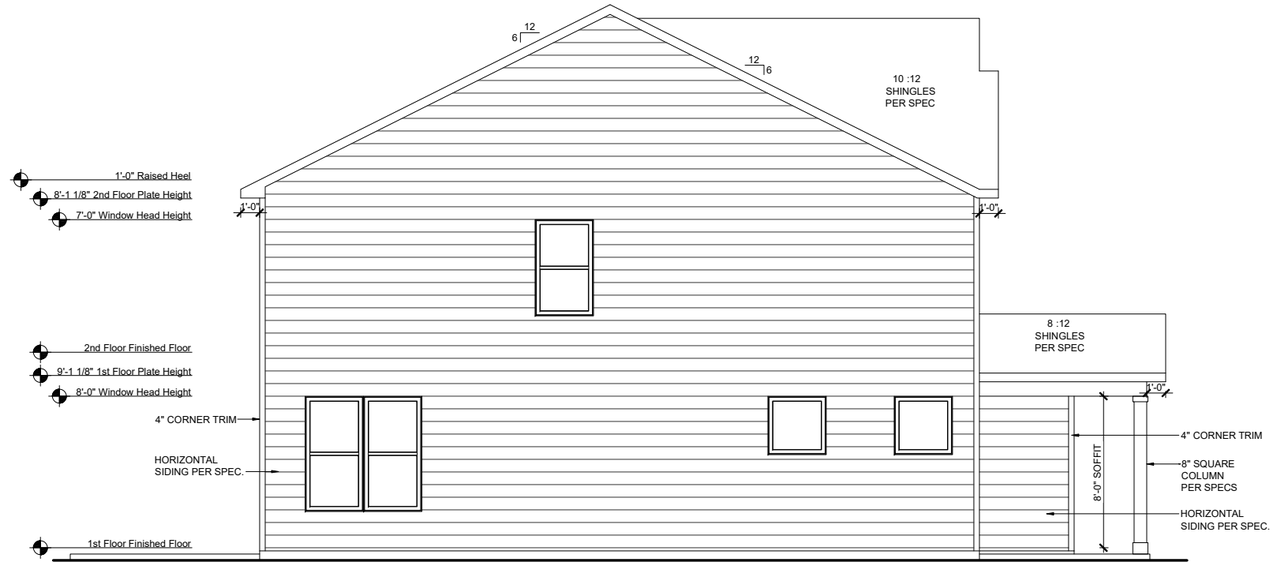
RLH V642 1.3

Elevation Plans

Front Elevation TRL

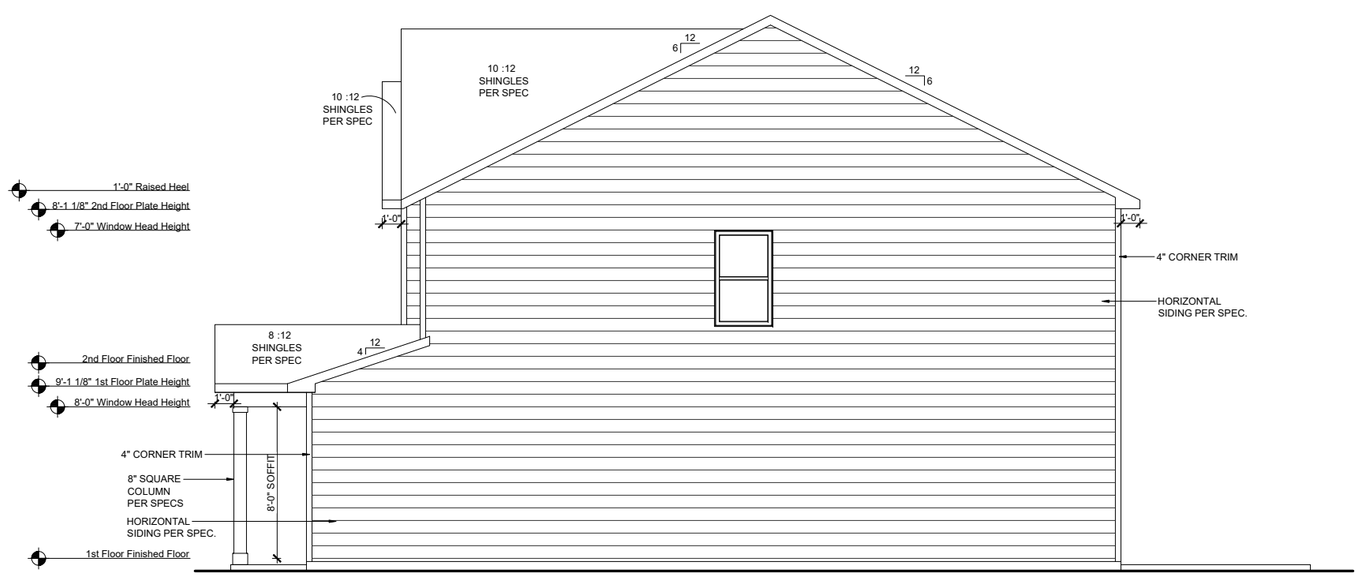
drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number:
A-3.0

Plot Date: 23-07-2020 09:25:12; By: Amar



LEFT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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BEAZER HOMES

RLH V642 1.3

Elevation Plans

Side Elevations TRL

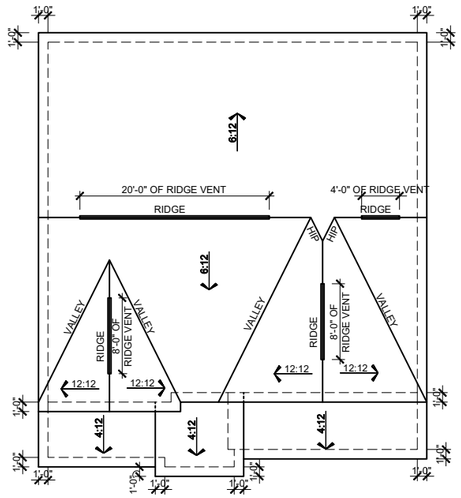
drawn by: XSI

checked by: BZH

date: 07/24/19

sheet number: A-3.1

Plot Date: 23-07-2020 09:25:24; By: Amar



ROOF PLAN FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1456 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1456 SQ FT x 1/300) x 144) /2 = 349 SQ. IN.

349 / 18 NFA OF RIDGE VENT = 19 L.F.
349 / 9 NFA OF SOFFIT VENT = 39 L.F.

ACTUAL RIDGE VENT PROVIDED: 40'
ACTUAL SOFFIT VENT PROVIDED: 60'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

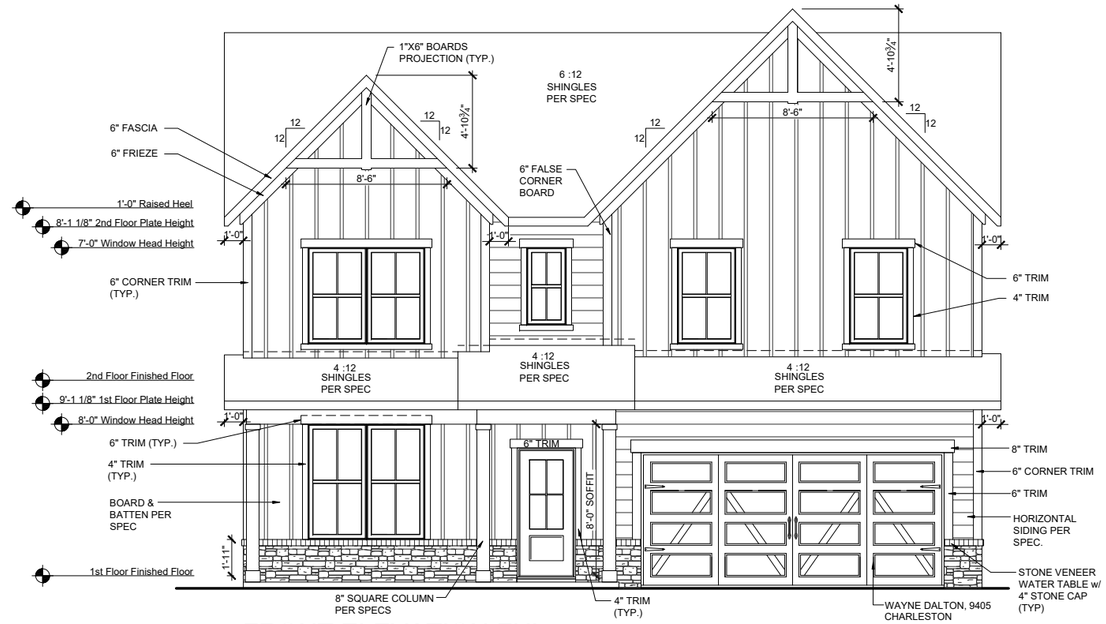
TOTAL SQ. FT. OF ROOF AREA: 245 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((245 SQ FT x 1/150) x 144) = 235 SQ. IN.

235 / 9 NFA OF SOFFIT VENT = 26 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 39'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

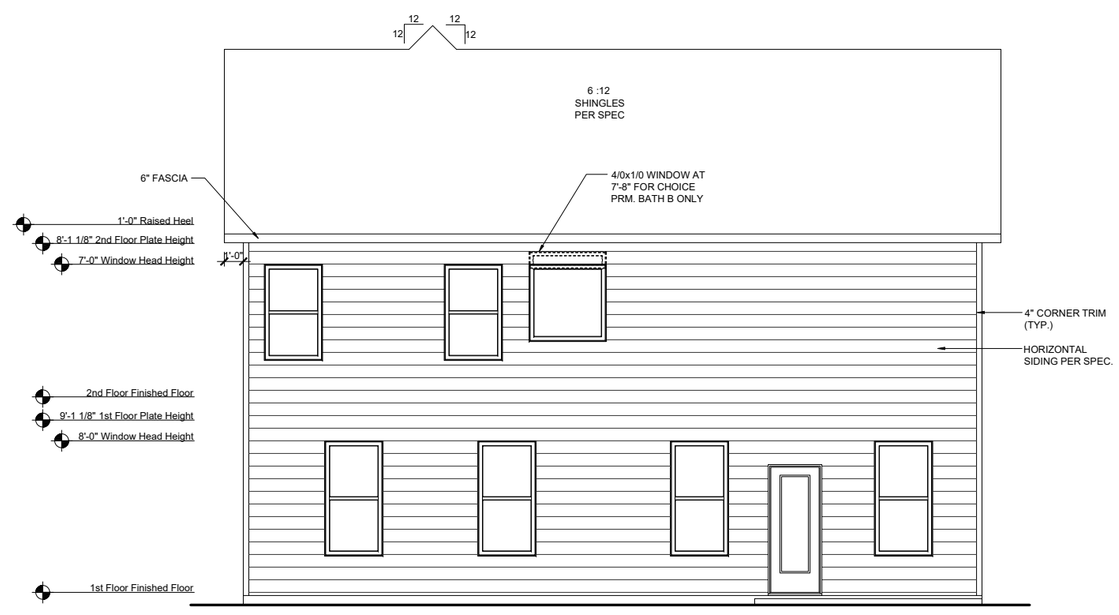


FRONT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION FHL on CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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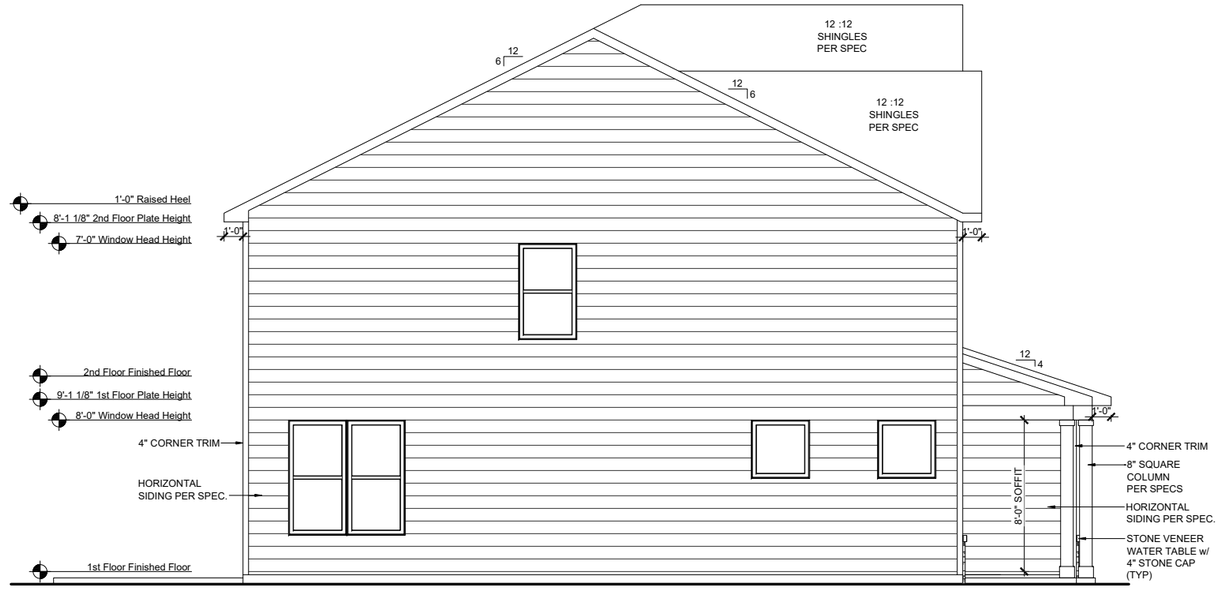
BEAZER HOMES

RLH V642 1.3
Elevation Plans
Front Elevation FHL

drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number: A-3.2

Plot Date: 23-07-2020 09:25:50; By: Amar



LEFT ELEVATION FHL

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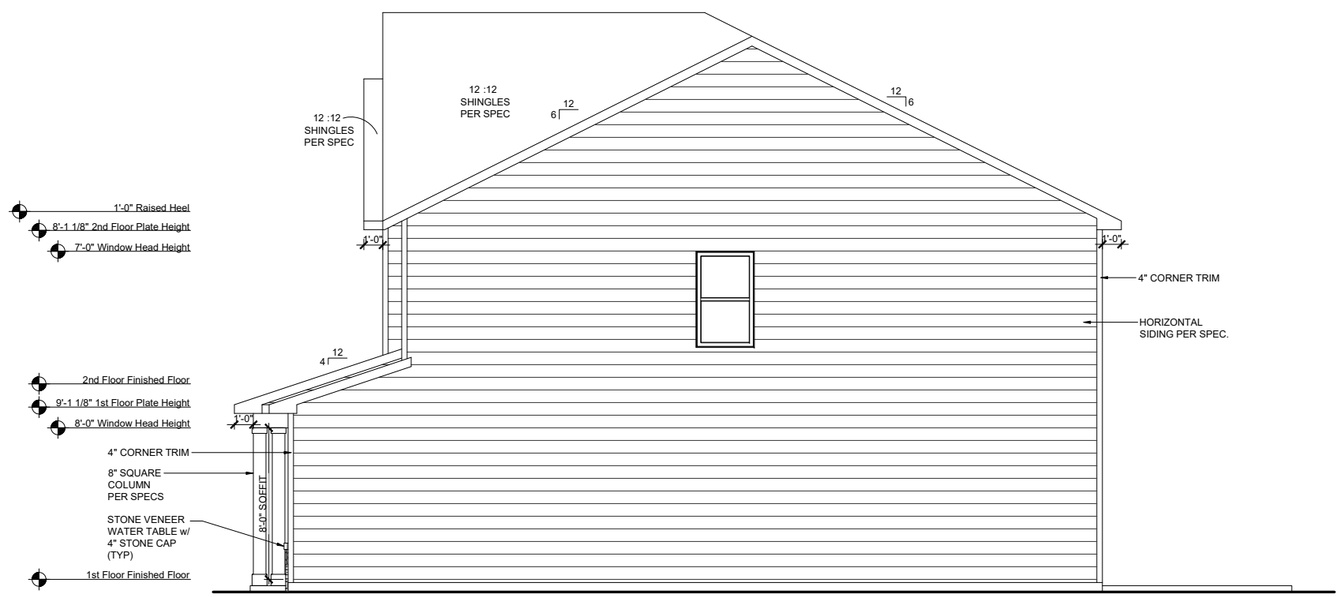
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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BEAZER HOMES

RLH V642 1.3

Elevation Plans

Side Elevations FHL

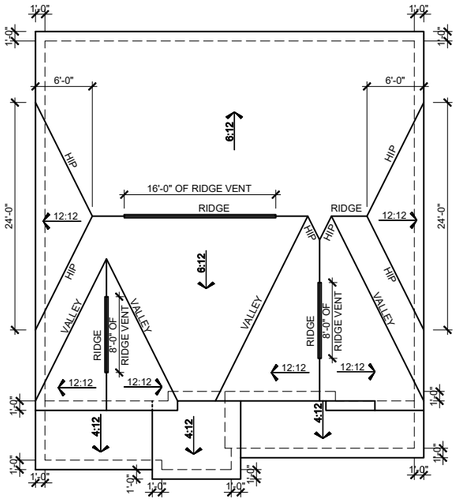
drawn by: XSI

checked by: BZH

date: 07/24/19

sheet number: A-3.3

Plot Date: 23-07-2020 09:26:02; By: Amar



ROOF PLAN FCL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1464 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1464 SQ FT x 1/300) x 144) /2 = 351 SQ. IN.

351 / 18 NFA OF RIDGE VENT = 20 L.F.
351 / 9 NFA OF SOFFIT VENT = 39 L.F.

ACTUAL RIDGE VENT PROVIDED: 32'
ACTUAL SOFFIT VENT PROVIDED: 93'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

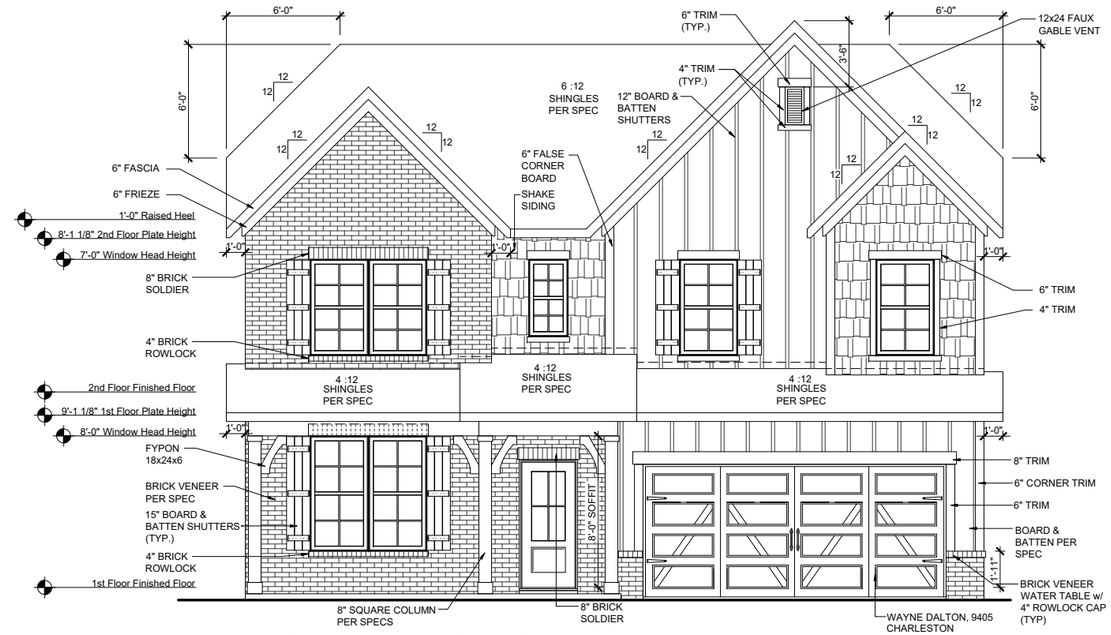
TOTAL SQ. FT. OF ROOF AREA: 245 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((245 SQ FT x 1/150) x 144) = 235 SQ. IN.

235 / 9 NFA OF SOFFIT VENT = 26 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 39'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

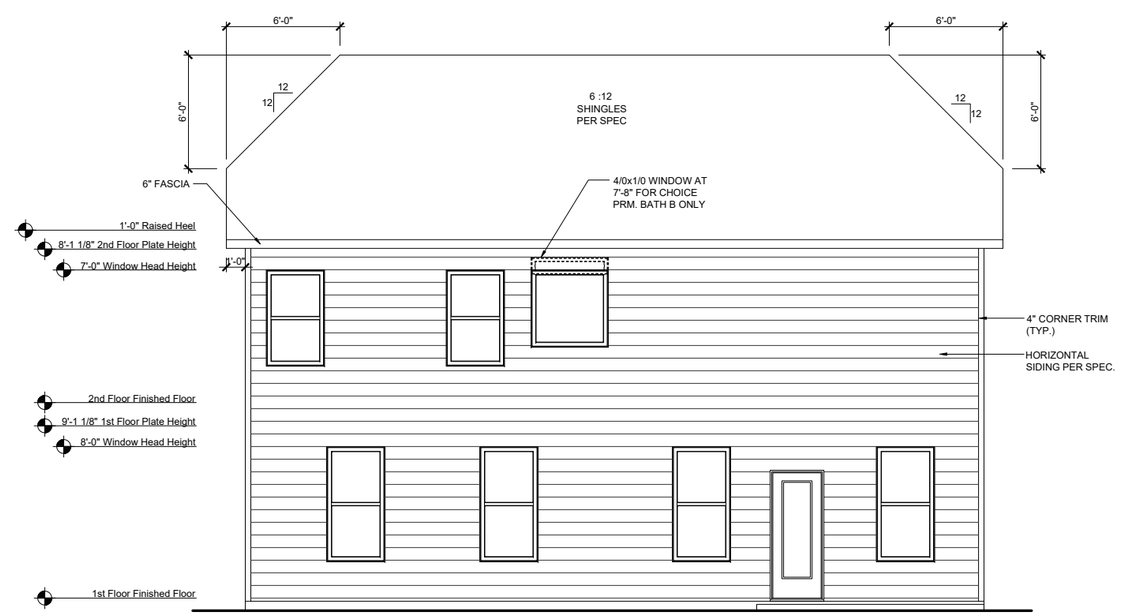


FRONT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION FCL on CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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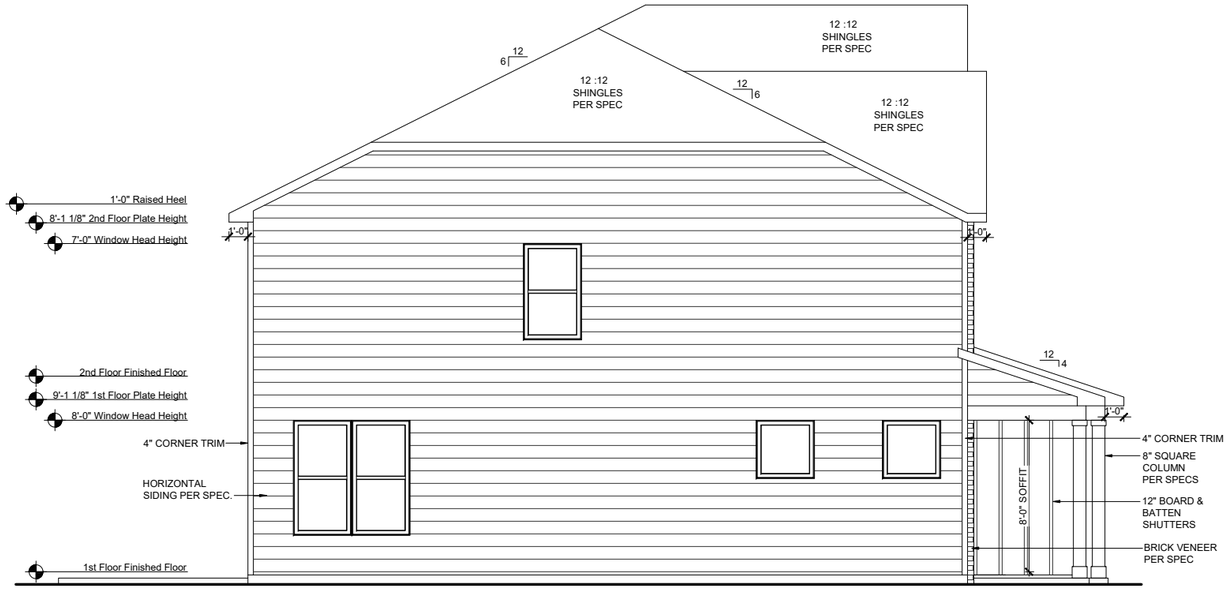
BEAZER HOMES

RLH V642 1.3
Elevation Plans
Front Elevation FCL

drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number: A-3.4

Plot Date: 23-07-2020 09:26:29; By: Amar



LEFT ELEVATION FCL

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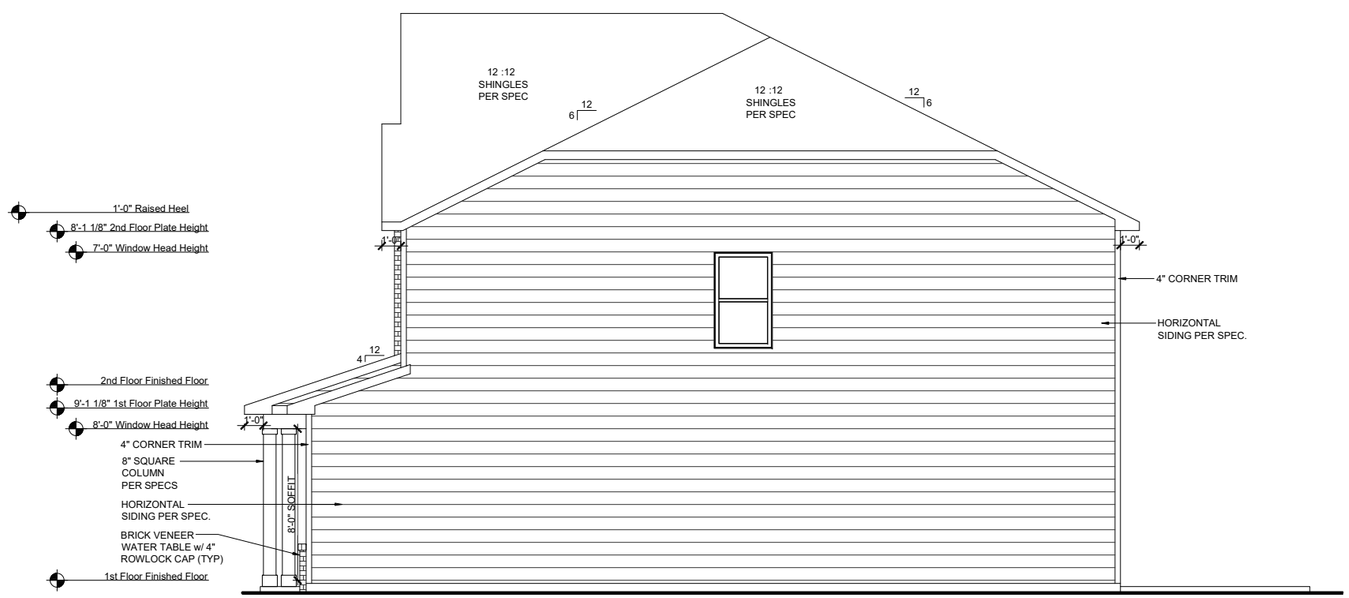
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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BEAZER HOMES

RLH V642 1.3

Elevation Plans

Side Elevations FCL

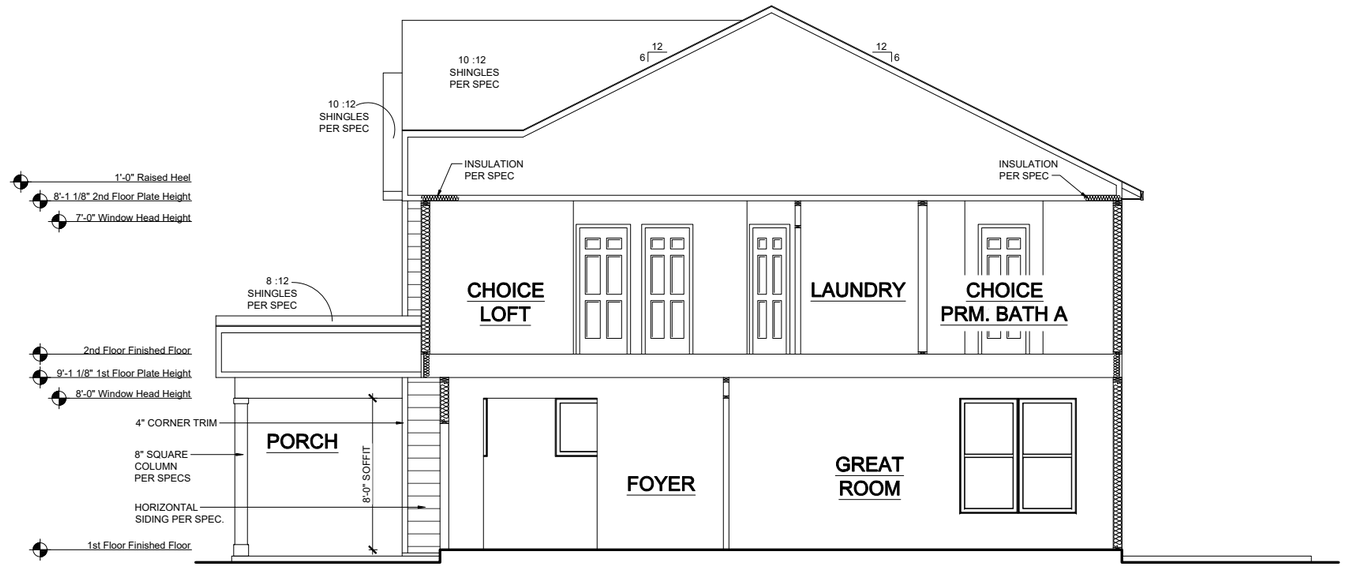
drawn by: XSI

checked by: BZH

date: 07/24/19

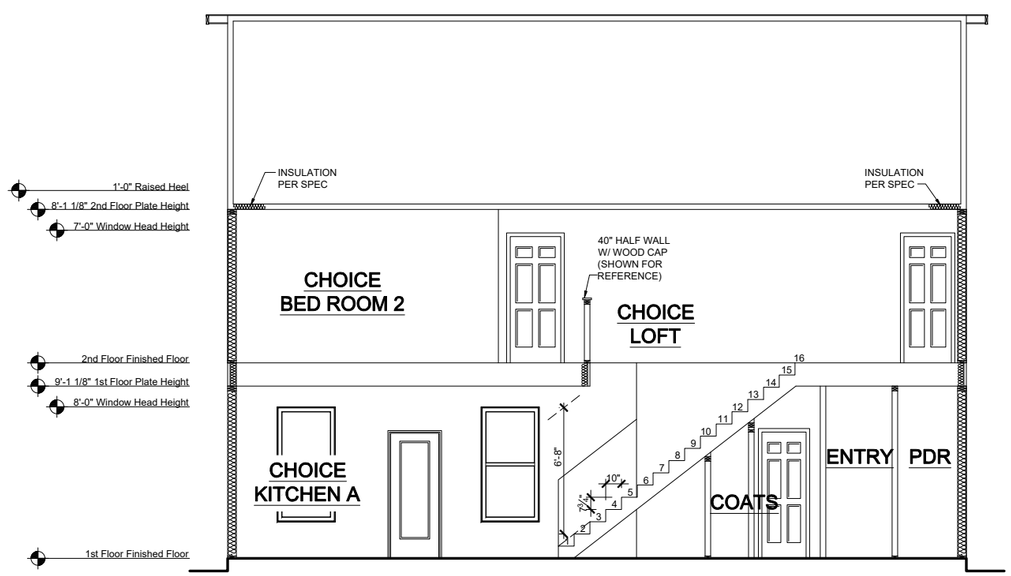
sheet number: A-3.5

Plot Date: 23-07-2020 09:26:40; By: Amar



SECTION 1

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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BEAZER HOMES

RLH V642 1.3

Typical Sections

Sections

drawn by: XSI

checked by: BZH

date: 07/24/19

sheet number: A-4.0

Plot Date: 23-07-2020 09:26:52; By: Amar

MILLER
RLH V643

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan FHL
F-1.2	Slab Plan FCL
F-1.3	Slab Plan Options
F-2.0	Crawl Plan TRL
F-2.1	Crawl Plan Partials
F-3.0	Finished Basement Plan TRL
F-3.1	Finished Basement Plan Partials
A-1.0	First Floor Plan & Partials
A-2.0	Second Floor Plan & Partials
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
A-4.1	Typical Sections
O-1.0	Choice Options
O-2.0	Floor Plan Options
O-2.1	Optional Screened Porch
O-3.0	Optional Basement Elevation
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
E-4.0	Basement Electrical Plan
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details
S-5.1	Shear Transfer Details

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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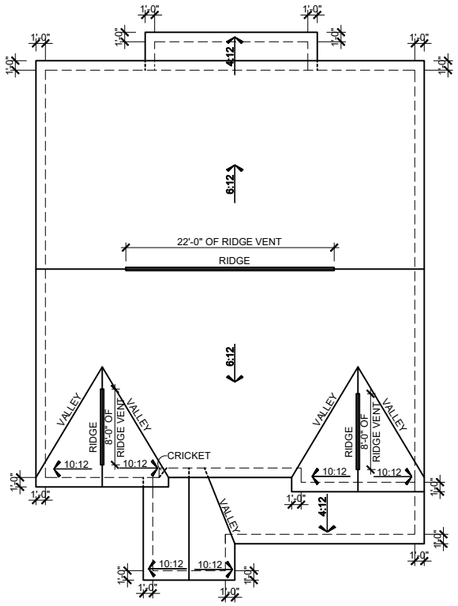
RLH V643 1.3
Cover Sheets
Cover Sheet

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: CS-1.0

Plot Date: 7/22/2020 7:58:57 PM; By: Vinayak Dhangat



ROOF PLAN TRL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1668 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1668 SQ FT x 1/300) x 144) /2 = 400 SQ. IN.

400 / 18 NFA OF RIDGE VENT = 22 L.F.
400 / 9 NFA OF SOFFIT VENT = 44 L.F.

ACTUAL RIDGE VENT PROVIDED: 38'
ACTUAL SOFFIT VENT PROVIDED: 54'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 204 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((204 SQ FT x 1/150) x 144) = 196 SQ. IN.

196 / 9 NFA OF SOFFIT VENT = 22 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 33'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

3' EXT. GREAT ROOM

ATTIC VENT CALCULATION

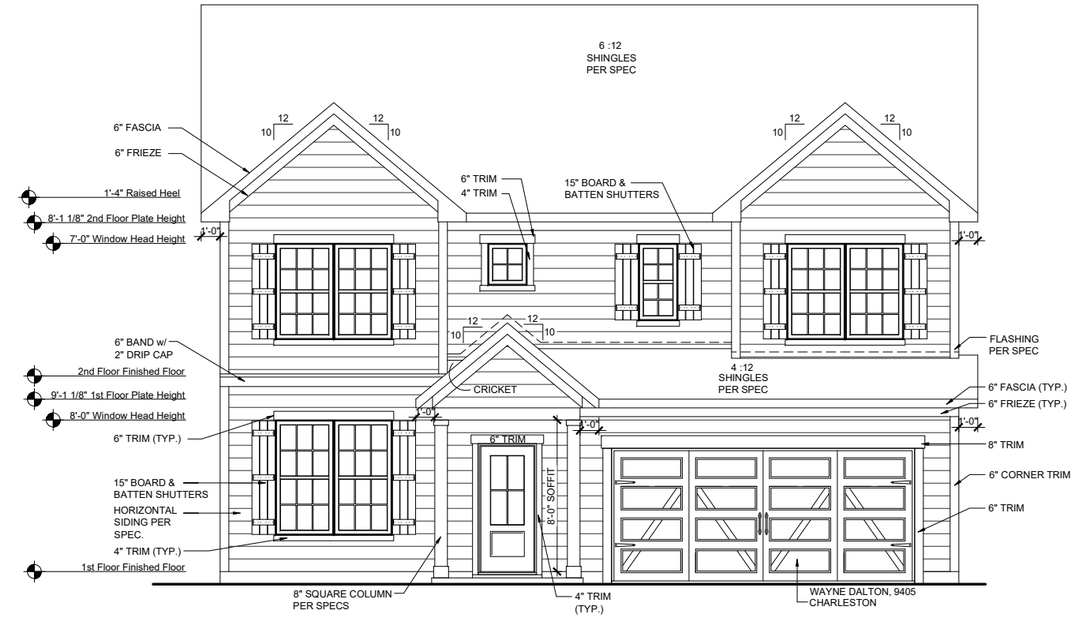
TOTAL SQ. FT. OF ROOF AREA: 49 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((49 SQ FT x 1/150) x 144) = 47 SQ. IN.

47 / 9 NFA OF SOFFIT VENT = 5 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 18'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

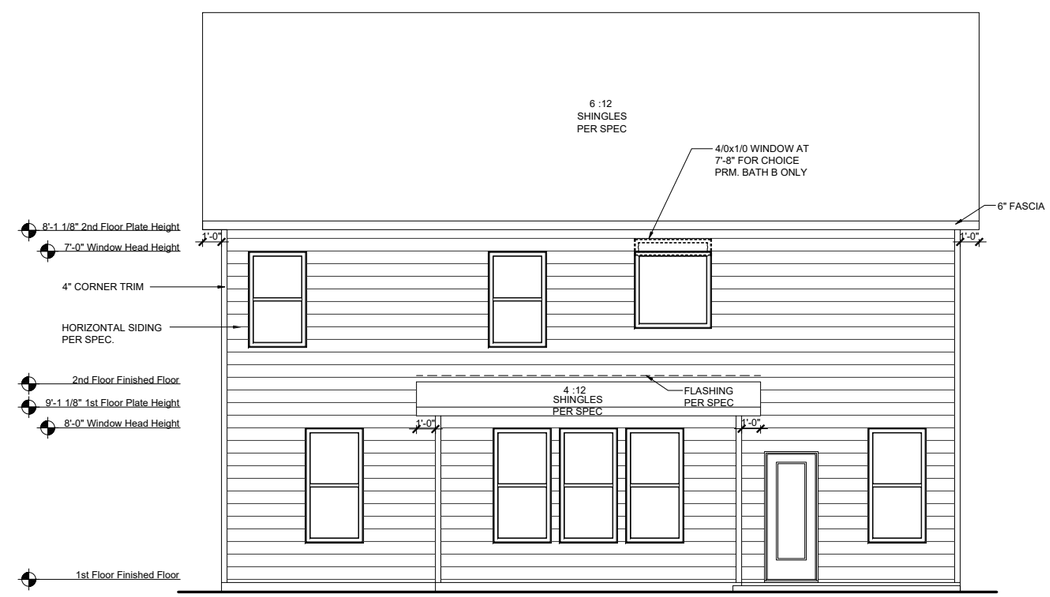


FRONT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION TRL ON CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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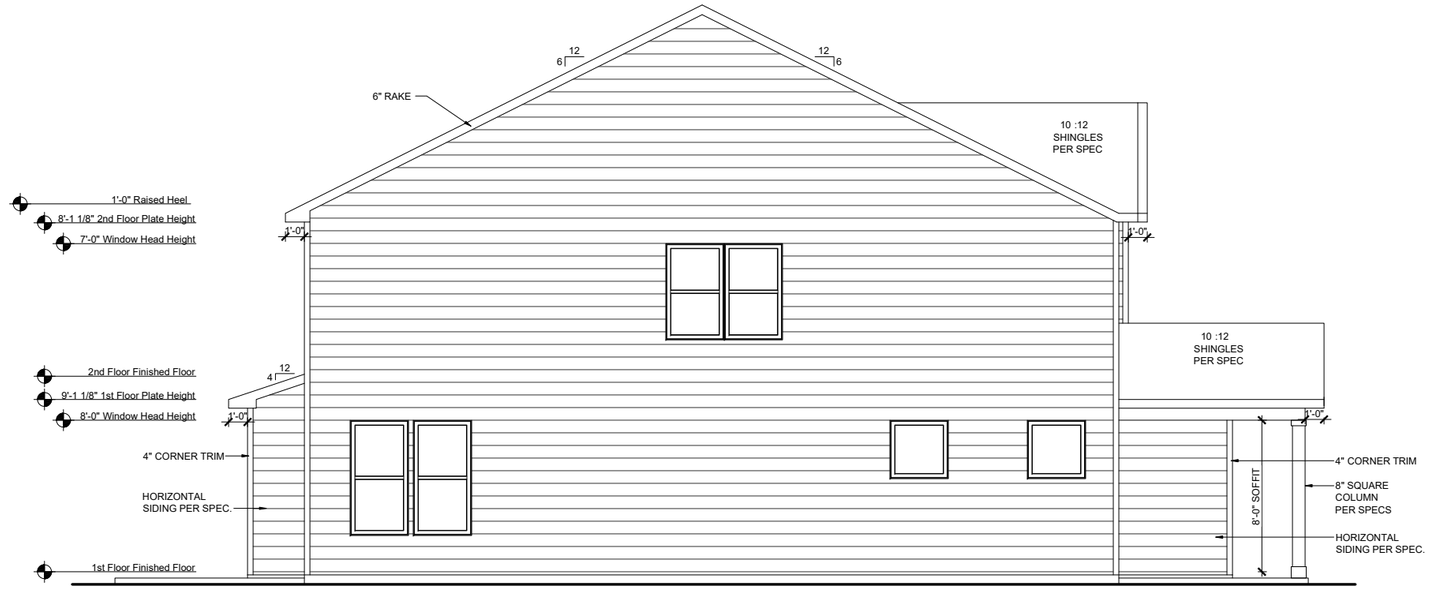
RLH V643 1.3

Elevation Plans

Front Elevation TRL

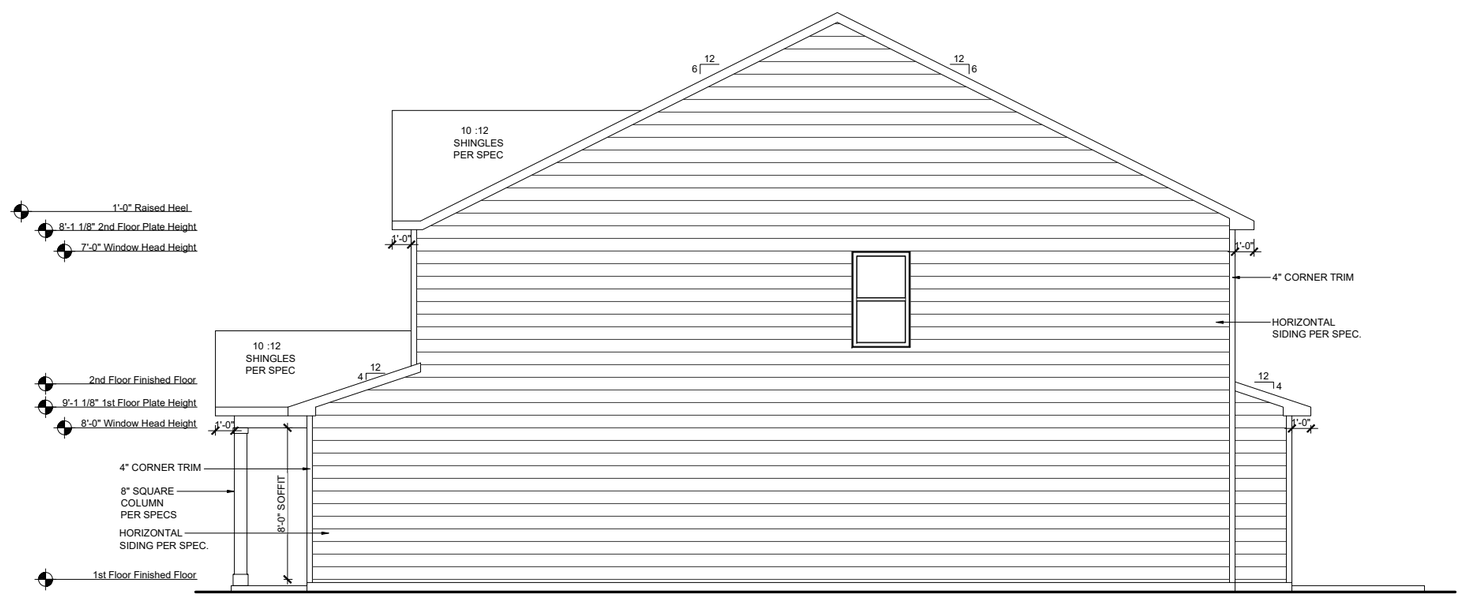
drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.0

Plot Date: 7/22/2020 8:00:45 PM; By: Vinayak Dhangat



LEFT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
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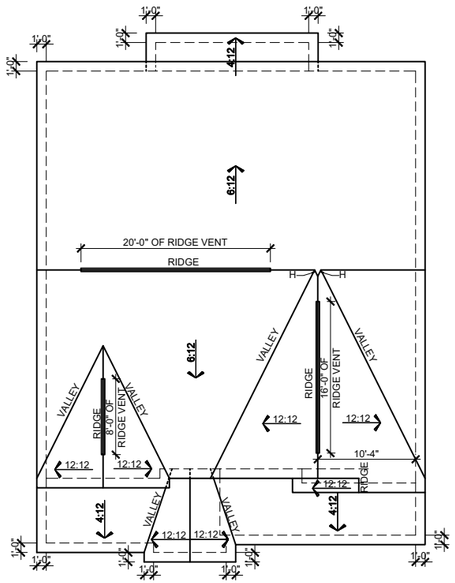
RLH V643 1.3

Elevation Plans

Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.1

Plot Date: 7/22/2020 8:00:47 PM; By: Vinayak Dhangat



ROOF PLAN FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1668 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1668 SQ FT x 1/300) x 144) /2 = 400 SQ. IN.

400 / 18 NFA OF RIDGE VENT = 22 L.F.
400 / 9 NFA OF SOFFIT VENT = 44 L.F.

ACTUAL RIDGE VENT PROVIDED: 44'
ACTUAL SOFFIT VENT PROVIDED: 54'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 267 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((267 SQ FT x 1/150) x 144) = 256 SQ. IN.

