



# **AGENDA** | REGULAR TOWN COUNCIL MEETING

September 27, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

## Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis | Assistant Town Manager: Marty Stone

Town Clerk: Allen Coleman, CMC, NCCCC | Town Attorney: Laurie L. Hohe

## **COMMENCEMENT**

Call to Order | Invocation | Pledge of Allegiance

## **CONSENT AGENDA**

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

### **CN1 Annexation No. 703 - Haddock Properties - 1.989 acres**

*Allen Coleman, Town Clerk*

### **CN2 Encroachment Agreement - NCDOT - Apex West Greenway Trail**

*Angela Reincke, Parks Planning Project Manager*

### **CN3 Encroachment Agreement - NCDOT - Apex West Greenway on Olive Chapel Road (Ratification)**

*Adam Stephenson, PE, CFM, Transportation Engineering Manager*

### **CN4 Grant Renewal - North Carolina Governor's Highway Safety Program (GHSP)**

*Mitchell McKinney, Deputy Chief of Police*

### **CN5 Ordinance Amendment for Chapter 20, Article VIII., Subsection 166(b) N Salem St Loading Zone Removal**

*Russell Dalton, Traffic Engineering Manager*

### **CN6 Rezoning Case No. 22CZ06 Yellowbridge PUD Statement and Ordinance**

*Lauren Staudenmaier, Planner II, Planning and Community Development Department*



## PRESENTATIONS

**PR1 Proclamation - Indigenous Peoples Day**

*Taylor Wray, Special Events Coordinator, Department of Parks, Recreation, and Cultural Res.*

**PR2 Proclamation - October 2022 Hindu Heritage Month**

*Jacques K. Gilbert, Mayor and Audra Killingsworth, Mayor Pro-Tempore (co-sponsor)*

## 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 Rezoning Case No. 21CZ17 Ten Ten Business Park**

*Sarah Van Every, Senior Planner, Planning and Community Development Department*

**PH2 Rezoning Case No. 22CZ16 - 1039 Irongate Drive**

*Lauren Staudenmaier, Planner II, Planning and Community Development Department*

**PH3 Unified Development Ordinance (UDO) Amendments - September 2022**

*Amanda Bunce, Current Planning Manager, Planning and Community Development Department*

## OLD BUSINESS - None

## UNFINISHED BUSINESS

**UB1 Annexation No. 733 - Adams Property PUD - 23.92 acres**

*Liz Loftin, Senior Planner, Planning and Community Development Department*

**UB2 Rezoning Case No. 22CZ08 Adams Property PUD**

*Liz Loftin, Senior Planner, Planning and Community Development Department*

## **NEW BUSINESS**

### **NB3 Appointments - Planning Board**

*Allen Coleman, Town Clerk*

## **UPDATES BY TOWN MANAGER**

## **ADJOURNMENT**

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 27, 2022

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for October 11, 2022, on the Question of Annexation - Apex Town Council's intent to annex 1.989 acres, Haddock Properties, Annexation No. 703 into the Town Corporate limits.

### Approval Recommended?

Yes

### Item Details

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

### Attachments

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





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

Annexation Petition #703  
Haddock Properties – 1.989 acres

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

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

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

This the 27<sup>th</sup> day of September, 2022.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen L. Coleman, CMC, NCCCC  
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #703  
Haddock Properties – 1.989 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this the 27<sup>th</sup> day of September, 2022.

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Allen L. Coleman, CMC, NCCCC  
Town Clerk

(Seal)



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

Annexation Petition #703  
Haddock Properties – 1.989 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 11<sup>th</sup> day of October, 2022.

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](http://www.apexnc.org), Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 27<sup>th</sup> day of September, 2022.

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Jacques K. Gilbert, Mayor

ATTEST:

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Allen L. Coleman, Town Clerk

Attachment: Legal Description

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:

Submittal Date:

**Insert legal description below.**

*All that tract or parcel of land lying or being in Holly Springs Township, Wake County, North Carolina and being more particularly described as follows:*

*Beginning at an existing PK nail on the northern margin of SR 1172 (Old Smithfield Road) a variable Public R/W, said point being the southeast corner of Greenway Waste Solutions of Apex, LLC as described in Deed Book 9909, page 1039, Deed Book 16777, Page 570 and Book of Maps 2002, Pages 1159-1161 all of the Wake County Registry, and runs thence as the eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 38 minutes 11 seconds East for a distance of 442.33 feet to an existing iron pipe;*

*THENCE continuing along the eastern line said Greenway Waste Solutions of Apex, LLC North 02 degrees 09 minutes 07 seconds East for a distance of 238.93 feet to an existing iron pipe;*

*THENCE continuing along a northern line of said Greenway Waste Solutions of Apex, LLC North 87 degrees 50 minutes 57 seconds West for a distance of 59.98 to an existing PK nail;*

*THENCE along an eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 39 minutes 33 seconds East for a distance of 198.30 feet to an existing concrete R/W monument on the southern margin of a ramp from NC 540 a variable Public R/W;*

*THENCE leaving said Greenway Waste Solutions of Apex and along the southern margin of said ramp from NC 540 South 65 degrees 58 minutes 50 seconds East for a distance of 224.31 feet to an existing concrete R/W monument;*

*THENCE continuing along the southern margin of said NC 540 South 45 degrees 40 minutes 17 seconds East for a distance of 105.83 feet to an existing concrete R/W monument, said point being on the western margin of NC 55 Bypass (GB Alford Highway) a variable public R/W;*

*THENCE leaving said NC 540 and along the western margin of NC 55 Bypass South 23 degrees 05 minutes 18 seconds West for a distance of 81.32 feet to an existing concrete R/W monument;*

*THENCE continuing along the western margin of NC 55 Bypass South 12 degrees 45 minutes 06 seconds West for a distance of 160.24 feet to a point;*

*THENCE continuing along the western margin of NC 55 Bypass South 22 degrees 12 minutes 15 seconds East for a distance of 67.46 feet to an existing concrete R/W monument;*

*THENCE continuing along the western margin of NC 55 Bypass South 04 degrees 13 minutes 24 seconds East for a distance of 285.56 feet to an existing concrete R/W monument;*

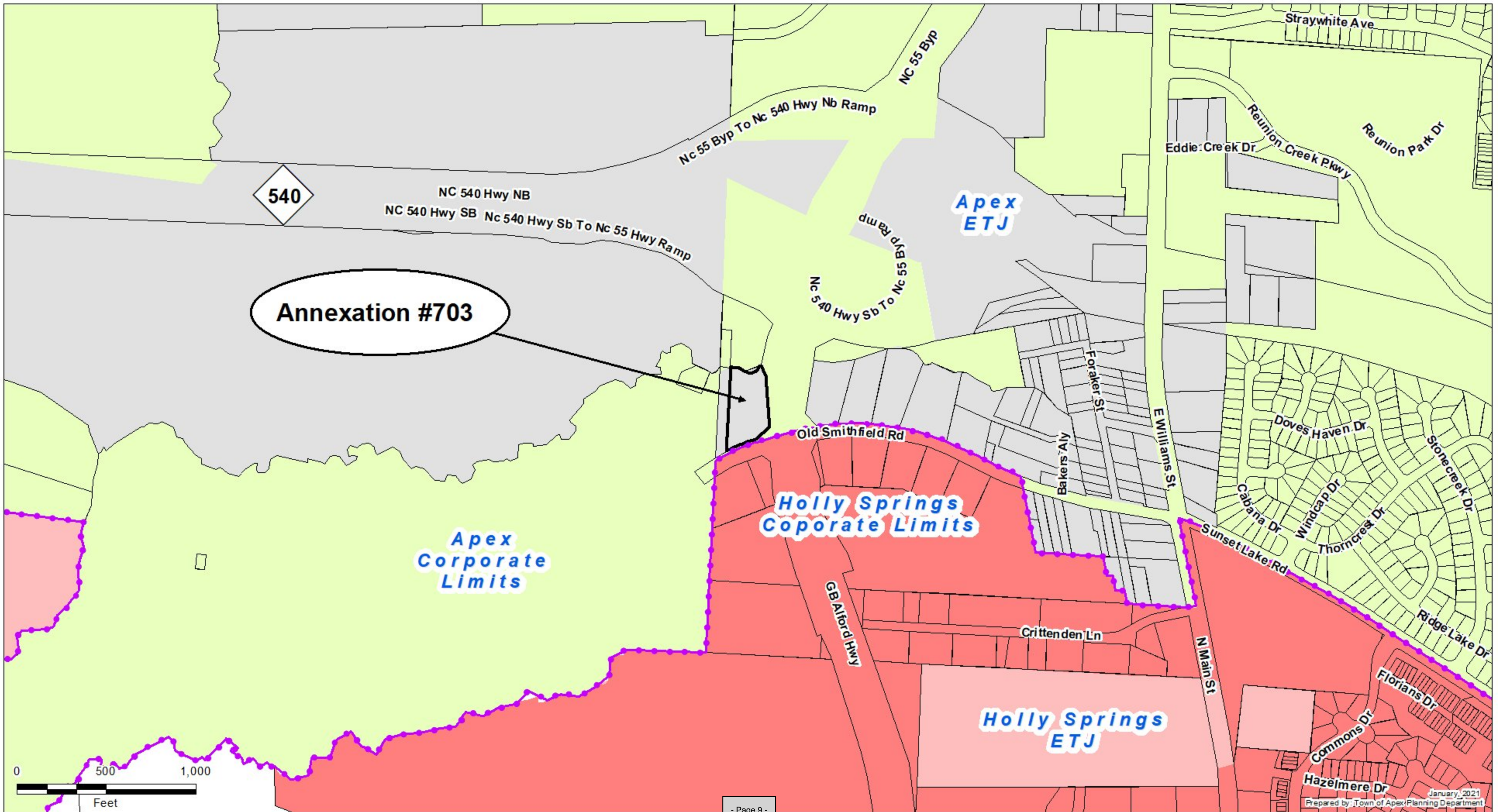
*THENCE continuing along the margin of said NC 55 Bypass South 47 degrees 06 minutes 06 seconds West for a distance of 102.56 to an existing concrete R/W monument on the northern margin of said SR 1172;*

*THENCE along the northern margin of said SR 1172 along a curve to the left having a radius of 1031.81 feet and an arc length of 176.94 feet being subtended by a chord bearing of South 67 degrees 31 minutes 37 seconds West for a distance of 176.73 feet to the Point and Place of BEGINNING;*

*Together with and subject to 60 Access Easement as described in Deed Book 9488, Page 925, Sanitary Sewer Easement as described in Deed Book 3059, Page 114, 30' Powerline easement as described in Deed Book 8522, Page 2338 all of the Wake County Registry as well as all covenants, easements, and restrictions of record.*

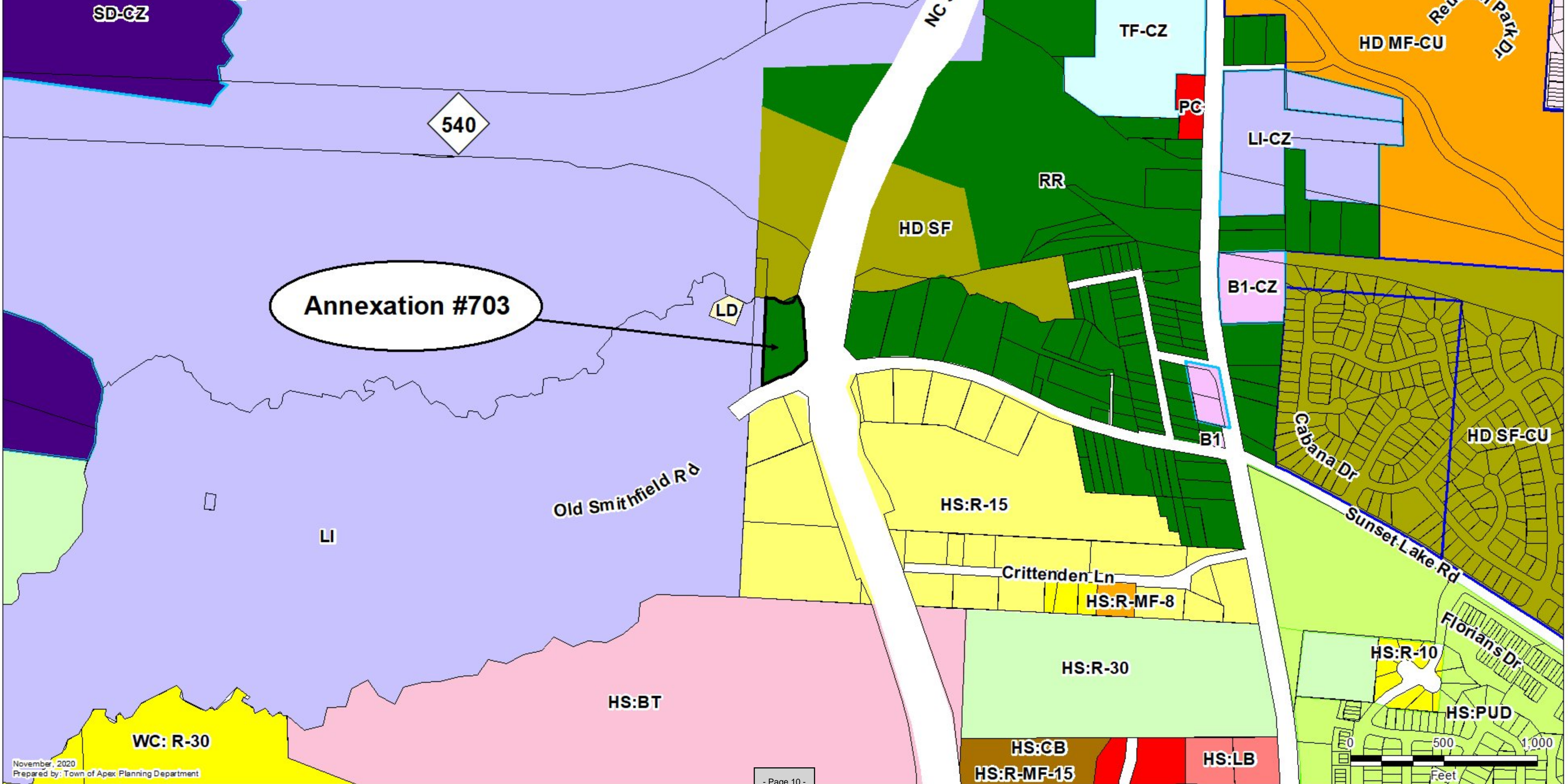
*Said property contains 3.816 acres more or less.*







# Zoning Districts









## 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 #: 703  
Fee Paid: \$ 200.00

Submittal Date: 11-2-20  
Check #: # 5274

### 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

Melissa S. & Anthony K. Woodell

Owner Name (Please Print)

(919) 708-2854

Phone

0740649391 | DB:9121; PG:1284 | BM:2002; PG: 335

Property PIN or Deed Book & Page #

doublebarrell36@gmail.com

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: Lester Stancil and Associates, PLS, PA

Phone: (919) 639-2133

Fax: (919) 639-2602

E-mail Address: stancilsurvey@gmail.com

### Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>1.989</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>LI-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Melissa S. Woodell  
\_\_\_\_\_  
Please Print

Melissa S. Woodell  
\_\_\_\_\_  
Signature

Anthony K. Woodell  
\_\_\_\_\_  
Please Print

Anthony K. Woodell  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

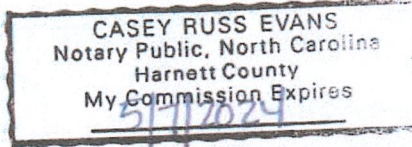
\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF HARNETT

Sworn and subscribed before me, Casey Russ Evans, a Notary Public for the above State and  
County, on this the 29th day of October, 2020.

SEAL



Casey Russ Evans  
\_\_\_\_\_  
Notary Public  
Casey Russ Evans  
\_\_\_\_\_  
Print Name

My Commission Expires: 5/07/2024

COMPLETE IF A CORPORATION:

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

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_  
President (Signature)

Attest:

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_



**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

*All that tract or parcel of land lying or being in Holly Springs Township, Wake County, North Carolina and being more particularly described as follows:*

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*THENCE continuing along the western margin of NC 55 Bypass South 04 degrees 13 minutes 24 seconds East for a distance of 285.56 feet to an existing concrete R/W monument;*

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*THENCE along the northern margin of said SR 1172 along a curve to the left having a radius of 1031.81 feet and an arc length of 176.94 feet being subtended by a chord bearing of South 67 degrees 31 minutes 37 seconds West for a distance of 176.73 feet to the Point and Place of BEGINNING;*

*Together with and subject to 60 Access Easement as described in Deed Book 9488, Page 925, Sanitary Sewer Easement as described in Deed Book 3059, Page 114, 30' Powerline easement as described in Deed Book 8522, Page 2338 all of the Wake County Registry as well as all covenants, easements, and restrictions of record.*

*Said property contains 3.816 acres more or less.*

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 27, 2002

## Item Details

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

Department(s): Parks, Recreation and Cultural Resources

### Requested Motion

Motion to approve an agreement with NCDOT (NC Rail) and to authorize the Town Manager to execute the agreement on behalf of the Town.

### Approval Recommended?

Yes

### Item Details

Town Council action is required to approve this Agreement due to the indemnity language, which requires Town Council approval.

In order for the Apex West Greenway Trail project to provide a connection from existing sidepath, in the Saddlebrook subdivision, along the south side of Olive Chapel Road to connect to the American Tobacco Trail, we will need to complete grading and drainage work along with trail construction within the American Tobacco Trail Right-of-Way. This work is part of the 700lf of trail that is being partially funded by Wake County and is within an easement located on the future Wake County Trailhead property. NCDOT (NC Rail) has reviewed and approved the plans and construction drawings for the project.

### Attachments

- NCDOT (NC Rail) Encroachment Agreement
- Apex West Greenway plans



NORTH CAROLINA  
WAKE COUNTY

DATE: SEPTEMBER 8, 2022

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

LICENSE AGREEMENT FOR  
RAILROAD RIGHT OF WAY  
ENCROACHMENT

AND

D&SC RAIL CORRIDOR,  
Milepost DD-16.00

TOWN OF APEX

**THIS LICENSE AGREEMENT** (hereinafter ‘Agreement’) is made and entered on the last date executed below, by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina (hereinafter “Department” and/or “Licensor”), and the TOWN OF APEX, a local government entity (hereinafter “Municipality” and/or “Licensee”); and each are hereinafter referred to individually as “Party” and collectively as “Parties.”

**W I T N E S S E T H:**

WHEREAS, the Licensor is the owner of the Rail Corridor right-of-way as described on the Exhibit A (“Premises”) in Wake County as attached hereto and incorporated by reference and known as the D&SC Rail Corridor; and

WHEREAS, the Licensee desires to encroach on the Premises located in Wake County, North Carolina with the construction, maintenance, and use of a trail connector to the American Tobacco Trail (ATT) on the D&SC Railroad Corridor, as shown on Exhibit A. The trail will consist of a ten-foot (10’) wide asphalt greenway connecting at a ninety-degree (90°) angle to the ATT. Removable bollards at thirty-nine-inch (39”) maximum spacing shall also be installed at the ATT connection. Attached are construction plans showing the greenway connection to the American Tobacco Trail; and

WHEREAS, the Licensor is willing to grant the Licensee the privilege of making such encroachment upon the Premises subject to and in accordance with this Agreement (such privilege, the “License”).

NOW, THEREFORE, IT IS AGREED that Licensor hereby grants to Licensee the privilege to make this encroachment as shown on the attached plan sheet(s), specifications, and special provisions which are incorporated by reference upon the following conditions:

**1. SCOPE OF WORK:**

This Agreement is for the construction, maintenance, and use of a trail connector to the American Tobacco Trail (ATT) on the D&SC Railroad Corridor, as shown on Exhibit A. The trail will consist of a ten-foot (10') wide asphalt greenway connecting at a ninety-degree (90°) angle to the ATT. Removable bollards at thirty-nine-inch (39") maximum spacing shall also be installed at the ATT connection (drawing attached as Exhibit C). Attached as Exhibit A is the construction plans showing the greenway connection to the American Tobacco Trail and the project plans.

**Prior to beginning work, Licensee is to contact Matthew Simmons with NCDOT Rail Division ( E-mail: [mbsimmons@ncdot.gov](mailto:mbsimmons@ncdot.gov) )**

**2. FEES/BILLING**

In consideration of Licensors granting of this privilege to encroach upon Licensors Premises, Licensee agrees to make payment in the amount of \$0.00 to the Licensors. The Licensee shall submit said payment to the Licensors upon execution and submittal of this License Agreement to the Licensors.

**3. LICENSE LIMITATIONS**

The License is granted solely and exclusively for the installation, improvement, maintenance, and use of the encroachment for the purposes expressly set forth herein. This grant shall not be construed to convey to or otherwise vest in the Licensee any other greater interest to, right to enter upon, or estate in the Premises.

**4. TRANSFER OF RESPONSIBILITIES**

It is agreed between Licensors and Licensee that this license is personal to Licensee and shall not inure to the successors or assigns of Licensee, except that Licensee may, with the written consent of the Licensors and Licensee which shall not be unreasonably withheld, assign its rights and obligations hereunder to any successor developer of the real property benefitted by the encroachment upon written notice to Licensors and Licensee and as expressly provided herein. The parties understand and agree that any right or claim of Licensors created by this License Agreement shall inure to the benefit of, and be enforceable by, any successor or assignee of Licensors.

**5. CONDITION OF PREMISES**

Licensors makes no warranties or representations regarding the condition of the Premises, and this Agreement shall not be construed to make or imply any warranty. The Licensee accepts the use of the Premises "AS IS" and expressly waives any and all claims against Licensors relating to or arising from the condition of the Premises and the property surrounding the Premises, including, without limitation, any claims and costs related to environmental contamination (such as, without limitation, those claims which might arise under CERCLA, RCRA, and the North Carolina Oil Pollution and Hazardous Substances Act).



**6. COMPLIANCE WITH STANDARDS**

The installation, operation, and maintenance of the encroachment will comply with the North Carolina Department of Transportation's latest RAIL CORRIDOR PRESERVATION POLICY, POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY and THE AMERICAN RAILWAY ENGINEERING AND MAINTENANCE OF WAY ASSOCIATION MANUAL, and such revisions and amendments thereto as may be in effect at the date of this agreement, all of which are hereby incorporated as terms and conditions of this agreement and may not be waived except by written agreement of all parties. Information as to these policies and procedures may be obtained from the North Carolina Department of Transportation.

**7. SIGNAGE**

The Licensee agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagger, and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto.

**8. IMPROVEMENT/MAINTENANCE COSTS**

The Licensee shall improve and/or maintain the encroachment at Licensee's own cost and expense. The Licensor shall be exempt from any costs, charges, or assessments of any kind or character on account of or incident to the location and improvement of the encroachment within the limits of the right of way, or on account of any action or omission by the Licensee in connection therewith.

**9. MAINTENANCE OF FACILITIES**

The Licensee agrees to install and/or maintain the encroaching facilities in such safe and proper condition that they will not interfere with or endanger existing or future uses by the Licensor of said right-of-way for railroad, trail, or other transportation purposes, nor obstruct nor interfere with the proper operation and maintenance of said right-of-way or any tracks, structures, or appurtenances thereon.

**10. REIMBURSEMENT BY LICENSEE**

The Licensee will reimburse the Licensor for any costs incurred including, but not limited to costs for repairs or maintenance to the Licensor's corridor, roadways, and structures resulting from the installation and existence of Licensee's encroachment.

**11. DRAINAGE**

The Licensee agrees to install and maintain the encroachment in such a manner as not to interfere with the proper drainage of the roadbed and right of way. The Licensee will not allow or permit the diversion of any additional drainage into existing drainage facilities or upon the right of way, and, moreover, the Licensee will arrange its drainage system so as to prevent the ponding of water upon the right of way.

**12. PROPERTY OBSTRUCTIONS**

In the event Licensee deems it necessary to remove and relocate any structures or property of third persons or corporations, including, but not limited to, wire lines and poles or other supports, now located and constructed upon or near Licensor's right-of-way, the Licensee will remove and relocate or arrange for the removal or relocation of same without cost or expense to the Licensor, and in all respects in accordance with the requirements of the Licensor. Any utility changes must conform to specifications promulgated by the American Railroad Engineering and Maintenance of Way Association and the North Carolina Department of Transportation.

**13. INDEMNIFICATION**

To the extent permissible by law, Licensee shall indemnify and save harmless Licensor for any claims for payment, damages, and/or liabilities arising as a result of Licensee's actions under the terms of this Agreement.

**14. CONDITION OF PROPERTY**

The Licensee agrees to restore all areas disturbed during installation or maintenance of the encroachment to the Licensor's reasonable satisfaction. The Licensee agrees to exercise every reasonable precaution during construction or maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces, or other property; or pollution of the air. When any installation or maintenance operation disturbs the ground surface and existing ground cover, Licensee agrees to remove and replace the sod or otherwise reestablish the grass cover to the reasonable satisfaction of the Licensor.

**15. ENVIROMENTAL REGULATIONS**

Licensee shall comply with applicable rules and regulations of the North Carolina Department of Environment and Natural Resources, and ordinances and regulations of various counties, municipalities, and other official agencies relating to pollution prevention and control. Licensee agrees to comply with all federal, State, and local environmental laws, rules, and regulations while subject to the terms of this agreement. None of the terms of this paragraph, or of this agreement elsewhere shall be construed as a waiver of any environmental regulations. If hazardous or any other unauthorized material is discovered, and it is determined that such material is present as a result of action by Licensee, Licensee shall be solely responsible and hold the Department harmless for all costs associated with the removal of the material and any damages caused by the existence of said material.

**16. PERIOD OF PERFORMANCE/TERMINATION OF AGREEMENT**

It is agreed by all parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within eighteen (18) months from the date of authorization by the Licensor, unless written waiver is secured from the Licensor.

**17. NOTICES**

All notices, requests, or other communications permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department/Licensors:

If Delivered by US Postal Service:	If Delivered by Any Other Means:
Matthew Simmons Deputy Director NCDOT Rail Division 1553 Mail Service Center Raleigh, NC 27699-1553  Telephone: 919-707-4728 Email: <a href="mailto:mbsimmons@ncdot.gov">mbsimmons@ncdot.gov</a>	Matthew Simmons Deputy Director NCDOT Rail Division 1 S Wilmington Street, Room 549 Raleigh, NC 27601

For/Licensee:

If Delivered by US Postal Service:	If Delivered by Any Other Means:
Town of Apex Angela Reincke Parks Planning Project Manager PO Box 250 Apex, NC 27502  Telephone: 919-372-7468 Email: <a href="mailto:angela.reincke@apexnc.org">angela.reincke@apexnc.org</a>	Town of Apex Angela Reincke Parks Planning Project Manager PO Box 250 Apex, NC 27502

**18. NONCOMPLIANCE**

In the case of noncompliance with any of the terms of this agreement by Licensee, Licensors will give Licensee written notice of such noncompliance. If Licensee fails to comply to the reasonable satisfaction of the Licensors within sixty (60) days after receiving such written notice, unless written waiver is secured from the Licensors, the Licensors reserves the right to discontinue the use of the encroachment until it has been brought into compliance; or, alternatively, at no cost to the Licensors, Licensors may remove the encroachment from the right of way and require the Licensee to reimburse the Licensors for all expenses for said removal, or the Licensors, in its sole discretion, may require the Licensee to remove the encroachment within ninety (90) days of written notice from the Licensors, to the Licensors's satisfaction.

**19. NOTICE OF COMPLETION**

The Licensee agrees to give written notice to the Licensor within thirty (30) days of completion of all work contained herein.

**20. CHANGES TO ENCROACHMENT**

The Licensee shall make all necessary changes to the reasonable satisfaction of the Licensor, at Licensee's own cost and expense, within sixty (60) days after written notice from the Licensor, to address the safety concerns of the Licensor or to accommodate the Licensor's use of the right-of-way for railroad, trail, or other transportation purposes, unless written waiver is secured from the Licensor. Such changes include, but are not limited to, the construction of a grade-separated facility for railroad, trail, or other transportation purposes; the installation, maintenance, and upgrading of any safety devices, signs, or other facilities necessary for the Licensor's use of the corridor; and any changes of location, height, depth, or design of the encroachment, or consolidation of at-grade crossings.

**21. REMOVAL OF THE ENCROACHMENT FROM LICENSOR PROPERTY**

In the event the Licensor requires the removal of the encroachment from the right-of-way, then the Licensor shall have the right to demand such removal, and the Licensee, at its own cost and expense, within sixty (60) days after written notice from the Licensor, unless written waiver is secured from Licensor, shall discontinue the use of the same, remove the encroachment from the right-of-way, and restore the same to the condition existing prior to the location of the encroachment upon the right of way.

**22. UTILITY ENCROACHMENT**

In the case of a utility encroachment, Licensee agrees to periodically monitor and verify the depth or height of the utility in relation to the Licensor's tracks and facilities, and to relocate the utility at Licensee's own cost and expense should such relocation or change be necessary to comply with the minimum clearance requirements of this agreement or any public authority.

**23. ENCROACHMENT INTERFERENCE**

If the operation, existence, or maintenance of the encroachment causes interference, physical, magnetic, or otherwise, with train control systems or facilities, or interference in any manner with the operation, maintenance, or use of the right-of-way, tracks, structures, pole lines, devices, other property, or any appurtenances thereto for railroad, trail, or other purposes, then in either event, Licensee, within sixty (60) days after written notice from the Licensor, at Licensee's own cost and expense, shall promptly make such changes in its encroachment as may be required in the reasonable judgment of the Licensor to eliminate all such interference, unless written waiver is secured from the Licensor.

**24. CHANGE ORDERS**

If the Licensee undertakes to revise, renew, relocate, or change in any manner whatsoever all or any part of the encroachment plans, such plans shall be submitted to the Licensor for approval before any such change is made. After approval, the terms and conditions of this agreement shall apply thereto.

**25. EXHIBITS**

See drawings and forms attached as Exhibit A (Construction Plans), Exhibit B (Railroad Encroachment Application Form), and Exhibit C (Hinged Bollard) incorporated herein as reference.

**26. GOVERNING LAWS**

This Agreement shall at all times be governed by the provisions of the law of North Carolina.

**27. RELATIONSHIP BETWEEN PARTIES**

This Agreement shall not be construed to create any relationship of agency or employment between the parties hereto.

**28. ETHICS PROVISION**

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By signing this Agreement, the Licensee attests that the Licensee is not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by the Licensee (including the Licensee's employees, agents, and representatives).

**29. E-VERIFY**

E-Verify is the federal 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. The Parties warrant that they and any subcontractor performing work under this Agreement: (i) uses E-Verify if required to do so by North Carolina law; and (ii) otherwise complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. A breach of this warranty by any Party will be considered a breach of this Agreement, which entitles the other Parties to terminate this Agreement, without penalty, upon notice to the breaching Party.

IN WITNESS WHEREOF, this License Agreement has been executed the day and year heretofore set out below, on the part of the Department and the Municipality by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

WITNESS

TOWN OF APEX

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

MUNICIPAL SEAL

Approved by the Town of Apex governing board  
as attested to by the signature of

\_\_\_\_\_  
Clerk of the Town Council \_\_\_\_\_  
(Date)

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

\_\_\_\_\_  
Municipal Finance Officer

FEDERAL TAX IDENTIFICATION NUMBER

\_\_\_\_\_  
Town of Apex

**MAILING ADDRESS**

Town of Apex  
PO Box 250  
Apex, NC 27502  
Attn: Angela Reincke  
Parks Planning Project Manager  
[Angela.reincke@apexnc.org](mailto:Angela.reincke@apexnc.org)

IN WITNESS WHEREOF, this License Agreement has been executed the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

ATTEST

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: Julie White

TITLE: \_\_\_\_\_  
Processing Agent

TITLE: Deputy Secretary of Multi Modal  
Transportation

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**MAILING ADDRESS**

North Carolina Department of Transportation  
Rail Division, Operations & Facilities Branch  
1553 Mail Service Center  
Raleigh, NC 27699-1553  
ATTN: Matthew Simmons  
Deputy Director  
[mbsimmons@ncdot.gov](mailto:mbsimmons@ncdot.gov)

# EXHIBIT A

### PROJECT DATA

Name, Address, and Level ID:	Name: Apex West Greenway Address: 205 Olive Chapel Rd. Apex, NC 27502 Parcel ID: 071-09-0221 071-09-1988 071-09-1955 071-09-4482
Project Location:	Latitude: 36.100007 Longitude: -78.880861
Owner:	Company Name: Votherrill Engineering Contact Name: Jonathan Heifer Address: 1201 Apex Road Fayetteville, NC 27006 Phone: 919-851-8007 Email: <a href="mailto:jheifer@votherrill.com">jheifer@votherrill.com</a>
Contract Function:	Name: Town of Apex Parks & Recreation Contact Name: Andrew Havens Address: 11 Harbor St. Apex, NC 27502 Phone: 919-240-3408 Email: <a href="mailto:andrew.havens@apexnc.gov">andrew.havens@apexnc.gov</a>
Accession Number:	N/A
Current 2045 Land Use:	Protected Open Space
Amount of TxDOT:	20000
Waterfront Protection Overlay District:	Priority
Gross Area of Affected Area:	Outside 300-yr floodplain for steady branch
Gross Floor Area:	N/A
Building Height:	N/A
Maximum Number of Parking Spaces Proposed:	N/A
Maximum Number of Parking Spaces Per Acre:	N/A
Number of Residential Units:	N/A
Percentage of Parking on Side Road:	N/A
Amount and Percentage of Built Up Area Allowed:	N/A
Gross Area and Percent of BUA Proposed:	N/A
Gross Area and Percent of BUA Proposed:	N/A
Historic Structures:	N/A
Tree Community Assessment:	N/A
Type of Grading:	N/A
Revised Drainage Patterns Proposed:	DN

## CONSTRUCTION PLANS FOR: TOWN OF APEX NORTH CAROLINA

# APEX WEST GREENWAY

LOCATION:  
FROM OLIVE CHAPEL RD. TO AMERICAN TOBACCO TRAIL

TYPE OF WORK:  
GRADING, PAVING, STRUCTURE, DRAINAGE, & EROSION CONTROL

### VICINITY MAP

### INDEX OF SHEETS

1	COVER SHEET
2	SYMBOLS SHEET
3	NOTES
4	EXISTING CONDITIONS
5	PLAN, PROFILE, AND TYPICAL SECTIONS
6	CONSTRUCTION DETAILS
7	NC001 GROUND STABILIZATION
8	NC002 SELF-INSPECTION
9	EROSION CONTROL NOTES
10	EROSION CONTROL DETAILS
11	EROSION CONTROL, CLEANING AND GRUBBING
12	EROSION CONTROL FINAL
13	CROSS SECTIONS
14	CROSS SECTIONS
15	CROSS SECTIONS

<h3>REVISIONS</h3> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION																															<h2>APEX WEST GREENWAY</h2> <p>CONNECTION FROM OLIVE CHAPEL ROAD TO AMERICAN TOBACCO TRAIL</p>	<h3>APPROVED BY</h3> <p>1201 Apex Road, Fayetteville, NC 27006 919-851-8007 Fax: 919-851-8007</p>
NO.	DATE	DESCRIPTION																																	
<h3>APPROVED BY</h3> <p>TOWN OF APEX 20 Harbor Street Apex, NC 27502</p>		<h3>APPROVED BY</h3> <p>STATE OF NORTH CAROLINA COUNTY OF FAYETTEVILLE</p>																																	



# CONVENTIONAL PLAN SHEET SYMBOLS

## BOUNDARIES AND PROPERTY:

State Line	_____
County Line	_____
Township Line	_____
City Line	_____
Reservation Line	_____
Property Line	_____
Existing Iron Pin	_____
Computed Property Corner	_____
Property Monument	_____
Parcel/Sequence Number	_____
Existing Fence Line	_____
Proposed Woven Wire Fence	_____
Proposed Chain Link Fence	_____
Proposed Barbed Wire Fence	_____
Existing Wetland Boundary	_____
Proposed Wetland Boundary	_____
Existing Endangered Animal Boundary	_____
Existing Endangered Plant Boundary	_____
Existing Historic Property Boundary	_____
Known Contamination Area: Soil	_____
Potential Contamination Area: Soil	_____
Known Contamination Area: Water	_____
Potential Contamination Area: Water	_____
Contaminated Site: Known or Potential	_____

## BUILDINGS AND OTHER CULTURE:

Gas Pump Vent or UG Tank Cap	_____
Sign	_____
Well	_____
Small Mine	_____
Foundation	_____
Area Outline	_____
Cemetery	_____
Building	_____
School	_____
Church	_____
Dam	_____

## HYDROLOGY:

Stream or Body of Water	_____
Hydro, Pool or Reservoir	_____
Jurisdictional Stream	_____
Buffer Zone 1	_____
Buffer Zone 2	_____
Flow Arrow	_____
Disappearing Stream	_____
Spring	_____
Wetland	_____
Proposed Lateral, Tail Head Ditch	_____
False Swamp	_____

## RAILROADS:

Standard Gauge	_____
RR Signal Mastpost	_____
Switch	_____
RR Abandoned	_____
RR Dismantled	_____

## RIGHT OF WAY & PROJECT CONTROL:

Secondary Mark and Vent Control Point	_____
Primary Mark Control Point	_____
Primary Mark and Vent Control Point	_____
Exit Permanent Easement Pin and Cap	_____
New Permanent Easement Pin and Cap	_____
Vertical Benchmark	_____
Existing Right of Way Marker	_____
Existing Right of Way Line	_____
New Right of Way Line	_____
New Right of Way Line with Pin and Cap	_____
New Right of Way Line with Concrete or Granite RW Marker	_____
New Control of Access Line with Concrete CA Marker	_____
Existing Control of Access	_____
New Control of Access	_____
Existing Easement Line	_____
New Temporary Construction Easement	_____
New Temporary Drainage Easement	_____
New Permanent Drainage Easement	_____
New Permanent Drainage / Utility Easement	_____
New Permanent Utility Easement	_____
New Temporary Utility Easement	_____
New Aerial Utility Easement	_____

## ROADS AND RELATED FEATURES:

Existing Edge of Pavement	_____
Existing Curb	_____
Proposed Slope Stakes Cut	_____
Proposed Slope Stakes Fill	_____
Proposed Curb Ramp	_____
Existing Metal Guardrail	_____
Proposed Guardrail	_____
Existing Cable Guardrail	_____
Proposed Cable Guardrail	_____
Equality Symbol	_____
Pavement Removal	_____

## VEGETATION:

Single Tree	_____
Single Shrub	_____

Note: Not to Scale \*S.U.E. = Subsurface Utility Engineering

Hedge	_____
Woods Line	_____
Orchard	_____
Vineyard	_____

## EXISTING STRUCTURES:

MAJOR:	_____
Bridge, Tunnel or Box Culvert	_____
Bridge Wing Wall, Head Wall and End Wall	_____
MINOR:	_____
Head and End Wall	_____
Pipe Culvert	_____
Footbridge	_____
Drainage Box: Catch Basin, DI or JB	_____
Paved Ditch Gutter	_____
Storm Sewer Manhole	_____
Storm Sewer	_____

## UTILITIES:

POWER:	_____
Existing Power Pole	_____
Proposed Power Pole	_____
Existing Joint Use Pole	_____
Proposed Joint Use Pole	_____
Power Manhole	_____
Power Line Tower	_____
Power Transformer	_____
UG Power Cable Hand Hole	_____
UG Power Cable	_____
UG Power Line LOS B (S.U.E.)	_____
UG Power Line LOS C (S.U.E.)	_____
UG Power Line LOS D (S.U.E.)	_____

## TELEPHONE:

Existing Telephone Pole	_____
Proposed Telephone Pole	_____
Telephone Manhole	_____
Telephone Pedestal	_____
Telephone Cell Tower	_____
UG Telephone Cable Hand Hole	_____
UG Telephone Cable LOS B (S.U.E.)	_____
UG Telephone Cable LOS C (S.U.E.)	_____
UG Telephone Cable LOS D (S.U.E.)	_____
UG Telephone Conduit LOS B (S.U.E.)	_____
UG Telephone Conduit LOS C (S.U.E.)	_____
UG Telephone Conduit LOS D (S.U.E.)	_____
UG Fiber Optics Cable LOS B (S.U.E.)	_____
UG Fiber Optics Cable LOS C (S.U.E.)	_____
UG Fiber Optics Cable LOS D (S.U.E.)	_____

## WATER:

Water Manhole	_____
Water Meter	_____
Water Valve	_____
Water Hydrant	_____
UG Water Line LOS B (S.U.E.)	_____
UG Water Line LOS C (S.U.E.)	_____
UG Water Line LOS D (S.U.E.)	_____
Above Ground Water Line	_____

## TV:

TV Pedestal	_____
TV Tower	_____
UG TV Cable Hand Hole	_____
UG TV Cable LOS B (S.U.E.)	_____
UG TV Cable LOS C (S.U.E.)	_____
UG TV Cable LOS D (S.U.E.)	_____
UG Fiber Optic Cable LOS B (S.U.E.)	_____
UG Fiber Optic Cable LOS C (S.U.E.)	_____
UG Fiber Optic Cable LOS D (S.U.E.)	_____

## GAS:

Gas Valve	_____
Gas Meter	_____
UG Gas Line LOS B (S.U.E.)	_____
UG Gas Line LOS C (S.U.E.)	_____
UG Gas Line LOS D (S.U.E.)	_____
Above Ground Gas Line	_____

## SANITARY SEWER:

Sanitary Sewer Manhole	_____
Sanitary Sewer Cleanout	_____
UG Sanitary Sewer Line	_____
Above Ground Sanitary Sewer	_____
SS Forced Main Line LOS B (S.U.E.)	_____
SS Forced Main Line LOS C (S.U.E.)	_____
SS Forced Main Line LOS D (S.U.E.)	_____

## MISCELLANEOUS:

Utility Pole	_____
Utility Pole with Base	_____
Utility Located Object	_____
Utility Traffic Signal Box	_____
Utility Unknown UG Line LOS B (S.U.E.)	_____
UG Tank: Water, Gas, Oil	_____
Underground Storage Tank, Approx. Loc.	_____
AO Tank: Water, Gas, Oil	_____
Geoenvironmental Boring	_____
UG Test Hole LOS A (S.U.E.)	_____
Abandoned According to Utility Records	_____
End of Information	_____

The signatures affect below certify that this sheet has been reviewed and approved in accordance with the provisions of the state of Texas and the rules of the board of civil engineers.			
DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE

NO.	DATE	DESCRIPTION

PROJECT CONTACT:	APRIL 10, 2020
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**APEX WEST GREENWAY**  
CONNECTION FROM  
OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL

PROJECT CONTACT:	APRIL 10, 2020
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CONVENTIONAL SYMBOLS	
ONLY PROJECT DATA	
2023/01	2

- No site development activity including, but not limited to, testing, clearing, installation of S&E measures, or grading shall occur until required tree protection fencing has been installed and inspected. A Tree Protection Fencing Installation Permit may be obtained at the Planning Department or online at <http://www.apexnc.org/215/Applications-Schedules>.
- Tree protection fencing must be placed:
  - a. One foot away from any saved tree for each inch of diameter at breast height.
  - b. Along the outside line of the 100-year floodplain and the outside edge of any riparian buffer, and
  - c. At least 10 feet away from any other designated RCA such as, but not limited to, historic buildings and structures, wetlands, and ponds.
- Additional tree protection fencing may be required in other locations close to construction activity where it is deemed necessary by the zoning enforcement officer; such areas may include, but are not limited to, common property lines or near public areas (sidewalks, etc.).
- If buildings are to be demolished, a copy of the Demolition Notification from the NC Hazard Health Control Unit and an asbestos inspection report from a NIC accredited asbestos inspector must accompany the application for the demolition permit which must be obtained prior to start of the demolition. All ground and surface water associated with any remaining structure shall not encroach into any required buffer or protected area (e.g. RCA, the critical root zones of trees, public utility easements and rights-of-way), and shall be contained entirely on site.
- Site elements required to satisfy recreational requirements such as, but not limited to, play fields, **greenway trails** and **forms** typically associated with them (benches, trash containers, signs, etc.) must meet any applicable standards found in the Towns of Apex Standards Specifications and Standard Details and the requirements of the Town of Apex Parks and Recreation Department.
- The screening of loading docks, roll-out train containers, dumpsters, outdoor storage, mechanical and HVAC equipment, and similar facilities on the roof, ground, or building shall meet the requirements of UDO Sec. 8.2.8. Specifically, screening must be done to that:
  - a. It is incorporated into the overall design theme of the building and landscape.
  - b. Screening materials are not different from or inferior to the principal materials of the building or landscape, and are similar in materials and color.
  - c. Screened items are out of view from adjacent properties and public streets, and a totally opaque screen is achieved.
  - d. Any ground-mounted HVAC or other mechanical or utility equipment six (6) feet or higher must be fenced and landscaped.
  - e. Dumpster enclosures must meet the above requirements plus be eight (8) feet tall or the height of the dumpster, whichever is greater, and be built of masonry material with opaque glass. Where practicable, shrubs or other plants must be planted outside the enclosure to visually soften the appearance.
- All required site elements shown within a particular phase must be installed before a final Certificate of Occupancy may be issued for any building within that phase.
- Prior to scheduling a final site inspection, all site items (e.g. lighting, landscaping, mulching, screening for dumpsters, mechanical equipment, HVAC, etc., seating & site stabilization, and parking and pavement marking) must be completed.
- Individual signs are not approved as part of the site plan approval process. A separate sign permit must be obtained prior to installation of the sign. Multiple use non-residential subdivisions and multiple tenant lots must submit a Master Sign Plan for approval.
- Retaining systems providing a cumulative vertical relief greater than five feet in height within a horizontal distance of 50 feet or less, including retaining walls or mechanically stabilized earth walls, shall be designed and constructed under the responsible charge of a registered professional engineer and comply in all aspects with the NC Building Code Sec. 1603. Retaining systems meeting these criteria will require a separate building permit prior to the start of work. All retaining walls and other retention structures must be integrally finished or stained a medium or dark brown or natural color or be covered with a masonry veneer that is medium or dark brown or natural color.
- A Grading Permit, when available, must only be issued by the Building Inspection Division after the installation and approval of tree protection fencing and S&E measures and a Certificate of Compliance has been issued by the Water Resources Department.

- Prior to approval of a Final Permit or issuance of a Certificate of Occupancy for any development where a Stormwater Control Measure (SCM) is required, contact the Environmental Programs Manager at 919-249-3433 to demonstrate that the required structure is in place, is operational, and complies with all relevant portions of UDO Sec. 8.2.1.12 Engineering Stormwater Controls. If the SCM is used as part of a temporary erosion control measure, the Inspection will occur during the appropriate phase of construction.
- 14) All water and sewer lines shall be installed with a minimum of three (3) feet of cover.
- 15) Maintain a minimum of 18 inches of vertical separation between utilities.
- 16) Verify all installed utility crossings prior to construction and notify the engineer if conflicts are encountered.
- 17) Contractor shall coordinate utility relocation or abandonment with local utility companies as required.
- 18) All wetted connections to Town potable water shall have a Town-approved backflow prevention assembly installed.
- 19) Water and sewer shall be at least 30 feet laterally from existing or proposed sewers. Where local conditions prevent a separation of at least 30 feet, the water main may be laid closer, provided that the elevation of the bottom of the water main is at least 18 inches above the top of the sewer with a horizontal separation of at least three (3) feet.
- 20) All new public water and sewer lines contained within a Town of Apex Public Utility Easement will require a Water Distribution Extension Permit and/or a Gravity Sewer Extension Permit to the release of construction drawings. All Water Distribution Extension Permit Applications shall be accompanied by a Sealed Engineer's Report per the Town of Apex Spec. Please contact the Engineering Director at 919-249-3364 to obtain these permit applications.
- 21) A plumbing permit issued by the Building Inspection Division is required for all plumbing systems, including storm drainage systems, installed outside the Public Right-of-Way or a Public Utility Easement. These systems shall be inspected and approved by the plumbing inspector prior to covering. Contact the Building Inspection Director at 919-249-3363 for information including the utilization of a third-party inspection agency.
- 22) It is the responsibility of the owner or his representative(s) to locate and identify all existing and proposed utilities and to clearly identify them on the approved plans.
- 23) No private utility easements shall be allowed to be counted in the calculations for buffers, RCA, or required landscape areas.
- 24) All landscape is required to be installed prior to a Certificate of Occupancy for the project, or in the case of phased development, for the phase of the project. If the applicant chooses to delay the installation of landscaping from April 1 through September 1, then the applicant shall provide a cash bond equal to 150% of the cost of materials and installation, based on the highest estimate received, to ensure installation of the required landscaping. Additional exceptions may be granted by the Planning Director in accordance with UDO Sec. 8.2.2.2.
- 25) Required buffers must meet the minimum canopy requirements for the particular type of buffer as described in UDO Sec. 8.2.6.
- 26) Any vegetation that is dead, substantial, unhealthy, of poor structural quality, or missing shall be replaced in conformance with Town standards.
- 27) All plant material shall be allowed to reach their mature size and maintained at their mature size. Plants shall not be cut or severely pruned so that their natural form is preserved.
- 28) All slopes equal to 1:1 shall be stabilized with permanent slope retention or a suitable combination of plantings and retention devices.
- 29) Slope steeper than 3:1 but less than 2:1 shall be stabilized with permanent groundcover, not with turfgrass.
- 30) All outdoor light fixtures shall be located a minimum of 10 feet from a property or right-of-way line, and at least two feet away from any required perimeter or streetcape buffer and tree area.
- 31) Lamps for non-cut-off light fixtures shall not exceed 100 watts.
- 32) Wall pack light fixtures must be fully shielded, turn cutoff type fixtures with a conical light source. The lighting must be directed downward and the wattage must not exceed 100 watts.
- 33) Floodlights or other types of lighting are prohibited unless approval is given through the development review process and reflected on the approved site plan.
- 34) Awnings and canopies used for accents over doors and windows shall not be internally lit.

- 26] Architectural construction plans must adhere to the approved site plans. Any proposed changes must be submitted to the Planning Department for approval.

The following heights only after Construction Plans are approved, signed by Town staff and copies are received.

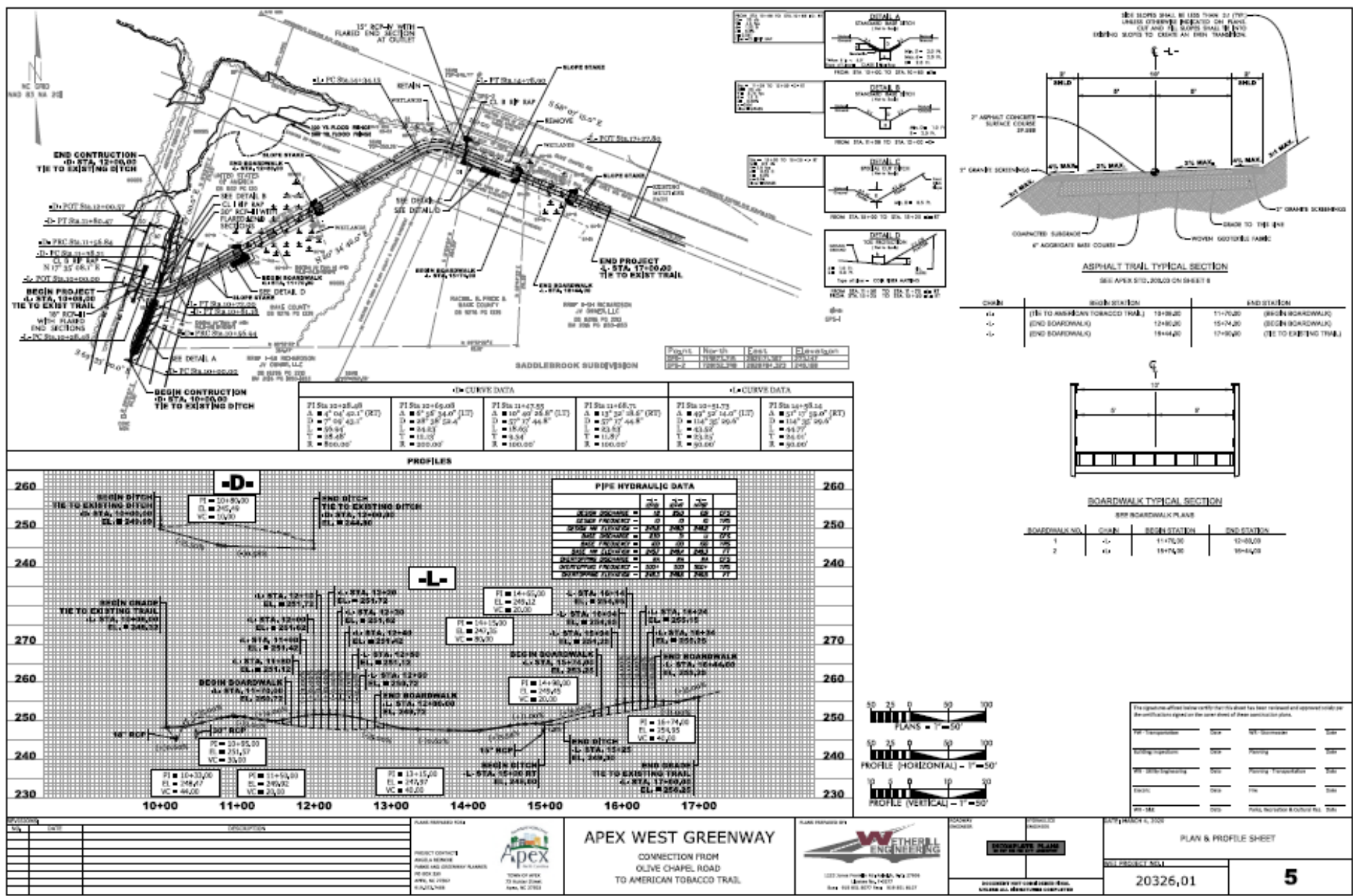
1. Through the Infrastructure Inspection Manager at (919) 249-3486, schedule a pre-construction meeting with inspectors and other Town staff.
2. Fill out a Tree/Protection Fencing/Installation Permit Application [obtained from Planning Department].
3. Have a surveyor flag property lines, easements, buffers, tree protection areas, and flag the protection limits.
4. Contact an Apex Planning Department Zoning Compliance Officer at (919) 249-3426 to request approval for tree protection fencing locations.
5. Install approved tree protection fencing, signs, and/or any other protection measures that may be required. Call Planning at 249-3426 for a final inspection of protection measures. Planning will forward approval to Water Resources, Erosion Control field staff.
6. Submit the applicable S&E performance guarantee to the Development Services Supervisor at 249-3394 in Development Services. An invoice can be requested from Water Resources at (919) 362-8586. The erosion control Letter of Plan Approval will not be issued until the guarantee has been submitted.
7. Request a Letter of Plan Approval for sedimentation and erosion control measures from Water Resources staff at (919) 362-8166.
8. Complete and submit an electronic Notice of Intent (e-NOT) form with NCDEMUR requesting a Certificate of Coverage (COC) under the NCDD Construction Stormwater General Permit. Visit the following website: <https://dec.nc.gov/about/divisions/energy-mineral-and-resources/energy-mineral-land/permits/stormwater-permits/construction> as the COC must be submitted to the Town prior to the commencement of any land disturbing activity.
9. Install graded construction entrance, temporary diversions, silt fencing, sediment basins, bypass channels, and/or other measures as shown on the approved plans. Clear any as necessary to install these devices.
10. When completed, call Water Resources staff at (919) 362-8266 for an on-site inspection and to request a Certificate of Compliance. Water Resources will also forward a copy to the Building Inspections & Permitting Department.
11. Complete a Grading Permit Application, if required, from the Building Inspections & Permitting Department.
12. Once a Grading Permit is reviewed and issued by the Building Inspections & Permitting Department, arrange a pre-construction meeting with Rudy Iliker at 249-3381 prior to any grading activities. This meeting is separate from any other pre-construction meetings required in the Construction Sequence.
13. Post Grading Permit prominently on site at all times.
14. Begin clearing, grubbing, and rough grade of the site in accordance with the approved grading plan.
15. Install a sufficient amount of topsoil to cover 3 inches over landscaped areas at the end of the project.
16. Install storm sewer, if applicable, and protect inlets with inlet protection devices, sediment devices, and/or other approved measures as shown on plans. Maintain S&E measures as needed.
17. After completion of any phase of grading or when land-disturbing activities have temporarily ceased, establish groundcover on swales and ditches and graded slopes steeper than 3:1 within 7 calendar days; slopes that are 3:1 or flatter must establish groundcover within 14 calendar days.
18. Stabilize site as areas are brought up to finished grade with vegetation or paving.
19. Prior to plot approval, all disturbed areas both public and private, must be properly stabilized. All temporary erosion control measures must be installed, be functioning properly and be maintained for the entire area contained within the plot.
20. Flush and clean all stormwater system pipes. Clean and remove sediment from temporary sediment holding devices. Follow the SCM Construction Sequence found on the Grading and/or SCM Detail sheet on the Construction Plan set.
21. Remove all temporary diversions, silt fencing, sediment basins, etc. and provide adequate cover or paws any existing base areas. All permanent erosion control devices shall be in place at this point.
22. When vegetation has been established, call Water Resources staff at (919) 362-8586 for a final site inspection and to request a Certificate of Completion. The S&E performance guarantee will be released with the issuance of the Certificate of Completion. Visit the State website listed above and submit an electronic Notice of Termination (e-NOT) to end coverage under the NCDD permit.
23. The Property Owner/Home Owners Association will be responsible for permanent erosion control maintenance of the site.