256 / 9 NFA OF SOFFIT VENT = 28 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 31'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

3' EXT. GREAT ROOM

ATTIC VENT CALCULATION

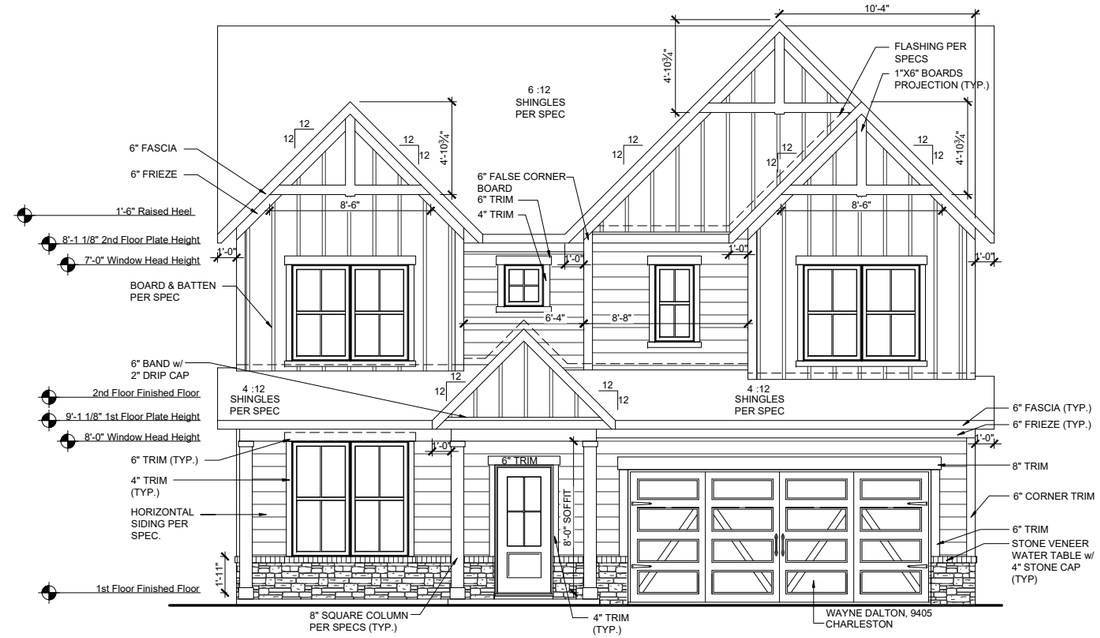
TOTAL SQ. FT. OF ROOF AREA: 49 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((49 SQ FT x 1/150) x 144) = 47 SQ. IN.

47 / 9 NFA OF SOFFIT VENT = 5 L.F.

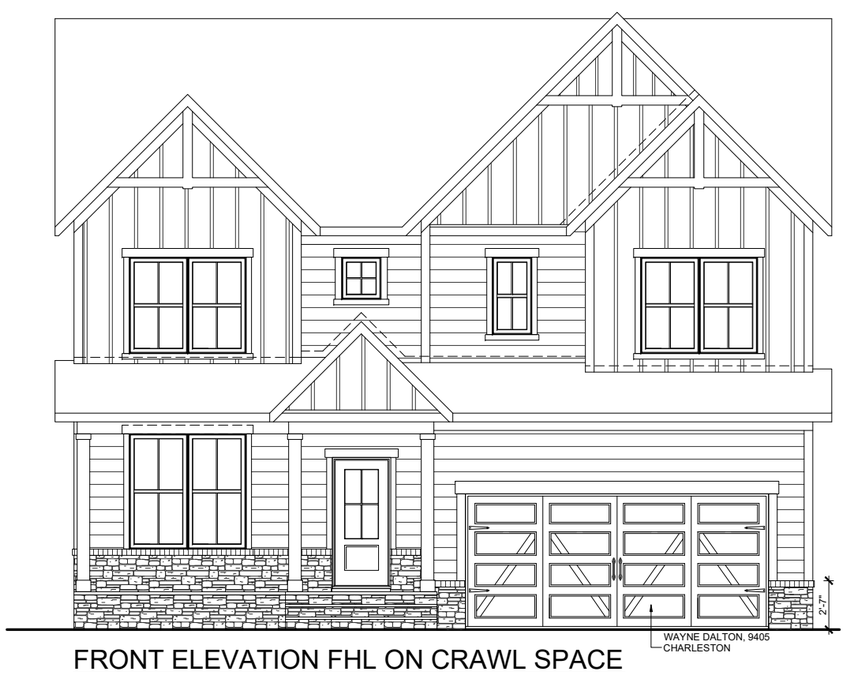
ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 18'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



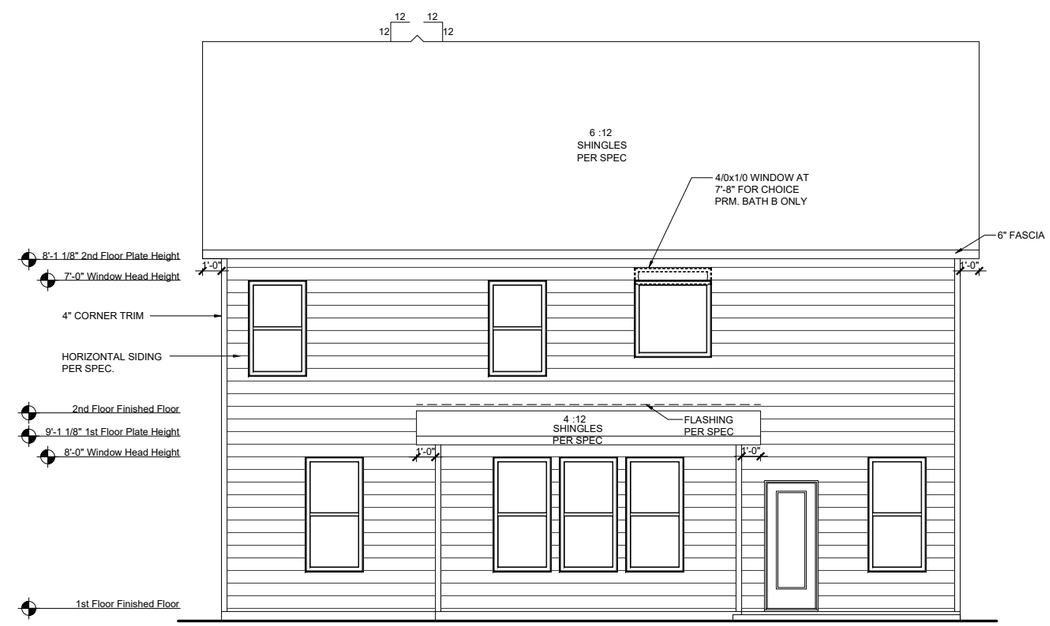
FRONT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION FHL ON CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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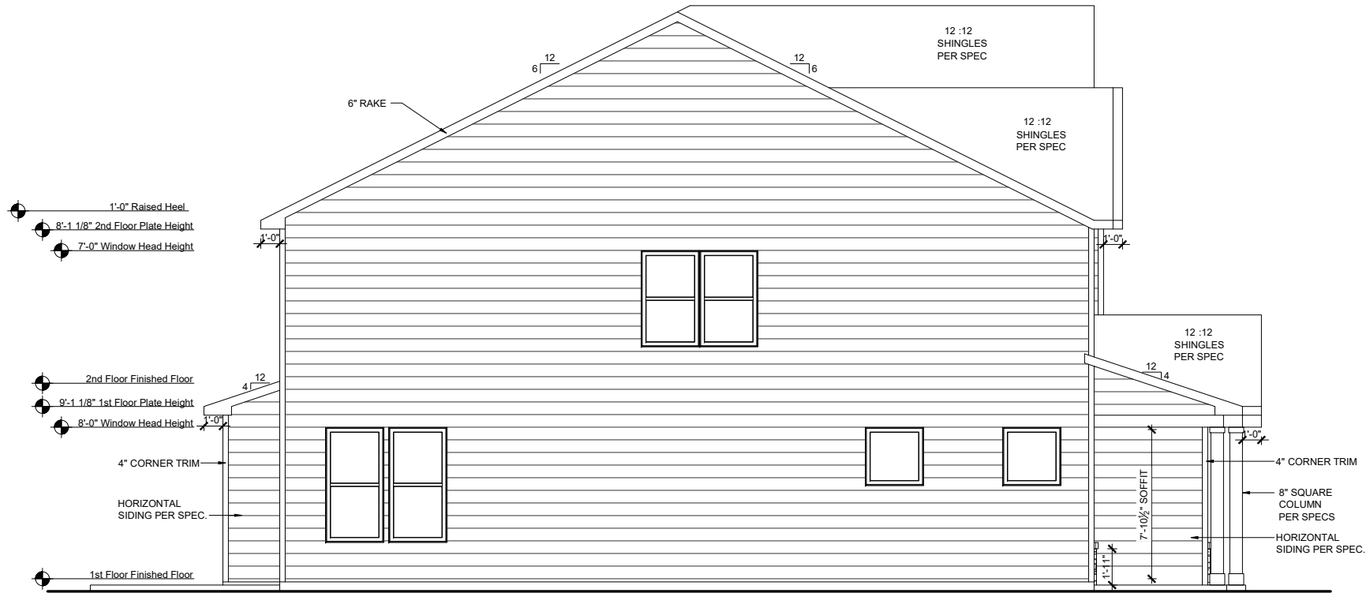
RLH V643 1.3

Elevation Plans

Front Elevation FHL

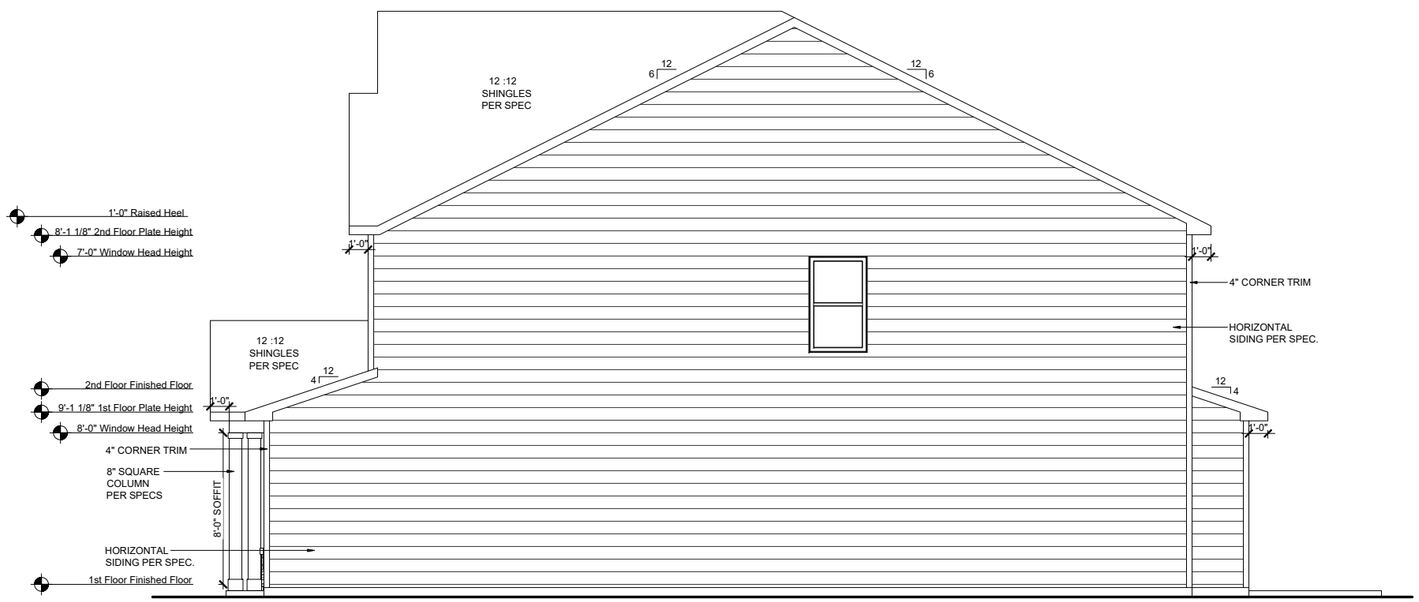
drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.2

Plot Date: 7/22/2020 8:00:53 PM; By: Vinayak Dhangat



LEFT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
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BEAZER HOMES

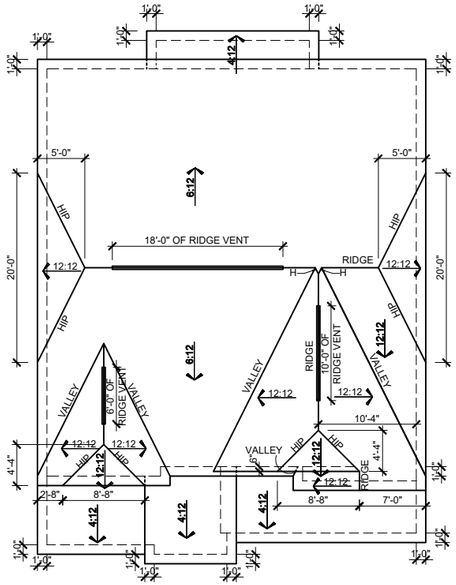
RLH V643 1.3

Elevation Plans

Side Elevations FHL

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.3

Plot Date: 7/22/2020 8:00:55 PM; By: Vinayak Dhangat



ROOF PLAN FCL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1668 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1668 SQ FT x 1/300) x 144) /2 = 400 SQ. IN.

400 / 18 NFA OF RIDGE VENT = 22 L.F.
400 / 9 NFA OF SOFFIT VENT = 44 L.F.

ACTUAL RIDGE VENT PROVIDED: 34'
ACTUAL SOFFIT VENT PROVIDED: 54'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 274 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((274 SQ FT x 1/150) x 144) = 263 SQ. IN.

263 / 9 NFA OF SOFFIT VENT = 29 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 51'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

3' EXT.GREAT ROOM

ATTIC VENT CALCULATION

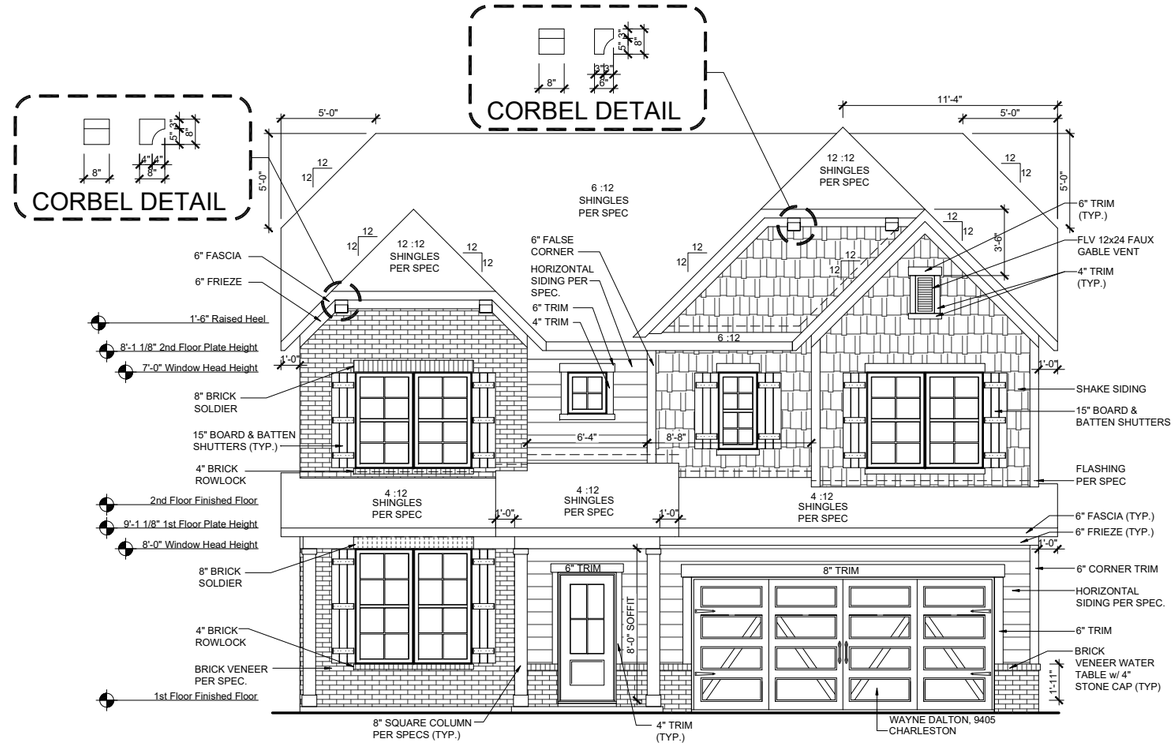
TOTAL SQ. FT. OF ROOF AREA: 49 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((49 SQ FT x 1/150) x 144) = 47 SQ. IN.

47 / 9 NFA OF SOFFIT VENT = 5 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 18'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

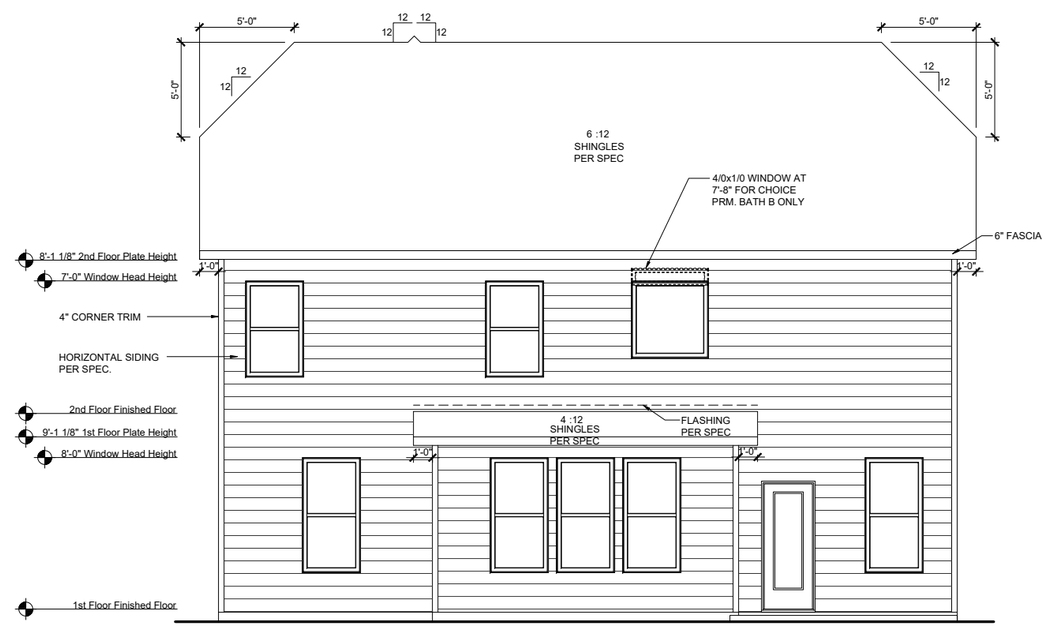


FRONT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION FCL ON CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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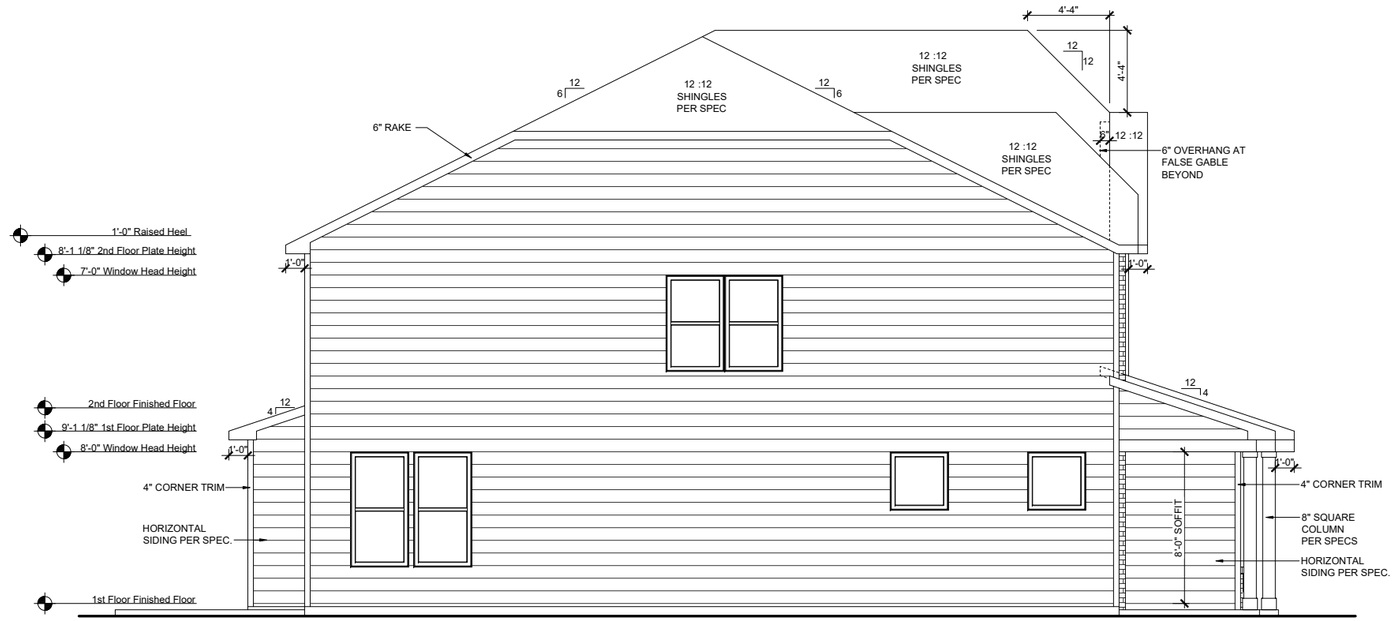
RLH V643 1.3

Elevation Plans

Front Elevation FCL

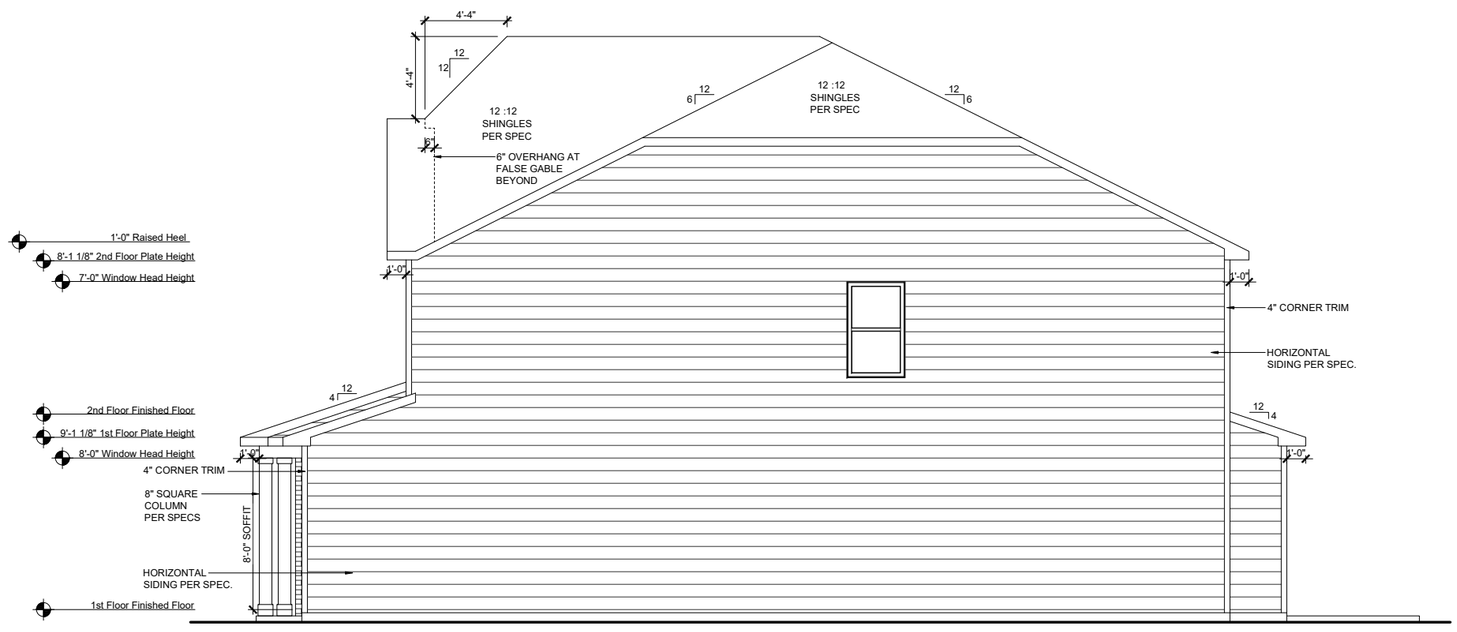
drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.4

Plot Date: 7/22/2020 8:01:01 PM; By: Vinayak Dhangat



LEFT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
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BEAZER HOMES

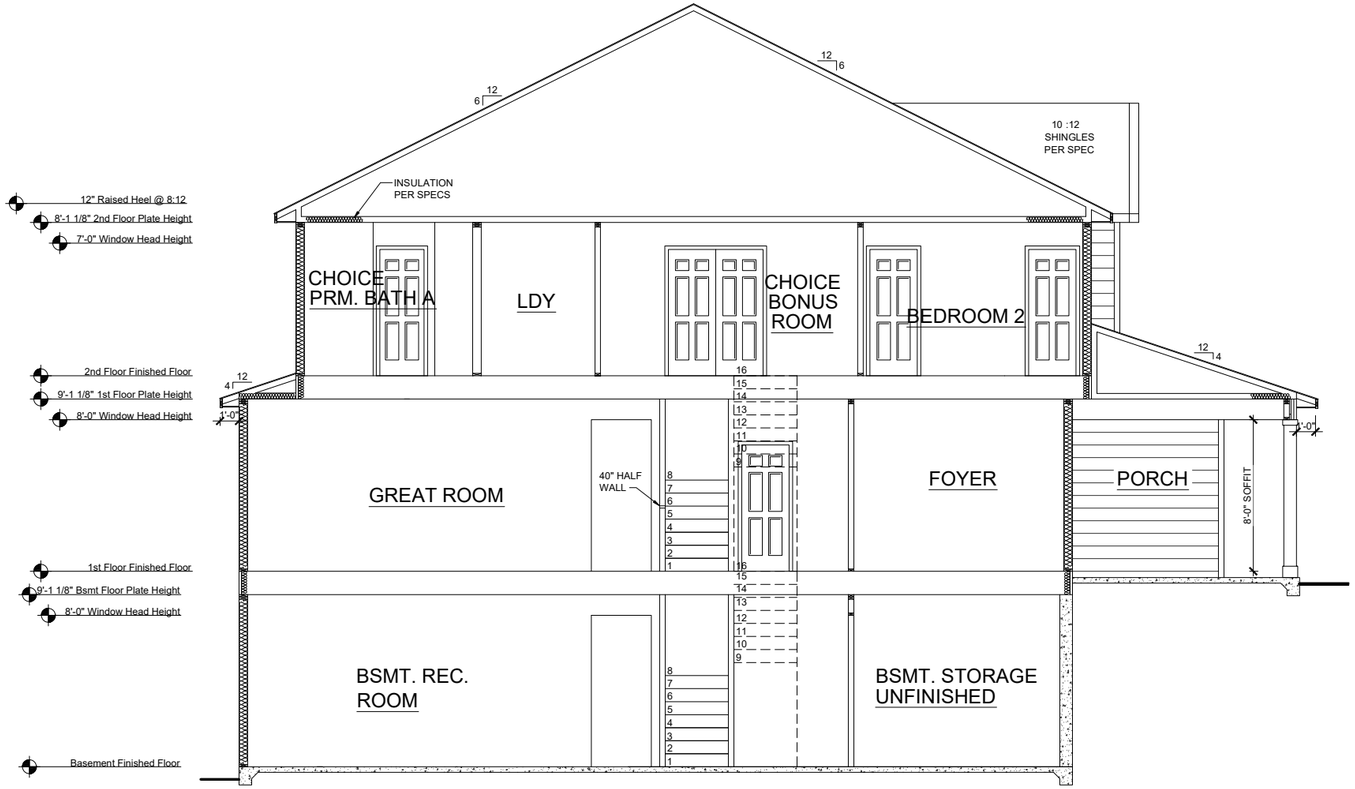
RLH V643 1.3

Elevation Plans

Side Elevations FCL

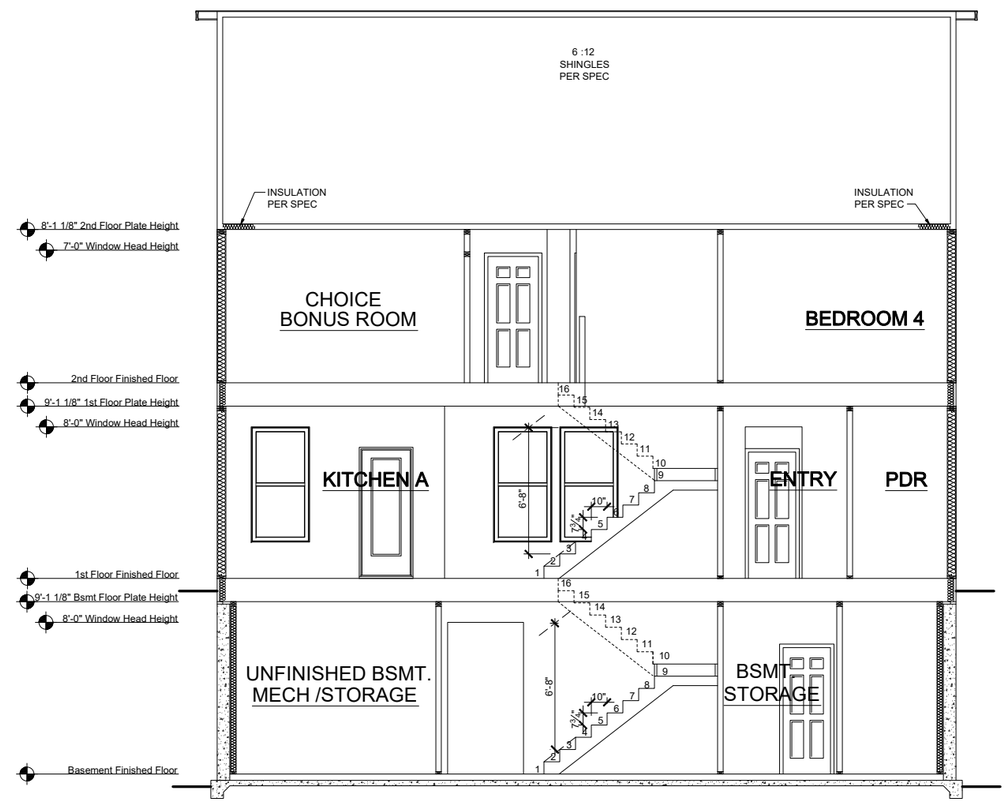
drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number: A-3.5

Plot Date: 7/22/2020 8:01:04 PM; By: Vinayak Dhargat



SECTION 1 w/ BASEMENT

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2 w/ BASEMENT

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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BEAZER HOMES

RLH V643 1.3

Typical Sections

Sections

drawn by: XSI

checked by: BZH

date: 09/13/19

sheet number: A-4.1

Plot Date: 7/22/2020 8:01:09 PM; By: Vinayak Dhangat

Square Footage Options	
Area	**Square Footage**
Opt. Screened Porch	119 SF
Opt.Finished Basement Area	929 SF
Unfinished Basement Area	344 SF
Extended Patio/Deck	110 SF

REAR ELEVATION
AT BASEMENT
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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RLH V643 1.3

Structural Options

Optional Basement Elevation

drawn by: XSI

checked by: BZH

date: 09/13/19

sheet number:

O-3.0

Plot Date: 7/22/2020 7:58:39 PM; By: Vinayak Dhargat

DOUGLAS
RLH V648
THORNEBURY COMMUNITY

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan TRM
F-1.2	Slab Plan FHL/FHM
F-1.3	Slab Plan FCL
F-1.4	Slab Plan Options
A-1.0	First Floor Plan & Partials
A-2.0	Second Floor Plan & Partials
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Optional Screened Porch
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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RLH V648 1.3

Cover Sheets

Cover Sheet

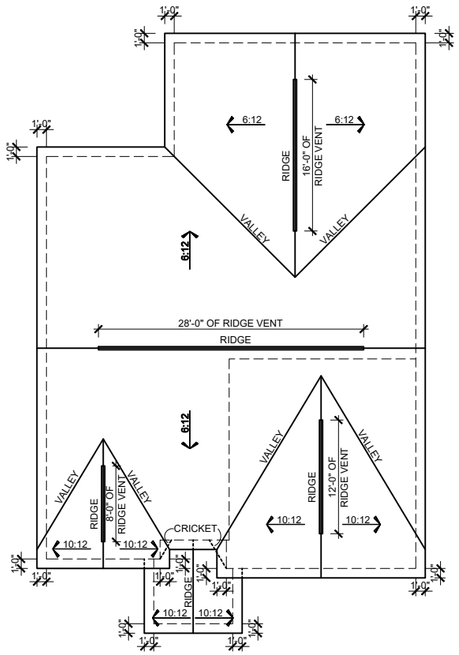
drawn by: XSI

checked by: BZH

date: 10/05/19

sheet number: CS-1.0

Plot Date: 2/24/2021 11:20:12 AM; By: AMD



ROOF PLAN TRL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1969 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1969 SQ FT x 1/300) x 144) /2 = 473 SQ. IN.

473 / 18 NFA OF RIDGE VENT = 26 L.F.
473 / 9 NFA OF SOFFIT VENT = 53 L.F.

ACTUAL RIDGE VENT PROVIDED: 64'
ACTUAL SOFFIT VENT PROVIDED: 48'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

PORCH ROOF

ATTIC VENT CALCULATION

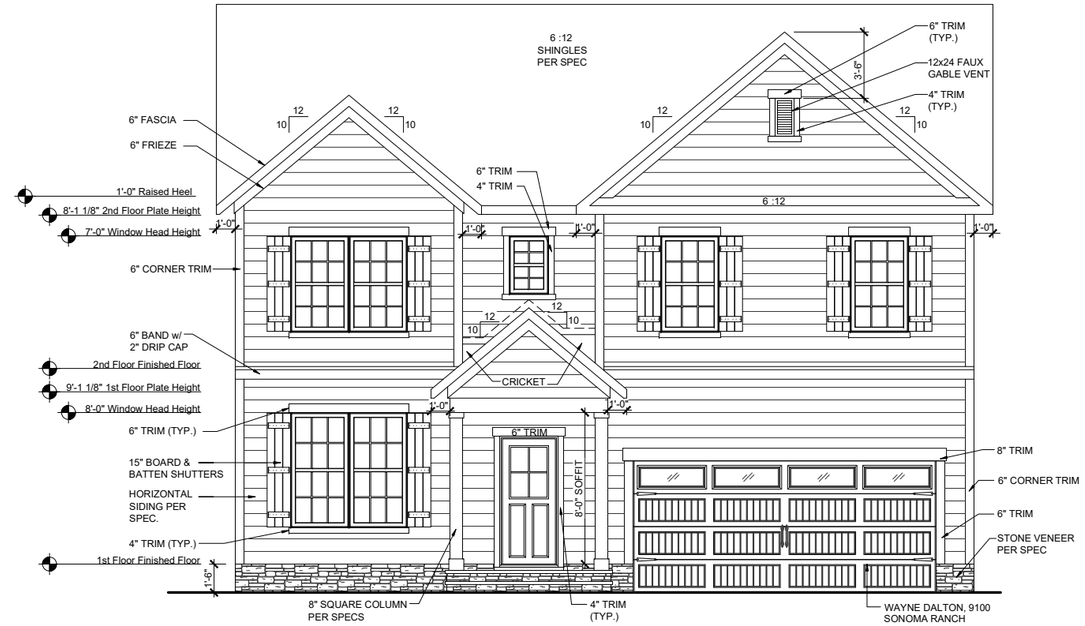
TOTAL SQ. FT. OF ROOF AREA: 70 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((70 SQ FT x 1/150) x 144) = 67 SQ. IN.

67 / 9 NFA OF SOFFIT VENT = 8 L.F.

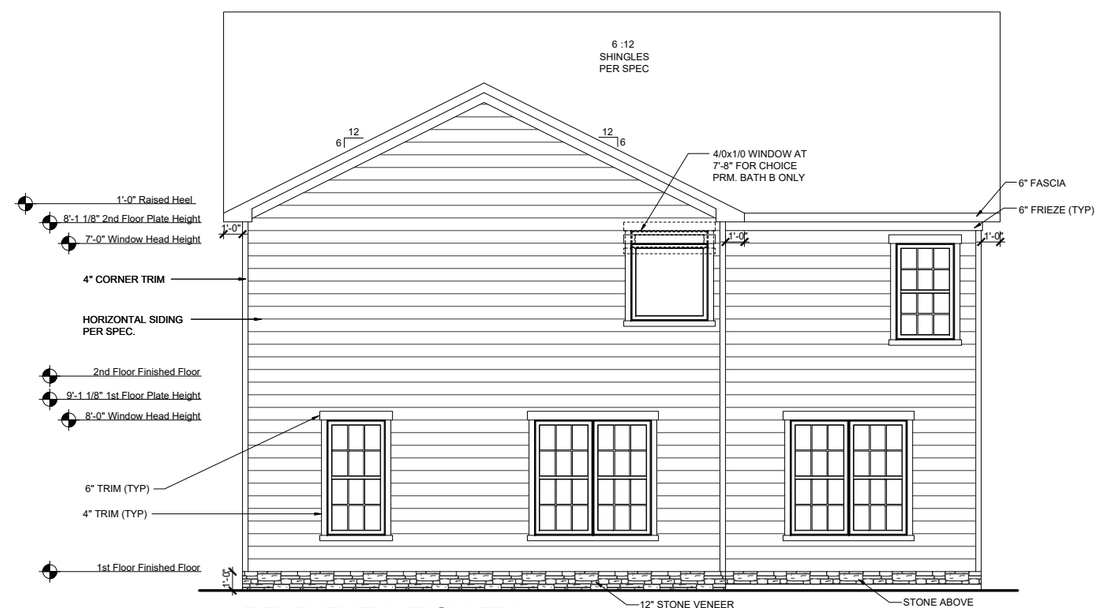
ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 15'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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THORNEBURY COMMUNITY

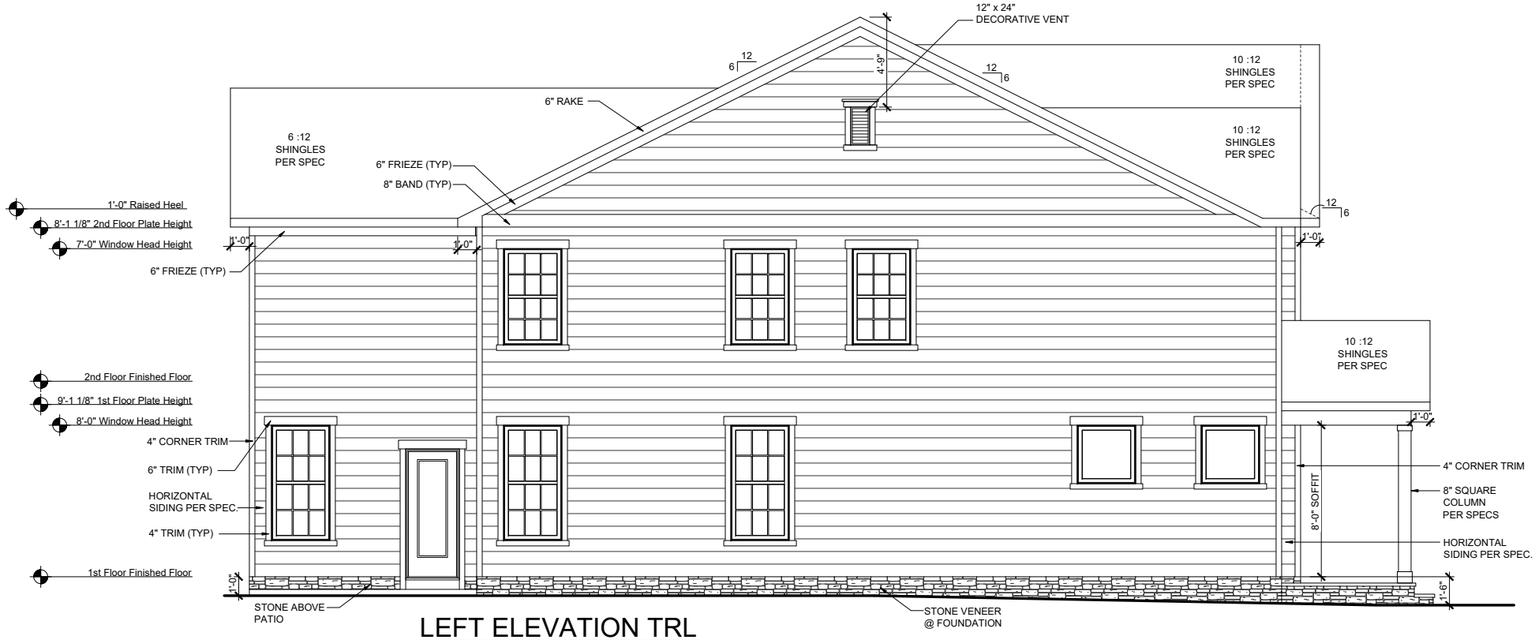
RLH V6481.3

Elevation Plans

Front Elevation TRL

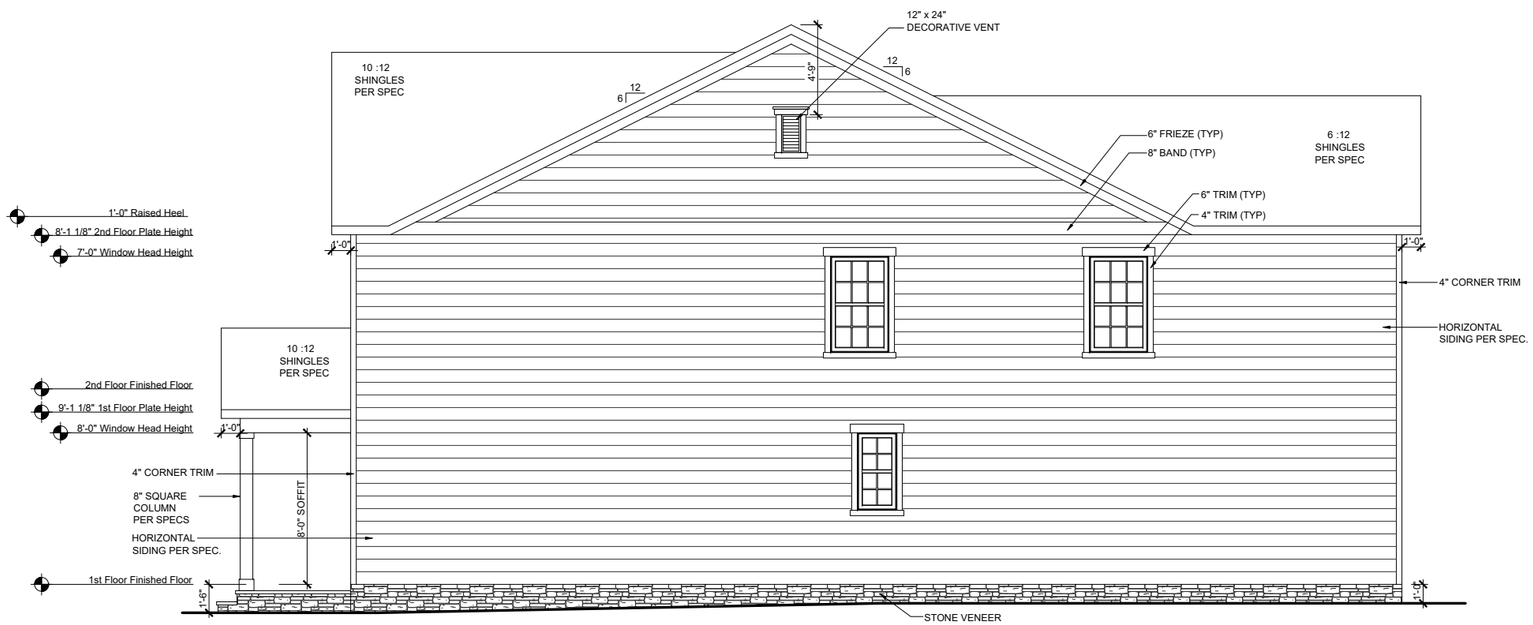
drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number: A-3.0

Plot Date: 2/24/2021 11:21:24 AM; By: AMD



LEFT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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RLH V648 1.3

Elevation Plans

Side Elevations TRL

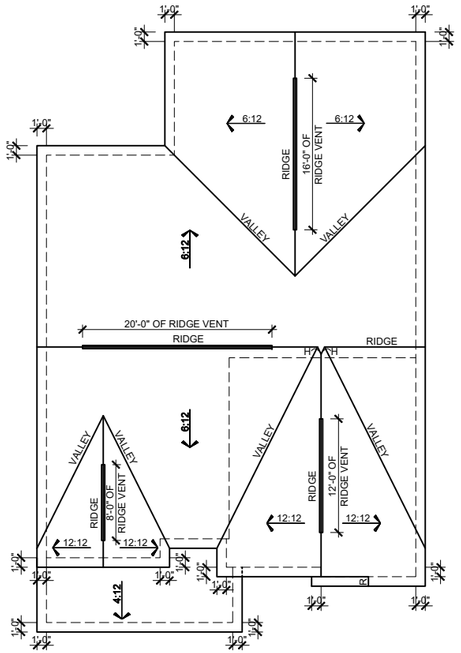
drawn by: XSI

checked by: BZH

date: 10/05/19

sheet number: A-3.1

Plot Date: 2/24/2021 11:21:29 AM; By: AMD



ROOF PLAN FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1979 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1979 SQ FT x 1/300) x 144) /2 = 475 SQ. IN.

475 / 18 NFA OF RIDGE VENT = 26 L.F.
475 / 9 NFA OF SOFFIT VENT = 53 L.F.

ACTUAL RIDGE VENT PROVIDED: 56'
ACTUAL SOFFIT VENT PROVIDED: 49'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

PORCH ROOF

ATTIC VENT CALCULATION

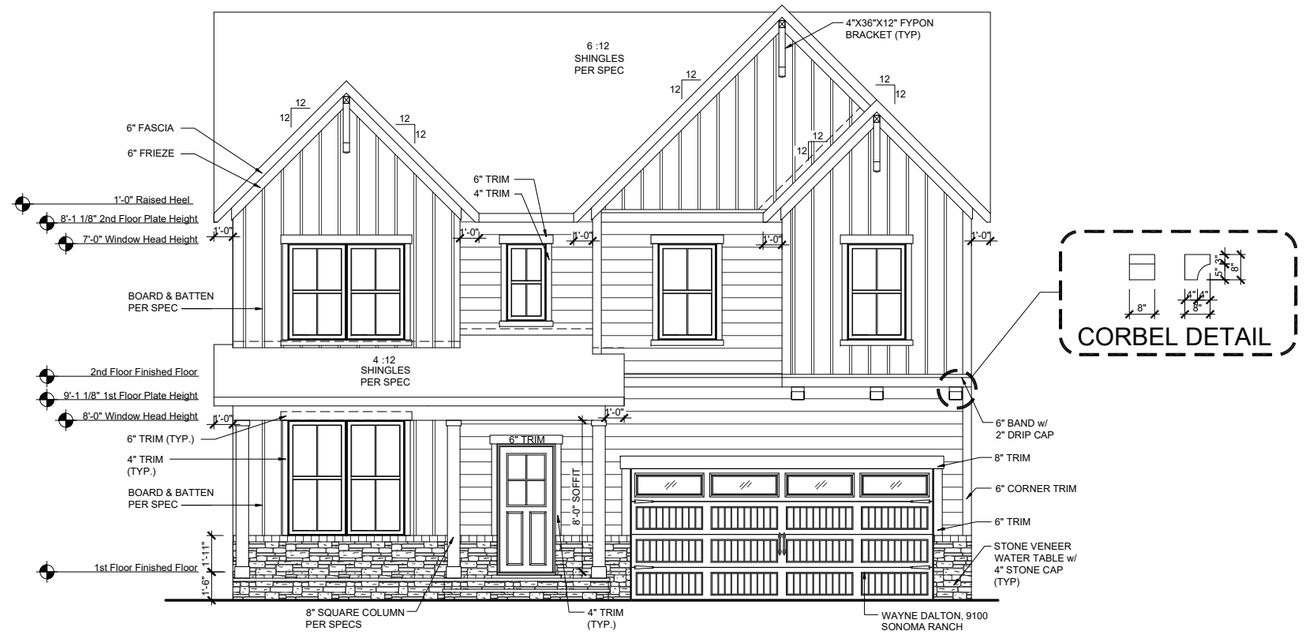
TOTAL SQ. FT. OF ROOF AREA: 148 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((148 SQ FT x 1/150) x 144) = 142 SQ. IN.

142 / 9 NFA OF SOFFIT VENT = 16 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 22'

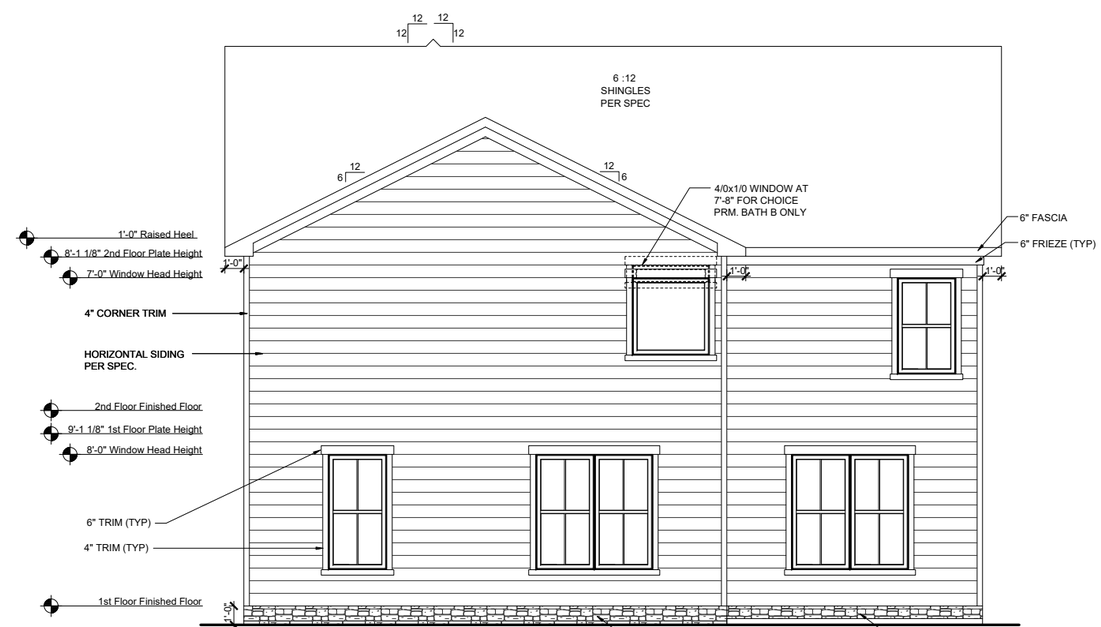
NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

CORBEL DETAIL



REAR ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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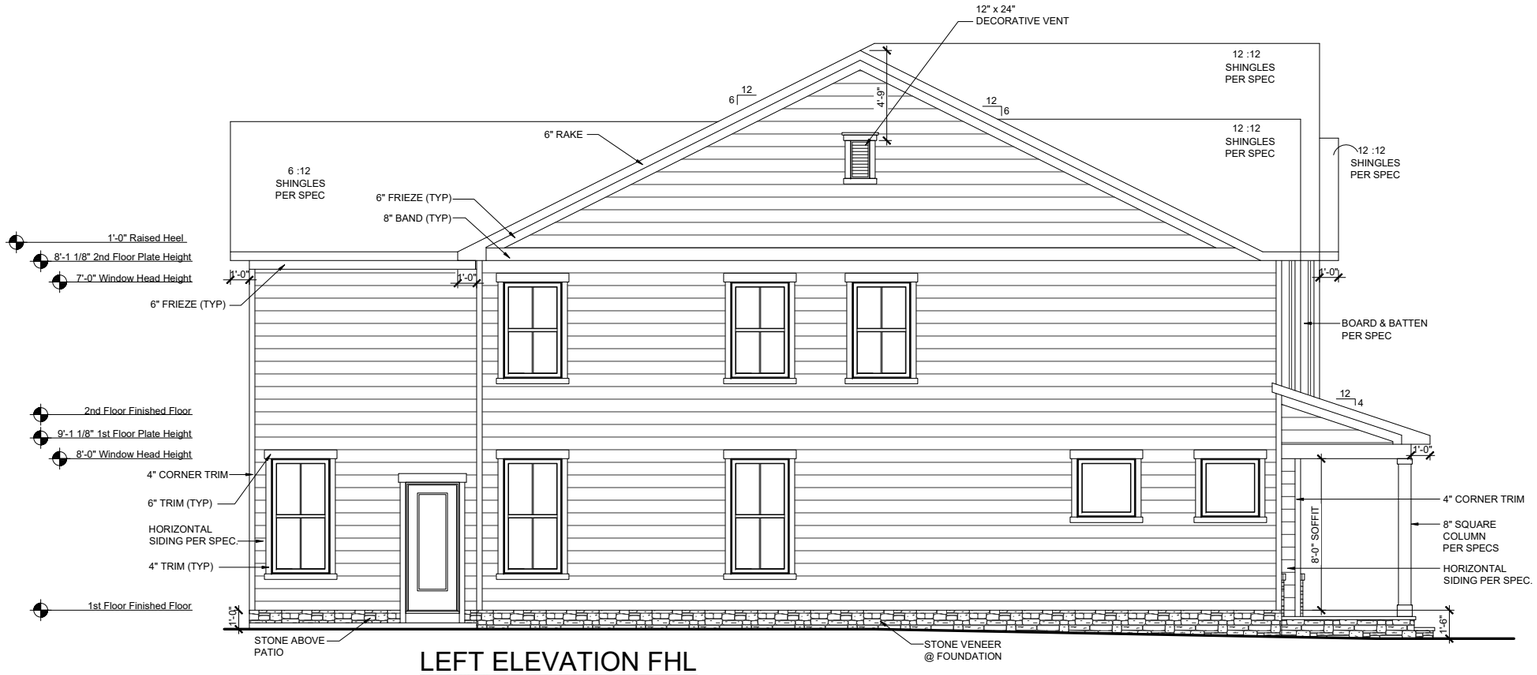
Elevation Plans

Front Elevation FHL

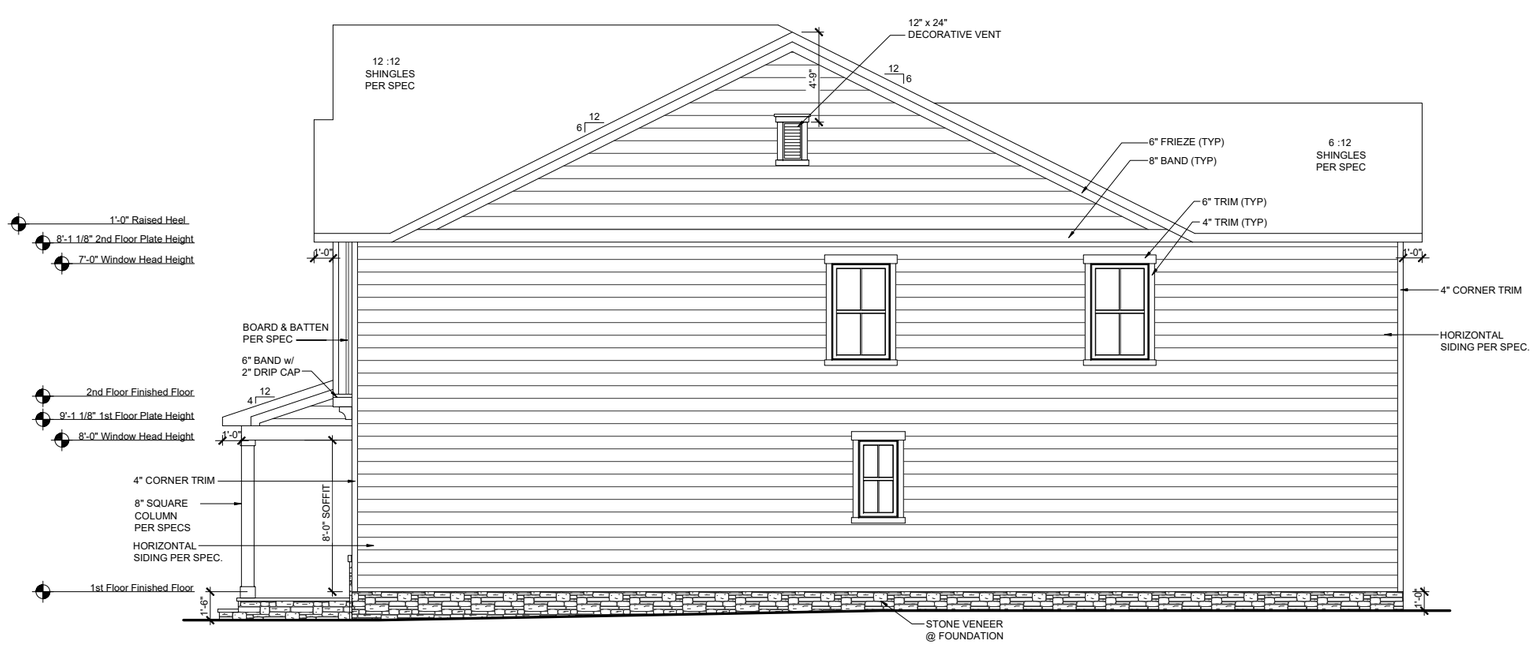
drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number: A-3.2

Plot Date: 2/24/2021 11:21:38 AM; By: AMD



LEFT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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THORNEBURY COMMUNITY

RLH V648 1.3

Elevation Plans

Side Elevations FHL

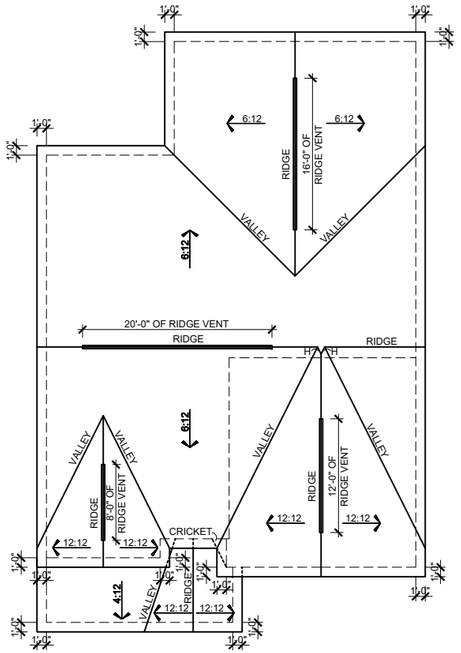
drawn by: XSI

checked by: BZH

date: 10/05/19

sheet number: A-3.3

Plot Date: 2/24/2021 11:21:43 AM; By: AMD



ROOF PLAN FCL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1969 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((1969 SQ FT x 1/300) x 144) /2 = 473 SQ. IN.

473 / 18 NFA OF RIDGE VENT = 26 L.F.
473 / 9 NFA OF SOFFIT VENT = 53 L.F.

ACTUAL RIDGE VENT PROVIDED: 56'
ACTUAL SOFFIT VENT PROVIDED: 48'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

PORCH ROOF

ATTIC VENT CALCULATION

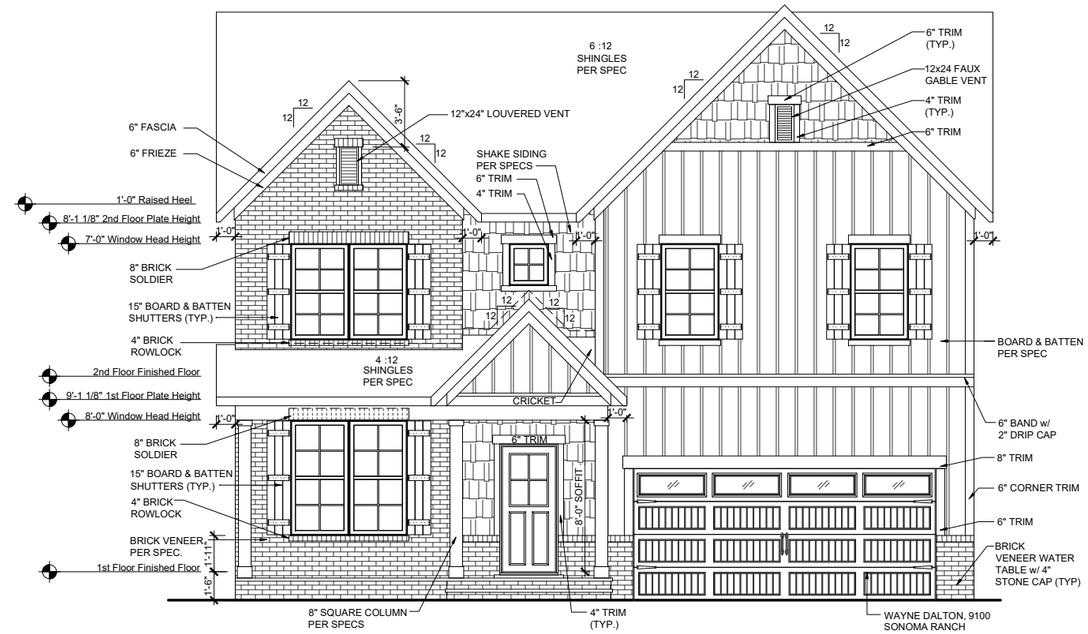
TOTAL SQ. FT. OF ROOF AREA: 148 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

((148 SQ FT x 1/150) x 144) = 142 SQ. IN.

142 / 9 NFA OF SOFFIT VENT = 16 L.F.

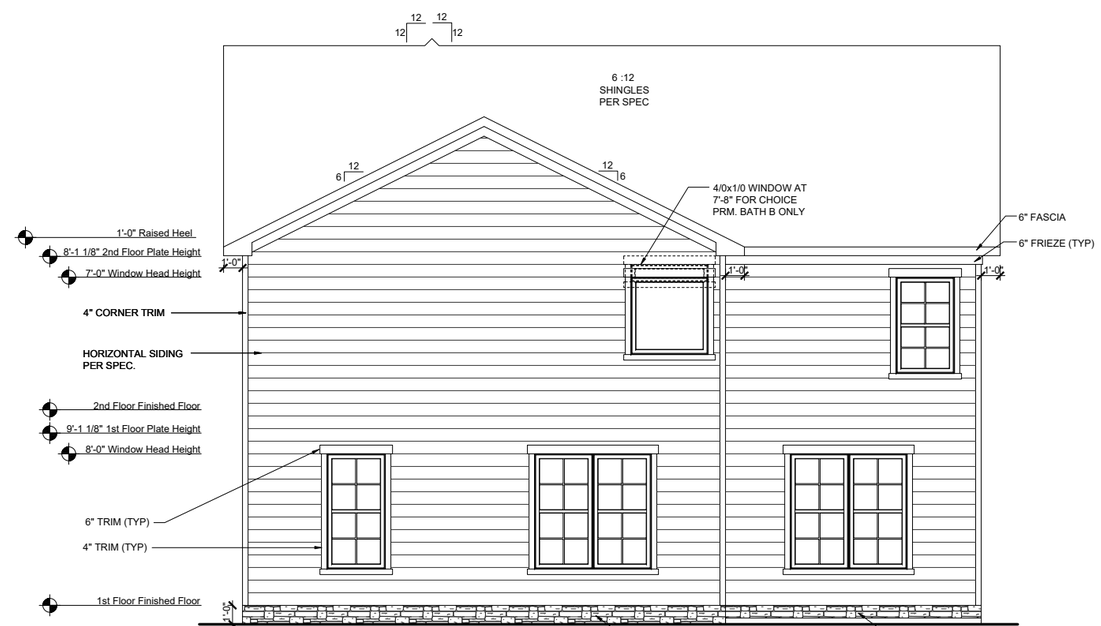
ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 18'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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RLH V648 1.3

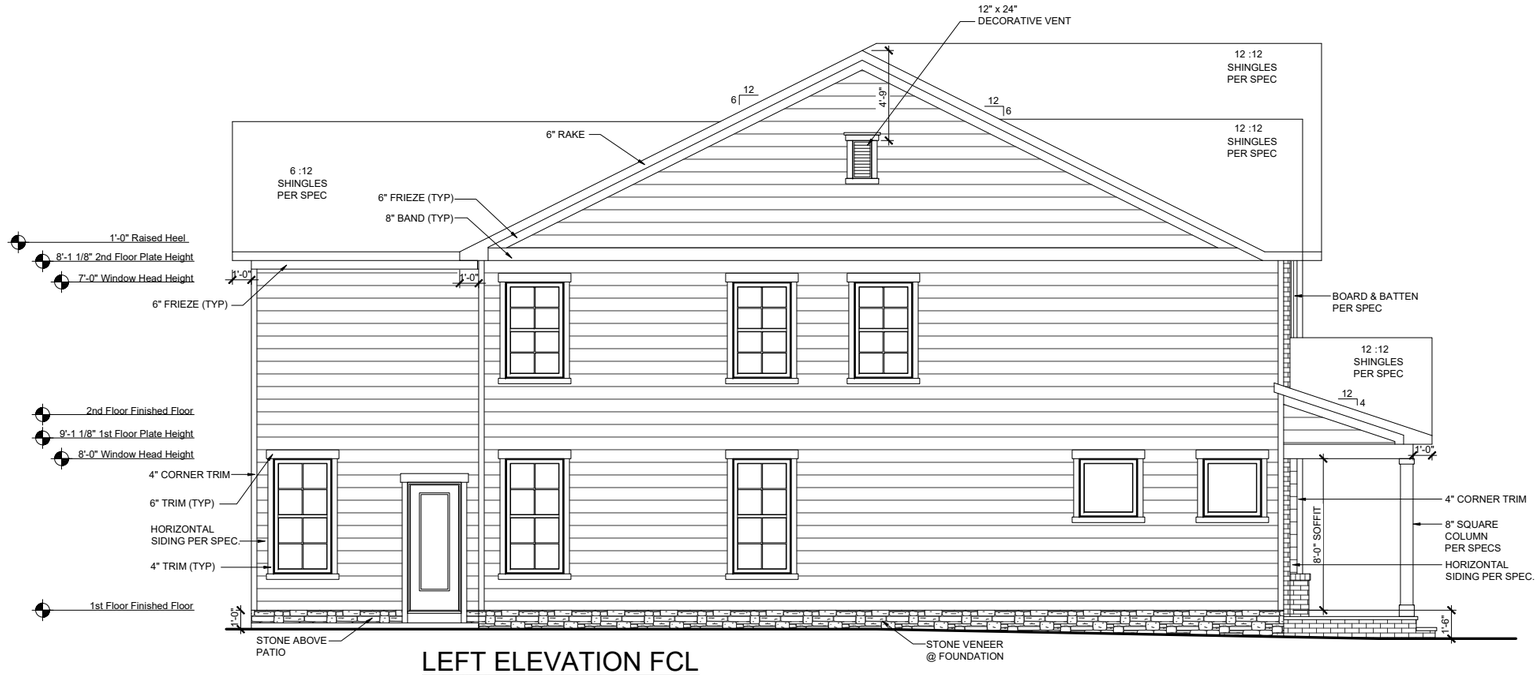
Elevation Plans

Front Elevation FCL

THORNEBURY COMMUNITY

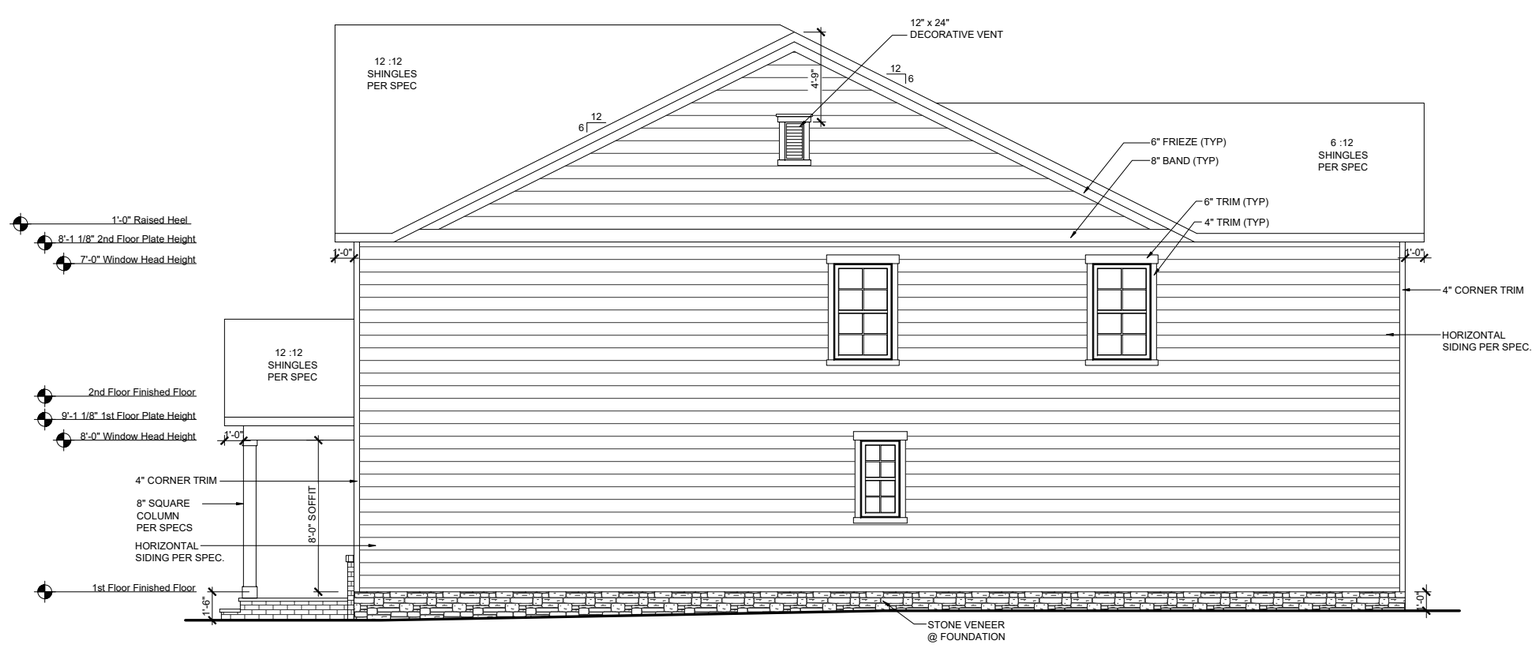
drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number: A-3.4

Plot Date: 2/24/2021 11:21:52 AM; By: AMD



LEFT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

Plot Date: 2/24/2021 11:21:57 AM; By: AMD

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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BEAZER HOMES

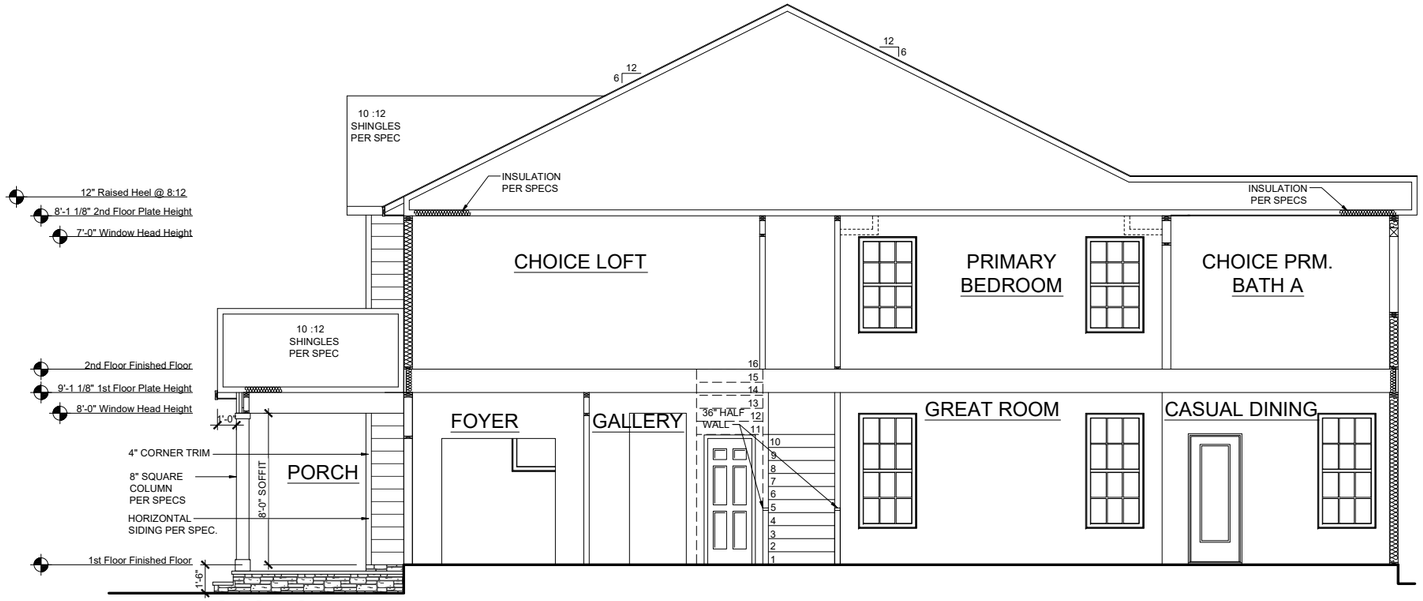
THORNEBURY COMMUNITY

RLH V648 1.3

Elevation Plans

Side Elevations FCL

drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number:
A-3.5



SECTION 1

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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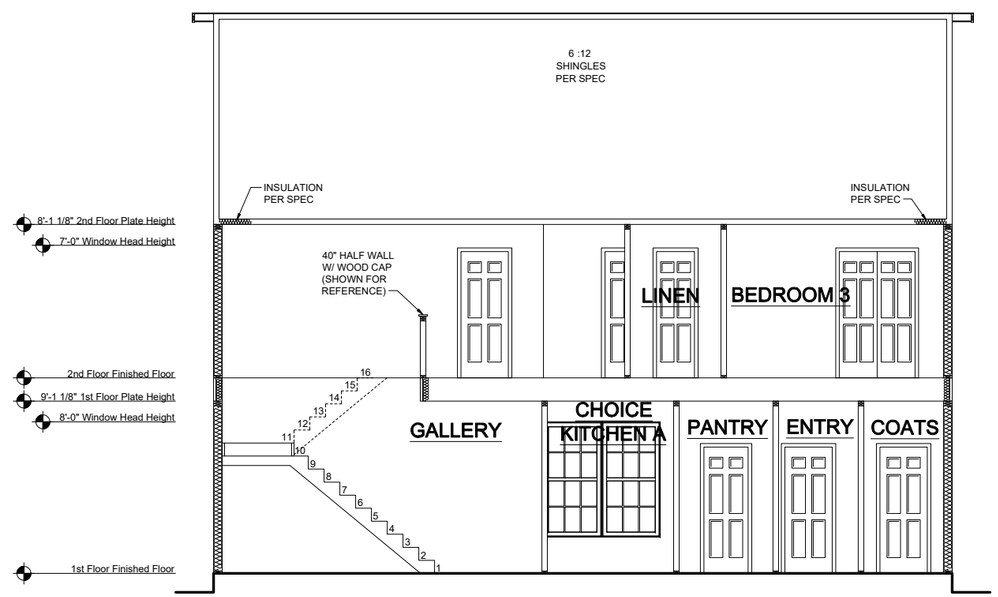

SECTION 2

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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BEAZER HOMES

THORNEBURY COMMUNITY

RLH V648 1.3

Typical Sections

Sections

drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number: A-4.0

Plot Date: 2/24/2021 11:22:29 AM; By: AMD

Building 1 elev DWN

T477 PARKER
FRONT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

T439 BRAXTON
FRONT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

T433 ADDISON
FRONT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

T437 MAXWELL
FRONT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

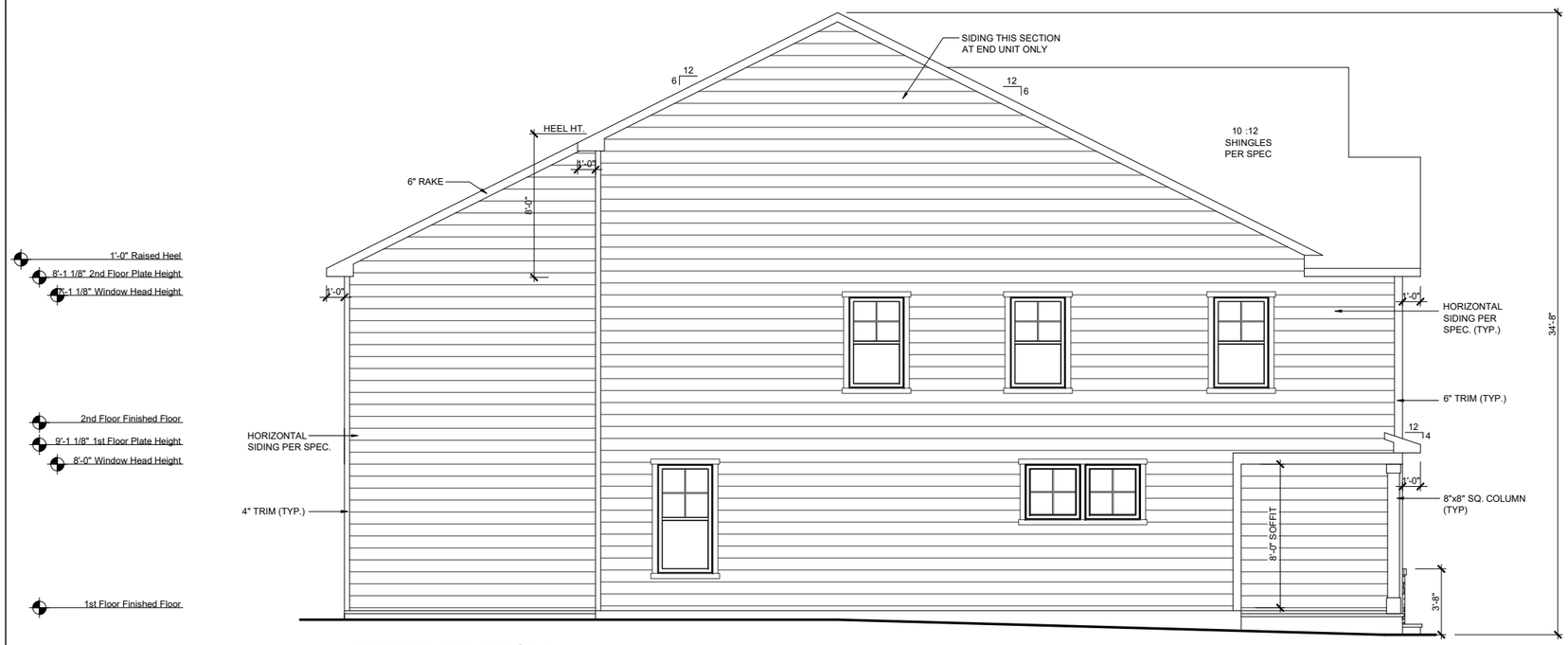
BEAZER HOMES

26' TH SERIES

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 4-30-2021



LEFT ELEVATION

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

RIGHT ELEVATION

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

BEAZER HOMES

26' TH SERIES

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 4-30-2021

REAR ELEVATION

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

BEAZER HOMES

26' TH SERIES

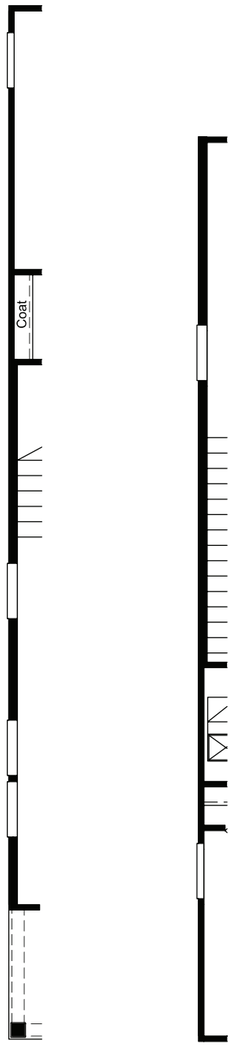
REAR ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 4-30-2021

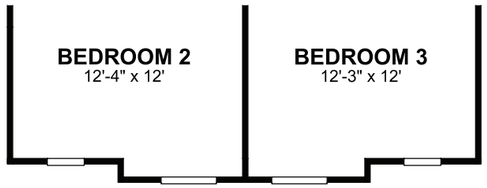
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

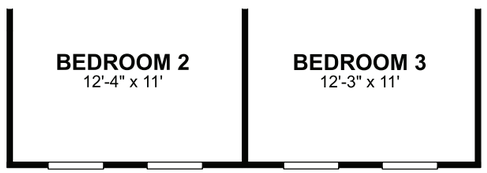


Opt End Unit
First Floor

Opt End Unit
Second Floor



Opt Elevation ACL



Opt Elevation FHL

Legend

OPT - Optional
ILO - In Lieu Of
UTIL - Utility
WIC - Walk In Closet
WIP - Walk In Pantry
PDR - Powder Room
SGD - Sliding Glass Door
W - Washer
D - Dryer
WH - Water Heater
DW - Dishwasher
REF - Refrigerator
HVAC - Heating Ventilating and Air Conditioning
MECH - Mechanical Room
WO - Wall Oven
MO - Microwave Oven
LIN - Linen
PAN - Pantry

Dotted Lines Denote Optional Items

Dashed Lines Denote Elevated Features

BEAZER HOMES

Addison

4 beds / 3 baths
2,148 sq. ft.
2-car garage

Arts & Crafts L Exterior

Farmhouse L Exterior

Traditional L Exterior

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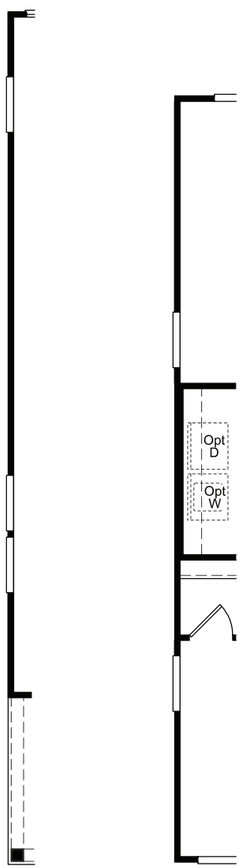
T433 v2.1 4-21

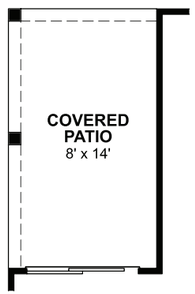
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

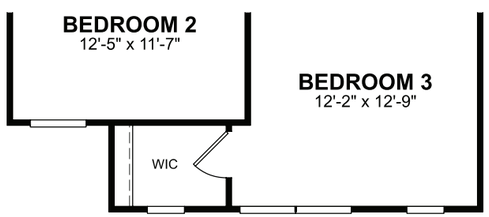


Opt End Unit First Floor

Opt End Unit Second Floor



Opt Covered Patio



Opt Elevation FHL

Legend

OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door	..... Dotted Lines Denote Optional Items
W - Washer	
D - Dryer	
WH - Water Heater	
DW - Dishwasher	- - - - - - - - Dashed Lines Denote Elevated Features
REF - Refrigerator	

BEAZER HOMES

Braxton

3 beds / 2.5 baths
2,282 sq. ft.
2-car garage

Arts & Crafts L Exterior

Farmhouse L Exterior

Traditional L Exterior

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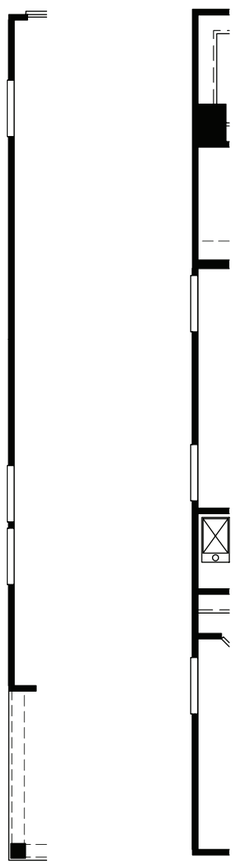
T439 v2.1 3-21

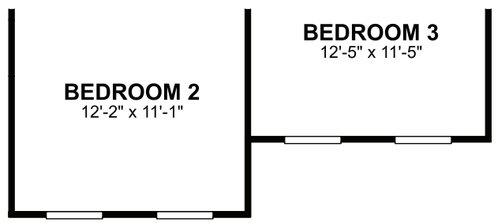
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

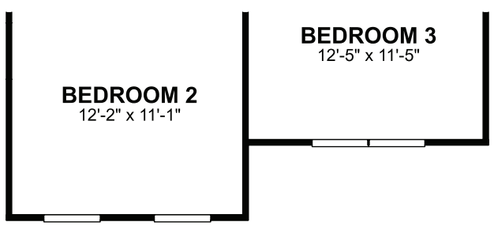


Opt End Unit
First Floor

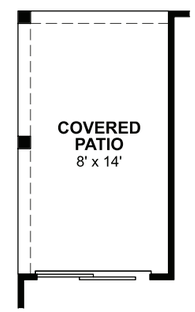
Opt End Unit
Second Floor



Opt Elevation ACL



Opt Elevation FHL



Opt Covered Patio

Legend

OPT - Optional
ILO - In Lieu Of
UTIL - Utility
WIC - Walk In Closet
WIP - Walk In Pantry
PDR - Powder Room
SGD - Sliding Glass Door
W - Washer
D - Dryer
WH - Water Heater
DW - Dishwasher
REF - Refrigerator
HVAC - Heating Ventilating and Air Conditioning
MECH - Mechanical Room
WO - Wall Oven
MO - Microwave Oven
LIN - Linen
PAN - Pantry

Dotted Lines Denote Optional Items

Dashed Lines Denote Elevated Features

BEAZER HOMES

Maxwell

3 beds / 2.5 baths
2,207 sq. ft.
2-car garage

Arts & Crafts L Exterior

Farmhouse L Exterior

Traditional L Exterior

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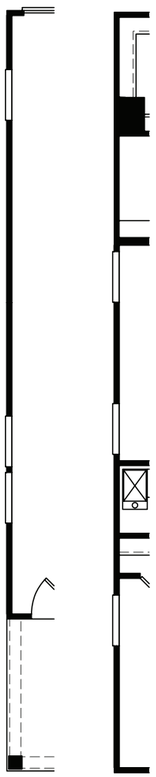
T437 v2.1 3-21

Paid Options

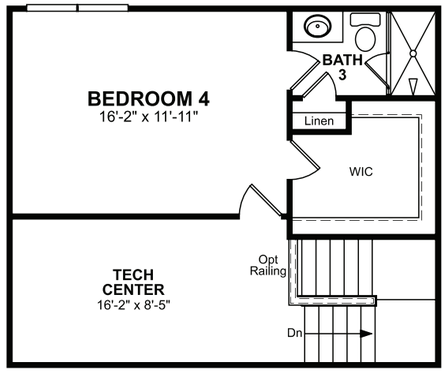
Structural options that add square footage or other structure (s) to the home for a fee



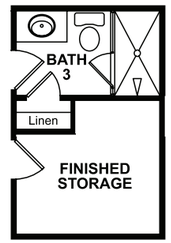
Opt End Unit First Floor

Opt End Unit Second Floor

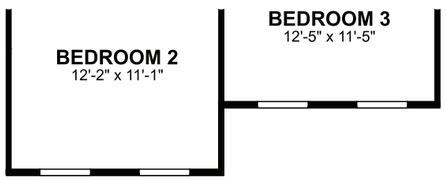
Opt End Unit Third Floor



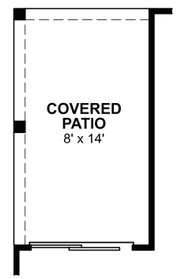
Opt Bedroom 4/Bath 3 ILO Bonus Room/Unfinished Storage



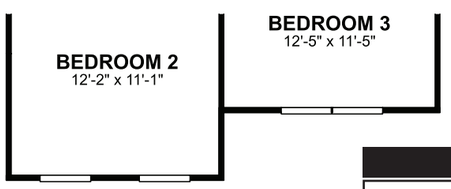
Opt Bath 3/Finished Storage ILO Unfinished Storage



Opt Elevation ACL



Opt Covered Patio



Opt Elevation FHL

Legend

OPT - Optional
ILO - In Lieu Of
UTIL - Utility
WIC - Walk In Closet
WIP - Walk In Pantry
PDR - Powder Room
SGD - Sliding Glass Door
W - Washer
D - Dryer
WH - Water Heater
DW - Dishwasher
REF - Refrigerator
HVAC - Heating Ventilating and Air Conditioning
MECH - Mechanical Room
WO - Wall Oven
MO - Microwave Oven
LIN - Linen
PAN - Pantry

Dotted Lines Denote Optional Items

Dashed Lines Denote Elevated Features

BEAZER HOMES

Parker

3-4 beds / 2.5-3.5 baths
2,623 sq. ft.
2-car garage

Arts & Crafts L Exterior

Farmhouse L Exterior

Traditional L Exterior

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T477 v1.1 3-21

BEAZER HOMES

ADDISON
RLH T433

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** DIVISION ADDRESS ADDRESS CITY, STATE ZIP CONTACT: PH: NUMBER FAX: NUMBER	**CONSULTANT** ADDRESS ADDRESS CITY, STATE ZIP PH: NUMBER FAX: NUMBER

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan - TRL
F-1.1	Slab Plan - ACL
F-1.2	Slab Plan - FHL
A-1.0	First Floor Plan
A-1.1	First Floor Partials
A-2.0	Second Floor Plan
A-2.1	Second Floor Partials
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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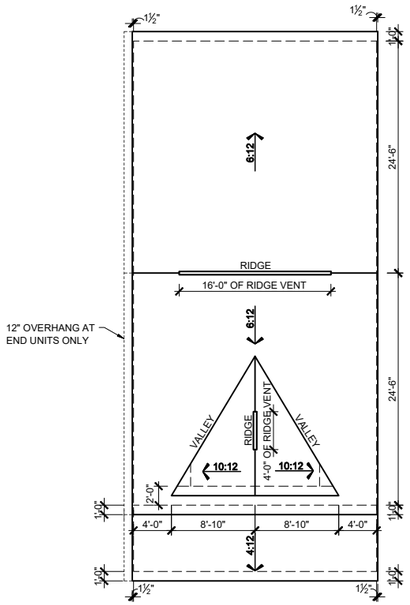
RLH T433 2.1
Cover Sheets
Cover Sheet

ROBERT'S CROSSING

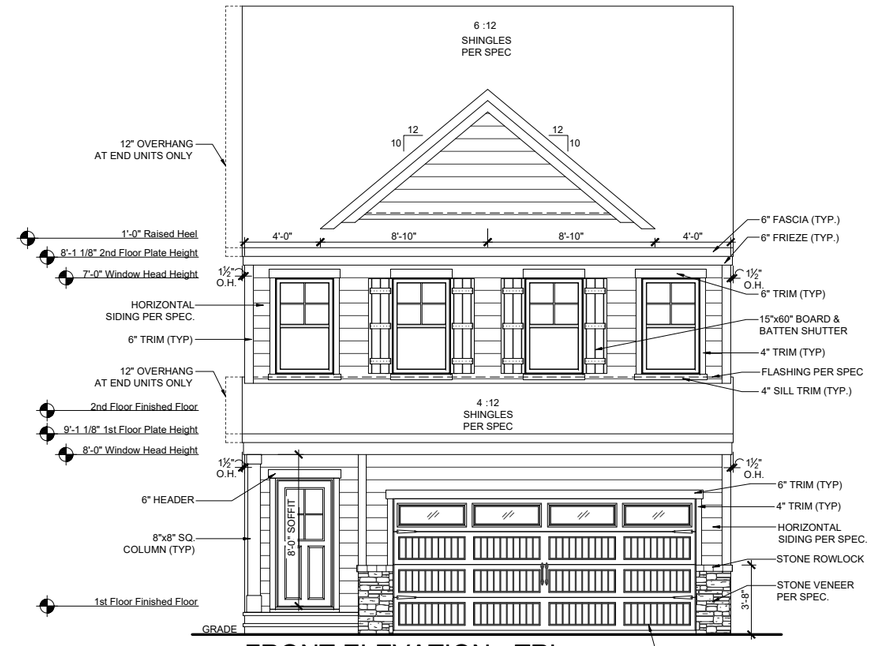
drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number: CS-1.0