FAT - Transportation	Done	W3 - Governance	Stale
Building Operations	Done	Planning	Stale
W3 - Middle Engineering	Done	Planning - Transportation	Stale
Electric	Done	File	Stale
W3 - S&E	Done	Phase, Recruitment & Outreach Eff.	Stale

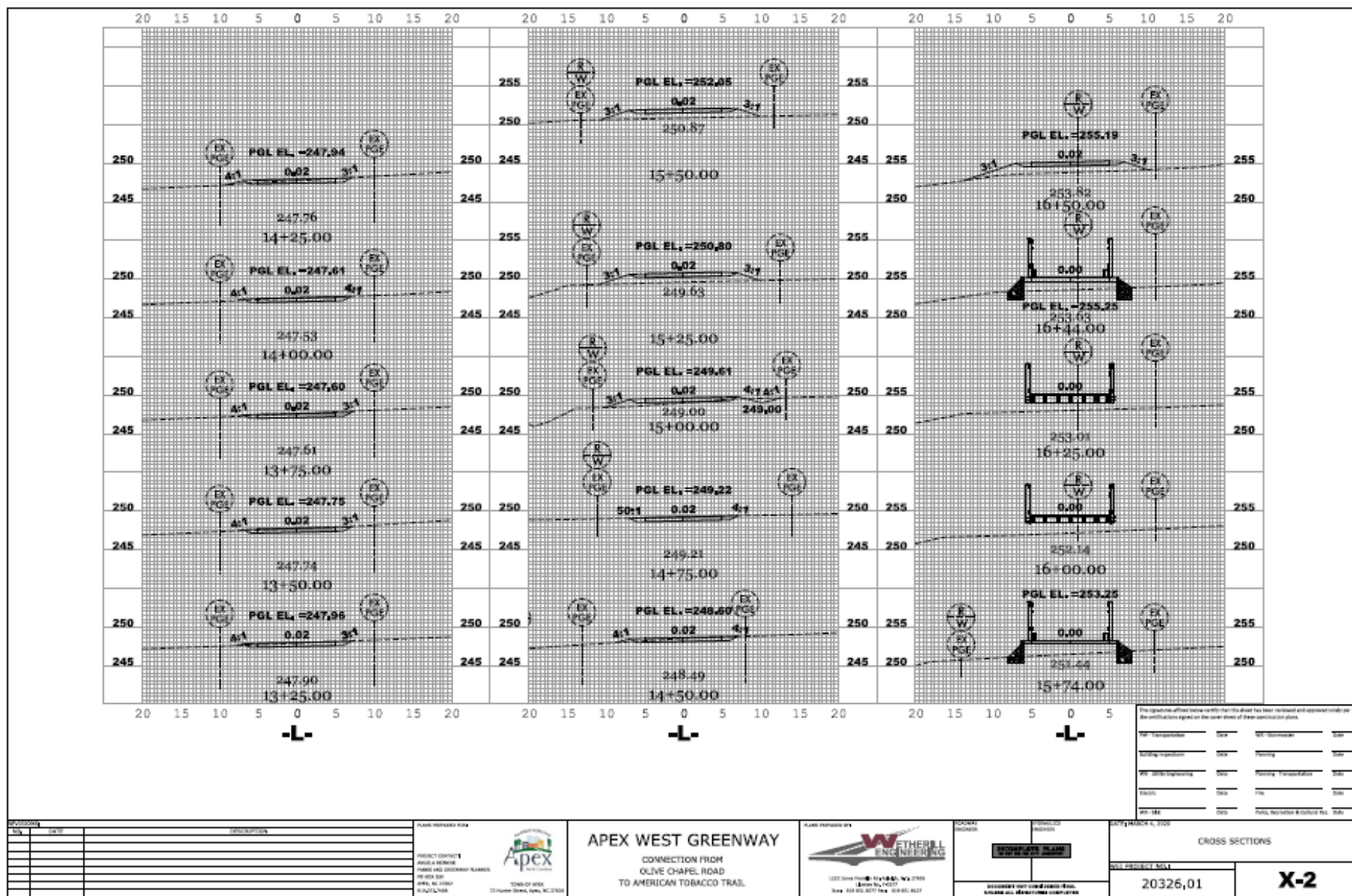
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# PROPOSED

# PIPE DATA SHEET

Date: 2/25/2020 Revised: By: WHE  
Project Desc. Apex Greenway Olive Chapel Road

I.D. No.: Apex Greenway  
County: Wake

Sheet 1 of 3  
Designed By: WHE Checked By:

Station: 10+21 -L-	Shoulder Elev.: 248.30 ft	GRADE PT. EL.: 248.40 ft	OT Elev.= 248.30 ft.	<b>Plan Summary Data</b> Drainage Area: 0.43 Ac Design Freq.: 10 yr Design Disch.: 1.8 cfs Design H.W. Elev.: 245.58 ft Q100 Discharge: 2.2 cfs Q100 Elev.: 245.68 ft Overtopping Freq.: 500 yr+ yr + Overtopping Disch.: 15 cfs Overtopping Elev.: 248.30 ft
Skew: 90	Stream Bed El @ inlet			
Size/Type Pipe: 18" RCP				
Type Entrance: Groove End Projecting				
Direction of Flow: Rt to Lt				
Hydrological Method: Rational	Inlet Invert Elev.: 244.90 ft	So= 1.67%	L= 24.0 ft	Outlet Inv. Elev. 244.50 ft

**PIPE CULVERT ANALYSIS (English)** rcp= .012, cmp=0.024  
n= 0.012

Size & Type			TW	Q	Nat.	Allow.	Inlet Control		Outlet Control								HW	Remarks
SIZE	# pipes	FREQ	ft	ft^3/s	H.W.	H.W.	HW/D	HW (ft)	Ke	d <sub>o</sub>	(d <sub>o</sub> +D)/2	h <sub>o</sub>	H	L'S <sub>o</sub>	HW	ELEV.	HW/D	
18	1	10	0.8	1.80			0.45	0.68	0.2	0.49	1.00	1.00	0.025	0.40	0.62	245.58	0.45	INLET CONTROL
18	1	25	0.8	2.00			0.48	0.72	0.2	0.52	1.01	1.01	0.031	0.40	0.64	245.62	0.48	INLET CONTROL
18	1	50	0.8	2.10			0.49	0.74	0.2	0.53	1.02	1.02	0.034	0.40	0.65	245.64	0.49	INLET CONTROL
18	1	100	0.8	2.20			0.51	0.76	0.2	0.54	1.02	1.02	0.038	0.40	0.66	245.66	0.51	INLET CONTROL
18	1	Overtopping		15.0			2.27	3.40	0.2	1.50	1.50	1.50	1.756	0.40	2.86	248.30	2.27	INLET CONTROL
18	1	200	0.8	2.30			0.52	0.78	0.2	0.56	1.03	1.03	0.041	0.40	0.67	245.68	0.52	INLET CONTROL
18	1	500	0.8	2.40			0.53	0.80	0.2	0.57	1.03	1.03	0.045	0.40	0.68	245.70	0.53	INLET CONTROL

## Notes:

3 HW Control is  $HW/D=1.2$  ft. = 246.7 ft.  
Overtopping occurs at Sta. 10+00 -L- Elev. = 248.30 ft which is existing elevation of the American Tobacco centerline

## Recommendation:

Use 18" RCP HW Control =  $1.2 \times 1.5 = 1.8' + 244.9 = 246.7$   
V(10) partial= 5.7 fps T@=10 min I(10)= 5.9 "/hr C=0.7

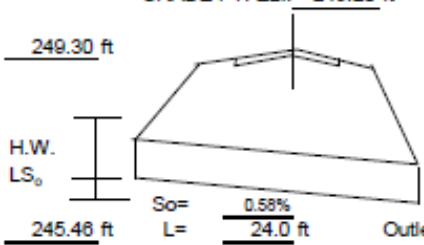


# PROPOSED

## PIPE DATA SHEET

Date: 2/25/2020 Revised: WHE By: \_\_\_\_\_  
 Project Desc: Apex Greenway Olive Chapel Road

I.D. No.: Apex Greenway Sheet 2 of 3  
 County: Wake Designed By: WHE Checked By: \_\_\_\_\_

Station: <u>10+47 -L-</u> Skew: <u>90</u> Size/Type Pipe: <u>30"</u> Type Entrance: <u>Groove End Projecting</u> Direction of Flow: <u>Rt to Lt</u> Hydrological Method: <u>Rational</u> H.W. Control Elevation: <u>248.5</u>	Shoulder Elev.: _____ Stream Bed El @ inlet _____ Inlet Invert Elev.: _____	GRADE PT. EL.: <u>249.20</u> ft OT Elev.= <u>248.60</u> ft  <p>H.W. <math>LS_0</math> <math>So = 0.58\%</math> <math>L = 24.0</math> ft</p> <p>249.30 ft                  245.46 ft                  Outlet Inv. Elev. <u>245.32</u> ft</p>	<b>Plan Summary Data</b> Drainage Area: <u>10</u> Ac Design Freq.: <u>10</u> yr Design Disch.: <u>25</u> cfs Design H.W. Elev.: <u>248.02</u> ft Q100 Discharge: <u>31</u> cfs Q100 Elev.: <u>248.42</u> ft Overtopping Freq.: <u>500</u> yr yr + Overtopping Disch.: <u>33</u> cfs Overtopping Elev.: <u>248.60</u> ft																																																																																																																																																																										
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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">Size &amp; Type</th> <th>TW</th> <th>Q</th> <th>Nat.</th> <th>Allow.</th> <th colspan="2">Inlet Control</th> <th colspan="7">Outlet Control</th> <th>HW</th> <th colspan="2">Remarks</th> </tr> <tr> <th>SIZE</th> <th># pipes</th> <th>FREQ</th> <th>ft</th> <th>ft<sup>3</sup>/s</th> <th>H.W.</th> <th>H.W.</th> <th>HW/D</th> <th>HW (ft)</th> <th>Ke</th> <th>d<sub>0</sub></th> <th>(d<sub>0</sub>+D)/2</th> <th>h<sub>0</sub></th> <th>H</th> <th>L'S<sub>0</sub></th> <th>HW</th> <th>ELEV.</th> <th>HW/D</th> <th></th> </tr> </thead> <tbody> <tr> <td>30</td> <td>1</td> <td>10</td> <td>1.7</td> <td>25.00</td> <td></td> <td></td> <td>1.02</td> <td>2.56</td> <td>0.2</td> <td>1.72</td> <td>2.11</td> <td>2.11</td> <td>0.559</td> <td>0.14</td> <td>2.53</td> <td>248.02</td> <td>1.02</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>25</td> <td>1.8</td> <td>27.00</td> <td></td> <td></td> <td>1.08</td> <td>2.70</td> <td>0.2</td> <td>1.80</td> <td>2.15</td> <td>2.15</td> <td>0.652</td> <td>0.14</td> <td>2.66</td> <td>248.16</td> <td>1.08</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>50</td> <td>1.9</td> <td>29.00</td> <td></td> <td></td> <td>1.14</td> <td>2.84</td> <td>0.2</td> <td>1.87</td> <td>2.19</td> <td>2.19</td> <td>0.752</td> <td>0.14</td> <td>2.80</td> <td>248.30</td> <td>1.14</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>100</td> <td>1.9</td> <td>31.00</td> <td></td> <td></td> <td>1.18</td> <td>2.98</td> <td>0.2</td> <td>1.95</td> <td>2.23</td> <td>2.23</td> <td>0.859</td> <td>0.14</td> <td>2.94</td> <td>248.42</td> <td>1.18</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>Overtopping</td> <td>2.0</td> <td>33.0</td> <td></td> <td></td> <td>1.25</td> <td>3.13</td> <td>0.2</td> <td>2.02</td> <td>2.26</td> <td>2.26</td> <td>0.974</td> <td>0.14</td> <td>3.10</td> <td>248.59</td> <td>1.25</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>200</td> <td>1.9</td> <td>32.00</td> <td></td> <td></td> <td>1.22</td> <td>3.05</td> <td>0.2</td> <td>1.99</td> <td>2.24</td> <td>2.24</td> <td>0.915</td> <td>0.14</td> <td>3.02</td> <td>248.51</td> <td>1.22</td> <td>INLET CONTROL</td> </tr> <tr> <td>30</td> <td>1</td> <td>500</td> <td>2.0</td> <td>33.00</td> <td></td> <td></td> <td>1.25</td> <td>3.13</td> <td>0.2</td> <td>2.02</td> <td>2.26</td> <td>2.26</td> <td>0.974</td> <td>0.14</td> <td>3.10</td> <td>248.59</td> <td>1.25</td> <td>INLET CONTROL</td> </tr> </tbody> </table>		Size & Type			TW	Q	Nat.	Allow.	Inlet Control		Outlet Control							HW	Remarks		SIZE	# pipes	FREQ	ft	ft <sup>3</sup> /s	H.W.	H.W.	HW/D	HW (ft)	Ke	d <sub>0</sub>	(d <sub>0</sub> +D)/2	h <sub>0</sub>	H	L'S <sub>0</sub>	HW	ELEV.	HW/D		30	1	10	1.7	25.00			1.02	2.56	0.2	1.72	2.11	2.11	0.559	0.14	2.53	248.02	1.02	INLET CONTROL	30	1	25	1.8	27.00			1.08	2.70	0.2	1.80	2.15	2.15	0.652	0.14	2.66	248.16	1.08	INLET CONTROL	30	1	50	1.9	29.00			1.14	2.84	0.2	1.87	2.19	2.19	0.752	0.14	2.80	248.30	1.14	INLET CONTROL	30	1	100	1.9	31.00			1.18	2.98	0.2	1.95	2.23	2.23	0.859	0.14	2.94	248.42	1.18	INLET CONTROL	30	1	Overtopping	2.0	33.0			1.25	3.13	0.2	2.02	2.26	2.26	0.974	0.14	3.10	248.59	1.25	INLET CONTROL	30	1	200	1.9	32.00			1.22	3.05	0.2	1.99	2.24	2.24	0.915	0.14	3.02	248.51	1.22	INLET CONTROL	30	1	500	2.0	33.00			1.25	3.13	0.2	2.02	2.26	2.26	0.974	0.14	3.10	248.59	1.25	INLET CONTROL	
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### Notes:

**3** HW Control is HW/D=1.2 ft. = 248.5 ft.  
 Overtopping occurs at Sta. 10+30-L- Elev. = 248.60 ft which is proposed elevation of -L- centerline

**Recommendation:** Use 30" pipe. HW Control is  $HW/D=1.2 \times 2.5=3'$  245.46+3=248.46  
 $V(10)$  partial=7.5 fps  $T(10) = 15$   $I=4.9$  in/hr  $C=0.5$

CREATE DATE: 3/30/2020

# INLET COMPUTATION SHEET

REV. DATE:

I.D. NO.:

PROJ. NO.:

COUNTY: Wake

DESIGNED BY:

WHE

DESCRIPTION: Olive Chapel Road Apex Greenway

REVD BY:

LOCATION							ROADWAY		RUNOFF							INLET				REMARKS
SYSTEM	STRUCTURE NUMBER	ALIGNMENT	STATION	OFFSET	DESCRIPTION	ELEVATION (ft)	GRADE (ft/ft)	CROSS SLOPE (ft/ft)	DRAINAGE AREA (acres)	RUNOFF COEFF.	TIME OF CONC. (min)	RAINFALL INT. (in/hr)	DISCHARGE FROM D.A. (cfs)	DISCHARGE CARRYOVER (cfs)	TOTAL DISCHARGE $Q_{D.A.} + Q_C$ (cfs)	SPREAD (ft)	INTERCEPT (MAX) (cfs)	BYPASS (cfs)	BYPASS TO INLET	
									D.A.	C	$T_c$	I	$Q_{D.A.}$	$Q_C$	$Q_{D.A.} + Q_C$		$Q_{I(max)}$	$Q_B$		
403	0402	L	15+00	10 Rt	DI	249.00	SAG	0.250	0.30	0.50	5.0	4.0	0.6	0.0	0.6	1.1	N/A	N/A		

## EXHIBIT B

### NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – RAIL DIVISION



# Railroad Encroachment Application Form

Operations & Facilities Branch, 1553 Mail Service Center, Raleigh, NC 27699-1553

**Instructions:** Complete all applicable information below and return this form with two sets of preliminary plans, sketches, specifications, calculations, etc. to **NCDOT, Rail Division, Operations & Facilities Branch, 1553 Mail Service Center, Raleigh, NC 27699-1553**. Sketches and drawings should include north arrow, scale, vicinity map, landmarks and reference points. **If you need additional information, please contact Andy Miller, Facilities & Properties Manager, by phone at (919) 707-4721 or by email at samiller@ncdot.gov.**

Owner's (or Company's) Name: Town of Apex  
Mailing address: PO Box 250  
City: Apex State: NC Zip: 27502  
Phone: 919.372.7468 Fax: 919.249.3368 e-mail: angela.reincke@apexnc.org  
Contact Name (e.g.-Engineer in charge, if different from above): Jonathan Hefner  
Company Name: Wetherill Engineering  
Mailing address: 1223 Jones Franklin Rd.  
City: Raleigh State: NC Zip: 27606  
Phone: 984.242.0576 Fax: 919.851.8107 e-mail: jhefner@wetherilleng.com

### Specific Information needed for Application:

County: Wake Rail Corridor: D&SC(ATT) Nearest Railroad Milepost (if known): DD16.00 +/-  
Location description (attach map /sketch): See plans  
Permanent or Temporary installation? (check one) ☒ Permanent ☐ Temporary  
Type of encroachment:  
a) Driveway, Drain Pipe, etc.: 10' wide asphalt multi-use path connection to American Tobacco Trail.  
b) If underground-Type: (fiber optic, electric, water, gas, etc.) \_\_\_\_\_  
Dimension(s)/Size(s): \_\_\_\_\_  
c) If aerial-Type: (overhead utility, conveyor belt, etc) \_\_\_\_\_  
Clearance above track: \_\_\_\_\_  
d) Other: \_\_\_\_\_ Dimensions: \_\_\_\_\_

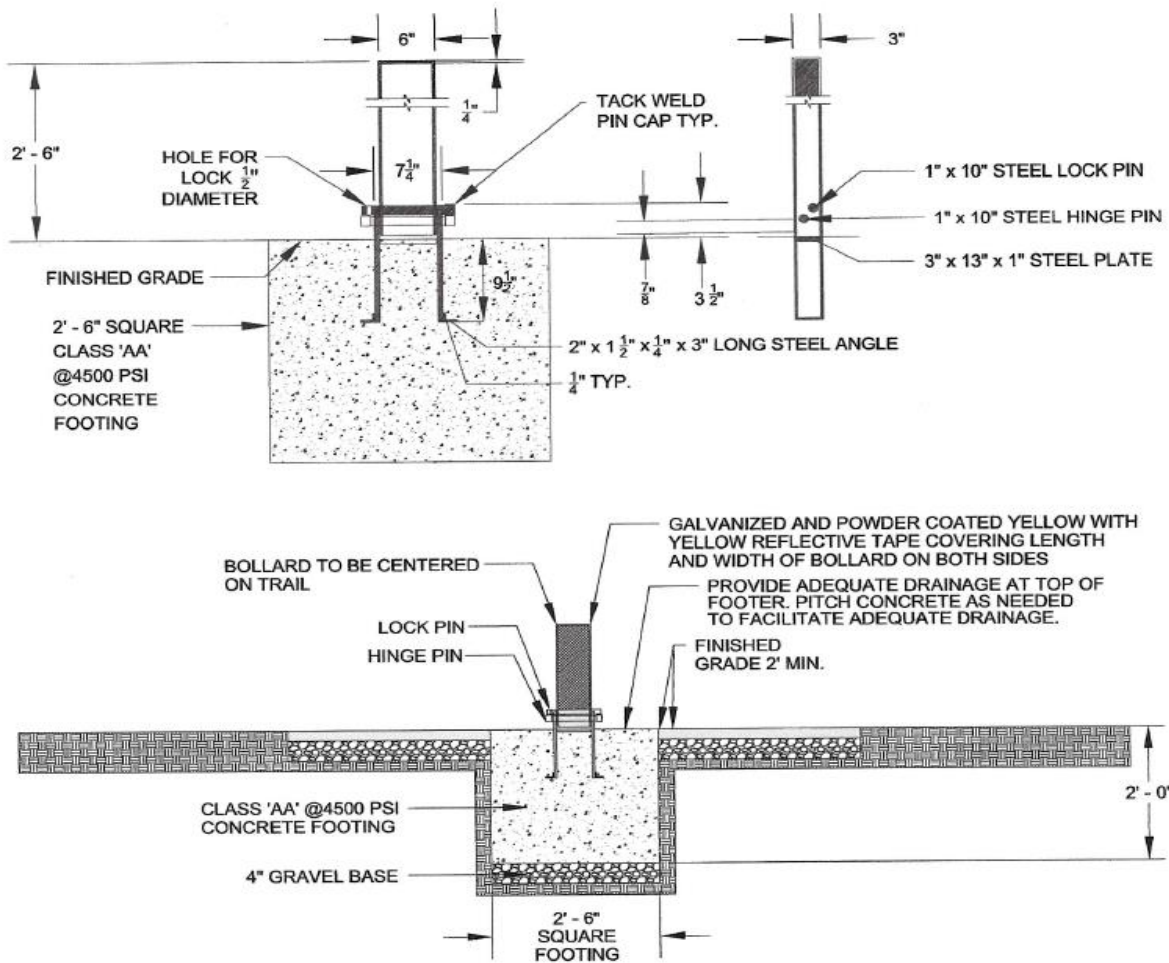
**Note:** From information furnished on application, NCDOT will complete a more detailed specification sheet which will specify how the installation is to be made. AREMA and NCDOT Standard Specifications will be part of the encroachment agreement, and NCDOT will require signature of applicant, agreeing to the terms set forth in the specifications.

### Other Information:

1. An applicable annual fee may be included in the encroachment agreement executed with NCDOT.
2. Where appropriate, additional engineered plans (or other information) may be required of applicant.

Rev. June 2016

## EXHIBIT C



### NOTES:

1. A HINGED BOLLARD IS TYPICALLY USED IN THE CENTER OF TRAILS TO PREVENT UNAUTHORIZED MOTOR VEHICLE ENTRY. HINGED BOLLARDS MAY BE USED IN COMBINATION WITH PERMANENT BOLLARDS AND BOULDERS. SEE DETAIL GW-10.08 FOR THE VARIOUS BOLLARD AND BOULDER COMBINATIONS. HINGED BOLLARDS SHOULD BE UTILIZED AT ALL MAJOR ACCESS POINTS AND TRAIL HEADS. "NO MOTOR VEHICLES" SIGNAGE (MUTCD R5-3) MAY BE USED TO REINFORCE ACCESS RULES.
2. BOLLARDS SHOULD BE SET BACK FROM THE ROADWAY EDGE A MINIMUM OF 7 FEET AND A MAXIMUM OF 30 FEET AND WILL VARY DEPENDING ON LOCATION. OWNER SHALL INDICATE WHICH OPTION IS BEST FOR THE SITE LOCATION. BOLLARD SHALL NOT BE PLACED WITHIN THE ROADWAY RIGHT-OF-WAY UNLESS AN APPROVED RIGHT-OF-WAY OBSTRUCTION PERMIT IS SECURED WITH THE CITY OF RALEIGH RIGHT OF WAY SERVICES.
3. STRIPING AN ENVELOPE AROUND THE POST IS RECOMMENDED IF THE BOLLARD IS LOCATED WITHIN THE PAVED LIMITS OF THE TRAIL.
4. LOCKABLE, REMOVABLE BOLLARDS ALLOW ENTRANCE BY AUTHORIZED VEHICLES. WHERE USED, THE TOP OF THE MOUNT POINT SHOULD BE FLUSH WITH THE PATH SURFACE.
5. SEE MIDDLE BOLLARD WITH TRAIL SIDE BOLLARDS DETAIL, GW-10.08, FOR TYPICAL BOLLARD PLACEMENT.

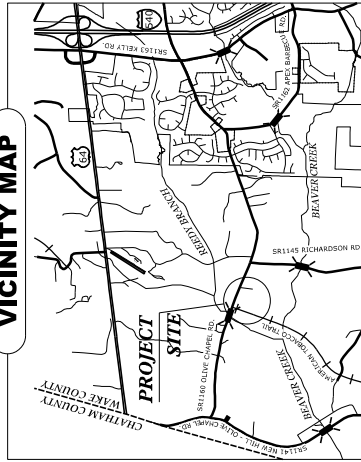
STANDARD DETAIL		
REVISIONS	DATE: 4/2021	NOT TO SCALE
	HINGED BOLLARD	



Annexation Number:	N/A	Envi:
Zoning:	N/A	
Current 2045 Land Use:	Rural Density Residential	
Area of Tracts:	2 acres	
Required setbacks:	N/A	
Red Protection Overlay District:	Primary	
FEMA:	Outside 100-yr floodplain for Reedy Branch	

- Page 38 -

## VICINITY MAP



## **GENERAL NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL ILLUSTRATED WORK UNDERGROUND ELEMENTS. ADDITIONALLY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EXERCISING REASONABLE EFFORTS TO PROTECT ALL UNKNOWN UNDERGROUND ELEMENTS. THE ENGINEER IMMEDIATELY IF UNKNOWN ELEMENTS ARE DISCOVERED THAT WOULD NECESSITATE MODIFICATION TO THE ILLUSTRATED DESIGN.
- PROTECT ALL ADJACENT PROPERTIES, THE GENERAL PUBLIC AND ALL OF THE OWNER'S FACILITIES. SHOULD DAMAGES OCCUR, CONTRACTOR SHALL REPAIR IMMEDIATELY AS DIRECTED BY THE ENGINEER.
- TREES AND PLANTING LOCATING NOT DESIGNED FOR REMOVAL SHALL BE PROTECTED DURING CONSTRUCTION.
- ALL ELEVATIONS ARE IN REFERENCE TO DESIGNATED BENCHMARKS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING AND COORDINATING ALL OF ALL ILLUSTRATED CONSTRUCTION ACTIVITIES AT THE JOB SITE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM LOCAL AGENCIES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION ADJUSTMENTS OF ALL EXISTING WALLS AND SHALL MAKE REPAIRS AT HIS EXPENSE.
- SUCH WORK SHALL BE COORDINATED WITH THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL EXISTING AND REQUESTED TRAFFIC DURING ALL CONSTRUCTION ACTIVITIES.
- UNDER ABSOLUTELY NO CIRCUMSTANCES SHALL AN UNWANNED ADJACENT PROPERTY OWNERS ARE REQUIRED FOR WORK OUTSIDE OF PROPERTY LINES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAYOUT OF ALL WORK AS ILLUSTRATED ON PLANS. IF EXISTING CONDITIONS DIFFER FROM THOSE ILLUSTRATED ON PLANS, NOTIFY ENGINEER PRIOR TO CONSTRUCTION ACTIVITIES.
- ALL WORK TO BE PERFORMED ACCORDING TO OSHA SAFETY REGULATIONS.
- THE CONTRACTOR SHALL PROVIDE 24-HOURS NOTICE TO THE TOWN OF PEPEX FOR ALL REQUIRED INSPECTIONS.
- ALL UTILITIES OR STRUCTURES NOT IDENTIFIED FOR REMOVAL OR MODIFICATION ARE TO REMAIN AND ARE TO BE PROTECTED FROM DAMAGE.
- IF ANY UTILITIES OR STRUCTURES ARE DAMAGED DURING REMOVAL OR MODIFICATION, THEY ARE TO BE REPAIRED TO ORIGINAL CONDITION.
- WHICH COULD NOT BE PREVENTED THROUGHOUT CONSTRUCTION WAS STARTED, ALL SUCH REPAIRS OF UTILITIES DURING THE DEMOLITION PROCESS WHICH ARE A LOCATION DIFFERENT FROM INDICATED OR ARE UNDERTAKEN,
- SHALL BE REPORTED TO THE ENGINEER AND OWNER BEFORE REMOVAL FOR FINAL OBSERVATION.
- ALL WASTE MATERIAL GENERATED FROM DEMOLITION WORK SHALL BE DISPOSAL OF OFF SITE IN ACCORDANCE WITH TOWN OF PEPEX REGULATIONS.
- ANY NOTE OR REFERENCE TO ANY ELEMENT WHICH DOES NOT SPECIFY ACTION BY THE CONTRACTOR SHALL BE CONSIDERED AS INFORMATION ONLY.
- ALL STRUCTURES/UTILITIES DESIGNATED FOR MODIFICATION SHALL BE PROTECTED BY THE CONTRACTOR DURING CONSTRUCTION.

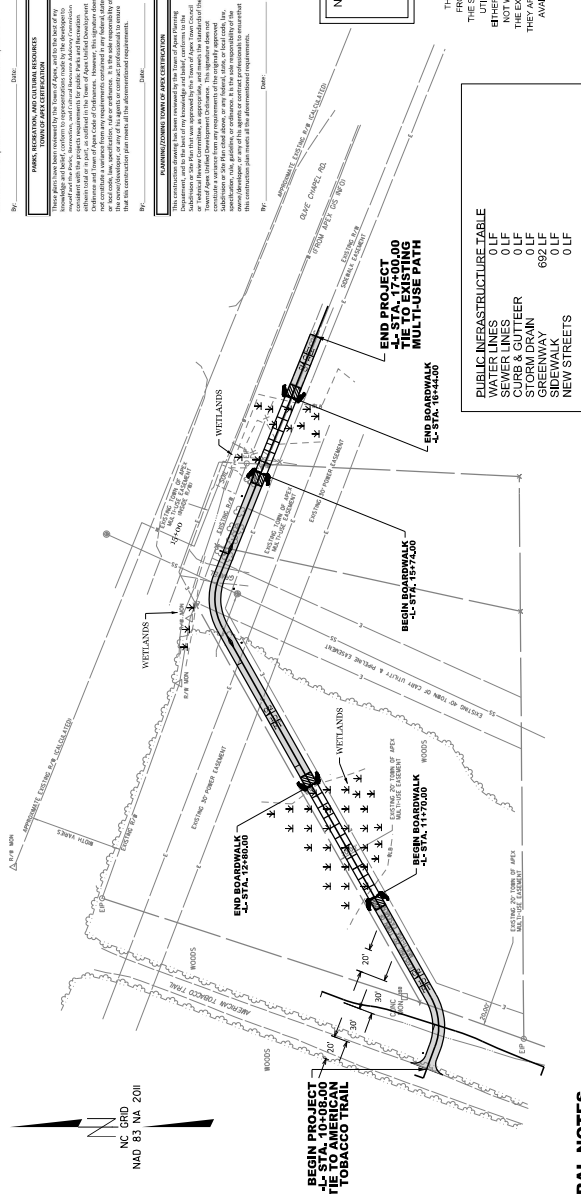
CONSTRUCTION PLANS FOR:

TOWN OF APEX  
NORTH CAROLINA

# APEX WEST GREENWAY

LOCATION:  
FROM OLIVE CHAPEL RD. TO AMERICAN TOBACCO TRAIL

TYPE OF WORK:  
GRADING, PAVING, STRUCTURE, DRAINAGE, & EROSION CONTROL



## INDEX OF SHEETS

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THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**CAUTION**

**N.C. ONE CALL: UTILITY LOCATOR SERVICE**

3 DAYS BEFORE DIGGING CALL  
TOLL FREE 1-800-632-4949

**A ONE CALL SYSTEM FOR COMMUNITY AND JOB SAFETY**

.....

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

CONVENTIONAL PLAN SHEET SYMBOLS

RAILROADS:

Note: Not to Scale

\*S.U.E. = Subsurface Utility Engineering

State Line	
County Line	
Township Line	
City Line	
Reservation Line	
Property Line	
Existing Iron Pin	
Computed Property Corner	
Property Monument	
Parcel/Sequence Number	
Existing Fence Line	
Proposed Woven Wire Fence	
Proposed Chain Link Fence	
Proposed Barbed Wire Fence	
Existing Wetland Boundary	
Proposed Wetland Boundary	
Existing Endangered Animal Boundary	
Existing Endangered Plant Boundary	
Existing Historic Property Boundary	
Known Contamination Area: Soil	
Potential Contamination Area: Soil	
Known Contamination Area: Water	
Potential Contamination Area: Water	
Abandoned Site: Known or Potential	

Standard Gauge	
RR Signal Milepost	
Switch	
RR Abandoned	
RR Dismantled	

Hedge	
Woods Line	
Orchard	
Vineyard	

EXISTING STRUCTURES:

MAJOR:

Bridge, Tunnel or Box Culvert	
Bridge Wing Wall, Head Wall and End Wall	
MINOR:	
Head and End Wall	
Pipe Culvert	
Footbridge	
Drainage Box: Catch Basin, DI or JB	
Paved Ditch Gutter	
Storm Sewer Manhole	
Storm Sewer	

UTILITIES:

Existing Power Pole	
Proposed Power Pole	
Existing Joint Use Pole	
Proposed Joint Use Pole	
Power Manhole	
Power Line Tower	
Power Transformer	
UG Power Cable Hand Hole	
H-Frame Pole	
UG Power Line LOS B (S.U.E.)	
UG Power Line LOS C (S.U.E.)	
UG Power Line LOS D (S.U.E.)	

TELEPHONE:

Existing Telephone Pole	
Proposed Telephone Pole	
Telephone Manhole	
Telephone Pedestal	
Telephone Cell Tower	
UG Telephone Cable Hand Hole	
UG Telephone Cable LOS B (S.U.E.)	
UG Telephone Cable LOS C (S.U.E.)	
UG Telephone Cable LOS D (S.U.E.)	
UG Telephone Conduit LOS B (S.U.E.)	
UG Telephone Conduit LOS C (S.U.E.)	
UG Telephone Conduit LOS D (S.U.E.)	
UG Fiber Optics Cable LOS B (S.U.E.)	
UG Fiber Optics Cable LOS C (S.U.E.)	
UG Fiber Optics Cable LOS D (S.U.E.)	

ROADS AND RELATED FEATURES:

Existing Edge of Pavement	
Existing Curb	
Proposed Slope Stakes Cut	
Proposed Slope Stakes Fill	
Proposed Curb Ramp	
Existing Metal Guardrail	
Proposed Guardrail	
Existing Cable Guidrail	
Proposed Cable Guidrail	
Equality Symbol	
Pavement Removal	

VEGETATION:

Single Tree	
Single Shrub	

EROSION CONTROL

Water Manhole	
Water Meter	
Water Valve	
Water Hydrant	
UG Water Line LOS B (S.U.E.)	
UG Water Line LOS C (S.U.E.)	
UG Water Line LOS D (S.U.E.)	
Above Ground Water Line	
TV:	
TV Pedestal	
TV Tower	
UG TV Cable Hand Hole	
UG TV Cable LOS B (S.U.E.)	
UG TV Cable LOS C (S.U.E.)	
UG TV Cable LOS D (S.U.E.)	
UG Fiber Optic Cable LOS B (S.U.E.)	
UG Fiber Optic Cable LOS C (S.U.E.)	
UG Fiber Optic Cable LOS D (S.U.E.)	

GAS:

Gas Valve	
Gas Meter	
UG Gas Line LOS B (S.U.E.)	
UG Gas Line LOS C (S.U.E.)	
UG Gas Line LOS D (S.U.E.)	
Above Ground Gas Line	

SANITARY SEWER:

Sanitary Sewer Manhole	
Sanitary Sewer Cleanout	
UG Sanitary Sewer Line	
Above Ground Sanitary Sewer	
SS Forced Main Line LOS B (S.U.E.)	
SS Forced Main Line LOS C (S.U.E.)	
SS Forced Main Line LOS D (S.U.E.)	

MISCELLANEOUS:

Utility Pole	
Utility Pole with Base	
Utility Located Object	
Utility Traffic Signal Box	
Utility Unknown UG Line LOS B (S.U.E.)	
UG Tank; Water, Gas, Oil	
AG Tank; Water, Gas, Oil	
Geoenvironmental Boring	
UG Test Hole LOS A (S.U.E.)	
Abandoned According to Utility Records	
End of Information	

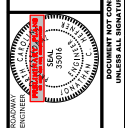
NO.	DATE	DESCRIPTION

PROJECT CONTACTS: PLANNING AND GREENWAY PLANNERS 100 E. 2nd St., Suite 200 Apex, NC 27502 919.372.7468
--



APEX WEST GREENWAY  
CONNECTION FROM  
OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL

PLANS PREPARED BY:  
WATHERILL ENGINEERING  
1233 Jones Road, Inc., Raleigh, N.C. 27606  
Raleigh, NC 27606  
919.883.8077 Fax: 919.883.8307  
UNLESS ALL NOTATIONS COMPLETED



DATE: MARCH 4, 2020	CONVENTIONAL SYMBOLS
WEI PROJECT NO.: 20326.01	2

**Required Site Plan Notes:**

- 1) No site development activity including, but not limited to, testing, clearing, installation of S&E measures, or grading shall occur until required tree protection fencing has been installed and inspected. A Tree Protection Fencing Installation Permit may be obtained at the Planning Department or online at <http://www.apenc.org/215/Applications-Schedules>.
  - 2) Tree protection fencing must be placed:
    - a. Along the outside line of any saved tree for each inch of diameter at breast height.
    - b. Along the outside line of the 100-year floodplain and the outside edge of any riparian buffer, and
    - c. At least 10 feet away from any other designated RCA such as, but not limited to, historic buildings and structures, wetlands, and ponds.
  - 3) Additional tree protection fencing may be required at other locations close to construction activity where it is deemed necessary by the zoning enforcement officer; such areas may include, but are not limited to, common property lines on other public areas (sidewalks, etc.).
  - 4) Fencing shall be demolished, a copy of the Demolition Notification from the N.C. Health Hazard Control Unit and an asbestos inspection report from a N.C. accredited asbestos inspector must accompany the application for the demolition permit which must be obtained prior to start of the demolition.
  - 5) All grading and support structures associated with any retaining structure shall not encroach into any required buffer or protected area (e.g. RCA, the critical root zones of trees, public utility easements and rights-of-way), and shall be contained entirely on site.
  - 6) Site elements required to satisfy recreational requirements such as, but not limited to, play fields, gateway trails and items typically associated with them (benches, trash containers, signs, etc.) must meet any applicable standards required in the Town of Apex Standard Specifications and Standard Details and the requirements of the Town of Apex Parks and Recreation Department.
  - 7) The screening of loading docks, roll-out trash containers, dumpsters, outdoor storage, mechanical and HVAC equipment, and similar facilities on the roof, ground, or building shall meet the requirements of UDO Sec. 8.2.8. Specifically, screening must be done so that:
    - a. It is incorporated into the overall design theme of the building and landscape.
    - b. Screening materials are not different from or inferior to the principal materials of the building or landscape, and are similar in materials and color.
    - c. Screened items are out of view from adjacent properties and public streets, and a totally opaque screen is achieved.
    - d. Any ground-mounted HVAC or other mechanical or utility equipment six (6) feet tall or higher must be fenced and landscaped.
    - e. Dumpster enclosures must meet the above requirements plus be eight (8) feet tall or the height of the dumpster, whichever is greater, and be built of masonry material with opaque gates. Where practicable, shrubs or other plants must be planted outside the enclosure to visually soften the appearance.
    - f. All required site elements shown within a particular phase must be installed before a final Certificate of Occupancy may be issued for any building within that phase.
  - 8) Prior to scheduling a final site inspection, all site items (e.g. lighting, landscaping, mulching, screening for dumpsters, mechanical equipment, HVAC, etc., seeding & site stabilization, and parking and pavement marking) must be completed.
  - 9) Individual signs are not approved as part of the site plan approval process. A separate sign permit must be obtained prior to installation of the sign. Multiple use lots, non-residential subdivisions and multiple tenant lots must submit a Master Sign Plan for approval.
  - 10) Retaining systems providing a cumulative vertical relief greater than five feet in height within a horizontal distance of 50 feet or less, including retaining walls or mechanically stabilized earth walls, shall be designed and constructed under the responsible charge of a registered professional engineer and comply in all aspects with the NC Building Code Sec. 1610. Retaining systems meeting these criteria will require a separate building permit prior to the start of work. All retaining walls and other retention structures must be integrally tinted or stained a medium or dark brown or rust color or be covered with a masonry veneer that is a medium or dark brown or rust color.
  - 11) A Grading Permit, when applicable, may only be issued by the Building Inspections Division after the installation and approval of tree protection fencing and S&E measures and a Certificate of Compliance has been issued by the Water Resources Department.
  - 12)

- Page 40 -

- |     |   |
|-----|---|
| 13) | Prior to approval of a Final Plan or issuance of a Certificate of Occupancy for any development where a Stormwater Control Measure (SCM) is required, contact the Environmental Programs Manager at 919-249-3413 to demonstrate that the required structure is in place, is operational, and complies with all relevant portions of UDO Sec. 6.1.12 Engineered Stormwater Controls. If the SCM is used as part of a temporary erosion control measure, the inspection will occur during the appropriate phase of construction.  |
| 14) | All water and sewer lines shall be installed with a minimum of three (3) feet of cover.   |
| 15) | Maintain a minimum of 18 inches of vertical separation between utilities.   |
| 16) | Verify all illustrated utility crossings prior to construction and notify the engineer if all utilities are encountered.  |
| 17) | Contractor shall coordinate utility relocation or abandonment with local utility companies as required.   |
| 18) | All metered connections to Town potable water shall have a Town-approved backflow prevention assembly installed.  |
| 19) | Water and sewer shall be at least 10 feet laterally from existing or proposed sewers. Where local conditions prevent a separation of at least 10 feet, the water main may be laid closer, provided that the elevation of the bottom of the water main is at least 18 inches above the top of the sewer with a horizontal separation of at least three (3) feet.   |
| 20) | All new public water and sewer lines contained within a Town of Apex Public Utility Easement will require a Water Distribution Extension Permit and/or a Gravity Sewer Extension Permit to the release of construction drawings. All Water Distribution Extension Permit Applications shall be accompanied by a Sealed Engineer's Report from the Town of Apex Spec Book. Please contact the Engineering Division at 919-249-3394 to obtain these permit applications.  |
| 21) | A plumbing permit, issued by the Building Inspection Division is required for all plumbing systems, including storm drainage systems. Installed outside the Public Right-of-Way or a Public Utility Easement. These systems shall be inspected and approved by the plumbing inspector prior to covering. Contact the Building Inspections Director at 919-249-3381 for information including the utilization of a third-party inspection agency.  |
| 22) | It is the responsibility of the owner or his representative(s) to locate and identify all existing and proposed utilities and to clearly identify them on the approved plans.   |
| 23) | No private utility easements shall be allowed to be counted in the calculations for buffers, RCA, or required landscape areas.  |
| 24) | All landscaping is required to be installed prior to a Certificate of Occupancy for the project, or in the case of phased development, for the phase of the project. If the applicant chooses to delay the installation of landscaping from April 1 through September 1, then the applicant shall provide a cash bond equal to 150% of the cost of materials and installation, based on the highest estimate received, to ensure installation of the required landscaping. Additional exceptions may be granted by the Planning Director in accordance with UDO Sec. 8.2.2.E. |
| 25) | Required buffers must meet the minimum opacity requirements for the particular type of buffer as described in UDO Sec. 8.2.6.   |
| 26) | Any vegetation that is dead, substandard, unhealthy, of poor structural quality, or missing shall be replaced in conformance with Town standards.   |
| 27) | All plant material shall be allowed to reach their mature size and maintained at their mature size. Plants shall not be cut or severely pruned so that their natural form is impaired.  |
| 28) | All slopes equal to 2:1 shall be stabilized with permanent slope retention or a suitable combination of plantings and retention devices.  |
| 29) | Slopes steeper than 3:1 but less than 2:1 shall be stabilized with permanent groundcover, not with turf grass.  |
| 30) | All outdoor light fixtures shall be located a minimum of 10 feet from a property or right-of-way line, and at least two feet away from any required perimeter or streetscape buffer and tree saw area.  |
| 31) | Lamps for non-cut-off light fixtures shall not exceed 100 watts.  |
| 32) | Wall pack light fixtures must be fully shielded, true cut-off type fixtures with a concealed lamp/light source. The lighting must be directed downward and the wattage must not exceed 100 watts.   |
| 33) | Floodlights or other types of lighting are prohibited unless approval is given through the development review process and reflected on the approved site plan.  |
| 34) | Awnings and canopies used for accents over doors and windows shall not be internally lit.   |

- 35) Before certificates of occupancy are released, the owner/builders must supply the Town with a final letter of certification from the lighting engineer and/or lighting manufacturer verifying that all site lighting is installed according to Town standards, the approved plans, and any applicable conditions.
- 36) Architectural construction plans must adhere to the approved site plans. Any proposed changes must be submitted to the Planning Department for approval.

### Town of Apex Construction Sequence

The following begins only after Construction Plans are approved, signed by Town staff and copies are received.

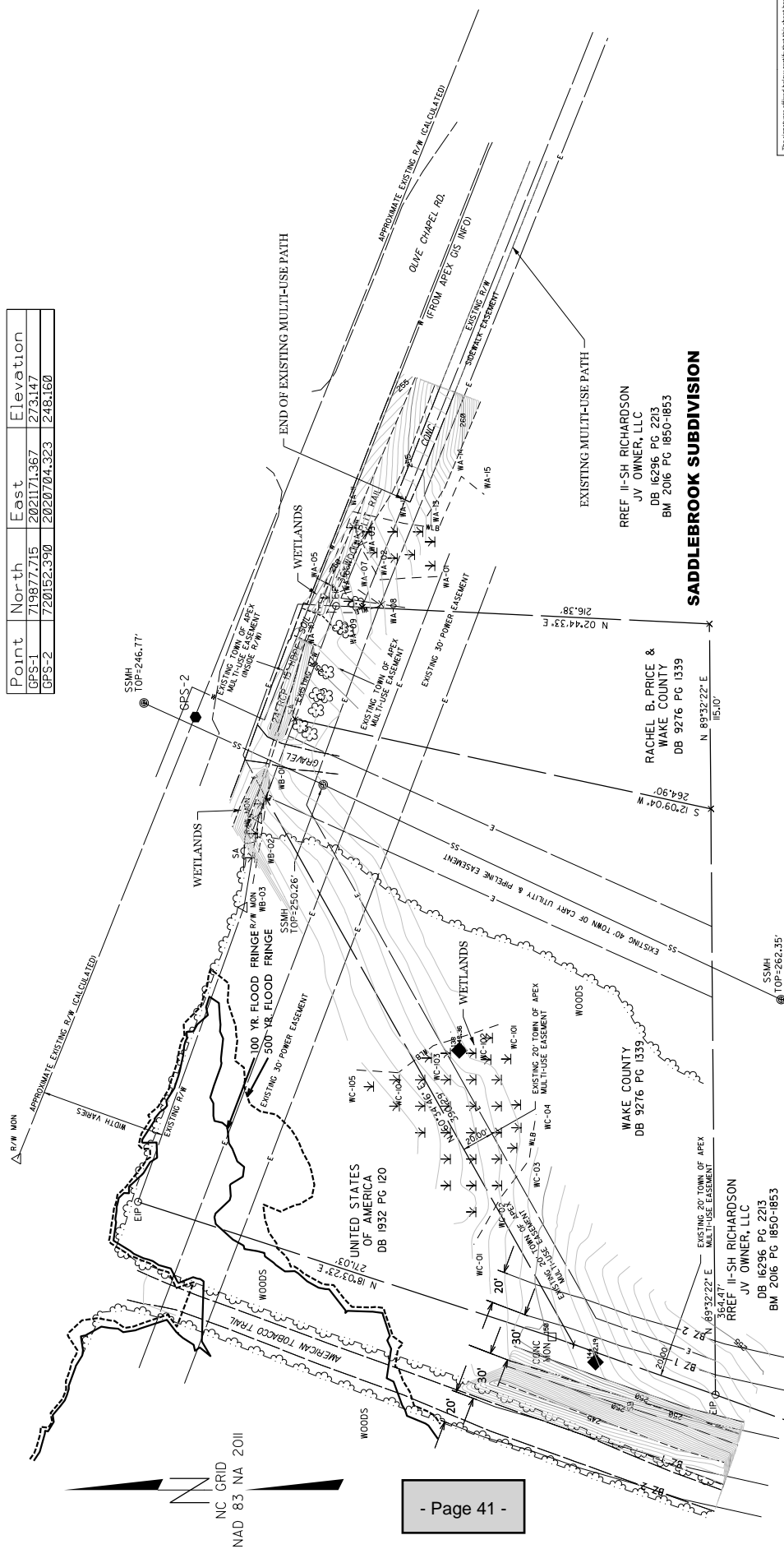
1. Through the Infrastructure Inspections Manager at (919) 249-3386, schedule a pre-construction meeting with inspectors and other Town staff.
2. Fill out a Survey/Protection Fencing Installation Permit Application (obtain from Planning Department).
3. Have a surveyor flag property lines, easements, buffers, tree protection areas, and flag the protection limits.
4. Contact an Apex Planning Department Zoning Compliance Officer at (919) 249-3426 to request approval for tree protection fencing locations.
5. Install approved tree protection fencing, signs, and/or any other protection measures that may be required.
6. Call planning at 249-3426 for a final inspection of protection measures. Planning will forward approval to Water Resources, Erosion Control field staff.
7. Submit the applicable S&E performance guarantee to the Development Services Supervisor at 249-3384 in Development Services. An invoice can be requested from Water Resources at (919) 362-8166. The erosion control Letter of Plan Approval will not be issued until the guarantee has been submitted.
8. Request a Letter of Plan Approval for sedimentation and erosion control measures from Water Resources staff at (919) 362-8166.
9. Complete and submit an electronic Notice of Intent (e-NOI) form with NCEMIR requesting a Certificate of Coverage (COC) under the NCGO1 Construction Stormwater General Permit. Visit the following website: <https://dec.us.gov/about/divisions/energy-mineral-and-sustainable/energy-mineral-and-sustainable/stormwater>. The COC must be submitted to the Town prior to the commencement of any land disturbing activity.
10. Install gravel construction entrance, temporary diversions, silt fencing, sediment basins, bypass channels, and/or other measures as shown on the approved plans. Clear only as necessary to install these channels. When completed, call Water Resources staff at (919) 362-8166 for an on-site inspection and to request a Certificate of Compliance. Water Resources will also forward a copy to the Building Inspections & Permitting Department.
11. Complete a Grading Permit Application, if required, from the Building Inspections & Permitting Department.
12. Once a Grading Permit is reviewed and issued by the Building Inspections & Permitting Department, arrange a pre-construction meeting with Rudy Baker at 249-3381 prior to any grading activities. This meeting is separate from any other pre-construction meetings required in the Construction Sequence.
13. Post Grading Permit prominently on site at all times.
14. Begin clearing, grubbing, and rough grade of the site in accordance with the approved grading plan.
15. Stakeleak a sufficient amount of topsoil to cover 3 inches over landscaped areas at the end of the project.
16. Install storm sewer, if applicable, and protect inlets with inlet protection devices, sediment devices, and/or other approved measures as shown on plans. Maintain S&E measures as needed.
17. After completion of any phase of grading or when land disturbing activities have temporarily ceased, establish groundwater on swales and ditches and graded slopes steeper than 3:1 within 7 calendar days. Slopes that are 3:1 or flatter must establish groundwater within 14 calendar days.
18. Stabilize site as areas are brought up to finished grade with vegetation or paving.
19. Prior to plot approval, all disturbed areas both public and private, must be properly stabilized. All temporary erosion control measures must be installed, be functioning properly and be maintained for the entire area contained within the plot.
20. Flush and clean all stormwater system pipes. Clean and remove sediment from temporary sediment holding devices. Follow the SCM Construction Sequence found on the Grading and/or SCM Detail sheet on the Construction Plan set.
21. Remove all temporary diversions, silt fencing, sediment basins, etc. as provided at this point, resulting bare areas. All permanent erosion control devices should be installed at this point.
22. When vegetation has been established, call Water Resources staff at (919) 362-8166 for a final site inspection and to request a Certificate of Completion. The S&E performance guarantee will be released with the issuance of the Certificate of Completion. Visit the State website listed above and submit an electronic Notice of Termination (e-NOT) to end coverage under the NCGO1 permit.
23. The Property Owner/Home Owners Association will be responsible for permanent erosion control maintenance of the site.

PWR - Transportation	Date	WR - Stormwater	Date
Building Inspections	Date	Planning	Date
WR - Utility Engineering	Date	Planning - Transportation	Date
Electric	Date	Fire	Date
WR - S&M	Date	Park, Recreation & Cultural	Date

[illegible]



Point	North	East	Elevation
GPS-1	719877.715	202171.367	273.147
GPS-2	720152.390	2020704.323	248.160



NOTES:

1. FIELD SURVEY COMPLETED BY WETHERILL ENGINEERING IN JANUARY 2020.
2. WETLANDS EXIST WITHIN THE GREENWAY CORRIDOR.
3. WETLANDS AND STREAMS HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS.
4. SITE IS WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.

PW - Transportation	Date	WR - Stormwater	Date
Building Inspections	Date	Planning	Date
WR - Utility Engineering	Date	Planning - Transportation	Date
Electric	Date	Fire	Date

PLANS PREPARED FOR:

[illegible]

PLANS PREPARED BY:



**PROJECT CONTACT:**  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER



OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL

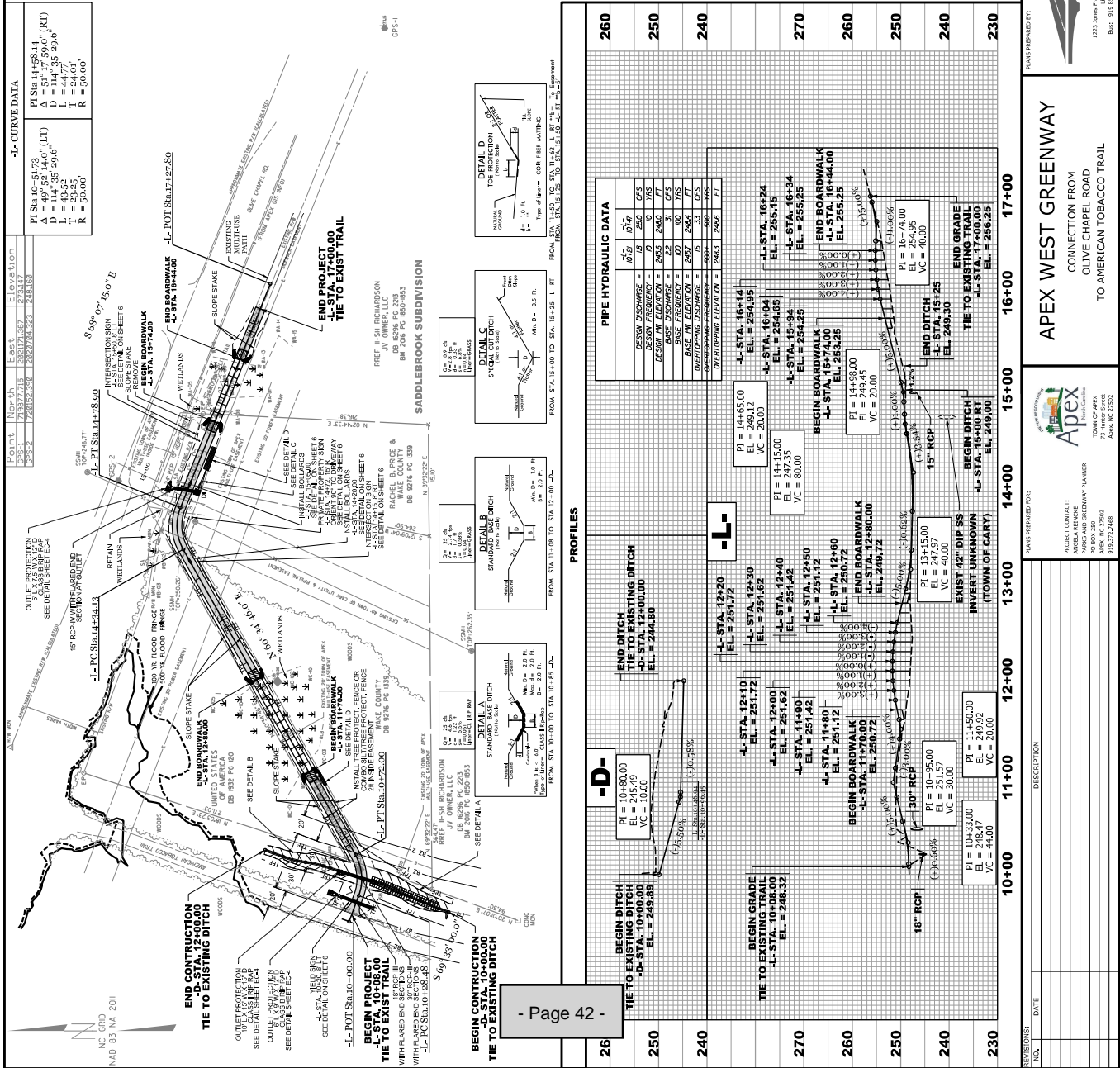
## EXISTING CONDITIONS

WEI PROJECT NO.:

20326.01

4





PLAN & PROFILE SHEET

WEI PROJECT NO.: 20326.01

DATE: MARCH 4, 2020

SCALE: 1" = 50'

FOR BOARDWALK DETAILS SEE SHEETS S-1 THRU S-3

PLAN & PROFILE SHEET

WEI PROJECT NO.: 20326.01

DATE: MARCH 4, 2020

SCALE: 1" = 50'

FOR BOARDWALK DETAILS SEE SHEETS S-1 THRU S-3











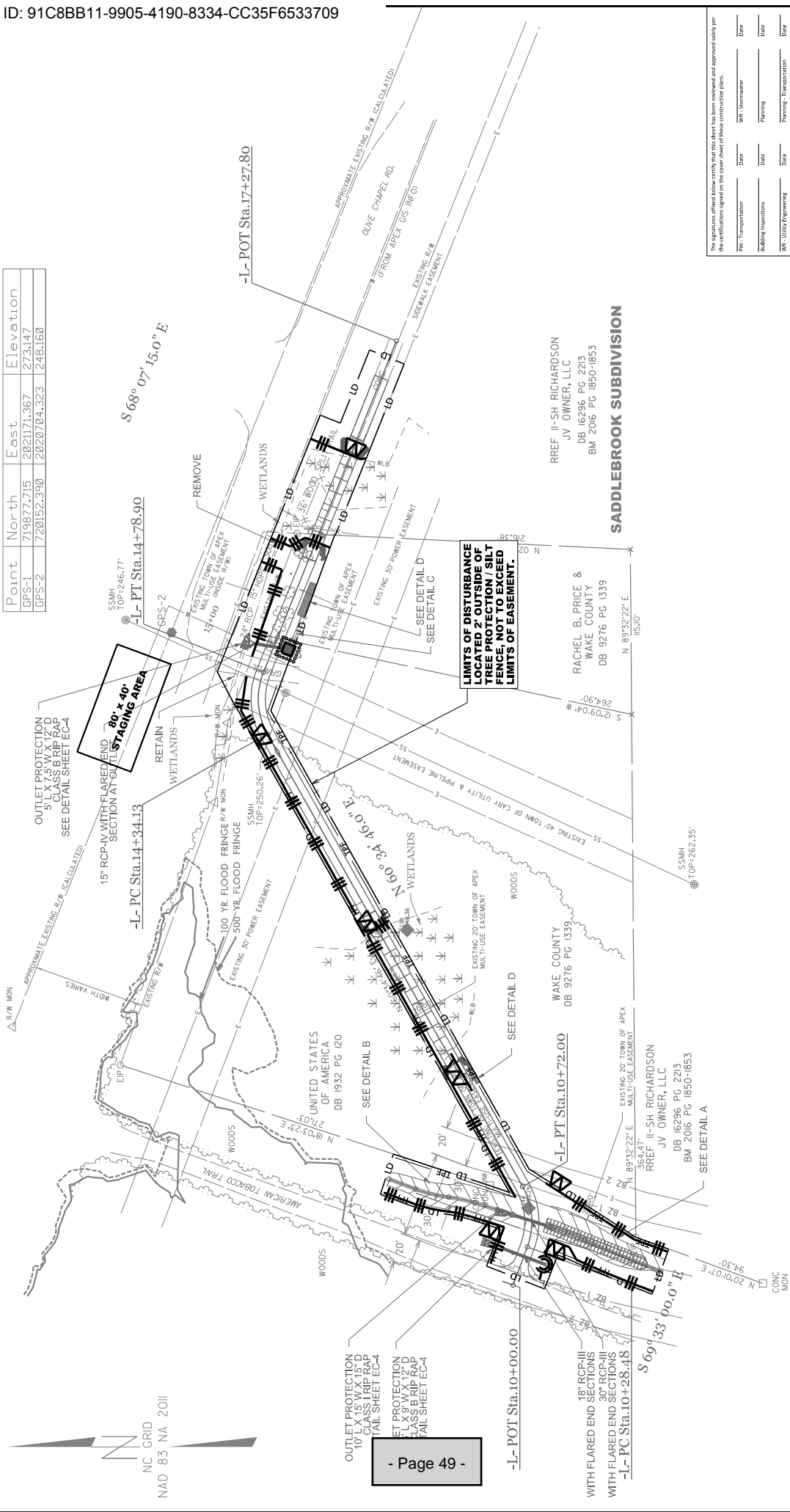






30' 0' 30' FINAL EROSION CONTROL PHASE  
GRAPHIC SCALE

Point	North	East	Elevation
GPS-1	719877.715	202171.367	273.147
GPS-2	720152.390	2020704.323	248.160



SADDLEBROOK SUBDIVISION  
RREF II-SH RICHARDSON  
JV OWNER, LLC  
DB 16296 PG 2213  
BM 2016 PG 1850-1853  
RACHEL B. PRICE &  
WAKE COUNTY  
DB 9276 PG 1339  
N 89°32'22" E  
1151.0'

REVISIONS:  
NO. DATE DESCRIPTION

DATE PREPARED FOR:  
PROJECT CONTACTS:  
APEX  
TOWN OF APEX  
11000 N. RICHMOND ST.  
APEX, NC 27502  
919.372.7468

PLANS PREPARED BY:  
WATTELL ENGINEERING  
1233 Boone Road, Suite 100, Raleigh, NC 27606  
BOUNCE 919.853.8077 FAX: 919.853.8107  
UNLESS ALL NOTES ARE COMPLETED

DATE: MARCH 4, 2020  
PROJECT NO.: 20326.01  
EC-6

EROSION CONTROL PLAN  
FINAL PHASE











THE ELEVATED TIMBER BOARDWALK HAS BEEN DESIGNED FOR A PEDESTRIAN LIVE LOAD OF 90 PSF OR A VEHICULAR LOAD OF 10,000 LBS. (H-5) AND A WIND LOAD ON SUPERSTRUCTURE OF 54 PSF.

FOR TIMBER BOARDWALK, SEE PROJECT SPECIFICATIONS.

FOR CONCRETE APPROACH SLABS, SEE PROJECT SPECIFICATIONS.

ALL EXPOSED CORNERS OF 2x8 TOP RAILS SHALL BE FINISHED WITH 1/2" MINIMUM RADII

STEEL SCREWS AT EVERY JOIST. DECKING SHALL BE PLACED TO AVOID CUPPING

ALL BOLTS NUTS WASHERS STAPLES ETC SHALL BE HOT DIPPED GALVANIZED AFTER FABRICATION IN ACCORDANCE

SIMPSON STRONG TIE CONNECTORS (WHERE USED) SHALL BE GALVANIZED.

BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING.

ALL FENCE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 1050 OF THE NC DOT STANDARD SPECIFICATIONS. GALVANIZE

ALL CHAIN LINK FENCE FABRIC, POSTS, RAILS, FITTINGS, HARDWARE AND ACCESSORIES SHALL BE BLACK VINYL COATED IN

CHAIN LINK FENCE FABRIC SHALL BE INSTALLED USING A FENCE STRETCHER TO ACHIEVE ADEQUATE TENSION.

ACCORD TO THE STATE OF TEXAS, THE FOLLOWING INFORMATION IS FURNISHED FOR THE RECORDS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE:

COST OF APPROACH RAILS SHALL BE INCLUDED IN THE PRICE BID FOR TIMBER BOARDWALK.

K-BRACE TIMBER PILES IN THE TRANSVERSE DIRECTION WHEN THE HEIGHT FROM...

IN THE LONGITUDINAL DIRECTION WILL NOT BE ALLOWED. FOR A DRACINO, SEE DETAIL.

188

- Page 53 -

ELEVATED TIMBER GREENWAY LOCATIONS			
SECTION No.	BEGIN STATION	END STATION	LENGTH
1	11+70.00	12+80.00	110'-0"
2	15+74.00	16+44.00	70'-0"

ELEVATED TIMBER GREENWAY LOCATIONS			
SECTION No.	BEGIN STATION	END STATION	LENGTH
1	11+70.00	12+80.00	110'-0"
2	15+74.00	16+44.00	70'-0"

TILES ARE DESIGNED FOR A FACTORED RESISTANCE OF 6 KIPS PER PILE.

FIVE PILES TO A REQUIRED RESISTANCE OF 10 KIPS PER PILE.

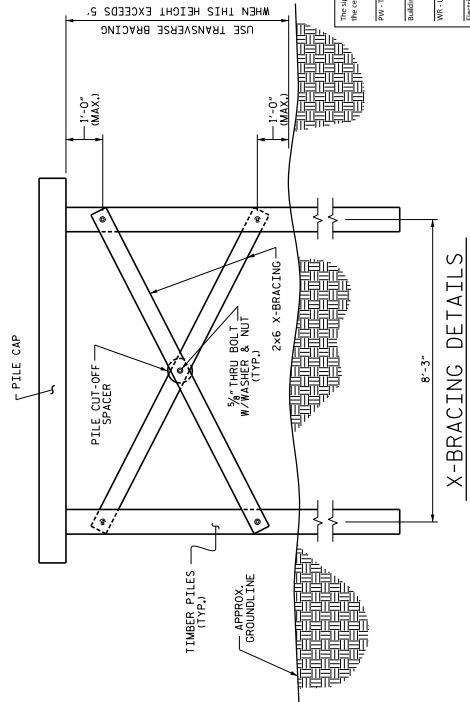
TEEL DRIVING SHOES ARE REQUIRED TO BE ATTACHED TO

TO DRIVE THE PILES.

RECOMMENDED TO LIMIT THE COMPRESSIVE DRIVING STRESS TO THREE TIMES THE TENSILE STRESS OF THE TYPICAL DESIGN STRESS OF THE TYPICAL

DRIVING SHOULD BE TERMINATED IMMEDIATELY IF REFUSAL (I.E. 4 BLOWS PER INCH REACHED) TO MINIMIZE DAMAGING THE TIES

WHEN PILE REFUSAL OCCURS AT 5 FEET OR LESS, THE GEOTECHNICAL ENGINEER OF RECORD SHOULD BE CONTACTED FOR FURTHER DIRECTION.



## TYPICAL BOARDWALK DETAILS

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

NO.	DATE	DESCRIPTION

**PROJECT CONTACT:**  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468

TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

CONNECTION FROM  
OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL



223 Jones Franklin Rd, Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077 Fax: 919 851 8107

STATE OF SOUTH CAROLINA



DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

TYPICAL BOARDWALK DETAILS

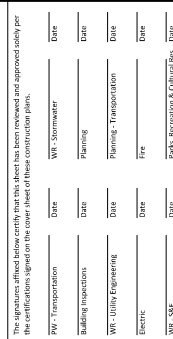
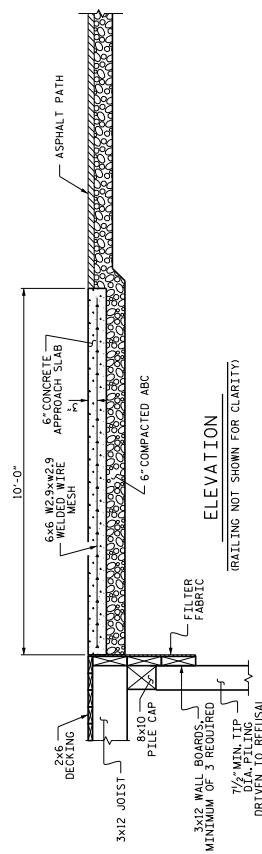
WEI PROJECT NO.:

20326.01

**1-**







VIEW C-C  
VIEW WILL NOT SHOWN FOR CLARITY

CONNECTION FROM  
OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL



Apex  
North Carolina

PLANS PREPARED FOR:

**PROJECT CONTACT:**  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER

PO BOX 250  
APEX, NC 27502

OLIVE CHAPEL ROAD  
TO AMERICAN TOBACCO TRAIL

223 Jones Franklin Rd, Raleigh, N.C. 27605  
License No. F-0377

DOCUMENT NOT CONSIDERED FINAL

CONCRETE APPROACH SLAB

WEI PROJECT NO.:

20326.01

3-5

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 27, 2022

## Item Details

Presenter(s): Adam Stephenson, PE, CFM, Transportation Engineering Manager

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to ratify a Right of Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways between the Town of Apex and NCDOT for portions of Apex West Greenway within the existing right of way of Olive Chapel Road.

### Approval Recommended?

Yes

### Item Details

In order to extend the existing multi-use path on SR-1160 Olive Chapel Rd from approximately 260 feet east of the American Tobacco Trail to a point on the trail approximately 150 feet south of Olive Chapel Rd, construction must encroach a portion of NCDOT Olive Chapel Rd right of way. NCDOT has reviewed and approved the drawings and design.

### Attachments

- NCDOT Encroachment Agreement





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**County:** Wake  
**Subject:** Encroachment Contract  
SR 1160  
E051-092-20-00878

Town of Apex  
73 Hunter Strret P.O. Box 250  
Apex, NC 27502

Dear Sir or Madam,

Attached for your files is a copy of Right of Way Encroachment Agreement, which has been properly executed. This contract covers the following:

**Approximately 56 ft. of 10 ft. Wide Multi-Use Asphalt Path and One 70 ft. Long Section of Timber Boardwalk**

\$0.00

This encroachment is approved subject to the Standard and Special Provisions which are attached to and made a part of the Encroachment Contract.

Sincerely

**Jeremy Warren/TRE** Digitally signed by Jeremy Warren/TRE  
Date: 2022.07.11 13:34:18 -04'00'

Jeremy Warren, P.E.  
for B. H. Jones, PE, Division Engineer

JLW/jwh  
cc: Mr. Jeremy Warren (w/ orig)

Attachment

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 5 – DISTRICT 1  
1575 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1575

*Telephone:* (919) 733-2814  
*Fax:* (919) 715-5778  
*Customer Service:* 1-877-368-4968

*Location:*  
4009 DISTRICT DRIVE  
RALEIGH, NC 27607

*Website:* [www.ncdot.gov](http://www.ncdot.gov)



## **Encroachment Special Provisions**

1. Notify the District Office at 919-733-3213 a minimum of 48 hours prior to beginning work.
2. NCDOT WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM:
  - A. Effective July 1, 2010, all flagging operations within NCDOT Right of Way require qualified and trained Work Zone Flaggers.
  - B. Effective July 1, 2011, qualified and trained Work Zone Traffic Control Supervisors will be required on Significant Projects.
  - C. Training for this certification is provided by NCDOT approved training sources and by private entities that have been pre-approved to train themselves. If you have questions, contact our web site at <http://www.ncdot.org/doh/preconstruct/wztc/WZTCTrainingProgram/default.html>, or contact Stuart Bourne, P.E. with NCDOT Work Zone Traffic Control Unit at (919) 662-4338 or [sbourne@ncdot.gov](mailto:sbourne@ncdot.gov).
3. Before work begins, please forward the contact information of the general contractor to the District Engineer, Jeremy Warren, P.E. at [jlwarren@ncdot.gov](mailto:jlwarren@ncdot.gov). Include contact name, emergency phone number and email.
4. This encroachment agreement only covers work within NCDOT Right-of-Way, as shown on the attached plans.
5. Any personnel or equipment working within five feet of a travel lane shall require a full lane closure. No lane of traffic shall be closed or restricted between the hours of 6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM Monday thru Friday, during any time of inclement weather, holiday, or upon District Engineer's directive. Traffic shall be maintained at all times. Any violation of these hours will result in termination of the encroachment agreement and liquidated damages in the amount of \$5,000.00 per hour or any portion thereof will be assessed by the District Engineers Office.
6. Any abandoned storm drainage pipe, driveway pipe, sewer line, force main, monitoring wells and associated structures shall be removed or grouted full.

If choosing to remove, contact District Office at (919) 733-3213 prior to starting removal.
7. Pipes shall be installed as necessary to maintain existing drainage patterns. Pipes shall be sized properly to accommodate the drainage area at its point of discharge. Pipes shall be reinforced concrete pipe with a minimum inside diameter of 15 inches. Storm drain crosslines traversing the roadway shall be reinforced concrete pipe with a minimum inside diameter of 18 inches.
8. Curb cuts and ramps for disabled persons shall be constructed in accordance with the current NCDOT "Standard for Wheelchair Ramp Curb Cuts" and the Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities. NCDOT shall not maintain the proposed sidewalks.
9. Sidewalks shall be constructed in accordance with the current NCDOT "Standard for Wheelchair Ramp Curb Cuts" and the Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities. NCDOT shall not maintain the proposed sidewalks.
10. The roadway shall be kept free of silt, mud and debris at all times.

11. All bare and disturbed areas must have a sufficient stand of vegetation. Address any erosion issues that may arise during time of construction. Monitor these areas as needed to assure this requirement is satisfied.
12. All costs associated with the greenway trail and bridge shall be the responsibility of the encroacher. NCDOT will not maintain the greenway trail or the area around the greenway trail. NCDOT may remove the greenway trail if not properly maintained. NCDOT reserves the right to remove any greenway trail found to be a hazard to the traveling public.

## **Encroachment Standard Provisions**

1. An executed copy of this encroachment agreement will be present at the construction site at all times during construction. NCDOT reserves the right to stop all work unless evidence of approval can be shown.
2. NCDOT reserves the right to revise, restrict, suspend and/or void this encroachment agreement if the execution and/or operation of said permit is found to be a hazard to the traveling public.
3. This encroachment agreement only covers work within NCDOT Right-of-Way. The encroacher is responsible for verifying all right of way. NCDOT does not guarantee the right of way on this road. If the right of way was not obtained by the fee simple method, it is the responsibility of the encroacher to obtain permission from the underlying property owner/owners.

Encroacher shall be responsible for obtaining all necessary permanent and/or temporary construction, drainage, utility and/or sight distance easements. All Right of Way and easements necessary for construction and maintenance shall be dedicated to NCDOT with proof of dedication furnished to the District Engineer prior to beginning work.

4. The encroacher is responsible for any claim for damages brought by any property owner by reason of the installation.
5. Notify the District Engineer's Office at (919) 733-3213 or at 4009 District Drive, Raleigh, NC 27607, prior to beginning and after completion of work.
6. The Encroacher shall notify the public, including all adjacent property owners and businesses, a minimum of 2 weeks prior to beginning work.
7. Any and all changes noted in red on the plans shall be incorporated into and made part of the approved permit.
8. The encroaching party shall comply with all applicable local, state and federal environmental regulations, and shall obtain all necessary state and federal environmental permits, including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.
9. All materials and construction shall be in accordance with NCDOT standards and specifications, including but not limited to, the NCDOT Standard Specifications for Roads and Structures 2018, the NCDOT Roadway Standards Drawings, and NCDOT Policies and Procedures for Accommodating Utilities on Highway Rights of Way.
10. The encroacher shall provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of road users during construction and any subsequent maintenance. This shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Roads and Structures and Amendments or Supplements thereto. When there is no guidance provided in the Roadway Standard Drawings or Specifications, comply with the Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations.

Sidewalk closures shall be installed as necessary. Pedestrian traffic shall be detoured around these closures and shall be signed appropriately and in accordance with The American with Disabilities Act Accessibility Guidelines.



11. No parking or material storage shall be allowed along the shoulders of any NCDOT roadways.
12. Two-way traffic shall be maintained at all times.
13. No lane closures shall be permitted between the hours of 6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM, Monday through Friday unless otherwise specified in the Special Provisions of this encroachment agreement.
14. At the end of each working day, equipment shall be parked outside of the clear recovery zone in order to avoid any obstruction to the travelling public. This clear recovery zone is measure from the edge of the nearest travel lane.
15. Work shall not be performed on both sides of the road simultaneously within the same area.
16. Ingress and egress shall be maintained to all businesses and dwellings at all times.
17. The paving of this roadway shall be in accordance with the revised NCDOT 2012 Standard Specifications, Sections 610, 1012 and 1020. The Contractor shall follow all procedures of the attached Quality Management System (QMS) for asphalt pavement - Maintenance Version. The Contractor must adhere to all testing requirements and quality control requirements specified. The Contractor shall contact the NCDOT Division 5 QA Supervisor at (919) 562-0018 prior to producing plant mix and make the Supervisor aware that the mix is being produced for a future NCDOT road. Only NCDOT approved mix designs will be acceptable. A quality control plan shall be submitted to the District Engineer's Office prior to asphalt production. Use form QMS-MV1 for the Quality Control Plan submittal. Failing mixes and/or densities are subject to penalties including monetary payments or removal and replacement.
18. Roadway certification reports sealed by a Professional Engineer shall be submitted to the North Carolina Department of Transportation at 4009 District Drive, Raleigh, North Carolina, indicating the following:
  - \* Pavement thickness by type
  - \* Pavement density, core and/or test locations
  - \* Base thickness
  - \* Base density
  - \* Subgrade densityTest frequency and method shall be in conformance with the NCDOT "Materials and Tests" Manual. Test must be performed by a Certified Technician including name and Certification number on report.
19. Any existing driveways, pavement, sidewalk, curb and gutter or drainage structures that are damaged during construction shall be repaired to their original condition.
20. When surface area in excess of one acre will be disturbed, the Encroacher shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the Right of Way. Failure to provide this information shall be grounds for suspension of operations.

21. All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Encroacher in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. All earth areas shall be re-graded and seeded in accordance with NCDOT Standards Specifications for Roads and Structures 1995. Seeding rates per acre shall be the following:
  - \* Year Round Mixture: 50# Pensacola Bahia Grass; 50# KY 31 Tall Fescue; 5# Centipede; 500# 10-20-20 Fertilizer; 4000# Limestone;
  - \* 2:1 Slopes Standard Mix: Use Year Round Mixture (Delete Centipede); Add 25# Service Lespedeza;
  - \* If Using Crown Vetch on 2:1 Slope (September-May): Use Year Round Mixture; Add Crown Vetch 15 lbs./Ac.; (Delete Centipede and Bahia)
22. The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. Additional information can be obtained by contacting the USACE or NCDWQ.
23. The applicant is responsible for avoiding impacts to federally protected species during project construction. Bald eagle, Michaux's sumac, smooth coneflower, dwarf wedgemussel, harperella, red-cockaded woodpecker and tar spinymussel are federally protected species that have been identified within NCDOT right-of-way in Durham, Person, Granville, Wake, Franklin, Vance, and Warren counties. Additional information can be obtained by contacting the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services.
24. The applicant is responsible for complying with the Neuse and Tar-Pamlico Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ.
25. Existing drainage patterns shall be maintained at all times throughout the proposed construction. The encroacher shall keep the roadway clean of dirt and debris at all times throughout the duration of the project.
26. All proposed landscaping and plantings located within the NCDOT right of way shall be approved by the Division Roadside Environmental Unit. Contact Corey Sudderth at (919) 816-9290.

In the event these plants require relocation or removal for highway construction, reconstruction, or maintenance of safety, such removal or relocation will be done immediately by the permittee upon notification by the NCDOT entirely at the expense of the permittee.
27. The Division Traffic Engineer, shall be notified at (919) 220-4600 prior to any excavation within 500 feet of a signalized intersection or if there are existing NCDOT signs in or near the proposed work zone. All traffic signal or detection cables must be located prior to excavation. All signal work and traffic signs shall be coordinated with the Division Traffic Engineer. Costs to relocate, replace, or repair NCDOT signs, signals, or associated equipment shall be the responsibility of the Encroacher.
28. All temporary and final pavement markings, reflective pavement markings and signage are the responsibility of the Encroacher. All final pavement markings shall be thermoplastic. Any pavement markings that are damaged or obliterated shall be restored at no expense to NCDOT.

29. All Traffic signs moved shall be reinstalled as soon as possible to meet NCDOT specifications.
30. Strict compliance with the Policies and Procedures for Accommodating Utilities on Highway Right of Way manual shall be required.
31. It shall be the responsibility of the Encroacher to determine the location of other utilities within the encroachment area. The Encroacher shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities.
32. All earth areas disturbed shall be re-graded and reseeded in accordance with Division of Highways Standards and Specifications.
33. The Encroacher shall remove all trees, stumps and vegetative material from the right of way and dispose of in a licensed landfill or disposal site.
34. Excavated material shall not be placed on the roadway at any time.
35. Trenching, bore pits and/or other excavations shall not be left open or unsafe overnight. The Contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.
36. All excavations inside the theoretical 1:1 slope from the existing edge of pavement to the bottom of the nearest excavation wall should be made in accordance with the following conditions. Traffic should be moved to a travel lane outside the limits of a theoretical one-to-one slope from the bottom of the nearest trench wall to the pavement surface. Active excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by an engineer registered in North Carolina. Trench boxes shall not be accepted as shoring. The trench backfill material should meet the Statewide Borrow Criteria.
37. Excavated areas adjacent to pavement having more than a 2 inch drop shall be made safe with a 6:1 or flatter slope and shall be designated by appropriate delineation during periods of construction inactivity, including, but not limited to, night and weekend hours.
38. Backfill material is to be placed at a maximum of 6 inch loose layers and each layer thoroughly compacted. All embankment backfill shall be compacted to 95% density and all subgrade to 100% density in accordance with AASHTO T-99 as modified by NCDOT. They shall be signed by a Professional Engineer and sent to the District Engineers Office at 4009 District Drive, Raleigh, NC 27607.
39. No commercial advertising shall be allowed within NCDOT Right of Way.
40. Guardrail shall be installed where warranted and in accordance with the guidelines shown in the 2012 Highway Design Branch Roadway Standard Drawings.

Guardrail removed or damaged during construction shall be replaced or repaired to their original condition.



41. Poles shall be located/relocated at or as near as possible to the right-of-way line, shall be set outside the Clear Recovery Area as outlined by AASHTO and outside sight distance triangles.

Poles located within guardrail sections shall be installed a minimum of 5 feet behind any guardrail. When applicable, poles shall be placed behind sidewalk.

Any associated guy wires to ground anchors and stub poles shall not be placed between a pole and the travel way and should be located outside the clear recovery area.

Minimum vertical clearance shall be 18' for aerial crossings over NCDOT roadways and 15'-6" for installations parallel to the roadway.

42. Fire Hydrants shall be of the break-away type. Hydrants shall be placed a maximum of one foot inside the right of way in ditch sections or a minimum of 6 feet behind the curb in curb and gutter sections.
43. Retaining walls or other vertical structures shall not be permitted inside NCDOT right of way.

DEPARTMENT OF TRANSPORTATION

-AND-

TOWN OF APEX

RIGHT OF WAY ENCROACHMENT AGREEMENT  
FOR NON-UTILITY ENCROACHMENTS ON  
PRIMARY AND SECONDARY HIGHWAYS

THIS AGREEMENT, made and entered into this the 11th day of July, 2022, by and between the Department of Transportation, party of the first part; and Town of Apex party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR1160 (Olive Chapel Rd.), located on the south side of Olive Chapel Road and beginning approximately 440 ft. east of the American Tobacco Trail and continuing approximately 120 ft. to existing path. with the construction and/or erection of: approximately 56 ft. of 10 ft. wide multi-use asphalt path and one 70 ft. long section of timber boardwalk.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

R/W (161A) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161A) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.



ATTEST OR WITNESS:

Russell H. Dalton  
**Russell H. Dalton, PE**  
**Senior Transportation Engineer**

DEPARTMENT OF TRANSPORTATION  
BY: Jeremy Warren/TRE Digitally signed by Jeremy Warren/TRE  
For Asst. Manager of Right of Way Date: 2022.07.11 13:33:23 -04'00'  
Adam Stephenson  
**Adam Stephenson, PE, CFM**  
**Engineering Supervisor**  
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.



## Estimate for Work within NCDOT Right-of-Way

# APEX WEST GREENWAY

(Olive Chapel Rd. To American Tobacco Trail)

## Construction Estimate

Line #	Item #	Sec #	Description	Quantity	Units	Unit Cost	Amount
-3	0000100000-N	800	MOBILIZATION	1	LS	\$5,050.44	\$5,050.44
-2	0000400000-N	801	CONSTRUCTION SURVEYING	1	LS	\$2,200.00	\$2,200.00
-1	0043000000-N	226	GRADING	1	LS	\$1,000.00	\$1,000.00
	0050000000-E	226	SUPP CLEARING & GRUBBING	0.25	ACR	\$5,000.00	\$1,250.00
1	0057000000-E	226	UNDERCUT EXCAVATION	15	CY	\$60.00	\$900.00
2	0194000000-E	265	SELECT GRANULAR MATERIAL, CLASS III	15	CY	\$70.00	\$1,050.00
3	0196000000-E	270	GEOTEXTILE SOIL STABILIZATION	25	SY	\$2.75	\$68.75
4	1121000000-E	520	AGGREGATE BASE COURSE	110	TON	\$50.00	\$5,500.00
5	1220000000-E	545	INCIDENTAL STONE BASE	7	TON	\$50.00	\$350.00
6	1519000000-E	610	ASP CONC SURF CRS S9.5B	8	TON	\$80.00	\$640.00
7	1575000000-E	620	ASP FOR PLANT MIX	1	TON	\$550.00	\$550.00
8	6000000000-E	1605	TEMPORARY SILT FENCE	200	LF	\$2.50	\$500.00
9	6009000000-E	1610	EROS CONTRL STONE CL B	20	TON	\$50.00	\$1,000.00
10	6012000000-E	1610	SEDIMENT CONTROL STONE	20	TON	\$40.00	\$800.00
11	6015000000-E	1615	TEMPORARY MULCHING	0.5	ACR	\$1,900.00	\$950.00
12	6018000000-E	1620	SEED FOR TEMP SEEDING	100	LB	\$2.00	\$200.00
13	6021000000-E	1620	FERT FOR TEMP SEEDING	0.5	TON	\$850.00	\$425.00
14	6042000000-E	1632	1/4" HARDWARE CLOTH	50	LF	\$3.00	\$150.00
15	6084000000-E	1660	SEEDING AND MULCHING	0.5	ACR	\$300.00	\$150.00
16	6087000000-E	1660	MOWING	0.5	ACR	\$500.00	\$250.00
17	6090000000-E	1661	SEED FOR REPAIR SEEDING	50	LB	\$2.00	\$100.00

18	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25	TON	\$850.00	\$212.50
19	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	50	LB	\$2.00	\$100.00
20	6108000000-E	1665	FERTILIZER TOPDRESSING	0.25	TON	\$850.00	\$212.50
STRUCTURE ITEMS							
21	8112730000-N	450	PDA TESTING	1	EA	\$2,000.00	\$2,000.00
22	8590000000-E	876	RIP RAP, CLASS I	5	TON	\$120.00	\$600.00
23	8867000000-E	SP	GENERIC STRUCTURE ITEM (LF) (BOARDWALK 10 FOOT SPANS)	70	LF	\$1,000.00	\$70,000.00
24	8867000000-E	SP	GENERIC STRUCTURE ITEM (LF) (BOARDWALK POSTS 7.5" MIN. TIP DIAMETER)	190	LF	\$15.00	\$2,850.00
25	8897000000-E	SP	GENERIC STRUCTURE ITEM (EA) (CONCRETE APPROACH)	2	EA	\$3,500.00	\$7,000.00

6/3/2022

**TOTAL** \$106,059.19

DocuSigned by:

Jonathan C. Hefner

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## VERIFICATION OF COMPLIANCE WITH ENVIRONMENTAL REGULATIONS

(Check Appropriate Box)

- ☐ Permits from the N.C. Department of Environmental Quality and the U.S. Army Corp of Engineers are not required for this project. However, all applicable federal and state regulations have been followed.
- ☒ The required permits from the N.C. Department of Environmental Quality and the U.S. Army Corp of Engineers have been obtained for this project. Copies of the permits are attached.
- ☐ All applicable NPDES Stormwater Permit requirements have been or will be met for this project.
- ☒ The project is in compliance with all applicable sedimentation and erosion control laws and regulations.

Project Name: Apex West Greenway

Township: Apex

County: Wake

Project Engineer: Wetherill Engineering

Phone Number 984-242-0576

Project Contact: Jonathan Hefner

Applicant's Name: Jonathan Hefner

P.E. Seal  
6/3/2022

Date Submitted: June 3, 2022

Form VCER-1  
June 2016



DocuSigned by:

*Jonathan C. Hefner*

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ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

S. DANIEL SMITH  
Director



July 8, 2020

DWR # 20-0606  
Wake County

Town of Apex  
Attn: Drew Havens  
73 Hunter Street  
Apex, NC 27502

**Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS  
AUTHORIZATION CERTIFICATE PER THE JORDAN LAKE WATER SUPPLY WATERSHED  
RIPARIAN BUFFER PROTECTION RULES (15A NCAC 02B .0267) WITH ADDITIONAL  
CONDITIONS**  
Apex West Greenway

Dear Mr. Havens:

You have our approval for the impacts listed below for the purpose described in your application received by the Division of Water Resources (Division) on May 6, 2020 with payment received on May 15, 2020. These impacts are covered by the attached Water Quality General Certification Number 4134 and 4135 and the conditions listed below. This certification is associated with the use of Nationwide Permit Number 13 and 14 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

This approval requires you to follow the conditions listed in the enclosed certification and the following additional conditions:

1. The following impacts are hereby approved provided that all of the other specific and general conditions of the Certification and Buffer Rules are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0506(b)(c) and 15A NCAC 02B .0267(11)]





Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary
<b>Wetland</b>		
W1: Boardwalk w/Hand Clearing	0.02 (acres)	0.02 (acres)
W2: Boardwalk w/Clearing	0.01 (acres)	0.01 (acres)
<b>Stream</b>		
S1: Stream Crossing	25 (linear feet)	0 (linear feet)
S2: Channel Stabilization	155 (linear feet)	0 (linear feet)
S3: Pipe Removal	0 (linear feet)	10 (linear feet)
S4: Rip Rap Outlet	10 (linear feet)	0 (linear feet)
<b>Buffers-Zone 1</b>		
B1: Stream Crossing	1,519 (square feet)	0 (square feet)
B2: Bank Stabilization	2,968 (square feet)	0 (square feet)
<b>Buffers-Zone 2</b>		
B1: Stream Crossing	552 (square feet)	0 (square feet)

2. The permittee shall report to the Raleigh Regional Office any noncompliance with this certification, any violation of stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts, and any violation of state regulated riparian buffer rules [15A NCAC 02B .0200]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances. A written submission shall also be provided within 5 business days of the time the applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Division may waive the written submission requirement on a case-by-case basis.
3. Protective Fencing  
The outside buffer, wetland or water boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing activities to ensure compliance with 15 NCAC 02H .0500. [15A NCAC 02H .0506 (b)(2) and (c)(2) and 15A NCAC 02H .0507 (c)]

4. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Certification and Buffer Authorization. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and General Certification and is responsible for complying with all conditions. [15A NCAC 02B .0507(d)(2)]
5. This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]

This Certification and Buffer Authorization can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information.

Within **sixty (60) calendar days** of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

*If sending by First Class Mail  
via the US Postal Service:*  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

*If sending via delivery service  
(e.g. UPS, FedEx):*  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Please send one (1) copy of the petition to DWR:

*If sending by First Class Mail  
via the US Postal Service:*

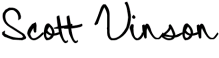
Paul Wojoski  
NC DWR – 401 & Buffer Permitting  
Branch  
1617 Mail Service Center  
Raleigh, NC 27699-1617

*If sending via delivery service  
(e.g. UPS, FedEx):*

Paul Wojoski  
NC DWR – 401 & Buffer Permitting  
Branch  
512 N. Salisbury Street  
Raleigh, NC 27604

This letter completes the review of the Division under section 401 of the Clean Water Act and the Jordan Lake Water Supply Watershed Riparian Buffer Protection Rules as described in 15A NCAC 02B .0267. Please contact Stephanie Goss at 919-791-4256 or [stephanie.goss@ncdenr.gov](mailto:stephanie.goss@ncdenr.gov) if you have any questions or concerns.

Sincerely,

DocuSigned by:  
  
BCDA9D825D4A46D...

Scott Vinson, Regional Supervisor  
Water Quality Regional Operations Section  
Raleigh Regional Office  
Division of Water Resources, NCDEQ

Enclosure: GC 4134  
GC 4135

cc: Lyle Phillips, USACE Raleigh Regulatory Field Office (via email)  
Rob Crowther, Carolina Ecosystems, Inc. (via email)  
DWR RRO 401 file  
DWR 401 & Buffer Permitting Unit via Laserfiche

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action Id. SAW-2020-00684 County: Wake U.S.G.S. Quad: NC-New Hill

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Permittee: Town of Apex  
73 Hunter Street  
Address: Apex, NC 27502

Size (acres) ~006 acres  
Nearest Waterway UT to Beaver Creek  
USGS HUC 03030002

Nearest Town Apex  
River Basin Cape Fear  
Coordinates Latitude: 35.728388  
Longitude: -78.930796

Location description: The project site is south of Olive Chapel Road, west of Portland Ave. and east of the American Tobacco Trail in Apex, Wake County, North Carolina.

Description of projects area and activity: This verification authorizes the temporary discharge of fill material within and permanent conversion of 0.03 acres of forested wetland to herbaceous wetland, the permanent discharge of fill material within 25 linear feet (0.002 acres) of stream channel, the permanent discharge of fill material resulting in no loss of waters within 165 linear feet of stream channel, and the temporary discharge of fill material within 10 linear feet of stream channel.

Applicable Law(s): ☒ Section 404 (Clean Water Act, 33 USC 1344)  
☐ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: **NWP 14. Linear Transportation Projects and NWP 13. Bank Stabilization**

**SEE ATTACHED NWP GENERAL, REGIONAL, AND/OR SPECIAL CONDITIONS**

**Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached Conditions, your application signed and dated 5/6/2020, the ensuring administrative record and the enclosed plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.**

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management **Morehead City, NC, at (252) 808-2808.**

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits. If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact George Lyle Phillips III at (919) 554-4884 X25 or [George.L.Phillips@usace.army.mil](mailto:George.L.Phillips@usace.army.mil).

Corps Regulatory Official: George Lyle Phillips III Date: 05/17/2022  
Expiration Date of Verification: 3/14/2026



The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

Copy furnished: Colleen Cohn – NCDEQ-DWR – 3800 Barrett Drive, Raleigh, NC 27609

Action ID Number: SAW-2020-00684

County: Wake

Permittee: Town of Apex

Project Name: Apex West Greenway

Date Verification Issued: 05/17/2022

Project Manager: George Lyle Phillips III

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT  
Attn: George Lyle Phillips III  
Raleigh Regulatory Office  
U.S Army Corps of Engineers  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587  
or  
George.L.Phillips@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

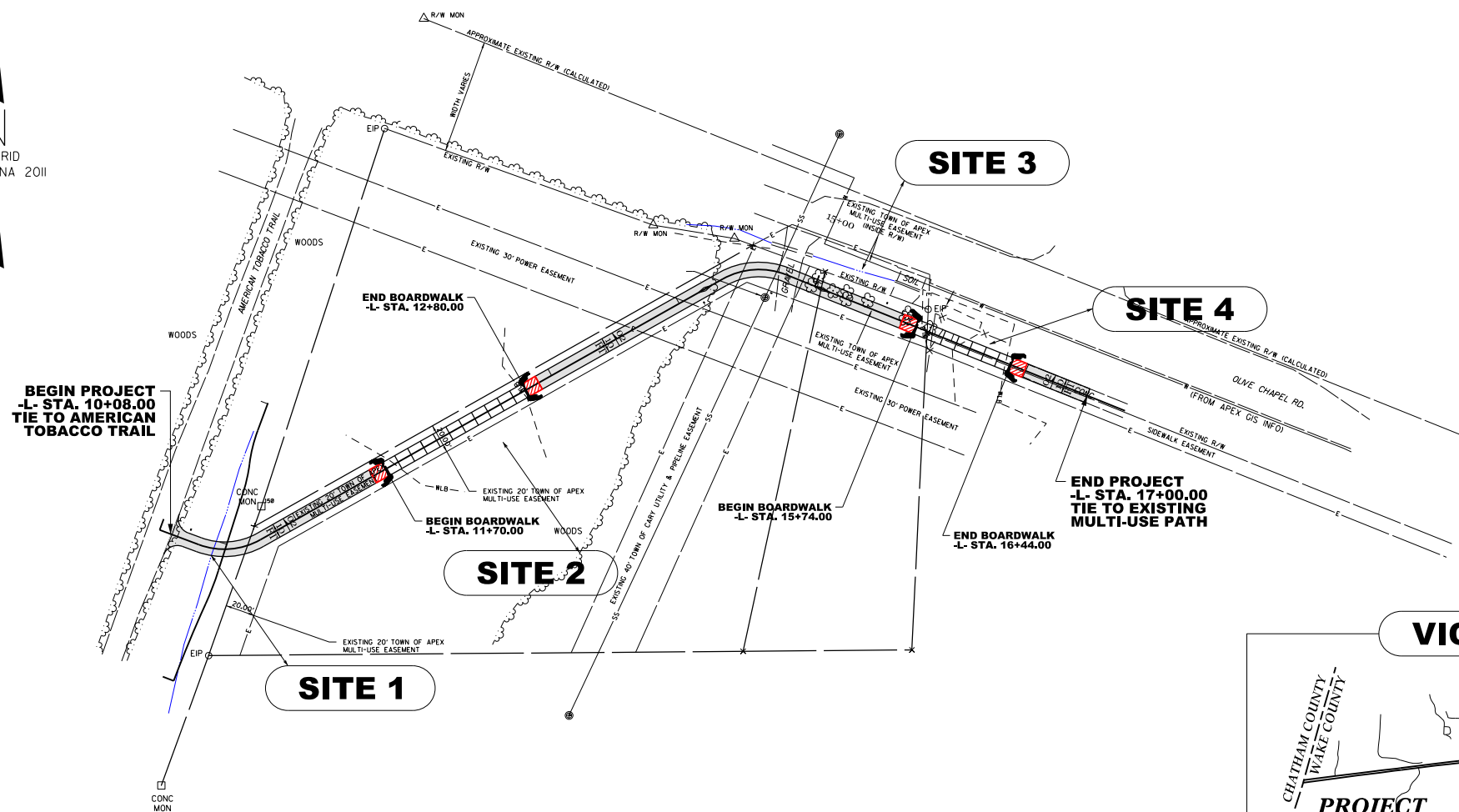
PERMIT DRAWING  
SHEET 1 OF 4

LOCATION:  
FROM OLIVE CHAPEL RD. TO AMERICAN TOBACCO TRAIL

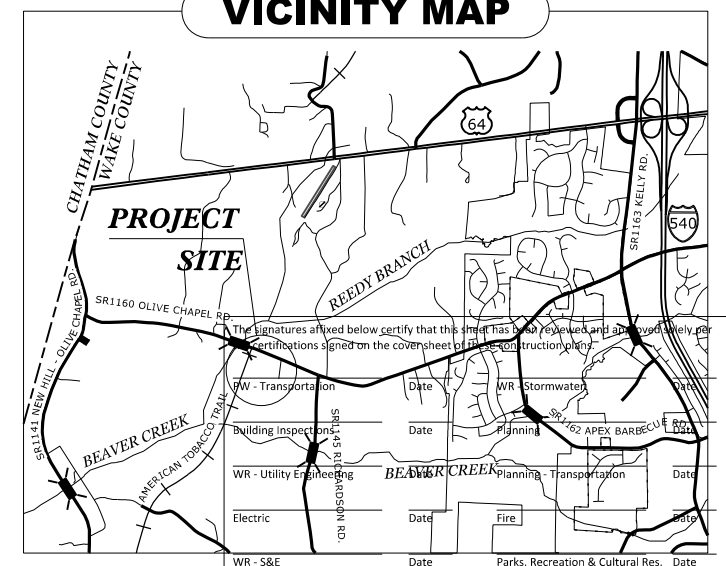
TYPE OF WORK:  
GRADING, PAVING, STRUCTURE, DRAINAGE, & EROSION CONTROL

## PROJECT DATA

Name, Address, and Parcel IDs:	Name: Apex West Greenway Address: 2925 Olive Chapel Rd. Apex, NC 27502	
	Parcel IDs: 0711-98-6221 0721-09-5966 0721-09-7915 0721-09-4462	
Preparer:	Company Name: Wetherill Engineering Contact Name: Jonathan Hefner Address: 1223 Jones Franklin Rd. Raleigh, NC 27606 Phone: 919-851-8077 Email: <a href="mailto:jhefner@wetherilleng.com">jhefner@wetherilleng.com</a>	
Owner:	Town of Apex	
Contract Purchaser:	Name: Town of Apex Parks & Recreation Contact Name: Andrew Havens Address: 73 Hunter St. Apex, NC 27502 Phone: 919-249-3400 Email: <a href="mailto:drew.havens@apexnc.org">drew.havens@apexnc.org</a>	NAD
Annexation Number:	N/A	
Zoning:	N/A	
Current 2045 Land Use:	Protected Open Space	
Proposed 2045 Land Use:	Protected Open Space	
Area of Tracts:	2 acres	
Required setbacks:	N/A	
Watershed Protection Overlay District:	Primary	
FEMA:	Outside 100-yr floodplain for Reedy Branch	
Gross Area of Buildings	N/A	
Gross Floor Area:	N/A	
Building Height:	N/A	
Minimum Number of Parking Spaces Required:	N/A	
Maximum Number of Parking Spaces Permitted:	N/A	
Parking Spaces Provided:	N/A	
Number of Handicapped Spaces:	N/A	
Percentage of Parking on Side and Rear:	N/A	
Amount and Percentage of Built Upon Area Allowed:	N/A	
Amount and Percentage of Built Upon Area Proposed:	N/A	
Gross Area and Percent of RCA Required:	N/A	
Gross Area and Percent of RCA Provided:	N/A	
Historic Structures:	No	
Two Community Amenities:	N/A	



### VICINITY MAP

[illegible]

PLANS PREPARED FOR:

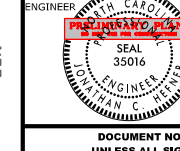
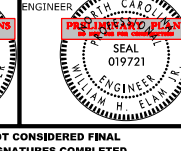


- Page 77 -

PLANS PREPARED BY:



ROADWAY

HYDRAULICS 

DATE: MARCH 4, 2020

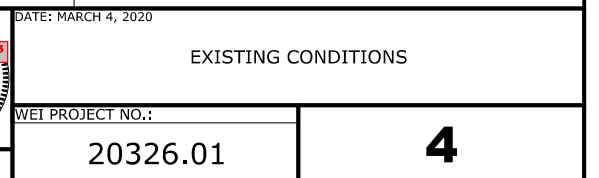
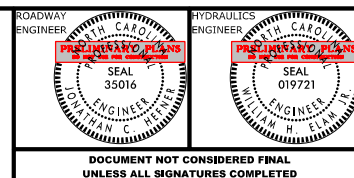
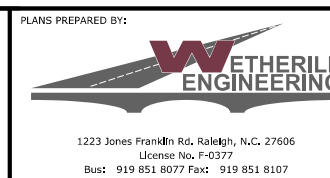
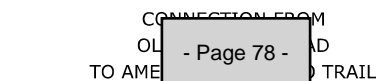
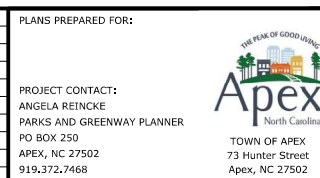
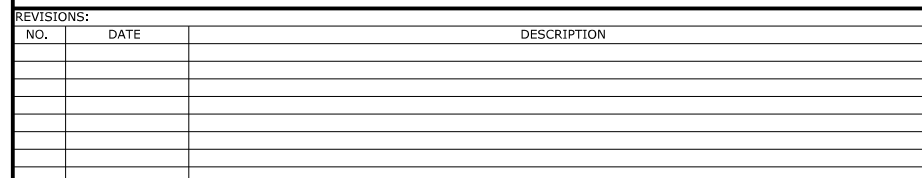
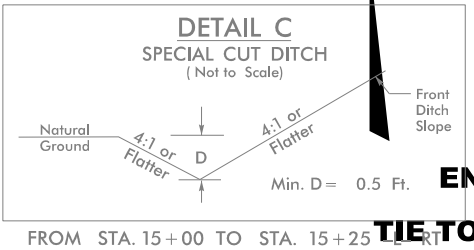
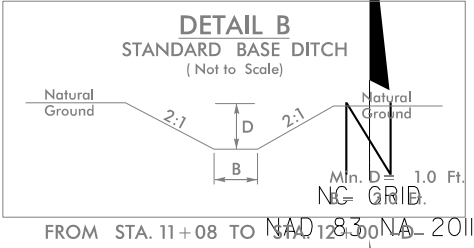
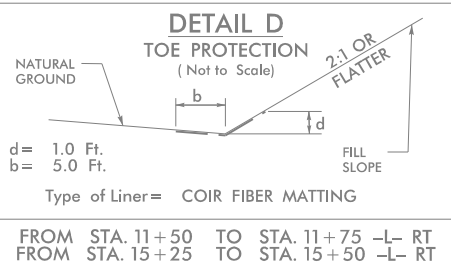
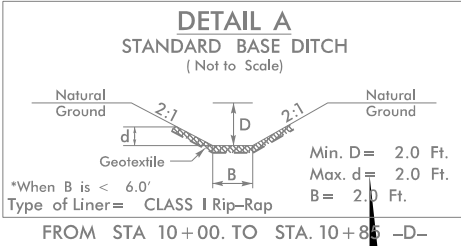
WEI PROJECT NO.:

20326.01

COVER SHEET

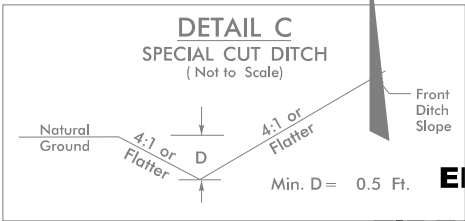
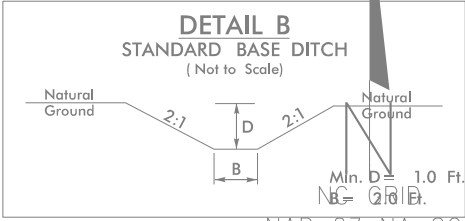
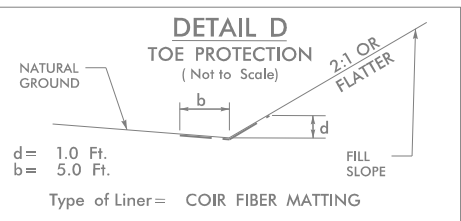
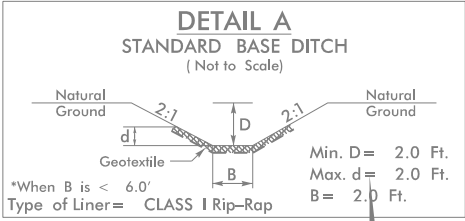
1

## PERMIT DRAWING SHEET 2 OF 4





PERMIT DRAWING  
SHEET 3 OF 4



**END CONSTRUCTION**  
**-D- STA. 12+00.00**  
**TIE TO EXISTING DITCH**

**OUTLET PROTECTION**  
**10' L X 15' W X 15" D**  
**CLASS I RIP RAP**  
**SEE DETAIL SHEET EC-4**

**OUTLET PROTECTION**  
**6' L X 9' W X 12" D**  
**CLASS B RIP RAP**  
**SEE DETAIL SHEET EC-4**

**YIELD SIGN**  
**-L- STA. 10+20, 8' LT**  
**SEE DETAIL ON SHEET 6**

**BEGIN PROJECT**  
**-L- STA. 10+08.00**  
**TIE TO EXIST TRAIL**

**18" RCP-III**  
**WITH FLARED END SECTIONS**  
**30" RCP-III**  
**WITH FLARED END SECTIONS**

**BEGIN CONSTRUCTION**  
**-D- STA. 10+00.00**  
**TIE TO EXISTING DITCH**

**SEE DETAIL B**

**SEE DETAIL D**

**SEE DETAIL A**

**OUTLET PROTECTION**  
**5' L X 7.5' W X 12" D**  
**CLASS B RIP RAP**  
**SEE DETAIL SHEET EC-4**

**15" RCP-IV WITH FLARED END**  
**SECTION AT OUTLET**

**SITE 3**

**RETAIN**

**INTERSECTION SIGN**  
**-L- STA. 15+50, 8' LT**  
**SEE DETAIL ON SHEET 6**

**REMOVE**  
**BEGIN BOARDWALK**  
**-L- STA. 15+74.00**

**SITE 4**

**END BOARDWALK**  
**-L- STA. 16+44.00**  
**END OF EXISTING MULTI-USE PATH**

**END BOARDWALK**  
**-L- STA. 12+80.00**

**BEGIN BOARDWALK**  
**-L- STA. 11+70.00**

**SITE 2**

**INSTALL TREE PROTECT. FENCE OR**  
**COMBO SILT/TREE PROTECT. FENCE**  
**2ft INSIDE EASEMENT.**

Trees cleared with the easement.  
Wetland converted from wooded to  
herbaceous beneath the boardwalk.

**INSTALL BOLLARDS**  
**-L- STA. 15+05.00**  
**SEE DETAIL ON SHEET 6**

**PRIVATE PROPERTY SIGN**  
**-L- STA. 14+72, 15' RT**  
**ORIENT 90° TO DRIVEWAY**  
**SEE DETAIL ON SHEET 6**

**INSTALL BOLLARDS**  
**-L- STA. 14+20.00**  
**SEE DETAIL ON SHEET 6**

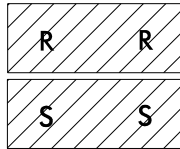
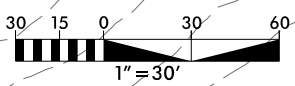
**INTERSECTION SIGN**  
**-L- STA. 14+15, 8' RT**  
**SEE DETAIL ON SHEET 6**

**END PROJECT**  
**-L- STA. 17+00.00**  
**TIE TO EXIST TRAIL**

**EXISTING MULTI-USE PATH**

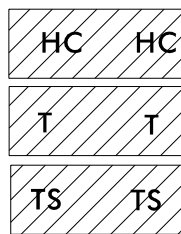
**RREF II-SH RICHARDSON**  
**JV OWNER, LLC**

**SADDLEBROOK SUBDIVISION**



**DENOTES CONVERTED**  
**WETLANDS**

**DENOTES IMPACTS IN**  
**SURFACE WATER**



**DENOTES HAND**  
**CLEARING**

**DENOTES TEMPORARY**  
**FILL IN WETLAND**

**DENOTES TEMPORARY**  
**IMPACTS IN SURFACE WATER**

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

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

REVISIONS:		
NO.	DATE	DESCRIPTION

PLANS PREPARED FOR:

PROJECT CONTACT:  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468

**Apex**  
TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

**APEX WEST GREENWAY**

CONNECTION FROM  
OLIVE CHAPEL RD  
TO AMERICAN TOBACCO TRAIL

- Page 79 -

PLANS PREPARED BY:

**WETHERILL ENGINEERING**

1223 Jones Franklin Rd. Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077 Fax: 919 851 8107

ROADWAY ENGINEER

**WILLIAM H. EVANS**  
SEAL 35016  
ENGINEER

HYDRAULICS ENGINEER

**WILLIAM H. EVANS**  
SEAL 019721  
ENGINEER

DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

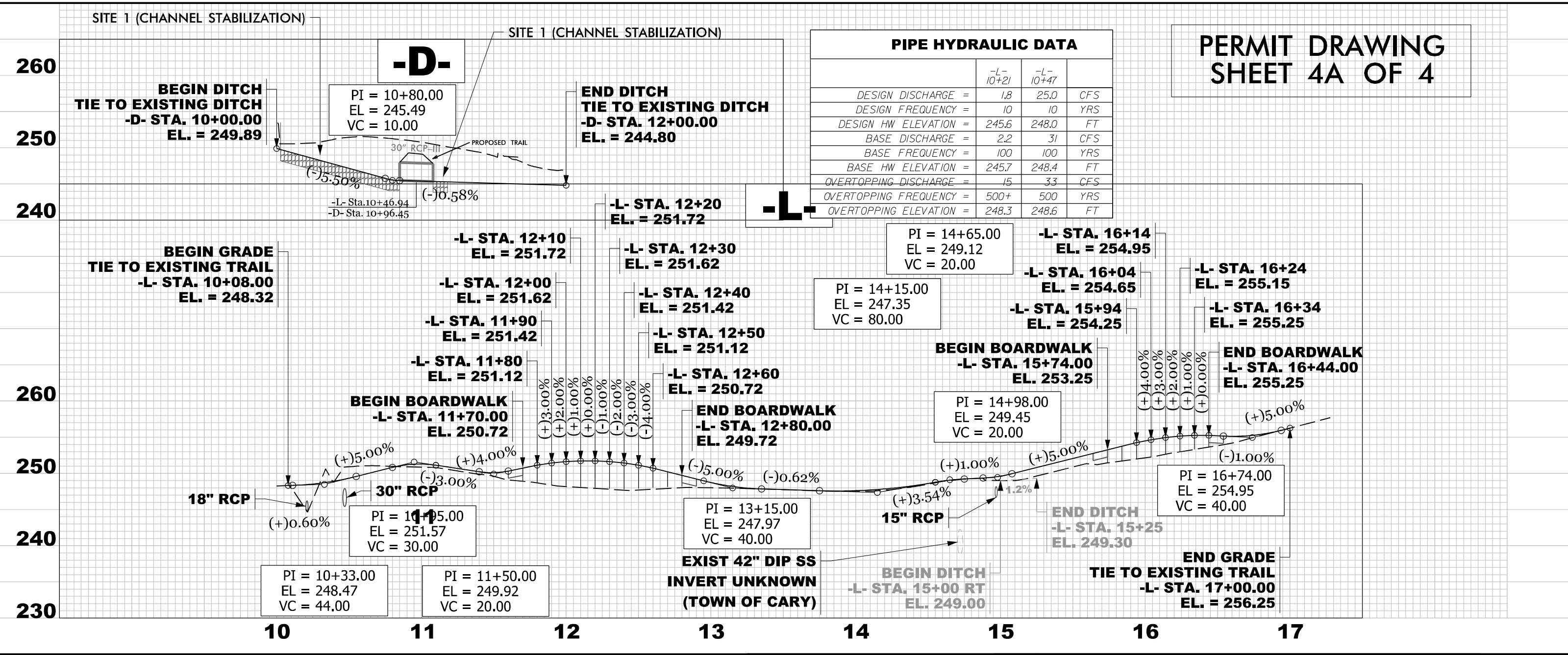
DATE: MARCH 4, 2020

EXISTING CONDITIONS

WEI PROJECT NO.:  
**20326.01**

**4**

PROFILES



## **Nationwide Permit 13**

### **Bank Stabilization**

Effective Date: February 25, 2022 / Expiration Date: March 14, 2026

Authority: Sections 10 and 404

Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

- (a) No material is placed in excess of the minimum needed for erosion protection;
- (b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);
- (c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;
- (d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;
- (e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;
- (f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);
- (g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;
- (h) The activity is not a stream channelization activity; and
- (i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed

in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

*Notification:* The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges of dredged or fill material into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of dredged or fill material of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line. (See general condition 32.)