Plot Date: 2/23/2021 10:21:17 AM; By: AMD



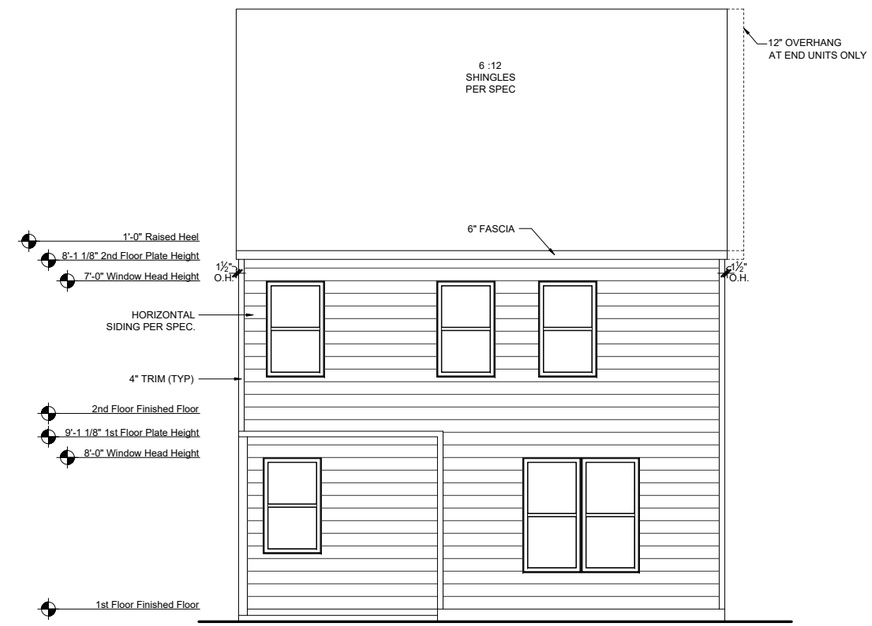
ROOF PLAN - TRL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1258 S.F.
VENTING =
1258 S.F. / 150 = 8.38 S.F. REQUIRED
1258 S.F. / 300 = 4.19 S.F. REQUIRED

Ridge Vents: 20 lin ft
Soffit Vents: 52 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 180 S.F.
VENTING =
180 S.F. / 150 = 1.2 S.F. REQUIRED
180 S.F. / 300 = 0.6 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

Plot Date: 2/23/2021 10:22:44 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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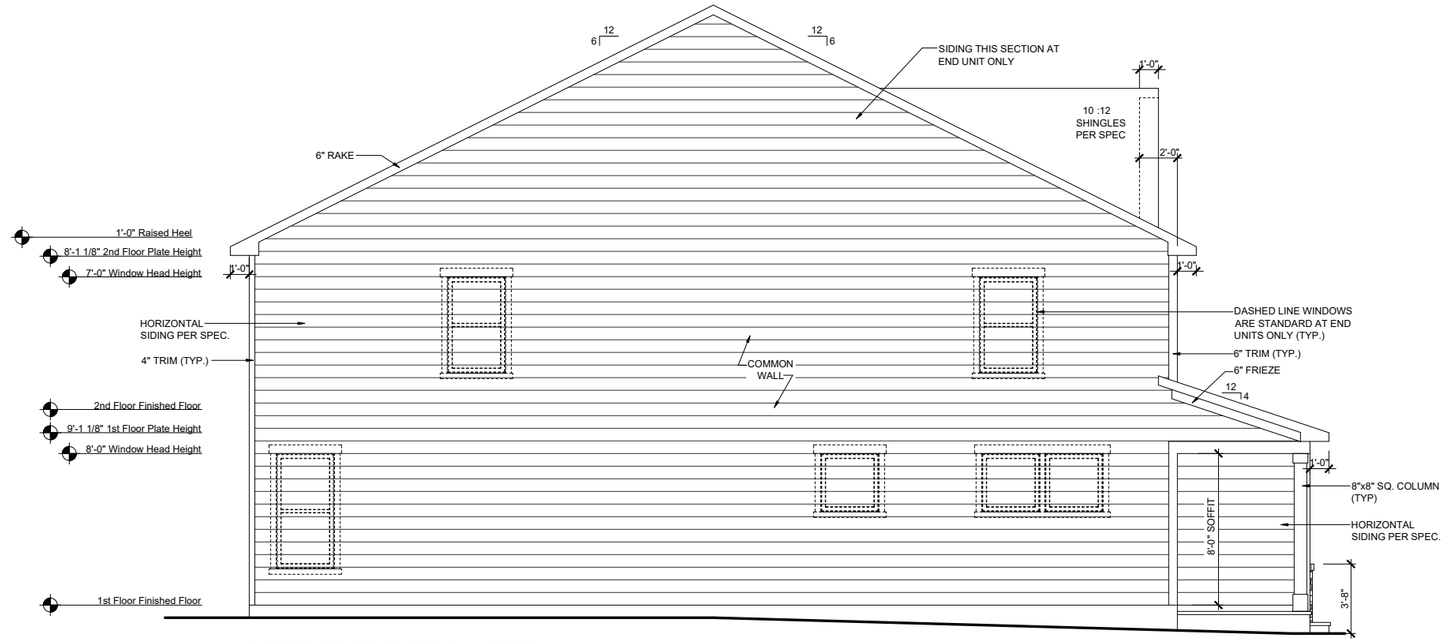
BEAZER HOMES

ROBERT'S CROSSING

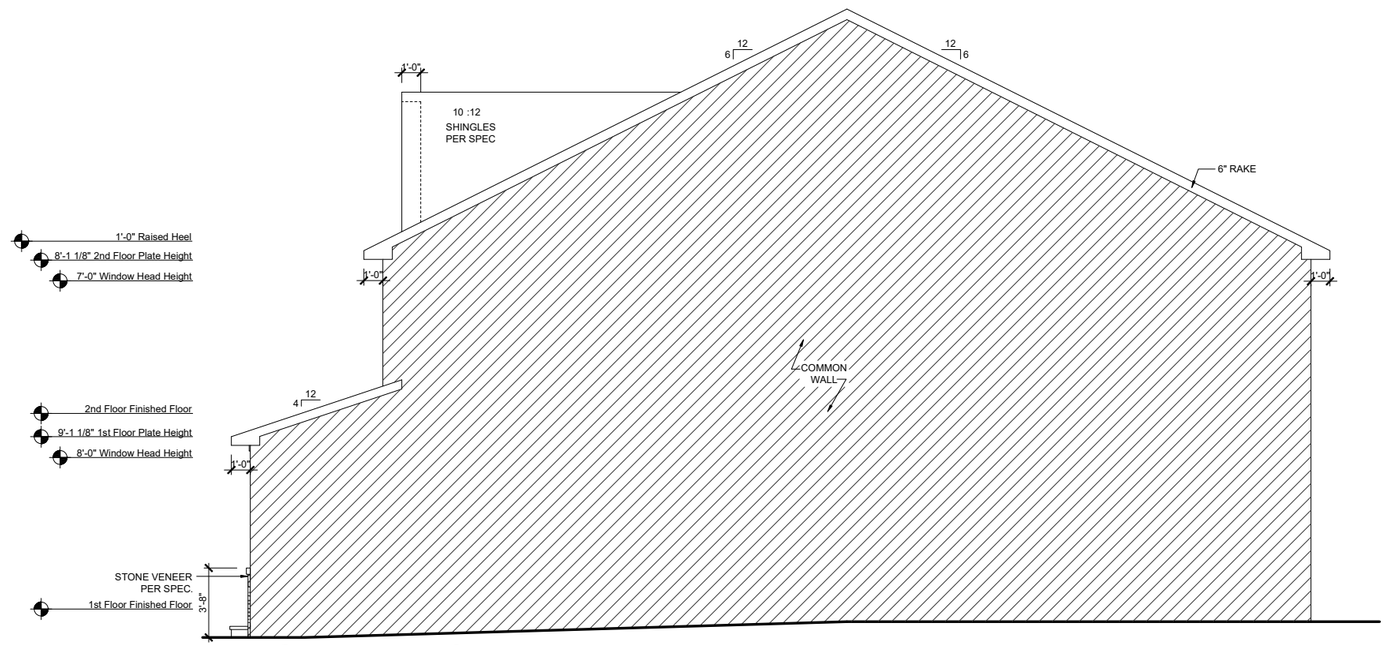
RLH T433 2.1
Elevation Plans
Front Elevation TRL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number: A-3.0



LEFT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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Plot Date: 2/23/2021 10:22:51 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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BEAZER HOMES

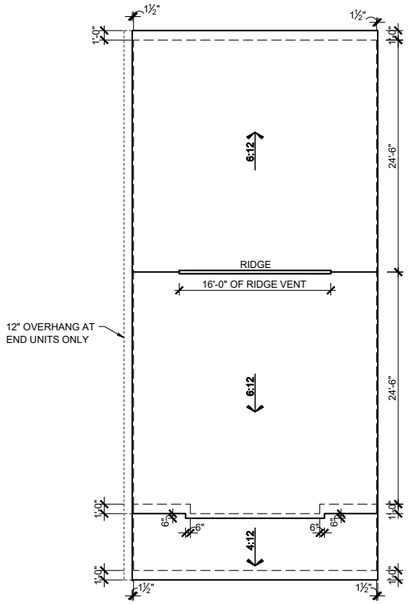
ROBERT'S CROSSING

RLH T433 2.1

Elevation Plans

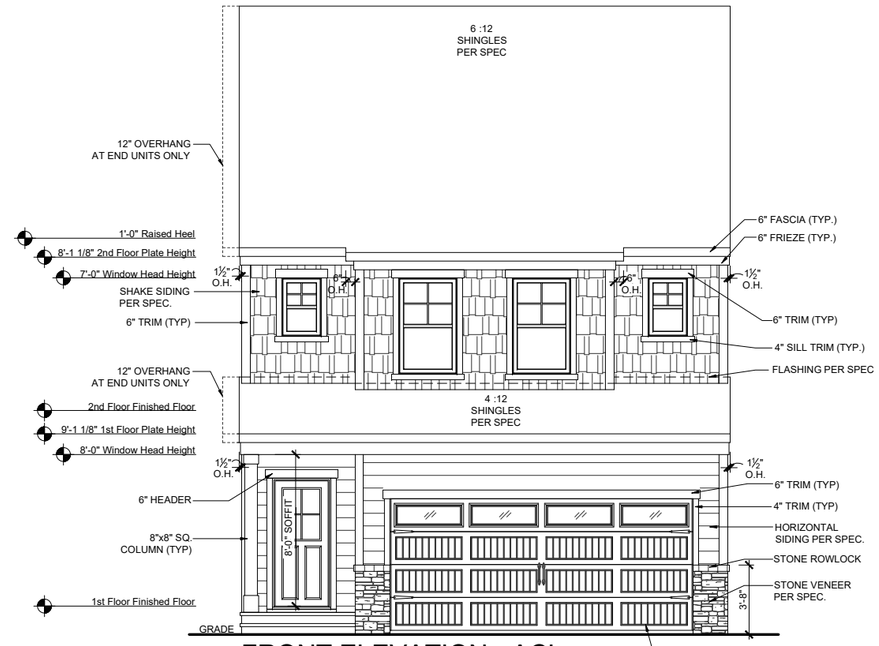
Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number:
A-3.1



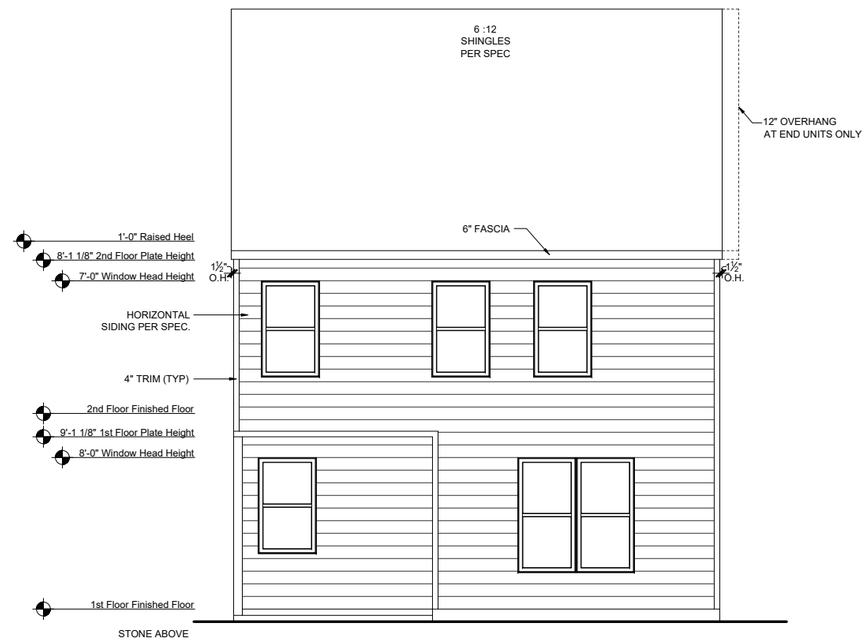
ROOF PLAN - ACL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1271 S.F.
VENTING =
1271 S.F. / 150 = 8.47 S.F. REQUIRED
1271 S.F. / 300 = 4.23 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 53 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 166 S.F.
VENTING =
166 S.F. / 150 = 1.1 S.F. REQUIRED
166 S.F. / 300 = 0.55 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

Plot Date: 2/23/2021 10:22:59 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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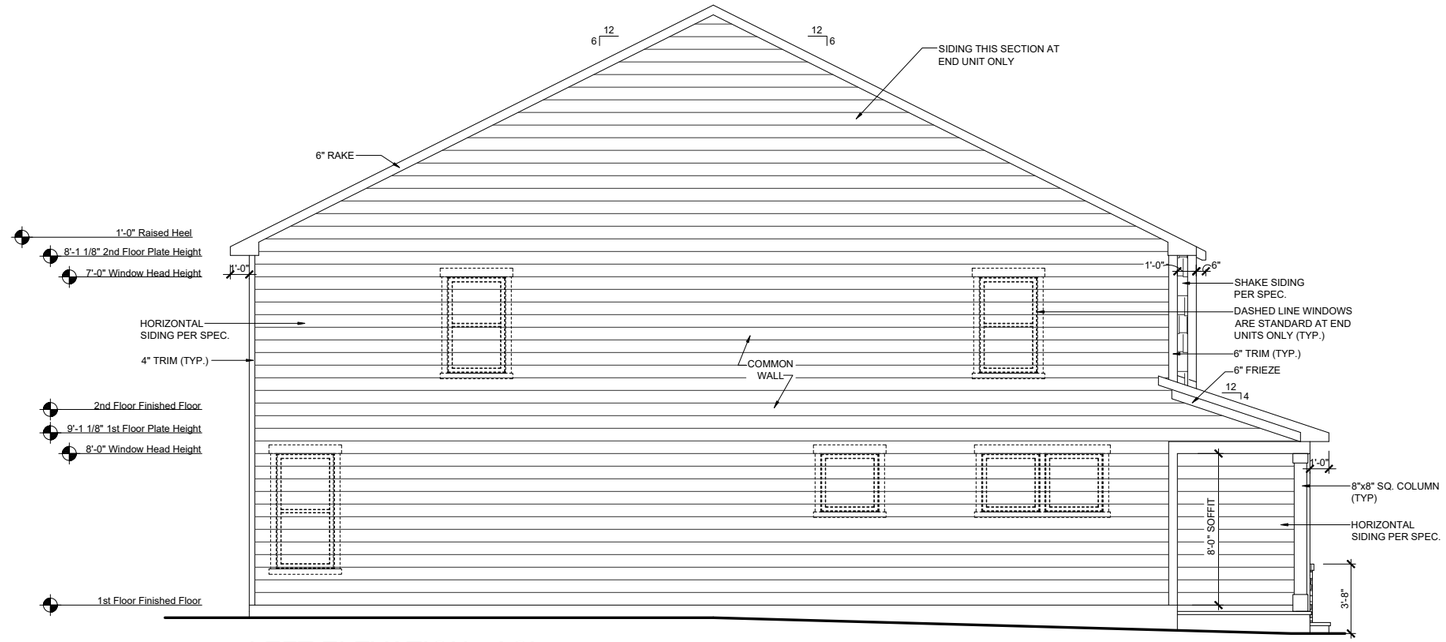
ROBERT'S CROSSING

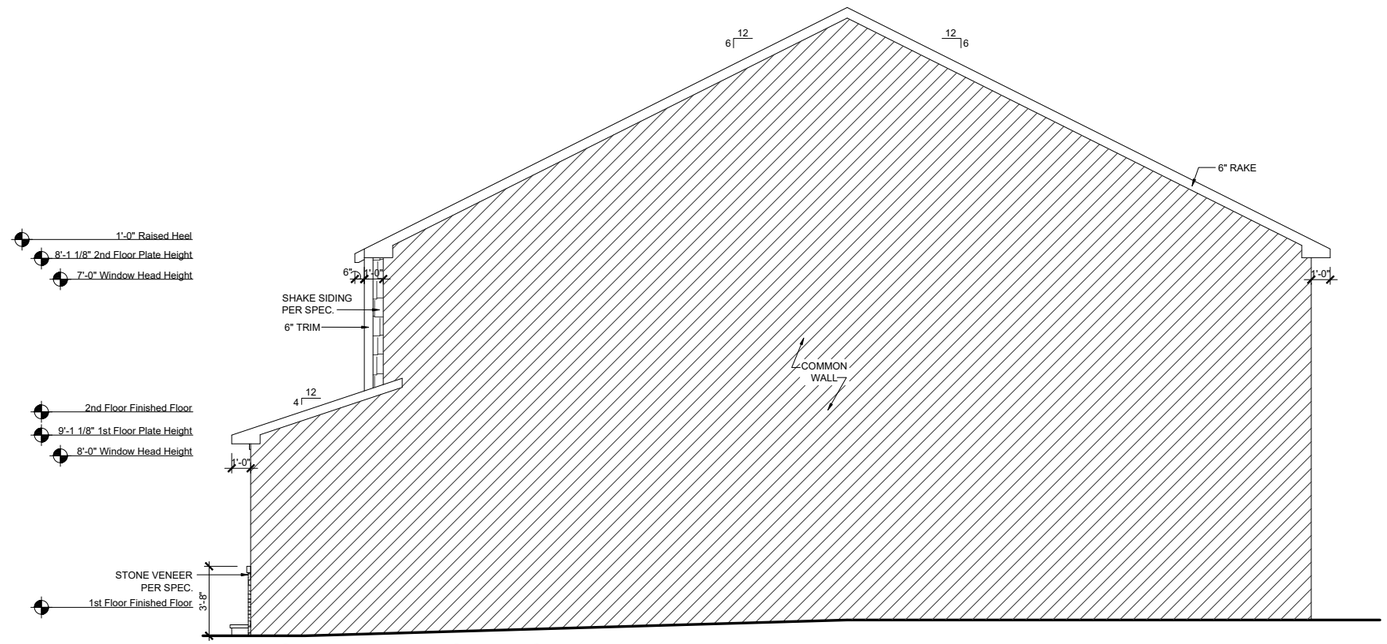
RLH T433 2.1
Elevation Plans
Front Elevation ACL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number: A-3.2



LEFT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

Plot Date: 2/23/2021 10:23:04 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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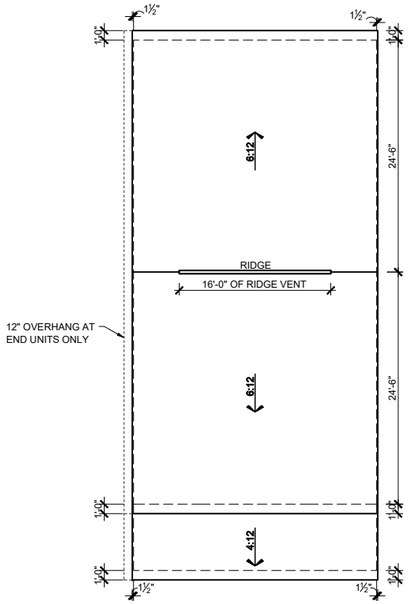
ROBERT'S CROSSING

RLH T433 2.1

Elevation Plans

Side Elevations ACL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number:
A-3.3

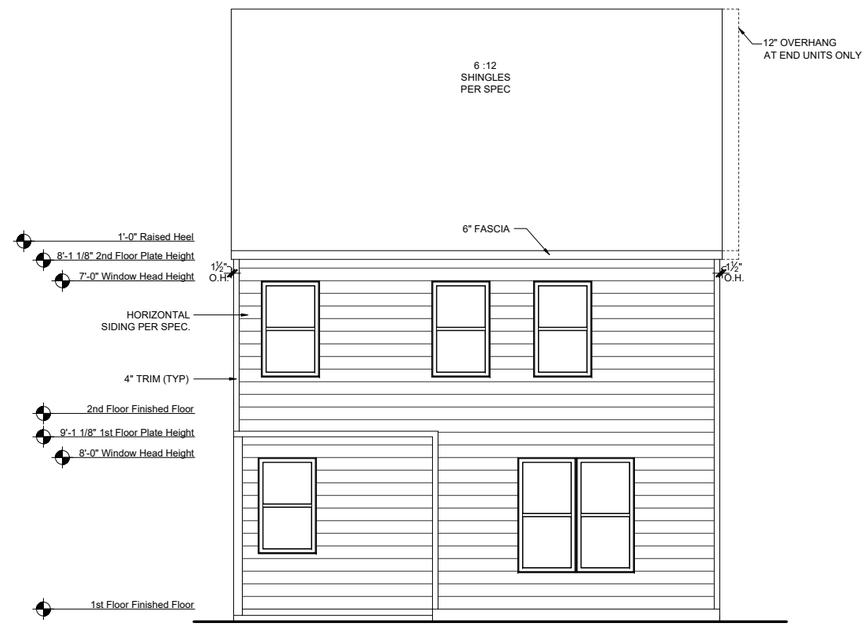


ROOF PLAN - FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

FRONT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1258 S.F.
VENTING =
1258 S.F. / 150 = 8.38 S.F. REQUIRED
1258 S.F. / 300 = 4.19 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 53 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 180 S.F.
VENTING =
180 S.F. / 150 = 1.2 S.F. REQUIRED
180 S.F. / 300 = 0.6 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

Plot Date: 2/23/2021 10:23:13 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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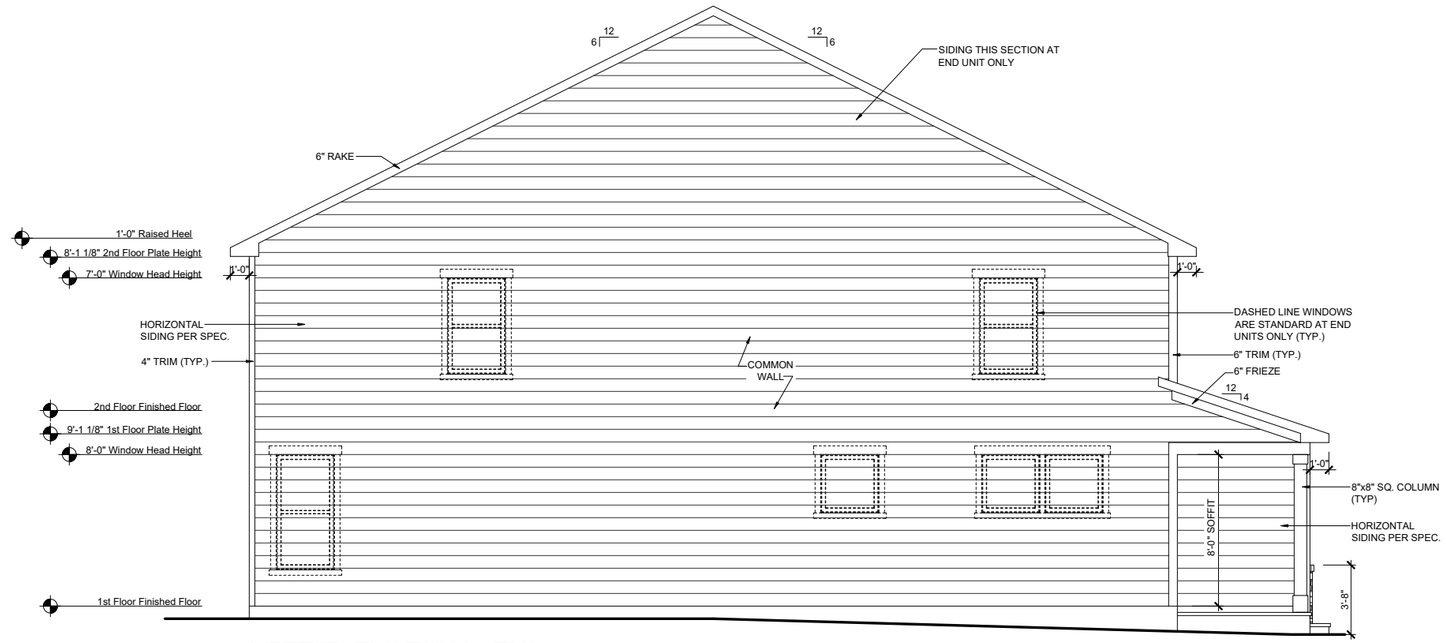
ROBERT'S CROSSING

RLH T433 2.1
Elevation Plans
Front Elevation FHL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number: A-3.4



LEFT ELEVATION - FHL

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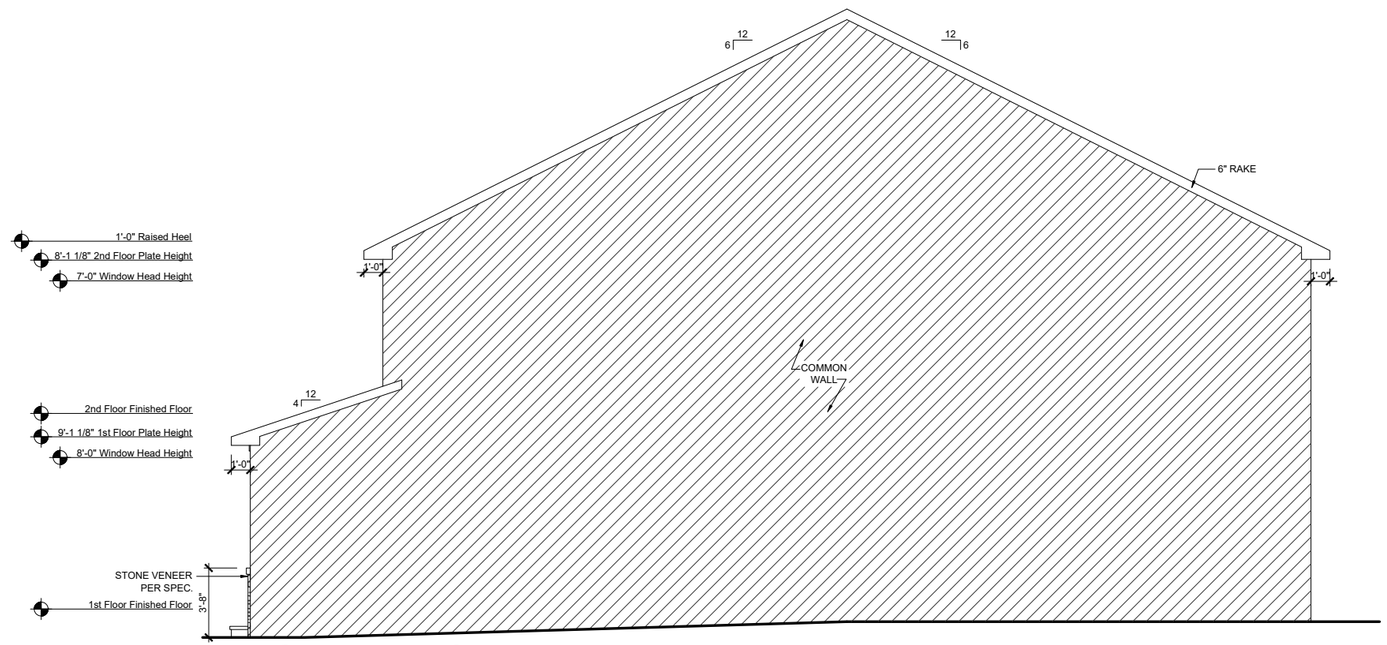

RIGHT ELEVATION - FHL

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Plot Date: 2/23/2021 10:23:18 AM; By: AMD

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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ROBERT'S CROSSING

RLH T433 2.1

Elevation Plans

Side Elevations FHL

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number:
A-3.5

BEAZER HOMES

MAXWELL

RLH T437

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 & PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partials
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partials
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	1st Floor Electrical Plan
E-2.0	2nd Floor Electrical Plan

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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ROBERT'S CROSSING

RLH T437 2.1

Cover Sheets

Cover Sheet

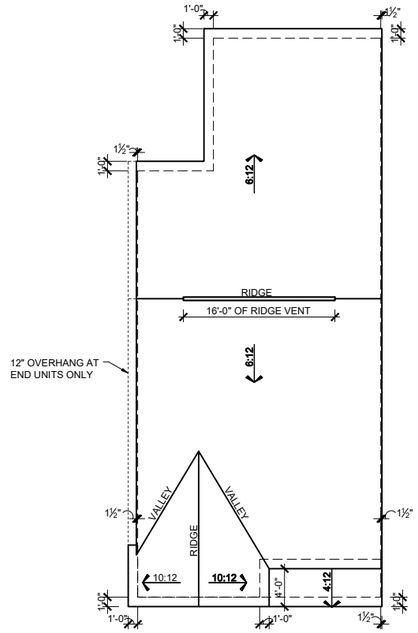
drawn by: XSI

checked by: BZH

date: 09/20/19

sheet number: CS-1.0

Plot Date: 2/23/2021 3:59:53 PM; By: AMD



ROOF PLAN - TRL

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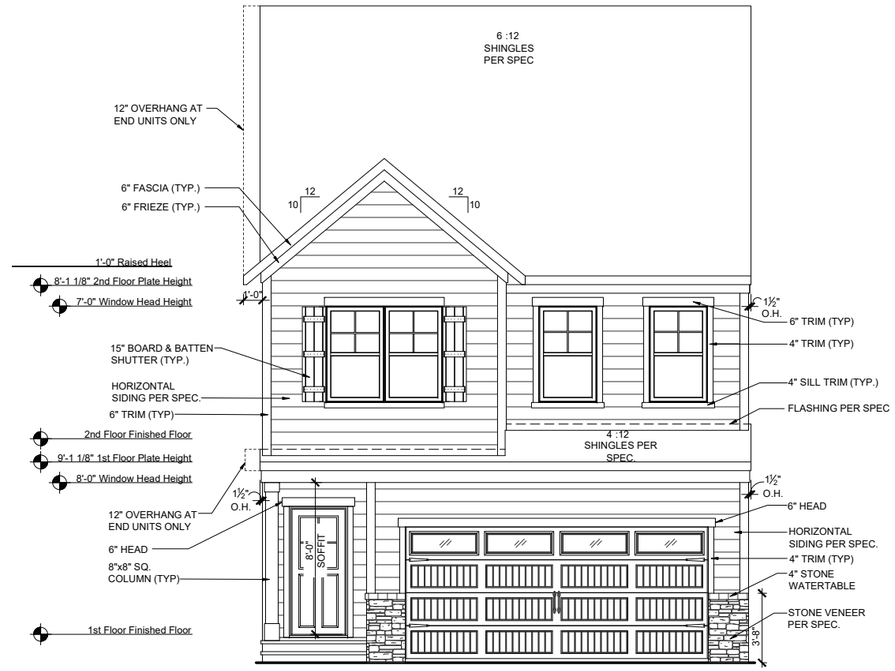
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - TRL

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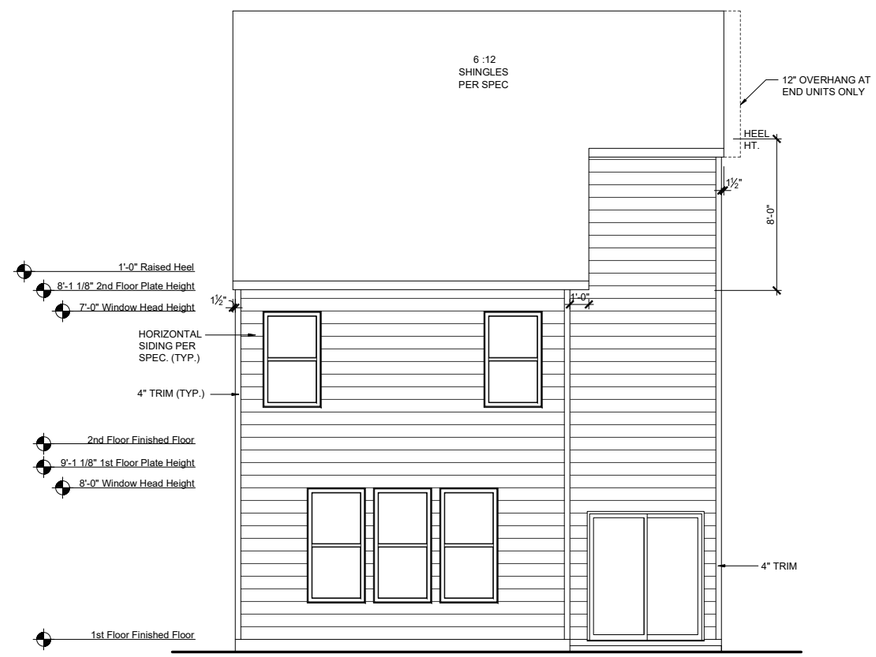

REAR ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.
VENTING =
1351 S.F. / 150 = 9.00 S.F. REQUIRED
1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 45 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 51 S.F.
VENTING =
51 S.F. / 150 = 0.34 S.F. REQUIRED
51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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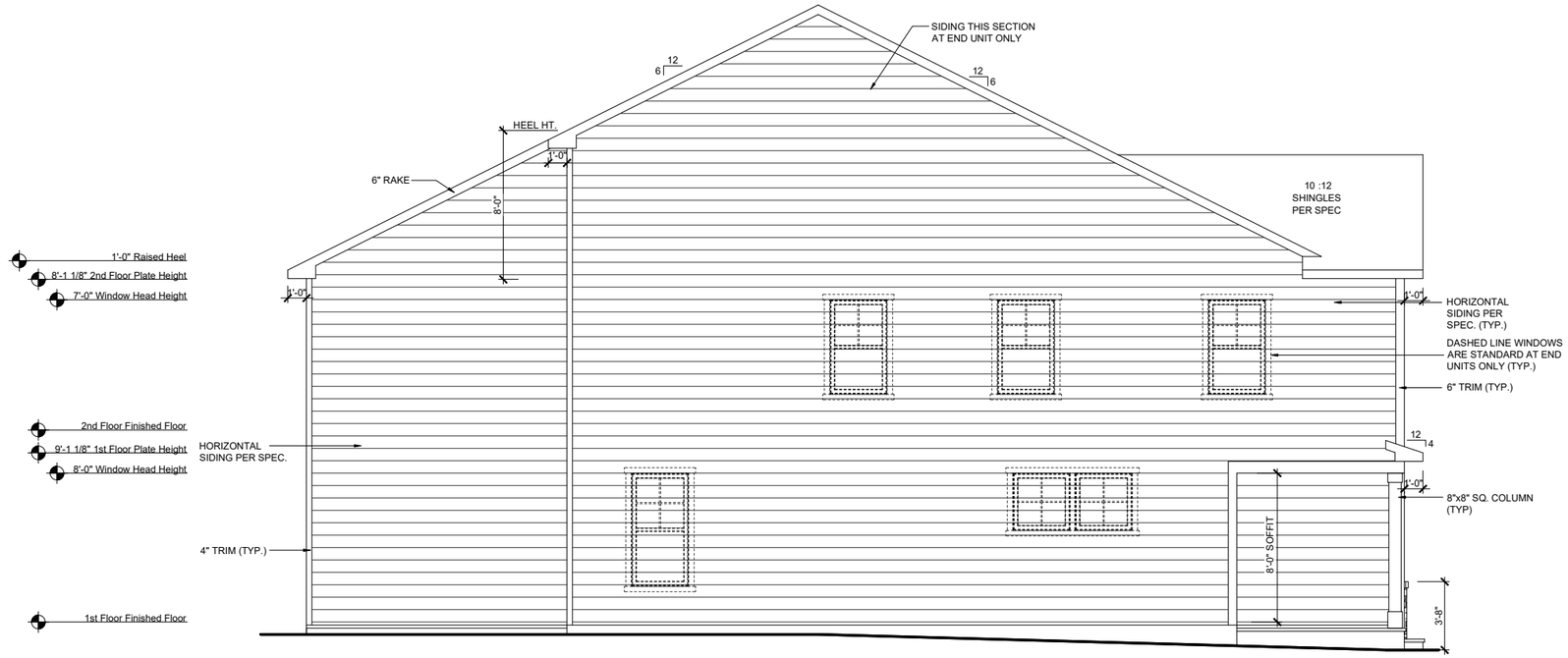
ROBERT'S CROSSING

RLH T437 2.1
Elevation Plans
Front Elevation TRL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.0

Plot Date: 2/23/2021 4:00:59 PM; By: AMD



LEFT ELEVATION - TRL

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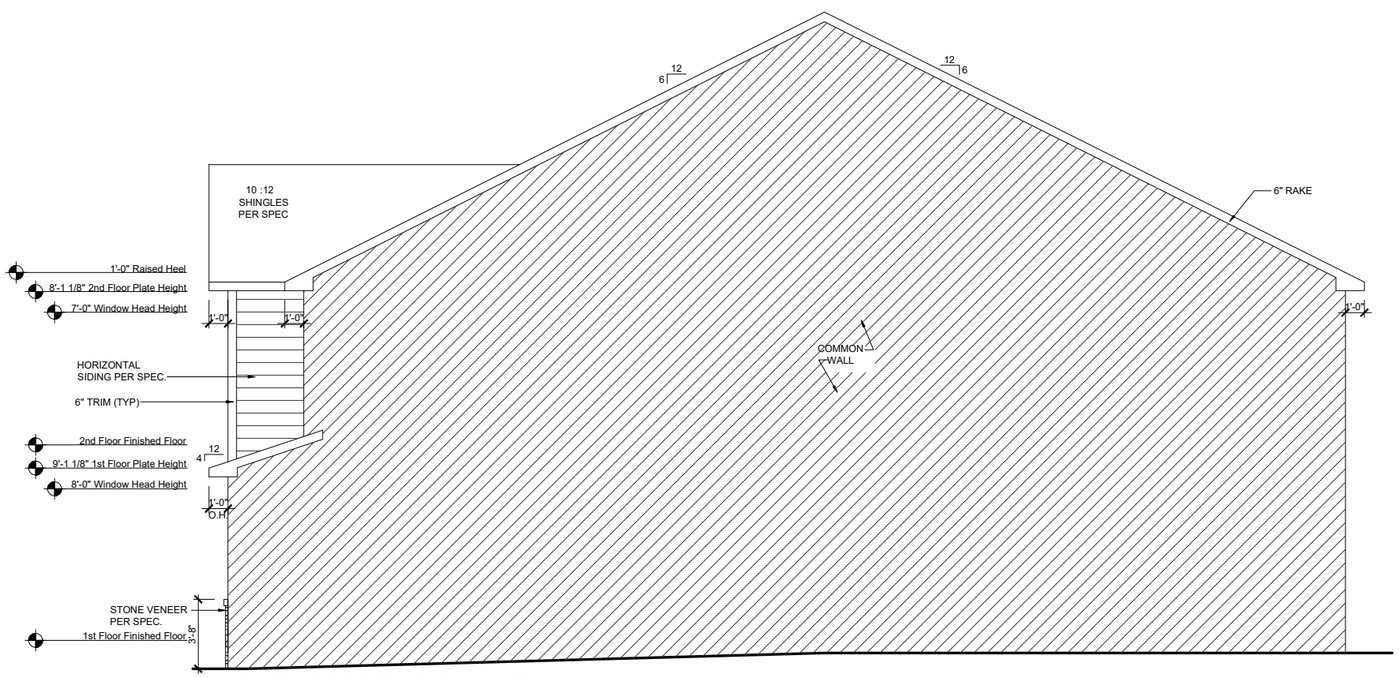

RIGHT ELEVATION - TRL

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REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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ROBERT'S CROSSING

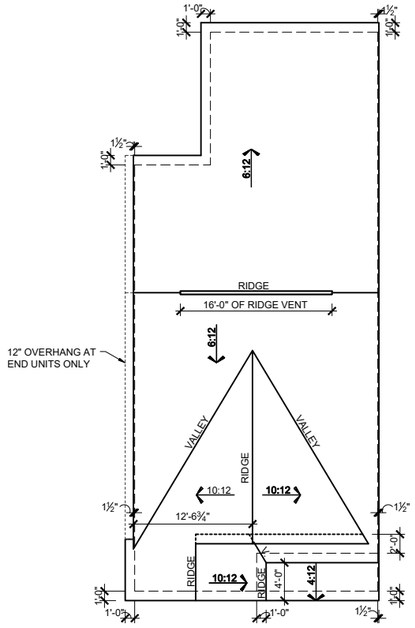
RLH T437 2.1

Elevation Plans

Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.1

Plot Date: 2/23/2021 4:01:03 PM; By: AMD



ROOF PLAN - ACL

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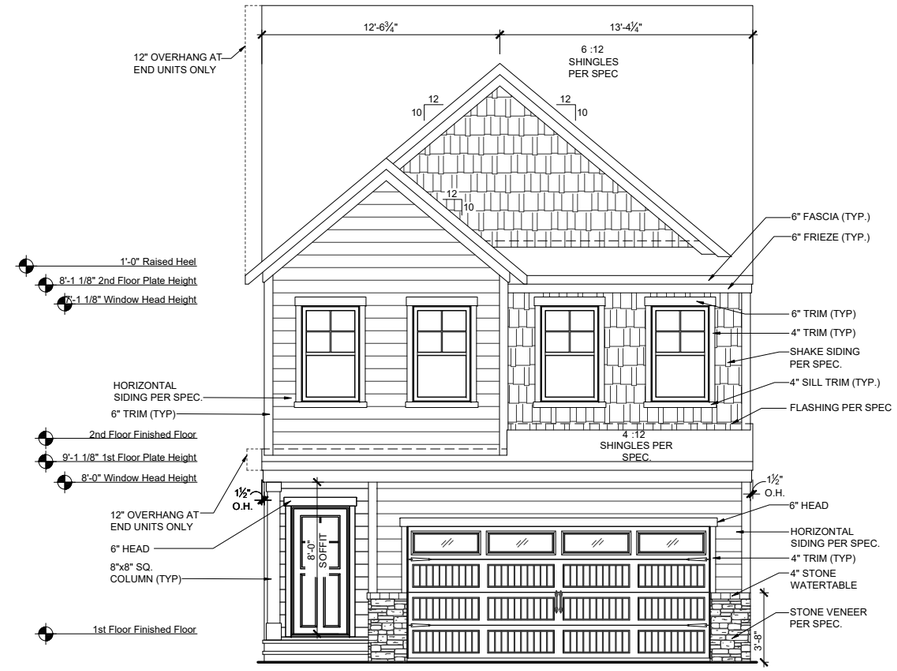

FRONT ELEVATION - ACL

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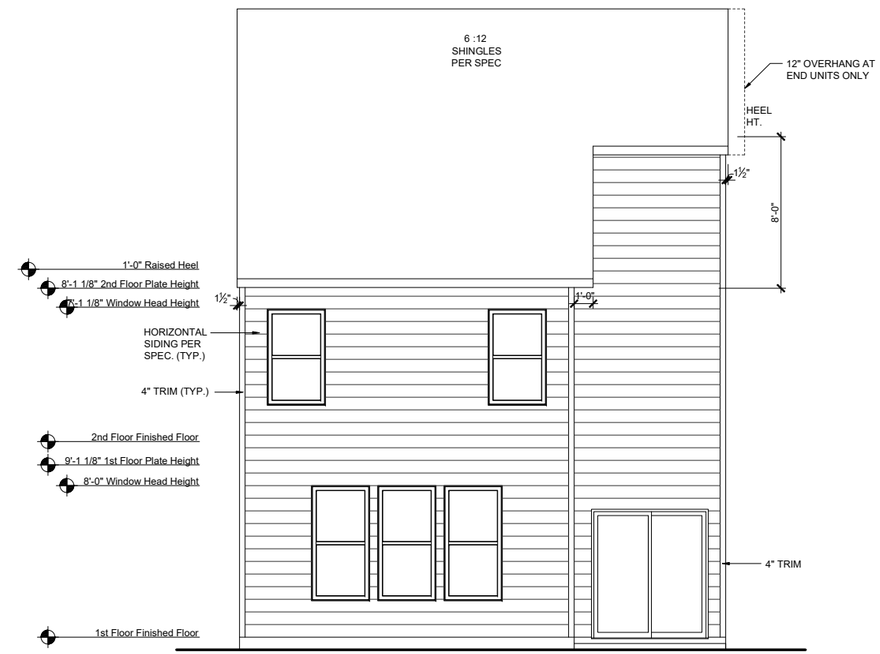