*Note:* In coastal waters and the Great Lakes, living shorelines may be an appropriate option for bank stabilization, and may be authorized by NWP 54.

## **GENERAL CONDITIONS**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

### **1. Navigation.**

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.



3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.
13. **Removal of Structures and Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as ap

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.**

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation is submitted. If the appropriate

documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.**

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR



800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 5258 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 1/103/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 1/103/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the

waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to an herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.**

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFF 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.



(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

*“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”*

(Transferee)

(Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. **Pre-Construction Notification.**

(a) *Timing.* Where required by the terms of the NWP, the permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions approved by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the pr set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4)
  - (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
  - (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse

environmental effects of the proposed linear project and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans).

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement that the project proponent has submitted a



written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:*

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for:

(i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States;

(ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and

(iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so, contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

## **DISTRICT ENGINEER'S DECISION**

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district

the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either:

(a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;

(b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or

(c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

## **FURTHER INFORMATION**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

## DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to or located within such properties. The term



includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Pre-construction notification:** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

**Preservation:** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

**Riffle and pool complex:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Riparian areas:** Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may

consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters extend to the rise and fall of the water surface can no

longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).



## REGIONAL CONDITIONS:

The following Regional Conditions have been approved by the Wilmington District for the Nationwide Permits (NWP) published in the January 13, 2021, and December 27, 2021, *Federal Register* (86 FR 2744 and 86 FR 73522) announcing the reissuance of 52 existing (NWP) and five new NWPs, as well as the reissuance of NWP general conditions and definitions with some modifications.

### A. EXCLUDED WATER AND/OR AREAS

The Corps has identified waters that will be excluded from the use of all NWP's during certain timeframes. These waters are:

1. **Anadromous Fish Spawning Areas.** Work in waters of the U.S. designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas are prohibited from February 15th through June 30th, without prior written approval from the Corps and the appropriate wildlife agencies (NCDMF, NCWRC and/or the National Marine Fisheries Service (NMFS)). Work in waters of the U.S. designated by NCWRC as primary nursery areas in inland waters are prohibited from February 15th through September 30th, without prior written approval from the Corps and the appropriate wildlife agencies. Work in waters of the U.S. designated by NCDMF as primary nursery areas shall be coordinated with NCDMF prior to being authorized by this NWP. Coordination with NCDMF may result in a required construction moratorium during periods of significant biological productivity or critical life stages.
2. **Trout Waters Moratorium.** Work in waters of the U.S. in the designated trout watersheds of North Carolina are prohibited from October 15th through April 15th without prior written approval from the NCWRC, or from the Eastern Band of Cherokee Indians (EBCI) Fisheries and Wildlife Management (FWM) office if the project is located on EBCI trust land. (See Section C.3. below for information on the designated trout watersheds).
3. **Sturgeon Spawning Areas.** No in-water work shall be conducted in waters of the U.S. designated by the National Marine Fisheries Service as Atlantic sturgeon critical habitat from February 1st through June 30th. No in-water work shall be conducted in waters of the U.S. in the Roanoke River designated as Atlantic sturgeon critical habitat from February 1st through June 30th, and August 1st through October 31st, without prior written approval from NMFS.
4. **Submerged Aquatic Vegetation.** Impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP, except NWP 48, NWP 55 and NWP 56, unless Essential Fish Habitat (EFH) consultation has been completed pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Permittees shall submit a PCN (See NWP General Condition 32) to the District Engineer prior to commencing the activity if the project would affect SAV. The permittee may not begin work until notified by the Corps that the requirements of the Magnuson-Stevens Act have been satisfied and that the activity is verified.

### B. REGIONAL CONDITIONS APPLICABLE TO ALL NWP's

1. **Critical Habitat in Western NC.** For proposed activities within waters of the U.S. that require a Pre-Construction Notification (PCN) and are located in the thirteen counties listed below, permittees must provide a copy of the PCN to the U.S. Fish and Wildlife Service (USFWS), 160 Zillicoa Street, Asheville, North Carolina 28801 and the Corps Asheville Regulatory Field Office. Please see Gene

related to the Endangered Species Act and the below website for information on the location of designated critical habitat.

Counties with tributaries that drain to designated critical habitat that require notification to the Asheville U.S. Fish and Wildlife Service: Avery, Cherokee, Graham, Haywood, Henderson, Jackson, Macon, Mecklenburg, Mitchell, Swain, Transylvania, Union and Yancey.

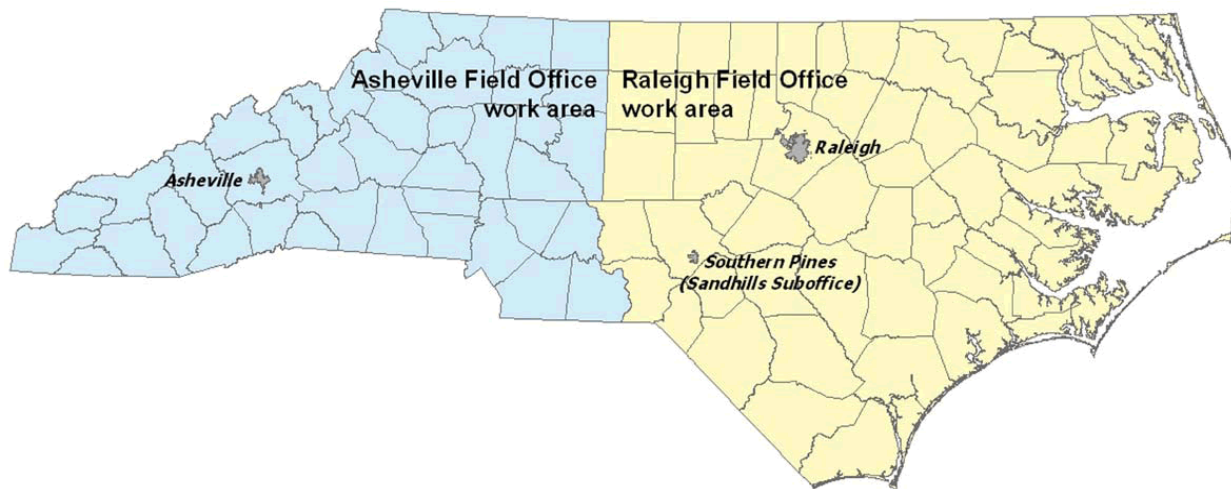
Website and office addresses for Endangered Species Act Information:

The Wilmington District has developed the following website for permittees which provides guidelines on how to review linked websites and maps in order to fulfill NWP General Condition 18 (Endangered Species) requirements:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/AgencyCoordination/ESA.aspx>.

Permittees who do not have internet access may contact the appropriate U.S. Fish and Wildlife Service offices listed below or Corps at (910) 251-4850.

Below is a map of the USFWS Field Office Boundaries:



Asheville U.S. Fish and Wildlife Service Office counties: All counties west of and including Anson, Stanly, Davidson, Forsythe and Stokes Counties.

U.S. Fish and Wildlife Service  
Asheville Field Office  
160 Zillicoa Street  
Asheville, NC 28801  
Telephone: (828) 258-3939

Raleigh U.S. Fish and Wildlife Service Office counties: All counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties.

U.S. Fish and Wildlife Service  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, NC 27636-3726  
Telephone: (919) 856-4520

2. **Special Designation Waters.** Prior to the use of any NWP that involves a discharge of dredged or fill material in any of the following identified waters and/or adjacent wetlands in North Carolina, permittees shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). The North Carolina waters and wetlands that require additional PCN requirements are:

“Primary Nursery Areas” (PNA), including inland PNA, as designated by the North Carolina Marine Fisheries Commission and/or the North Carolina Wildlife Resources Commission. The definition of and designated PNA waters can be found in the North Carolina State Administrative Code at Title 15A, Subchapters 3R and 10C (15A NCAC 03R .0103; 15A NCAC 10C .0502; and 15A NCAC 10C .0503) and at the following web pages:

- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2003%20-%20marine%20fisheries/subchapter%20r/15a%20ncac%2003r%20.0103.pdf>
- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20c/15a%20ncac%2010c%20.0502.pdf>
- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20c/15a%20ncac%2010c%20.0503.pdf>

3. **Trout Waters.** Prior to any discharge of dredge or fill material into streams, waterbodies or wetlands within the 294 designated trout watersheds of North Carolina, the permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity. The permittee shall also provide a copy of the PCN to the appropriate NCWRC office, or to the EBCI FWM Office (if the project is located on EBCI trust land), to facilitate the determination of any potential impacts to designated Trout Waters.

NCWRC and NC Trout Watersheds:

NCWRC Contact**	Counties that are entirely within Trout Watersheds*	Counties that are partially within Trout Watersheds*
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Mountain Coordinator 645 Fish Hatchery Rd., Building B Marion, NC 28752 828-803- 6054  For NCDOT Projects:  NCDOT Coordinator 12275 Swift Rd. Oakboro, NC 28129 704-984- 1070	Alleghany Ashe Avery Graham Haywood	Jackson Macon Swain Transylvania Watauga	Burke Buncombe Caldwell Cherokee Clay Henderson Madison	McDowell Mitchell Polk Rutherford Surry Wilkes Yancey
<b>EBCI Contact**</b>	<b>Counties that are within Trout Watersheds*</b>			
Office of Natural Resources P.O. Box 1747, Cherokee, NC 28719 (828) 359-6113	Qualla Boundary and non- contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties.			

\*NOTE: To determine PCN requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps showing trout watersheds in each County at the following webpage: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout/>.

\*\*If a project is located on EBCI trust land, submit the PCN in accordance with Regional Condition C.16. Contact the Corps Asheville Regulatory Field Office at (828) 271-7980 with questions.

4. **Western NC Waters and Corridors.** The permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity in waters of the U.S. if the activity will occur within any of the following identified waters in western North Carolina, within 0.5 mile on either side of these waters, or within 0.75 mile of the Little Tennessee River, as measured from the top of the bank of the respective water (i.e., river, stream, or creek):

Brasstown Creek  
Burningtown Creek

Cane River  
Caney Fork  
Cartoogechaye Creek  
Chattooga River  
Cheoah River  
Cowee Creek  
Cullasaja River  
Deep Creek  
Ellijay Creek  
French Broad River  
Garden Creek  
Hiwassee River  
Hominy Creek  
Iotla Creek  
Little Tennessee River (within the river or within 0.75 mile on either side of this river)  
Nantahala River  
Nolichucky River  
North Fork French Broad River  
North Toe River  
Nottley River  
Oconaluftee River (portion not located on trust/EBCI land)  
Peachtree Creek  
Shooting Creek  
Snowbird Creek  
South Toe River  
Stecoah Creek  
Swannanoa River  
Sweetwater Creek  
Tuckasegee River (also spelled Tuckaseegee or Tuckaseigee)  
Valley River  
Watauga Creek  
Watauga River  
Wayah Creek  
West Fork French Broad River

To determine PCN requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps for all corridors at the following webpage:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Designated-Special-Waters.aspx>.

5. **Limitation of Loss of Stream Bed.** NWP's may not be used for activities that may result in the loss of more than 0.05 acres of stream bed, except for NWP 32.

6. **Pre-Construction Notification for Loss of Stream Bed Exceeding 0.02 acres.** The permittee shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32) prior to the use of any NWP for any activity that results in the loss of more than 0.02 acres of stream bed. This applies to NWP's that do not have PCN requirements as well as those NWP's that require a PCN.

7. **Mitigation for Loss of Stream Bed.** For any NWP that results in a loss of more than 0.02 acres of stream bed, the permittee shall provide a mitigation proposal to compensate for more than minimal individual and cumulative ad\_\_\_\_\_cts to the aquatic environment, unless the



District Engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal. For stream bed losses of 0.02 acres or less that require a PCN, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

8. **Riprap.** For all NWP's that allow for the use of riprap material for bank stabilization, the following conditions shall be applied:

a. Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters. The placement of filter fabric is not required if the riprap will be pushed or "keyed" into the bank of the waterbody. A waiver from the specifications in this Regional Condition must be requested in writing.

b. Riprap shall be placed only on the stream banks, or, if it is necessary to be placed in the stream bed, the finished top elevation of the riprap should not exceed that of the original stream bed.

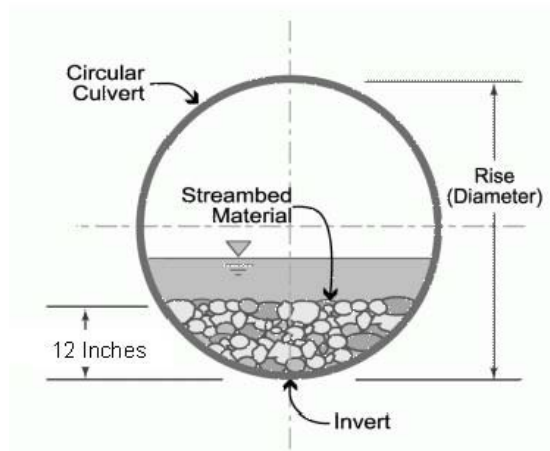
9. **Culvert Placement.** For all NWP's that allow for culvert placement, the following conditions shall be applied:

a. For all NWP's that involve the construction/installation of culverts, measures shall be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches. If the culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

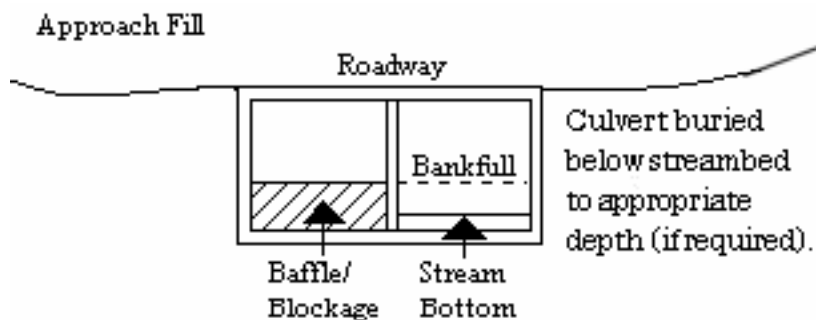
Culvert burial is not required for structures less than 72 inch diameter/width, where the slope of the culvert will be greater than 2.5%, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g., rock ladders, cross vanes, sills, baffles etc.). Culvert burial is not required when bedrock is present in culvert locations.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.



A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp. This waiver request must be specific as to the reasons(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment. Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

b. Bank-full flows (or less) shall be accommodated through maintenance of the existing bank-full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



c. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. If the width of the culvert is wider than the stream channel, the culvert shall include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

10. **Utility Lines.** For all NWP that allow for the construction and installation of utility lines, the following conditions shall be applied:

a. Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the U.S. (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

b. The work area authorized by this permit, including temporary and/or permanent fills, will be minimized to the greatest extent practicable. Justification for work corridors exceeding forty (40) feet in width is required and will be based on pipeline diameter and length, size of equipment required to construct the utility line, and other construction information deemed necessary to support the request. The permittee is required to provide this information to the Corps with the initial PCN package.

c. A plan to restore and re-vegetate wetland areas cleared for construction must be submitted with the required PCN. Cleared wetland areas shall be re-vegetated, as appropriate, with species of canopy, shrub, and herbaceous species. The permittee shall not use fescue grass or any other species identified as invasive or exotic species by the NC Native Plant Society (NCNPS): <https://ncwildflower.org/invasive-exotic-species-list/>.

d. Any permanently maintained corridor along the utility right of way within forested wetlands shall be considered a loss of aquatic function. A compensatory mitigation plan will be required for all such impacts associated with the requested activity if the activity requires a PCN and the cumulative total of permanent conversion of forested wetlands exceeds 0.1 acres, unless the District Engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal.

Where permanently maintained corridor within forested wetlands is 0.1 acres or less, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment.

e. When directional boring or horizontal directional drilling (HDD) under waters of the U.S., including wetlands, permittees shall closely monitor the project for hydraulic fracturing or “fracking.” Any discharge from hydraulic fracturing or “fracking” into waters of the U.S., including wetlands, shall be reported to the appropriate Corps Regulatory Field Office within 48 hours. Restoration and/or compensatory mitigation may be required as a result of any unintended discharges.

11. **Temporary Access Fills.** The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 0.1 acres of wetlands or 0.02 acres of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, how pre-project conditions will be restored, and include a timetable for all restoration activities.

12. **Federal Navigation Channel Setbacks.** Authorized structures and fills located in or adjacent to Federally authorized waterways must be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. You may review the setback policy at <http://www.saw.usace.army.mil/Missions/Navigation/Setbacks.aspx>. This general permit does not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity is approved by the Corps. The permittee shall submit a PCN (see General Condition 32) to the District Engineer to obtain a written verification prior to the construction of any structures or fills within the Federally Authorized Channel Setback.

13. **Northern Long-eared Bat – Endangered Species Act Compliance.** The Wilmington District, U.S. Army Corps of Engineers has with the United States Fish and Wildlife

Service (USFWS) in regard to the threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*) and Standard Local Operating Procedures for Endangered Species (SLOPES) have been approved by the Corps and the USFWS. This condition concerns effects to the NLEB only and does not address effects to other federally listed species and/or federally designated critical habitat.

a. Procedures when the Corps is the lead federal\* agency for a project:

The permittee must comply with (1) and (2) below when:

- the project is located in the western 41 counties of North Carolina, to include non-federal aid North Carolina Department of Transportation (NCDOT) projects, OR;
- the project is located in the 59 eastern counties of North Carolina and is a non-NCDOT project.

\*Generally, if a project is located on private property or on non-federal land, and the project is not being funded by a federal entity, the Corps will be the lead federal agency due to the requirement to obtain Department of the Army authorization to impact waters of the U.S. If the project is located on federal land, contact the Corps to determine the lead federal agency.

(1) A permittee using an NWP must check to see if their project is located in the range of the NLEB by using the following website:

<http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>. If the project is within the range of the NLEB, or if the project includes percussive activities (e.g., blasting, pile driving, etc.), the permittee is then required to check the appropriate website in the paragraph below to discover if their project:

- is located in a 12-digit Hydrologic Unit Code area ("red HUC" - shown as red areas on the map), AND/OR;
- involves percussive activities within 0.25 mile of a red HUC.

Red HUC maps - for the western 41 counties in NC (covered by the Asheville Ecological Services Field Office), check the project location against the electronic maps found at: [http://www.fws.gov/asheville/htmls/project\\_review/NLEB\\_in\\_WNC.html](http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html). For the eastern 59 counties in NC (covered by the Raleigh Ecological Services Field Office), check the project location against the electronic maps found at: [https://www.fws.gov/raleigh/NLEB\\_RFO.html](https://www.fws.gov/raleigh/NLEB_RFO.html).

(2) A permittee must submit a PCN to the District Engineer, and receive written verification from the District Engineer, prior to commencing the activity, if the activity will involve any of the following:

- tree clearing/removal and/or, construction/installation of wind turbines in a red HUC, AND/OR;
- bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, (applies anywhere in the range of the NLEB), AND/OR;
- percussive activities in a red HUC, or within 0.25 mile of a red HUC.

The permittee may proceed with the activity without submitting a PCN to either the Corps or the USFWS, provided the activity complies with all applicable NWP terms and general and regional conditions, if the permittee's review under A.(1) and A.(2) above shows that the project is:

- located outside of a red HUC (and there are no percussive activities), and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located outside of a red HUC and there are percussive activities, but the percussive activities will not occur within 0.25-mile of a red HUC boundary, and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located in a red HUC, but the activity will NOT include tree clearing/removal; construction/installation of wind turbines; bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, and/or; any percussive activities.

b. Procedures when the USACE is not the lead federal agency:

For projects where another federal agency is the lead federal agency - if that other federal agency has completed project-specific ESA Section 7(a)(2) consultation for the NLEB, and has (1) determined that the project would not cause prohibited incidental take of the NLEB, and (2) completed coordination/consultation that is required by the USFWS (per the directions on the respective USFWS office's website), that project may proceed without PCN to either the USACE or the USFWS, provided all General and Regional Permit Conditions are met.

The NLEB SLOPES can be viewed on the USACE website at:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>. Permittees who do not have internet access may contact the USACE at (910) 251- 4633.

14. **West Indian Manatee Protection.** In order to protect the endangered West Indian manatee (*Trichechus manatus*) the Permittee shall implement the USFWS' Manatee Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at <https://www.fws.gov/raleigh/pdfs/ManateeGuidelines2017.pdf>.

15. **ESA Programmatic Biological Opinions.** The Wilmington District, USFWS, NCDOT, and the FHWA have conducted programmatic Section 7(a)(2) consultation for a number of federally listed species and designated critical habitat (DCH), and programmatic consultation concerning other federally listed species and/or DCH may occur in the future. The result of completed programmatic consultation is a Programmatic Biological Opinion (PBO) issued by the USFWS. These PBOs contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" of whichever species or critical habitat is covered by a specific PBO. Authorization under NWPs is conditional upon the permittee's compliance with all the mandatory terms and conditions associated with incidental take of the applicable PBO (or PBOs), which are incorporated by reference in the NWPs. Failure to comply with the terms and conditions associated with incidental take of an applicable PBO, where a take of the federally listed species occurs, would constitute an unauthorized take by the permittee, and would also constitute permittee non-compliance with the authorization under the NWPs. If the terms and conditions of a specific PBO (or PBOs) apply to a project, the Corps will include this/these requirements in any NWP verification that may be issued for a project. For an activity/project that does not require a PCN, the terms and conditions of the applicable PBO(s) also apply to that non-notifying



activity/project. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO and the ESA. All PBOs can be found on our website at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>.

#### **16. Work on Eastern Band of Cherokee Indian Land.**

Notifying NWPs - All PCNs submitted for activities in waters of the U.S. on Eastern Band of Cherokee Indians (EBCI) trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties), must comply with the requirements of the latest MOU between the Wilmington District and the EBCI.

Non-notifying NWPs - Prior to the use of any non-notifying NWP for activities in waters of the U.S. on EBCI trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties), all prospective permittees must comply with the requirements of the latest MOU between the Wilmington District and the EBCI; this includes coordinating the proposed project with the EBCI Natural Resources Program and obtaining a Tribal Approval Letter from the Tribe.

The EBCI MOU can be found at the following URL: <http://saw-reg.usace.army.mil/FO/Final-MOU-EBCI-USACE.pdf>

#### **17. Sedimentation and Erosion Control Structures and Measures.**

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the U.S. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

### **C. REGIONAL CONDITIONS APPLICABLE TO NWP 13**

1. In designated trout watersheds, a PCN is not required for impacts up to 0.02 acres of stream for temporary dewatering, and up to 100 linear feet for all other impacts to streams or waterbodies for bank stabilization activities that are not adjoining, adjacent to, or in the relative vicinity of existing stabilization structures. Materials for the stabilization structure(s) and design of the project must be constructed to withstand normal and expected high stream flows. In designated trout waters, the permittee shall submit a PCN (see Regional Condition C.3 above and General Condition 32) to the District Engineer prior to commencing the activity if 1) impacts (other than temporary dewatering to work in dry conditions) to streams and waterbodies exceed 100 linear feet; 2) temporary impacts to streams or waterbodies associated with dewatering to work in dry conditions exceed 0.02 acres of stream channel; or 3) the activity will be constructed during the trout waters moratorium from October 15th through April 15th.

### **D. SECTION 401 WATER QUALITY CERTIFICATION (WQC) AND/OR COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATION SUMMARY AND APPLICABLE CONDITIONS**

The CZMA Consistency Determination and all Water Quality Certifications for the NWP's can be found at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/2017-Nationwide-Permit>

**Nationwide Permit 14**  
**Linear Transportation Projects**

Effective Date: February 25, 2022 / Expiration Date: March 14, 2026

Authority: Sections 10 and 404

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

*Notification:* The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

*Note 1:* For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

*Note 2:* Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

*Note 3:* For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no

more than minimal individual and cumulative adverse environmental effects (see general condition 23).

## **GENERAL CONDITIONS**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

### **1. Navigation.**

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.
13. **Removal of Structures and Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**16. Wild and Scenic Rivers.**

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

**17. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**18. Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. Permittees that might affect Federally-listed



endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. **Migratory Birds and Bald and Golden Eagles**. The permittee is responsible for ensuring that an action authorized by NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are

necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

## 20. **Historic Properties.**

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is

required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 5258 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 1/103/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 1/103/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.



(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to an herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.**

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFF 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a

coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

*“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”*

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(Transferee)

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(Date)

30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including element of ecological performance

standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

**31. Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

**32. Pre-Construction Notification.**

(a) *Timing.* Where required by the terms of the NWP, the permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving notification from the Corps that there is "no

effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the pr set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4)
  - (i) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
  - (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project and does not change those non-PCN NWP activities into NWP PCNs.
  - (iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans).

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:*



(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for:

(i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States;

(ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and

(iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so, contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

## DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.
  
2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.
  
3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of required compensatory mitigation. If the

prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either:

(a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;

(b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or

(c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

## **FURTHER INFORMATION**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

## **DEFINITIONS**

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain cases preservation of aquatic resources for

the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent

utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non- tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre- construction notification may be required by the terms and conditions of a nationwide permit or by regional conditions. A pre-



construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a

single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign

authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

## REGIONAL CONDITIONS:

The following Regional Conditions have been approved by the Wilmington District for the Nationwide Permits (NWP) published in the January 13, 2021, and December 27, 2021, *Federal Register* (86 FR 2744 and 86 FR 73522) announcing the reissuance of 52 existing (NWP) and five new NWPs, as well as the reissuance of NWP general conditions and definitions with some modifications.

### A. EXCLUDED WATER AND/OR AREAS

The Corps has identified waters that will be excluded from the use of all NWP's during certain timeframes. These waters are:

1. **Anadromous Fish Spawning Areas.** Work in waters of the U.S. designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas are prohibited from February 15th through June 30th, without prior written approval from the Corps and the appropriate wildlife agencies (NCDMF, NCWRC and/or the National Marine Fisheries Service (NMFS)). Work in waters of the U.S. designated by NCWRC as primary nursery areas in inland waters are prohibited from February 15th through September 30th, without prior written approval from the Corps and the appropriate wildlife agencies. Work in waters of the U.S. designated by NCDMF as primary nursery areas shall be coordinated with NCDMF prior to being authorized by this NWP. Coordination with NCDMF may result in a required construction moratorium during periods of significant biological productivity or critical life stages.
2. **Trout Waters Moratorium.** Work in waters of the U.S. in the designated trout watersheds of North Carolina are prohibited from October 15th through April 15th without prior written approval from the NCWRC, or from the Eastern Band of Cherokee Indians (EBCI) Fisheries and Wildlife Management (FWM) office if the project is located on EBCI trust land. (See Section C.3. below for information on the designated trout watersheds).
3. **Sturgeon Spawning Areas.** No in-water work shall be conducted in waters of the U.S. designated by the National Marine Fisheries Service as Atlantic sturgeon critical habitat from February 1st through June 30th. No in-water work shall be conducted in waters of the U.S. in the Roanoke River designated as Atlantic sturgeon critical habitat from February 1st through June 30th, and August 1st through October 31st, without prior written approval from NMFS.
4. **Submerged Aquatic Vegetation.** Impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP, except NWP 48, NWP 55 and NWP 56, unless Essential Fish Habitat (EFH) consultation has been completed pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Permittees shall submit a PCN (See NWP General Condition 32) to the District Engineer prior to commencing the activity if the project would affect SAV. The permittee may not begin work until notified by the Corps that the requirements of the Magnuson-Stevens Act have been satisfied and that the activity is verified.

### B. REGIONAL CONDITIONS APPLICABLE TO ALL NWP's

1. **Critical Habitat in Western NC.** For proposed activities within waters of the U.S. that require a Pre-Construction Notification (PCN) and are located in the thirteen counties listed below, permittees must provide a copy of the PCN to the U.S. Fish and Wildlife Service (USFWS), 160 Zillicoa Street, Asheville, North Carolina 28801 and the Corps Asheville Regulatory Field Office. Please see Gene

related to the Endangered Species Act and the below website for information on the location of designated critical habitat.

Counties with tributaries that drain to designated critical habitat that require notification to the Asheville U.S. Fish and Wildlife Service: Avery, Cherokee, Graham, Haywood, Henderson, Jackson, Macon, Mecklenburg, Mitchell, Swain, Transylvania, Union and Yancey.

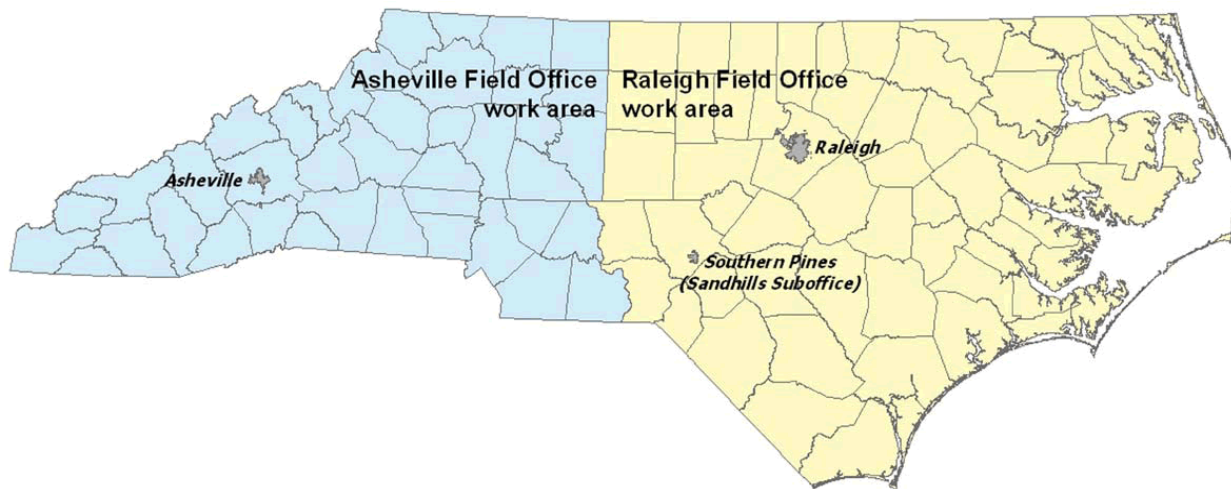
Website and office addresses for Endangered Species Act Information:

The Wilmington District has developed the following website for permittees which provides guidelines on how to review linked websites and maps in order to fulfill NWP General Condition 18 (Endangered Species) requirements:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/AgencyCoordination/ESA.aspx>.

Permittees who do not have internet access may contact the appropriate U.S. Fish and Wildlife Service offices listed below or Corps at (910) 251-4850.

Below is a map of the USFWS Field Office Boundaries:



Asheville U.S. Fish and Wildlife Service Office counties: All counties west of and including Anson, Stanly, Davidson, Forsythe and Stokes Counties.

U.S. Fish and Wildlife Service  
Asheville Field Office  
160 Zillicoa Street  
Asheville, NC 28801  
Telephone: (828) 258-3939

Raleigh U.S. Fish and Wildlife Service Office counties: All counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties.

U.S. Fish and Wildlife Service  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, NC 27636-3726  
Telephone: (919) 856-4520



2. **Special Designation Waters.** Prior to the use of any NWP that involves a discharge of dredged or fill material in any of the following identified waters and/or adjacent wetlands in North Carolina, permittees shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). The North Carolina waters and wetlands that require additional PCN requirements are:

“Primary Nursery Areas” (PNA), including inland PNA, as designated by the North Carolina Marine Fisheries Commission and/or the North Carolina Wildlife Resources Commission. The definition of and designated PNA waters can be found in the North Carolina State Administrative Code at Title 15A, Subchapters 3R and 10C (15A NCAC 03R .0103; 15A NCAC 10C .0502; and 15A NCAC 10C .0503) and at the following web pages:

- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2003%20-%20marine%20fisheries/subchapter%20r/15a%20ncac%2003r%20.0103.pdf>
- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20c/15a%20ncac%2010c%20.0502.pdf>
- <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2010%20-%20wildlife%20resources%20and%20water%20safety/subchapter%20c/15a%20ncac%2010c%20.0503.pdf>

3. **Trout Waters.** Prior to any discharge of dredge or fill material into streams, waterbodies or wetlands within the 294 designated trout watersheds of North Carolina, the permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity. The permittee shall also provide a copy of the PCN to the appropriate NCWRC office, or to the EBCI FWM Office (if the project is located on EBCI trust land), to facilitate the determination of any potential impacts to designated Trout Waters.

NCWRC and NC Trout Watersheds:

NCWRC Contact**	Counties that are entirely within Trout Watersheds*	Counties that are partially within Trout Watersheds*
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Mountain Coordinator 645 Fish Hatchery Rd., Building B Marion, NC 28752 828-803- 6054  For NCDOT Projects:  NCDOT Coordinator 12275 Swift Rd. Oakboro, NC 28129 704-984- 1070	Alleghany Ashe Avery Graham Haywood	Jackson Macon Swain Transylvania Watauga	Burke Buncombe Caldwell Cherokee Clay Henderson Madison	McDowell Mitchell Polk Rutherford Surry Wilkes Yancey
<b>EBCI Contact**</b>	<b>Counties that are within Trout Watersheds*</b>			
Office of Natural Resources P.O. Box 1747, Cherokee, NC 28719 (828) 359-6113	Qualla Boundary and non- contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties.			

\*NOTE: To determine PCN requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps showing trout watersheds in each County at the following webpage: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout/>.

\*\*If a project is located on EBCI trust land, submit the PCN in accordance with Regional Condition C.16. Contact the Corps Asheville Regulatory Field Office at (828) 271-7980 with questions.

4. **Western NC Waters and Corridors.** The permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity in waters of the U.S. if the activity will occur within any of the following identified waters in western North Carolina, within 0.5 mile on either side of these waters, or within 0.75 mile of the Little Tennessee River, as measured from the top of the bank of the respective water (i.e., river, stream, or creek):

Brasstown Creek  
Burningtown Creek

Cane River  
Caney Fork  
Cartoogechaye Creek  
Chattooga River  
Cheoah River  
Cowee Creek  
Cullasaja River  
Deep Creek  
Ellijay Creek  
French Broad River  
Garden Creek  
Hiwassee River  
Hominy Creek  
Iotla Creek  
Little Tennessee River (within the river or within 0.75 mile on either side of this river)  
Nantahala River  
Nolichucky River  
North Fork French Broad River  
North Toe River  
Nottley River  
Oconaluftee River (portion not located on trust/EBCI land)  
Peachtree Creek  
Shooting Creek  
Snowbird Creek  
South Toe River  
Stecoah Creek  
Swannanoa River  
Sweetwater Creek  
Tuckasegee River (also spelled Tuckaseegee or Tuckaseigee)  
Valley River  
Watauga Creek  
Watauga River  
Wayah Creek  
West Fork French Broad River

To determine PCN requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps for all corridors at the following webpage:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Designated-Special-Waters.aspx>.

5. **Limitation of Loss of Stream Bed.** NWP's may not be used for activities that may result in the loss of more than 0.05 acres of stream bed, except for NWP 32.

6. **Pre-Construction Notification for Loss of Stream Bed Exceeding 0.02 acres.** The permittee shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32) prior to the use of any NWP for any activity that results in the loss of more than 0.02 acres of stream bed. This applies to NWP's that do not have PCN requirements as well as those NWP's that require a PCN.

7. **Mitigation for Loss of Stream Bed.** For any NWP that results in a loss of more than 0.02 acres of stream bed, the permittee shall provide a mitigation proposal to compensate for more than minimal individual and cumulative ad\_\_\_\_\_cts to the aquatic environment, unless the

District Engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal. For stream bed losses of 0.02 acres or less that require a PCN, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

8. **Riprap.** For all NWP's that allow for the use of riprap material for bank stabilization, the following conditions shall be applied:

a. Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters. The placement of filter fabric is not required if the riprap will be pushed or "keyed" into the bank of the waterbody. A waiver from the specifications in this Regional Condition must be requested in writing.

b. Riprap shall be placed only on the stream banks, or, if it is necessary to be placed in the stream bed, the finished top elevation of the riprap should not exceed that of the original stream bed.

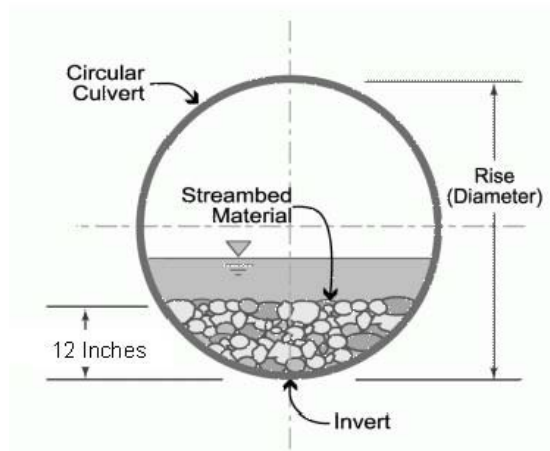
9. **Culvert Placement.** For all NWP's that allow for culvert placement, the following conditions shall be applied:

a. For all NWP's that involve the construction/installation of culverts, measures shall be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches. If the culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

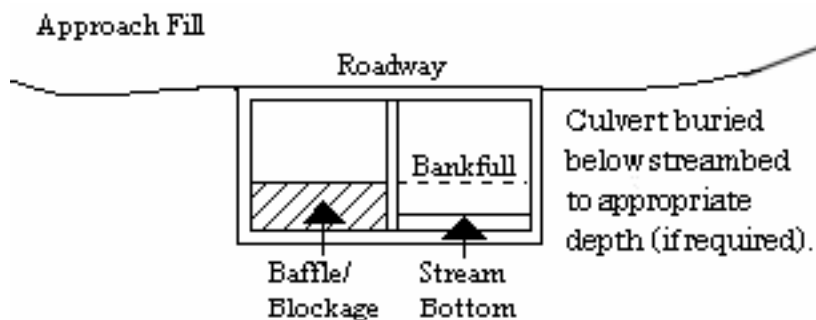
Culvert burial is not required for structures less than 72 inch diameter/width, where the slope of the culvert will be greater than 2.5%, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g., rock ladders, cross vanes, sills, baffles etc.). Culvert burial is not required when bedrock is present in culvert locations.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.



A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp. This waiver request must be specific as to the reasons(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment. Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

b. Bank-full flows (or less) shall be accommodated through maintenance of the existing bank-full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



c. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. If the width of the culvert is wider than the stream channel, the culvert shall include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

10. **Utility Lines.** For all NWP's that allow for the construction and installation of utility lines, the following conditions shall be applied:

a. Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the U.S. (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).



b. The work area authorized by this permit, including temporary and/or permanent fills, will be minimized to the greatest extent practicable. Justification for work corridors exceeding forty (40) feet in width is required and will be based on pipeline diameter and length, size of equipment required to construct the utility line, and other construction information deemed necessary to support the request. The permittee is required to provide this information to the Corps with the initial PCN package.

c. A plan to restore and re-vegetate wetland areas cleared for construction must be submitted with the required PCN. Cleared wetland areas shall be re-vegetated, as appropriate, with species of canopy, shrub, and herbaceous species. The permittee shall not use fescue grass or any other species identified as invasive or exotic species by the NC Native Plant Society (NCNPS): <https://ncwildflower.org/invasive-exotic-species-list/>.

d. Any permanently maintained corridor along the utility right of way within forested wetlands shall be considered a loss of aquatic function. A compensatory mitigation plan will be required for all such impacts associated with the requested activity if the activity requires a PCN and the cumulative total of permanent conversion of forested wetlands exceeds 0.1 acres, unless the District Engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal.

Where permanently maintained corridor within forested wetlands is 0.1 acres or less, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment.

e. When directional boring or horizontal directional drilling (HDD) under waters of the U.S., including wetlands, permittees shall closely monitor the project for hydraulic fracturing or “fracking.” Any discharge from hydraulic fracturing or “fracking” into waters of the U.S., including wetlands, shall be reported to the appropriate Corps Regulatory Field Office within 48 hours. Restoration and/or compensatory mitigation may be required as a result of any unintended discharges.

11. **Temporary Access Fills.** The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 0.1 acres of wetlands or 0.02 acres of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, how pre-project conditions will be restored, and include a timetable for all restoration activities.

12. **Federal Navigation Channel Setbacks.** Authorized structures and fills located in or adjacent to Federally authorized waterways must be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. You may review the setback policy at <http://www.saw.usace.army.mil/Missions/Navigation/Setbacks.aspx>. This general permit does not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity is approved by the Corps. The permittee shall submit a PCN (see General Condition 32) to the District Engineer to obtain a written verification prior to the construction of any structures or fills within the Federally Authorized Channel Setback.

13. **Northern Long-eared Bat – Endangered Species Act Compliance.** The Wilmington District, U.S. Army Corps of Engineers has - Page 143 - with the United States Fish and Wildlife

Service (USFWS) in regard to the threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*) and Standard Local Operating Procedures for Endangered Species (SLOPES) have been approved by the Corps and the USFWS. This condition concerns effects to the NLEB only and does not address effects to other federally listed species and/or federally designated critical habitat.

a. Procedures when the Corps is the lead federal\* agency for a project:

The permittee must comply with (1) and (2) below when:

- the project is located in the western 41 counties of North Carolina, to include non-federal aid North Carolina Department of Transportation (NCDOT) projects, OR;
- the project is located in the 59 eastern counties of North Carolina and is a non-NCDOT project.

\*Generally, if a project is located on private property or on non-federal land, and the project is not being funded by a federal entity, the Corps will be the lead federal agency due to the requirement to obtain Department of the Army authorization to impact waters of the U.S. If the project is located on federal land, contact the Corps to determine the lead federal agency.

(1) A permittee using an NWP must check to see if their project is located in the range of the NLEB by using the following website:

<http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>. If the project is within the range of the NLEB, or if the project includes percussive activities (e.g., blasting, pile driving, etc.), the permittee is then required to check the appropriate website in the paragraph below to discover if their project:

- is located in a 12-digit Hydrologic Unit Code area ("red HUC" - shown as red areas on the map), AND/OR;
- involves percussive activities within 0.25 mile of a red HUC.

Red HUC maps - for the western 41 counties in NC (covered by the Asheville Ecological Services Field Office), check the project location against the electronic maps found at: [http://www.fws.gov/asheville/htmls/project\\_review/NLEB\\_in\\_WNC.html](http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html). For the eastern 59 counties in NC (covered by the Raleigh Ecological Services Field Office), check the project location against the electronic maps found at: [https://www.fws.gov/raleigh/NLEB\\_RFO.html](https://www.fws.gov/raleigh/NLEB_RFO.html).

(2) A permittee must submit a PCN to the District Engineer, and receive written verification from the District Engineer, prior to commencing the activity, if the activity will involve any of the following:

- tree clearing/removal and/or, construction/installation of wind turbines in a red HUC, AND/OR;
- bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, (applies anywhere in the range of the NLEB), AND/OR;
- percussive activities in a red HUC, or within 0.25 mile of a red HUC.

The permittee may proceed with the activity without submitting a PCN to either the Corps or the USFWS, provided the activity complies with all applicable NWP terms and general and regional conditions, if the permittee's review under A.(1) and A.(2) above shows that the project is:

- located outside of a red HUC (and there are no percussive activities), and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located outside of a red HUC and there are percussive activities, but the percussive activities will not occur within 0.25-mile of a red HUC boundary, and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located in a red HUC, but the activity will NOT include tree clearing/removal; construction/installation of wind turbines; bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, and/or; any percussive activities.

b. Procedures when the USACE is not the lead federal agency:

For projects where another federal agency is the lead federal agency - if that other federal agency has completed project-specific ESA Section 7(a)(2) consultation for the NLEB, and has (1) determined that the project would not cause prohibited incidental take of the NLEB, and (2) completed coordination/consultation that is required by the USFWS (per the directions on the respective USFWS office's website), that project may proceed without PCN to either the USACE or the USFWS, provided all General and Regional Permit Conditions are met.

The NLEB SLOPES can be viewed on the USACE website at:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>. Permittees who do not have internet access may contact the USACE at (910) 251- 4633.

14. **West Indian Manatee Protection.** In order to protect the endangered West Indian manatee (*Trichechus manatus*) the Permittee shall implement the USFWS' Manatee Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at <https://www.fws.gov/raleigh/pdfs/ManateeGuidelines2017.pdf>.

15. **ESA Programmatic Biological Opinions.** The Wilmington District, USFWS, NCDOT, and the FHWA have conducted programmatic Section 7(a)(2) consultation for a number of federally listed species and designated critical habitat (DCH), and programmatic consultation concerning other federally listed species and/or DCH may occur in the future. The result of completed programmatic consultation is a Programmatic Biological Opinion (PBO) issued by the USFWS. These PBOs contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" of whichever species or critical habitat is covered by a specific PBO. Authorization under NWPs is conditional upon the permittee's compliance with all the mandatory terms and conditions associated with incidental take of the applicable PBO (or PBOs), which are incorporated by reference in the NWPs. Failure to comply with the terms and conditions associated with incidental take of an applicable PBO, where a take of the federally listed species occurs, would constitute an unauthorized take by the permittee, and would also constitute permittee non-compliance with the authorization under the NWPs. If the terms and conditions of a specific PBO (or PBOs) apply to a project, the Corps will include this/these requirements in any NWP verification that may be issued for a project. For an activity/project that does not require a PCN, the terms and conditions of the applicable PBO(s) also apply to that non-notifying

activity/project. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO and the ESA. All PBOs can be found on our website at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>.

**16. Work on Eastern Band of Cherokee Indian Land.**

Notifying NWPs - All PCNs submitted for activities in waters of the U.S. on Eastern Band of Cherokee Indians (EBCI) trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties), must comply with the requirements of the latest MOU between the Wilmington District and the EBCI.

Non-notifying NWPs - Prior to the use of any non-notifying NWP for activities in waters of the U.S. on EBCI trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land located in portions of Swain, Jackson, Haywood, Graham and Cherokee Counties), all prospective permittees must comply with the requirements of the latest MOU between the Wilmington District and the EBCI; this includes coordinating the proposed project with the EBCI Natural Resources Program and obtaining a Tribal Approval Letter from the Tribe.

The EBCI MOU can be found at the following URL: <http://saw-reg.usace.army.mil/FO/Final-MOU-EBCI-USACE.pdf>

**17. Sedimentation and Erosion Control Structures and Measures.**

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the U.S. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

**C. REGIONAL CONDITIONS APPLICABLE TO NWP 14**

a. If appropriate, permittees shall employ natural channel design (see definition below and NOTE below) to the maximum extent practicable for stream relocations. All stream relocation proposals shall include a Relocation and Monitoring Plan and a functional assessment of baseline conditions (e.g., use of the North Carolina Stream Assessment Methodology). Compensatory mitigation may be required for stream relocations.

Natural Channel Design means a geomorphologic approach to stream restoration based on an understanding of valley type, general watershed conditions, dimension, pattern, profile, hydrology and sediment transport of natural, stable channels (reference condition) and applying this understanding to the reconstruction of a stable channel.

NOTE: For more information on Natural Channel Design, permittees should reference North Carolina Stream Mitigation Guidance on the Corps RIBITS (Regulatory In-lieu Fee and Bank Information Tracking System) website or at the following World Wide Web Page:

<https://ribits.ops.usace.army.mil/ords/f?p=107:2>

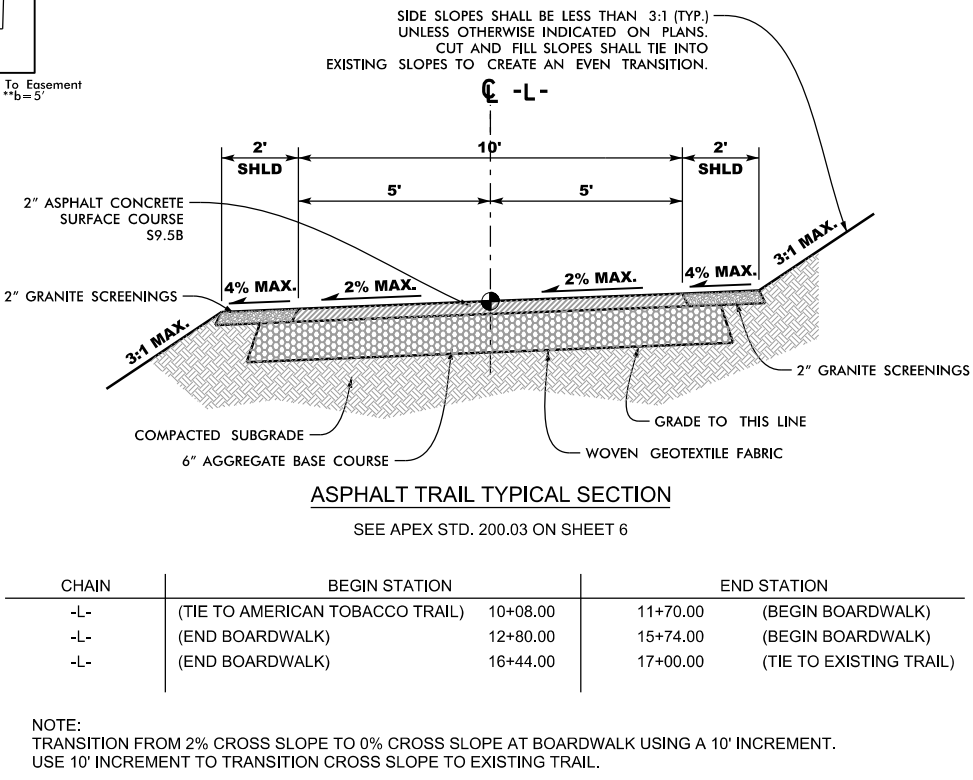
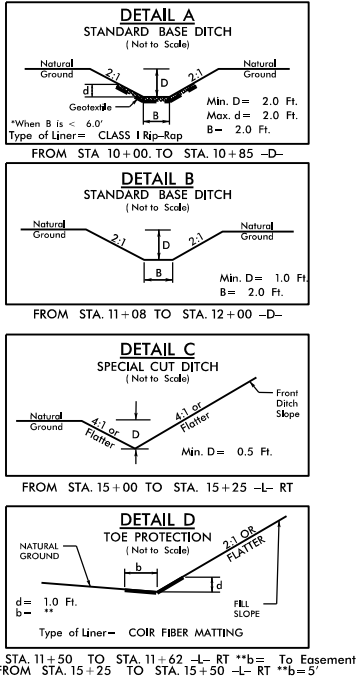
b. In designated trout watersheds, a PCN is not required for impacts to a maximum of 0.007 acres (0.02 acres for temporary dewatering). In designated trout waters, the permittee shall submit a PCN (see Regional Conditions C.3. above and General Condition 32) to the District Engineer prior to commencing the activity if 1) impacts (other than temporary dewatering to work in dry conditions) to jurisdictional aquatic resources exceed 0.007 acres; 2) temporary

impacts to streams or waterbodies associated with dewatering to work in dry conditions exceed 0.02 acres; 3) the project will involve impacts to wetlands; 4) the primary purpose of the project is for commercial development; 5) the project involves the replacement of a bridge or spanning structure with a culvert or non-spanning structure in waters of the United States; or 6) the activity will be constructed during the trout waters moratorium (October 15 through April 15).

**D. SECTION 401 WATER QUALITY CERTIFICATION (WQC) AND/OR COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATION SUMMARY AND APPLICABLE CONDITIONS**


The CZMA Consistency Determination and all Water Quality Certifications for the NWP's can be found at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/2017-Nationwide-Permits/>





PLANS PREPARED FOR:

PROJECT CONTACT:  
ANGELA REINCKE  
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919.372.7468

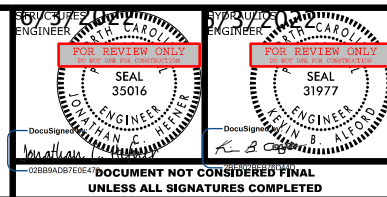


THE PEAK OF GOOD LIVING

Apex  
North Carolina

TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

- Page 148 -



DATE: JUNE 3, 2022	
PLAN & PROFILE SHEET	
WEI PROJECT NO.:	
20326.01	1

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

SECTION E: GROUND STABILIZATION

Required Ground Stabilization Timeframes		
Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe variations
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
(b) High Quality Water (HQW) Zones	7	None
(c) Slopes steeper than 3:1	7	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
(d) Slopes 3:1 to 4:1	14	-7 days for slopes greater than 50' in length and with slopes steeper than 4:1 -7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones -10 days for Falls Lake Watershed
(e) Areas with slopes flatter than 4:1	14	-7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones -10 days for Falls Lake Watershed unless there is zero slope

**Note:** After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

Temporary Stabilization	Permanent Stabilization
<ul style="list-style-type: none"><li>Temporary grass seed covered with straw or other mulches and tackifiers</li><li>Hydroseeding</li><li>Rolled erosion control products with or without temporary grass seed</li><li>Appropriately applied straw or other mulch</li><li>Plastic sheeting</li></ul>	<ul style="list-style-type: none"><li>Permanent grass seed covered with straw or other mulches and tackifiers</li><li>Geotextile fabrics such as permanent soil reinforcement matting</li><li>Hydroseeding</li><li>Shrubs or other permanent plantings covered with mulch</li><li>Uniform and evenly distributed ground cover sufficient to restrain erosion</li><li>Structural methods such as concrete, asphalt or retaining walls</li><li>Rolled erosion control products with grass seed</li></ul>

POLYACRYLAMIDES (PAMS) AND FLOCCULANTS

- Select flocculants that are appropriate for the soils being exposed during construction, selecting from the *NC DWR List of Approved PAMS/Flocculants*.
- Apply flocculants at or before the inlets to Erosion and Sediment Control Measures.
- Apply flocculants at the concentrations specified in the *NC DWR List of Approved PAMS/Flocculants* and in accordance with the manufacturer's instructions.
- Provide ponding area for containment of treated Stormwater before discharging offsite.
- Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

EQUIPMENT AND VEHICLE MAINTENANCE

- Maintain vehicles and equipment to prevent discharge of fluids.
- Provide drip pans under any stored equipment.
- Identify leaks and repair as soon as feasible, or remove leaking equipment from the project.
- Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
- Remove leaking vehicles and construction equipment from service until the problem has been corrected.
- Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE

- Never bury or burn waste. Place litter and debris in approved waste containers.
- Provide a sufficient number and size of waste containers (e.g dumpster, trash receptacle) on site to contain construction and domestic wastes.
- Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland.
- Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers.
- Anchor all lightweight items in waste containers during times of high winds.
- Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.
- Dispose waste off-site at an approved disposal facility.
- On business days, clean up and dispose of waste in designated waste containers.

PAINT AND OTHER LIQUID WASTE

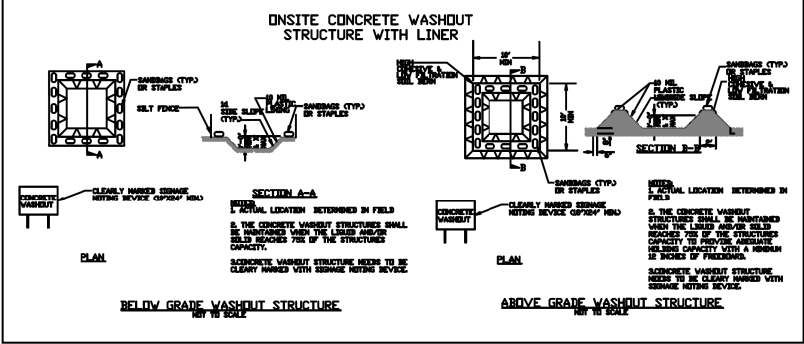
- Do not dump paint and other liquid waste into storm drains, streams or wetlands.
- Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Contain liquid wastes in a controlled area.
- Containment must be labeled, sized and placed appropriately for the needs of site.
- Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.

PORTABLE TOILETS

- Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags.
- Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas.
- Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.

EARTHEN STOCKPILE MANAGEMENT

- Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available.
- Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile.
- Provide stable stone access point when feasible.
- Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.



CONCRETE WASHOUTS

- Do not discharge concrete or cement slurry from the site.
- Dispose of, or recycle settled, hardened concrete residue in accordance with local and state solid waste regulations and at an approved facility.
- Manage washout from mortar mixers in accordance with the above item and in addition place the mixer and associated materials on impervious barrier and within lot perimeter silt fence.
- Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approval authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail.
- Do not use concrete washouts for dewatering or storing defective curb or sidewalk sections. Stormwater accumulated within the washout may not be pumped into or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project.
- Locate washouts at least 50 feet from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlet(s) closest to the washout which could receive spills or overflow.
- Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be required by the approving authority.
- Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location.
- Remove leavings from the washout when at approximately 75% capacity to limit overflow events. Replace the tarp, sand bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
- At the completion of the concrete work, remove remaining leavings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.

HERBICIDES, PESTICIDES AND RODENTICIDES

- Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions.
- Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.
- Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wells, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.
- Do not stockpile these materials onsite.

HAZARDOUS AND TOXIC WASTE

- Create designated hazardous waste collection areas on-site.
- Place hazardous waste containers under cover or in secondary containment.
- Do not store hazardous chemicals, drums or bagged materials directly on the ground.

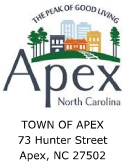
NCG01 GROUND STABILIZATION AND MATERIALS HANDLING

EFFECTIVE: 04/01/19

REVISIONS:		
NO.	DATE	DESCRIPTION

PLANS PREPARED FOR:

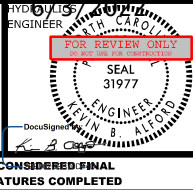
PROJECT CONTACT:  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468



APEX WEST GREENWAY

CONNECTION FROM  
OLIVE CHAP  
TO AMERICAN TO

PLANS PREPARED BY:



DATE: JUNE 3, 2022

NCG01 GROUND STABILIZATION

WEI PROJECT NO.:

20326.01

EC-1

DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED





SOIL STABILIZATION TIMEFRAMES

Town of Apex Construction Sequence

The following begins only after Construction Plans are approved, signed by Town staff and copies are received.

- Through the Infrastructure Inspections Manager at (919) 249-3386, schedule a pre-construction meeting with inspectors and other Town staff.
- Fill out Tree/Protection Fencing Installation Permit Application (obtain from Planning Department).
- Have a surveyor flag property lines, easements, buffers, tree protection areas, and flag the protection limits.
- Contact an Apex Planning Department Zoning Compliance Officer at (919)249-3426 to request approval for tree protection fencing locations.
- Install approved tree protection fencing, signs, and/or any other protection measures that may be required. Call Planning at 249-3426 for a final inspection of protection measures. Planning will forward approval to Water Resources, Erosion Control field staff.
- Submit the applicable S&E performance guarantee to the Development Services Supervisor at 249-3394 in Development Services. An invoice can be requested from Water Resources at (919) 362-8166. The erosion control Letter of Plan Approval will not be issued until the guarantee has been submitted.
- Request a Letter of Plan Approval for sedimentation and erosion control measures from Water Resources staff at (919) 362-8166.
- Complete and submit an electronic Notice of Intent (e-NOI) form with NCDEMLR requesting a Certificate of Coverage (COC) under the NCG01 Construction Stormwater General Permit. Visit the following website: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-landpermits/stormwater-permits/construction-sw> The COC must be submitted to the Town prior to the commencement of any land disturbing activity.
- Install gravel construction entrance, temporary diversions, silt fencing, sediment basins, bypass channels, and/or other measures as shown on the approved plans. Clear only as necessary to install these devices.
- When completed, call Water Resources staff at (919) 362-8166 for an on-site inspection and to request a Certificate of Compliance. Water Resources will also forward a copy to the Building Inspections & Permitting Department.
- Complete a Grading Permit Application, if required, from the Building Inspections & Permitting Department.
- Once a Grading Permit is reviewed and issued by the Building Inspections & Permitting Department, arrange a pre-construction meeting with Rudy Baker at 249-3381 prior to any grading activities. This meeting is separate from any other pre-construction meetings required in the Construction Sequence.
- Post Grading Permit prominently on site at all times.
- Begin clearing, grubbing, and rough grade of the site in accordance with the approved grading plan.
- Stockpile a sufficient amount of topsoil to cover 3 inches over landscaped areas at the end of the project.
- Install storm sewer, if applicable, and protect inlets with inlet protection devices, sediment devices, and/or other approved measures as shown on plans. Maintain S&E measures as needed.
- After completion of any phase of grading or when land-disturbing activities have temporarily ceased, establish groundcover on swales and ditches and graded slopes steeper than 3:1 within 7 calendar days; slopes that are 3:1 or flatter must establish groundcover within 14 calendar days.
- Stabilize site as areas are brought up to finished grade with vegetation or paving.
- Prior to plat approval, all disturbed areas both public and private, must be properly stabilized. All temporary erosion control measures must be installed, be functioning properly and be maintained for the entire area contained within the plat.
- Flush and clean all stormwater system pipes. Clean and remove sediment from temporary sediment holding devices. Follow the SCM Construction Sequence found on the Grading and/or SCM Detail sheet on the Construction Plan set.
- Remove all temporary diversions, silt fencing, sediment basins, etc. and provide adequate cover or pave any resulting bare areas. All permanent erosion control devices should be installed at this point.
- When vegetation has been established, call Water Resources staff at (919) 362-8166 for a final site inspection and to request a Certificate of Completion. The S&E performance guarantee will be released with the issuance of the Certificate of Completion. Visit the State website listed above and submit an electronic Notice of Termination (e-NOT) to end coverage under the NCG01 permit.
- The Property Owner/Home Owners Association will be responsible for permanent erosion control maintenance of the site.

SITE DESCRIPTION	STABILIZATION TIME	TIMEFRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES AND SLOPES	7 DAYS	NONE
HIGH OUALITY WATER (HOW) ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 10' OR LESS IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED.
SLOPES 3:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPES GREATER THAN 50' IN LENGTH.
ALL OTHER AREAS WITH SLOPES FLATTER THAN 4:1	14 DAYS	NONE, EXCEPT FOR PERIMETERS AND HOW ZONES.

EROSION CONTROL NARRATIVE

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A GREENWAY TRAIL, DRIVE PIPE INSTALLATION, CHANNEL WORK, AND PEDESTRAIN BRIDGES. EROSION AND SEDIMENT CONTROL MEASURES INLCUDE SILT FENCE, SPECIAL SEDIMENT CONTROL FENCE OUTLETS, PIPE INLET PROTECTION, AND SEDIMENT CHECK DAMS.

DISTURBED AREA: 0.6 ACRES  
WATER SOURCE: REEDY BRANCH, FROM SOURCE TO BEAVER CREEK, CAPE FEAR RIVER BASIN. CLASSIFICATION: WS-IV;NSW

NOTES: ANY DEVIATION FROM OPTIONS GIVEN WILL REQUIRE PRIOR APPROVAL BY ENGINEER.

ADDITIONAL EROSION CONTROL DEVICES MAY NEED TO BE INSTALLED AS DIRECTED BY THE ENGINEER.

NPDES

The Federal Clean Water Act requires that National Pollutant Discharge Elimination Systems (NPDES) permits be obtained for discharges of stormwater runoff from construction activities disturbing one or more acres. In North Carolina, the NPDES stormwater discharge permit for construction activities is considered automatically effective once the NC Division of Land Resources or the delegated local program approves the Soil Erosion and Sedimentation Control Plan. Applicants will receive a copy of the permit once the Soil Erosion and Sedimentation Control Plan has been reviewed and a Letter of Plan Approval is issued. Shoul you have questions regarding NPDES permit, please contact Sara Knies, (DENR-Surface Water Protection) at (919) 791-4258.

Wetlands

Any project having the possibility of wetlands (indicators being flood hazard solid or alluvial soils, wetland vegetation, blueline streams, etc.) within its boundaries should be investigated by the U.S. Army Corps of Engineers prior to any disturbance to determine the existence of wetlands and any requirement thereof. For information contact James Lastinger, Raleigh Field Office, U.S. Army Corps of Engineers, (919) 554-4884 ext. 32.

Std. #	Description	Symbol
400.01	Temporary Silt Fence	
400.02	Temporary Silt Fence Outlet	
400.05	Temporary Rock Silt Check Dam	
400.10	Pipe Inlet Protection (Plywood & Stone)	
400.18	Pipe Outlet Protection	
	Limits of Disturbance	
	Tree Protection Area Limits	
400.04	Yard Inlet Protection	

REVISIONS:	NO.	DATE	DESCRIPTION

PLANS PREPARED FOR:

PROJECT CONTACT:  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468

TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

APEX WEST GREENWAY

CONNECTION FROM  
OLIVE CHAP  
TO AMERICAN TO

- Page 151 -

PLANS PREPARED BY:

1223 Jones Franklin Rd, Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077 Fax: 919 851 8107

HYDRAULIC ENGINEER

FOR REVIEW ONLY  
SEAL 31977  
ENGINEER  
K. B. ALFORD  
DO NOT SIGN  
UNLESS ALL SIGNATURES COMPLETED

DATE: JUNE 3, 2022

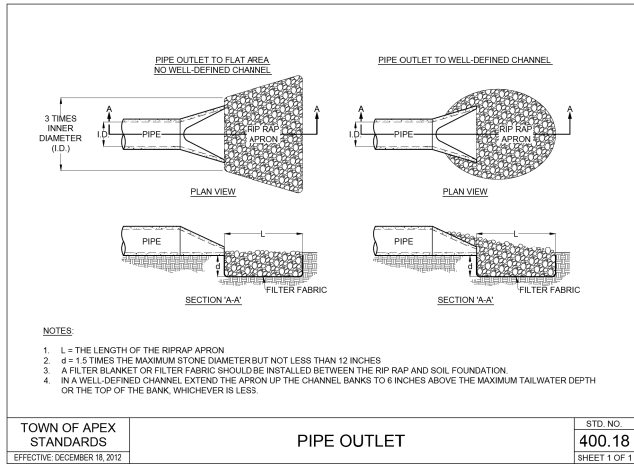
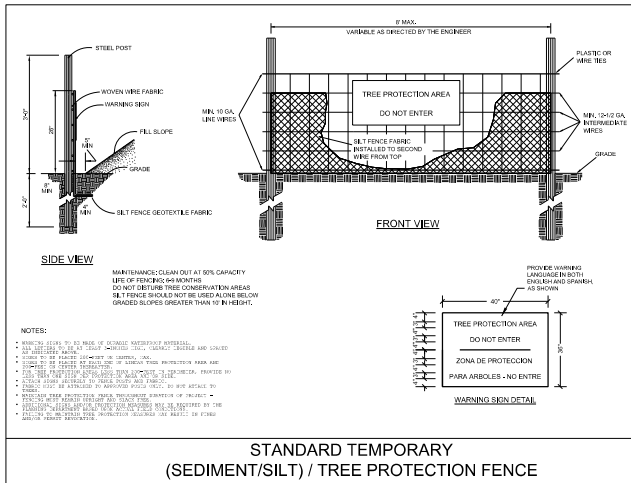
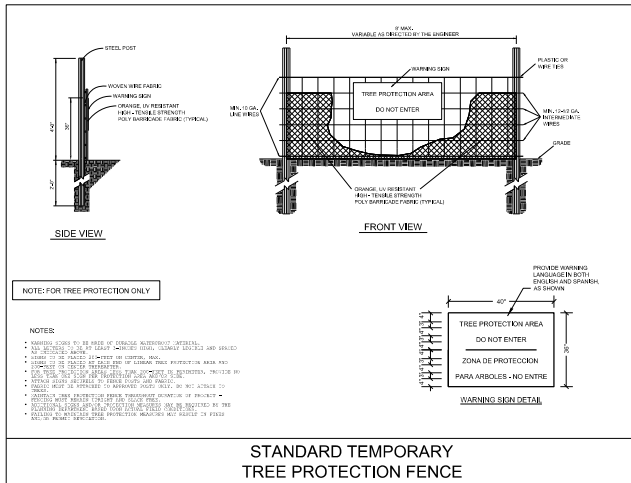
EROSION CONTROL NOTES

WEI PROJECT NO.:

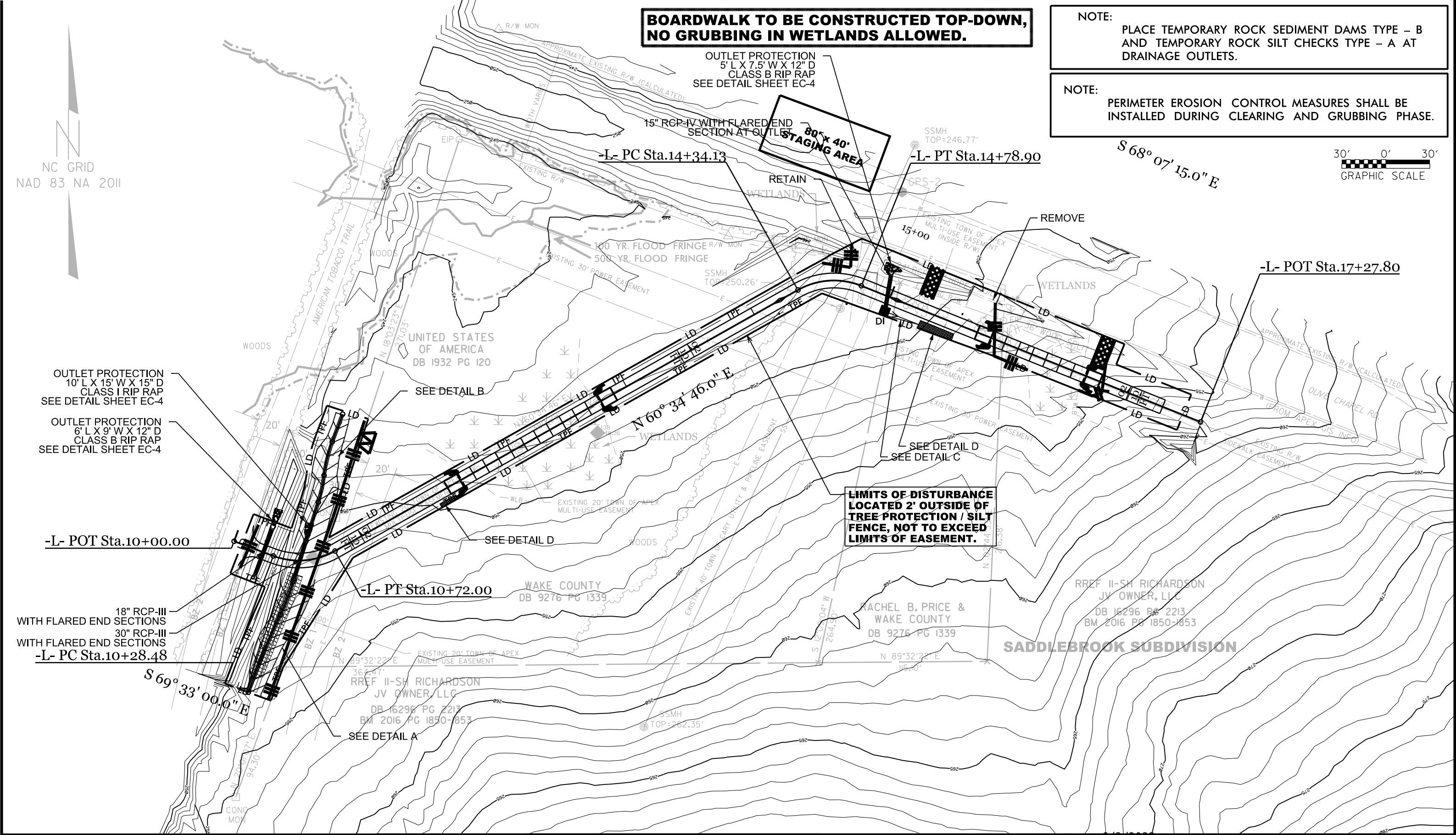
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EC-3









REVISIONS:		
NO.	DATE	DESCRIPTION

PLANS PREPARED FOR:

PROJECT CONTACT:  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468

TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

APEX WEST GREENWAY

CONNECTION FROM  
OLIVE CHAP  
TO AMERICAN TO

- Page 153 -

PLANS PREPARED BY:

1223 Jones Franklin Rd, Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077 Fax: 919 851 8107

DATE: JUNE 3, 2022

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EROSION CONTROL PLAN  
CLEARING AND GRUBBING PHASE

WEI PROJECT NO.:

20326.01

EC-5





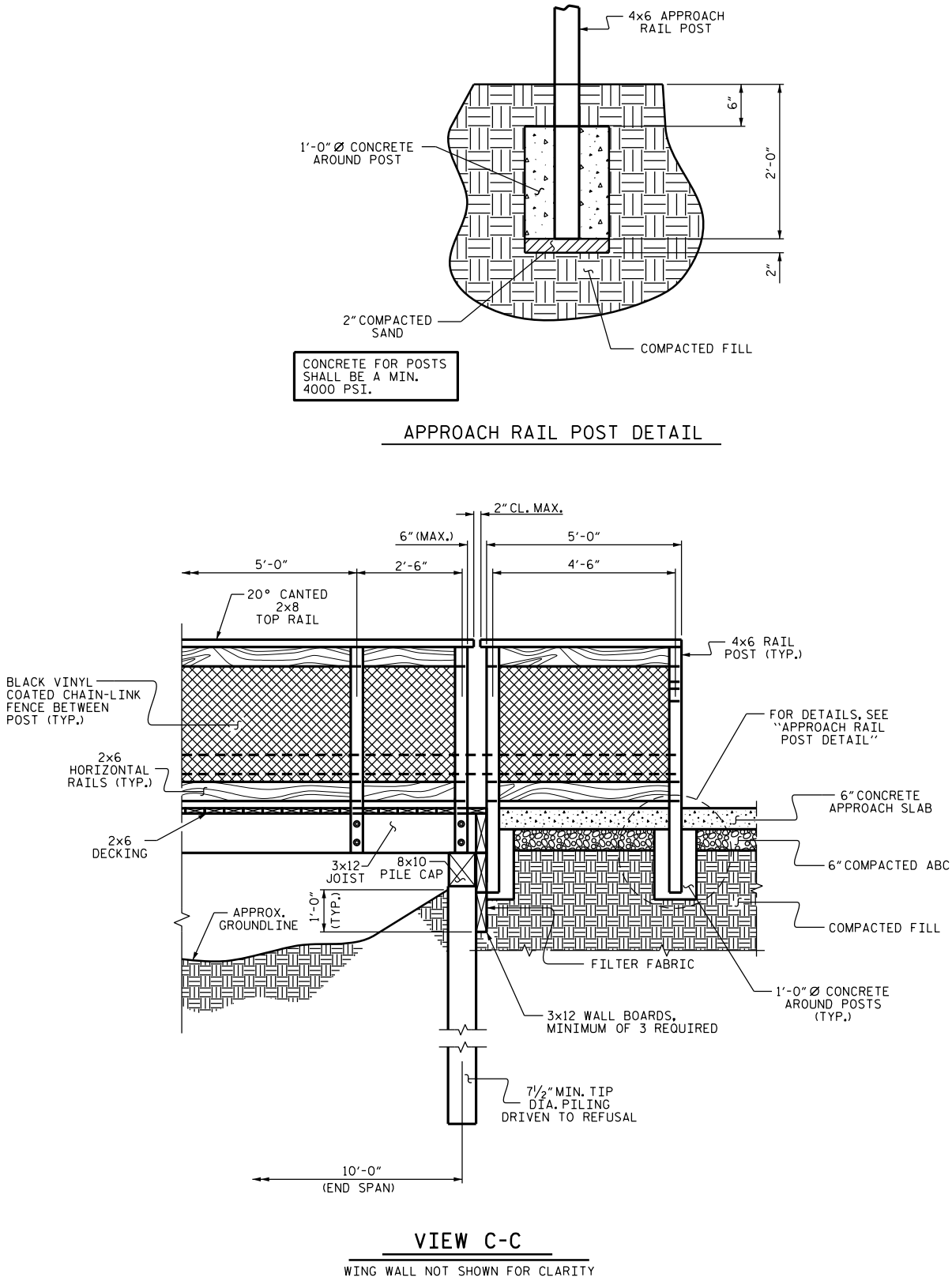
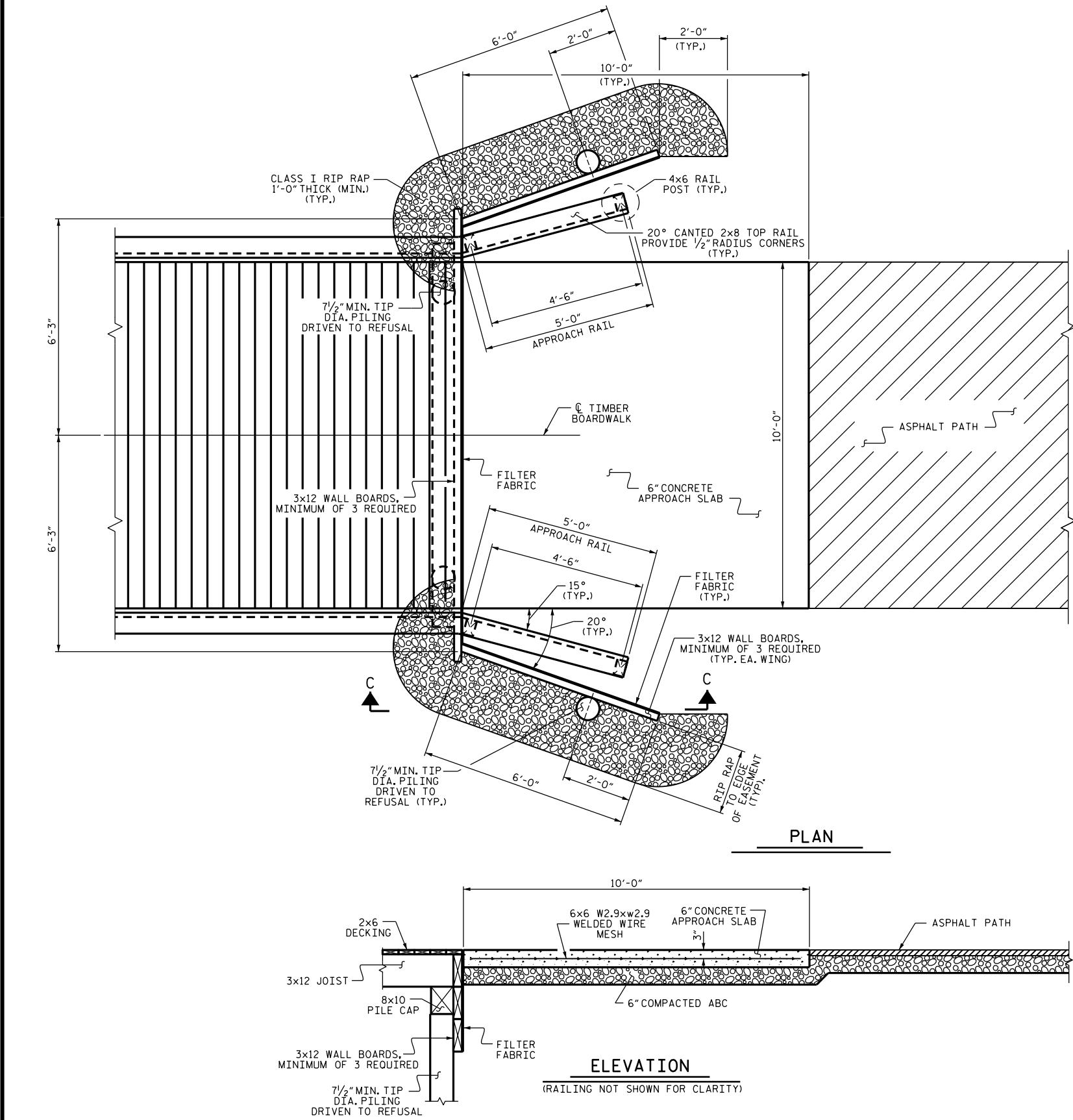
**S-1**

ELEVATED TIMBER GREENWAY LOCATIONS			
SECTION No.	BEGIN STATION	END STATION	LENGTH
1	11+70.00	12+80.00	110'-0"
2	15+74.00	16+44.00	70'-0"

WHEN PILE REFUSAL OCCURS AT 5 FEET OR LESS, THE GEOTECHNICAL ENGINEER OF RECORD SHOULD BE CONTACTED FOR FURTHER DIRECTION.







REVISIONS:		
NO.	DATE	DESCRIPTION

PLANS PREPARED FOR:

PROJECT CONTACT:  
ANGELA REINCKE  
PARKS AND GREENWAY PLANNER  
PO BOX 250  
APEX, NC 27502  
919.372.7468

**Apex**  
THE PEAK OF GOOD LIVING  
North Carolina  
TOWN OF APEX  
73 Hunter Street  
Apex, NC 27502

**APEX WEST GREENWAY**

CONNECTION FROM  
OLIVE CHAP  
TO AMERICAN TO

- Page 157 -

PLANS PREPARED BY:

**WETHERILL ENGINEERING**

1223 Jones Franklin Rd., Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077 Fax: 919 851 8107

STRUCTURAL ENGINEER

**FOR REVIEW ONLY**

SEAL  
22072

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DATE: JUNE 3, 2022

CONCRETE APPROACH SLAB

WEI PROJECT NO.:

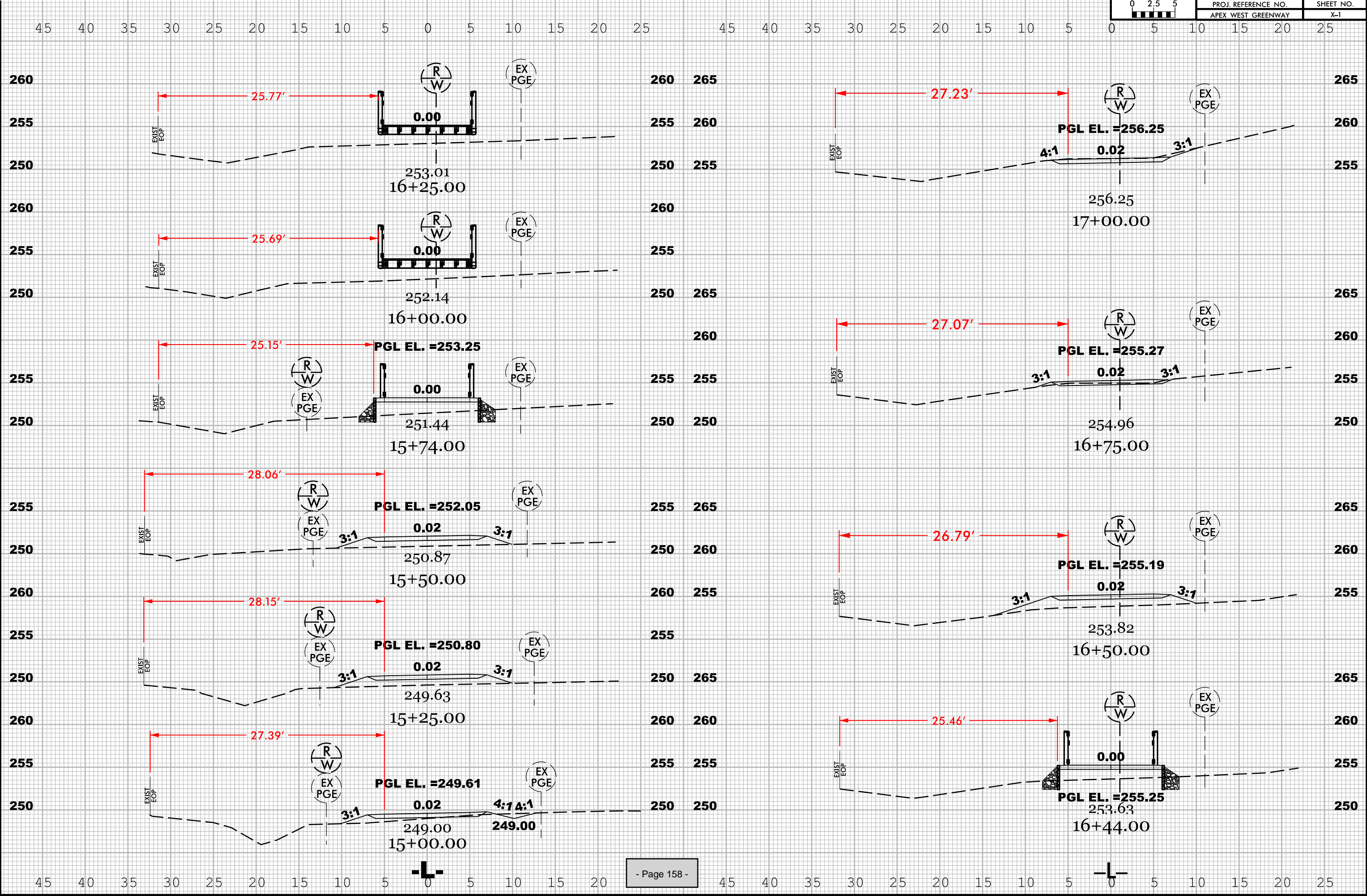
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**S-3**



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6/2/2022  
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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: Sept. 27, 2022

## Item Details

Presenter(s): Deputy Chief Mitch McKinney

Department(s): Police

### Requested Motion

Motion to approve a Resolution and Agreement of Conditions for a grant from the North Carolina Governor's Highway Safety Program (GHSP) to support costs associated with personnel and equipment and authorize Chief Armstrong to execute associated applicant and agreement on behalf of the Town of Apex.

### Approval Recommended?

Yes

### Item Details

In 2019 the Town of Apex was awarded a grant through the NC Governor's Highway Safety Program (GHSP) to support costs associated with a traffic officer position, equipment, and training. The grant is on a 4-year cycle and this will be the last year of the cycle. Grant funding through NC GHSP will match incurred costs for the salary, equipment, and training funding by 50% of those costs.

### Attachments

NC GHSP Agreement of Conditions 2022

NC GHSP Local Govt. Resolution 2022

NC GHSP Application General Information 2022



North Carolina Governor's Highway Safety Program  
**LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the Apex Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Apex Town Council

(The Governing Body of the Agency)

\_\_\_\_\_ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Apex Town Council IN OPEN  
 (Governing Body)

MEETING ASSEMBLED IN THE CITY OF Apex, NORTH CAROLINA,

THIS 27<sup>th</sup> DAY OF September, 20 22, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Jason Armstrong, Chief of Police is authorized to file, on behalf of the Governing  
 (Name and Title of Representative)  
 Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ \$40,607 to be made to the Governing Body to assist in defraying  
 (Federal Dollar Request)  
 the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ \$40,606 as  
 (Local Cash Appropriation)  
 required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Jacques K. Gilbert - Mayor of Apex  
 (Chairperson/Mayor)

ATTESTED BY \_\_\_\_\_  
 (Clerk)

SEAL

DATE \_\_\_\_\_

**North Carolina Governor's Highway Safety Program  
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

**A. Federal Provisions**

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
  - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
  - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
  - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
  - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
  - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
  - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
  - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
  - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
  - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
  - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
  - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
  - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
  - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
  - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
  - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 ([www.nhtsa.gov](http://www.nhtsa.gov)) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
  - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
    - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### 6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

#### 7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,



suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
  - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
  - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
  - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
  - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
    - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
    - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

## **B. General Provisions**

- 1. Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
- 2. Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
- 3. Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
- 4. Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
- 5. Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
- 6. Property and Equipment.**
  - (a) Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
  - (b) Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
  - (c) Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
    - (i)** Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

**14. Out-of-State Travel.**

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

**15. Conditions for Law Enforcement.** In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) **Certifications Required.**

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

**16. Conditions for Local Governmental Agencies.**

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

**17. Seat Belt Policy and Use.** Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

**18. Text Messaging Policy.** Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

**19. Prohibited Interests.** No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

**20. Continued Federal and State Funding.**

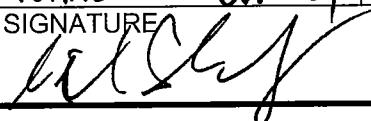
- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further ~~agrees and~~ understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
21. **Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
22. **Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
23. **Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
24. **Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
25. **Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
26. **Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity, the Department shall give sixty (60) days written notice



- to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.
- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.
- 27. Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.
- 28. E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.
- 29. Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.
- 30. Agency Fiscal Year.** The end date for the Agency's fiscal year is JUNE 30, 2023.
- 31. Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME <b>MICHAEL S. Conley</b>	TITLE <b>LIEUTENANT</b>	ADDRESS <b>205 SAUNDERS ST. APEX, NC 27502</b>
SIGNATURE 	DATE <b>9/12/2022</b>	TELEPHONE NUMBER <b>919-249-3440</b>
AGENCY AUTHORIZING OFFICIAL		
NAME <b>JASON ARMSTRONG</b>	TITLE <b>CHIEF OF POLICE</b>	ADDRESS <b>205 SAUNDERS ST. APEX, NC 27502</b>
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME <b>VANCE HOLLOWMAN</b>	TITLE <b>FINANCE DIRECTOR</b>	ADDRESS <b>73 HUNTER ST, APEX, NC 27502</b>
SIGNATURE	DATE	TELEPHONE NUMBER <b>919-249-3315</b>

# North Carolina Governor's Highway Safety Program

## SECTION A – GENERAL INFORMATION

1. Project Title: * Town of Apex Police Department	
2. Agency: 1000000382 - TOWN OF APEX POLICE DEPARTMENT	3. Contact Person for Agency: Michael Conley
4. Agency Address: PO Box 250 APEX, NC 27502-0250	5. Telephone Number: * 919-249-3440
	6. Cell Phone:
7. Physical Location of Agency * 205 Saunders St Apex, NC 27502	8. Email of Contact Person * michael.conley@apexnc.org
9. Federal Tax ID Number / Type of Agency  Federal Tax ID Number: * 56-6001166 Unique Entity Identifier: JDBZK1QLUH55 County: * WAKE  Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Higher Education <input checked="" type="radio"/> Municipality <input type="radio"/> Hospital	10. Project Year *  <input type="radio"/> New <input checked="" type="radio"/> Continuation Year: <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input checked="" type="radio"/> 4+  Fiscal Year 2023
	11. Allocation of Funding *  Federal % 50.00 Local % 50.00

Source of Funds			
12. Budget	Total Project Amount	Federal Amount	State/Local Amount
Personnel Costs	\$78,213.00	\$39,107.00	\$39,106.00
Contractual Services			
Other Direct Costs	\$3,000.00	\$1,500.00	\$1,500.00
Indirect Costs			
<b>Total Project Costs</b>	<b>\$81,213.00</b>	<b>\$40,607.00</b>	<b>\$40,606.00</b>

13. Specify How Non-Federal Share Will Be Provided: \*  
Whatever is not covered by GHSP will be covered by the Town of Apex

Project Number: M5HVE-23-15-06	CFDA#: 20. 616 Work Type: Impaired Driving
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## SECTION B – DESCRIPTION OF PROJECT

**Statement of Problem** (Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

Apex has seen an increase in reportable crashes from 2020 (1,069) compared to 2021 (1,109), this can likely be attributed to people getting back to normal driving due to decreased driving during the COVID-19 Pandemic. This increase is deceiving on its face but we have not reduced our enforcement programs/efforts. Apex was seeing a slow rise in DWI offenses (2017 – 103 / 2018 – 110 / 2019 – 134 / and a drop in 2020 to 115 and in 2021 to 108). This increase is directly related to a rise in residential and commuting population, and the decrease could be attributed to the grant officer and traffic safety unit efforts. The Apex Police Department once again requests the assistance of GHSP to aid us in the funding necessary to continue to have a positive impact on traffic crash reduction and Driving While Impaired (DWI) enforcement.

The Town of Apex is located in the southern area of Wake County, North Carolina. Apex has a current population of

approximately 70,182 residents (64,741 last year at this time which is an 8% increase). Apex has four major highways (US 1, US 64, NC 55, and I-540) that serve residents of numerous surrounding cities (Cary, Durham, Fayetteville, Fuquay-Varina, Holly Springs, Lillington, Morrisville, Pittsboro, Raleigh, Sanford, and other cities). These highways have become a daily thoroughfare for commuting. These highways increase the motoring traffic significantly during the workweek, which produces heavy traffic congestion along the major corridors. Based on data provided by the U.S. Census Bureau, the average employee in Apex has an average commute time of 22.7 minutes and 1.49% (912) of the workforce in Apex have a commute time over 90 minutes. These major corridors are also thoroughfares to Raleigh's nightlife and events in the region.

Apex has many shopping centers, with the largest being Beaver Creek Commons and a growing population of breweries. Beaver Creek Commons shopping center contains various restaurants, which serve alcohol, and retail stores that attract consumers not only from Wake County but surrounding counties as well (Chatham, Harnett, Durham, and Lee). Costco, located on US 64 Hwy, draws commuting traffic from surrounding areas. This area alone has increased our traffic crashes with the influx of traffic in a tight area along a major thoroughfare.

Apex is one of the fastest-growing communities in Wake County, both commercially and residentially. Apex had a population increase of 48% from 2015 (47,165) to 2021 (70,182). Apex is currently growing at a rate of 8-9% annually. In the next five (5) years the population is estimated to grow to over 89,000, and by the year 2030 the population of Apex is estimated to be over 121,000. With the continued growth, Apex continues to increase its square mileage. Since fiscal year 2014/2015, Apex has increased its square mileage by nearly 28% (2014/2015: 19.52 square miles – 2020/2021: 25 square miles).

Our agency's multi-year strategic plan includes special initiatives, community education, and enforcement to reduce crashes. The agency's Traffic Safety Unit currently participates in all GHSP events, maintains a 100% reporting rate, works with the Wake County DWI task force team, has a strong partnership with Mothers Against Drunk Driving (M.A.D.D.), conducts multiple licenses and impaired driving checkpoints annually, and conducts seat belt and texting while driving enforcement initiatives. We strongly utilize social media for educational messages and the "booze-it and loose-it" taxi cab during GHSP campaigns.

#### Problem

In 2020, the Apex Police Department investigated 1,069 motor vehicle crashes, with no fatalities. In 2021 we investigated 1,109 crashes, with 1 fatality. During 2021, our traffic safety unit, working with the Patrol Division, has worked toward our enforcement, education, and participation efforts. In 2021, the Apex Police Department issued 3,906 speeding citations, cited 215 individuals with seatbelt and/or child restraint violations, and made 108 DWI arrests. During this same time frame, the traffic unit has conducted eleven (11) Power of Youth instructional courses reaching 736 students through M.A.D.D.'s national program (most were virtual due to COVID restrictions), and three (3) other educational outreach events (seatbelt education program and Watch4me NC). In addition, the Traffic Safety Unit has conducted and/or participated in two hundred-forty (240) traffic safety initiatives, which include six (6) DWI checking stations, and 1 DWI saturated patrols. Because of these efforts, in 2021, the Apex Police Department only had 1 fatality.

The Traffic Unit remains strong in educational outreach activities. Since the addition of our latest grant officer we have increased our DWI enforcement as well. With the funding from NC GHSP, the Apex Police Department Traffic Safety Unit has continued their increased efforts to impact impaired driving offenses.

**Proposed Solution** (*Begin with a one-sentence summary of your project. Then describe in detail how your proposed project will address the problem identified in the "Statement of Problem" section*):

We are submitting a request to continue our current grant from GHSP that will allow the Apex Police Department to continue the grant officer funding for FY23. This funding will continue to aid in the funding the ninth (9th) Traffic Safety officer, which will have a direct focus on impaired driving reduction. This officer, along with the Traffic Safety Unit, will continue their efforts through vigorous enforcement, special initiatives, and education efforts.

The continuation grant funding will allow the unit to have more enforcement efforts in the identified "hot-spot" crash areas, and to direct their efforts to the causes of our crashes, in attempts to reduce impaired driving crashes. The grant officer will continue to participate in the Wake County Task Force as well as North Carolina's Governor's Highway Safety Program initiatives.

**Budget Justification** (*Provide a detailed explanation of the costs associated with proposed project*):

The fourth year of this continuation would only be for the grant officer.

**Travel Justification** (*Provide justification for all travel expenses*):

Through the grant, we would also like to obtain additional funding to enhance training for officers on the Traffic Safety Unit, specifically the grant officer.



**To be completed by law enforcement agencies seeking first year grant:**

Provide the agency's number of sworn officers	96
Does the agency currently have a dedicated traffic or DWI unit?	Yes <input checked="" type="radio"/> No <input type="radio"/>
If a dedicated traffic or DWI unit exists, how many officers are assigned to the unit?	9

For applicants requesting enforcement grants, please provide the following county fatality rankings:

Information can be located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

Overall Fatality Ranking:	2
Alcohol Fatality Ranking:	2
Unrestrained Fatality Ranking:	3
Speed Related Fatalities:	3
Other Applicable Rankings: (Specify)	2 in young driver; 3 in motorcycle fatalities

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

Year 2021	Occupant Protection Citations	188	DWI Citations	108	Speed Citations	3,906
Year 2020	Occupant Protection Citations	133	DWI Citations	115	Speed Citations	2,824
Year 2019	Occupant Protection Citations	154	DWI Citations	134	Speed Citations	3,131

**Goals and Objectives** (Provide at least one SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Goal #1: To help reduce fatal crashes in Wake County by 10% from the 2016-2020 5 year average of 71.8 to 64 by the end of FY23.

Objectives:

- Conduct special initiatives (speed, seatbelt, texting while driving, and checking stations) to target high crash areas.
- Attend community events to address neighborhood traffic safety concerns as well as to educate the public on various traffic safety issues we observe in the community.
- Use departmental social media pages to send out traffic safety messages throughout the year.
- Deploy radar trailers to heighten speed awareness.
- Work with the high schools to educate young drivers of the dangers that await them on North Carolina Highways.
- Participate in all GHSP campaigns and sponsored events.

Goal #2: To help reduce alcohol-related fatalities in Wake County by 20% from the 2016-2020 5 year average of 23.2 to 18 by the end of FY23.

Objectives:

- Host a minimum of two (2) multi-agency DWI checking stations per year.
- Conduct educational events in neighborhoods to address impaired driving safety issues (i.e. safety concerns driving from community pool to residence, while impaired).
- Use departmental social media pages to send out traffic safety messages throughout the year.
- Partner and participate in the Wake County DWI Task Force initiatives.
- Attend other agency checking stations.
- Participate in all GSHP Campaigns and sponsored events.

Goal #3:

Objectives:



Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.

- ☒ Reduce NC's traffic-related fatalities by 12% from the 2015-2019 average of 1,427 to 1,255 by December 31, 2023.
- ☒ Reduce NC's alcohol-related fatalities by 10% from the 2017-2019 average of 380 to 342 by December 31, 2023.
- ☐ Reduce NC's unrestrained fatalities by 10% from the 2105-2109 average of 406 to 365 by December 31, 2023.
- ☐ Reduce NC's speed-related fatalities by 10% from the 2107-2019 average of 352 to 317 by December 31, 2023.
- ☐ Reduce NC's young driver-involved fatal crashes by 10% from the 2015-2019 average of 166 to 149 by December 31, 2023.
- ☐ Reduce NC's motorcycle fatalities by 5% from the 2015-2019 average of 190 to 181 by December 31, 2023.
- ☐ Increase NC's seat belt usage rate 2.9 percentage points from 87.1 percent in 2020 to 90% by December 31, 2023.

### SECTION C – BUDGET DETAIL

#### Personnel Costs

#	Personnel Position	Salary
1	DWI officer activity hours	\$60,938.00
Total Salaries Cost:		\$60,938.00
#	Personnel Fringe Benefits	Cost
1	NCLGERS/401K/Medicare/FICA/Workers comp - see attached worksheets	\$17,275.00
Total Fringe Benefits Cost:		\$17,275.00
Total Personnel Costs:		\$78,213.00

#### Other Direct Costs

#	Equipment	Quantity	Cap Amount	Cost
Total Equipment Cost				
Other Equipment Details :				
#	Other Items and Equipment Direct Cost:	Cost		
Total Other Items and Equipment Direct Cost:				
#	Travel	Cost		
2	Out-of-State Travel	\$3,000.00		
Total Travel Cost:				\$3,000.00
Total Other Direct Costs:				\$3,000.00

### SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

#### Conditions for Enforcement Projects Only

By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.

- ☒ A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- ☒ A minimum of one (1) impaired driving checkpoint per month;
- ☒ A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- ☒ Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- ☒ Participation in any event or campaign as required by the GHSP;
- ☒ Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

First Quarter (October, November, December)

- Schedule and conduct a community traffic safety meeting.
- Using crash data and citizen complaints, deploy our RADAR trailers in these areas to increase citizen awareness.



- Send out traffic safety messages regarding GHSP's Campaign focus's via departmental social media sites.
- Assist other agencies in their monthly campaign efforts.
- Participate in any Wake County DWI Task Force Initiatives.
- Participate in all GHSP Campaigns and sponsored events.
- Host or Participate in (3) DWI Checking Stations.
- Host or Participate in (3) daytime seatbelt initiatives.
- Host or participate in (3) nighttime seatbelt initiatives.
- Complete and submit Monthly Enforcement Reports before GHSP deadline.
- Complete and submit GHSP Quarterly Progress Report by the established deadline.
- Complete a minimum of one claim for reimbursement.

#### Second Quarter (January, February, March)

- Schedule and conduct a community traffic safety meeting.
- Using crash data and citizen complaints, deploy our RADAR trailers in these areas to increase citizen awareness.
- Send out traffic safety messages regarding GHSP's Campaign focus's via departmental social media sites.
- Assist other agencies in their monthly campaign efforts.
- Participate in any Wake County DWI Task Force Initiatives.
- Participate in all GHSP Campaigns and sponsored events.
- Conduct (1) In-house DWI Checking Station.
- Host or Participate in (3) DWI Checking Stations.
- Host or Participate in (3) daytime seatbelt initiatives.
- Host or participate in (3) nighttime seatbelt initiatives.
- Complete and submit Monthly Enforcement Reports before GHSP deadline.
- Complete and submit GHSP Quarterly Progress Report by the established deadline.
- Complete a minimum of one claim for reimbursement.

#### Third Quarter (April, May, June)

- Schedule and conduct a community traffic safety meeting.
- Using crash data and citizen complaints, deploy our RADAR trailers in these areas to increase citizen awareness.
- Send out traffic safety messages regarding GHSP's Campaign focus's via departmental social media sites.
- Assist other agencies in their monthly campaign efforts.
- Participate in any Wake County DWI Task Force Initiatives.
- Participate in all GHSP Campaigns and sponsored events.
- Host or Participate in (3) DWI Checking Stations.
- Host or Participate in (3) daytime seatbelt initiatives.
- Host or participate in (3) nighttime seatbelt initiatives.
- Complete and submit Monthly Enforcement Reports before GHSP deadline.
- Complete and submit GHSP Quarterly Progress Report by the established deadline.
- Complete a minimum of one claim for reimbursement.

#### Fourth Quarter (July, August, September)

- Schedule and conduct a community traffic safety meeting.
- Using crash data and citizen complaints, deploy our RADAR trailers in these areas to increase citizen awareness.
- Send out traffic safety messages regarding GHSP's Campaign focus's via departmental social media sites.
- Assist other agencies in their monthly campaign efforts.
- Participate in any Wake County DWI Task Force Initiatives.
- Participate in all GHSP Campaigns and sponsored events.
- Conduct (1) In-house DWI Checking Station.
- Host or Participate in (3) DWI Checking Stations.
- Host or Participate in (3) daytime seatbelt initiatives.
- Host or participate in (3) nighttime seatbelt initiatives.
- Complete and submit Monthly Enforcement Reports before GHSP deadline.
- Complete and submit GHSP Quarterly Progress Report by the established deadline.
- Complete a final claim for reimbursement by October 12, 2022
- Complete Final Accomplishments Report by October 15, 2022.

**AGENCY AUTHORIZING SIGNATURE**

☒ I have read and accept terms and conditions of the grant funding and attached the Grant Agreement. The information supplied in this application is true to the best of my knowledge

Name: PIN: Date: **Note:**

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".

**FOR GHSP USE ONLY:**

Recommendation:

Date:

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 27, 2022

## Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve an Ordinance amending Section 20-166 subsection (b) with the deletion of part (5), removing the loading zone designation from the first three parking spaces on the west side of North Salem Street south of Saunders Street.

### Approval Recommended?

Yes

### Item Details

The loading zone designation for the first three parking spaces on the west side of North Salem Street south of Saunders Street was approved by Council to provide a temporary loading zone while the Highline Building was under construction, occupying the four loading zone spaces on Saunders Street within their construction zone. Now that building construction is complete, the loading zone spaces on Saunders Street are available for public parking and will again be signed as a loading zone in accordance with Sec. 20-166(b)(3), removing the need for the temporary loading zone on North Salem Street listed in part (5).

### Attachments

- Ordinance No. 2022-0927-\_\_\_\_



**ORDINANCE NO. 2022-0927-\_\_**

**AN ORDINANCE TO AMEND SECTION 20-166 OF THE CODE OF ORDINANCES OF  
THE TOWN OF APEX**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Apex as follows:

**Section 1. Subsection (b) of Section 20-166 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with deletions shown as struck-through text:**

Sec. 20-166. - Loading zones.

(b) The following areas are designated as "loading zones":

- (1) The first parking space on the north side of East Chatham Street adjacent to Salem Street.
- (2) Both parking spaces on the north side of West Chatham Street between Salem Street and Commerce Street.
- (3) The first four parking spaces on the north side of Saunders Street west of North Salem Street, large trucks or vehicle-trailer combination may occupy multiple spaces.
- (4) The first parking space on the west side of North Salem Street south of Center Street.
- ~~(5) The first three parking spaces on the west side of North Salem Street south of the intersection with Saunders Street, large trucks or vehicle-trailer combination may occupy multiple spaces.~~

**Section 2.** 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 3. Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4. Effective Date.** This ordinance shall be effective upon adoption.

Introduced by Council Member: \_\_\_\_\_

Seconded by Council Member: \_\_\_\_\_

This the \_\_\_\_ day of \_\_\_\_\_, 2022.

{Signatures on the following page}



Attest:

TOWN OF APEX, NORTH CAROLINA

---

Allen Coleman, CMC, NCCCC  
Town Clerk

---

Jacques K. Gilbert  
Mayor

Approved As To Form:

---

Laurie L. Hohe,  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 27, 2022

## Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

### Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #22CZ06 Yellowbridge PUD, Matthew Carpenter for Lennar Carolinas, petitioner, for the properties located at 2813 & 2817 US 64 Highway West (PINs 0722743789 & 0722752304).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

Rezoning Case #22CZ06 was approved at the September 13, 2022 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 48.24 ACRES LOCATED AT 2813 & 2817 US 64 HIGHWAY WEST FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)**

**#22CZ06**

**WHEREAS**, Matthew Carpenter, Parker Poe/ Tucker Ennis, Lenna Carolinas, LLC./ Yellow Bridge Capital, LLC & Apex owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of March 2022 (the "Application"). The proposed conditional zoning is designated #22CZ06;

**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 #22CZ06 before the Planning Board on the 11<sup>th</sup> day of July 2022;

**WHEREAS**, the Apex Planning Board held a public hearing on the 11<sup>th</sup> day of July 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ06. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ06;

**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 #22CZ06 before the Apex Town Council on the 26<sup>th</sup> day of July 2022;

**WHEREAS**, the Apex Town Council held a public hearing on the 26<sup>th</sup> day of July 2022; Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #22CZ06 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 Residential and Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Rural Residential (RR) 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, while providing commercial development along US 64 Highway. The proposed rezoning provides additional environmental conditions and a minimum of two affordable housing units; and

**WHEREAS**, the Apex Town Council by a vote of 4 to 1 approved Application #22CZ06 rezoning the subject tract located at 2813 & 2817 US 64 Highway West 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

## Ordinance Amending the Official Zoning District Map #22CZ06

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" Yellowbridge 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 \_\_\_\_\_ 2022.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

**EXHIBIT A**  
**Legal Description**  
**The Property**

PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbington – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbington, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbington subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbington, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbington Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbington Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence along said southern right of way line North 82°54'26" East 331.57 feet to a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43" West 189.14 feet to a set iron rod on the southern right of way line of



U.S. Highway 64; thence along said southern right of way line the following two courses: (1) North 82°54'26" East 265.68 feet to a set iron rod; and (2) North 82°53'08" East 305.02 feet to a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbington subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbington subdivision South 02°25'07" East 148.61 feet to the point of beginning.

Containing 48.2331 acres, more or less, and being all of Lot "B" as said lot is shown and so designated on that certain plat entitled "Subdivision, Property of Gaither Bryant Garner, Jr. and Gerald L. Hornick" recorded in Book of Maps 1984, Page 1516, Wake County Registry, TOGETHER WITH all of Tract 1 as said tract is shown and so designated on that certain plat entitled "Division for Gerald L. Hornick, et ux and G. Bryant Garner, et ux" recorded in Book of Maps 2003, Page 474, Wake County Registry, LESS AND EXCEPT the area dedicated as public right of way for Chanticleir Drive as recorded in Deed Book 11778, Page 1490, Wake County Registry.

# Attachment B

## YELLOWBRIDGE

Planned Unit Development

Apex, North Carolina

### **Submittal Dates**

First Submittal: March 1, 2022

Second Submittal: April 8, 2022

Third Submittal: May 13, 2022

Fourth Submittal: June 10, 2022

Fifth Submittal: June 28, 2022

### **Developer**

Lennar Corporation

Raleigh Division

1100 Perimeter Park Drive, Suite 112

Morrisville, NC 27560

### **Civil Engineer**

Peak Engineering & Design

1125 Apex Peakway

Apex, NC 27502

### **Land Use Attorneys**

Parker Poe Adams & Bernstein LLP

301 Fayetteville Street, Suite 1400

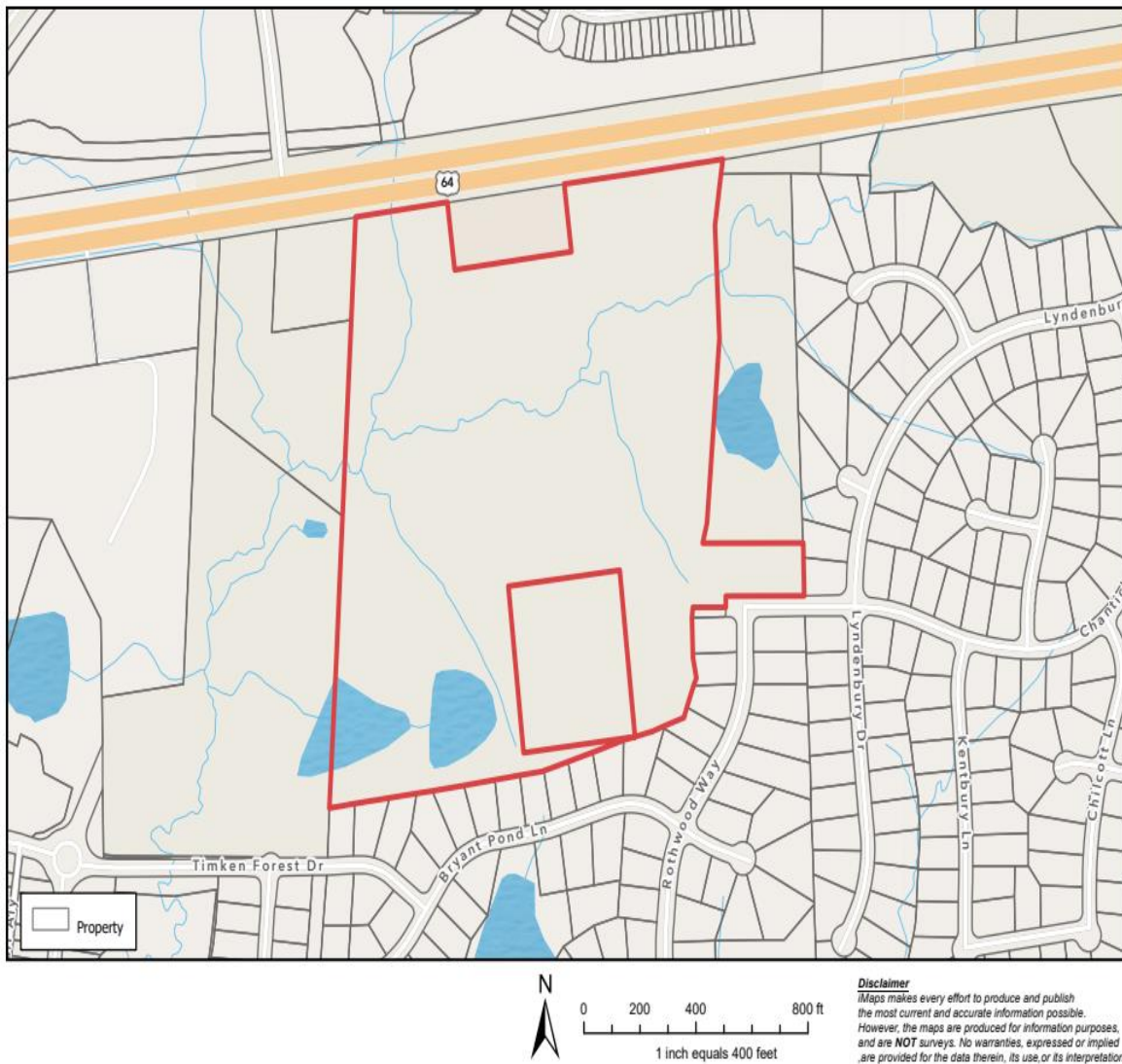
Raleigh, NC 27602



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## VICINITY MAP



## PROJECT DATA

<b>Name of Project:</b>	Yellowbridge PUD
<b>Property Owner:</b>	Yellowbridge Capital, LLC 113 Mill Point Road Kitty Hawk, NC 27949
<b>Developer:</b>	Lennar Corporation Raleigh Division 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560
<b>Prepared by:</b>	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601  Peak Engineering & Design 1125 Apex Peakway Apex, NC 27502
<b>Current Zoning:</b>	Rural Residential (RR)
<b>Proposed Zoning:</b>	Planned Unit Development Conditional Zoning (PUD-CZ)
<b>Current 2045 Land Use Map Designation:</b>	Medium Density Residential
<b>Proposed 2045 Land Use Map Designation</b>	Residential Area: Medium Density Residential Commercial Area: Commercial Services
<b>Site Address:</b>	2817 US 64 Highway W Apex NC 27523 2813 US 64 Highway W Apex NC 27523
<b>Property Identification Number:</b>	0722752304 0722743789 (the "Property")
<b>Total Acreage:</b>	48.43 acres
<b>Area Designated as Mixed Use on LUM</b>	None
<b>Area Proposed as Non- Residential:</b>	3.5 acres



## PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance ( “UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 48.43 acres along US 64 Highway W, less than one mile from the 540/US-64 interchange. The Property is undeveloped and within the Town’s Extra Territorial Planning jurisdiction. Yellowbridge PUD will be a mixed-use community with two districts, the Residential District and the Commercial District.