REAR ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.
VENTING =
1351 S.F. / 150 = 9.00 S.F. REQUIRED
1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 45 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 51 S.F.
VENTING =
51 S.F. / 150 = 0.34 S.F. REQUIRED
51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
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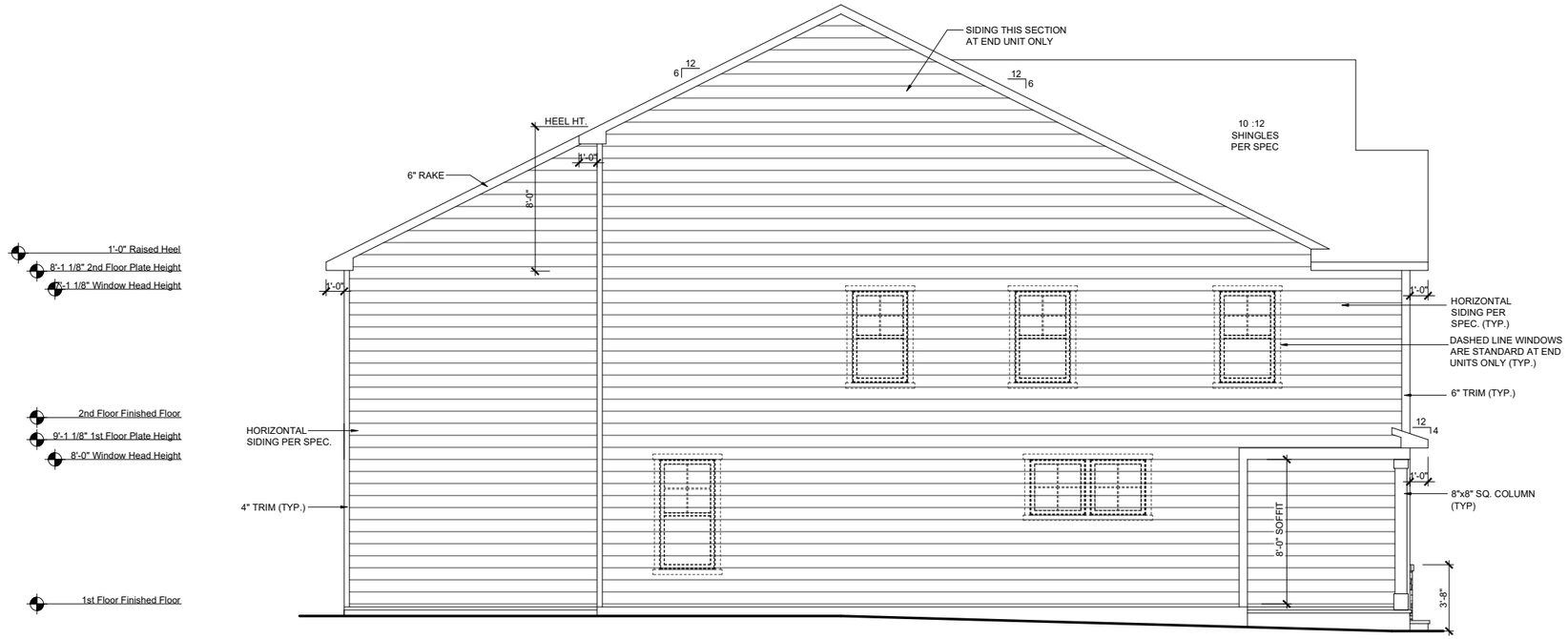
ROBERT'S CROSSING

RLH T437 2.1
Elevation Plans
Front Elevation ACL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.2

Plot Date: 2/23/2021 4:01:10 PM; By: AMD



LEFT ELEVATION - ACL

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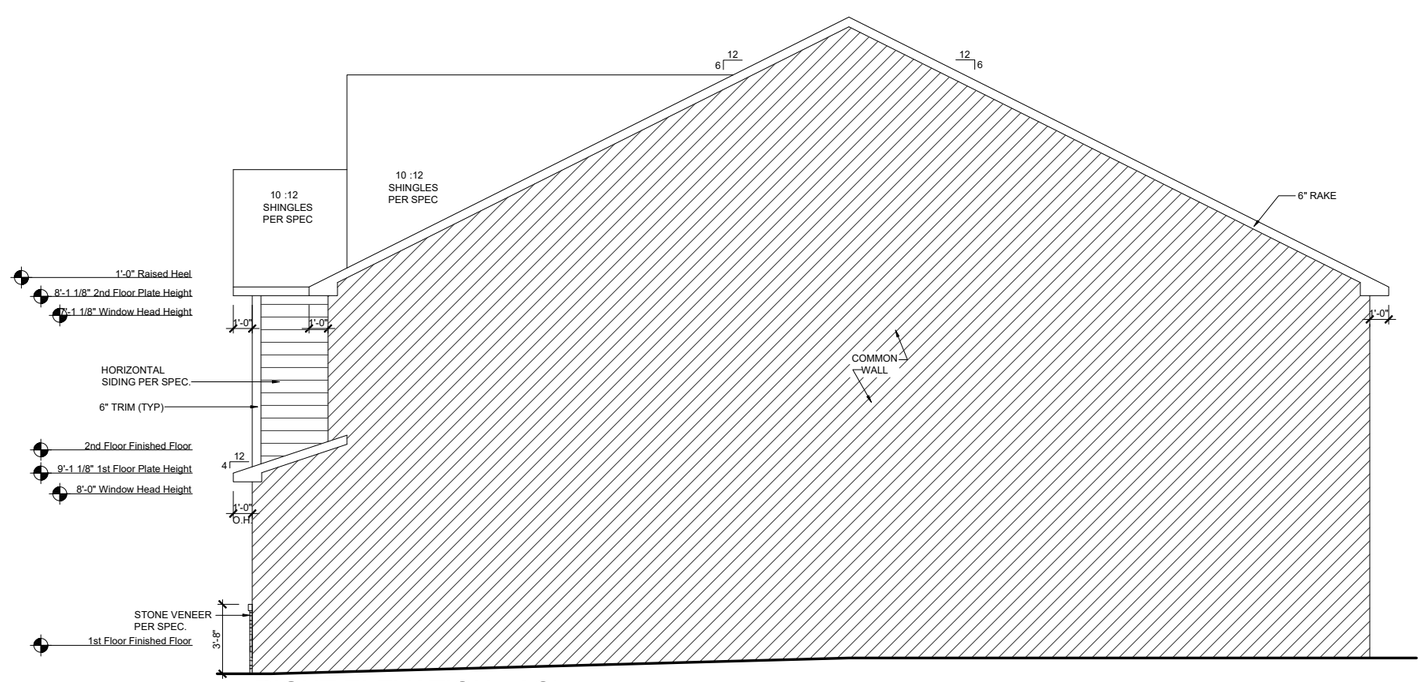

RIGHT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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ROBERT'S CROSSING

RLH T437 2.1

Elevation Plans

Side Elevations ACL

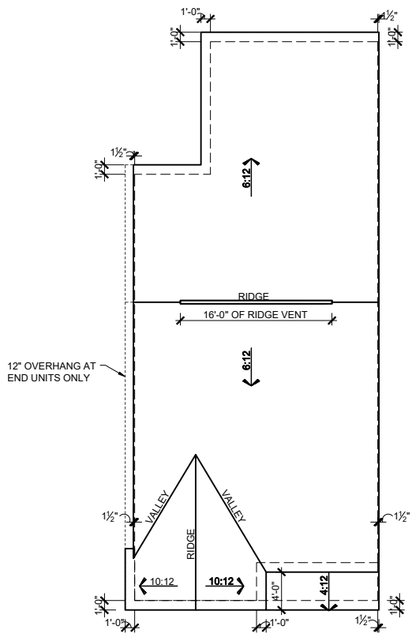
drawn by: XSI

checked by: BZH

date: 09/20/19

sheet number: A-3.3

Plot Date: 2/23/2021 4:01:14 PM; By: AMD



ROOF PLAN - FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
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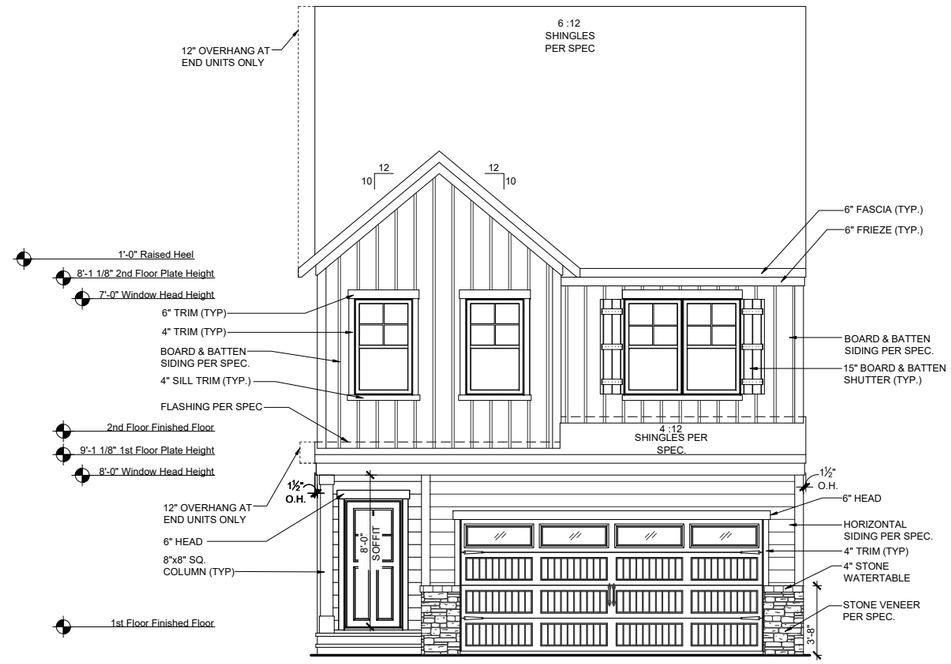

FRONT ELEVATION - FHL

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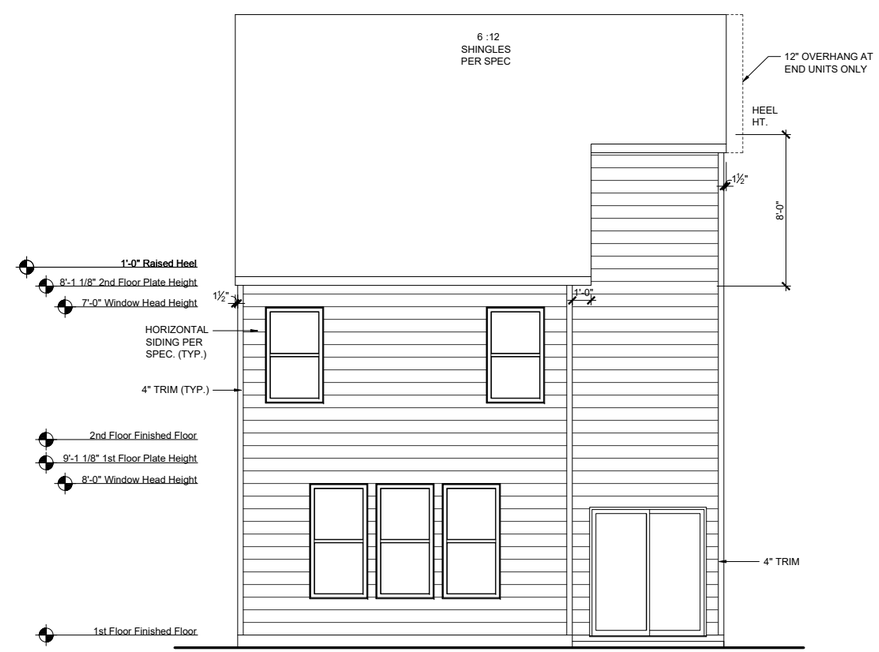

REAR ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.
VENTING =
1351 S.F. / 150 = 9.00 S.F. REQUIRED
1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 45 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 51 S.F.
VENTING =
51 S.F. / 150 = 0.34 S.F. REQUIRED
51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 26 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

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1.3	06.30.2020
v2.0	09.17.2020
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ROBERT'S CROSSING

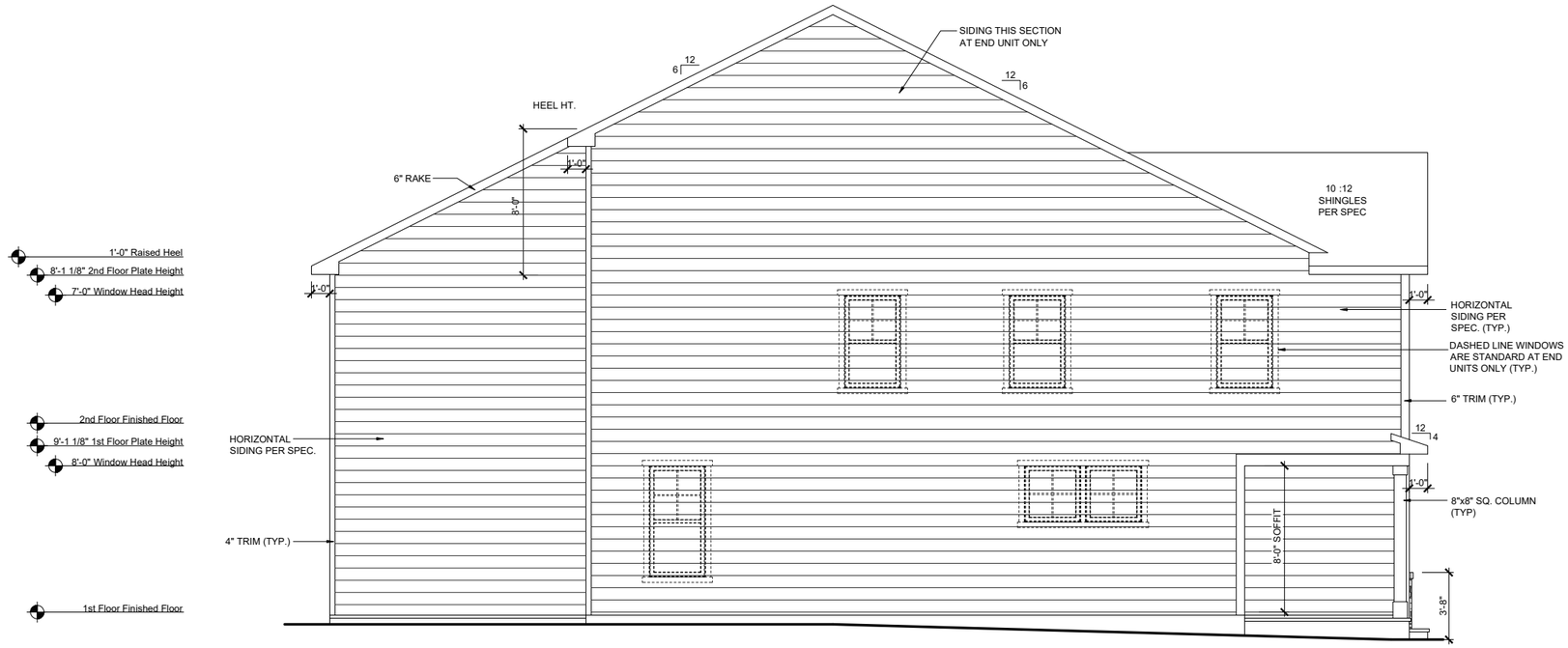
RLH T437 2.1

Elevation Plans

Front Elevation FHL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.4

Plot Date: 2/23/2021 4:01:20 PM; By: AMD



LEFT ELEVATION - FHL

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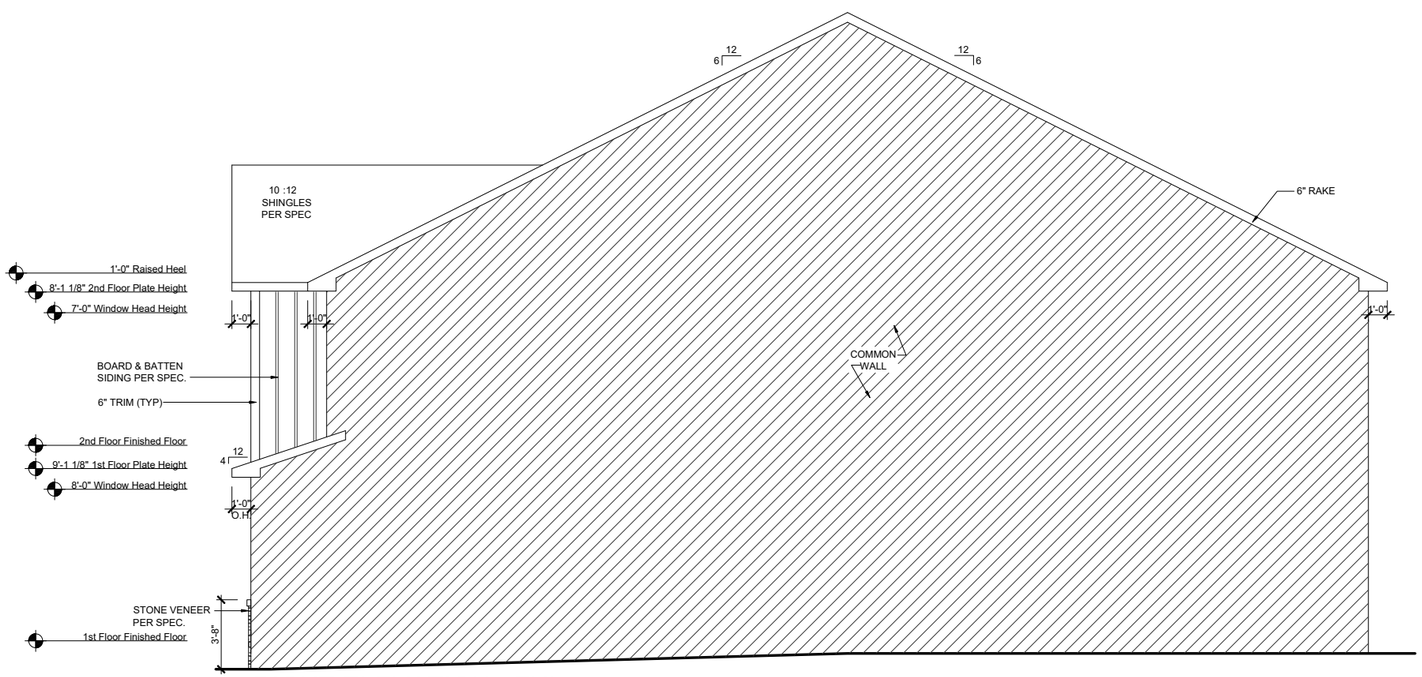

RIGHT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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v2.0	09.17.2020
v2.1	02.23.2021

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ROBERT'S CROSSING

RLH T437 2.1

Elevation Plans

Front Elevation FHL

drawn by: XSI

checked by: BZH

date: 09/20/19

sheet number: A-3.5

Plot Date: 2/23/2021 4:01:24 PM; By: AMD

BEAZER HOMES

BRAXTON

RLH T439

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partials
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partials
A-3.0	Front Elevations TRL
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A-3.2	Front Elevations ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevations FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Sections
E-1.0	1st Floor Electrical Plans
E-2.0	2nd Floor Electrical Plans

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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BEAZER HOMES

ROBERT'S CROSSING

RLH T439 2.1

Cover Sheets

Cover Sheet

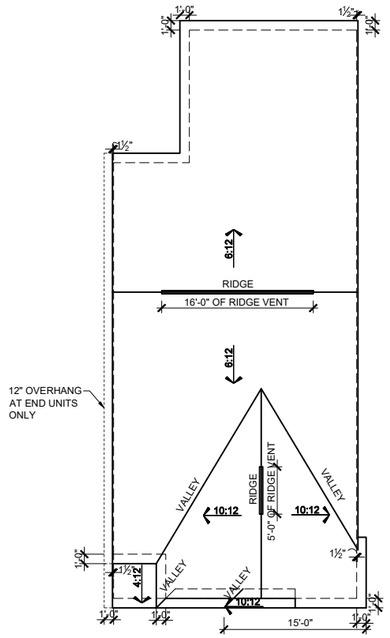
drawn by: XSI

checked by: BZH

date: 09/20/19

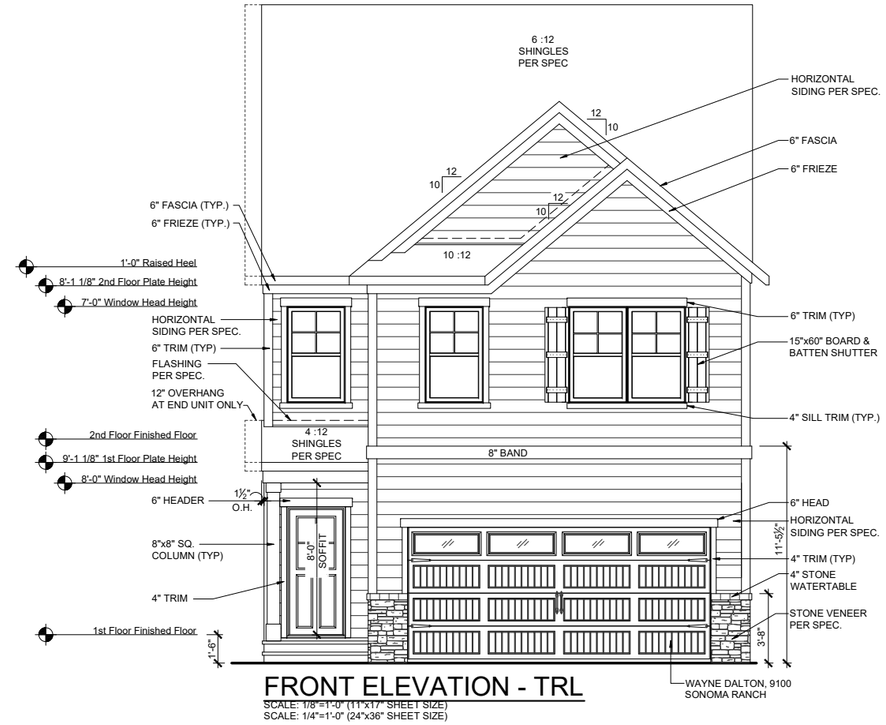
sheet number: CS-1.0

Plot Date: 2/23/2021 2:48:24 PM; By: AMD



ROOF PLAN - TRL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1428 S.F.
VENTING =
1428 S.F. / 150 = 9.52 S.F. REQUIRED
1428 S.F. / 300 = 4.76 S.F. REQUIRED

Ridge Vents: 21 lin ft
Soffit Vents: 43 lin ft

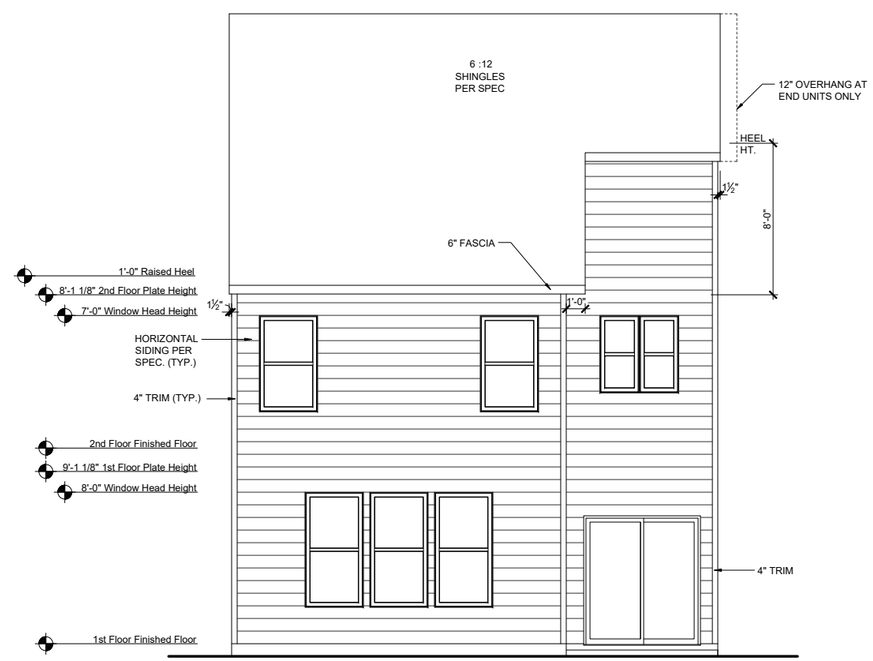
NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 91 S.F.
VENTING =
91 S.F. / 150 = 0.60 S.F. REQUIRED
91 S.F. / 300 = 0.30 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 28 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



REAR ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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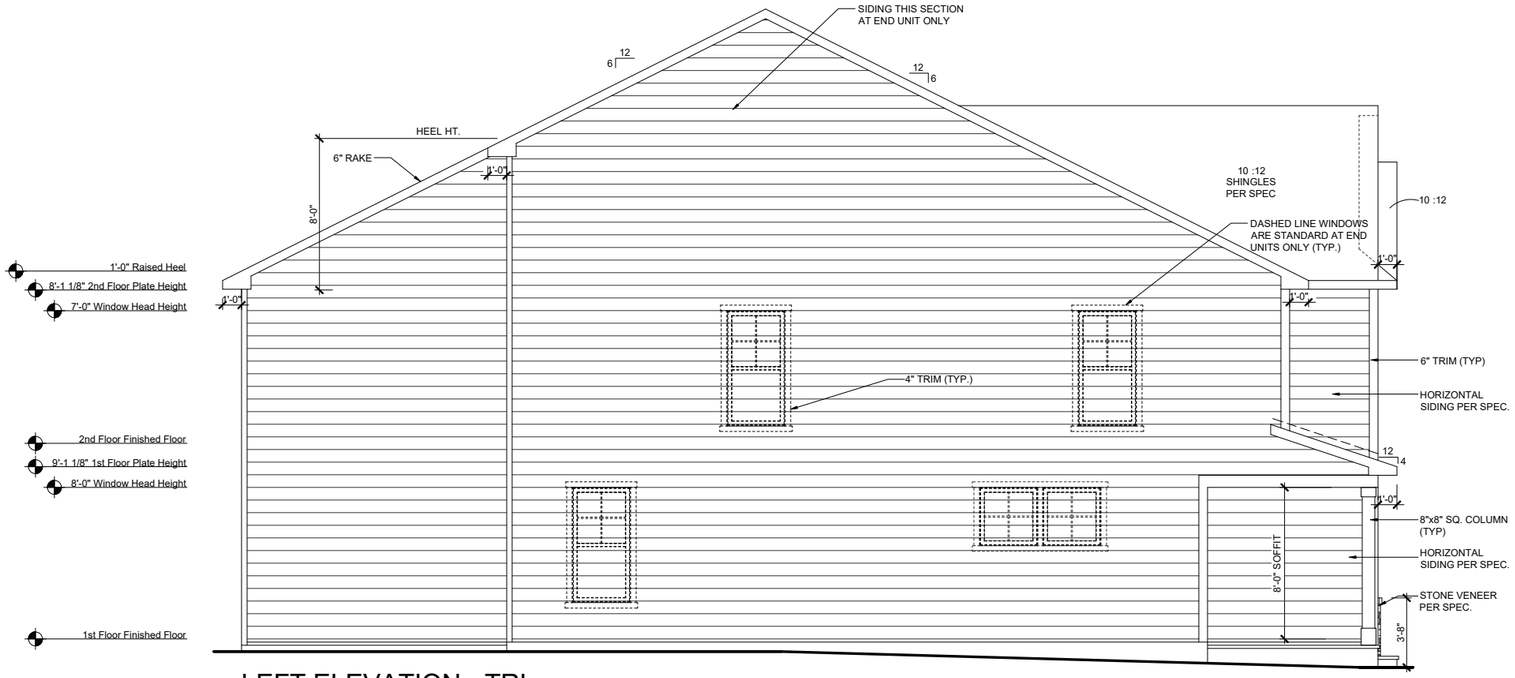
BEAZER HOMES

ROBERT'S CROSSING

RLH T439 2.1
Elevation Plans
Front Elevation TRL

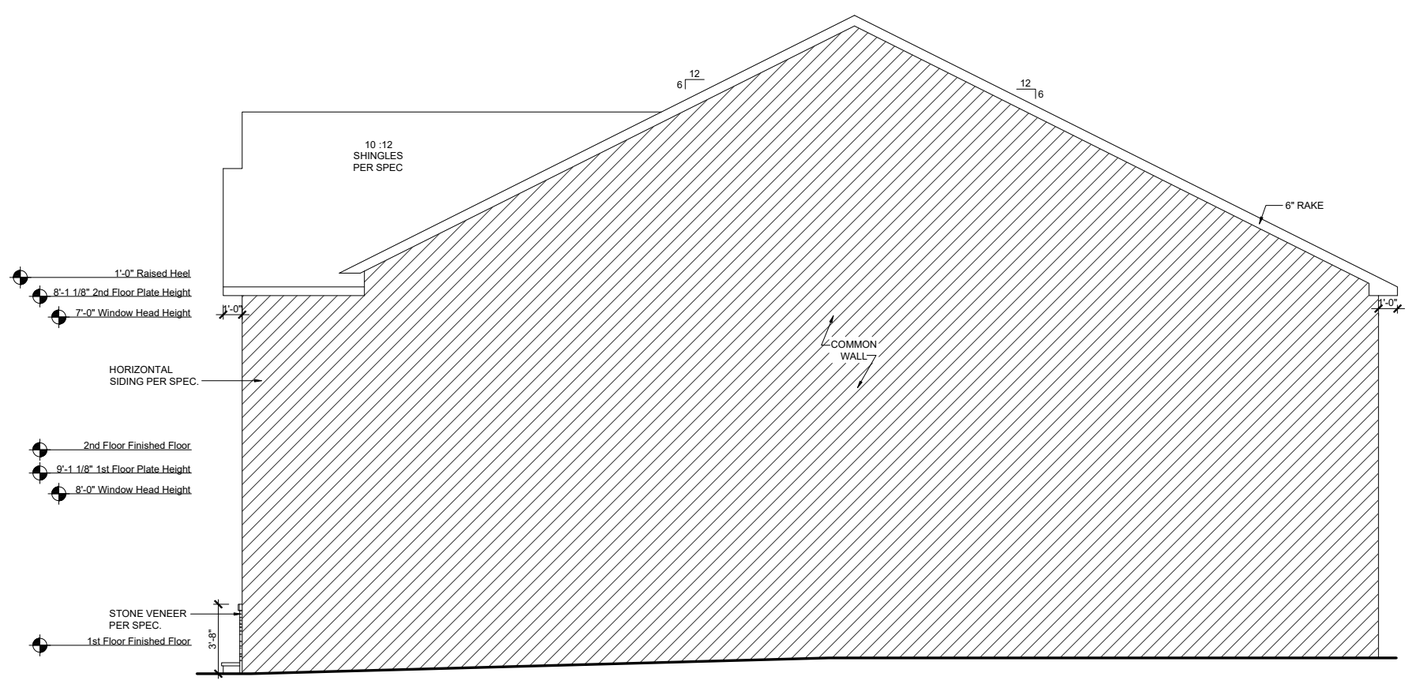
drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.0

Plot Date: 2/23/2021 2:50:26 PM; By: AMD



LEFT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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ROBERT'S CROSSING

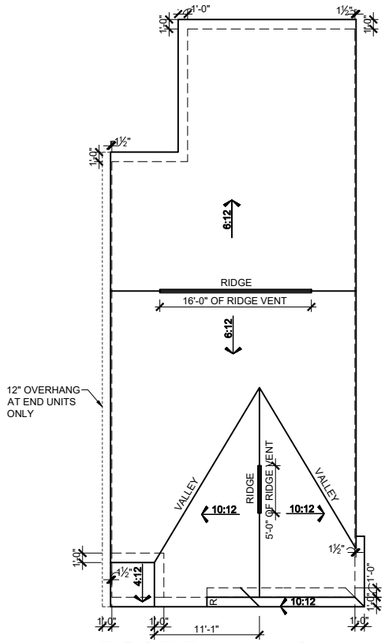
RLH T439 2.1

Elevation Plans

Side Elevations TRL

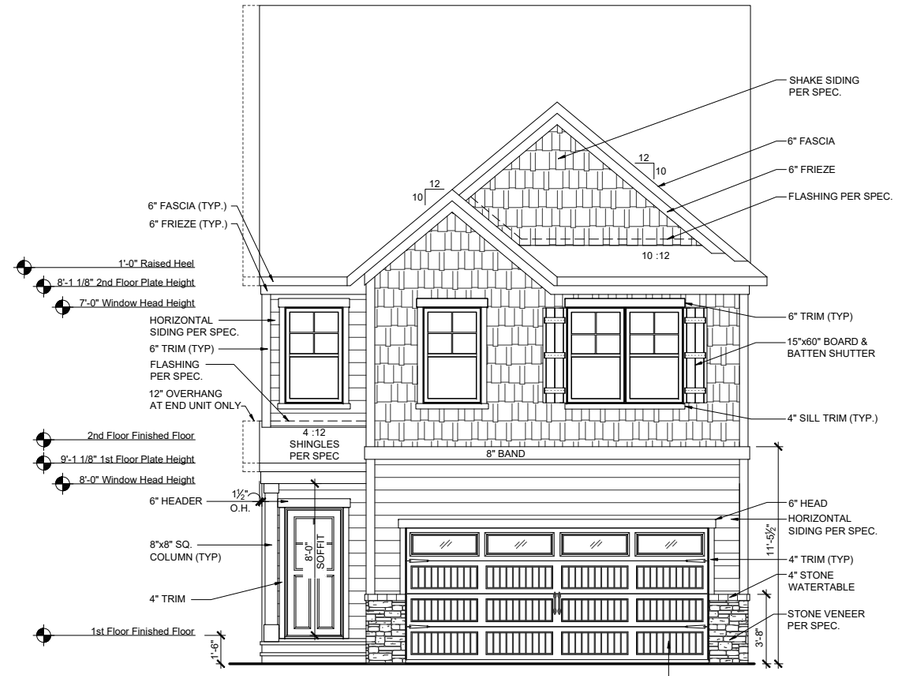
drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.1

Plot Date: 2/23/2021 2:50:28 PM; By: AMD



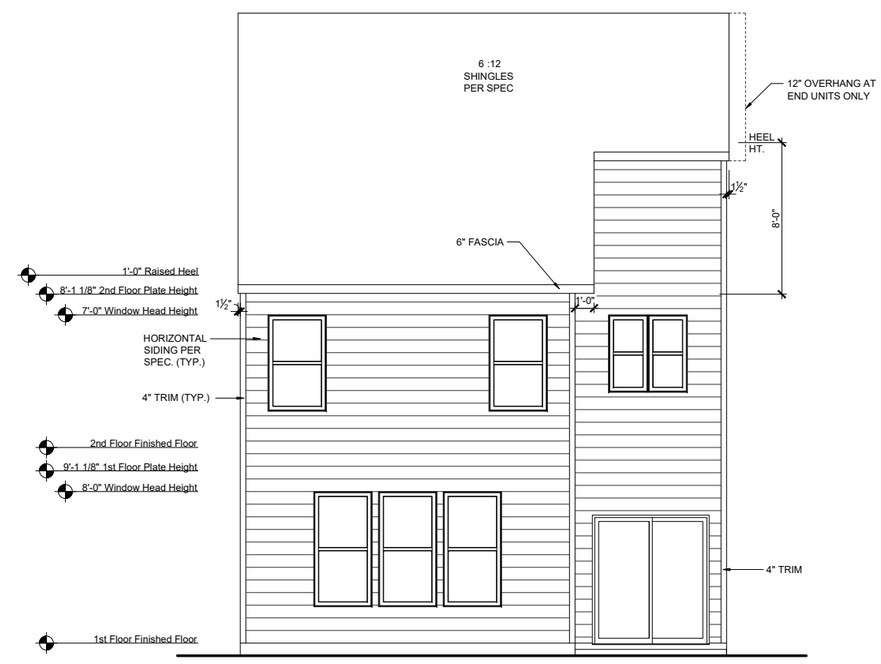
ROOF PLAN - ACL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1428 S.F.
VENTING =
1428 S.F. / 150 = 9.52 S.F. REQUIRED
1428 S.F. / 300 = 4.76 S.F. REQUIRED

Ridge Vents: 21 lin ft
Soffit Vents: 50 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 91 S.F.
VENTING =
91 S.F. / 150 = 0.61 S.F. REQUIRED
91 S.F. / 300 = 0.31 S.F. REQUIRED

Ridge Vents: 0 lin ft
Soffit Vents: 28 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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BEAZER HOMES

ROBERT'S CROSSING

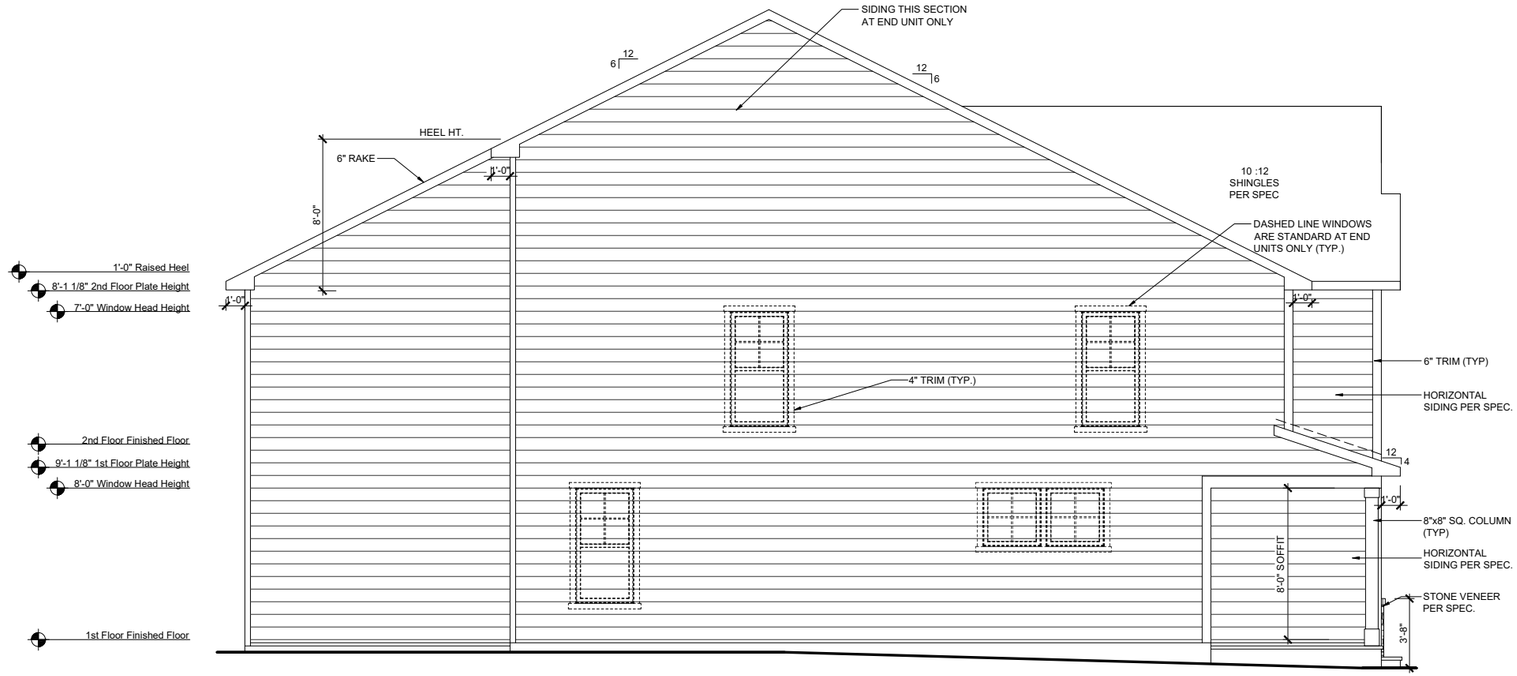
RLH T439 2.1

Elevation Plans

Front Elevation ACL

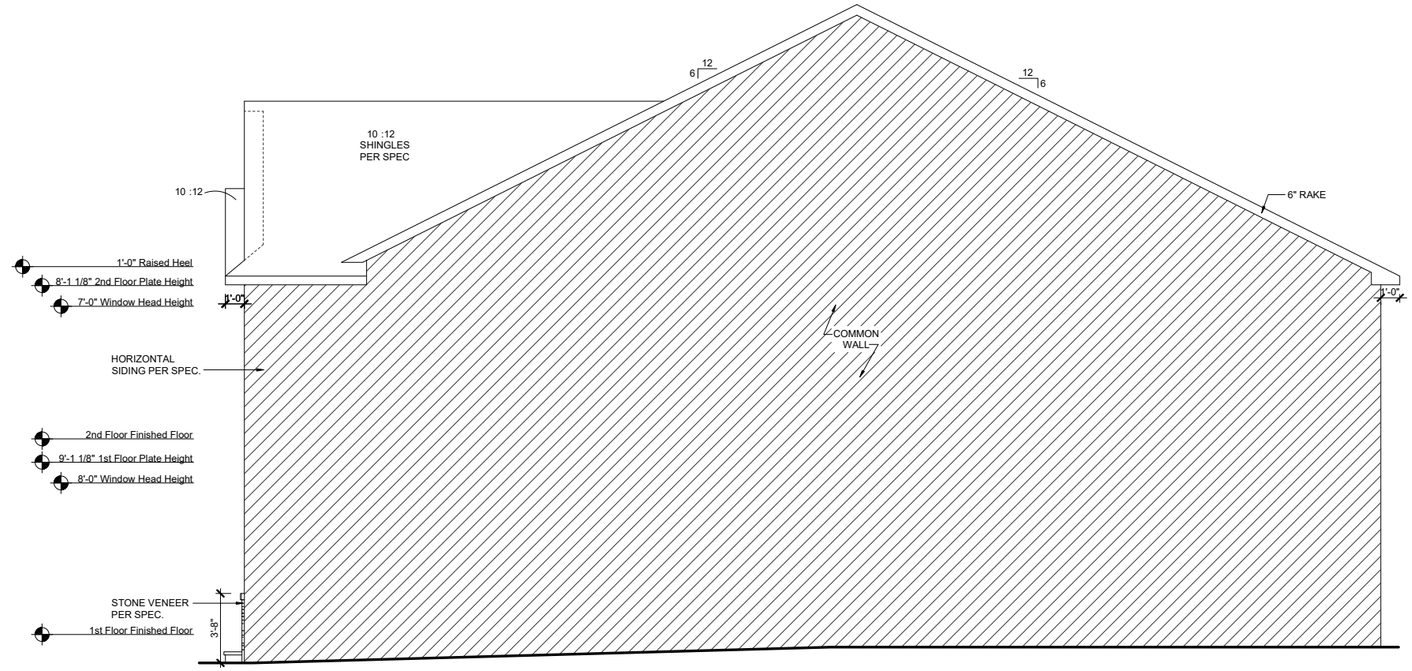
drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.2

Plot Date: 2/23/2021 2:50:33 PM; By: AMD



LEFT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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ROBERT'S CROSSING

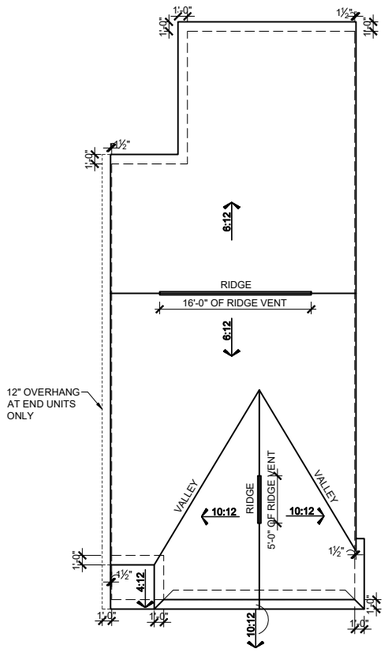
RLH T439 2.1

Elevation Plans

Side Elevations ACL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.3

Plot Date: 2/23/2021 2:50:35 PM; By: AMD



ROOF PLAN - FHL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
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MAIN ROOF

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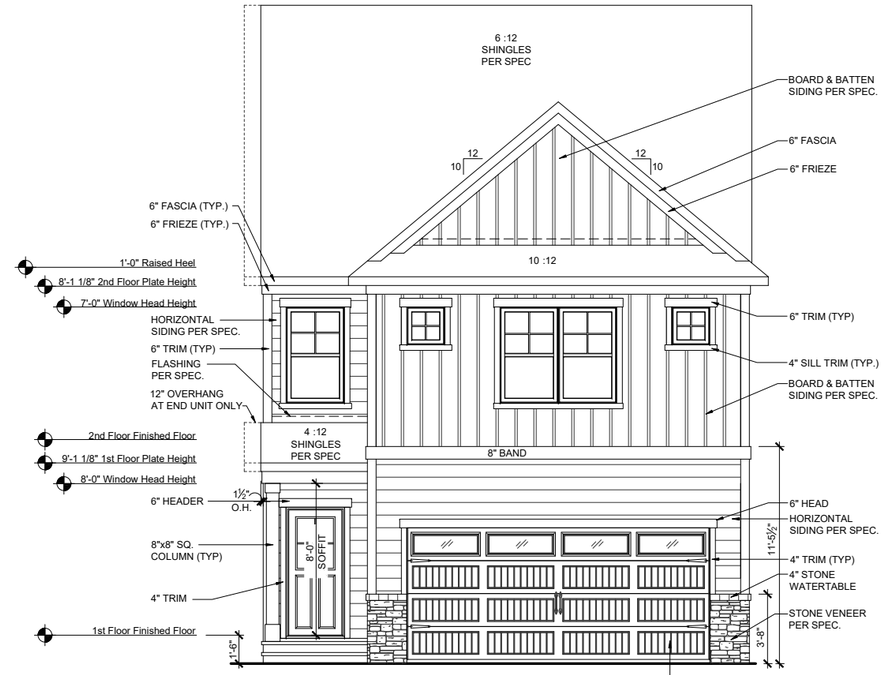
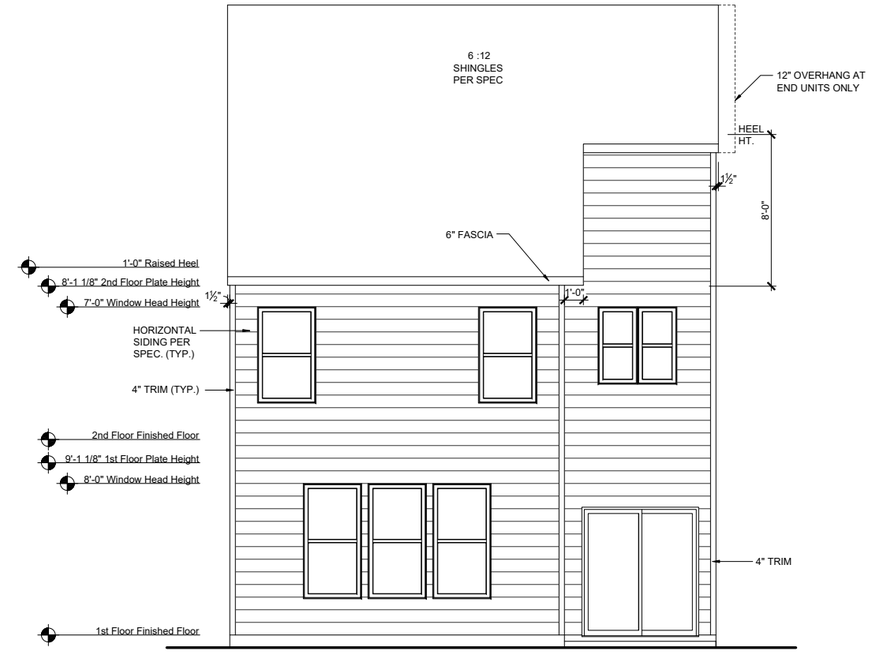