Yellowbridge PUD will feature a mix of single-family detached homes, alley loaded townhouses, front loaded townhouses, and commercial uses with walking paths and open space (the “Development”). The mix of housing types will serve residents with varying budgets, backgrounds, and family needs. The community will be conveniently located to existing amenities and have easy access to highways. The neighborhood style commercial uses fronting US-64 Highway West will create a transition in development intensity from the highway south through the Development. The PUD is intended to create flexibility in design and land uses to deliver a high quality residential development that fits the context of existing development in the area. The Residential District is consistent with the Property’s Medium Density Land Use Map (“LUM”) designation; and generally, with the Apex Comprehensive Plan’s (“Peak Plan”) goal of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population. Although the LUM does not specifically designate the Property for commercial uses, the portion of the Property fronting US-64 Highway West is appropriate for the neighborhood serving commercial uses permitted by this PUD. The Commercial District is located directly across US-64 Highway West from the Westford PUD which permits a variety of residential, office, and commercial uses along the road. Additionally, the Commercial District is located adjacent to the Local Bar and is separated from the Residential District by a stream and wetlands that will act as a natural buffer between future commercial uses and residential neighborhoods to the south.

## CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (i)      *The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table***

**RESPONSE:** The uses permitted within The Yellowbridge PUD are permitted within this designation in UDO Section 4.2.2 Use Table.

- (ii)      *The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.***

**RESPONSE:** The Yellowbridge PUD is a mixed use community with a mix of housing types and commercial uses outlined in this PUD.

**(iii) *The dimensional standards in Sec. 5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.***

**RESPONSE:** This PUD specifies intensity and dimensional standards for the project. The PUD's standards are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Yellowbridge will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

**(iv) *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.***

**RESPONSE:** Yellowbridge PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Abbingtion neighborhood, improving pedestrian connectivity. The PUD also commits to significant right of way dedication and roadway improvements called for by the Transportation Plan.

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

**RESPONSE:** The proposed street layout has been designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. The development will facilitate the vision of the Transportation Plan by extending the existing Chantclair Drive stub street across the site to the west. Additionally, the project will extend a public street to the north to US-64 Highway West which will increase connectivity and provide Abbingtion residents an additional route to US-64 Highway West.

**(vi) *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.***

**RESPONSE:** The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town's ETJ is at the intersection between growing sections of northwest Apex and historically rural, western Wake County. Adjacent properties are largely residential subdivisions with some commercial uses nearby. Nearby residential developments include the Villages at Westford Apartments, the Townes at Westford, the Stratford at Abbington, the Abbington Community, and the Sweetwater Community and Town Center. The Villages at Westford Apartments are directly across US 64 Highway West and consist of 296 apartments with a clubhouse and pool that were constructed in 2019 as part of the Westford PUD. The Stratford at Abbington and the Abbington Community are both single-family detached subdivisions. The Sweetwater Community and Town Center is a residential and commercial site with townhomes, single family homes and various commercial uses.

Yellowbridge PUD will provide a mix of housing types and neighborhood serving commercial uses that offer a transition between US 64 Highway West and the lower intensity Abbington community to the south. Density will transition from more dense townhomes to larger lot single-family detached homes as the site moves north to south. Additionally, this PUD contains buffer commitments and design standards that will ensure compatibility with neighboring uses.

**(vii) *The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.***

**RESPONSE:** Yellowbridge PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

#### **CONSISTENCY WITH CONDITIONAL ZONING STANDARDS**

Yellowbridge PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. Please see the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

## PERMITTED USES

The Property may be used for the uses listed below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

### RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

<b>Residential</b>	
Single-family	Permitted
Townhouse	Permitted
Accessory apartment*	Permitted
<b>Recreational Uses</b>	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted

\* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

### COMMERCIAL DISTRICT

The following uses shall be permitted in the Commercial District:

Restaurant, general	Permitted
Restaurant, drive-through	Permitted
Medical or dental office or clinic	Permitted
Medical or dental laboratory	Permitted
Office, business or professional	Permitted
Publishing office	Permitted
Artisan Studio	Permitted
Barber and beauty shop	Permitted
Book store	Permitted
Convenience store	Permitted
Dry cleaners and laundry service	Permitted

Farmer's market	Permitted
Financial institution	Permitted
Floral shop	Permitted
Greenhouse or nursery, retail	Permitted
Grocery, general	Permitted
Grocery, specialty	Permitted
Health/fitness center or spa	Permitted
Kennel	Permitted
Newsstand or gift shop	Permitted
Personal service	Permitted
Pharmacy	Permitted
Printing and copying service	Permitted
Real estate sales	Permitted
Repair services, limited	Permitted
Retail sales, general	Permitted
Studio for art	Permitted
Tailor shop	Permitted
Upholstery shop	Permitted
Pet services	Permitted
Day care facility	Permitted
Veterinary clinic or hospital	Permitted
Utility, minor	Permitted



## AFFORDABLE HOUSING

The Development shall include a minimum of two (2) residential restricted affordable housing townhouse or detached single-family median-income ownership units (the "Affordable Units"). The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the "Initial Sales Price"). The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x's) one-hundred percent (100%) times (x's) the annual median-income limit (100% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of fifteen (15) years (the "Affordability Period") shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units. A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. The Affordable Units may be townhouses or single-family detached houses, at the discretion of the developer, and shall be designated on the Master Subdivision Final Plat, which may be amended from time to time. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer. The Affordable Units may be provided in multiple phases or in one single phase. Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the "First Sale"). Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units. Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

## DESIGN CONTROLS

Development shall comply with the following minimum design controls.

### UNIVERSAL DESIGN CONTROLS

Total Project Area	48.43 acres
Maximum Built-Up Area	70% of gross site acreage

### RESIDENTIAL DISTRICT DESIGN CONTROLS

Maximum Residential Density	160 units
Maximum Residential Density	3.6 units/acre
Proposed Land Area	44.93 acres
<b>Front Loaded Townhouses</b>	
Minimum Lot Size	None
Minimum Lot Width	18 ft.
Minimum Setbacks	
Front	10 ft.
Side	0 ft. (5 ft. for end units)
Rear	5 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Building Separation	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
<b>Rear Loaded Townhouses</b>	
Minimum Lot Size	None
Minimum Lot Width	18 ft.
Minimum Setbacks	
Front	5 ft.
Side	0 ft. (5 ft. for end units)
Rear	5 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Building Separation	10 ft.
<b>Single-Family Detached</b>	
Minimum Lot Size	6,000 square feet
Minimum Lot Width*	50 ft.
Minimum Setbacks	
Front	20 ft.
Side	6 ft.

Rear	15 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 feet for parking areas
Minimum Resource Conservation Area	30% of gross site acreage

\*Single-family detached homes adjacent to the Property's southernmost property line adjacent to the Abbingdon neighborhood from the northwestern corner of PIN 0722645333 to the northeastern corner of PIN 0722748868 shall have a minimum lot width of 60 feet.

### COMMERCIAL DISTRICT DESIGN CONTROLS

Proposed Land Area	3.5 acres
Maximum Building Square Footage	25,000 SF
Minimum Setbacks	
Front (US-64)	10 ft.
Side	10 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	50 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Minimum Resource Conservation Area	25% of gross site acreage

### LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's shared property line with PIN 0722762014	30 ft. Type A
Along the Property's US-64 Highway West frontage east of PIN 0722762014*	50 ft. Type A*
Along the Property's US-64 Highway West frontage west of PIN 0722762014	100 ft. Type E

Along the Property's westernmost boundary	20 ft. Type B
Along the north and south side of Chanticlair Drive west of the intersection of Chanticlair Drive and the US-64 access road	10 ft. Type D
Along the north side of Chanticlair Drive from the westernmost boundary of the gas easement to the intersection of Chanticlair Drive and the US-64 access road**	18 ft. Type A**
Along the Property's easternmost boundary adjacent to PIN 0722850629	10 ft. Type B
Along the gas easement	10 ft. Type A
Along the Property's southern property line from the northwest corner of PIN 0722645333 to the northeast corner of PIN 0722741431***	50 ft. Type A***
Along the Property's southern property line from the northeast corner of PIN 0722741431 to the northwest corner of PIN 0722748868****	50 ft. Type A****

\* The Development shall meet requirements (i) through (iii) in UDO Section 8.2.6(B)(5)(f)(ii)(c) to reduce the buffer width along US-64 Highway West to 50 feet.

\*\* The developer shall construct a decorative landscape wall within the buffer, parallel to Chanticlair Drive. The landscape wall shall be constructed of brick, stone, or similar materials, and be similar in design and character to the existing landscape wall along the south side of Chanticlair Drive in Abbingdon.

\*\*\* This portion of the perimeter buffer shall remain undisturbed and supplemented with Type A buffer plantings.

\*\*\*\* This portion of the perimeter buffer shall be cleared, graded, include a minimum 3-foot berm, and be replanted to a Type A buffer standard.

## ARCHITECTURAL STANDARDS

Yellowbridge PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

### RESIDENTIAL DISTRICT DESIGN GUIDELINES

#### Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of a home that faces the street shall not exceed 30% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.



13. In addition, all single-family detached homes shall include:

1. Covered front porches
2. Crawl space foundations
3. Custom porch railings
4. Masonry on all elevations up to first floor window sills
5. Multiple roof lines and gables
6. Shutters or trim on all front elevation windows
7. Pediments, crossheads, or 1x6 or greater trim on all front elevation windows
8. Multiple siding styles

Townhouses (front and alley loaded):

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 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. 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:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
7. Building facades shall have horizontal relief achieved by staggering the units.
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

9. The rear and side elevations of the units with right-of-way frontage shall have trim around the windows.

**CONCEPTUAL RESIDENTIAL DISTRICT BUILDING ELEVATIONS**



YELLOWBRIDGE PLANNED UNIT DEVELOPMENT



## **COMMERCIAL DISTRICT DESIGN GUIDELINES**

1. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details shall be incorporated to add visual interest.
2. Large expanses of blank walls greater than 25 feet in length or height shall be broken up with windows or other architectural features to reduce visual impacts.
3. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.

## **COMMERCIAL DISTRICT MATERIALS**

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

1. Brick and/or stone masonry
2. Decorative concrete block (integral color or textured)
3. Stone accents
4. Aluminum storefronts with anodized or pre-finished colors
5. EIFS cornices, and parapet trim
6. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
7. Precast concrete
8. Soffit and fascia materials to be considered include EIFS with crown trim elements
9. Cementitious siding

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



**REPRESENTATIVE COMMERCIAL DISTRICT BUILDING ELEVATIONS**







## **PARKING AND LOADING**

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

## **SIGNAGE**

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waster near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

## **CONSTRUCTION TRAFFIC**

All heavy duty construction traffic shall enter and exit the site via US-64 Highway West. Heavy duty construction traffic shall not use Chanticlair Drive, Rothwood Way, or Lyndenbury Drive. "No Construction Traffic" signage shall be posted along Chanticlair Drive and Rothwood Way.

## **NATURAL RESOURCES AND ENVIRONMENTAL DATA**

## **RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS**

The Property is within the Beaver Creek Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

### **Resource Conservation Areas (RCA)**

The Development will meet or exceed the minimum Resource Conservation Area ("RCA") requirements in UDO Section 8.1.2 and 2.3.4. The Property is located west of 540 and is therefore required to preserve a minimum of 30% RCA for the Residential District and 25% RCA for the Commercial District. Designated RCA areas will be consistent with UDO Section 8.1.2(B). Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the Property. Additional RCAs may include stormwater management areas, multi-use paths, and perimeter buffers.

### **Floodplain**

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex Watershed & FEMA Map dated April 2015. FIRM Panel 3720072200J dated May 2, 2006 does not include a floodplain within the property boundary.

### **Historic Structures**

There are no known historic structures present on the Property.

### **Environmental Commitments Summary**

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of two (2) pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.

- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed in the commercial area and on private amenities, signs, landscaping, walls, or fences shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, townhouses, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.

## **STORMWATER MANAGEMENT**

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

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

## **PARKS AND RECREATION**

This project was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 27, 2022 and a fee-in-lieu of dedication was recommended.

Single-family detached Units:	\$ 3,753.89 x 50 =	\$ 187,694.50
Single-family attached Units:	\$ 2,528.25 x 110 =	<u>\$ 278,107.50</u>
Total residential fee in lieu per current unit count:		<b>\$ 465,802</b>

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

## **PUBLIC FACILITIES**

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. Road and utility infrastructure shall be as follows:

## **GENERAL ROADWAY INFRASTRUCTURE**

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

## TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex.

- All proposed driveway access and improvements on state-maintained roadways are subject to both Apex and NCDOT review and approval.
- A maximum of one (1) access point shall be proposed on US 64, to be constructed as a left-in/right-in/right-out public street access at the existing median break with a stop-controlled northbound approach with one lane of ingress and one lane of egress and an exclusive eastbound right turn lane with a minimum 100 feet of storage and appropriate deceleration length and taper on US Hwy 64. Improve the median break and construct physical separation between turn lanes to accommodate trucks and prevent both improper left turns and vehicular turning-movement conflicts.
- Construct an exclusive eastbound U-turn median break on US Hwy 64, approximately halfway between the site access at the existing median break and Kellyridge Drive including a U-turn lane with a minimum of 100 feet of storage and appropriate deceleration length and taper. If the eastbound U-turn lane is removed from the existing median break location to the west, extend the storage to 150 feet at this location.
- Consistent with the Transportation Plan Thoroughfare and Collector Street Map, Chantclair Drive shall be extended westward as a Major Collector Street with a minimum 60-foot right-of-way, consistent with Town Standards.
- No residential driveways shall be permitted on existing or future Major Collector Street(s).
- Rothwood Way shall be extended north and stubbed to the southernmost property line of PIN 0722850629. Homes located on Rothwood Way shall take driveway access from Rothwood Way.
- The extension of Chantclair Drive shall be constructed concurrently with the project but shall remain closed to traffic between Yellowbridge and Abbington subdivisions until such time that the 50<sup>th</sup> CO is approved for Yellowbridge. The form of closure shall be noted on the subdivision plan and subject to Town staff approval.

- Potential Access Points shown on the Conceptual Site Plan and Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections may only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

## **PEDESTRIAN AND BICYCLE IMPROVEMENTS**

Per UDO requirements, sidewalks shall be provided along both sides of all streets.

## **WATER AND SANITARY SEWER**

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer. A conceptual utility plan is included in the PUD Concept 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 Town of Apex standards as outlined in the UDO.

## **PHASING**

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

## **CONSISTENCY WITH LAND USE PLAN**

The proposed Development is generally consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019. The Land Use Map designates the Property as Medium Density Residential which allows a PUD zoning district and contemplates the housing types and densities proposed in the Residential District. This PUD updates the LUM designation of the Commercial District to Commercial Services. Although the LUM does not specifically designate the Property for commercial uses, the portion of the Property fronting US-64 Highway West is appropriate for the neighborhood serving commercial uses permitted by this PUD. The Commercial District is located directly across US-64 Highway West from the Westford PUD which permits a variety of residential, office, and commercial uses along the road. Additionally, the Commercial District is located adjacent to the Local Bar and is separated from the Residential District by a stream and wetlands that will act as a natural buffer between future commercial uses and residential neighborhoods to the south.



## **COMPLIANCE WITH UDO**

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Yellowbridge. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

**EXHIBIT A**  
**Legal Description**  
**The Property**

PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbington – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbington, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbington subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbington, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbington Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbington Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence along said southern right of way line North 82°54'26" East 331.57 feet to a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43" West 189.14 feet to a set iron rod on the southern right of way line of

U.S. Highway 64; thence along said southern right of way line the following two courses: (1) North 82°54'26" East 265.68 feet to a set iron rod; and (2) North 82°53'08" East 305.02 feet to a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbington subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbington subdivision South 02°25'07" East 148.61 feet to the point of beginning.

Containing 48.2331 acres, more or less, and being all of Lot "B" as said lot is shown and so designated on that certain plat entitled "Subdivision, Property of Gaither Bryant Garner, Jr. and Gerald L. Hornick" recorded in Book of Maps 1984, Page 1516, Wake County Registry, TOGETHER WITH all of Tract 1 as said tract is shown and so designated on that certain plat entitled "Division for Gerald L. Hornick, et ux and G. Bryant Garner, et ux" recorded in Book of Maps 2003, Page 474, Wake County Registry, LESS AND EXCEPT the area dedicated as public right of way for Chanticleir Drive as recorded in Deed Book 11778, Page 1490, Wake County Registry.



# <REZONING>

RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

113 MILL POND ROAD  
KITTY HAWK, NC 27949-4082  
Contact: TOM COLHOUN  
COLHOUN REAL ESTATE  
P: (919) 267-6928

STEPHEN DORN  
1100 PERIMETER DRIVE SUITE 112  
MORRISVILLE, NC 27560  
P: (919) 224-9922  
[www.lennar.com](http://www.lennar.com)

JEFF ROACH, P.E.  
5448 APEX PEAKWAY #368  
APEX, NC 27502  
P: (919) 439-0100  
[www.PeakEngineering.com](http://www.PeakEngineering.com)

MIKE ZMUDA  
1130 SITUS COURT SUITE 200  
RALEIGH, NC 27606  
P: (804) 267-1258  
[www.jmt.com](http://www.jmt.com)

STEVEN BALL, RF, PWS  
8412 FALLS OF NEUSE ROAD, SUITE 104  
RALEIGH, NC 27615  
P: (919) 846-5900  
[www.SandEC.com](http://www.SandEC.com)

RYNAL STEPHENSON, P.E.  
5805 FARINGDON PLACE, SUITE 100  
RALEIGH, NC 27609  
P: (919) 872-5115  
[www.RameyKemp.com](http://www.RameyKemp.com)

<u>Property Owner</u>	<u>Property Address</u>	<u>PIN</u>	<u>REID</u>	<u>Acreage</u>	<u>Deed Book/Plat Book &amp; Page</u>
YELLOWBRIDGE CAPITAL, LLC 113 MILL POINT RD KITTY HAWK NC 27949-4082	2817 US 64 HWY W	0722-75-2304	0133648	43.90 acres	DB 013508 PG 01177 BM 2003 Pg474
YELLOWBRIDGE CAPITAL, LLC 113 MILL POINT RD KITTY HAWK NC 27949-4082	2813 US 64 HWY W	0722-74-3789	0138551	4.34 acres	DB 013508 PG 01181 BM 2003 Pg474

Township:	White Oak
Flood Zone Information:	Firm Panel 3720072200J dated July 19, 2022 does not show the presence of flood zones on the property

Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: Per the NC SHPO, no historical structures are located within the project boundary.

Annexation: ☐ Annexation required for utility services.

Existing Zoning:	RR - Rural Residential
Proposed Zoning:	Planned Unit Development - Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Medium Density Residential

Existing Use: Single Family Residential and vacant property

Proposed Uses:	Residential	
Single-family	Townhouse	Accessory apartment
Park, active	Park, passive	Greenway
Recreation facility, private	Utility, minor	

\* Homeowners Association covenants shall not restrict the construction of accessory dwelling unit.

Commercial			
Restaurant, general	Restaurant, drive-through	Medical or dental office or clinic	Medical or dental laboratory
Office, business or professional	Publishing office	Artisan Studio	Barber and beauty shop
Book store	Convenience store		
Dry cleaners and laundry service	Farmer's market	Financial institution	Floral shop
Greenhouse or nursery, retail	Grocery, general	Grocery, specialty	
Health/fitness center or spa	Kennel	Newstand or gift shop	Personal service
Pharmacy	Printing and copying service	Real estate sales	Repair services, limited
Retail sales, general	Studio for art	Tailor shop	Upholstery shop
Pet services	Day care facility	Veterinary clinic or hospital	Utility, minor

\* Refer to PD Text for a list of uses and other zoning standards

Maximum Number of Lots:	160 dwelling units
Proposed Project Density:	3.56 dwelling units/acre (< 6.0 units/acre for Medium Density Residential districts)

Lots:	Min Lot Size	Min Lot Width	Max Building Height
Single-family detached	6,000 SF	50 feet	45 feet / 3 stories
Single-family attached (townhouse)	N/A	18 feet	45 feet / 3 stories

Parking Requirements:	
Single Family Detached:	2 spaces/dwelling unit required
Single Family Attached:	2 spaces/dwelling unit + 0.25 guest spaces/dwelling unit
Single Family parking provided by driveway and garage (min 2 spaces/lot)	

Building Setbacks (minimum setbacks unless otherwise noted):			
<u>Residential:</u>	Single-family	Townhouse (front loaded)	Townhouse (rear loaded)
Front:	20 feet	10 feet	5 feet
Rear:	15 feet	5 feet	5 feet
Side:	6 feet	0 feet (5' for end units)	0 feet (5' for end units)
Side (Corner Lot):	8 feet	8 feet	8 feet
Min. Building Separation		10 feet	10 feet

<b>Commercial:</b>	
Non Residential Square Footage:	25,000 SF
Maximum Building Height:	50 feet
<b>Setbacks:</b>	
Front: (US Hwy 64)	10 feet
Rear:	10 feet
Side:	10 feet
From Buffer/RCA:	10' for Buildings/5' for Parking Areas
Parking:	Per UDO Section 8.3

Maximum Build Upon Area:	33.90 acres, 70%
RCA Required:	15.20 acres

RCA to be Provided:	15.20 acres minimum
Grading:	Site to be "Mass Graded"
% of total lots to be graded prior to first plat:	50% (limited by Apex UDO to a maximum acreage for mass grading maximum of 20 acres of clearing for single-family detached section

% of the pre-development drainage areas that have been preserved within their natural basins: 90%

- Page 211 -

C000	COVER SHEET
C002	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN/CONCEPTUAL UTILITY PLAN

project:  
**YELLOWBRIDGE PUD**  
2813/2817 US 64 HWY WEST  
WHITE OAK TOWNSHIP  
APEX, NORTH CAROLINA 27502

seal

2	MAY 13, 2022	TOWN OF APEX – 2ND ZONING COMMENTS	JR
3	JUNE 10, 2022	TOWN OF APEX – 3RD ZONING COMMENTS	JR
4	JUNE 22, 2022	TOWN OF APEX – 4TH ZONING COMMENTS	JR
5	AUGUST 29, 2022	TOWN OF APEX – COUNCIL MEETING ZONING COMMENTS	JR
No.	DATE	REVISION	BY

title:

*COVER  
SHEET*

proj #:

210701

date:  
MARCH 1, 2022

dwg by: **FS**      chkd by: **JR**

scale:  
As Noted

sheet:

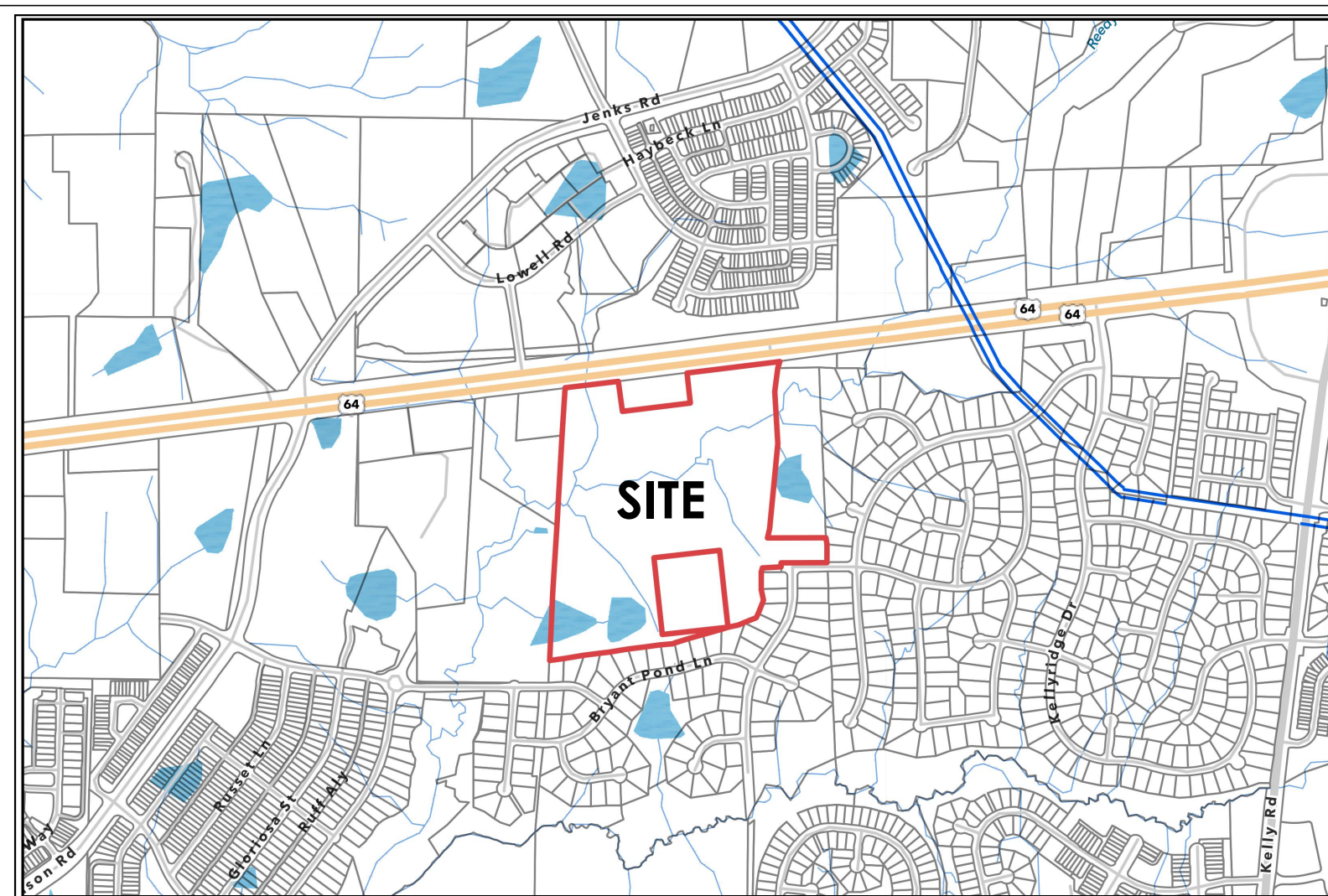
*C000*  
(PUD PLAN)



NC License #P-0673



**AERIAL MAP** NO SCALE



### VICINITY MAP NO SCALE

REZONING CASE # 22CZ06  
(SUBMITTED ON 3/1/2022)



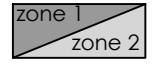

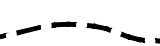
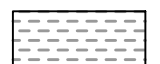










REQUIRED PLAN NOTES:

- 1) NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES).
- 2) TREE PROTECTION FENCING MUST BE PLACED:
  - a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT,
  - b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER, AND
  - c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
- 3) ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

LEGEND (EXISTING CONDITIONS)

- |   |                                     |
|---|-------------------------------------|
|  | TREE PROTECTION FENCE               |
|  | EXISTING TREE LINE                  |
|  | EXISTING STREAM BUFFER              |
|  | EXISTING 100YR FLOODWAY BOUNDARY    |
|  | EXISTING FLOODPLAIN BOUNDARY        |
|  | EXISTING 100 YR FLOODPLAIN          |
|  | EXISTING FLOOD FRINGE               |
|  | STEEP SLOPE AREA (GREATER THAN 3:1) |
|  | EXISTING WETLANDS                   |
|  | EXISTING PERENNIAL STREAM           |
|  | EXISTING INTERMITTENT STREAM        |
|  | CRITICAL ROOT ZONE                  |

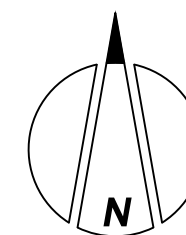
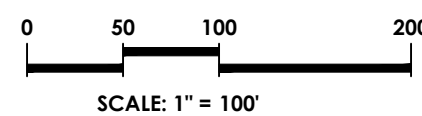
EXISTING CONDITIONS NOTES:

1. BOUNDARY SURVEY FROM WAKE COUNTY GIS DATA
2. TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS DATA
3. NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
4. NO HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
5. NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAYBE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.
6. TREE SURVEY INFORMATION PROVIDED BY S&EC, INC.
7. 100 YR FLOOD PLAIN IS LOCATED ON OR WITHIN 100' OF THIS PROPERTY
8. PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, BEAVER CREEK BASIN, CAPE FEAR RIVER BASIN.

1  
C002

## EXISTING CONDITIONS

SCALE: 1"=100



**PEAK**  
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project:  
***YELLOWBRIDGE PUD***  
2813/2817 US 64 HWY WEST  
***WHITE OAK TOWNSHIP***  
APEX, NORTH CAROLINA 275

seal:



2	MAY 13, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	JUNE 10, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR
4	JUNE 22, 2022	TOWN OF APEX - 4TH ZONING COMMENTS	JR
5	AUGUST 29, 2022	TOWN OF APEX - COUNCIL MEETING ZONING COMMENTS	JR
No.	DATE	REVISION	BY

---

title:

## EXISTING CONDITIONS

proj #:

210701

date:

MARCH 1, 2022

dwg by: FS  
chkd by: JR

scale:

As Noted

sheet:

C002

(PUD PLAN)



COMMERCIAL DEVELOPMENT

BUFFERS/ RCA

CONCEPTUAL PLAYLAWN / OPEN SPACE

PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

SINGLE FAMILY- ATTACHED (TOWNHOUSE)

SINGLE FAMILY- DETACHED

PROJECT PERIMETER BOUNDARY

POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

**SITE AND UTILITY NOTES:**

- DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
- REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
- ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
- PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
- PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
- THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
- THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

**POTENTIAL ACCESS POINTS:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

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project:  
**YELLOWBRIDGE PUD**  
2813/2817 US 64 HWY WEST  
WHITE OAK TOWNSHIP  
APEX, NORTH CAROLINA 27502

seal:  
**PRELIMINARY**  
NOT FOR CONSTRUCTION

NO.	DATE	REVISION
1	MAY 15, 2023	TOWN OF APEX - 2ND ZONING COMMENTS
2	JUNE 10, 2023	TOWN OF APEX - 3RD ZONING COMMENTS
3	JUNE 22, 2023	TOWN OF APEX - 4TH ZONING COMMENTS
4	AUGUST 29, 2023	TOWN OF APEX - COUNCIL MEETING ZONING COMMENTS
5		

title:  
**CONCEPTUAL SITE PLAN/ CONCEPTUAL UTILITY PLAN**

proj #:  
**210701**

date:  
**MARCH 1, 2022**

dwg by: chkd by:  
**FS JR**

scale:  
**As Noted**

sheet:  
**C100**  
(PUD PLAN)

- Page 213 -

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Yellow Bridge Residential  
**Traffic Impact Analysis**  
**Apex, North Carolina**



rameyke

**TRAFFIC IMPACT  
ANALYSIS**

**FOR**

**YELLOW BRIDGE RESIDENTIAL**

**LOCATED**

**IN**

**APEX, NORTH CAROLINA**

Prepared For:  
Lennar Corporation – Raleigh Division  
1100 Perimeter Park Drive, Suite 112  
Morrisville, NC 27560

Prepared By:  
Ramey Kemp & Associates, Inc.  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609  
License #C-0910

FEBRUARY 2022



A handwritten signature in blue ink, appearing to read "Nathaniel Bouquin", written over the bottom right portion of the professional seal.

RKA Project No. 22004

Prepared By: TF

Reviewed By: NB

**TRAFFIC IMPACT ANALYSIS**  
**YELLOW BRIDGE**  
**APEX, NORTH CAROLINA**

**EXECUTIVE SUMMARY**

**1. Development Overview**

A Traffic Impact Analysis (TIA) was conducted for the proposed Yellow Bridge Residential development in accordance with the Town of Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located south of US 64 and west of the Abbington subdivision in Apex, North Carolina. The proposed development is expected to consist of 59 single-family homes, 83 townhomes, and 25,000 square feet (sq. ft.) of retail space to be built out in 2026. Site access is proposed via one (1) left-over driveway along US 64 at the existing median break, and one (1) internal connection to Chantclair Drive.

**2. Existing Traffic Conditions**

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- US 64 and Median Break

Existing peak hour traffic volumes were determined based on a combination of previously collected traffic counts at the intersection of US 64 and Jenks Road / Richardson Road, and new turning movement counts conducted at the existing median break. Previously conducted traffic counts at the intersection of US 64 and Jenks Road / Richardson Road were collected in October 2021 during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in person learning. These previously conducted counts were utilized to determine through volume traffic at the median break. Turning movement volumes at the median break were determined based on traffic counts conducted at the existing median break, in January 2022, during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in person learning. Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate.

### 3. Site Trip Generation

The proposed development is assumed to consist of a maximum of 59 single-family homes, 83 townhomes, and 25,000 square feet (sq. ft.) of retail space. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10<sup>th</sup> Edition. Table E-1 provides a summary of the trip generation potential for the site.

**Table E-1: Site Trip Generation**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	59 DU	640	12	35	38	23
Multi-Family Homes (Low-Rise) (220)	83 DU	588	9	31	31	19
Shopping Center (820)	25 KSF	944	15	9	45	50
<b>Total Trips</b>		<b>2,172</b>	<b>36</b>	<b>75</b>	<b>114</b>	<b>92</b>
<i>Internal Capture (2% AM &amp; 1% PM)*</i>			0	-2	-11	-12
<b>Total External Trips</b>			<b>36</b>	<b>73</b>	<b>103</b>	<b>80</b>
<i>Pass-By Trips: Shopping Center (34% PM)</i>			-	-	-14	-14
<b>Total Primary Trips</b>			<b>36</b>	<b>73</b>	<b>89</b>	<b>66</b>

\*Utilizing methodology contained in the NCHRP Report 684.

### 4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Westford Residential (currently 75% built-out)
- Legacy PUD (US 64 Residential)
- Sweetwater Development



The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

## 5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2018 existing, 2022 no-build, and 2022 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

## 6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

### Recommended Improvements by Developer

#### US 64 and Median Break / Site Access

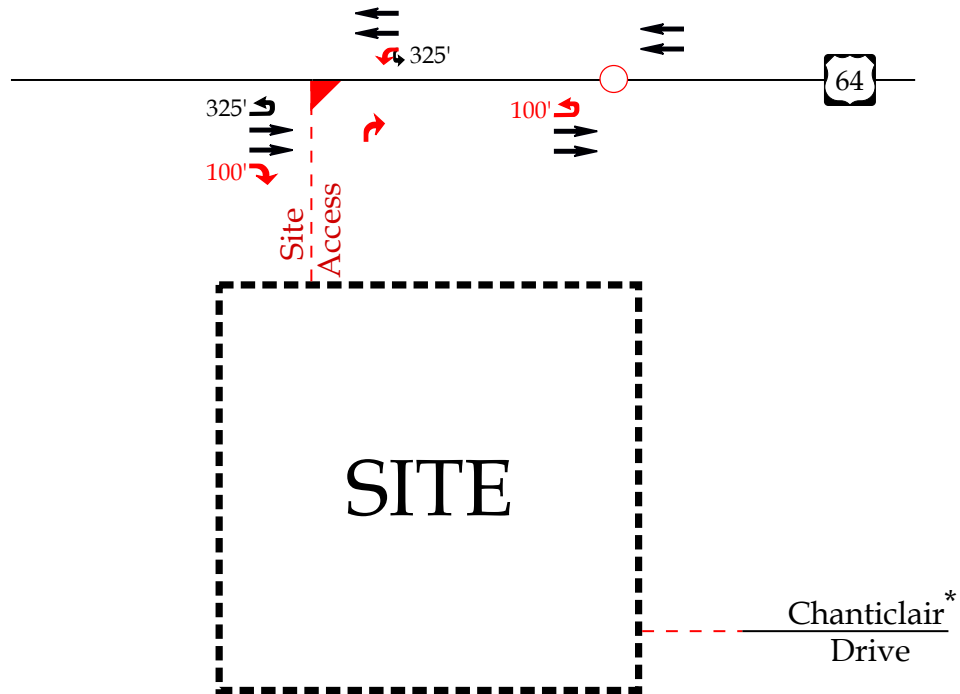
- Construct the northbound approach (Site Access) with one ingress and one egress lane striped as an exclusive right-turn lane.
- Provide stop-control for the northbound approach (Site Access). The proposed intersection will be configured as a left-over.
- Construct an exclusive eastbound (US 64) right-turn lane with a minimum of 100 feet of storage and appropriate decel and taper.
- Restripe the existing westbound (US 64) u-turn lane to provide for a westbound left-turn movement.

#### US 64 and Eastern U-Turn Location

- Construct an exclusive eastbound (US 64) u-turn lane with a minimum of 100 feet of storage and appropriate decel and taper to be located east of the existing median break and proposed site driveway location.

**LEGEND**

- Unsignalized Intersection
- ▀ Signalized Intersection
- Existing Lane
- X' Storage (In Feet)
- Improvement by Developer



\*Note: Roadway included for informational purposes only



Yellow Bridge Residential  
Apex, NC

Recommended Lane  
Configurations

Scale: Not to Scale Figure E-1

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- Appendix I: Trip Generation Comparison



# **TRAFFIC IMPACT ANALYSIS YELLOW BRIDGE RESIDENTIAL APEX, NORTH CAROLINA**

## **1. INTRODUCTION**

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Yellow Bridge Residential development located south of US 64 and west of the Abbingtion subdivision in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2026, is assumed to consist of the following uses:

- 59 single-family homes
- 83 townhomes
- 25,000 square feet (sq. ft.) retail space

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

### **1.1. Site Location and Study Area**

The proposed development is located south of US 64 and west of the Abbingtion subdivision in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- US 64 and Median Break

Refer to Appendix A for the approved scoping documentation.

**1.2. Proposed Land Use and Site Access**

The site is located south of US 64 and west of the Abbington subdivision. The proposed development, anticipated to be completed in 2026, is assumed to consist of the following uses:

- 59 single-family homes
- 83 townhomes
- 25,000 square feet (sq. ft.) retail space

Site access is proposed via one (1) left-over driveway along US 64 at the existing median break, and one (1) internal connection to Chanticleir Drive. Refer to Figure 2 for a copy of the preliminary site plan.

**1.3. Adjacent Land Uses**

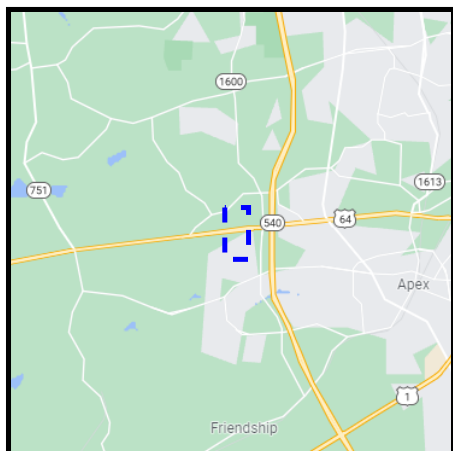
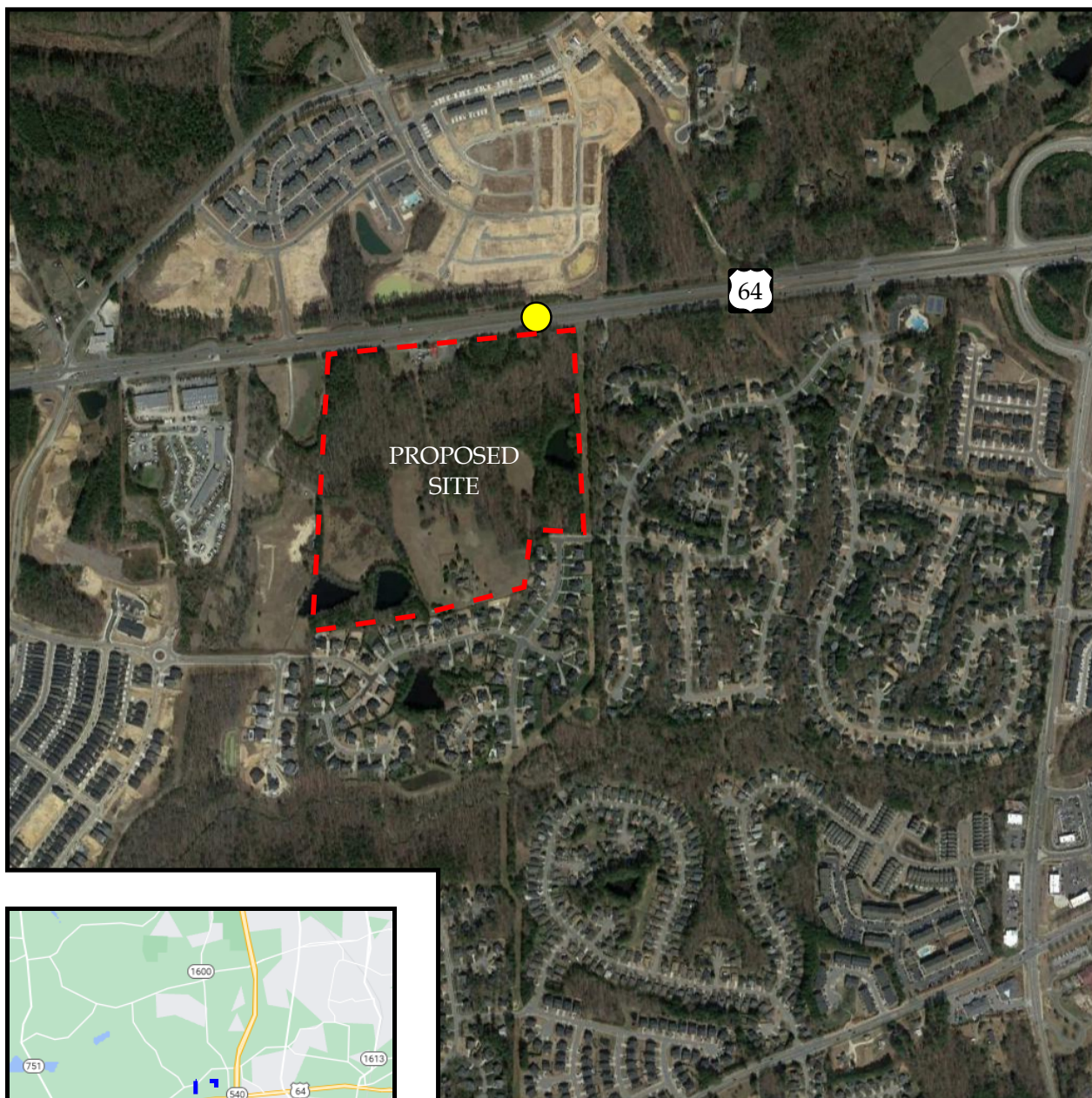
The proposed development is located in an area consisting primarily of commercial and residential development.

**1.4. Existing Roadways**

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1 provides a summary of this information, as well.

**Table 1: Existing Roadway Inventory**

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2019 AADT (vpd)
US 64		4-lane divided	55 mph	NCDOT	27,000



### LEGEND

- Proposed Site Location
- Study Intersection
- Study Area



Yellow Bridge Residential  
Apex, NC

Site Location Map

Scale: Not to Scale Figure 1





**LEGEND (PROPOSED CONDITIONS)**

LD — LIMITS OF DISTURBANCE

SF — SALT FENCE

— TRAIL

RCA

OPEN SPACE

FUTURE DEVELOPMENT

**1 SKETCH PLAN**  
SP-6 SCALE: 1"=100'

0 50 100 200  
SCALE: 1" = 100'



**PROJECT:**  
YELLOWBRIDGE CAPITAL  
2817 US 64 HWY W  
WHITE OAK TOWNSHIP  
APEX, NORTH CAROLINA 27502

**SEAL:**  
**PRELIMINARY**  
(NOT FOR CONSTRUCTION)

**Title:**  
OVERALL SKETCH PLAN

**proj #:**  
210701  
**date:**  
JULY 21, 2021  
**des by:** FS  
**chkd by:** JR  
**scale:**  
As Noted

**sheet:**  
**SP-6**  
(SKETCH PLAN)

### LEGEND

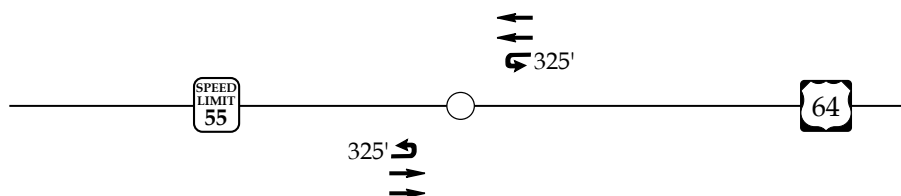
○ Unsignalized Intersection

➔ Existing Lane

X' Storage (In Feet)



Posted Speed Limit



Yellow Bridge Residential  
Apex, NC

2022 Existing  
Lane Configurations

Scale: Not to Scale Figure 3



## **2. 2022 EXISTING PEAK HOUR CONDITIONS**

### **2.1. 2022 Existing Peak Hour Traffic Volumes**

Existing peak hour traffic volumes were determined based on a combination of previously collected traffic counts at the intersection of US 64 and Jenks Road / Richardson Road, and new turning movement counts conducted at the existing median break. Previously conducted traffic counts at the intersection of US 64 and Jenks Road / Richardson Road were collected in October 2021 during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in person learning. These previously conducted counts were utilized to determine through volume traffic at the median break. Turning movement volumes at the median break were determined based on traffic counts conducted at the existing median break, in January 2022, during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in person learning. Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2022 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

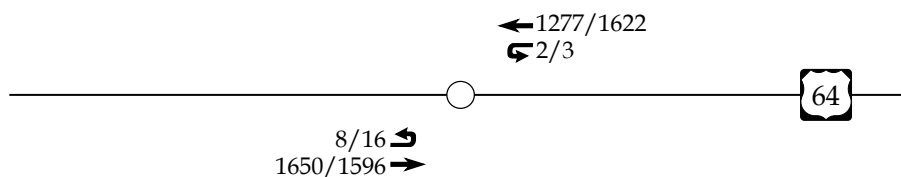
### **2.2. Analysis of 2022 Existing Peak Hour Traffic Conditions**

The 2022 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.

### LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak  
Hour Traffic



Yellow Bridge Residential  
Apex, NC

2022 Existing  
Peak Hour Traffic

Scale: Not to Scale    Figure 4

### **3. 2026 NO-BUILD PEAK HOUR CONDITIONS**

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

#### **3.1. Ambient Traffic Growth**

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2026 projected peak hour traffic.

#### **3.2. Adjacent Development Traffic**

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Westford Residential (currently 75% built-out)
- Legacy PUD (US 64 Residential)
- Sweetwater Development - Commercial

Table 2, on the following page, provides a summary of the adjacent developments.

**Table 2: Adjacent Development Information**

<b>Development Name</b>	<b>Location</b>	<b>Build-Out Year</b>	<b>Land Use / Intensity</b>	<b>TIA Performed</b>
Westford Residential	North of US 64 and east of Jenks Road	2019*	90 single-family homes 300 apartments 225 townhomes	December 2016 by Kimley-Horn
Legacy PUD (US 64 Residential)	South of US 64, west of the former Tee-to-Green site	2026	75 single-family homes 400 apartments 11,000 sq. ft. Day Care 3,500 sq. ft. FF Restaurant	July 2021 by Kimley-Horn (Phase 2 TIA Addendum)
Sweetwater Development	South of the US 64 and Jenks Road / Richardson Road intersection	2019**	375 single-family homes 60 condominiums 50,000 sq. ft. office space 200,000 sq. ft. retail space 7,000 sq. ft. HTSD 1,490 sq. ft. FF w/ DT 4-lane Drive-In Bank	December 2014 by RKA

\*Assumed currently 75% built-out.

\*\*Residential portion is assumed fully built-out.

Based on coordination with the Town and NCDOT, it was assumed that the Westford Residential development is currently approximately 75% built-out at the time of scoping and therefore a portion of development site traffic is captured in the existing traffic counts. Similarly, it was assumed that the residential portion of the Sweetwater development was constructed at the time of data collection and therefore the associated trips were not considered in the calculation of adjacent development traffic.

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix C.

### **3.3. Future Roadway Improvements**

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.

### **3.4. 2026 No-Build Peak Hour Traffic Volumes**

The 2026 no-build traffic volumes were determined by projecting the 2022 existing peak hour traffic to the year 2026, and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2026 no-build peak hour traffic volumes at the study intersections.

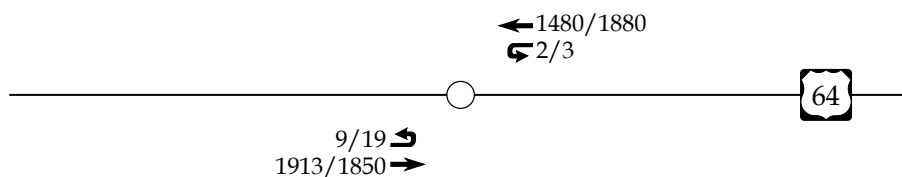
### **3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions**

The 2026 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



### LEGEND

- Unsignalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



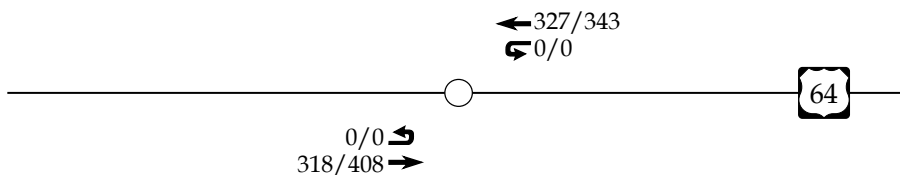
Yellow Bridge Residential  
Apex, NC

2026 Projected  
Peak Hour Traffic

Scale: Not to Scale Figure 5

### LEGEND

- Unsignalized Intersection
- X / Y → Weekday AM / PM Peak Hour Adjacent Development Trips



Yellow Bridge Residential  
Apex, NC

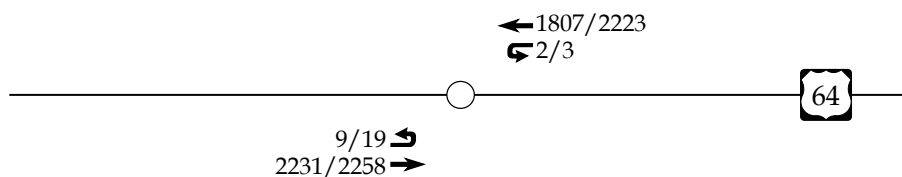
Peak Hour Adjacent  
Development Trips

Scale: Not to Scale

Figure 6

### LEGEND

- Unsignalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Yellow Bridge Residential  
Apex, NC

2026 No-Build  
Peak Hour Traffic

Scale: Not to Scale Figure 7

#### 4. SITE TRIP GENERATION AND DISTRIBUTION

##### 4.1. Trip Generation

The proposed development is assumed to consist of 59 single-family homes, 86 townhomes, and 25,000 sq. ft. of retail space. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the *ITE Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site. It should be noted that several trip generation scenarios were considered and that the most conservative scenario was considered in the analysis. Refer to Appendix I for a summary of the proposed densities considered and a comparison of the expected trip generations.

**Table 3: Trip Generation Summary**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	59 DU	640	12	35	38	23
Multi-Family Homes (Low-Rise) (220)	83 DU	588	9	31	31	19
Shopping Center (820)	25 KSF	944	15	9	45	50
<b>Total Trips</b>		<b>2,172</b>	<b>36</b>	<b>75</b>	<b>114</b>	<b>92</b>
<i>Internal Capture (2% AM &amp; 1% PM)*</i>			0	-2	-11	-12
<b>Total External Trips</b>			<b>36</b>	<b>73</b>	<b>103</b>	<b>80</b>
<i>Pass-By Trips: Shopping Center (34% PM)</i>			-	-	-14	-14
<b>Total Primary Trips</b>			<b>36</b>	<b>73</b>	<b>89</b>	<b>66</b>

\*Utilizing methodology contained in the NCHRP Report 684.

It is estimated that the proposed development will generate approximately 2,172 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 111 trips (36 entering and 75 exiting) will occur during the

weekday AM peak hour and 206 trips (114 entering and 92 exiting) will occur during the weekday PM peak hour.

Internal capture of trips between the residential and retail uses was considered in this study. Internal capture is the consideration for trips that will be made within the site between different land uses, so the vehicle technically never leaves the internal site but can still be considered as a trip to that specific land use. Internal capture typically only considers trips between residential, office, and retail/restaurant land uses. Based on NCHRP Report 684 methodology, a weekday AM peak hour internal capture of 2% and a weekday PM peak hour internal capture rate of 11% was applied to the total trips. The internal capture reductions are expected to account for approximately 2 trips (0 entering and 2 exiting) during the weekday AM peak hour and 23 trips (11 entering and 12 exiting) during the weekday PM peak hour.

Pass-by trips were also taken into consideration in this study. Pass-by trips are made by the traffic already using the adjacent roadway, entering the site as an intermediate stop on their way to another destination. Pass-by percentages are applied to site trips after adjustments for internal capture. Pass-by trips are expected to account for approximately 28 trips (14 entering and 14 exiting) during the weekday PM peak hour. It should be noted that the pass-by trips were balanced, as it is likely that these trips would enter and exit in the same hour.

The total primary site trips are the calculated site trips after the reduction for internal capture and pass-by trips. Primary site trips are expected to generate approximately 109 trips (33 entering and 73 exiting) during the weekday AM peak hour and 155 trips (89 entering and 66 exiting) during the weekday PM peak hour.

#### **4.2. Site Trip Distribution and Assignment**

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.



It is estimated that the residential site trips will be regionally distributed as follows:

- 75% to/from the east via US 64
- 20% to/from the west via US 64
- 5% to/from the east via Chanticleir Drive

It is estimated that the commercial site trips will be regionally distributed as follows:

- 65% to/from the east via US 64
- 30% to/from the west via US 64
- 5% to/from the east via Chanticleir Drive

The residential site trip distribution is shown in Figure 8A, the commercial site trip distribution is shown in Figure 8B. Refer to Figure 9A and Figure 9B for the residential and commercial site trip assignment, respectively.

The pass-by site trips were distributed based on existing traffic patterns with consideration given to the proposed driveway access and site layout. Refer to Figure 10 for the pass-by site trip distribution. Pass-by site trips are shown in Figure 11.

The total site trips were determined by adding the primary site trips and the pass-by site trips. Refer to Figure 12 for the total peak hour site trips at the study intersections.