FRONT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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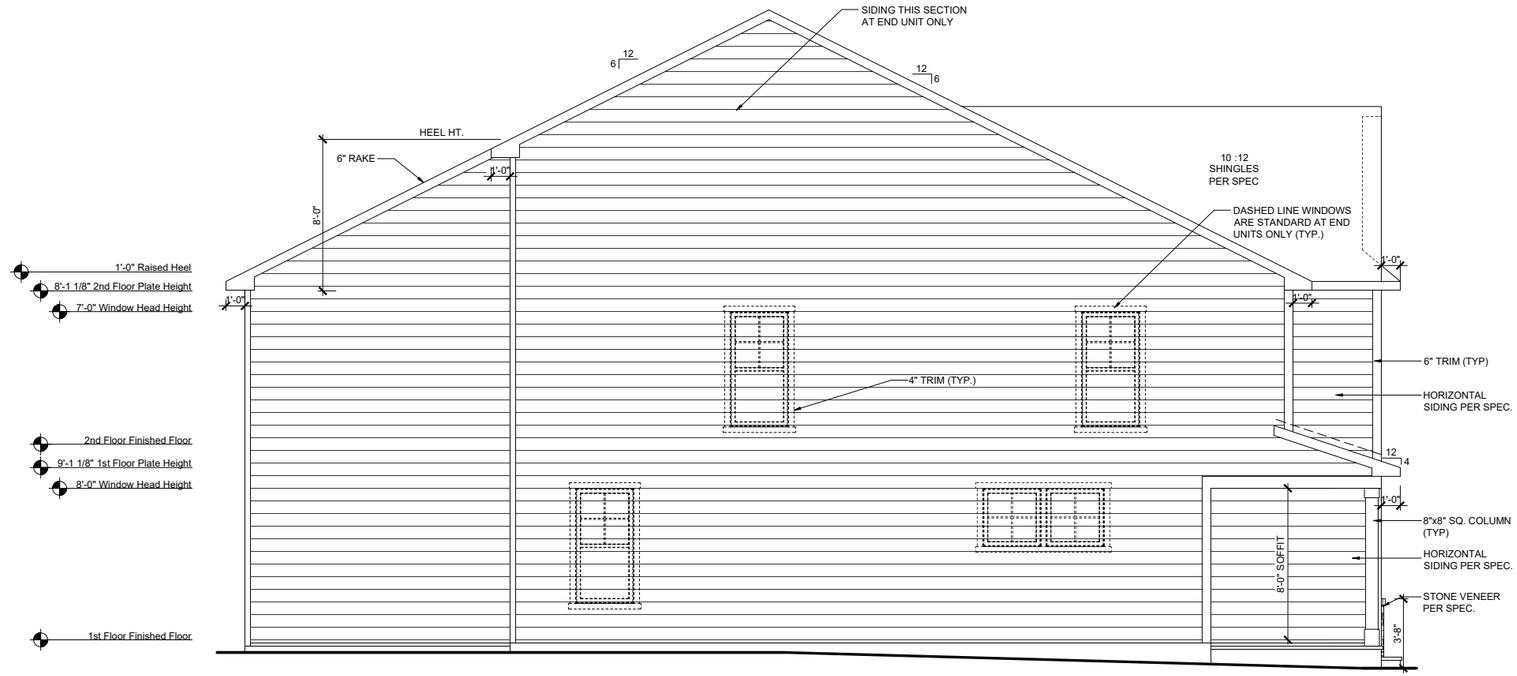
BEAZER HOMES

ROBERT'S CROSSING

RLH T439 2.1
Elevation Plans
Front Elevation FHL

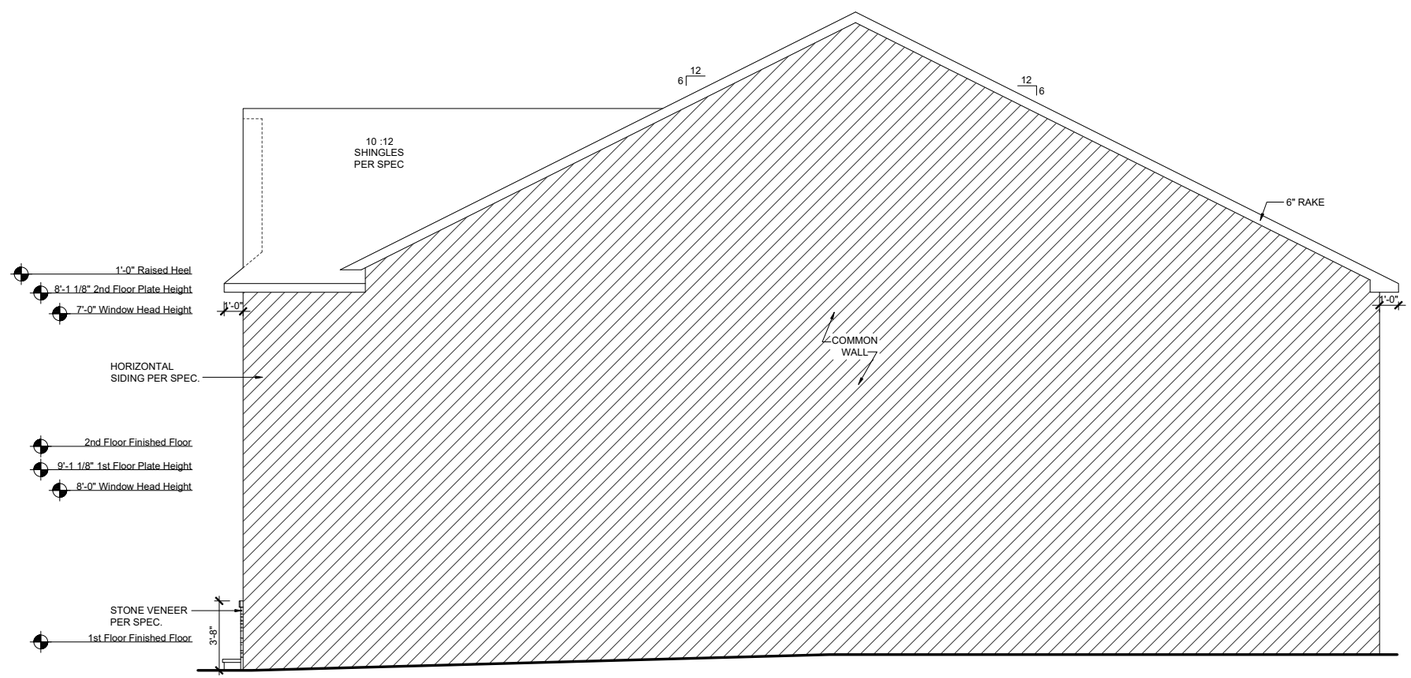
drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.4

Plot Date: 2/23/2021 2:50:40 PM; By: AMD



LEFT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

Plot Date: 2/23/2021 2:50:43 PM; By: AMD

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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BEAZER HOMES

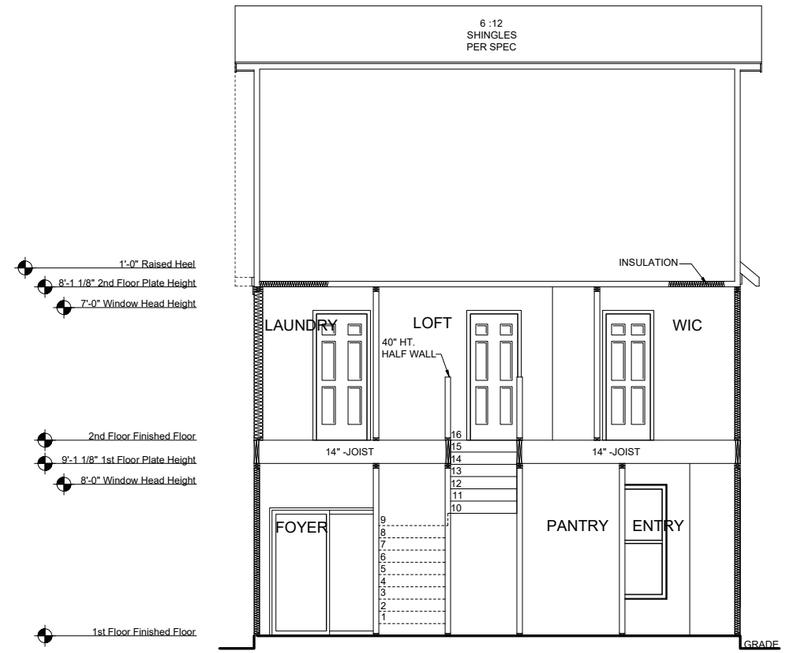
ROBERT'S CROSSING

RLH T439 2.1

Elevation Plans

Side Elevations FHL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.5



SECTION 1

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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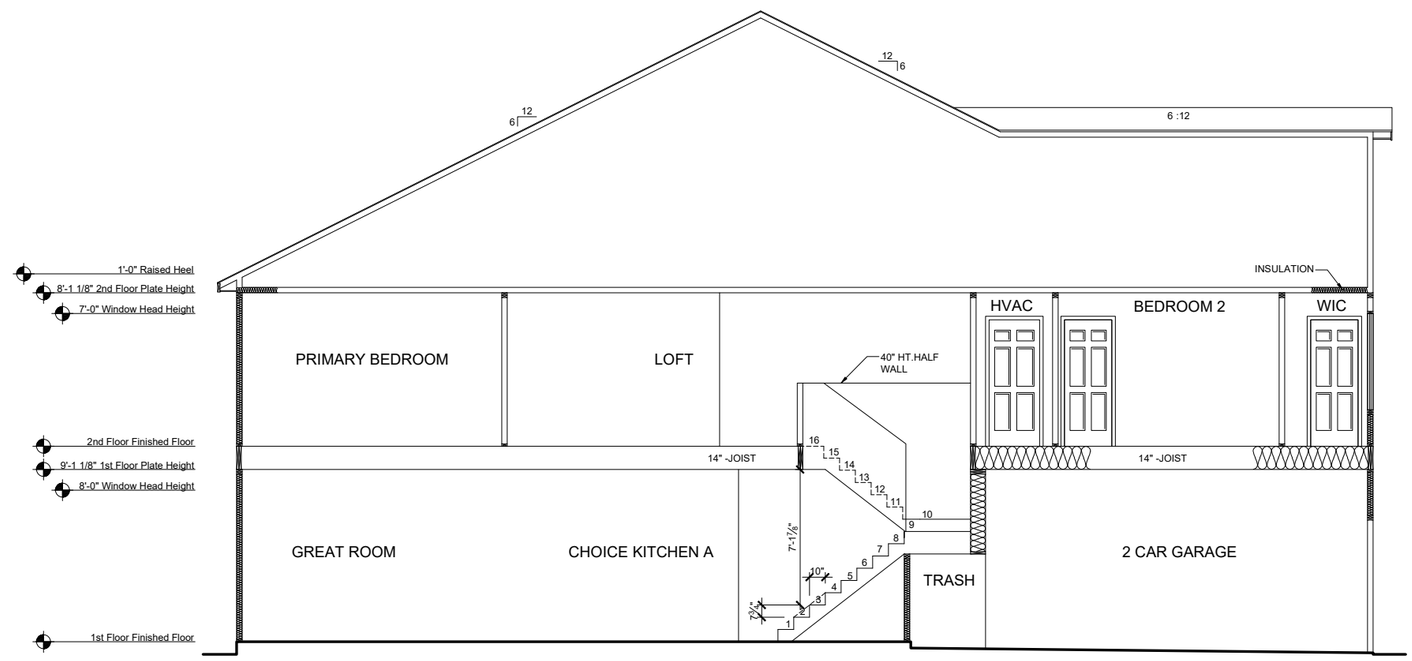

SECTI

SCALE: 1/8"=1'-0
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Plot Date: 2/23/2021 2:50:45 PM; By: AMD

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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BEAZER HOMES

ROBERT'S CROSSING

RLH T439 2.1

Typical Sections

Sections

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:
A-4.0

BEAZER HOMES

PARKER

RLH T477

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	**BEAZER HOMES** RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	**MULHERN & KULP ENGINEERING** CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 & PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
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- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
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SHWR	SHOWER
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SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List

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F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partials
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partials
A-2.2	Third Floor Plan
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	1st Floor Electrical Plan
E-2.0	2nd Floor Electrical Plan
E-3.0	3rd Floor Electrical Plan

REV.	DATE
1.0	10.30.2020
1.1	02.23.2021

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BEAZER HOMES

ROBERT'S CROSSING

RLH T477 1.1

Cover Sheets

Cover Sheet

drawn by: XSI

checked by: BZH

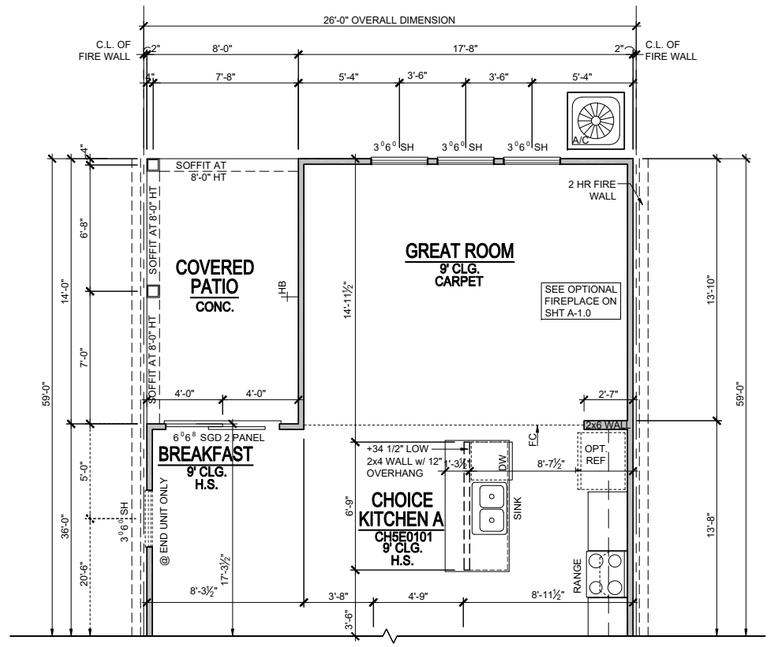
date: 09/20/19

sheet number: CS-1.0

Plot Date: 2/23/2021 4:56:17 PM; By: AMD

Square Footage Options	
Area	**Square Footage**
Opt. Covered Patio	112 SF
Opt. Bath 3/W.I.C./Finished Storage	125 SF

NOTE:
U 305 1 HOUR FIREWALL AT UNIT OFFSETS
U373 2 HOUR FIREWALL AS DESIGNATED



Optional Covered Patio

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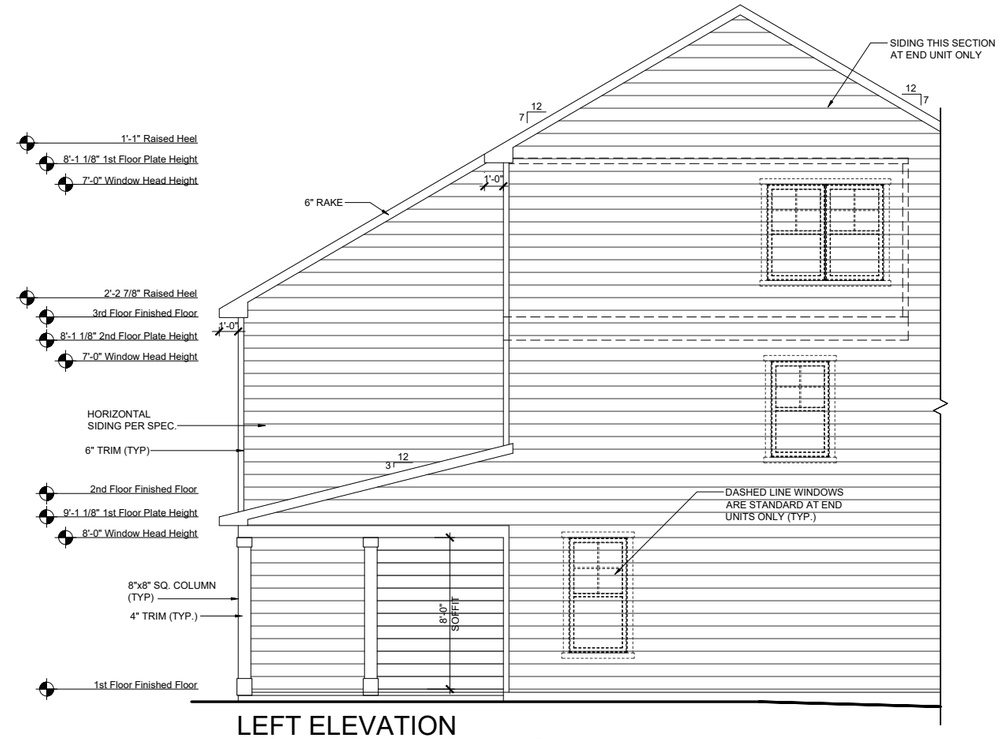
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



LEFT ELEVATION w/OPT. COVERED PATIO

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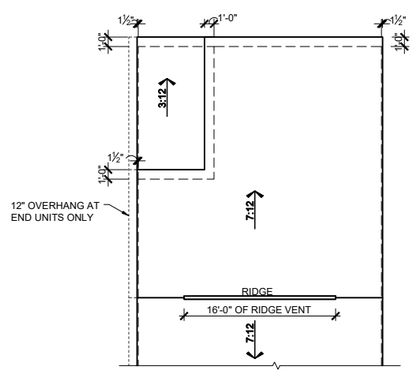

ROOF PLAN w/OPT. COVERED PATIO

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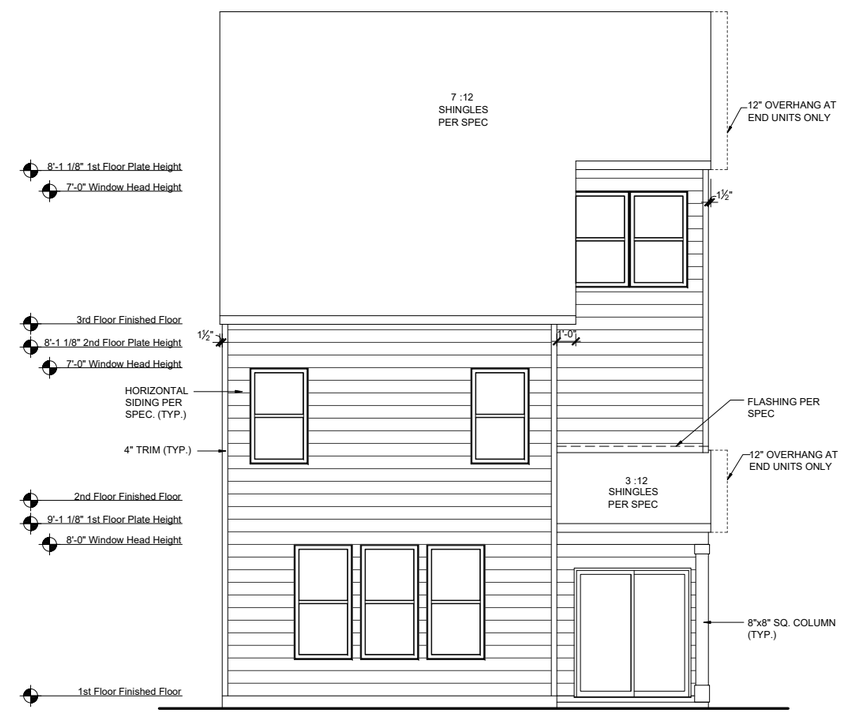

REAR ELEVATION w/OPT. COVERED PATIO

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
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1.1	02.23.2021

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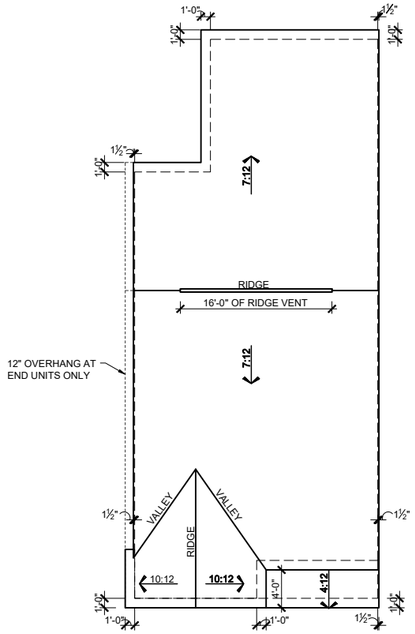
Structural Options

Opt. Covered Patio

ROBERT'S CROSSING

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-1.2

Plot Date: 2/23/2021 4:57:10 PM; By: AMD



ROOF PLAN - TRL

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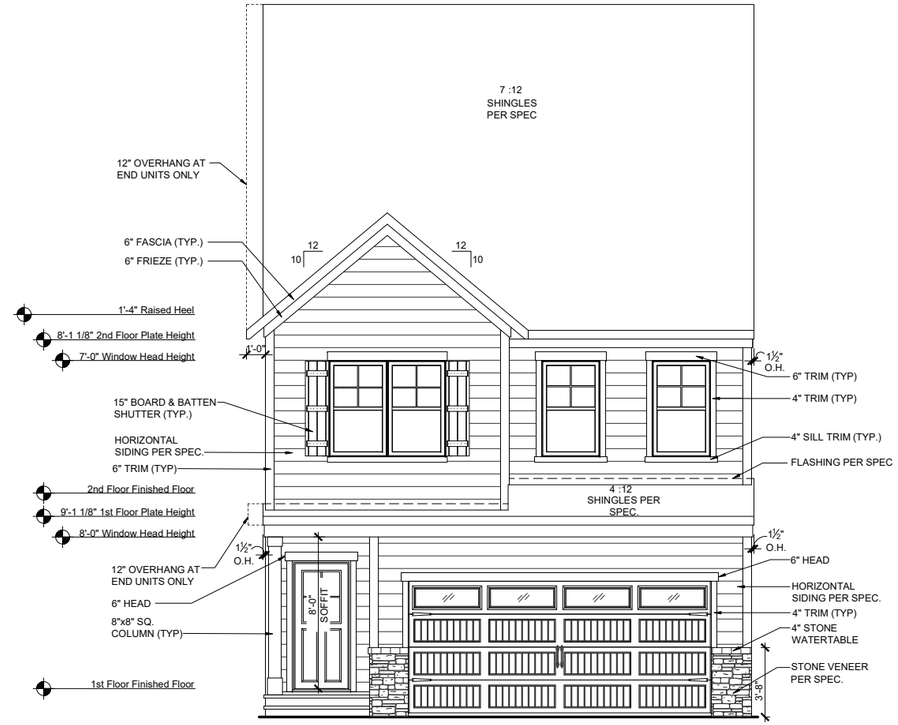
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - TRL

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SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REAR ELEVATION - TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF
ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.
VENTING =
1351 S.F. / 150 = 9.00 S.F. REQUIRED
1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
Soffit Vents: 45 lin ft

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS

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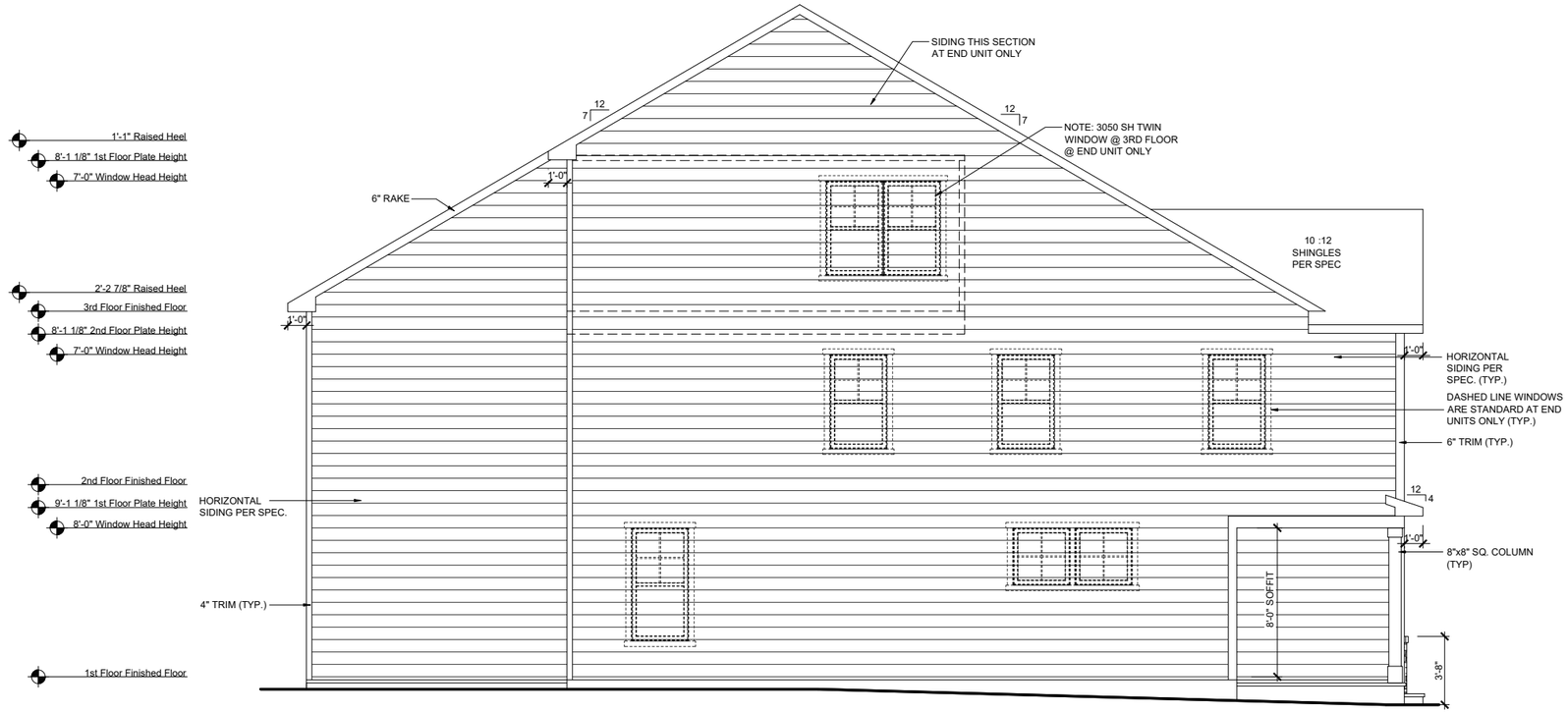
ROBERT'S CROSSING

RLH T477 1.1
Elevation Plans
Front Elevation TRL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:
A-3.0

Plot Date: 2/23/2021 4:57:49 PM; By: AMD



LEFT ELEVATION - TRL

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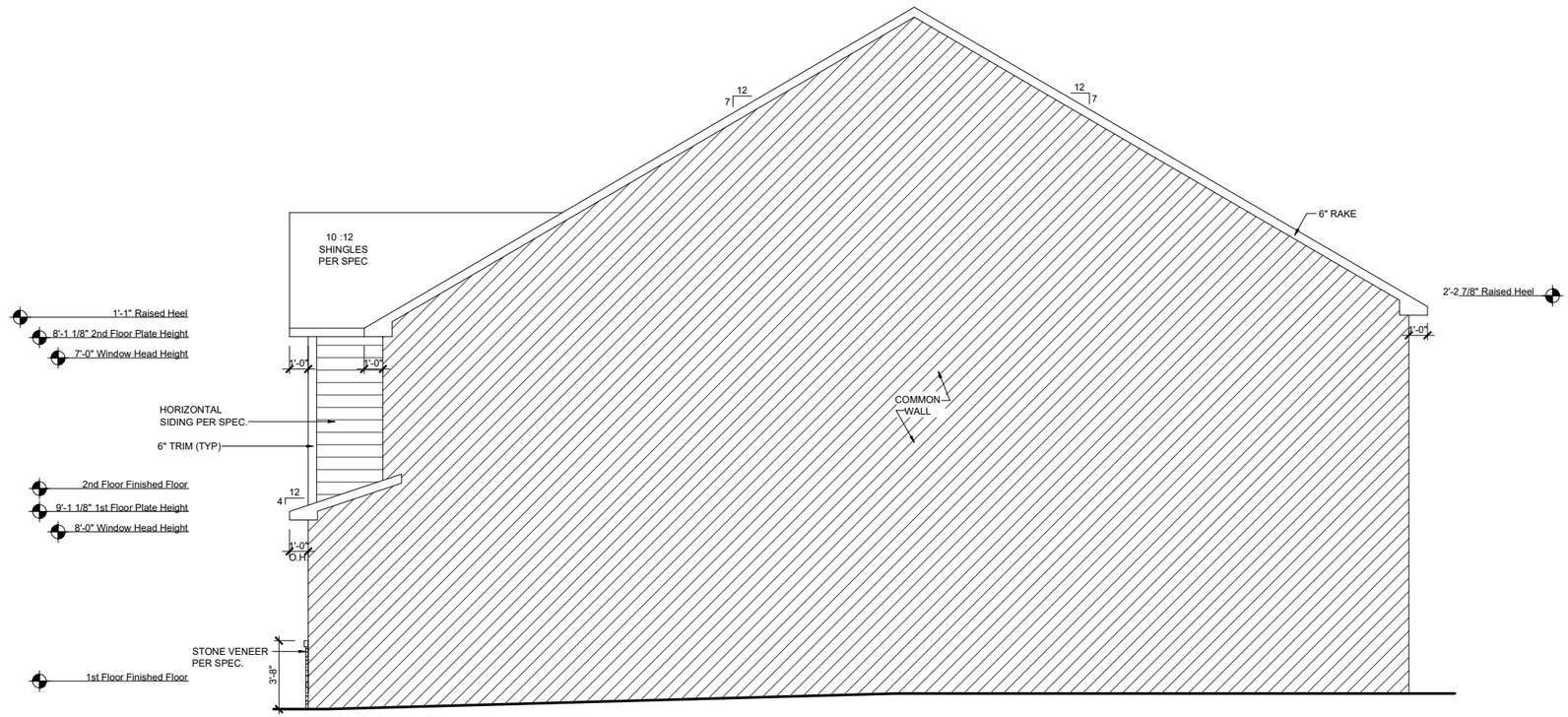

RIGHT ELEVATION - TRL

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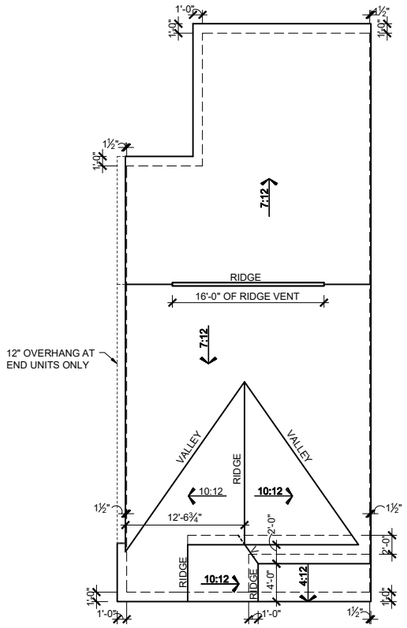
RLH T477 1.1

Elevation Plans

Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.1

Plot Date: 2/23/2021 4:57:53 PM; By: AMD



ROOF PLAN - ACL

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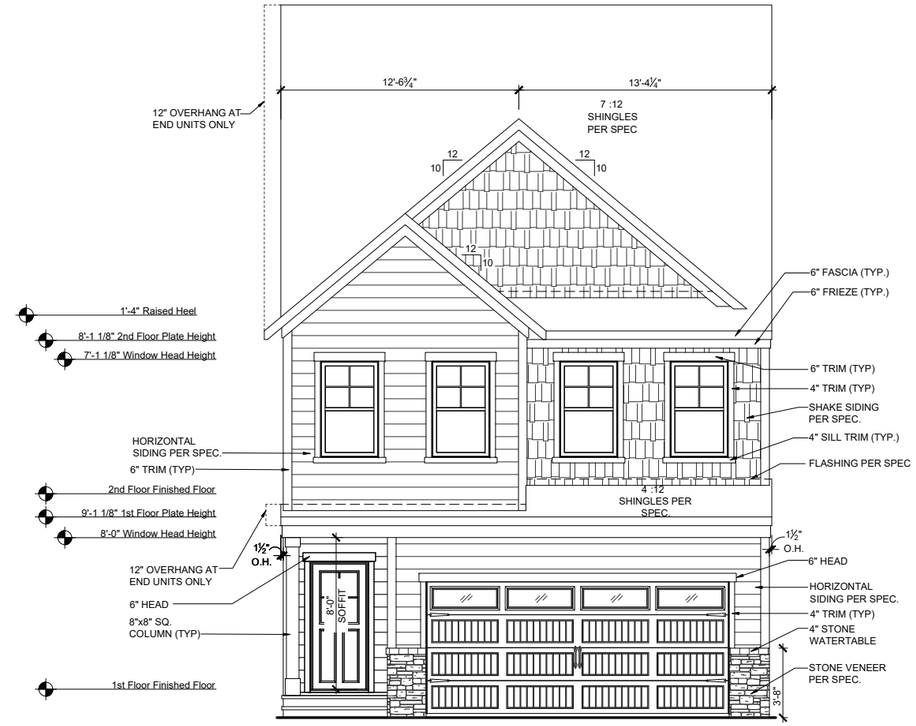

FRONT ELEVATION - ACL

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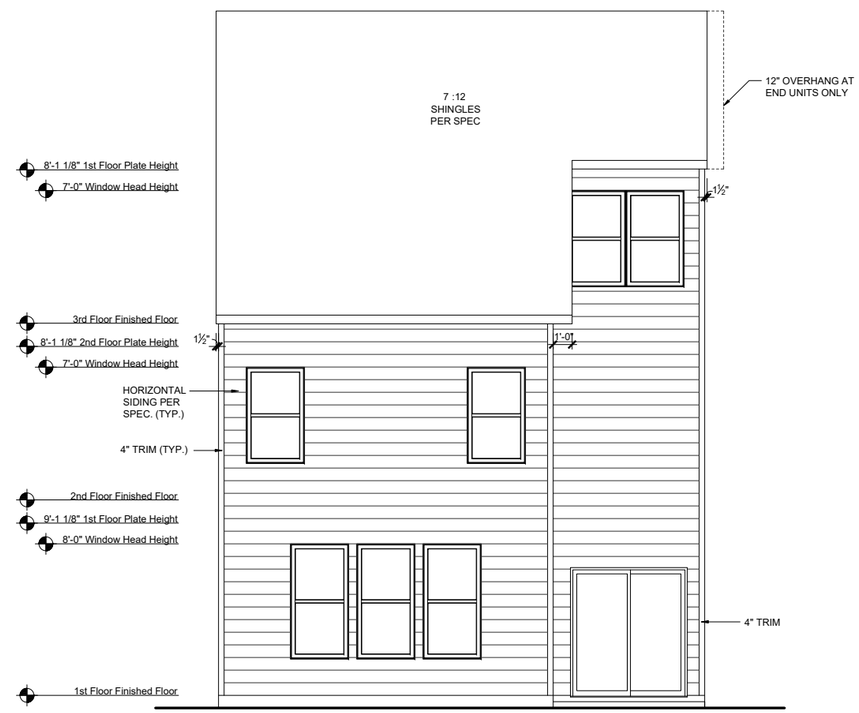

REAR ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

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ROBERT'S CROSSING

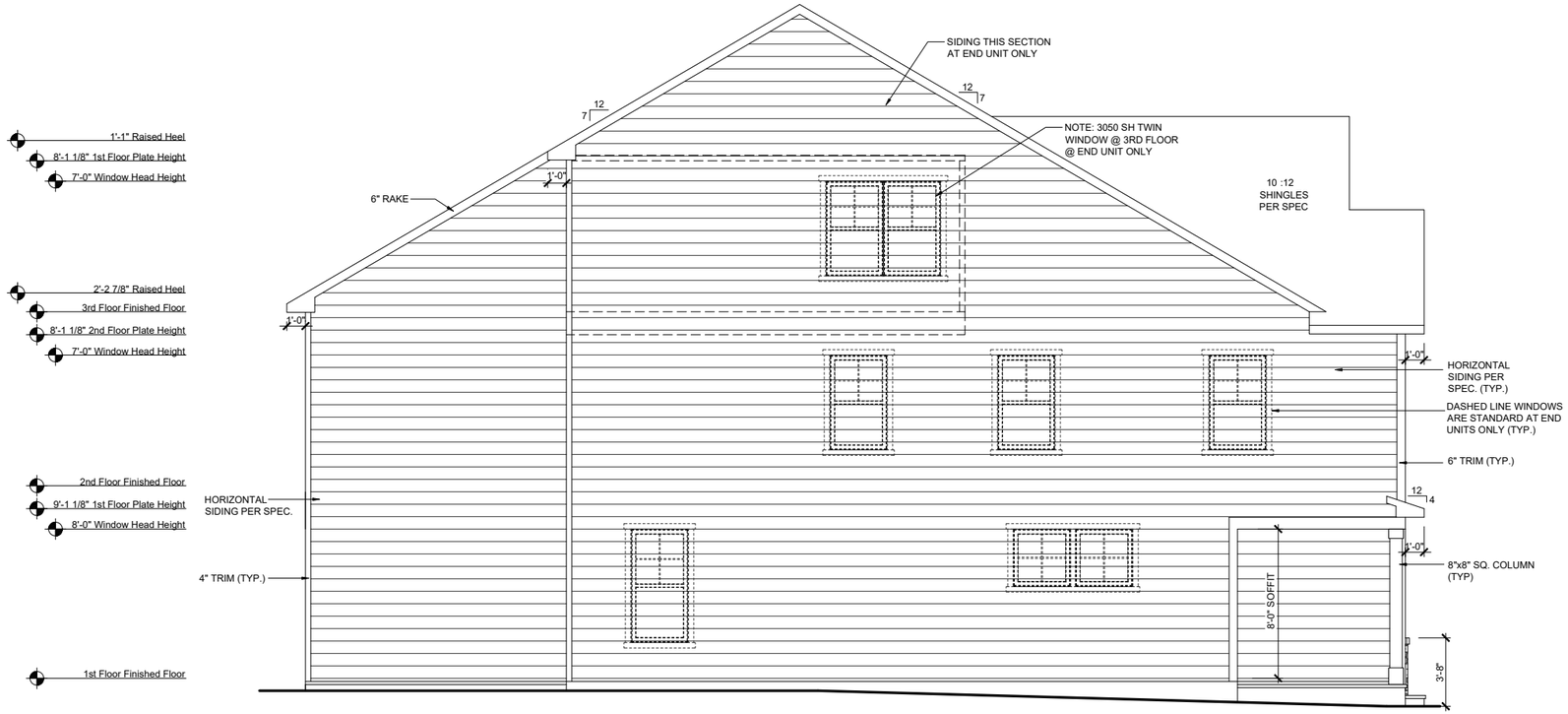
RLH T477 1.1

Elevation Plans

Front Elevation ACL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.2

Plot Date: 2/23/2021 4:58:01 PM; By: AMD



LEFT ELEVATION - ACL

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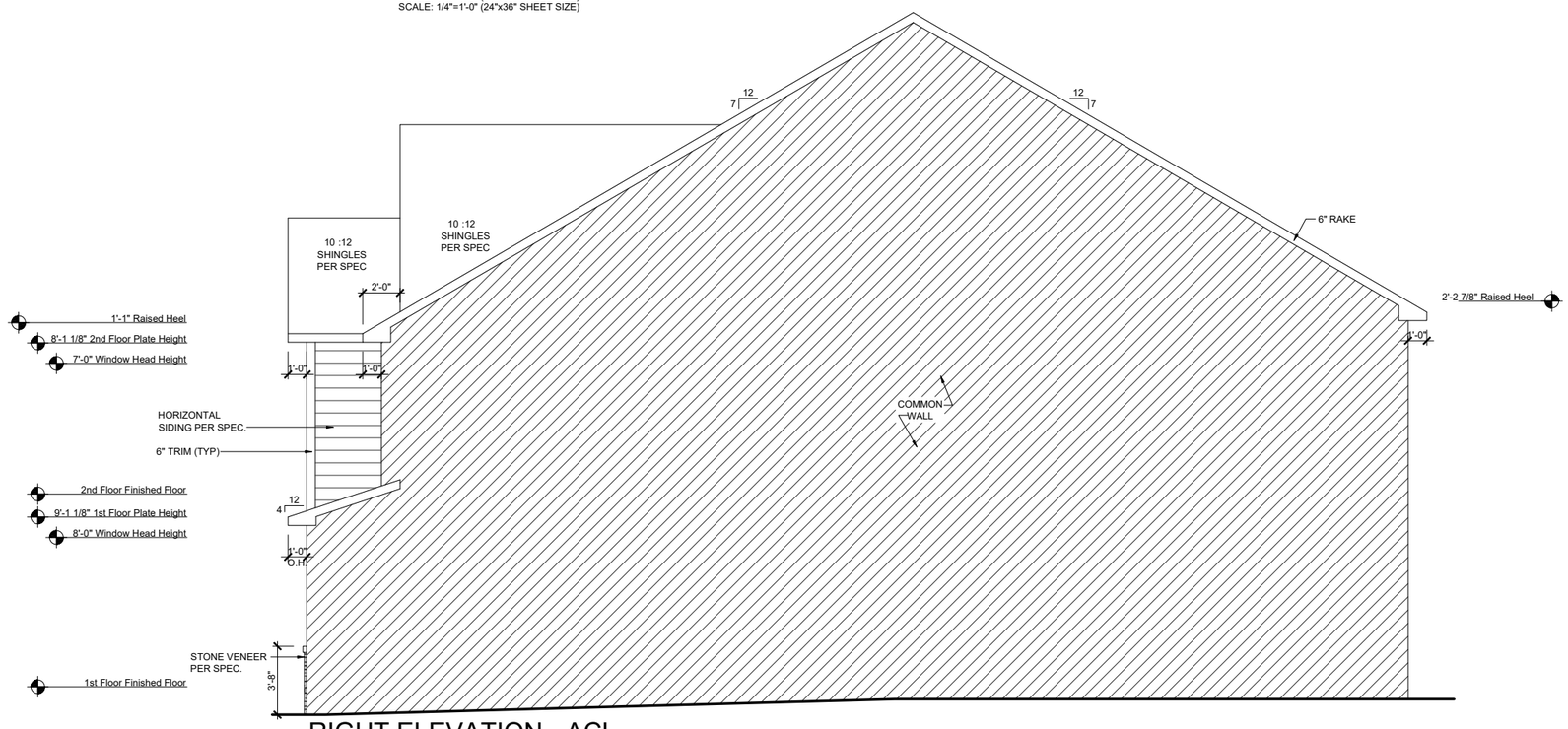

RIGHT ELEVATION - ACL

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Elevation Plans

Side Elevations ACL

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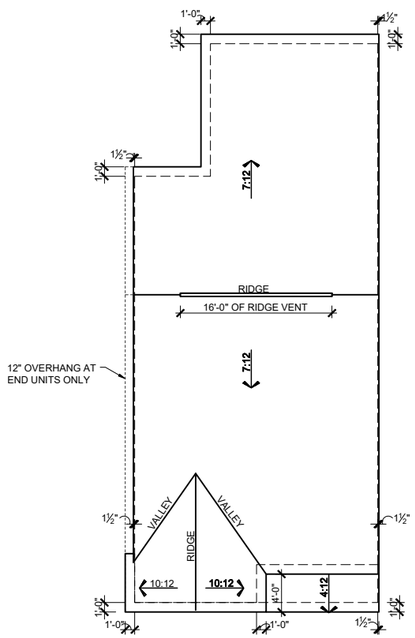
sheet number: A-3.3

Plot Date: 2/23/2021 4:58:05 PM; By: AMD



ROOF PLAN - FHL

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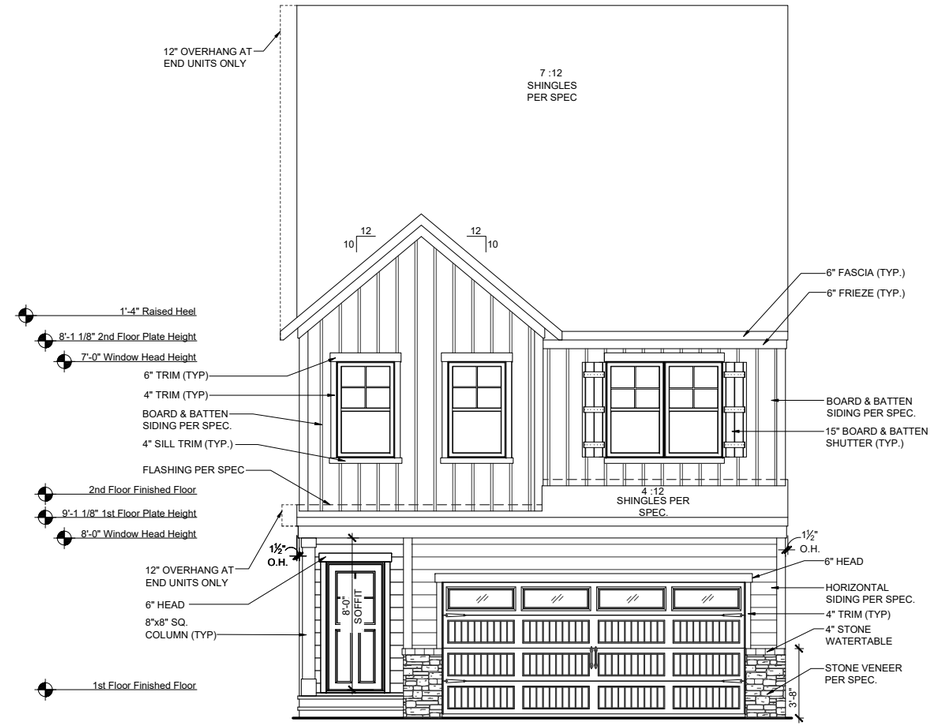

FRONT ELEVATION - FHL

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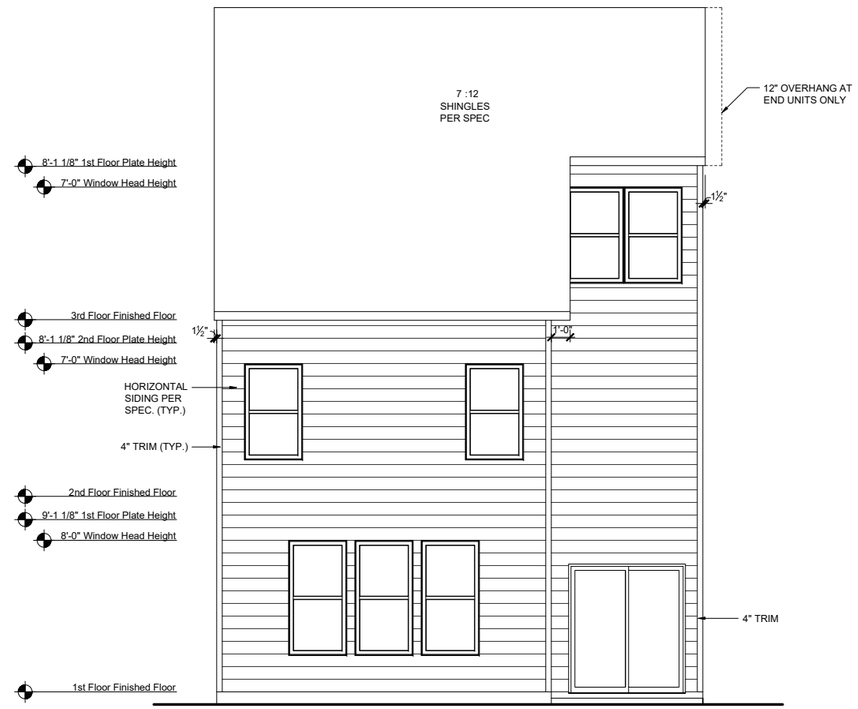

REAR ELEVATION - FHL

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ROBERT'S CROSSING

RLH T477 1.1

Elevation Plans

Front Elevation FHL

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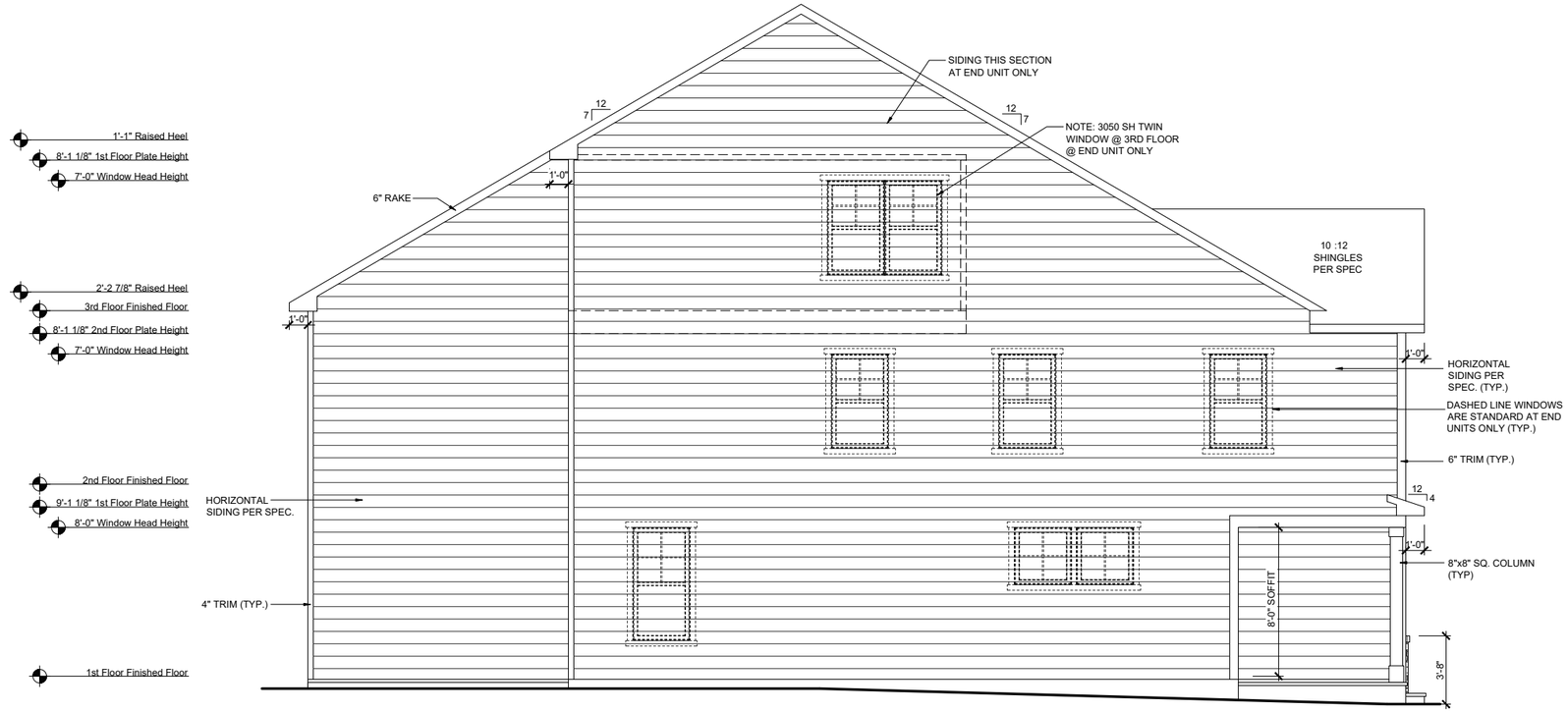
date: 09/20/19
sheet number: A-3.4

Plot Date: 2/23/2021 4:58:12 PM; By: AMD



LEFT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
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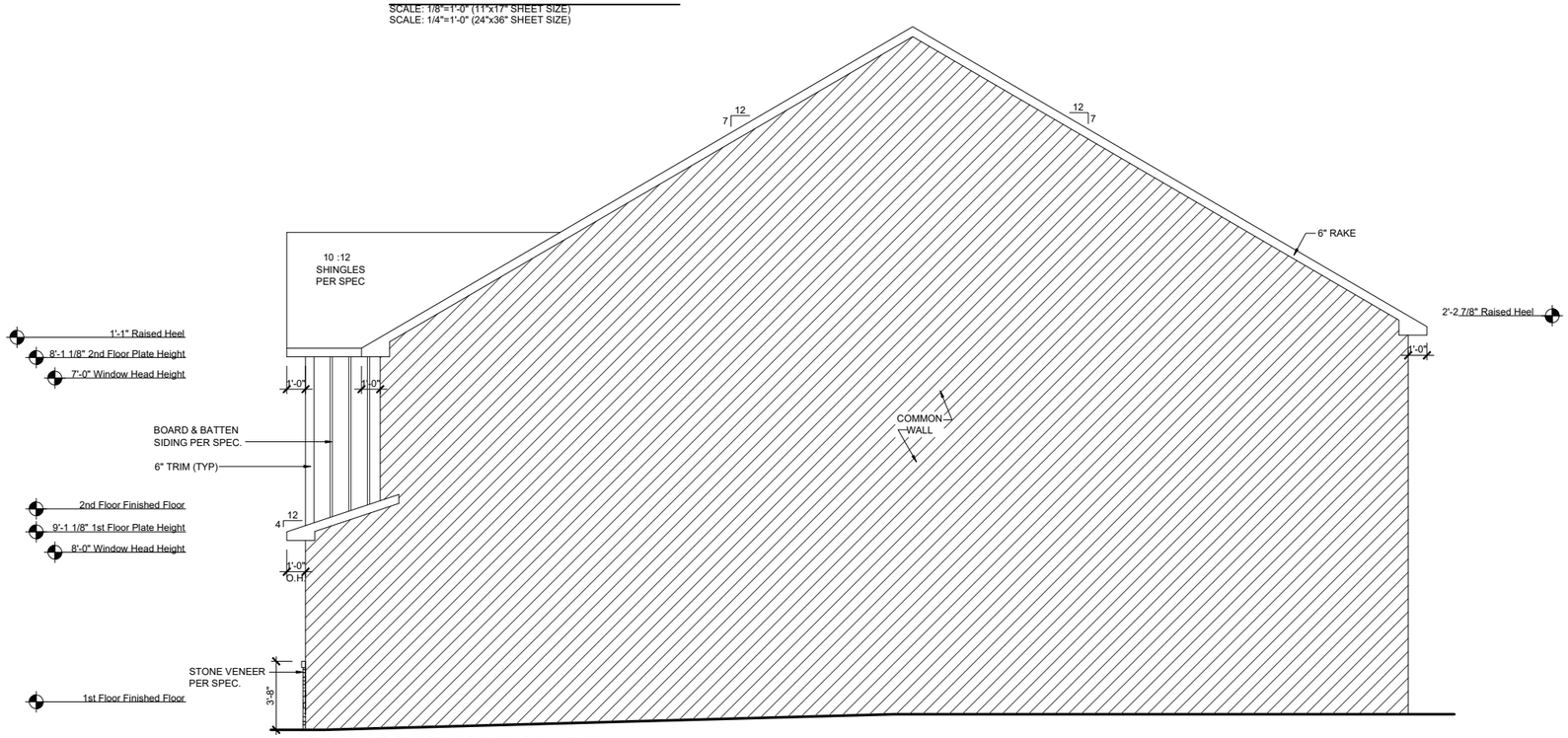

RIGHT ELEVATION - FHL

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Elevation Plans

Front Elevation FHL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number: A-3.5

Plot Date: 2/23/2021 4:58:16 PM; By: AMD

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve, and to authorize the Town Manager to sign and execute, the General Operating Agreement for Bus Operations – Community Funding Area Program for Wake Transit Fiscal Year 2022.

Approval Recommended?

Yes

Item Details

The Town of Apex's adopted budget includes funding for operating GoApex Route 1. The Planning and Community Development Department applied for and was awarded matching funding through the Wake Transit Community Funding Area Program to operate this new transit service in FY21. The General Operating Agreement between Town of Apex, Capital Area Metropolitan Planning Organization, and GoTriangle establishes the terms of the funding agreement and responsibilities of each party. Based on the Special Operating Funding Agreement, up to $379,770 of Wake Transit funds would be awarded to the Town of Apex for operating GoApex Route 1 and the complementary paratransit service in FY22. The Town of Apex funding match would be provided through local funds. The Town of Apex intends to partner with the Town of Cary to operate the fixed route service and Wake County to operate the paratransit service.

Attachments

- General Operating Agreement for Bus Operations – Community Funding Area Program – Wake Transit FY2022.
- Exhibit A depicting the total Wake Transit bus operations appropriation.

GENERAL OPERATING AGREEMENT
FOR BUS OPERATIONS-COMMUNITY FUNDING AREA PROGRAM

WAKE TRANSIT FY 2022

This Operating Agreement ("Agreement") is made by and between Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle ("GoTriangle") and the Town of Apex (“Implementing Party”) and the Capital Area Metropolitan Planning Organization (“CAMPO”). The foregoing may collectively be referred to as "Parties."

WHEREAS, the Parties to Agreement, who have or may have specific roles in the implementation of public transit and the support of public transit infrastructure in the Wake County area, have determined that it is in their best interest and the best interest of the constituents they represent to coordinate future public transit planning, funding, expansion and construction; and

WHEREAS, an extensive community driven process was used to develop a strategic transit vision document that set forth an enhanced public transit plan for Wake County, referred to as the “Wake County Transit Plan” (“Wake Transit Plan”), and this plan was unveiled on or about December 8, 2015, and adopted by the GoTriangle Board of Trustees on May 25, 2016, the Capital Area Metropolitan Planning Organization’s (“CAMPO”) Executive Board on May 18, 2016, and the Wake County Board of Commissioners on June 6, 2016; and was subsequently updated and adopted by the CAMPO Executive Board on April 21, 2021, and the GoTriangle Board of Trustees on April 28, 2021; and

WHEREAS, in conjunction with the Wake Transit Plan, GoTriangle, Wake County, and CAMPO (collectively, “the Governance ILA Parties”) adopted the Wake Transit Governance Interlocal Agreement (“Governance ILA”) that creates a governance structure for the implementation of the Wake Transit Plan by and through the annual Wake Transit Work Plan; and

WHEREAS, pursuant to Section 3.02c of the Governance ILA, CAMPO has been designated as the lead agency for administering the Community Funding Area Program and has the authority to enter into this Agreement and enforce the provisions thereof and is a necessary Party to this Agreement; and

WHEREAS, the Governance ILA specifically created the Transit Planning Advisory Committee (“TPAC”) and charged the TPAC with coordinating and recommending the planning and implementation aspects of the Wake Transit Work Plan; and

WHEREAS, the Governance ILA Parties, together with the Implementing Party, numerous Wake County municipalities, and other entities, entered into a Master Participation Agreement ("Participation Agreement"), which, among other purposes, established standards that govern the Participation Agreement Parties' eligibility for inclusion of sponsored Implementation Elements in the Wake Transit Work Plan, receipt of funding allocations from Wake County Transit Tax Revenue, and confirmed the Participation Agreement Parties' roles in carrying out TPAC responsibilities; and

WHEREAS, the FY 2022 Wake Transit Work Plan and any amendments thereto were developed and recommended by the TPAC, presented for public comment, and adopted, as required, by the Boards of CAMPO and GoTriangle; and

WHEREAS, the FY 2022 Triangle Tax District Wake Operating Ordinance was adopted by the GoTriangle Board of Trustees on June 23, 2021; and

WHEREAS, the Parties desire to implement the components of the 2022 Wake Transit Work Plan as adopted by GoTriangle and CAMPO; and

WHEREAS, as stated in the Participation Agreement, all Implementation Elements contained in the Wake Transit Work Plan, whether partially or fully funded with Wake County Transit Tax Revenues, will not move forward until Implementation Agreements, which shall include Capital Funding Agreements and an Operating Agreements, are executed by and between the Implementing Party; GoTriangle, as administrator of the Special District; and CAMPO, if the Implementation Element involves federal or state funding that is otherwise under the distribution and program management responsibility of CAMPO or, regardless of funding source, constitutes a regionally significant project as defined in 23 CFR § 450.104; and

WHEREAS, no Implementation Elements awarded funding through the Community Funding Area Program will move forward until an Implementation Agreement, which shall include Capital Funding Agreements or Operating Agreements, is executed by and between the Implementing Party; GoTriangle, as administrator of the Special District; and CAMPO.

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to, inter alia, N.C.G.S. §§ 160A-20.1; 160A-312; 160A-313; 160A-610; 153A-275; 153A-276; and 153A-449.

NOW, THEREFORE, in consideration of the above recitals and the mutual

covenants herein contained, the Parties hereto agree as follows:

1. **Term:**

The Agreement shall become effective upon execution by all Parties ("Effective Date"). The term of this Agreement shall be from the Effective Date until September 30, 2022. The Parties may extend the term of this Agreement or may otherwise amend this Agreement as set forth in Section 7.

2. **Purpose:**

The purpose of this Agreement is to outline the details of how the Project(s) listed in Exhibit A attached hereto and incorporated herein by reference, being an approved Project(s) in the Wake County Transit Annual Work Plan, shall be implemented, in accordance with the requirements of the Participation Agreement.

3. **Responsibilities:**

A. Responsibilities of the Implementing Party.

(1) The Implementing Party shall provide the Projects listed in Exhibit A and fund the cost of the Projects on an up-front basis, except as provided herein. The Implementing Party is responsible for ensuring funds are available to pay for the Projects prior to requesting reimbursement from GoTriangle.

(2) The Wake Transit Work Plan Reimbursement Request and Financial Report Template ("Reimbursement Request Template") must be submitted by the Implementing Party at least quarterly but may be as often as is efficient and effective for the Implementing Party. The reimbursement request shall be emailed to GoTriangle, specifically to waketransitreimbursement@gotriangle.org, with a copy to CAMPO, specifically to Bret.Martin@campo-nc.us and Evan.Koff@campo-nc.us.

All Reimbursement Requests must be made using the Wake Transit Work Plan Reimbursement Request and Financial Report template agreed to by the Parties and must include a signed statement by the Implementing Party's Finance Officer or designee stating that funds were spent in accordance with the Wake Transit Work Plan and with all applicable laws, rules, and regulations, and that the Reimbursement Request includes items due and payable. All Reimbursement Requests shall be based on actual expenses incurred as recorded in the financial system.

(3) In special circumstances where an advance payment may be required, Reimbursement Requests must be submitted using the Reimbursement Request Template and with a justification for the advance payment request. Advance payments received by the Implementing Party must be disbursed within 72 hours of receipt from GoTriangle.

(4) Any performance on which an Implementing Party receives reimbursement must be performed by June 30, 2022.

(5) Reimbursement Requests for expenses incurred as of June 30, 2022 shall be submitted by August 10 for the fiscal year in which the work was done.

(6) Further, the Implementing Party shall:

(a) Ensure that Wake Transit funds provided by GoTriangle are not misappropriated or misdirected to any other account, need, project, or line item, other than as listed in Exhibit A. The Implementing Party shall have an obligation to return any reimbursed or advanced payments that were misappropriated or expended outside the approved Project(s) listed in Exhibit A.

(b) Ensure that a minimum of 50 percent of the total costs associated with the project, as described in Exhibit A, are expended from the Implementing Party's funds that were demonstrated through its application to the Community Funding Area Program to be provided as the required matching funds for the program. All Reimbursement Requests submitted by the Implementing Party shall detail total costs expended for the project along with the reimbursable amount. The total of Reimbursement Requests for reimbursable costs shall not exceed the amount allocated to the project as described in Exhibit A.

(c) Monitor award activities, to include sub-awards, to provide reasonable assurance that funds are spent in compliance with applicable requirements. Responsibilities include accounting for receipts and expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures.

(d) Maintain a financial management system adequate for monitoring the accumulation of costs.

(e) Meet with staff from CAMPO within 60 days of the execution of this agreement to discuss the scope of work, timeline, reporting requirements, public engagement activities, reimbursement requirements for the project,

as well as to discuss a schedule for any subsequent project oversight meetings.

(7) The Implementing Party shall coordinate with CAMPO to ensure the Project is considered for inclusion in the CAMPO Transportation Improvement Program.

B. Responsibilities of GoTriangle.

(1) GoTriangle, as administrator of the Triangle Tax District, shall have the responsibilities and duties as set forth in the Governance ILA, including appropriating funds from the FY 2022 Triangle Tax District Wake Operating Ordinance in accordance with the Governance ILA. The specific appropriation and approved project budget is further detailed in Exhibit A and in the FY 2022 Wake Transit Work Plan.

(2) GoTriangle, upon receipt of a Reimbursement Request, shall verify within five business days whether the Reimbursement Request is complete; is within the approved budget; is within the annual work plan; and is in accordance with the Wake Transit Billing, Payment, and Reimbursement Policy and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017 and subsequently amended and adopted by GoTriangle on June 23, 2021 and CAMPO on June 16, 2021. Payment will be remitted within thirty (30) days of verification to the Implementing Party according to the payment instructions on file.

If GoTriangle is unable to verify the Reimbursement Request, GoTriangle shall, within two (2) business days, notify the Implementing Party in writing of the deficiencies in the Reimbursement Request. The Implementing Party may thereafter submit a revised Reimbursement Request ("Revised Reimbursement Request"), which shall be verified within five business days of receipt. If the Revised Reimbursement Request is denied, CAMPO or the Implementing Party may place the item on the next TPAC agenda for discussion and a recommendation to GoTriangle, CAMPO, and the Implementing Party.

(3) Where advance payments are requested, GoTriangle, after due consideration of the request, will remit funds via payment instructions on file.

(4) All disbursements from GoTriangle shall be in accordance with North Carolina General Statute 159 Article 3, known as the North Carolina Budget and Fiscal Control Act, and the Wake Transit Financial Policies and Guidelines, adopted by GoTriangle on June 28, 2017and CAMPO on June 21, 2017.

C. Responsibilities of CAMPO

(1) CAMPO shall work with the Implementing Party to have the Project considered for inclusion in the CAMPO Transportation Improvement Program.

(2) Within five (5) business days of receiving a Reimbursement Request from the Implementing Party, CAMPO shall verify that the Reimbursement Request is complete, is within the approved budget, and is consistent with the scope of the project as reflected in Exhibit A and any other applicable scope-related attachments or exhibits to this Agreement.

(3) Meet with staff from the Implementing Party within 60 days of the execution of this agreement to discuss scope of work, timeline, reporting requirements, public engagement activities, reimbursement requirements for the project, as well as to discuss a schedule for any subsequent project oversight meetings.

4. **Minimum Service Standards:**

For the Projects listed in Exhibit A, the Implementing Party agrees to provide for:

A. Maintenance of all vehicles and facilities in accordance with a preventative maintenance program.
B. Maintenance of all vehicles and facilities in a safe and dependable condition and cleaning of all vehicles and facilities regularly.
C. Monitoring of services and responding to incidents in a timely and professional manner.
D. Regular reviews of service including: safety, on-time performance, customer satisfaction, accessibility, cleanliness, security, and customer service training.
E. Public engagement activities in accordance with state and federal guidelines and agency and municipal policies and procedures, if applicable.

5. **Performance Reporting:**

Unless otherwise agreed in writing between Parties, the Implementing Party should provide for the reporting of operating statistics and ridership to the National Transit Database and to the North Carolina Department of Transportation Public Transportation Division.

The Implementing Agency also agrees to provide quarterly and annual reporting per the Master Participation Agreement for the Reported Deliverables as identified in Exhibit A using a Reporting Template agreed to by the Parties. The Implementing Agency shall include in its quarterly reports any details of

issues that may impact delivery of the Projects identified in Exhibit A

The Annual Wake Transit Report prepared by GoTriangle shall provide information regarding how strategic public transit objectives have been met and shall include the performance achieved, the strategies being followed, and performance targets and key milestones for capital projects and operating services.

Quarterly Status Reports prepared by GoTriangle and/or CAMPO shall provide information regarding progress toward strategic objectives outlined in the Wake Transit Work Plan and include the performance achieved, the strategies being following, and performance targets and key milestones for Capital Projects and operating services identified in the Wake Transit Work Plan. GoTriangle shall include in its Quarterly Status Reports any details of issues that may impact delivery of funding for the Projects identified in Exhibit A.

The Parties agree to share supporting documentation, if requested, in addition to their quarterly and annual reporting, in a timely manner.

6. **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 all due diligence to provide for and carry out the purpose of this Agreement.

7. **Amendment:**

Any extension of the term of this Agreement and/or change to the content of this Agreement shall be by written amendment signed by all Parties.

8. **Breach; Termination:**

In the event that (1) the Implementing Party is not able or fails to provide a Project(s) as required by the Agreement; or (2) GoTriangle is not able or fails to provide funding for a Project(s) as required by the Agreement; or (3) GoTriangle fails to fulfill its responsibilities and duties as set out in the Governance ILA; or (4) any Party fails to fulfill a responsibility or duty of this Agreement; or (5) any Party withdraws from the Master Participation Agreement (separately each a “breach”),

any Party to this Agreement shall notify the Clerk to the TPAC Committee and the other Parties to this Agreement. The Non-Breaching party may place the item on a TPAC agenda for discussion and a non-binding recommendation to the Parties.

The Non-breaching Party may provide the Breaching Party with a period of time to cure the breach to the reasonable satisfaction of the Non-breaching Party. If the breach is not timely cured, or cannot be cured, the Non-breaching Party may (1) elect to terminate this Agreement in full; or (2) elect to terminate this Agreement only as to one or more Projects listed in Exhibit A. In the event of breach of this Agreement, the Parties shall be entitled to such legal or equitable remedy as may be available, including specific performance.

In the event the Agreement is terminated for any reason other than by the end of the Term of the Agreement:

(a) The Implementing Party shall not be required to continue implementing the Projects, but may elect to continue implementing the Projects using funds from sources other than the Wake Transit Tax.
(b) GoTriangle shall reimburse the Implementing Party for any expenses for the Projects that have been approved in the annual work plan and made in reliance on this Agreement, whether or not a Reimbursement Request has been made by Implementing Party at the time of termination. The Implementing Party shall have sixty (60) days after the date of termination to submit all Reimbursement Requests.
(c) The Implementing Party shall report the final status for its deliverable and GoTriangle shall do a final quarterly report and shall issue the annual report required by this Agreement.

9. **ADA and Paratransit Requirements:**

The Implementing Party shall provide paratransit service as required by law within the ADA-required radius of the all-day fixed-route bus services implemented as Projects pursuant to this Agreement.

10. **Record Retention:**

All parties must adhere to record retention guidelines as set forth in North Carolina General Statutes or federal guidelines as appropriate

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 GoTriangle:
GoTriangle
Attn: President and CEO
4600 Emperor Blvd, Suite 100
Durham, NC 27703

And with a copy to:
GoTriangle
Attn: General Counsel
4600 Emperor Blvd, Suite 100
Durham, NC 27703

If to Clerk to the TPAC Committee:
CAMPO
Attn: Clerk to the TPAC Committee
One City Plaza
421 Fayetteville Street, Suite 203
Raleigh, NC 27601

If to CAMPO:
CAMPO
Attn: Executive Director
One City Plaza
421 Fayetteville Street, Suite 203
Raleigh, NC 27601

If to the Town of Apex:
Town of Apex
Attn: Town Manager
P.O. Box 250
Apex, NC 27502

With a copy to:
Town of Apex
Attn: Town Attorney
P.O. Box 250
Apex, NC 27502

12. **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 the individuals signing this Agreement have the right and power to do so. This Agreement is a valid and binding obligation of each Party.

B. To the knowledge of each Party, 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 a Party 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.

D. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Operating Agreement.

13. **Merger and Precedence:**

The provisions of this Agreement, including all Exhibits and attachments, constitute the entire agreement by and between the Parties hereto and shall supersede all previous communications, representations or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof.

Notwithstanding the foregoing, in the event of any inconsistency or conflict between this Agreement and the Participation Agreement or the Governance ILA, the terms of the Participation Agreement and Governance ILA have precedence.

14. **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.

15. **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.

16. **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.

17. **Assignment:**

No Party may sell or assign any interest in or obligation under this Agreement without the prior express written consent of the other Parties.

18. **Independence of the Parties:**

Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from those in this Agreement.

19. **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. Any 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.

20. **No Waiver of Sovereign Immunity:**

Nothing in this Agreement shall be construed to mandate purchase of insurance by any municipality pursuant to N.C.G.S. 160A-485; or to in any other way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

21. **No Waiver of Qualified Immunity:**

No officer, agent or employee of any Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

22. **Verification of Work Authorization; Iran Divestment Act:**

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58.

23. **No third-Party Beneficiaries:**

There are no third-party beneficiaries to this Agreement.

24. **E – Verify:**

Contractor shall comply with *E-Verify*, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or

any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 *et seq*. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 *et seq.* In cases of conflict between this Contract and any of the above incorporated attachments or references, the terms of this Contract shall prevail.

25. **Companies Boycotting Israel Divestment Act Certification:**
Contractor certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

SIGNATURE PAGES FOLLOW

RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (d/b/a GoTriangle) By:_____ Charles E. Lattuca, President and CEO This, the ___ day of _____, 2021.	This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act. _____ Saundra Freeman, Chief Financial Officer for GoTriangle This, the ___ day of _____, 2021.
	Reviewed and Approved as to legal form. _____ Thomas Henry, Interim General Counsel

NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION "CAMPO"

By: _____
Chris Lukasina, Executive Director

ACKNOWLEDGEMENT by
NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION, "CAMPO"

State of North Carolina
County of Wake

I, _____, a Notary Public for said County and State, do hereby certify that Chris Lukasina, Executive Director personally came before me this day and acknowledged the due execution for the foregoing instrument.

Witness my hand and official seal, this the ____ day of _____, 20___.

_____
Notary Public

(Affix notary seal)

My Commission Expires: _____, 20____

TOWN OF APEX By:_____ Catherine Crosby, Town Manager This, the ___ day of _____, 2021.	This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act. _____ Vance Holloman, Chief Financial Officer This, the ___ day of _____, 2021.
ATTEST: By: _____ Donna Hosch, Town Clerk	

GO FORWARD
A COMMUNITY INVESTMENT IN TRANSIT

Exhibit A

Implementing /Operating Agency	Town of Apex	Parties to Agreement:	GoTriangle, CAMPO, Town of Apex

Total Bus Operations Appropriation	$379,770
Project	**GoApex Route 1:Fixed Route Circulator**
Project ID from Work Plan	TO005-BF
FY 2022 Budget	$379,770 or as amended by the adopted work plan
Scope	The project description and scope for the project included in the Implementing Party's FY 2021 Community Funding Area Program project funding application and the project description included in the FY2022 Adopted Wake Transit Work Plan, and as amended, is incorporated herein by reference.
Expected Implementation Date	7/1/2021
Reported Deliverables	1. Revenue Hours of Service 2. Ridership 3. Passenger boardings per revenue hour 4. Operating cost per passenger boarding 5. On-time performance
Contract #	21-056

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon to install a fence of which 135 S.F. will encroach onto portions of the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

Approve Encroachment Agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon (Grantees) for the property described as a residential lot known as Wake County PIN #0723-95-6452, Book of Maps 2018, Page 59, Lot is also known as 208 Fishburn Drive, Apex, NC 27523. Grantees wish to install certain improvements, more particularly described as a fence of which 135 S.F. will encroach onto the Town's 20' Public Drainage Easement.

Attachments

- Encroachment Agreement
- Exhibit A

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

STATE OF NORTH CAROLINA
COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2021, by and between Sukhbir Dhillon and spouse Jaya Dhillon, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0723-95-6452** and more particularly described as **Lot 16** of the subdivision known as **Crestmont Ph. 2B,** which is shown on that certain plat recorded in **Book of Maps 2018 Page 59**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **208 Fishburn Drive, Apex, NC 27523.** The residential lot described in this paragraph is hereinafter referred to as the **"Residential Lot."**

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

WHEREAS, Grantees wish to install certain improvements, more particularly described as a **fence that will encroach 135 SF into the Public Drainage Easement** which serves the Residential Lot, hereinafter referred to as the "**Encroachment,**" all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Drainage Easement.**

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

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

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

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

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

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

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

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

To Grantees: Sukhbir Dhillon and spouse Jaya Dhillon
208 Fishburn Drive
Apex, NC 27523

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

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

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

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

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

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

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Lot 16 Crestmont Phase 2B (208 Fishburn Drive, Apex, NC 27523)**, or by assumption of said obligations by an incorporated property or condominium owners association for **Crestmont Phase 2B.** The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEES

By: _____
Sukhbir Dhillon

By: _____
Jaya Dhillon

STATE OF NORTH CAROLINA

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

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

Witness my hand and official stamp or seal, this 25th day of August, 2021.

_____
[*Signature of Notary Public*]

My Commission Expires: 01/11/2026

KRISHAWNA BROWN
Notary Public, North Carolina
Durham County
My Commission Expires
01-11-2026

****

STATE OF NORTH CAROLINA

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

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

Witness my hand and official stamp or seal, this 25th day of August, 2021.

_____
[*Signature of Notary Public*]

My Commission Expires: 01/11/2026

KRISHAWNA BROWN
Notary Public, North Carolina
Durham County
My Commission Expires
01-11-2026

TOWN OF APEX

_____

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

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

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

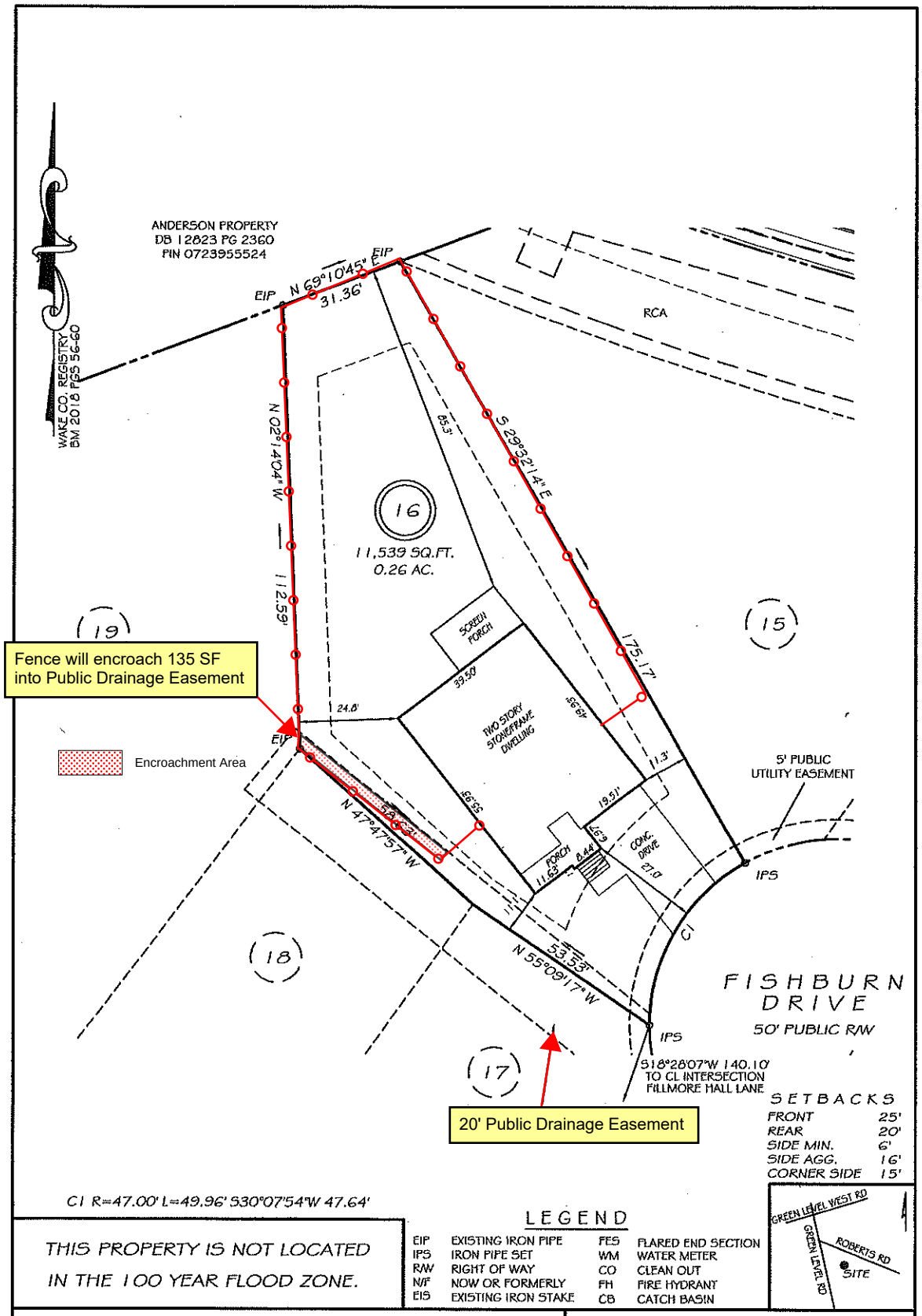
Witness my hand and official stamp or seal, this _____ day of _____, 2021.

_____

[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A



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

SURVEY FOR
SUKHBIR & JAYA DHILLON
CRESTMONT SUBDIVISION
LOT 16
208 FISHBURN DRIVE
NORTH CAROLINA
WAKE COUNTY WHITE OAK TOWNSHIP

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14,2021

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to Approve a Hold Harmless Agreement with NCDOT for the drainage associated with the Apex Peakway U-5928 project and authorize Town Manager to execute same.

Approval Recommended?

Yes

Item Details

NCDOT has requested a Hold Harmless Agreement to indemnify the Department against potential future claims from property owners resulting from drainage associated with the Apex Peakway U-5928 project. The Town's consultant and Town staff have reviewed and analyzed anticipated impacts and have determined that the project will have a negligible impacts. NCDOT also requested notification be provided to the Salem Village Owners Association. That notification was mailed on August 18, 2021. Finally, NCDOT requested a note be added to the project plan set referencing the Hold Harmless Agreement. That note has been included in draft form and will be updated with the date of approval once the Agreement has been approved.

Attachments

- NCDOT Hold Harmless Agreement with Exhibit A
- Notification Letter to Salem Village Owners Association (previously mailed with Exhibit A)

NORTH CAROLINA HOLD HARMLESS AGREEMENT

WAKE COUNTY

WHEREAS, the Town of Apex (hereinafter "Town") is engaged in the design and future construction of the Apex Peakway project also known as project U-5928 (Project) which includes a grade separation over South Salem Street and the CSX right-of-way to connect at the intersection with James Street; and

WHEREAS, the Project design involves a tie-in of a portion of the proposed storm drain system along the Apex Peakway south of South Salem Street and CSX right-of-way to the existing storm drain system in the public right-of-way which outfalls into a private stormwater detention pond; and

WHEREAS, the proposed design diverts approximately 1.01 acres of drainage area to the stormwater detention pond and the segment of Big Branch between the stormwater detention and the downstream convergence of the unnamed tributary; and

WHEREAS, the North Carolina Department of Transportation has contemplated the potential change in stormwater discharge and has accepted the Town's design for the Apex Peakway project conditioned upon execution of this Hold Harmless Agreement.

NOW THEREFORE, the Town of Apex hereby agrees as follows:

To the extent permitted by law, the Town of Apex (hereinafter "Town") hereby agrees to protect, defend, indemnify and hold harmless the North Carolina Department of Transportation, its officials, officers, agents, employees, successors and assigns from and against any and all liability, damage, claims, suits, liens and judgments resulting from the act, omission, or negligence of the Town of Apex in performance of the work on Salem Street, Apex Peakway and James Street as part of the U-5928 project that could potentially increase storm water entering any property from the proposed stormwater infrastructure that ties to the existing 24" pipe system located at the northwest quadrant of the Yateley Lane / Apex Peakway intersection as shown on Exhibit A, which flows under Yateley Lane, along Apex Peakway, and under Padstone Drive in a 24" reinforced concrete pipe existing system and draining into the private stormwater detention pond owned by Salem Village Owners Association, Inc. and located south of the Apex Peakway / Padstone Drive intersection, Parcel ID 0741051081, and properties located between the stormwater detention pond outlet and the downstream convergence with the unnamed tributary.

This Agreement shall be governed by the law of the State of North Carolina without regard to the conflict of law provisions thereof.

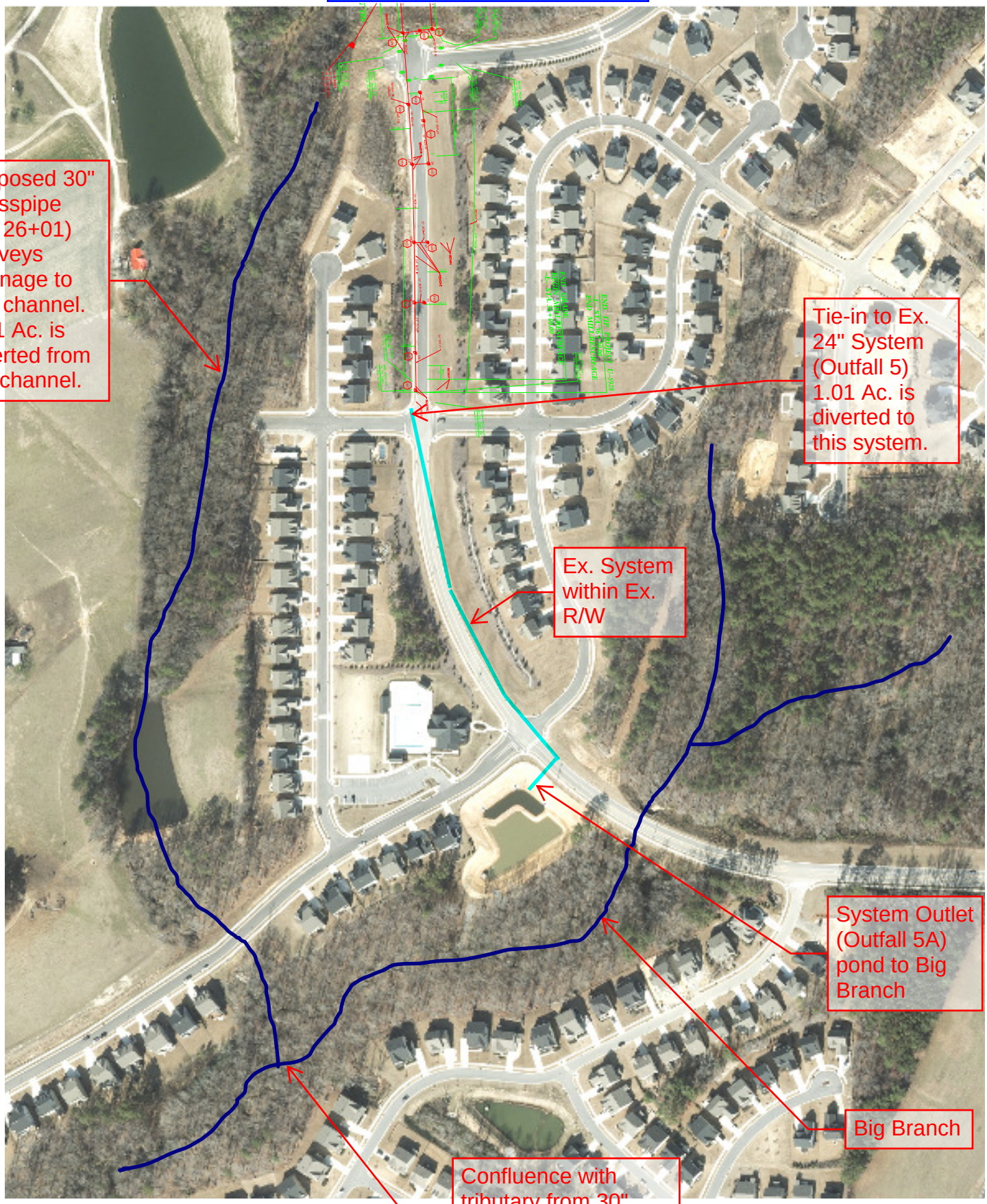
TOWN OF APEX

By: _____
(signature)

Name: __Catherine Crosby_____

Title: ___Town Manager_____

Exhibit A
Apex Peakway (U-5928)



Scale 1"=300'

August 18, 2021

Salem Village Owners Association, Inc.
1100 Perimeter Park Drive, Suite 112
Morrisville, NC 27560-9119

Subject: **Notice of Drainage Associated with U-5928, Apex Peakway**

To Whom It May Concern:

This purpose of this letter is to make the Salem Village Owners Association aware of the plans for construction of project U-5928, Apex Peakway, and more specifically, its potential negligible impact on stormwater infrastructure in the area. As part of the final design efforts for this project, staff have reviewed potential impacts on the existing stormwater infrastructure. The project could potentially increase storm water entering any property from the proposed stormwater infrastructure that ties to the existing 24" reinforced concrete pipe system located at the northwest quadrant of the Yateley Lane / Apex Peakway intersection. This system is shown in Exhibit A. The existing drainage system flows under Yateley Lane, along Apex Peakway, under Padstone Drive, and drains into the private stormwater detention pond owned by Salem Village Owners Association, south of the Apex Peakway / Padstone Drive intersection, Parcel ID 0741051081. It then flows through properties located between the stormwater detention pond outlet and the downstream convergence with the unnamed tributary.

Staff estimate that the water level in the pond will rise approximately 1" (one inch) for all storms, and the pond is anticipated to continue to operate as designed with no noticeable decrease in capacity. In addition, staff reviewed the pond for water quality aspects based on the original calculations and engineer's certification. The pond is expected to operate within the original requirements for water quality as designed following completion of the Apex Peakway project. This letter serves as courtesy notice of the project impacts with respect to this drainage, and no action is required on the part of the Salem Village Owners Association. However, staff are available to answer questions at this time or following completion of the Apex Peakway project should any questions arise at a later date.

Sincerely,

Russell H. Dalton

Russell H. Dalton, PE
Traffic Engineering Manager
919-249-3358
Russell.Dalton@apexnc.org

Attached: Exhibit A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve 6 additional full-time positions (FTEs) for the Administration (4 FTEs), Human Resources (1 FTE), and Economic Development (1 FTE) departments, and the associated budget amendment.

Approval Recommended?

Yes

Item Details

Town Administration met with the Personnel Committee on August 27, 2021 to discuss the need for six (6) additional full-time positions, listed below. These positions are being requested mid-year in order to prepare the Town for projects and initiatives that will be underway prior to the development of the next fiscal year budget. All six (6) positions were unanimously approved by the Personnel Committee.

1. Receptionist for Town Hall (Administration) – This position will serve as the first point of contact for all Town Hall visitors. Not only will it provide a warm welcome and directory of services for Town Hall visitors, but will also allow for increased security in the building.

2. Diversity, Equity, and Inclusion Director (Administration) – This position will oversee the Diversity, Equity, and Inclusion efforts of the Town, evaluating needs and building out DEI programs to meet both internal and external DEI initiatives. This position will oversee the DEI Officer position that was approved this past year.

3. Legislative Aide to Council (Administration) – This position will serve as a resource to Town Council Members, with duties including, but not limited to: providing aide and information on municipal legislative processes; maintaining Council schedules & calendars; assisting with the development of public policies; planning, coordinating, and marketing Council-related events for Council Members individually, or as a whole; and carrying out administrative tasks for members of Council.

4. Fiscal Analyst (Administration) - This position will manage and oversee the America Rescue Plan Act grant and other grant processes, including: monitoring and tracking costs, overseeing sub-recipients, collaborating with external and internal partners, filing periodic required reports with the Treasury Department, and creating transparent reporting for the Town.

5. HR Data & Systems Administrator (Human Resources) – This position will manage the various HR Systems (HRIS/ERP, recruiting, performance management, learning management, etc.) as well the data integrity and governance of HR related data. The position will be responsible for configuring and testing HR systems, training Town departments on the various systems, managing data file feeds between systems and external vendors, and serving as the lead contact on any HR-related ERP updates, testing, implementations, conversions, etc.

6. Program Support Specialist (Economic Development) – this position was created in 2019 as a Limited Service position (LSE). Since that time, with the addition of new ED positions and programs, the position has grown and now requires full-time hours to effectively support the Economic Development department and its programs.

Budget Ordinance Amendment 5 includes personnel costs for the positions including salary and benefits for the prorated portion of the fiscal year based on anticipated hiring date. Also included are funds for technology and hardware onboarding and capital outlay for creation of workspace.