**LEGEND**

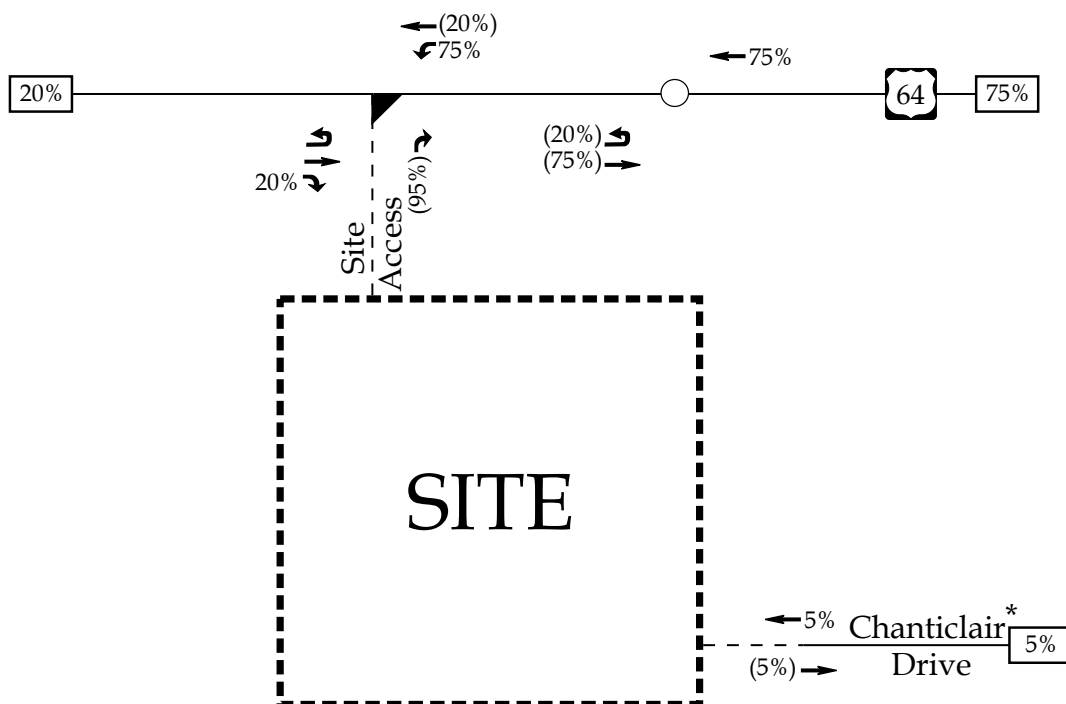
○ Unsignalized Intersection

◼ Left-Over Intersection

X% → Entering Trip Distribution

(Y%) → Exiting Trip Distribution

XX% Regional Trip Distribution



\*Note: Roadway included for informational purposes only



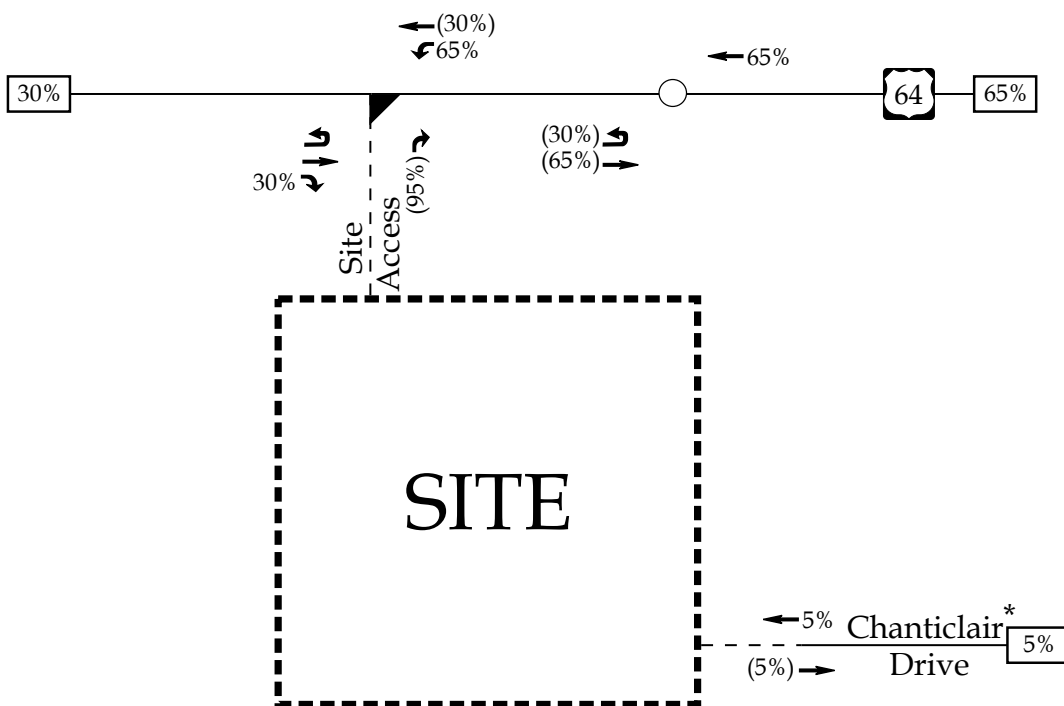
Yellow Bridge Residential  
Apex, NC

Residential Site Trip  
Distribution

Scale: Not to Scale Figure 8A

# **LEGEND**

- Unsignalized Intersection
- ▴ Left-Over Intersection
- X% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



\*Note: Roadway included for informational purposes only



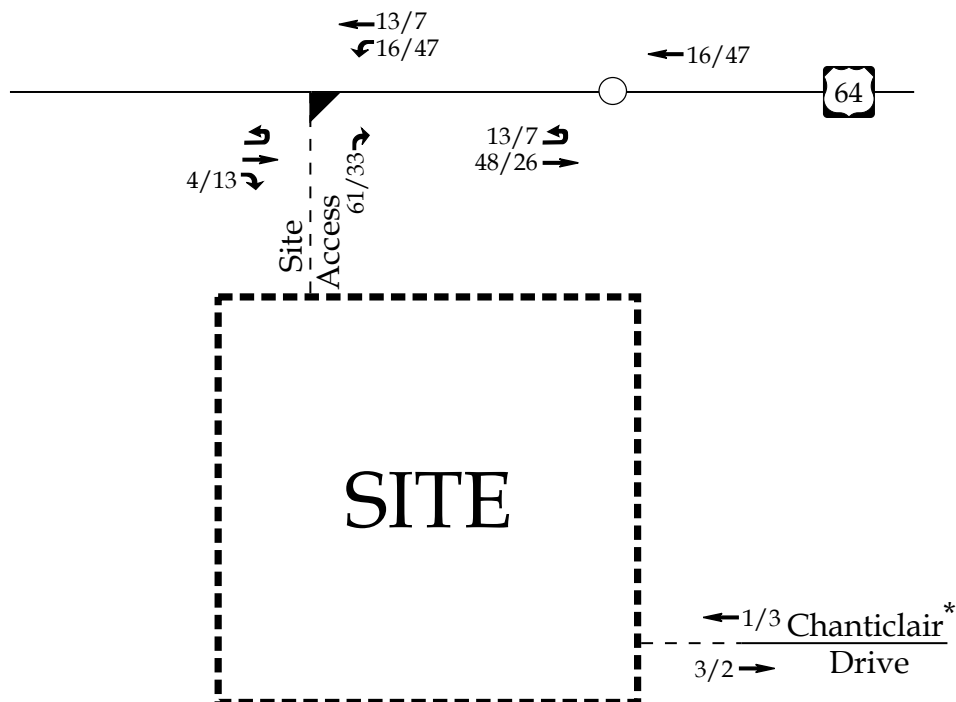
Yellow Bridge Residential  
Apex, NC

Commercial Site Trip  
Distribution

Scale: Not to Scale Figure 8B

# **LEGEND**

- Unsignalized Intersection
- ▴ Left-Over Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



\*Note: Roadway included for informational purposes only



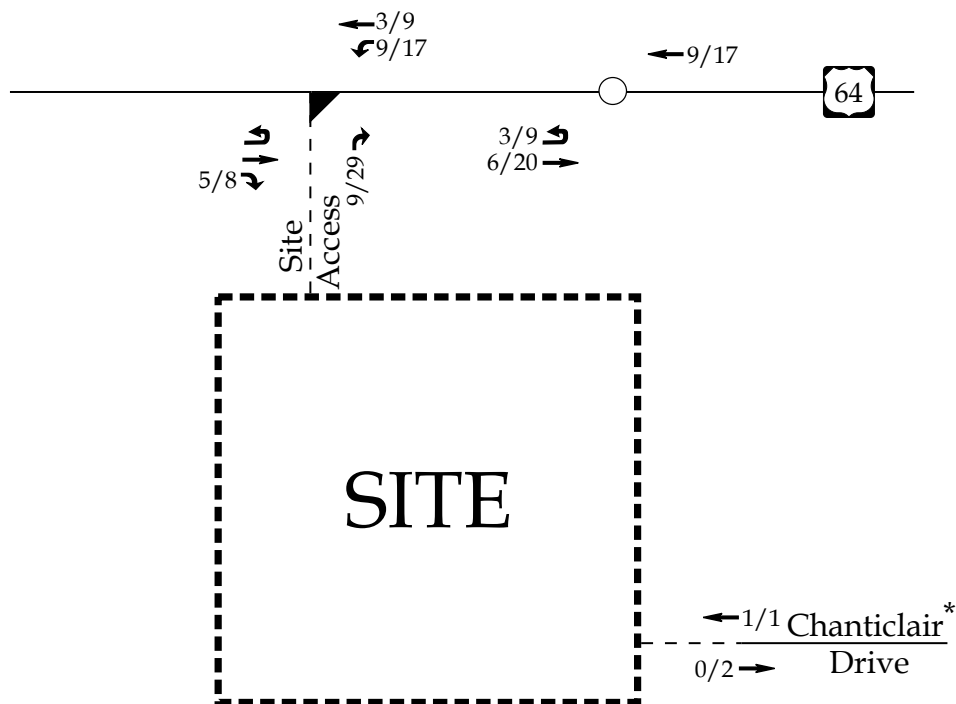
Yellow Bridge Residential  
Apex, NC

Residential Site Trip  
Assignment

Scale: Not to Scale Figure 9A

# **LEGEND**

- Unsignalized Intersection
- ▴ Left-Over Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



\*Note: Roadway included for informational purposes only



Yellow Bridge Residential  
Apex, NC

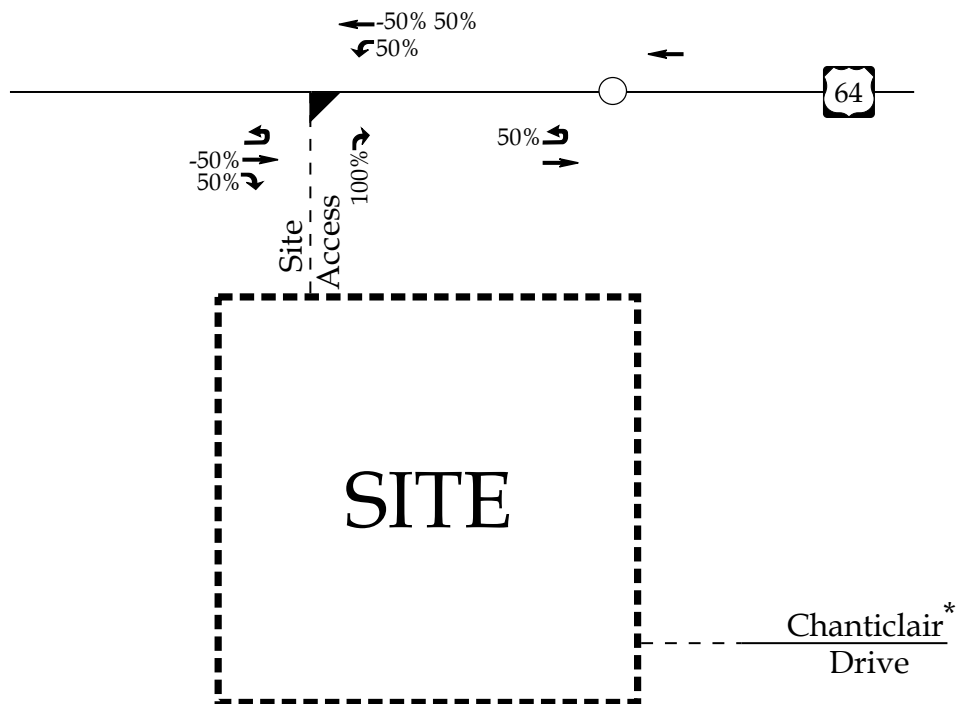
Commercial Site Trip  
Assignment

Scale: Not to Scale Figure 9B



### LEGEND

- Unsignalized Intersection
- ▴ Left-Over Intersection
- X% → Weekday PM Pass-By Trip Distribution



\*Note: Roadway included for informational purposes only



Yellow Bridge Residential  
Apex, NC

Pass-By Site  
Trip Distribution

Scale: Not to Scale Figure 10

LEGEND

○

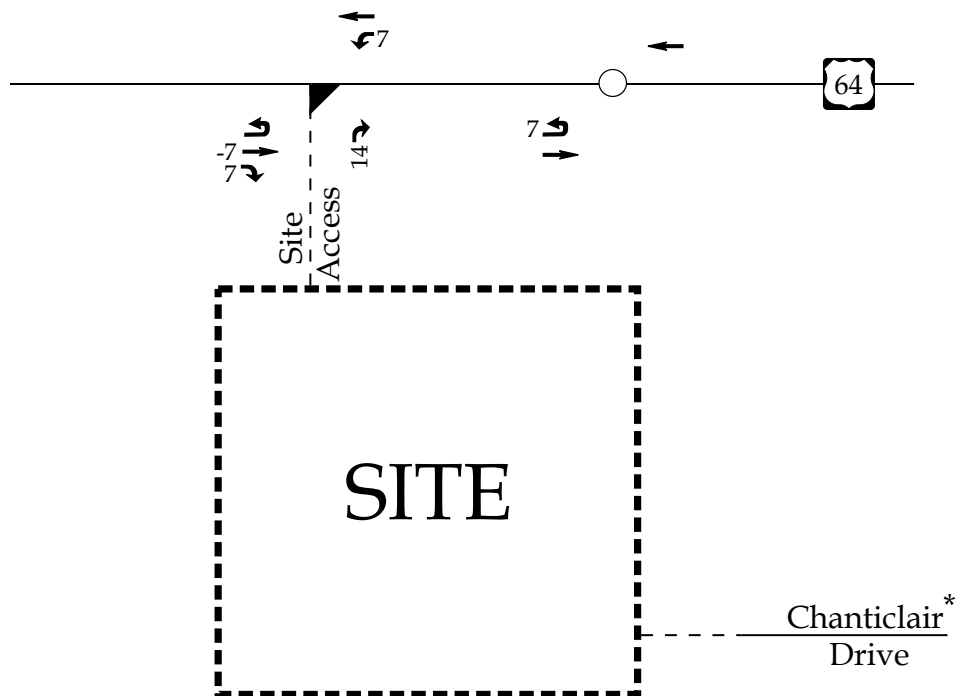
Unsignalized Intersection

◼

Left-Over Intersection

x →

Weekday PM Peak  
Hour Pass-By Trips



\*Note: Roadway included for informational purposes only

	Yellow Bridge Residential Apex, NC	Pass-By Site Trip Assignment	
		Scale: Not to Scale	Figure 11

### LEGEND



Unsignalized Intersection

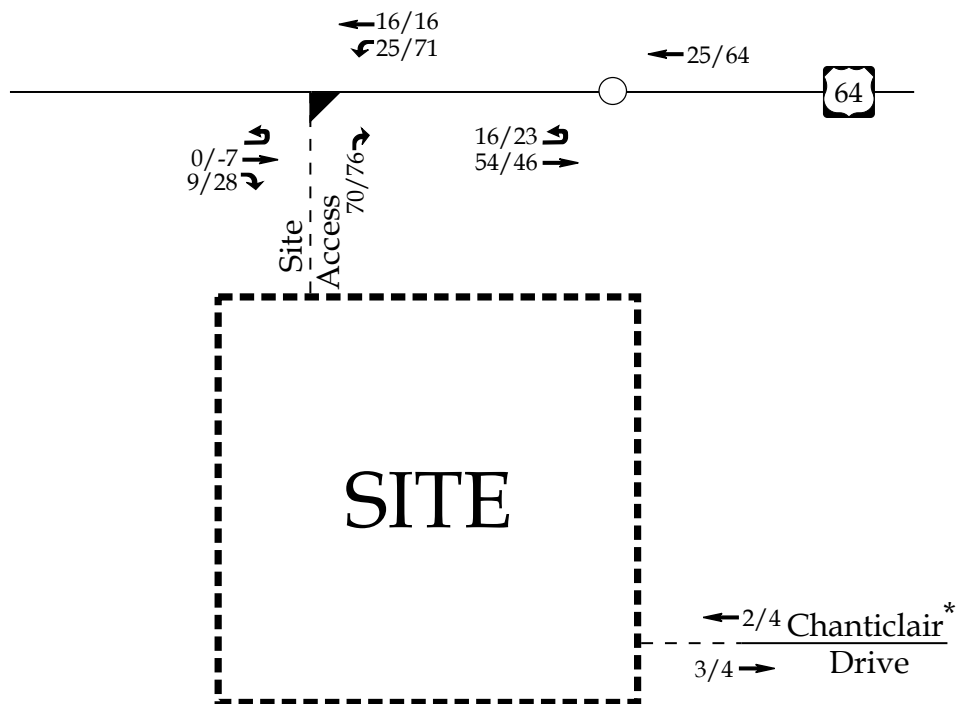


Left-Over Intersection

X / Y →

Weekday AM / PM Peak

Hour Site Trips



\*Note: Roadway included for informational purposes only



RAMEY KEMP ASSOCIATES

Yellow Bridge Residential  
Apex, NC

Total Site Trip  
Assignment

Scale: Not to Scale

Figure 12

## **5. 2026 BUILD TRAFFIC CONDITIONS**

### **5.1. 2026 Build Peak Hour Traffic Volumes**

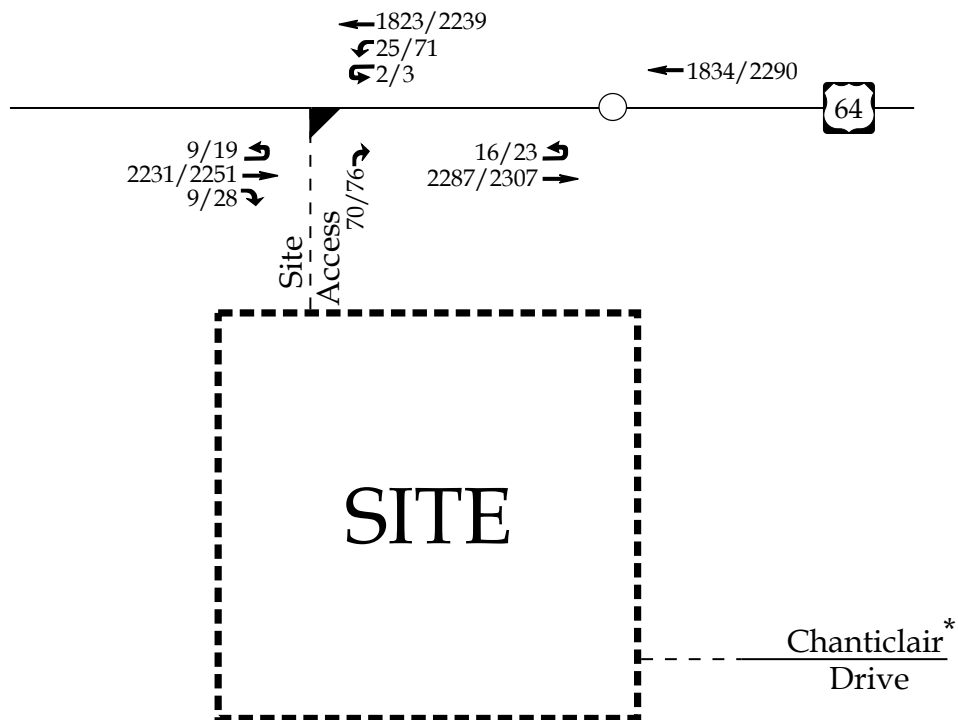
To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2026 no-build traffic volumes to determine the 2026 build traffic volumes. Refer to Figure 13 for an illustration of the 2026 build peak hour traffic volumes with the proposed site fully developed.

### **5.2. Analysis of 2026 Build Peak Hour Traffic Conditions**

Study intersections were analyzed with the 2026 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

# **LEGEND**

- Unsignalized Intersection
- ◼ Left-Over Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



\*Note: Roadway included for informational purposes only



Yellow Bridge Residential  
Apex, NC

2026 Build  
Peak Hour Traffic

Scale: Not to Scale Figure 13



## 6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6<sup>th</sup> Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions, and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

**Table 4: Highway Capacity Manual – Levels-of-Service and Delay**

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

### **6.1. Adjustments to Analysis Guidelines**

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines.

## 7. CAPACITY ANALYSIS

### 7.1. US 64 and Median Break / Site Access

The existing unsignalized median break along US 64 was analyzed under 2022 existing, 2026 no-build, and 2026 build traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports. Copies of the SimTraffic Queueing and Performance Reports can be found in Appendix F.

**Table 5: Analysis Summary of US 64 and Median Break / Site Access**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2022 Existing	EB*	1 UT, 2 TH	C <sup>1</sup>	N/A	C <sup>1</sup>	N/A
	WB**	1 UT, 2 TH	C <sup>1</sup>		C <sup>1</sup>	
2026 No-Build	EB*	1 UT, 2 TH	C <sup>1</sup>	N/A	D <sup>1</sup>	N/A
	WB**	1 UT, 2 TH	D <sup>1</sup>		D <sup>1</sup>	
2026 Build	EB*	1 UT, 2 TH, <b>1 RT</b>	C <sup>1</sup>	N/A	D <sup>1</sup>	N/A
	WB**	1 UT-LT, 2 TH	F <sup>1</sup>		F <sup>1</sup>	
	NB	<b>1 RT</b>	E <sup>2</sup>		E <sup>2</sup>	

\*Synchro analyzed the EBU as NBL movements due to the nature of the median break and synchro limitations.

\*\*Synchro analyzed the WBU as SBL movements due to the nature of the median break and synchro limitations.

**Improvements to lane configurations by the developer shown in bold.**

1. Level of service for major-street u-turn/left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2022 existing and 2026 no-build traffic conditions indicates that the major-street u-turn movements are expected to operate at LOS D or better during both the weekday AM and PM peak hours.

Upon buildout of the proposed development, the site driveway is proposed to connect as the 3<sup>rd</sup> leg at the existing median break. Under 2026 build traffic conditions the westbound major-street left-turn/u-turn movement is expected to operate at LOS F during both the weekday AM and PM peak hours. The eastbound u-turn movement is expected to operate at LOS D or better during the weekday AM and PM peak hours. The minor-street approach is expected to operate at LOS E during both the weekday AM and PM peak hours. These

levels of service are not uncommon for stop-controlled minor-street approaches (and major-street left-turn/u-turn movements) with heavy mainline traffic volumes. According to SimTraffic Performance Reports which report delays for each movement based on simulation modeling of the entire study network, the minor-street approach is expected to experience delays of less than 35 seconds during the weekday AM and PM peak hours under 2026 build traffic conditions.

Due to the poor levels-of-service expected at this intersection, a traffic signal was considered under 2026 build traffic conditions to achieve acceptable levels-of-service. Weekday AM and PM peak hour traffic volumes were utilized in evaluating the potential need for signalization based on the guidelines contained within the *Guidelines for Signalization of Intersections with Two or Three Approaches Final Report*, published by the Institute for Transportation Research and Education (ITRE). Based on a review of the expected queue lengths at this intersection it is reported that the minor-street approach is expected to exceed capacity during both the weekday AM and PM peak hours. However, due to the primarily residential nature of the site and the expected acceptable operation of the westbound left-turn movement into the site, a traffic signal is not recommended due to the additional delay that installation of a signal would add on the mainline corridor (US 64). Refer to Appendix G for the ITRE 95<sup>th</sup> percentile queue length calculations.

A right-turn lane was considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual) and an exclusive right-turn lane with 100 feet of storage is recommended on the eastbound approach (US 64). The existing storage for the westbound left-turn lane is expected to provide sufficient storage upon buildout of the development based on the NCDOT Driveway Manual and SimTraffic simulations under 2026 build traffic conditions. Refer to Appendix H for a copy of the turn-lane warrants.

## 7.2. US 64 and Future Eastern U-Turn Location

The proposed eastern u-turn location along US 64 was analyzed under 2026 build traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports. Copies of the SimTraffic Queueing and Performance Reports can be found in Appendix F.

**Table 6: Analysis Summary of US 64 and Future Eastern U-Turn Location**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build	EB* WB	<b>1 UT, 2 TH</b> 2 TH	C <sup>1</sup> --	N/A	D <sup>1</sup> --	N/A

\*Synchro analyzed the EBU as NBL movements due to the nature of the median break and synchro limitations.

Improvements to lane configurations by the developer shown in bold.

1. Level of service for major-street u-turn movement.

Upon buildout of the proposed development, a new u-turn location is expected to be constructed to facilitate site traffic exiting the development heading westbound on US 64. Capacity analysis of 2026 build traffic conditions indicates that the major-street u-turn movement is expected to operate at LOS D or better during the weekday AM and PM peak hours.

The eastbound u-turn movement was modeled with a combined storage of 200 feet in synchro due to limitations with superstreet modeling. Based on a review of SimTraffic simulations under 2026 build traffic conditions, queues for this movement are not expected to exceed 76 feet (approximately 3 vehicles) during the weekday AM and PM peak hours. Therefore, an eastbound (US 64) u-turn lane with 100 feet of storage is recommended at this location.



## 8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Yellow Bridge Residential development, located south of US 64 and west of the Abbingtion subdivision in Apex, North Carolina. The proposed development, anticipated to be completed in 2026, is expected to consist of 59 single-family homes, 83 townhomes, and 25,000 sq. ft. of retail space. Site access to the proposed development is expected to be provided via one (1) left-over driveway along US 64 at the existing median break, and one (1) internal connection to Chantclair Drive.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

### Trip Generation

It is estimated that the proposed development will generate approximately 109 primary trips (33 entering and 73 exiting) during the weekday AM peak hour and 155 primary trips (89 entering and 66 exiting) during the weekday PM peak hour.

### Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

### Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

US 64 and Median Break / Site Access 1

Under 2026 build traffic conditions the westbound major-street left-turn/u-turn movement is expected to operate at LOS F during both the weekday AM and PM peak hours. The minor-street approach is expected to operate at LOS E during both the weekday AM and PM peak hours. These levels of service are not uncommon for stop-controlled minor-street approaches (and major-street left-turn/u-turn movements) with heavy mainline traffic volumes. According to SimTraffic Performance Reports which report delays for each movement based on simulation modeling of the entire study network, the minor-street approach is expected to experience delays of less than 35 seconds during the weekday AM and PM peak hours under 2026 build traffic conditions.

Due to the poor levels-of-service expected at this intersection, a traffic signal was considered under 2026 build traffic conditions to achieve acceptable levels-of-service. Weekday AM and PM peak hour traffic volumes were utilized in evaluating the potential need for signalization based on the guidelines contained within the *Guidelines for Signalization of Intersections with Two or Three Approaches Final Report*, published by ITRE. Based on a review of the expected queue lengths at this intersection it is reported that the minor-street approach is expected to exceed capacity during both the weekday AM and PM peak hours. However, due to the primarily residential nature of the site and the expected acceptable operation of the westbound left-turn movement, a traffic signal is not recommended due to the additional delay that installation of a signal would add on the mainline corridor (US 64).

A right-turn lane was considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual) and an exclusive right-turn lane with 100 feet of storage is recommended on the eastbound approach (US 64). The existing storage for the westbound left-turn lane is expected to provide sufficient storage upon buildout of the development based on the NCDOT Driveway Manual and SimTraffic simulations under 2026 build traffic conditions.

## 9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 14 for an illustration of the recommended lane configuration for the proposed development.

### Recommended Improvements by Developer

#### US 64 and Median Break / Site Access

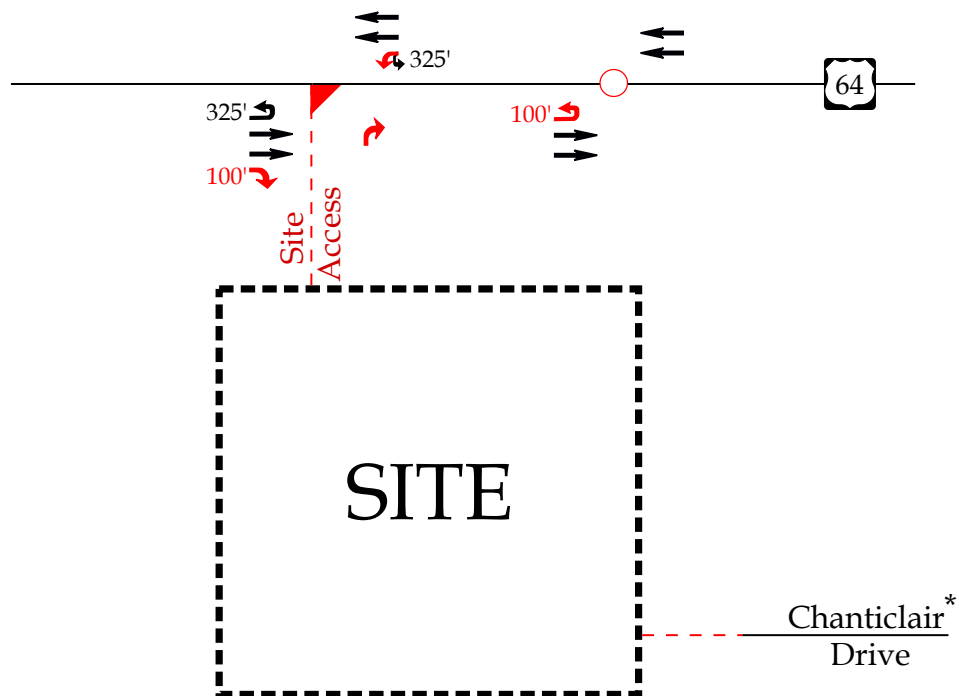
- Construct the northbound approach (Site Access) with one ingress and one egress lane striped as an exclusive right-turn lane.
- Provide stop-control for the northbound approach (Site Access). The proposed intersection will be configured as a left-over.
- Construct an exclusive eastbound (US 64) right-turn lane with a minimum of 100 feet of storage and appropriate decel and taper.
- Restripe the existing westbound (US 64) u-turn lane to provide for a westbound left-turn movement.

#### US 64 and Eastern U-Turn Location

- Construct an exclusive eastbound (US 64) u-turn lane with a minimum of 100 feet of storage and appropriate decel and taper to be located east of the existing median break and proposed site driveway location.

**LEGEND**

- Unsignalized Intersection
- ▀ Signalized Intersection
- ➡ Existing Lane
- X' Storage (In Feet)
- ➡ Improvement by Developer



\*Note: Roadway included for informational purposes only



Yellow Bridge Residential  
Apex, NC

Recommended Lane  
Configurations

Scale: Not to Scale Figure 14





# **TECHNICAL APPENDIX**

# **APPENDIX A**

## **SCOPING DOCUMENTATION**

January 12, 2022

Russell Dalton, PE  
Town of Apex  
73 Hunter Street  
Apex, NC 27502  
P: 919-249-3358  
E: [russell.dalton@apexnc.org](mailto:russell.dalton@apexnc.org)  
[Sent via Email]

Reference: Yellow Bridge Residential  
Apex, North Carolina

Subject: Memorandum of Understanding for TIA Report

Dear Mr. Dalton:

The following is a Memorandum of Understanding (MOU) outlining the proposed scope of work and assumptions related to the Traffic Impact Analysis (TIA) for the proposed Yellow Bridge Residential development in Apex, North Carolina. The proposed development is located south of US 64 and west of the Abbingdon subdivision. The development is expected to consist of 59 single-family homes, 83 townhomes, and 25,000 square feet (sq. ft.) of retail space. This MOU reflects the assumptions outlined during initial coordination between Ramey Kemp Associates (RKA), the Town of Apex (Town), and the North Carolina Department of Transportation (NCDOT). Refer to the attached site location map. Site access to the proposed development is expected to be provided via one (1) left-over driveway along US 64 at the existing median break, and one (1) internal connection to Chantclair Drive.

The proposed development, anticipated to be completed in 2026, is expected to consist of the following land uses:

- 59 single-family homes
- 83 townhomes
- 25,000 sq. ft. retail space

### **Study Area**

Based on a coordination with NCDOT and Town staff, the study area is proposed to consist of the following intersections:

- US 64 and Median Break (unsignalized)
- US 64 and Future Eastern U-Turn Location

### **Existing Traffic Volumes**

Existing peak hour traffic volumes will be determined based on a combination of previously conducted traffic counts at the intersection US 64 and Jenks Road / Richardson Road, and new turning movement counts conducted at the existing median break. Previously conducted traffic counts at the intersection of US 64 and Jenks Road / Richardson Road were collected in October 2022 during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 – 6:00 PM) peak periods, while schools were in session for in person learning. These previously conducted counts will be utilized to determine through volume traffic at the existing median break. Turning movement volumes will be determined based on traffic counts conducted at the existing median break, in January 2022 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 – 6:00 PM) peak periods, while schools are in session for in person learning.

### **Background Traffic Volumes**

Based on coordination with NCDOT and the Town, background traffic volumes will be determined by projecting 2022 existing traffic volumes to the year 2026 using a 3% annual growth rate. Additionally, it was determined that the following adjacent developments are to be included in this study:

- Westford (currently 75% build-out)
- Legacy PUD (US 64 Residential)

### **Future Roadway Improvements**

Based on coordination with the Town and NCDOT, it was determined that there were no future roadway improvements to consider with this study.

### **Trip Generation**

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10<sup>th</sup> Edition. Refer to Table 1, on the following page, for a summary of the proposed site trip generation for full buildout of the proposed development.

**Table 1: Trip Generation Summary**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)			Weekday PM Peak Hour Trips (vph)		
			Enter	Exit	Total	Enter	Exit	Total
Single-Family Home (210)	59 DU	640	12	35	47	38	23	61
Multi-Family Home (Low-Rise) (220)	95 DU	588	9	31	40	31	19	50
Shopping Center (820)	25 KSF	944	15	9	24	45	50	95
<b>Total Trips</b>		<b>2,172</b>	<b>36</b>	<b>75</b>	<b>111</b>	<b>114</b>	<b>92</b>	<b>206</b>
<i>Internal Capture (2% AM, 11 %PM)</i>			0	-2	-2	-11	-12	-23
<b>Total External Trips</b>			<b>36</b>	<b>73</b>	<b>109</b>	<b>103</b>	<b>80</b>	<b>183</b>
<i>Pass-By Trips (Shopping Center: 34% PM):</i>			-	-	-	-14	-14	-28
<b>Total Primary Trips</b>			<b>33</b>	<b>73</b>	<b>109</b>	<b>89</b>	<b>66</b>	<b>155</b>

It is estimated that the proposed development will generate approximately 2,172 site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 109 primary trips (33 entering and 73 exiting) will occur during the weekday AM peak hour and 155 primary trips (89 entering and 66 exiting) will occur during the weekday PM peak hour.

### **Trip Distribution and Assignment**

Site trips are distributed based on the locations of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. A summary of the overall distributions is below.

#### Residential:

- 75% to/from the east via US 64
- 20 % to/from the west via US 64
- 5% to/from the east via Chantclair Drive

#### Commercial:

- 65% to/from the east via US 64
- 30 % to/from the west via US 64
- 5% to/from the east via Chantclair Drive

Refer to the attached site trip distribution figures.



### Analysis Scenarios

All capacity analyses will be performed utilizing Synchro (Version 10.3). All study intersections will be analyzed during the weekday AM and PM peak hours under the following proposed traffic scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

### Report

The TIA report will be prepared based on the Town and NCDOT requirements.

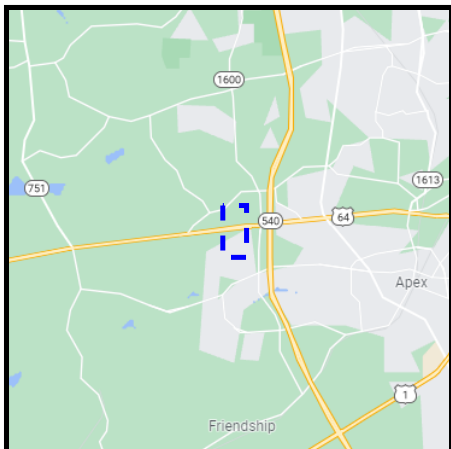
If you find this memorandum of understanding acceptable, please let me know so that we may include it in the TIA report. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,  
*Ramey Kemp Associates,*



Nate Bouquin P.E., PTOE  
Traffic Engineering Project Manager

Attachments:      Site Location Map  
                         Site Plan  
                         Proposed Site Trip Distribution Figures  
                         NCHRP Internal Capture Reports



### LEGEND

- Proposed Site Location
- Study Intersection
- Study Area



Yellow Bridge Residential  
Apex, NC

Site Location Map

Scale: Not to Scale





LEGEND (PROPOSED CONDITIONS)

LD ——— LIMITS OF DISTURBANCE

SF ——— SLT FENCE

TRAIL

RCA

OPEN SPACE

FUTURE DEVELOPMENT

1 SKETCH PLAN  
SP-6 SCALE: 1"=100'

0 50 100 200  
SCALE: 1"=100'



PROJECT:  
**YELLOWBRIDGE CAPITAL**  
2817 US 64 HWY W  
WHITE OAK TOWNSHIP  
APEX, NORTH CAROLINA 27502

SEAL  
**PRELIMINARY**  
(NOT FOR CONSTRUCTION)

Title:  
**OVERALL SKETCH PLAN**

proj #:  
**210701**

date:  
**JULY 21, 2021**

des by: chkd by:  
FS JR

scale:  
As Noted

sheet:  
**SP-6**  
(SKETCH PLAN)

## LEGEND

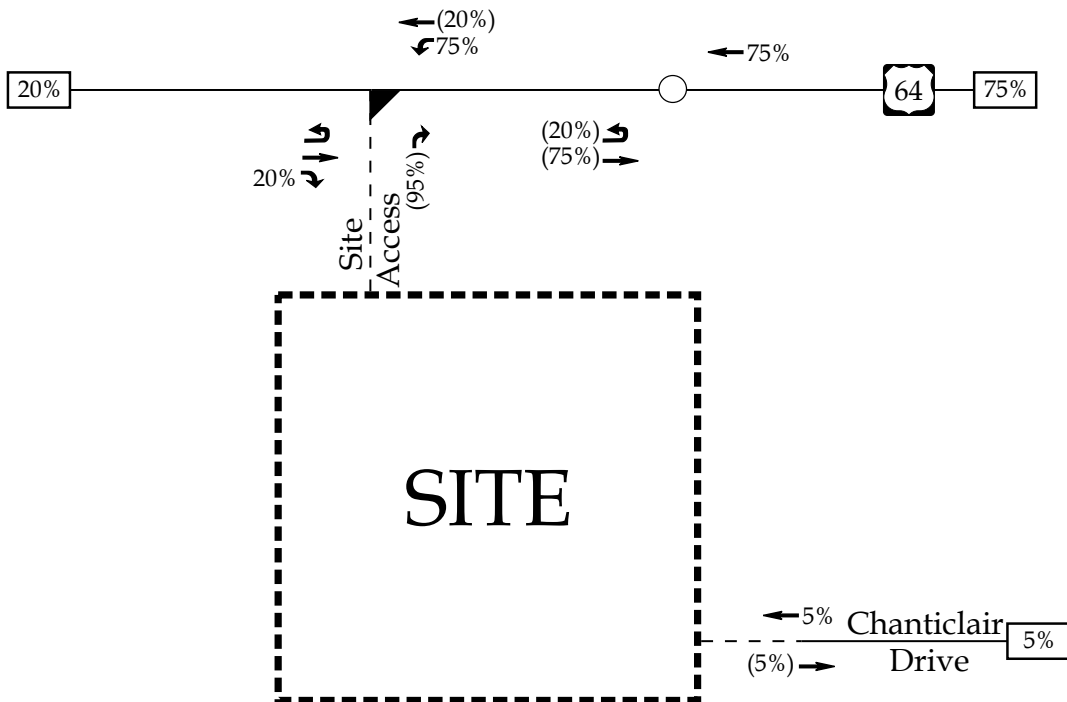
○ Unsignalized Intersection

◼ Left-Over Intersection

X% → Entering Trip Distribution

(Y%) → Exiting Trip Distribution

XX% Regional Trip Distribution



Yellow Bridge Residential  
Apex, NC

Proposed Residential  
Site Trip Distribution

Scale: Not to Scale

## LEGEND

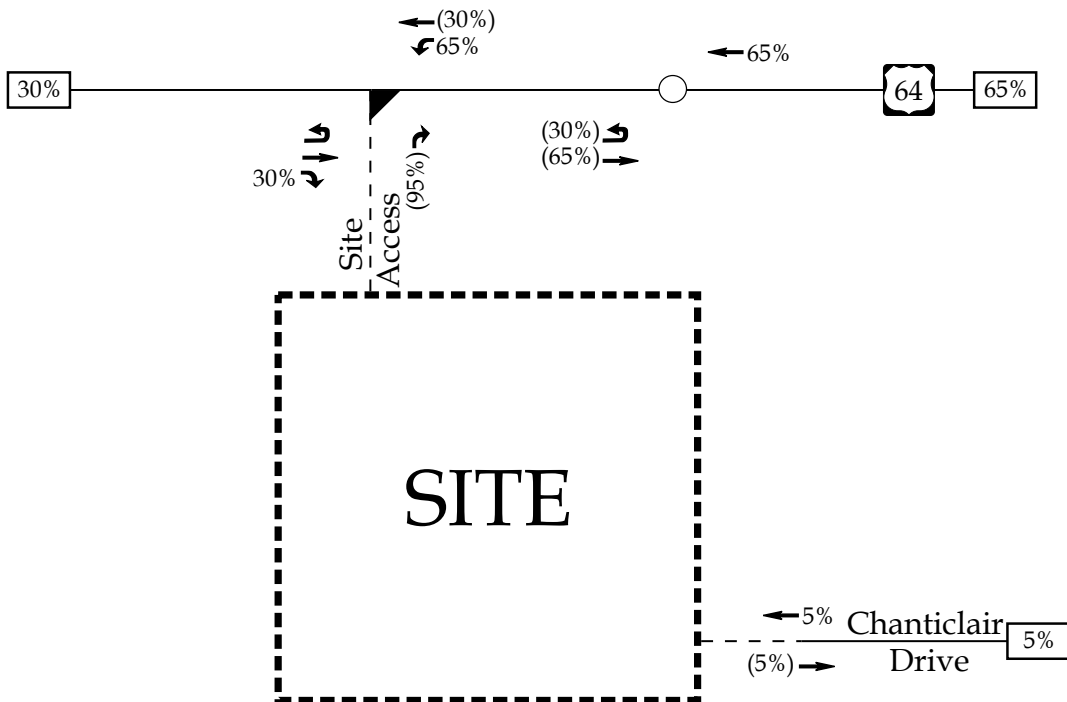
○ Unsignalized Intersection

◼ Left-Over Intersection

X% → Entering Trip Distribution

(Y%) → Exiting Trip Distribution

XX% Regional Trip Distribution



Yellow Bridge Residential  
Apex, NC

Proposed Commercial  
Site Trip Distribution

Scale: Not to Scale



NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Yellow Bridge Residential			Organization:	RKA
Project Location:	Apex, NC			Performed By:	TF
Scenario Description:	Full-Build			Date:	1/12/2022
Analysis Year:	2026			Checked By:	
Analysis Period:	AM Street Peak Hour			Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips <sup>3</sup>		
	ITE LUCs <sup>1</sup>	Quantity	Units	Total	Entering	Exiting
Office						
Retail	820	25	KSF		15	9
Restaurant						
Cinema/Entertainment						
Residential	210, 220	59, 83	DU		21	66
Hotel						
All Other Land Uses <sup>2</sup>						
				0	36	75

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. <sup>4</sup>	% Transit	% Non-Motorized	Veh. Occ. <sup>4</sup>	% Transit	% Non-Motorized
Office	1.10	0%	0%	1.10	0%	0%
Retail	1.10	0%	0%	1.10	0%	0%
Restaurant	1.10	0%	0%	1.10	0%	0%
Cinema/Entertainment	1.10	0%	0%	1.10	0%	0%
Residential	1.10	0%	0%	1.10	0%	0%
Hotel	1.10	0%	0%	1.10	0%	0%
All Other Land Uses <sup>2</sup>	1.10	0%	0%	1.10	0%	0%

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	0	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	123	40	83
Internal Capture Percentage	2%	3%	1%
External Vehicle-Trips <sup>5</sup>	110	36	74
External Transit-Trips <sup>6</sup>	0	0	0
External Non-Motorized Trips <sup>6</sup>	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	6%	0%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	0%	1%
Hotel	N/A	N/A

<sup>1</sup> Land Use Codes (LUCs) from <i>Trip Generation Manual</i> , published by the Institute of Transportation Engineers.
<sup>2</sup> Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.
<sup>3</sup> Enter trips assuming no transit or non-motorized trips (as assumed in ITE <i>Trip Generation Manual</i> ).
<sup>4</sup> Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.
<sup>5</sup> Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.
<sup>6</sup> Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

<b>Project Name:</b>	Yellow Bridge Residential
<b>Analysis Period:</b>	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	0	0	1.10	0	0
Retail	1.10	15	17	1.10	9	10
Restaurant	1.10	0	0	1.10	0	0
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	21	23	1.10	66	73
Hotel	1.10	0	0	1.10	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	3		1	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	1	15	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		5	0	0	0	0
Retail	0		0	0	0	0
Restaurant	0	1		0	1	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	3	0	0		0
Hotel	0	1	0	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles <sup>1</sup>	Transit <sup>2</sup>	Non-Motorized <sup>2</sup>
Office	0	0	0	0	0	0
Retail	1	16	17	15	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	23	23	21	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses <sup>3</sup>	0	0	0	0	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles <sup>1</sup>	Transit <sup>2</sup>	Non-Motorized <sup>2</sup>
Office	0	0	0	0	0	0
Retail	0	10	10	9	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	72	73	65	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses <sup>3</sup>	0	0	0	0	0	0

<sup>1</sup>Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

<sup>2</sup>Person-Trips

<sup>3</sup>Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

\*Indicates computation that has been rounded to the nearest whole number.

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Yellow Bridge Residential			Organization:	RKA
Project Location:	Apex, NC			Performed By:	TF
Scenario Description:	Full-Build			Date:	1/12/2022
Analysis Year:	2026			Checked By:	
Analysis Period:	PM Street Peak Hour			Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips <sup>3</sup>		
	ITE LUCs <sup>1</sup>	Quantity	Units	Total	Entering	Exiting
Office						
Retail	820	25	KSF		45	50
Restaurant						
Cinema/Entertainment						
Residential	210, 220	59, 83	DU		69	42
Hotel						
All Other Land Uses <sup>2</sup>						
				0	114	92

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. <sup>4</sup>	% Transit	% Non-Motorized	Veh. Occ. <sup>4</sup>	% Transit	% Non-Motorized
Office	1.10	0%	0%	1.10	0%	0%
Retail	1.10	0%	0%	1.10	0%	0%
Restaurant	1.10	0%	0%	1.10	0%	0%
Cinema/Entertainment	1.10	0%	0%	1.10	0%	0%
Residential	1.10	0%	0%	1.10	0%	0%
Hotel	1.10	0%	0%	1.10	0%	0%
All Other Land Uses <sup>2</sup>	1.10	0%	0%	1.10	0%	0%

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail					2500	
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	7	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	5	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	227	126	101
Internal Capture Percentage	11%	10%	12%
External Vehicle-Trips <sup>5</sup>	185	104	81
External Transit-Trips <sup>6</sup>	0	0	0
External Non-Motorized Trips <sup>6</sup>	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	10%	13%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	9%	11%
Hotel	N/A	N/A

<sup>1</sup> Land Use Codes (LUCs) from <i>Trip Generation Manual</i> , published by the Institute of Transportation Engineers.
<sup>2</sup> Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.
<sup>3</sup> Enter trips assuming no transit or non-motorized trips (as assumed in ITE <i>Trip Generation Manual</i> ).
<sup>4</sup> Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made.
<sup>5</sup> Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.
<sup>6</sup> Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

<b>Project Name:</b>	Yellow Bridge Residential
<b>Analysis Period:</b>	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	0	0	1.10	0	0
Retail	1.10	45	50	1.10	50	55
Restaurant	1.10	0	0	1.10	0	0
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	69	76	1.10	42	46
Hotel	1.10	0	0	1.10	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	1		16	2	7	3
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	2	19	10	0		1
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		4	0	0	3	0
Retail	0		0	0	35	0
Restaurant	0	25		0	12	0
Cinema/Entertainment	0	2	0		3	0
Residential	0	5	0	0		0
Hotel	0	1	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles <sup>1</sup>	Transit <sup>2</sup>	Non-Motorized <sup>2</sup>
Office	0	0	0	0	0	0
Retail	5	45	50	41	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	7	69	76	63	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses <sup>3</sup>	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles <sup>1</sup>	Transit <sup>2</sup>	Non-Motorized <sup>2</sup>
Office	0	0	0	0	0	0
Retail	7	48	55	44	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	5	41	46	37	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses <sup>3</sup>	0	0	0	0	0	0

<sup>1</sup>Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

<sup>2</sup>Person-Trips

<sup>3</sup>Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

\*Indicates computation that has been rounded to the nearest whole number.

## Tucker Fulle

---

**From:** Fenner, Edwin F <effenner@ncdot.gov>  
**Sent:** Tuesday, January 18, 2022 5:45 PM  
**To:** Nate Bouquin; Serge Grebenschikov; Russell Dalton; Brennan, Sean P  
**Cc:** Tucker Fulle; Bunting, Clarence B; Walker, Braden M; Ishak, Doumit Y  
**Subject:** RE: [External] Yellow Bridge Apex - TIA Scope  
**Attachments:** MOU - Yellow Bridge Residential 01.12.22.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Nate,

The attached MOU looks good to the District.

**Edwin Fenner, PE**  
Assistant District Engineer  
Division 5/District 1  
Department of Transportation

919-733-3213 office  
919-715-5778 fax  
[effenner@ncdot.gov](mailto:effenner@ncdot.gov)

4009 District Drive (Physical Address)  
Raleigh, NC 27607

1575 Mail Service Center (Mailing Address)  
Raleigh, NC 27699-1575

---

**From:** Nate Bouquin <nbouquin@rameykemp.com>  
**Sent:** Thursday, January 13, 2022 12:06 AM  
**To:** Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>; Russell Dalton <Russell.Dalton@apexnc.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Fenner, Edwin F <effenner@ncdot.gov>  
**Cc:** Tucker Fulle <tfulle@rameykemp.com>; Bunting, Clarence B <cbunting@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Ishak, Doumit Y <dishak@ncdot.gov>  
**Subject:** [External] Yellow Bridge Apex - TIA Scope

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

All –

Attached is the MOU for the Yellow Bridge development in Apex. This MOU is based off of the scoping meetings we had with NCDOT and the Town back in late December.

One small note with this – you will notice the trip generation includes retail. The developer is considering non-residential at the northernmost section of the site, along US 64. This hasn't been solidified yet, but we wanted to go ahead and include it in the TIA as it would be more conservative versus assuming all residential.



Please let us know your thoughts on this MOU.

Thanks!

**Nate Bouquin, PE, PTOE**  
**Traffic Engineering Project Manager**

D 919 987 1301 | M 919 961 4065



---

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

## Tucker Fulle

---

**From:** Nate Bouquin  
**Sent:** Thursday, January 13, 2022 10:37 AM  
**To:** Serge Grebenschikov  
**Cc:** Tucker Fulle  
**Subject:** RE: Yellow Bridge Apex - TIA Scope  
**Attachments:** Sweetwater TIA.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Thanks serge, we will make sure and include these changes.

---

**Nate Bouquin, PE, PTOE**  
**Traffic Engineering Project Manager**  
D 919 987 1301 | M 919 961 4065  
[rameykemp.com](http://rameykemp.com)

---

**From:** Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>  
**Sent:** Thursday, January 13, 2022 10:01 AM  
**To:** Nate Bouquin <nbouquin@rameykemp.com>  
**Subject:** RE: Yellow Bridge Apex - TIA Scope

Hi Nate,

Looking over the MOU I realized that I did not ask you to include Sweetwater Commercial. I think it would be prudent to do so as they are contributing around 200 vph on US 64, and the commercial phases are in construction today. Apologies for that. I have attached the Sweetwater TIA for reference.

Please see my markups in the screenshot below for Background Development Traffic. These are the only comments that I have.

### Background Traffic Volumes

Based on coordination with NCDOT and the Town, background traffic volumes will be determined by projecting 2022 existing traffic volumes to the year 2026 using a 3% annual growth rate. Additionally, it was determined that the following adjacent developments are to be included in this study:

- Westford (currently 75% build-out)
- Legacy PUD (US 64 Residential)

Westford **Residential**

### Future Roadway Improvements

Please add Sweetwater Commercial traffic along US 64

Thanks

**Serge Grebenschikov, PE**

Traffic Engineer  
Public Works & Transportation – Traffic  
73 Hunter Street, 3<sup>rd</sup> Fl  
PO Box 250

Apex, NC 27502  
P: (919) 372-7448  
E: [Serge.Grebenschikov@apexnc.org](mailto:Serge.Grebenschikov@apexnc.org)

---

**From:** Nate Bouquin <[nbouquin@rameykemp.com](mailto:nbouquin@rameykemp.com)>  
**Sent:** Thursday, January 13, 2022 12:06 AM  
**To:** Serge Grebenschikov <[Serge.Grebenschikov@apexnc.org](mailto:Serge.Grebenschikov@apexnc.org)>; Russell Dalton <[Russell.Dalton@apexnc.org](mailto:Russell.Dalton@apexnc.org)>; Brennan, Sean P <[spbrennan@ncdot.gov](mailto:spbrennan@ncdot.gov)>; Fenner, Edwin F <[effenner@ncdot.gov](mailto:effenner@ncdot.gov)>  
**Cc:** Tucker Fulle <[tfulle@rameykemp.com](mailto:tfulle@rameykemp.com)>; Bunting, Clarence B <[cbunting@ncdot.gov](mailto:cbunting@ncdot.gov)>; Walker, Braden M <[bmwalker1@ncdot.gov](mailto:bmwalker1@ncdot.gov)>; Ishak, Doumit Y <[dishak@ncdot.gov](mailto:dishak@ncdot.gov)>  
**Subject:** Yellow Bridge Apex - TIA Scope

**Notice: This message is from an external sender.**

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

All –

Attached is the MOU for the Yellow Bridge development in Apex. This MOU is based off of the scoping meetings we had with NCDOT and the Town back in late December.

One small note with this – you will notice the trip generation includes retail. The developer is considering non-residential at the northernmost section of the site, along US 64. This hasn't been solidified yet, but we wanted to go ahead and include it in the TIA as it would be more conservative versus assuming all residential.

Please let us know your thoughts on this MOU.

Thanks!