<u>Attachments</u>

- Budget Ordinance Amendment 5

APEX 1873 NORTH CAROLINA

Town of Apex

Budget Ordinance Amendment No. 5

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	$	485,000
Total Revenues	**$**	**485,000**

Section 2. Expenditures:

Administration	$	362,000
Human Resources	$	71,500
Economic Development	$	51,500
Total Expenditures	**$**	**485,000**

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 14th day of September, 2021.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 14, 2021

Item Details

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

Department(s): Water Resources

Requested Motion

Motion to approve an amended Fats, Oils, and Grease Ordinance providing legal authority for enforcement and inspection of Food Service Establishments as required by the Town's Sewer Collection System Permit issued by the North Carolina Department of Environmental Quality.

Approval Recommended?

Yes

Item Details

These updates will replace our existing Fats, Oils, and Grease (FOG) Ordinance and will serve as a new baseline for inspection and enforcement of grease interceptors at subject Food Service Establishments (FSEs). FSEs utilize grease interceptors to collect and remove FOG from their wastewater stream before it enters the Town's Sanitary Sewer system. If uncollected or uncontrolled, the FOG can create blockages that lead to Sanitary Sewer Overflows (SSOs) which can be detrimental to the Town's sewer system and the environment. This Ordinance provides adequate legal authority for enforcement per the State issued permit (WQCS00064). Included with the Ordinance are Standard Operating Procedures (SOPs) that will allow for consistency of enforcement, inspection and the risk level assessments of the FSEs.

Attachments

- FOG Ordinance
- SOP 001 FOG Enforcement Response Plan
- SOP 001 FOG Enforcement Response Plan Table
- SOP 002 FOG Inspection Plan
- SOP 003 FOG Risk Level Assessment

ORDINANCE NO. 2021-0824-29

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 12 OF APEX TOWN CODE

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

Section 1. Section 12-191 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-191. - Introduction—Scope and intent.

The intent of this article is to aid in the prevention of ~~s~~**S**anitary ~~s~~**S**ewer blockages and overflows due to the accumulation of fats, oils and greases in the sanitary sewer from **industrial or** commercial establishments—particularly food preparation and food serving establishments**.**~~— by requiring~~ **Town regulations require that** all ~~f~~**F**ood ~~s~~**S**ervice **and Non-Cooking** ~~e~~**E**stablishments ~~to~~ install properly-sized and maintained ~~g~~**G**rease ~~traps or i~~**I**nterceptors to prevent excess fats, oils and greases from entering the **Sanitary Sewer**~~town's publicly-owned treatment works~~.

Section 2. Section 12-192 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-192. - Definitions.

~~*Cooking establishments* means those establishments engaged in activities of preparing, serving, or making available for public or clientele consumption foodstuffs that require one or more of the following preparation activities: frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot non-drinkable food product in or on a receptacle that requires washing.~~

Establishment means a ~~cooking~~ **Food Service** e**E**stablishment or ~~n~~**N**on-~~c~~**C**ooking ~~e~~**E**stablishment.

Fats, oils, and greases means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are measured using analytical test procedures established in 40 CFR 136. Fats, oils, and greases are collectively referred to herein as "~~g~~**G**reases."

FOG Enforcement Response Plan (ERP) means the Town's enforcement plan for regulating Fats, Oils, and Grease Control of Establishments.

Food Service Establishments (FSE) **means those establishments engaged in activities of preparing, serving, or making available for public or clientele consumption foodstuffs that require one or more of the following preparation activities: frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot non-drinkable food product in or on a receptacle that requires washing.**

Grease interceptor minimum design capability means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the ~~s~~**S**anitary ~~s~~**S**ewer.

Grease trap or interceptor means a device for separating and retaining greases and like compounds from wastewater prior to entry into the ~~s~~**S**anitary ~~s~~**S**ewer. These devices also serve to remove and collect settleable solids from ~~food service e~~**E**stablishments prior to entry into the ~~s~~**S**anitary ~~s~~**S**ewer. Grease traps and interceptors are collectively referred to herein as "~~g~~**G**rease ~~i~~**I**nterceptors."

Non-cooking establishments means those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

North Carolina Plumbing Code means written guidelines, regulations and ordinances governing the plumbing criteria for type and use of plumbing systems in the State of North Carolina and its political subdivisions.

Publicly-owned treatment works ~~or~~ (POTW) means that certain collective wastewater treatment system owned and/or operated by the town, including all devices, systems and appurtenances thereto used in the collection, storage, treatment, recycling, distribution and reclamation of municipal sewage, industrial wastes of a liquid nature, or other wastewater.

*Sanitary ~~s~~**S**ewer* means a pipe or conduit intended to carry wastewater or waterborne wastes from homes, businesses, and industries to the POTW. A sewer collection system.

User means any person, including those located outside the jurisdictional limits of the town, who contributes, ~~or~~ causes**,** or permits the contribution of~~,~~ wastewater into the POTW, including mobile sources such as hauled wastewater.

Section 3. Section 12-193 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-193. - Specific prohibitions.

~~No user shall allow any wastewater discharge of greases of animal or vegetable origin in concentrations greater than 250 milligrams per liter, as determined by appropriate EPA analytical methodologies. These limits shall be continually achieved without exception.~~

(a) No User shall contribute or cause to be contributed into the POTW petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(b) The owner and leaseholder shall be responsible for ensuring that no waste or wastewater pumped from the grease interceptor or oil separator is reintroduced back into the device. The User may request permission by submitting data, sampling and justification to be approved at the discretion of the water resources director.

Section 4. Section 12-194 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-194. - Grease interceptors.

(a) All ~~cooking~~ **Food Service** ~~e~~**E**stablishment ~~u~~**U**sers shall install a ~~minimum 1,000-gallon in-ground~~ ~~g~~**G**rease ~~i~~**I**nterceptor, unless an alternative pretreatment method is approved by the town in accordance with subsection (h). Grease ~~i~~**I**nterceptors may also be required at ~~n~~**N**on-~~c~~**C**ooking ~~e~~**E**stablishments and other industrial, commercial, or institutional establishments at the ~~u~~**U**ser's expense when deemed necessary by the water resources director for the proper handling of grease-laden wastewaters. ~~No user shall allow any grease discharge from any grease interceptor to exceed 250 mg/l under any circumstances.~~ All ~~g~~**G**rease ~~i~~**I**nterceptors shall be of a type, design, and capacity approved by Town of Apex Plumbing Code Enforcement Officer and shall be readily and easily accessible for ~~u~~**U**ser cleaning and town inspection and sampling.

(b) Exterior in-ground ~~g~~**G**rease ~~i~~**I**nterceptors shall be serviced and emptied of accumulated waste (greases, sludge, debris, etc.) content as required to maintain minimum design capability, but not less often than every **sixty** ~~3~~**(6**0**)** days. In-floor and under-the-counter ~~g~~**G**rease ~~i~~**I**nterceptors shall be cleaned not less often than weekly.

(c) In-ground ~~g~~**G**rease ~~i~~**I**nterceptors must have access manholes, minimum diameter of **twenty-four (**24**)** inches shall be provided over each interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and shall be designed and maintained to prevent inflow and infiltration. The manholes also shall have readily removable covers.

(d) Minimum design criteria for ~~g~~**G**rease ~~i~~**I**nterceptors shall be approved by the Town of Apex Plumbing Code Enforcement Officer using the latest adopted North Carolina Plumbing Code.

(e) Grease interceptors shall be kept free of inorganic solid materials such as rocks, grit, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle and reduce the effective volume of the ~~g~~**G**rease ~~i~~**I**nterceptor.

(f) There shall be no reintroduction of wastewater back into the ~~g~~Grease ~~i~~**I**nterceptor ~~unless and until said wastewater has been proven to contain 250 mg/l or less of greases~~.

(g) **A sanitary tee shall be installed and maintained in each Grease Interceptor outlet at all times. An inlet and baffle sanitary tee shall be required for either FSE's with an already existing inlet tee, or newly installed Grease Interceptors.** ~~Users shall supply an adequate sampling point downstream of the grease interceptor, prior to mixing with other sanitary flows. The minimum requirement for the sampling point shall be a four-inch vertical cleanout or sanitary tee.~~

(h) A user may request an alternative to an out-of-building ~~g~~**G**rease ~~i~~**I**nterceptor because of documented space constraints. The request shall contain the following information:

(1) Location of the town sewer main and easement in relation to available exterior space outside the building.

(2) Existing plumbing at or in an ~~e~~**E**stablishment that uses common plumbing for all services.

(3) Detailed list of all potential sources of ~~g~~**G**rease at the subject premises.

(i) The use of biological additives as a grease degradation agent is conditionally permissible, upon written approval by the water resources director. ~~Any establishment using these methods shall consistently meet the grease numerical limit of 250 mg/l specified in section 12-193, as measured at the grease interceptor's outlet required under subsection (g).~~

(j) The use of automatic grease-removal systems is conditionally permissible, upon prior written approval by the water resources director. ~~Any establishment using such equipment shall operate the system in such a manner that compliance with the 250 mg/l limit specified in section 12-193 (as measured from the unit's outlet required under subsection (g)) is continually achieved.~~

(k) The water resources director reserves the right to make determinations of ~~g~~**G**rease ~~i~~**I**nterceptor adequacy and need, based on review of all relevant information regarding ~~g~~**G**rease ~~i~~**I**nterceptor performance, facility site and building plan review, and to require repairs to, or modification or replacement of such ~~g~~**G**rease ~~i~~**I**nterceptors.

(l) Users are required to ensure that all material removed from ~~g~~**G**rease ~~i~~**I**nterceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(m) Whenever there is a change in management, ownership, or food production at a property, the property owner shall be required to submit justification for either retaining the current Grease Interceptor method or a new request for a variance. The Town reserves the right to inspect the existing Grease Interceptor for acceptance.

(n) In the case that there is a shared or common Grease Interceptor, the property owner shall assume ownership of all responsibilities for adhering to this Article.

(o) The water resources director reserves the right to approve or deny any variance formally submitted in regards to Grease Interceptors.

Section 5. Section 12-195 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-195. - Grease Interceptor inspections and documentation.

(a) Users shall maintain a written record of all ~~g~~**G**rease ~~i~~**I**nterceptor maintenance activities for three **(3)** years ~~after completion of the maintenance activities~~. These records shall contain ~~clean-out dates~~ **pumping and maintenance manifests, the as-built designs of the Grease Interceptor(s) on site**, the name of the owner or manager of the facility, and the name of the firm that performed the clean-out. These records must be located on the premises and available for inspection during all business hours by the water resources director or ~~his~~ **their** designee.

(b) The town ~~will~~ **may** inspect an ~~e~~**E**stablishment's grease interceptor and maintenance records at the town's discretion. If problems are found during any such inspection, the ~~u~~**U**ser must take immediate corrective action **as indicated in the ERP unless otherwise** directed by the water resources director. ~~If sampling of the grease interceptor effluent is warranted to assure compliance with the numerical grease numerical limit of 250 mg/l specified in section 12-193, in the town's sole and exclusive judgment, the user will be assessed for any analytical testing fees.~~

(c) At inspection, grease cap and solids measurements ~~will~~ **may** be performed. Grease accumulation shall not be greater than four **(4)** inches at any point within the ~~g~~**G**rease ~~i~~**I**nterceptor. Solids **and grease** accumulation shall not be greater than ~~20~~ **thirty-five** percent **(35%)** of the total water depth from the ~~g~~**G**rease ~~i~~**I**nterceptor's **inlet chamber, and twenty-five percent (25%) of the total water depth in the outlet**

chamber ~~interior floor to the static working water level, at any point within the grease interceptor~~.

(d) In-Floor and under-the-ground Grease Interceptors may be inspected using the "Screwdriver Test". This is a visual test and must require the water and grease to separate to pass inspection.

(e) Maintenance records shall be maintained onsite where the Grease Interceptor or oil/water separator is located for a period of three years.

(f) Grease Interceptor maintenance records must include the following information:

i. Establishment name and physical location

ii. Name of Grease Interceptor service company

iii. Date and time of Grease Interceptor service

iv. Name and signature of person doing said service

v. Established service frequency and type of service

vi. Number and size of each Grease Interceptor serviced

vii. Approximated amount, per best professional judgment, of grease and solids removed from each Grease Interceptor

viii. Total volume of waste removed from each Grease Interceptor

ix. Destination of removed wastes, food solids, and wastewater disposal

(g) Maintenance records that do not include all the above information will be considered incomplete. Incomplete records are considered a violation of the Town of Apex Sewer Use Ordinance and may subject the facility to penalty assessments and/or service termination.

(h) Facilities for which a specific pretreatment permit has been issued shall follow the requirements for maintenance and record keeping as stated in the permit.

Section 6. Section 12-196 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-196. - Enforcement.

(a) ~~Violations of this article will result in enforcement actions in accordance with the then prevailing provisions of chapter 12, article III, division 4, of this Code. In addition, any user who is found to have failed to comply with any provision of this article, or any order, rule, regulation or permit issued hereunder, may be assessed a civil penalty in the amount of $50.00 per day per violation.~~ **Non-compliance with this Article will result in enforcement actions in accordance with the FOG ERP.**

(b) **The FOG ERP may be updated and approved for action as the water resources director sees fit. Each corresponding FSE will be given a six-month notice of impending ERP changes, and will have that time to ensure all maintenance and functionality requirements are met prior to roll out date.**

(c) For a period of ~~one year~~ **six (6) months** following adoption of this article, no enforcement actions will be taken for failure to achieve limits on discharges of ~~g~~**G**reases from ~~g~~**G**rease ~~i~~**I**nterceptors. If, during such ~~one-year~~ **six-month** period, an obstruction of a town sewer main occurs causing an overflow with environmental impact can be attributed in part or whole to an accumulation of ~~g~~**G**reases in the ~~s~~**S**anitary ~~s~~**S**ewer or the POTW, the town will take appropriate enforcement actions in accordance with the Apex Sewer Use Ordinance against the culpable user or other generator or contributor of such ~~g~~**G**reases.

Section 7. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 8. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2021.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Standard Operating Procedure 001: FOG Enforcement Response Plan

Town of Apex Code of Ordinances: Chapter 12 Article IV Fats, Oils and Grease Control Ordinance

Series Number: 1	Version: 1
Responsible Department/Division: Town of Apex Public Works	Effective Date: 05/05/2021
Supersedes: N/A	Next Review Date: January 2022
Approval: _____ Director of Water Resources, Town of Apex	

Table of Contents

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Purpose of Procedure

The purpose is to provide instructions for the proper enforcement response for Food Service Establishments in the Town of Apex to ensure that excessive Fats, Oil, and Grease (FOG) do not accumulate in the Sanitary Sewer Collection System. Excessive accumulation of FOG in the Sanitary Sewer Collection System may lead to a Sanitary Sewer Overflow (SSO).

Definitions

FOG Control Ordinance – The ordinance for the Town of Apex to govern Establishment's and User's disposal of fats, oils and greases into the collective Sanitary Sewer system.

Fats, Oils and Grease (FOG) - fats, oils, or greases of animal or-plant-based origin.

Food Service Establishment (FSE) – Food Service Establishment -any commercial building that has a kitchen or food preparation area where grease-laden waste is drained into the sanitary sewer system.

Notice of Noncompliance – The first written notice from the Town that a Food Service Establishment is out of compliance with the requirements of the FOG Control Ordinance and will be given a chance to correct this issue with no penalty.

Notice of Violation – A written notice from the Town that an FSE is out of compliance with requirements and has failed to adhere to the Notice of Noncompliance that was previously sent. The FSE will receive a penalty on behalf of the Town for failure to comply. Continual failure to correct the issue will result in escalated penalties or potential water severance.

Water Severance Notice (WSN) – A written notice from the Town that an FSE has effectively ignored all previous issued Notices with no intent to adjust or comply to the requirements of the FOG Control Ordinance. The Notice will serve as documentation that Wake County Health Department will effectively shut off the water for the specified FSE until the corrective action is fixed.

Procedure

1. If FSE is determined to be out of compliance per SOP 002 (FOG Inspection), a written Notice of Noncompliance will be issued to the Establishment.
2. Follow up with a return inspection when the specified time deadline has passed for the NNC and document in the FOG database. Records violations do not require a follow up inspection if they are submitted electronically prior to the deadline. A records inspection must be completed.
    a) If FSE has complied with the specified action written in the NNC, no further enforcement is needed.
    b) If FSE has failed to comply with the specified action in the NNC, then a Notice of Violation Class I will be issued as specified in the FOG Enforcement Response Plan.
3. If a NOV Class I is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and document in the FOG database.
    a) If FSE has complied with the specified action written in the NOV CL I, no further enforcement is needed.
    b) If FSE has failed to comply with the specified action in the NOV CL I, then a Notice of Violation Class II will be issued as specified in the FOG Enforcement Response Plan.
4. If a NOV Class II is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and document in the FOG database.
    a) If FSE has complied with the specified action written in the NOV CL II, no further enforcement is needed.
    b) If FSE has failed to comply with the specified action in the NOV CL II, then a Notice of Violation Class III will be issued as specified in the FOG Enforcement Response Plan.
5. If a NOV Class III is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and the document in the FOG database.
    a) If FSE has complied with the specified action written in the NOV CL III, then no further enforcement is needed.
    b) If FSE has failed to comply with the specified action in the NOV CL III, then a Water Severance Notice will be issued as specified in the FOG Enforcement Response Plan.

6. If a Water Severance Notice is issued, the FOG Program Manager will notify Senior Management, Water Meters Division and the Wake County Health Department.
    a) The civil penalty for the WSN will be formally addressed and delivered to the Establishment's representative.
    b) The FSE may appeal the civil penalty with a written response including documentation and justification either electronically or physically submitted to the FOG Program Manager within seven (7) days of the Water Severance Notice.
7. Follow up with a return inspection when the specified time deadline has passed for the water severance after issuing the WSN.
    a) If the FSE has complied with the specified action in the Water Severance Notice, no further enforcement is needed.
    b) If the FSE has failed to comply with the specified action in the Water Severance Notice, then the water will be severed on the specified date of the issued WSN.
8. FOG Program Manager will notify all Senior Management, Water Meters Division, and Wake County Health Department of the specified date for water severance for the Establishment.
9. Water service will not be reinstated until all requirements of the Notice of Violation CL III have been met.
10. Once compliance has been met, the FOG Staff must document all relative information in the FOG database. Including emails, pictures, documents videos and communication relevant to complete justification for reinstated water service.
11. FOG Program Manager will notify Senior Management, Water Meters Division and Wake County Health Department that water service is approved to be returned to the Establishment.
12. Inspector or FOG Program Manager will ensure all civil penalties have been paid prior to reinstated water service.

Regulations

1. The Town reserves the right to not escalate a Notice of Noncompliance or Notice of Violation dependent on the severity of the issue noted.
2. All Civil Penalties will be delivered to the Establishment's representative and must be either paid by the notified date, or appealed to the FOG Program Manager.
3. FSE's may appeal Notices and Civil Penalties by submitting relative documentation to justify the Establishment's stance. The FSE may submit either electronic or physical copy of this appeal to the FOG Program Manager and shall be received within 7 business days of reviving their Notice.
4. If at any point an FSE receives either a NOV CL III or Water Severance Notice, for a full calendar year from the incident any other failure found during inspections will relate in immediately starting at a Notice of Violation Class I. This will be considered for Establishments termed "Repeat Offenders".
5. If an Establishment is found to be liable for failing to adhere to the FOG Control Ordinance and upon inspection are deemed the responsible party for an SSO created in the nearby environment, there is cause for immediate issuance of a Notice of Violation Class III.

History and Updates

No updates to the FOG Enforcement Response Plan for this version.

Type of Violation	POTW Action	Expected Action from User	POTW Action	Expected Action from User	POTW Action	Expected Action from User	POTW Action	Expected Action from User	POTW Action
Interceptor exceeds the allowable solids % or grease cap in any chamber, or fails Screwdriver Test	Issue Notice to Comply (NTC)	Completely pump out interceptor within 10 days of the NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
Interceptor is missing a component that prevents the device from working properly	Issue Notice to Comply (NTC)	Replace or install missing components within 10 days of NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
FSE is operating without an interceptor, or without a designated commissary	Issue Notice to Comply (NTC)	Provide documentation to the Town of planned installation within 30 days of NTC - provide documentation of commissary within 7 days of NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
Interceptor is undersized, substandard, not operating properly, or allowing excessive discharge of grease and oil into the Sanitary Sewer System	Issue Notice to Comply (NTC)	Provide documentation to the Town of planned installation of an approved interceptor within 30 days of NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
Interceptor is inaccessible to inspection	Issue Notice to Comply (NTC)	Provide access to interceptor within 10 days of receiving NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
FSE cannot immediately produce maintenance records upon the Town's request or records do not contain all the required information	Issue Notice to Comply (NTC)	Maintain and immediately provide maintenance records that contain all required information within 10 days of NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
FSE is maintaining their interceptor without holding a current and valid license issued by NC DEQ	Issue Notice to Comply (NTC)	Provide proof that the interceptor is being maintained by a state licensed hauler within 10 days of the NTC	Issue Notice of Violation (NOV) Class I	Comply with NTC and remit or appeal $50 penalty within 14 days	Issue Notice of Violation (NOV) Class II	Comply with NOV and remit or appeal $150 penalty within 14 days	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)
Interceptor is overflowing or a nearby SSO is determined to be caused by interceptor failure	Issue Notice of Violation (NOV) Class III	Comply with NOV and remit or appeal $300 penalty within 3 days	Issue Water Severance Notice (WSN)						

Standard Operating Procedure 002: FOG Inspection Plan

Town of Apex Code of Ordinances: Chapter 12 Article IV Fats, Oils and Grease Control Ordinance

Series Number: 1	Version: 1
Responsible Department/Division: Town of Apex Public Works	Effective Date: 05/05/2021
Supersedes: N/A	Next Review Date: January 2022
Approval: _____ Director of Water Resources, Town of Apex	

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Purpose of Procedure

The purpose of this standard operating procedure is to provide instructions for the proper inspection of Food Service Establishments in the Town of Apex Sewer service area to ensure that excessive Fats, Oil, and Grease (FOG) do not accumulate in the Sanitary Sewer Collection System. Excessive accumulation of FOG in the Sanitary Sewer Collection System may lead to a Sanitary Sewer Overflow (SSO).

Definitions

FOG Control Ordinance – The ordinance for the Town of Apex to govern Establishment's and User's disposal of fats, oils and greases into the collective Sanitary Sewer system.

Fats, Oils and Grease (FOG) - fats, oils, or greases of animal or-plant-based origin.

Food Service Establishment (FSE) – Food Service Establishment -any commercial building that has a kitchen or food preparation area where grease-laden waste is drained into the sanitary sewer system.

Gravity Grease Interceptor (GGI) – Water-tight receptacle receiving and retaining waste containing fats, oils and grease from FSE's. They are typically located outside the place of business or any structure.

Hydro-Mechanical Grease Interceptor (HGI) – Water-tight receptacle receiving and retaining waste containing fats, oils and grease from FSE's. The HGI is generally located inside a business or structure. Note: Some FSE's may apply and receive a variance to install outside the place of business or structure.

Sludge Judge – A clear plastic tube with a ball valve on the bottom to measure the grease and solids depth inside of a pretreatment device.

Personal Protective Equipment (PPE) – Specialized clothing or equipment worn by employees for protection against health and safety hazards. Personal protective equipment is designed to protect many parts of the body, I.e. eyes, head face, hands, feet and ears.

Notice of Noncompliance – The first written notice from the Town that a Food Service Establishment is out of compliance with the requirements of the FOG Control Ordinance and will be given a chance to correct this issue with no penalty.

Notice of Violation – A written notice from the Town that an FSE is out of compliance with requirements and has failed to adhere to the Notice of Noncompliance that was previously sent. The FSE will receive a penalty on behalf of the Town for failure to comply. Continual failure to correct the issue will result in escalated penalties or potential water severance.

Water Severance Notice (WSN) – A written notice from the Town that an FSE has effectively ignored all previous issued Notices with no intent to adjust or comply to the requirements of the FOG Control Ordinance. The Notice will serve as documentation that Wake County Health Department will effectively shut off the water for the specified FSE until the corrective action is fixed.

Procedure

1. Appropriate PPE should be worn.
2. Explain to the person in charge the purpose for the inspection.
3. Inspection of Food Service Establishment GGI's
    a) Open the manhole lids
    b) Visually inspect the interior of the trap for damage or missing components

c) Slowly lower the sludge judge into the interceptor, once the grease mat has been penetrated, gently shake or wiggle the sludge judge until water collecting in the sludge judge is heard.
d) Continue lowering the sludge judge into the grease interceptor (Please note a continued gentle shaking and wiggling of the sludge judge may be necessary while lowering it to get an accurate reading if the wastewater is thick).
e) Determine if the FSE is in/out of compliance if grease and solids depth are greater than 35% of the total depth of the inlet and 25% of the total depth of the outlet.

4. Inspection of Food Service Establishment HGI's
    a) Open the interceptor and perform a screwdriver test
    b) Move the screwdriver back and forth within the wastewater inside the HGI to allow the grease layer to become visible. Determine if the FSE is in/out of compliance if there is no separation of the grease and water.
5. Maintenance Records for Food Service Establishment
    a) Records shall be inspected when the FSE is:
        i. Operating with an HGI
        ii. A Risk Level 3 or 4
        iii. Sludge Judge reading exceeds 35% in the inlet chamber or 25% in the outlet chamber or a greater than 4" grease cap
        iv. GGI or HGI cannot be physically inspected
        v. Conditions within the GGI or HGI are abnormal
6. The FSE is determined to be out of compliance if the following is confirmed:
    a) Exterior Grease Interceptor contains a combined grease cap and solids depth of 35% in the inlet chamber or 25% in the outlet chamber
    b) There is greater than 4" of a grease cap anywhere in the GGI
    c) No visible separation between the grease layer and wastewater inside the HGI
    d) Grease Interceptor is missing a component that prevents the device from working properly or missing a pre-existing component
    e) Grease Interceptor is undersized, substandard, or allowing excessive discharge of grease and oil into the sanitary sewer system
    f) Grease Interceptor is inaccessible for inspection
    g) FSE does not produce maintenance record upon Town's request
    h) Grease Interceptor has an internal blockage or has a higher than normal water level
    i) Grease Interceptor is overflowing
        i. Notify the necessary parties within the Town
        ii. Require FSE to cut off all flow to interceptor's line immediately

Regulations

1. The Town reserves the right to not escalate a Notice of Noncompliance or Notice of Violation dependent on the severity of the issue noted.

2. All Civil Penalties will be delivered to the Establishment's representative and must be either paid by the notified date, or appealed to the FOG Program Manager.
3. FSE's may appeal Notices and Civil Penalties by submitting relative documentation to justify the Establishment's stance. The FSE may submit either electronic or physical copy of this appeal to the FOG Program Manager and shall be received within 7 business days of reviving their Notice.
4. If at any point an FSE receives either a NOV CL III or Water Severance Notice, the FSE will be immediately listed as a Risk Level 4 for a minimum of two years, or until Program Manager deems acceptable for new risk level assessment.

History and Updates

No updates to the FOG Enforcement Response Plan for this version.

Standard Operating Procedure 003: FOG Risk Level Assessment

Town of Apex Code of Ordinances: Chapter 12 Article IV Fats, Oils and Grease Control Ordinance

Series Number: 1	Version: 1
Responsible Department/Division: Town of Apex Public Works	Effective Date: 05/05/2021
Supersedes: N/A	Next Review Date: January 2022
Approval: _____ Director of Water Resources, Town of Apex	

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Purpose of Procedure

The purpose of this standard operating procedure is to assign risk levels to Food Service Establishments (FSE's) based on the potential to discharge fats, oils and grease (FOG) into the Sanitary Sewer Collection System which may lead to Sanitary Sewer Overflows (SSO's). Once these risk levels have been assigned, compliance inspections may be scheduled based on the assigned risk level.

Definitions

FOG Control Ordinance – The ordinance for the Town of Apex to govern Establishment's and User's disposal of fats, oils and greases into the collective Sanitary Sewer system.

Fats, Oils and Grease (FOG) - fats, oils, or greases of animal or-plant-based origin.

Food Service Establishment (FSE) – any commercial building that has a kitchen or food preparation area where grease-laden waste is drained into the sanitary sewer system.

Notice of Noncompliance – The first written notice from the Town that a Food Service Establishment is out of compliance with the requirements of the FOG Control Ordinance and will be given a chance to correct this issue with no penalty.

Notice of Violation – A written notice from the Town that an FSE is out of compliance with requirements and has failed to adhere to the Notice of Noncompliance that was previously sent. The FSE will receive a penalty on behalf of the Town for failure to comply. Continual failure to correct the issue will result in escalated penalties or potential water severance.

Water Severance Notice (WSN) – A written notice from the Town that an FSE has effectively ignored all previous issued Notices with no intent to adjust or comply to the requirements of the FOG Control Ordinance. The Notice will serve as documentation that Wake County Health Department will effectively shut off the water for the specified FSE until the corrective action is fixed.

Risk Level 0 – Inactive: Establishment generates no amount of FOG, is an inactive establishment, out of business or classified as non-FSE.

Risk Level 1 – Establishment generates minimal amount of FOG and normally complies with Town FOG regulations.

Risk Level 2 – Establishment generates a moderate or significant amount of FOG and normally complies with Town regulations.

Risk Level 3 – Establishment generates a significant amount of FOG and normally complies with Town regulations.

Risk Level 4 – Establishment generates significant amount of FOG, and or has more than one non-compliance in a 12-month period, and or is located in a grease intensive area.

Procedure

1. FOG Program will evaluate and assign risk levels to all FSE's
2. Risk Levels shall be based on the following:
    a) Non-compliance history
    b) Improved compliance history
    c) Interceptor condition
    d) Type of FSE
    e) Change of ownership
    f) Location (grease intensive areas)
3. Risk levels shall be recorded in the FOG database
4. Assign compliance inspections based on risk levels

5. Additional or less frequent inspections may be scheduled based on changing conditions

Regulations

1. The Town reserves the right to not escalate a Notice of Noncompliance or Notice of Violation dependent on the severity of the issue noted.
2. All Civil Penalties will be delivered to the Establishment's representative and must be either paid by the notified date, or appealed to the FOG Program Manager.
3. FSE's may appeal Notices and Civil Penalties by submitting relative documentation to justify the Establishment's stance. The FSE may submit either electronic or physical copy of this appeal to the FOG Program Manager and shall be received within 7 business days of reviving their Notice.
4. If at any point an FSE receives either a NOV CL III or Water Severance Notice, the FSE will be immediately listed as a Risk Level 4 for a minimum of two years, or until Program Manager deems acceptable for new risk level assessment.

History and Updates

No updates to the FOG Enforcement Response Plan for this version.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: September 14, 2021

Item Details

Presenter(s): Christopher "C.J." Valenzuela, Housing Programs Manager and Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board will hear these amendments at their September 13, 2021 meeting. The Planning Board recommendation will be presented by staff at the Council meeting.

Item Details

Summary of UDO Amendments Requested by Planning Staff:

1. Amendment to add Sec. 2.1.10 to include provisions for the new Housing Advisory Board. The Housing Advisory Board will serve in the following capacity: 1) provide recommendations to the Mayor and Town Council regarding policies and funding recommendations related to affordable housing, 2) advise the Mayor, Town Council and Planning Board on housing advocacy efforts related to affordable housing and 3) assist in the creation of the annual housing report.
2. Amendment to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.
3. Amendments to Secs. 9.1 *General*, 9.2 *Building Aesthetics*, and 9.3 *Architectural Character* in order to revise architectural standards for buildings over a certain size that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.

Attachments

- Staff Report
- Public Notice
- Ordinance

Requested by Planning Staff:

1. **Amendment to the Unified Development Ordinance in order to add Sec. 2.1.10 *Housing Advisory Board* to include provisions for the new Housing Advisory Board.**

2.1.10 Housing Advisory Board

A) *Powers and Duties*
The Housing Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

1) *Recommendations to Mayor and Town Council.* Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing.

2) *Housing Advocacy to Mayor, Town Council, and Planning Board*. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing.

3) *Housing Annual Report*. Assist in the creation of the housing annual report.

B) *Membership*

1) *Number*. The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.

2) *Appointment*. Members shall be recommended by the Mayor and appointed by the Town Council.

3) *Initial establishment*. At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.

4) ***Removal*. Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.**

5) ***Filling of vacancy*. Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.**

C) *Officers*

1) ***Chair and vice-chair*. The chair and vice-chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Housing Advisory Board. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.**

2) ***Secretary*. The Housing Program Manager or designee shall serve as the Secretary of the Housing Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Housing Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Housing Advisory Board members voting. In addition, the Secretary shall maintain all records of the Housing Advisory Board meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning and Community Development Department.**

D) *Quorum*

No meeting of the Housing Advisory Board shall be called to order, nor may any business be transacted by the Housing Advisory Board, without a quorum consisting of the majority of the Housing Advisory Board's membership, excluding vacant seats, being present.

E) *Conflict of Interest*

Any member who has an interest in a matter under consideration by the Housing Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

F) *Staff*

The Planning and Community Development Department shall be the professional staff to the Housing Advisory Board.

G) ***Rules of Procedure***

The Housing Advisory Board shall, by a majority vote of the voting membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.

H) ***Meetings***

Regular meetings of the Housing Advisory Board shall be held quarterly to consider matters properly before the Board. Special Board meetings may also be called on an as needed basis. The chair, vice-chair, or any two (2) members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special Board meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting.

I) ***Compensation***

The members of the Housing Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.

2. Amendments to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.

8.3.11 Electric Vehicle Charging Spaces

…

B) *Accessible Electric Vehicle Charging Spaces*

Unless otherwise expressly stated in this Code, electric vehicle charging spaces shall be sized but not marked as exclusively accessible in accordance with Table 8.3-10.

Table 8.3-10 Accessible Electric Vehicle Charging Spaces

Total ~~Required~~ **Provided** Electric Vehicle Charging Spaces	Minimum Number of Accessible Charging Spaces	Minimum Number of Van-Accessible Charging Spaces
1-25	1	1
26-50	2	1

3. Amendments to Secs. 9.1 *General*, 9.2 *Building Aesthetics*, and 9.3 *Architectural Character* in order to revise architectural standards for buildings over 125,000 square feet that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.

9.1 DESIGN STANDARDS, GENERAL

…

9.1.2 Applicability

A) These design standards shall be applicable to all nonresidential development under this UDO**, except as specifically noted in Secs. 9.2 *Building Aesthetics* and 9.3 *Architectural Character***.

…

…

9.2 BUILDING AESTHETICS

…

9.2.2 Building Design

…

E) *Massing*

1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. **This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.**

2) Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect.

…

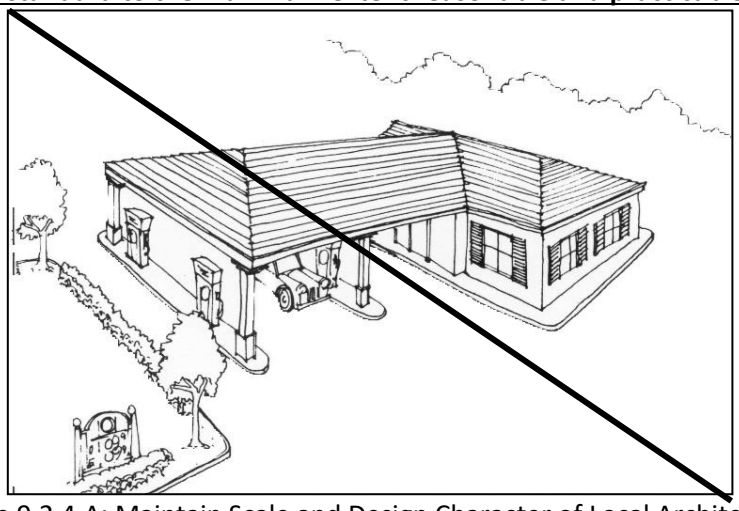
9.2.3 Avoiding Monotony of Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent **reasonable and** practicable, within the standards set forth in this ~~a~~**A**rticle, to provide visual interest.

9.2.4 Harmony of Design

A) *Purpose*

The purpose of this ~~s~~**S**ection is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall meet this standard to the maximum extent reasonable and practicable.**



~~Figure 9.2.4.A: Maintain Scale and Design Character of Local Architecture~~

…

9.3 ARCHITECTURAL CHARACTER

…

9.3.3 Facades

A) *Recesses and Projections*

1) **Except as provided in subsection 2 below,** ~~F~~**f**acades greater than 100 feet in length, measured horizontally, must incorporate recesses and projections along at least 20% of the length of the façade **and** ~~. W~~**w**indows, awnings, and arcades should total at least 60% of the façade length abutting a public street.

2) **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall incorporate recesses and projections including windows and awnings at all public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.**

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. **For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.**

…

…

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board will hear these amendments at their September 13, 2021 meeting. Staff will present their recommendation at the Town Council meeting.

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:

Requested by Planning Staff:

1. Amendment to add Sec. 2.1.10 to include provisions for the new Housing Advisory Board. The Housing Advisory Board will serve in the following capacity: 1) provide recommendations to the Mayor and Town Council regarding policies and funding recommendations related to affordable housing, 2) advise the Mayor, Town Council and Planning Board on housing advocacy efforts related to affordable housing and 3) assist in the creation of the annual housing report.

2. Amendment to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.

3. Amendments to Secs. 9.1 *General,* 9.2 *Building Aesthetics,* and 9.3 *Architectural Character* in order to revise architectural standards for buildings over a certain size that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: September 14, 2021 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

The UDO can be accessed online at: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 27-September 14, 2021

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-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 a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del personal de planificación:

1. Modificación para agregar la sección 2.1.10 para incluir disposiciones para la nueva Junta Asesora de la Vivienda. La Junta Asesora de la Vivienda desempeñará las siguientes funciones: 1) proporcionar recomendaciones al Alcalde y al Consejo Municipal sobre políticas y recomendaciones de financiación relacionadas con la vivienda asequible, 2) asesorar al Alcalde, al Consejo Municipal y a la Junta de Planificación sobre los esfuerzos de defensa de la vivienda relacionados con la vivienda asequible y 3) ayudar en la creación del informe anual sobre la vivienda.

2. Modificación de la sección 8.3.11.B sobre *Espacios accesibles para la carga de vehículos eléctricos* a fin de revisar la tabla 8.3-10 e indicar que el número de espacios accesibles para la carga de vehículos eléctricos se basa en el número de espacios de carga proporcionados, no en el número de espacios de carga requeridos.

3. Modificaciones a las Secciones 9.1 *Generalidades,* 9.2 *Estética del edificio,* y *9.3 Carácter arquitectónico* a fin de revisar los estándares arquitectónicos de los edificios mayores de cierto tamaño ubicados dentro de un Sitio Certificado de Carolina del Norte y en un distrito de zonificación denominado Ligeramente Industrial (LI).

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: 14 de septiembre, 2021 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. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría municipal adjunta, Tesa Silver (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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Se puede acceder a la UDO en línea en: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 27 de agosto – 14 de septi

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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:

Requested by Planning Staff:

1. Amendment to add Sec. 2.1.10 to include provisions for the new Housing Advisory Board. The Housing Advisory Board will serve in the following capacity: 1) provide recommendations to the Mayor and Town Council regarding policies and funding recommendations related to affordable housing, 2) advise the Mayor, Town Council and Planning Board on housing advocacy efforts related to affordable housing and 3) assist in the creation of the annual housing report.

2. Amendment to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.

3. Amendments to Secs. 9.1 *General*, 9.2 *Building Aesthetics*, and 9.3 *Architectural Character* in order to revise architectural standards for buildings over a certain size that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: September 14, 2021 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. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at https://www.youtube.com/c/townofapexgov.

The UDO can be accessed online at: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 27-September 14, 2021

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8/27/2021

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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-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 a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del personal de planificación:

1. Modificación para agregar la sección 2.1.10 para incluir disposiciones para la nueva Junta Asesora de la Vivienda. La Junta Asesora de la Vivienda desempeñará las siguientes funciones: 1) proporcionar recomendaciones al Alcalde y al Consejo Municipal sobre políticas y recomendaciones de financiación relacionadas con la vivienda asequible, 2) asesorar al Alcalde, al Consejo Municipal y a la Junta de Planificación sobre los esfuerzos de defensa de la vivienda relacionados con la vivienda asequible y 3) ayudar en la creación del informe anual sobre la vivienda.

2. Modificación de la sección 8.3.11.B sobre *Espacios accesibles para la carga de vehículos eléctricos* a fin de revisar la tabla 8.3-10 e indicar que el número de espacios accesibles para la carga de vehículos eléctricos se basa en el número de espacios de carga proporcionados, no en el número de espacios de carga requeridos.

3. Modificaciones a las Secciones 9.1 *Generalidades*, 9.2 *Estética del edificio*, y *9.3 Carácter arquitectónico* a fin de revisar los estándares arquitectónicos de los edificios mayores de cierto tamaño ubicados dentro de un Sitio Certificado de Carolina del Norte y en un distrito de zonificación denominado Ligeramente Industrial (LI).

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: 14 de septiembre, 2021 6:00 PM

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En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Se puede acceder a la UDO en línea en: http://www.apexnc.org/233.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 27 de agosto – 14 de septiembre

11:45 AM
8/27/2021

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. **Sec. 2.1.10 of the Unified Development Ordinance is added to read as follows with additions shown as bold underline text:**

2.1.10 Housing Advisory Board

A) ***Powers and Duties***
The Housing Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

1) ***Recommendations to Mayor and Town Council.*** **Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing.**

2) ***Housing Advocacy to Mayor, Town Council, and Planning Board*****. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing.**

3) ***Housing Annual Report*****. Assist in the creation of the housing annual report.**

B) ***Membership***

1) ***Number*****. The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.**

2) ***Appointment*****. Members shall be recommended by the Mayor and appointed by the Town Council.**

3) ***Initial establishment*****. At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.**

4) ***Removal*****. Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.**

5) ***Filling of vacancy*****. Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.**

C) ***Officers***

1) ***Chair and vice-chair*. The chair and vice-chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Housing Advisory Board. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.**

2) ***Secretary*. The Housing Program Manager or designee shall serve as the Secretary of the Housing Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Housing Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Housing Advisory Board members voting. In addition, the Secretary shall maintain all records of the Housing Advisory Board meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning and Community Development Department.**

D) ***Quorum***

No meeting of the Housing Advisory Board shall be called to order, nor may any business be transacted by the Housing Advisory Board, without a quorum consisting of the majority of the Housing Advisory Board's membership, excluding vacant seats, being present.

E) ***Conflict of Interest***

Any member who has an interest in a matter under consideration by the Housing Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

F) ***Staff***

The Planning and Community Development Department shall be the professional staff to the Housing Advisory Board.

G) ***Rules of Procedure***

The Housing Advisory Board shall, by a majority vote of the voting membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.

H) ***Meetings***

Regular meetings of the Housing Advisory Board shall be held quarterly to consider matters properly before the Board. Special Board meetings may also be called on an as needed basis. The chair, vice-chair, or any two (2) members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special Board meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting.

I) ***Compensation***
The members of the Housing Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.

Section 2. Section 8.3.11.B 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:

8.3.11 Electric Vehicle Charging Spaces

…

B) *Accessible Electric Vehicle Charging Spaces*
Unless otherwise expressly stated in this Code, electric vehicle charging spaces shall be sized but not marked as exclusively accessible in accordance with Table 8.3-10.

Table 8.3-10 Accessible Electric Vehicle Charging Spaces

Total ~~Required~~ **Provided** Electric Vehicle Charging Spaces	Minimum Number of Accessible Charging Spaces	Minimum Number of Van-Accessible Charging Spaces
1-25	1	1
26-50	2	1

Section 3. Sections 9.1, 9.2, and 9.3 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

9.1 DESIGN STANDARDS, GENERAL

…

9.1.2 Applicability

A) These design standards shall be applicable to all nonresidential development under this UDO**, except as specifically noted in Secs. 9.2 *Building Aesthetics* and 9.3 *Architectural Character***.

…

…

9.2 BUILDING AESTHETICS

…

9.2.2 Building Design

…

E) *Massing*

1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. **This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.**

2) Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect.

…

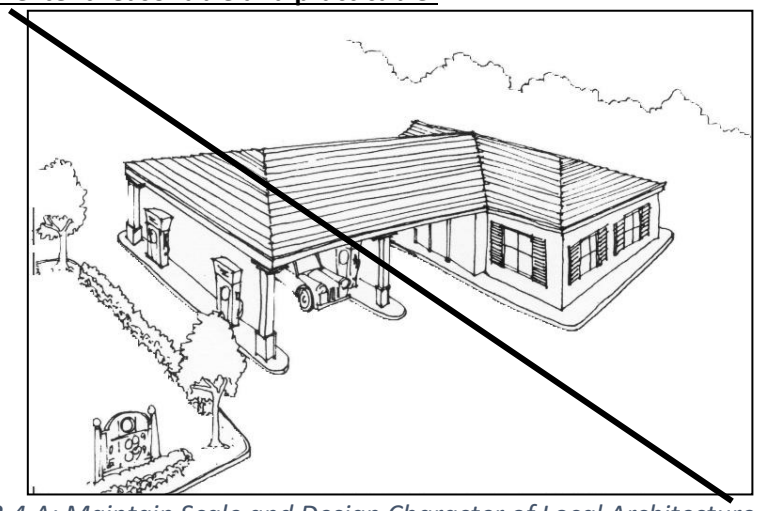
9.2.3 Avoiding Monotony of Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent **reasonable and** practicable, within the standards set forth in this ~~a~~**A**rticle, to provide visual interest.

9.2.4 Harmony of Design

A) *Purpose*

The purpose of this ~~s~~**S**ection is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall meet this standard to the maximum extent reasonable and practicable.**



~~*Figure 9.2.4.A: Maintain Scale and Design Character of Local Architecture*~~

…

9.3 ARCHITECTURAL CHARACTER

…

9.3.3 Facades

A) *Recesses and Projections*

1) **Except as provided in subsection 2 below,** ~~F~~**f**acades greater than 100 feet in length, measured horizontally, must incorporate recesses and projections along at least 20% of the length of the façade **and** ~~. W~~**w**indows, awnings, and arcades should total at least 60% of the façade length abutting a public street.

2) **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall incorporate recesses and projections including windows and awnings at all public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.**

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. **For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.**

…

…

Section 4. The Director of Planning and Community Development 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 5. 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 6. The ordinance shall be effective upon enactment on the _____ day of _____ 2021.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

_____
Donna Hosch, MMC, NCCMC
Town Clerk

TOWN OF APEX

_____
Jacques K. Gilbert
Mayor

Approved As To Form:

_____
Laurie L. Hohe
Town Attorney