**Nate Bouquin, PE, PTOE**  
**Traffic Engineering Project Manager**  
D 919 987 1301 | M 919 961 4065



# **APPENDIX B**

## **TRAFFIC COUNTS**



# TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)AM Peak  
 Site Code :  
 Start Date : 10/28/2021  
 Page No : 1

## Groups Printed- Cars + - Trucks

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
07:00 AM	19	0	0	0	19	19	225	33	0	277	74	0	0	0	74	4	253	15	0	272	642
07:15 AM	29	0	0	0	29	21	218	30	0	269	98	0	0	0	98	6	307	26	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	1	304	106	0	0	0	106	6	341	21	0	368	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
Total	94	0	0	0	94	75	935	145	1	1156	362	0	0	0	362	24	1190	88	0	1302	2914
08:00 AM	27	0	0	0	27	26	290	53	0	369	80	0	0	0	80	11	304	18	0	333	809
08:15 AM	33	0	0	0	33	12	238	47	2	299	71	0	0	0	71	16	276	26	0	318	721
08:30 AM	30	0	0	0	30	18	246	49	0	313	96	0	0	0	96	8	285	20	0	313	752
08:45 AM	29	0	0	0	29	18	267	45	0	330	90	0	0	0	90	7	263	16	0	286	735
Total	119	0	0	0	119	74	1041	194	2	1311	337	0	0	0	337	42	1128	80	0	1250	3017
Grand Total	213	0	0	0	213	149	1976	339	3	2467	699	0	0	0	699	66	2318	168	0	2552	5931
Apprch %	100	0	0	0		6	80.1	13.7	0.1		100	0	0	0		2.6	90.8	6.6	0		
Total %	3.6	0	0	0	3.6	2.5	33.3	5.7	0.1	41.6	11.8	0	0	0	11.8	1.1	39.1	2.8	0	43	
Cars +	211	0	0	0	211	137	1890	328	3	2358	697	0	0	0	697	66	2225	164	0	2455	5721
% Cars +	99.1	0	0	0	99.1	91.9	95.6	96.8	100	95.6	99.7	0	0	0	99.7	100	96	97.6	0	96.2	96.5
Trucks	2	0	0	0	2	12	86	11	0	109	2	0	0	0	2	0	93	4	0	97	210
% Trucks	0.9	0	0	0	0.9	8.1	4.4	3.2	0	4.4	0.3	0	0	0	0.3	0	4	2.4	0	3.8	3.5

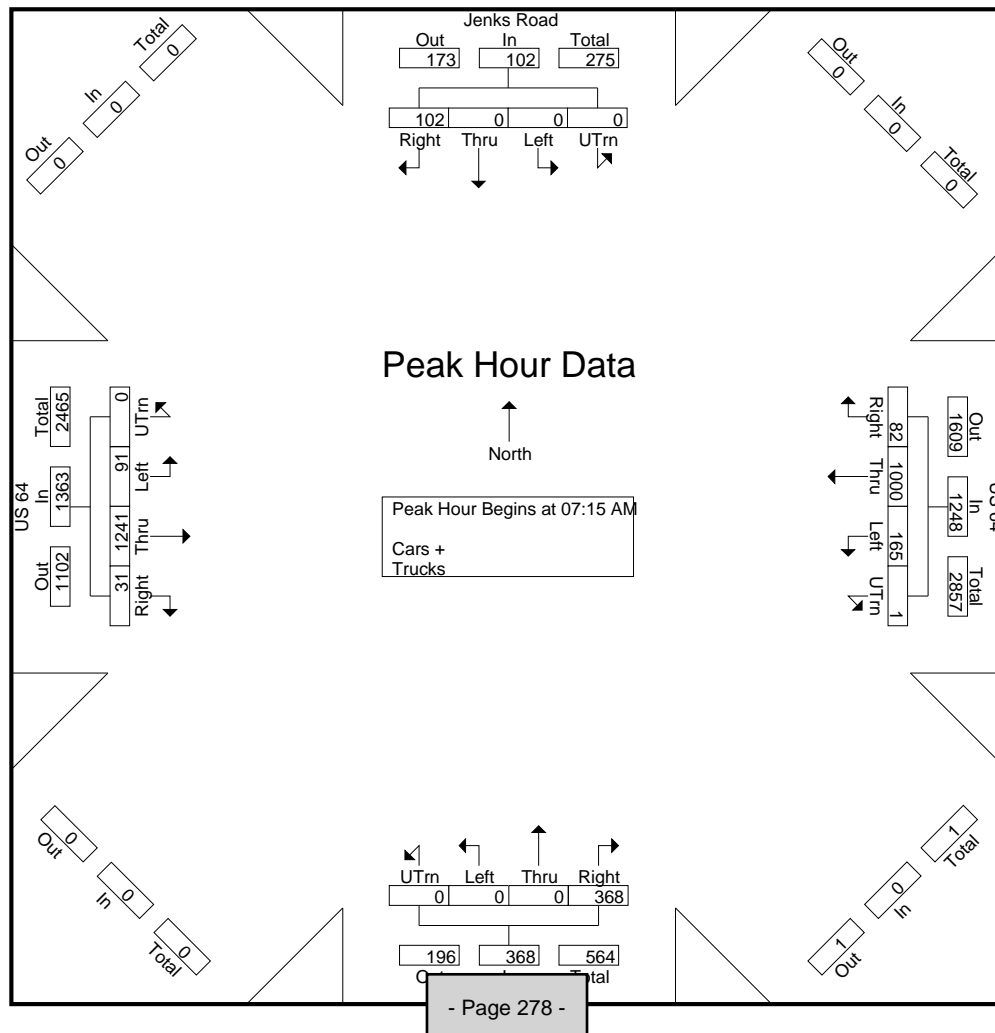




# TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)AM Peak  
 Site Code :  
 Start Date : 10/28/2021  
 Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	29	0	0	0	29	21	218	30	0	269	98	0	0	0	98	6	307	26	0	339	735
07:30 AM	22	0	0	0	22	14	253	36	1	304	106	0	0	0	106	6	341	21	0	368	800
07:45 AM	24	0	0	0	24	21	239	46	0	306	84	0	0	0	84	8	289	26	0	323	737
08:00 AM	27	0	0	0	27	26	290	53	0	369	80	0	0	0	80	11	304	18	0	333	809
Total Volume	102	0	0	0	102	82	1000	165	1	1248	368	0	0	0	368	31	1241	91	0	1363	3081
% App. Total	100	0	0	0		6.6	80.1	13.2	0.1		100	0	0	0		2.3	91	6.7	0		
PHF	.879	.000	.000	.000	.879	.788	.862	.778	.250	.846	.868	.000	.000	.000	.868	.705	.910	.875	.000	.926	.952





# TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)PM Peak  
 Site Code :  
 Start Date : 10/28/2021  
 Page No : 1

## Groups Printed- Cars + - Trucks

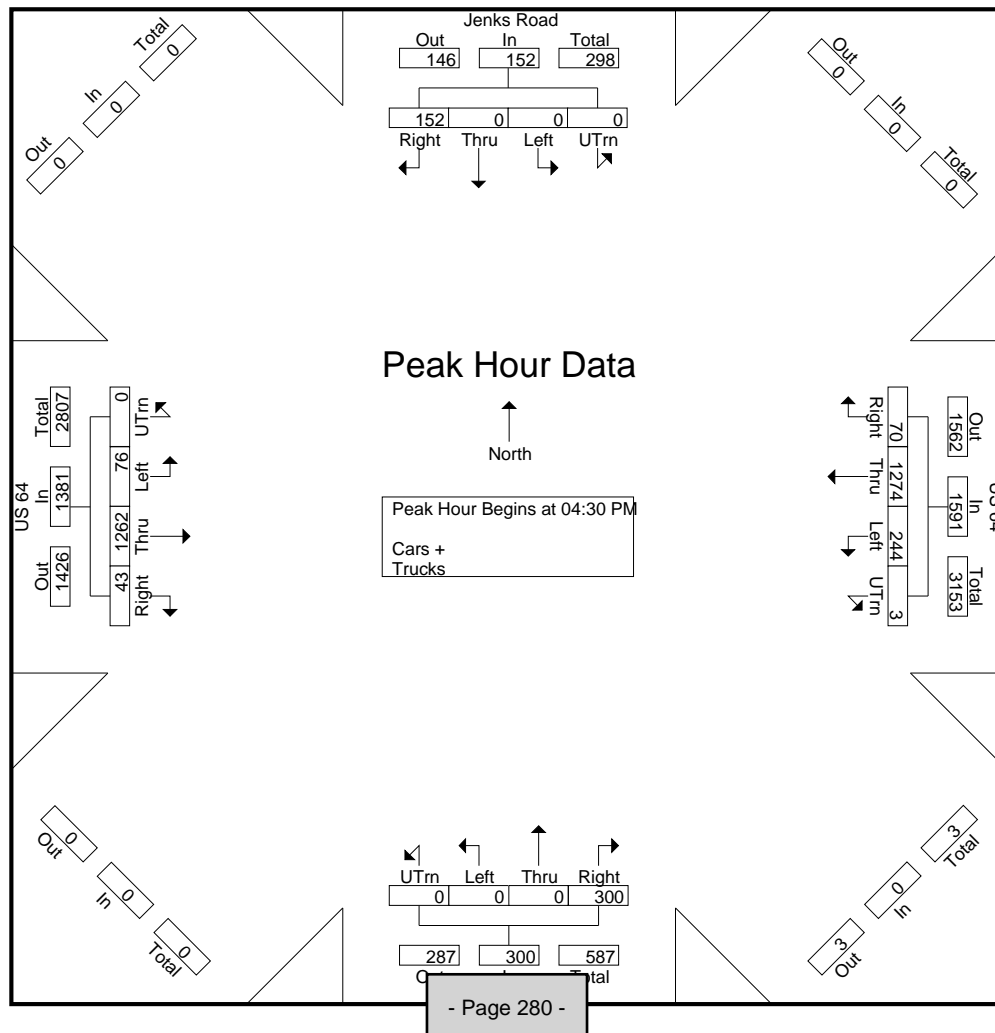
	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
04:00 PM	35	0	0	0	35	12	302	56	0	370	50	0	0	0	50	6	237	18	0	261	716
04:15 PM	36	0	0	0	36	18	341	50	0	409	64	0	0	0	64	12	312	17	0	341	850
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	41	0	0	0	41	19	295	63	2	379	69	0	0	0	69	17	355	16	0	388	877
Total	147	0	0	0	147	63	1256	231	2	1552	258	0	0	0	258	46	1196	70	0	1312	3269
05:00 PM	40	0	0	0	40	19	315	58	1	393	90	0	0	0	90	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	346	61	0	425	66	0	0	0	66	11	299	24	0	334	861
05:30 PM	25	0	0	0	25	20	293	61	2	376	57	0	0	0	57	12	271	15	0	298	756
05:45 PM	36	0	0	0	36	13	287	55	0	355	61	0	0	0	61	5	281	15	0	301	753
Total	137	0	0	0	137	70	1241	235	3	1549	274	0	0	0	274	32	1167	71	0	1270	3230
Grand Total	284	0	0	0	284	133	2497	466	5	3101	532	0	0	0	532	78	2363	141	0	2582	6499
Apprch %	100	0	0	0		4.3	80.5	15	0.2		100	0	0	0		3	91.5	5.5	0		
Total %	4.4	0	0	0	4.4	2	38.4	7.2	0.1	47.7	8.2	0	0	0	8.2	1.2	36.4	2.2	0	39.7	
Cars +	282	0	0	0	282	132	2456	465	5	3058	529	0	0	0	529	78	2309	141	0	2528	6397
% Cars +	99.3	0	0	0	99.3	99.2	98.4	99.8	100	98.6	99.4	0	0	0	99.4	100	97.7	100	0	97.9	98.4
Trucks	2	0	0	0	2	1	41	1	0	43	3	0	0	0	3	0	54	0	0	54	102
% Trucks	0.7	0	0	0	0.7	0.8	1.6	0.2	0	1.4	0.6	0	0	0	0.6	0	2.3	0	0	2.1	1.6



# TRAFFIC DATA COLLECTION

File Name : Apex(US 64 and Jenks)PM Peak  
 Site Code :  
 Start Date : 10/28/2021  
 Page No : 2

	Jenks Road Southbound					US 64 Westbound					Richardson Road Northbound					US 64 Eastbound					
Start Time	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Right	Thru	Left	UTrn	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	35	0	0	0	35	14	318	62	0	394	75	0	0	0	75	11	292	19	0	322	826
04:45 PM	41	0	0	0	41	19	295	63	2	379	69	0	0	0	69	17	355	16	0	388	877
05:00 PM	40	0	0	0	40	19	315	58	1	393	90	0	0	0	90	4	316	17	0	337	860
05:15 PM	36	0	0	0	36	18	346	61	0	425	66	0	0	0	66	11	299	24	0	334	861
Total Volume	152	0	0	0	152	70	1274	244	3	1591	300	0	0	0	300	43	1262	76	0	1381	3424
% App. Total	100	0	0	0		4.4	80.1	15.3	0.2		100	0	0	0		3.1	91.4	5.5	0		
PHF	.927	.000	.000	.000	.927	.921	.921	.968	.375	.936	.833	.000	.000	.000	.833	.632	.889	.792	.000	.890	.976





# RAMEY KEMP ASSOCIATES

5808 Faringdon Place  
Suite 100  
Raleigh, NC 27609  
PH: 919-872-5115

File Name : US 64 and U-Turn Location  
Site Code : 00000001  
Start Date : 1/11/2022  
Page No : 1

## Groups Printed- Cars - TRKS - Semis

Start Time	From North					US 64 From East					From South					US 64 From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
07:15 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
07:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	5
07:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
Total	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	7	7	8
08:00 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	2	3
08:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
08:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
Total	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	8	8	9
*** BREAK ***																					
04:00 PM	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	1	1	3
04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
04:30 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	5	5	6
04:45 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	4	4	5
Total	0	0	0	0	0	0	0	0	4	4	0	0	0	0	0	0	0	0	11	11	15
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2
05:15 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	5	5	6
05:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3
05:45 PM	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	3	3	5
Total	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	13	13	16
Grand Total	0	0	0	0	0	0	0	0	9	9	0	0	0	0	0	0	0	0	39	39	48
Apprch %	0	0	0	0	0	0	0	0	100	100	0	0	0	0	0	0	0	0	100	100	
Total %	0	0	0	0	0	0	0	0	18.8	18.8	0	0	0	0	0	0	0	0	81.2	81.2	
Cars	0	0	0	0	0	0	0	0	9	9	0	0	0	0	0	0	0	0	34	34	43
% Cars	0	0	0	0	0	0	0	0	100	100	0	0	0	0	0	0	0	0	87.2	87.2	89.6
TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	5
% TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12.8	12.8	10.4
Semis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Semis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



**RAMEY KEMP ASSOCIATES**

5808 Faringdon Place  
Suite 100  
Raleigh, NC 27609  
PH: 919-872-5115

File Name : US 64 and U-Turn Location  
Site Code : 00000001  
Start Date : 1/11/2022  
Page No : 2

	From North					US 64 From East					From South					US 64 From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
07:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	5
07:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
08:00 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	2	3
Total Volume	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	8	8	10
% App. Total	0	0	0	0	0	0	0	0	100		0	0	0	0		0	0	0	100		
PHF	.000	.000	.000	.000	.000	.000	.000	.000	.500	.500	.000	.000	.000	.000	.000	.000	.000	.000	.400	.400	.500
Cars	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	4	4	6
% Cars	0	0	0	0	0	0	0	0	100	100	0	0	0	0	0	0	0	0	50.0	50.0	60.0
TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
% TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50.0	50.0	40.0
Semis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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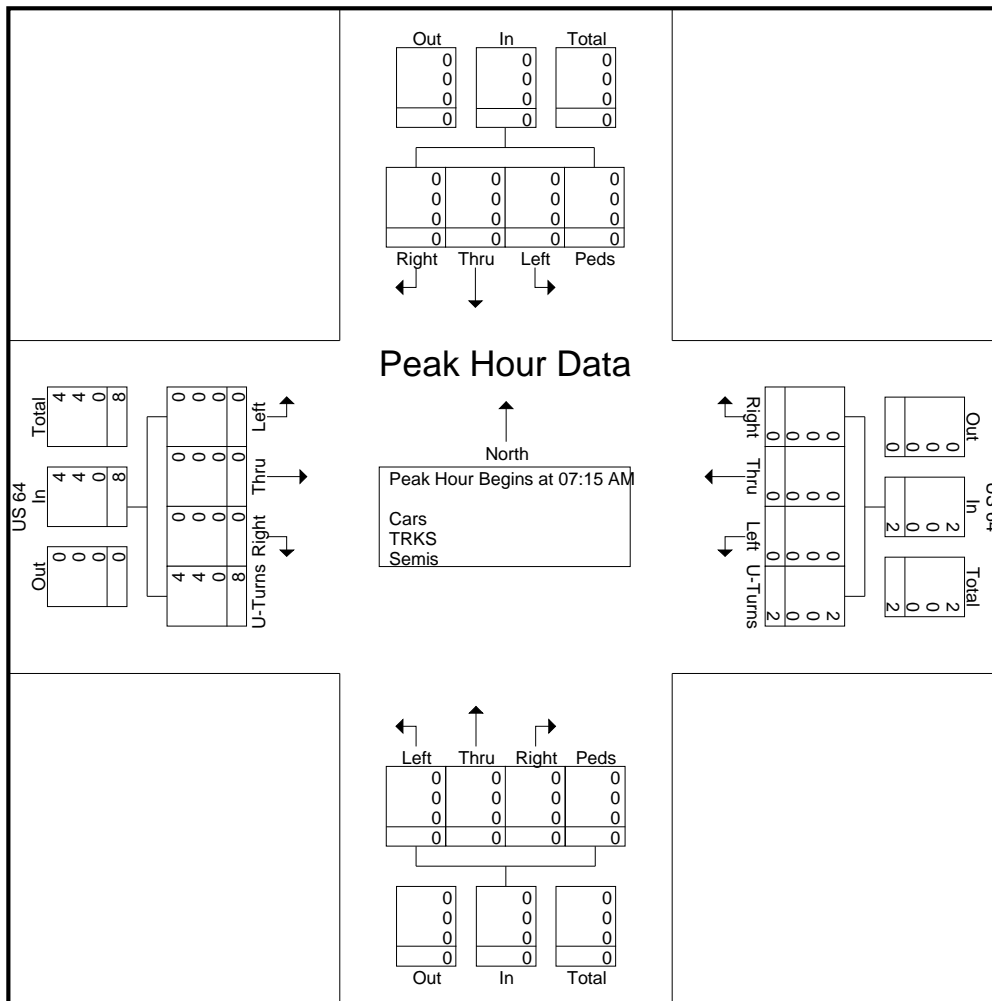




**RAMEY KEMP ASSOCIATES**

5808 Faringdon Place  
Suite 100  
Raleigh, NC 27609  
PH: 919-872-5115

File Name : US 64 and U-Turn Location  
Site Code : 00000001  
Start Date : 1/11/2022  
Page No : 3





# **RAMEY KEMP ASSOCIATES**

5808 Faringdon Place

Suite 100

Raleigh, NC 27609

PH: 919-872-5115

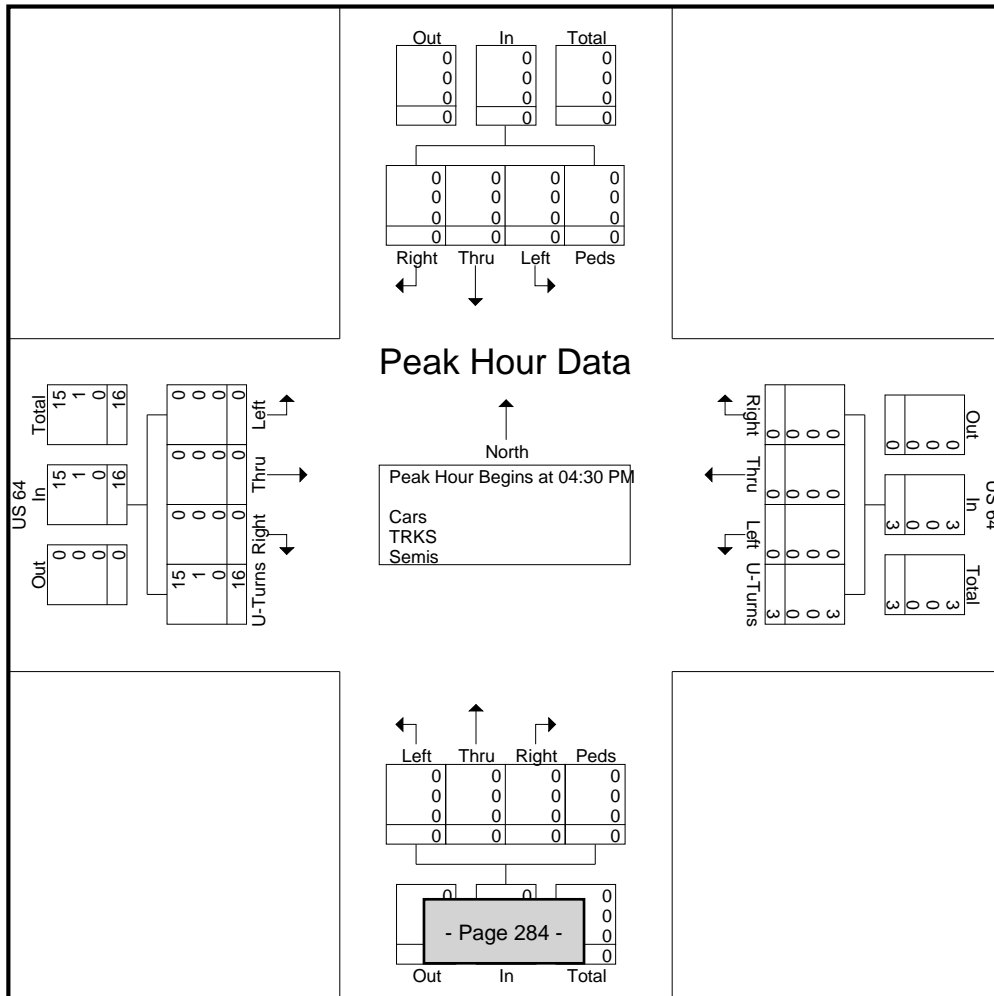
File Name : US 64 and U-Turn Location

Site Code : 00000001

Start Date : 1/11/2022

Page No : 4

	From North					US 64 From East					From South					US 64 From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	U-Turns	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
04:30 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	5	5	6
04:45 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	4	4	5
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2
05:15 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	5	5	6
Total Volume	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	16	16	19
% App. Total	0	0	0	0	0	0	0	0	100	100	0	0	0	0	0	0	0	0	100	100	100
PHF	.000	.000	.000	.000	.000	.000	.000	.000	.750	.750	.000	.000	.000	.000	.000	.000	.000	.000	.800	.800	.792
Cars	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	15	15	18
% Cars	0	0	0	0	0	0	0	0	100	100	0	0	0	0	0	0	0	0	93.8	93.8	94.7
TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
% TRKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6.3	6.3	5.3
Semis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Semis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



# **APPENDIX C**

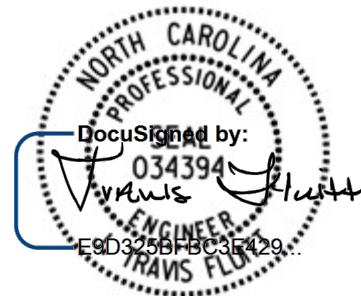
## **ADJACENT DEVELOPMENT INFORMATION**

**Traffic Impact Analysis  
for  
Westford  
Apex, North Carolina**

**Prepared for:  
The Halle Companies  
Apex, North Carolina**

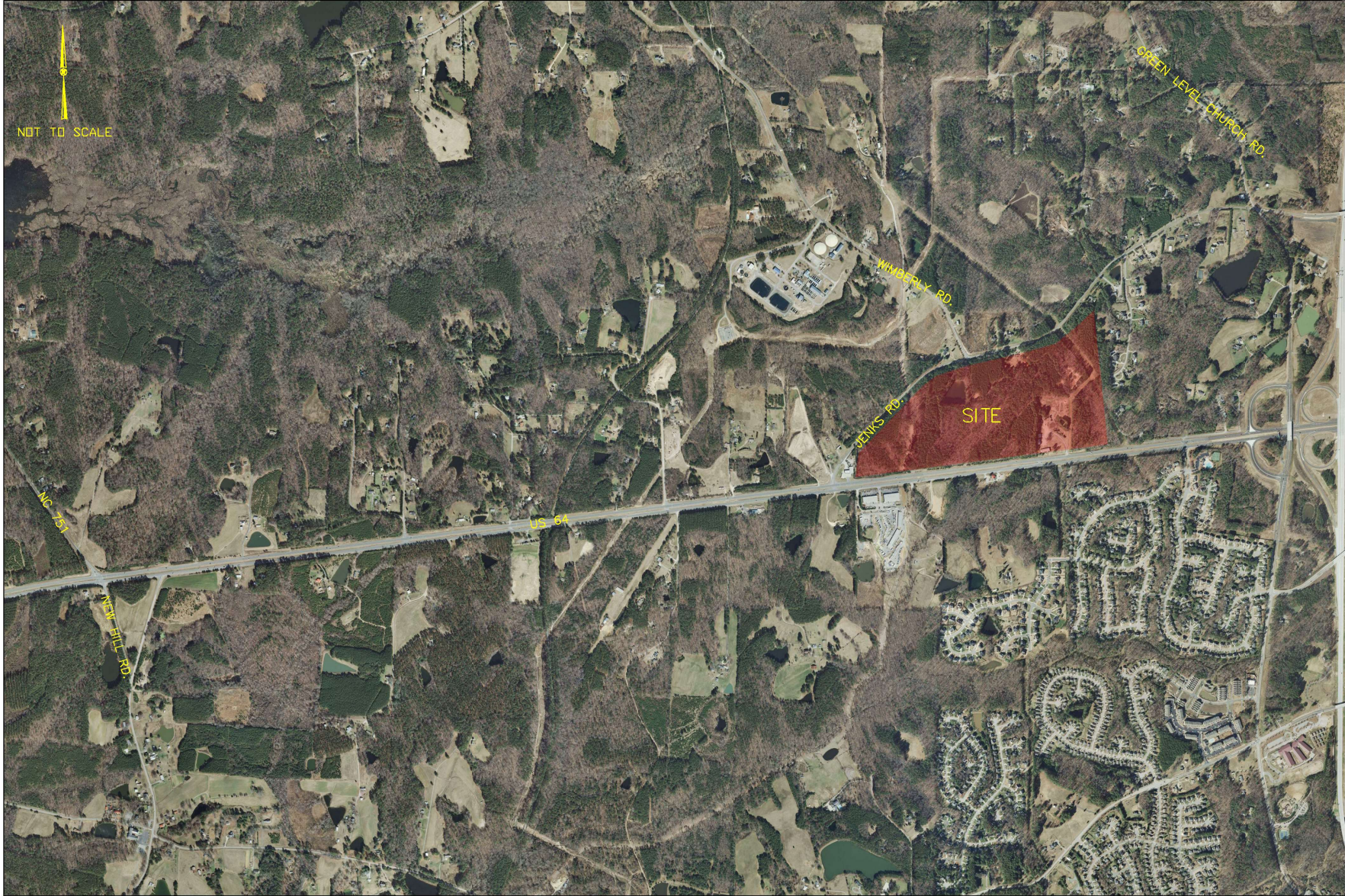
**Prepared by:  
Kimley-Horn and Associates, Inc.  
NC License #F-0102  
421 Fayetteville Street Suite 600  
Raleigh, NC 27601  
(919) 677-2000**

**December 2016  
018995001**



12/7/2016





**Kimley»Horn**

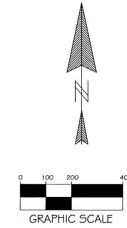
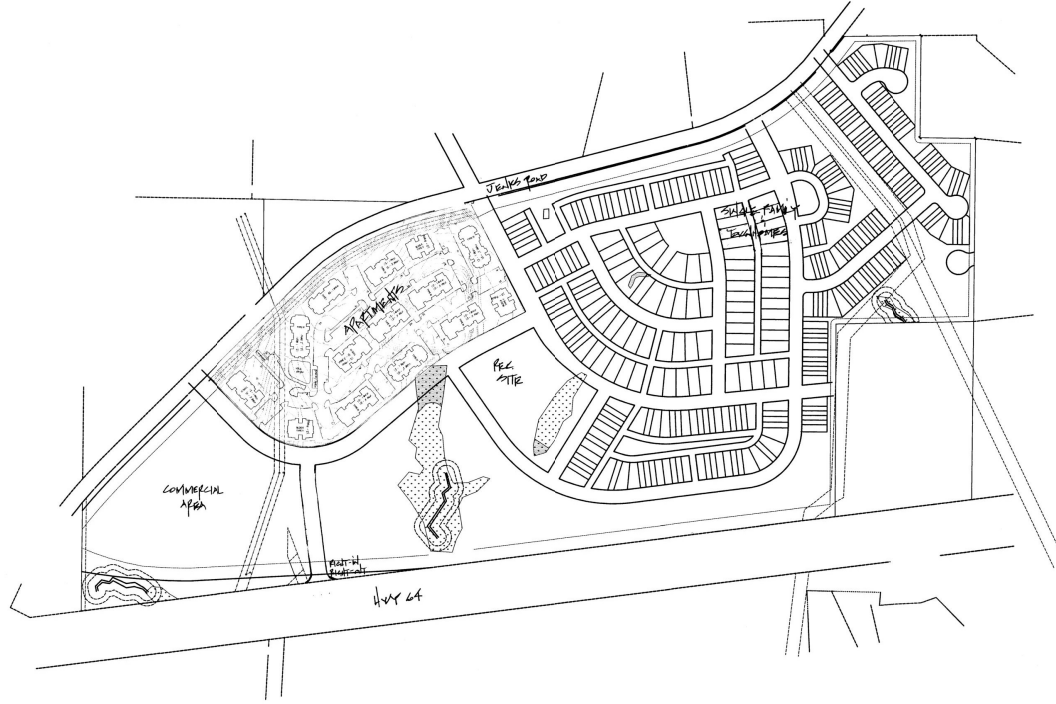
WESTFORD  
APEX, NC  
TRAFFIC IMPACT ANALYSIS

SITE LOCATION

FIGURE  
1

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<b>WESTFORD</b> MASTER SITE PLAN PRELIMINARY SITE PLAN		<b>Jones &amp; Cossen</b> ENGINEERING, PLLC Civil Engineering   Construction Management   Land Planning 221 N. SALEM ST. SUITE 100 PO BOX 1942 APEX, NC 27502 Office: 919-885-1114 Registration: F-0151 www.jonescossen.com	
SCALE 1"=200' DATE DECEMBER 2, 2016 REGION WEST NORTH	TOWN OF APEX WAKE COUNTY, NORTH CAROLINA	PRELIMINARY Plan	

<b>Kimley»Horn</b>	WESTFORD APEX, NC TRAFFIC IMPACT ANALYSIS	CONCEPTUAL SITE PLAN	FIGURE 2
--------------------	---	----------------------	-------------

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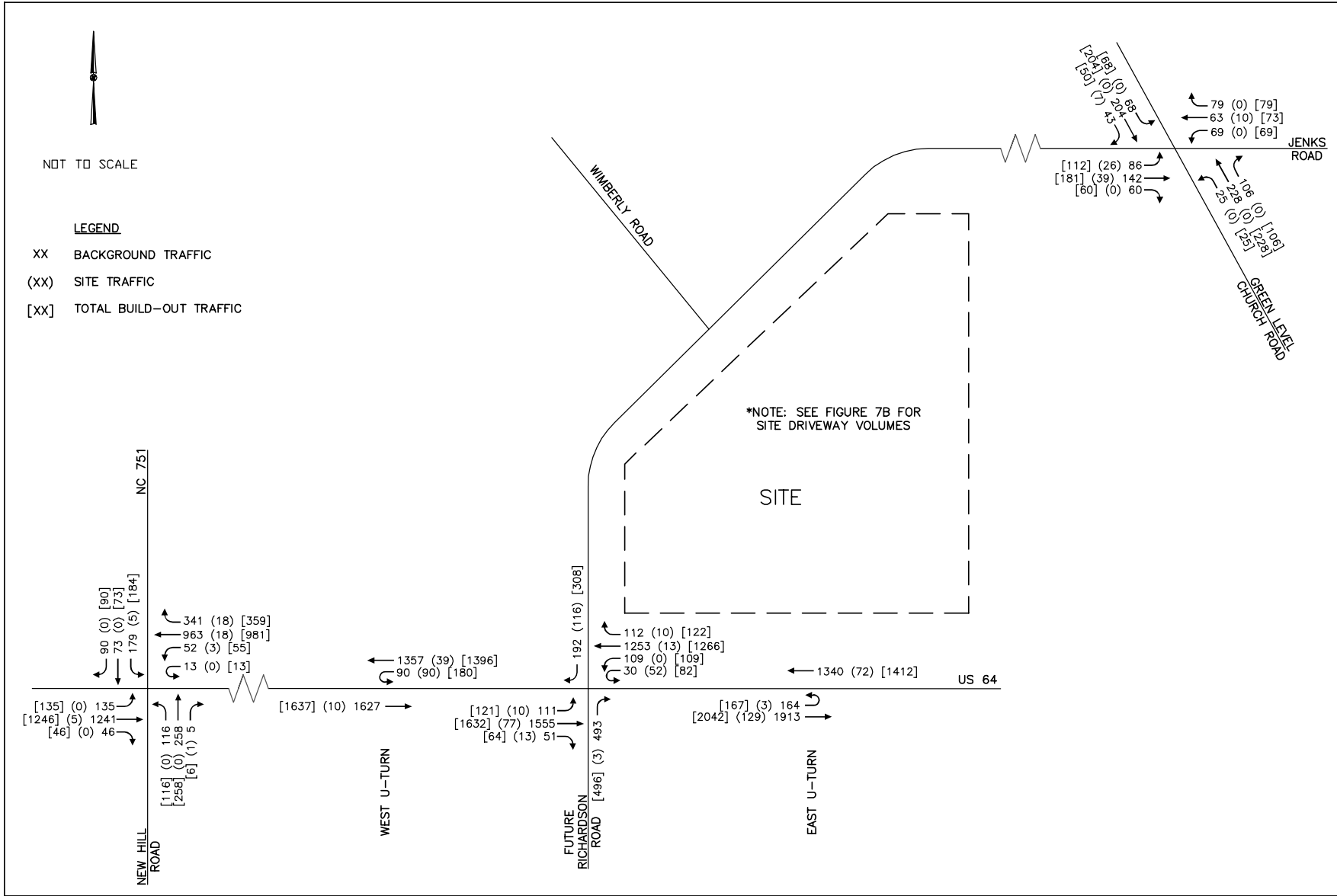


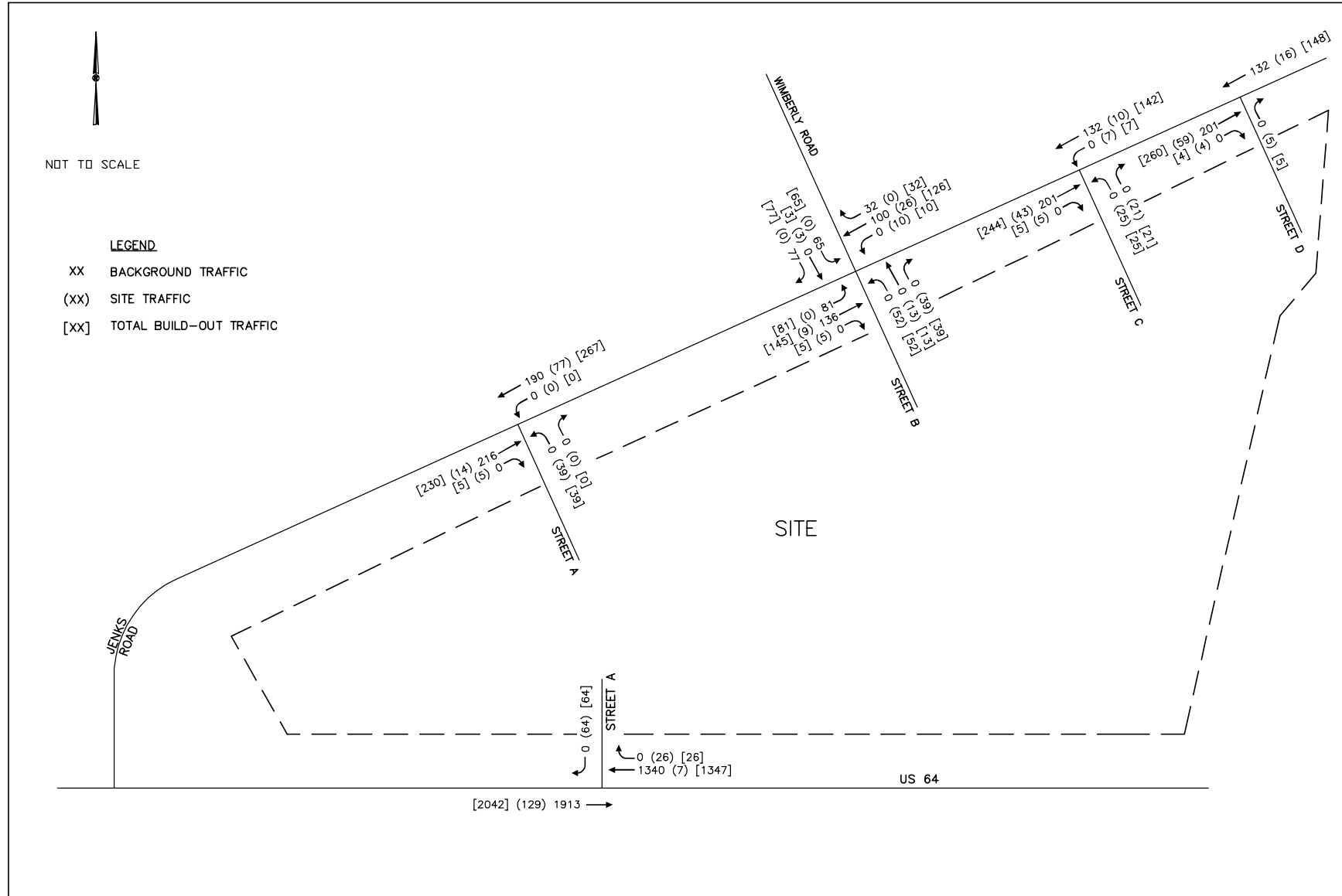
FIGURE 7A

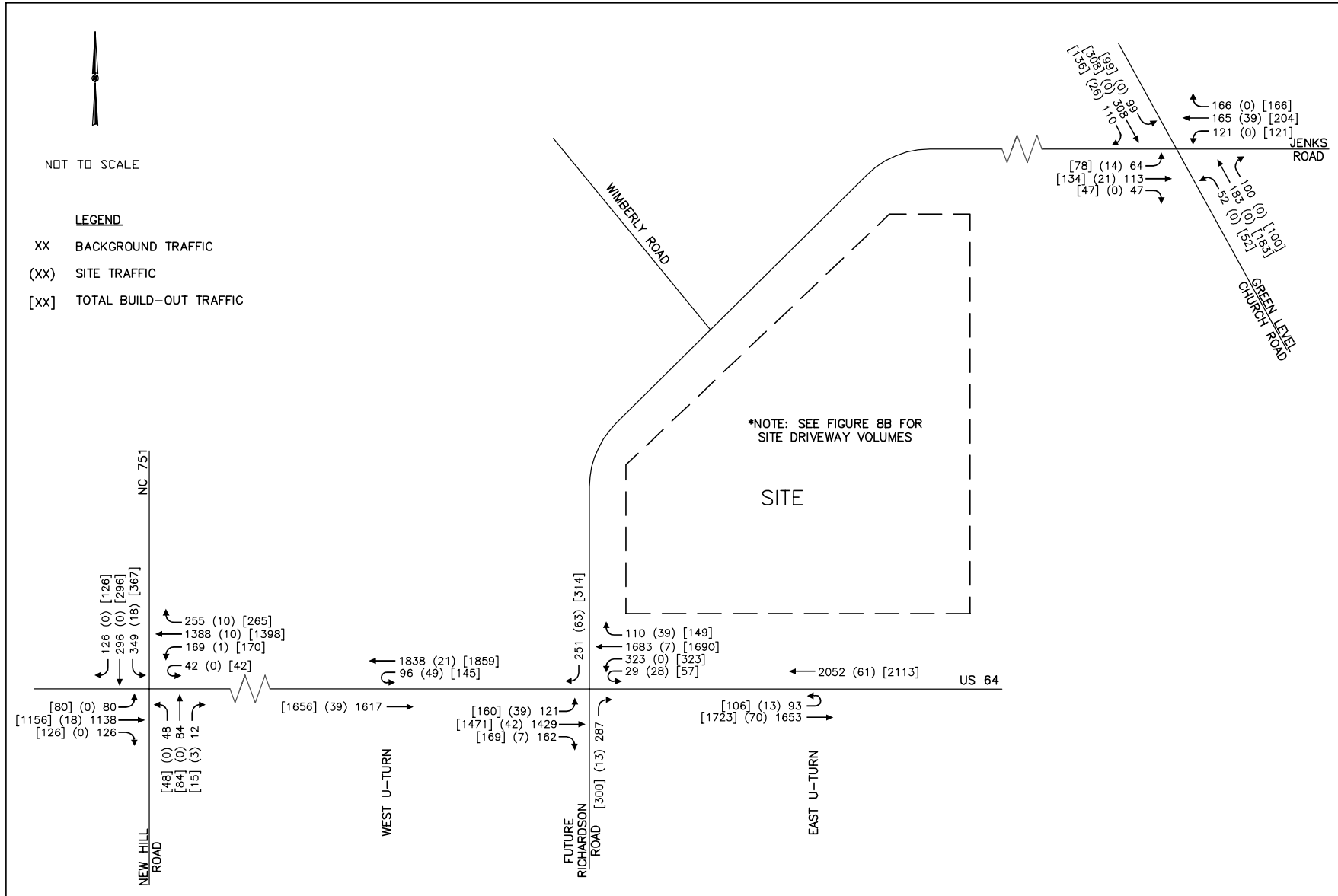
PROJECTED (2019) BUILD-OUT AM PEAK HOUR TRAFFIC VOLUMES EXTERNAL INTERSECTIONS

WESTFORD APEX, NC TRAFFIC IMPACT ANALYSIS



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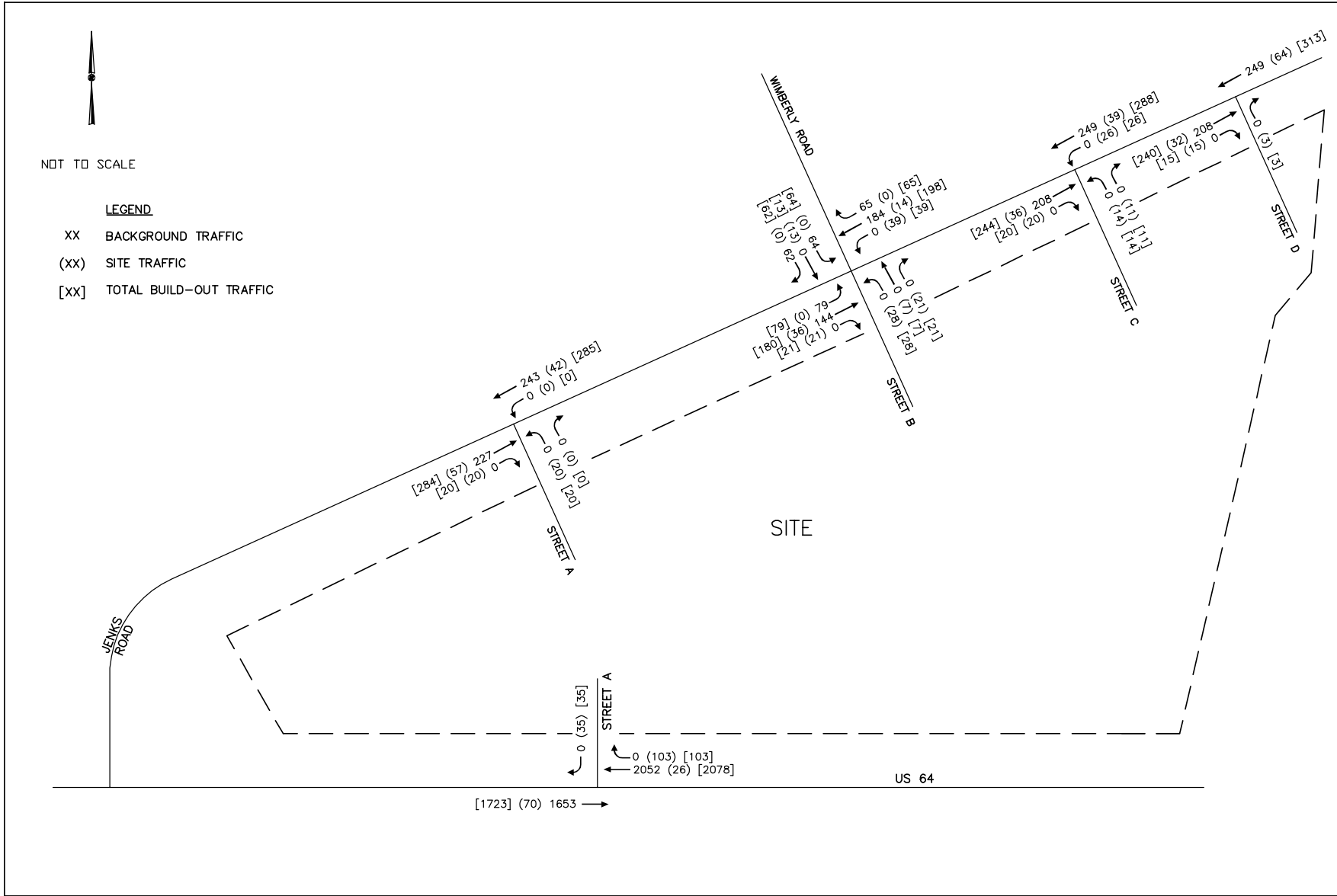


FIGURE 8B

PROJECTED (2019) BUILD-OUT  
PM PEAK HOUR TRAFFIC VOLUMES  
SITE DRIVEWAYS

WESTFORD  
APEX, NC  
TRAFFIC IMPACT ANALYSIS



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## 7.0 Recommendations

The following roadway improvements are committed to be performed by other developments in the area:

### US 64 at Jenks Road:

- Convert existing intersection to a superstreet configuration with left turn crossovers and downstream U-Turns (by Sweetwater Phase 1)
- Monitor crossovers for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)
- Construct a single westbound left-turn lane with 300 feet of storage and a single right-turn lane with 100 feet of storage on US 64 (by Sweetwater Phase 1)
- Construct a single eastbound left-turn lane with 300 feet of storage and a single right-turn lane with 50 feet of storage on US 64 (by Sweetwater Phase 1)
- Extend the westbound left-turn lane on US 64 to provide 500 feet of storage (by Smith Farm prior to platting 300 units)
- Extend the eastbound right-turn lane on US 64 to provide 100 feet of storage (by Smith Farm prior to platting of 360 units)
- Construct an additional northbound right-turn lane on Richardson Road with 300 feet of storage (by Smith Farm prior to platting 360 units)

### US 64 at West U-turn:

- Construct a single lane U-turn with 250 feet of storage (by Sweetwater Phase 1)
- Monitor for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)

### US 64 at East U-turn:

- Construct a single lane U-turn with 250 feet of storage on US 64 (by Sweetwater Phase 1)
- Monitor for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by Sweetwater Phase 1)
- Extend eastbound U-turn lane on US 64 to provide 400 feet of storage (by Smith Farm Phase 1)

### Green Level Church Road at Jenks Road:

- Monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met (by The Preserve at White Oak Creek)

The following roadway improvements are recommended to be performed to accommodate projected Westford site traffic based on the analysis presented herein:

US 64 at Jenks Road:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants for the eastbound left-turn, the westbound through and right-turn, and the southbound right-turn movements and install a traffic signal if warrants are met

US 64 at West U-Turn:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met

Jenks Road at Green Level Church Road:

- If not already done by others, monitor this intersection for MUTCD traffic signal warrants and install a traffic signal if warrants are met

Jenks Road at Wimberly Road / Street B:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road
- Construct an exclusive eastbound left-turn lane with a minimum of 50 feet of storage on Jenks Road

US 64 at Street A:

- Construct an exclusive westbound right-turn lane with a minimum of 75 feet of storage on US 64

Jenks Road at Street A:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road
- Provide separate left- and right-turn lanes on the northbound approach of Street A

Jenks Road at Street C:

- Construct an exclusive westbound left-turn lane with a minimum of 50 feet of storage on Jenks Road

Analysis indicates that with the committed and recommended improvements in place, all of the study intersections are expected to operate at an acceptable level of service. The recommended lane geometry is shown on Figure 9.

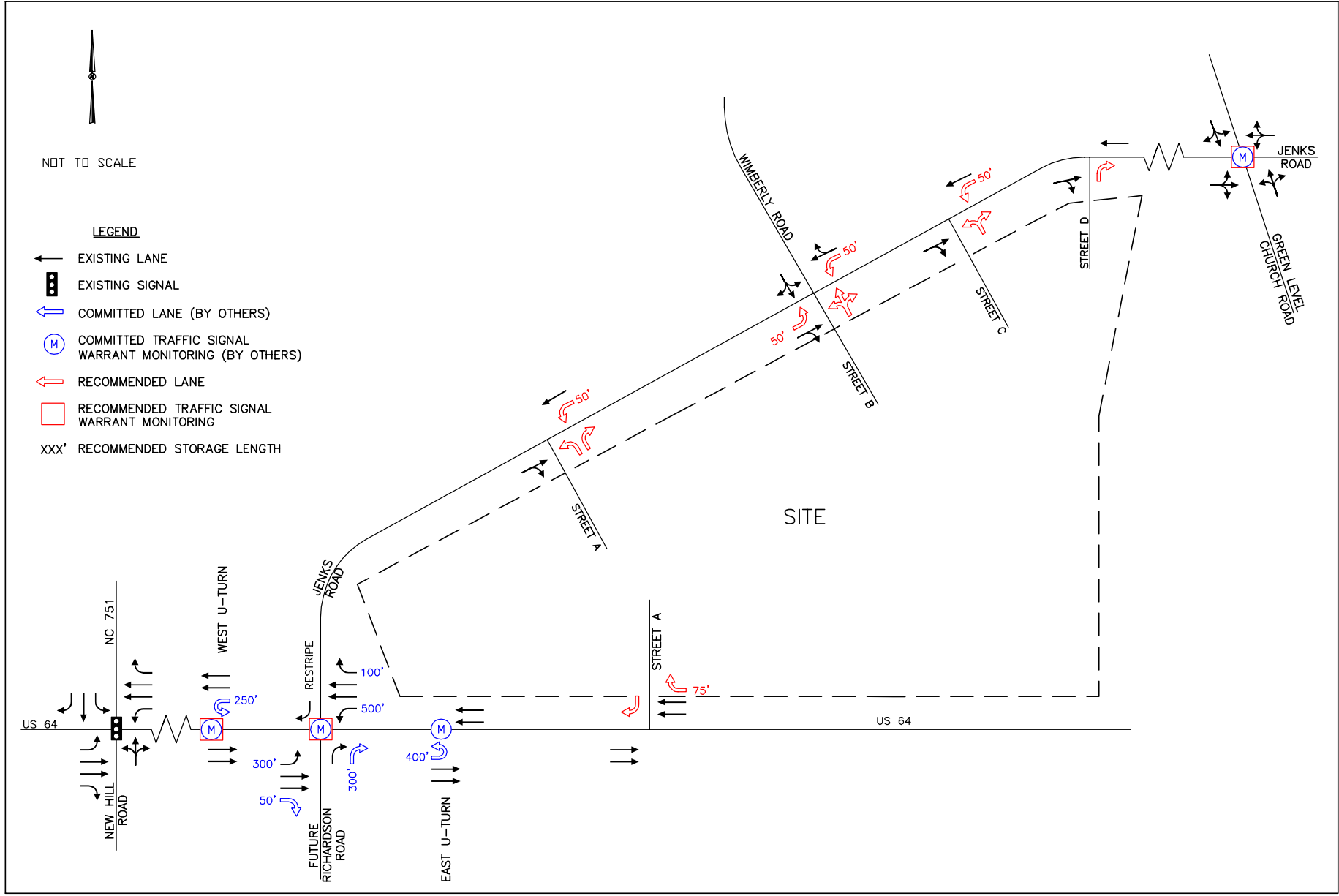


FIGURE  
9

RECOMMENDED ROADWAY LANES

WESTFORD  
APEX, NC  
TRAFFIC IMPACT ANALYSIS



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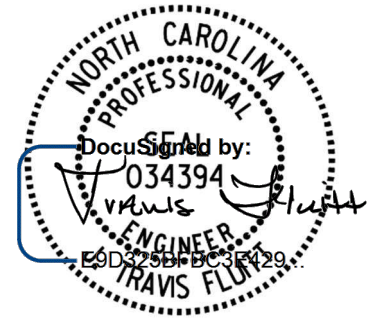
## MEMORANDUM

To: Mr. Serge Grebenschikov, P.E., Town of Apex  
Mr. Russell Dalton, P.E., Town of Apex

From: Travis Fluitt, P.E., Kimley-Horn and Associates, Inc,

Date: July 9, 2021

Subject: US 64 Residential, Apex, NC – Phase 2 TIA Addendum



7/9/2021

Kimley-Horn has prepared this addendum to the *US 64 Residential TIA* (Kimley-Horn, April 2021) to evaluate the traffic impact of Phase 2 of the proposed development. Per the original TIA, Phase 1 of the development was assumed to include 400 apartment units and to be built-out by 2024. For this analysis, Phase 2 of the development is assumed to include 75 single family homes, a 11,000 square foot (SF) day care center, and a 3,500 SF drive-thru fast-food restaurant. Phase 2 is assumed to be built-out by 2026.

This report presents trip generation, directional distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with build-out of Phase 2 of the proposed development in the 2026 study year.

## Study Area

The study area intersections were obtained from the original TIA and were not modified as part of this analysis. Consistent with the original TIA, two site access scenarios were analyzed:

### With RI/RO Driveway Scenario

- Proposed access road connection to US 64 opposite Flying Hawk Road
- Existing right-in/right-out (RI/RO) driveway on US 64

### Without RI/RO Driveway Scenario

- Proposed access road connection to US 64 opposite Flying Hawk Road

## Background Traffic

The projected (2024) background traffic volumes from the original TIA were grown at a 3% annual rate up to the 2026 study year to calculate the projected (2026) background traffic volumes.

## Trip Generation and Assignment

Consistent with the original TIA, the trip generation potential of the proposed development was determined using the traffic generation data published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017). The trip generation is summarized in Table 1.

<b>Table 1</b> <b>ITE Traffic Generation (Vehicles)</b>								
Land Use Code	Land Use	Intensity		Daily	AM Peak Hour		PM Peak Hour	
				Total	In	Out	In	Out
210	Single Family Housing	75	d.u.	798	15	43	49	28
221	Multifamily Housing (Mid-Rise)	400	d.u.	2,178	35	98	102	66
565	Day Care Center	11,000	s.f.	524	64	57	57	65
934	Fast-Food Restaurant	3,500	s.f.	1,648	72	69	59	55
Subtotal				5,148	186	267	267	214
Internal Capture Reduction				462	17	17	18	18
Pass-by Capture/Diverted Link Trips				730	28	32	40	39
<b>Total Net New External Trips</b>				<b>3,956</b>	<b>141</b>	<b>218</b>	<b>209</b>	<b>157</b>

As shown in Table 1, the development is anticipated to generate approximately 3,956 new external trips on a typical weekday, with 359 new external trips during the AM peak hour and 366 new external trips during the PM peak hour.

Internally captured trips are trips that begin and end on the project site and do not access the external roadway network. ITE Methodology indicates that internal capture between the proposed land uses will represent approximately 7.5% of site trips in both peak hours.

Pass-by trips are trips already on the network that will make a trip to the site as they pass by on the adjacent street. ITE Methodology indicates that approximately 49% of the AM peak hour trips and 50% of the PM peak hour trips associated with the fast-food restaurant will be pass-by trips. ITE Methodology also indicates that up to 50% of the day care trips in the PM peak hour may be diverted link trips. Consistent with previous studies performed in the Town, a diverted link trip percentage of 25% was applied to the PM peak hour day care trips to present a conservative analysis.

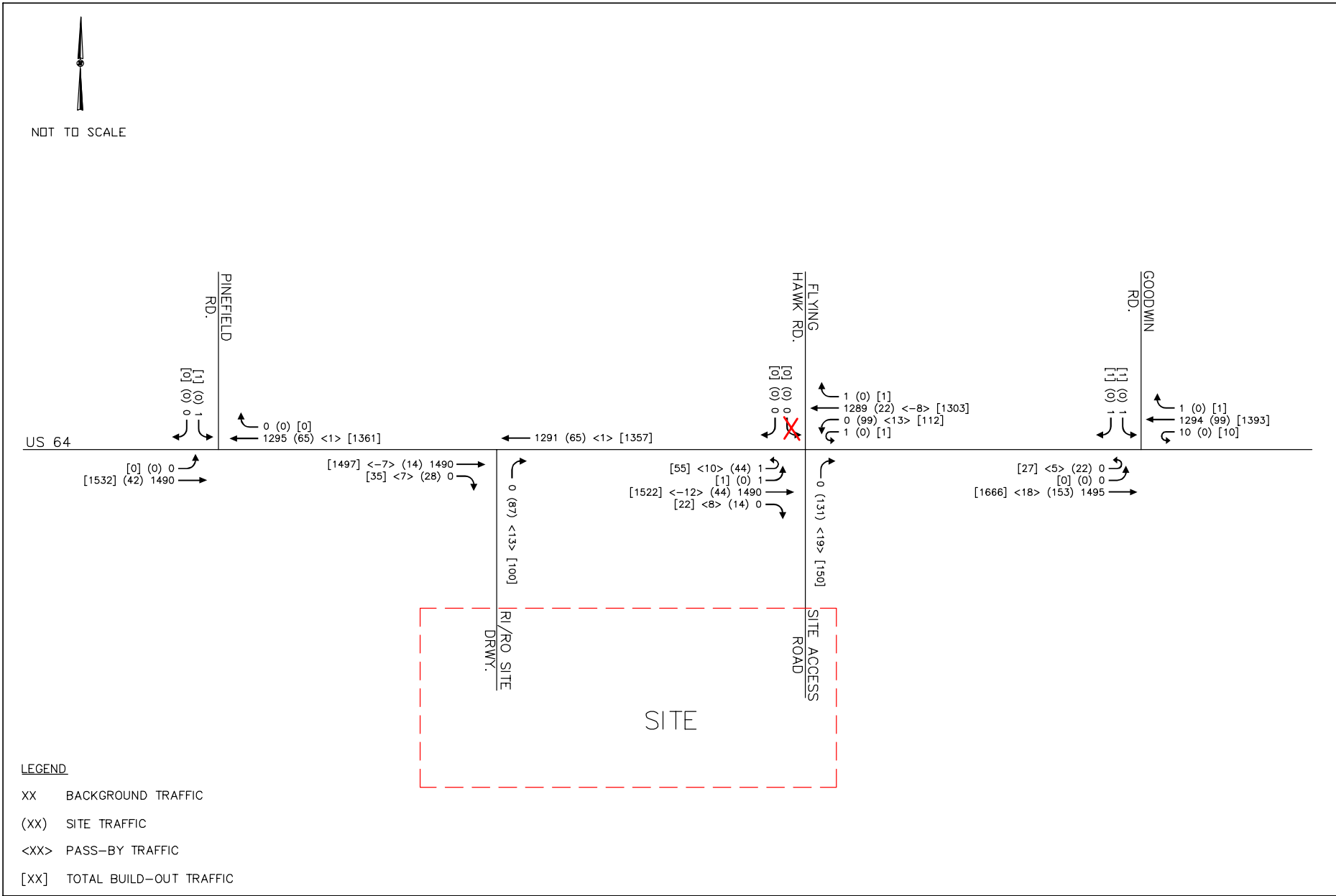
The proposed site-generated trips were assigned to the surrounding roadway network. Due to the addition of the commercial traffic, the following overall distribution was used for Phase 2:

- 70% to/from the east on US 64
- 30% to/from the west on US 64

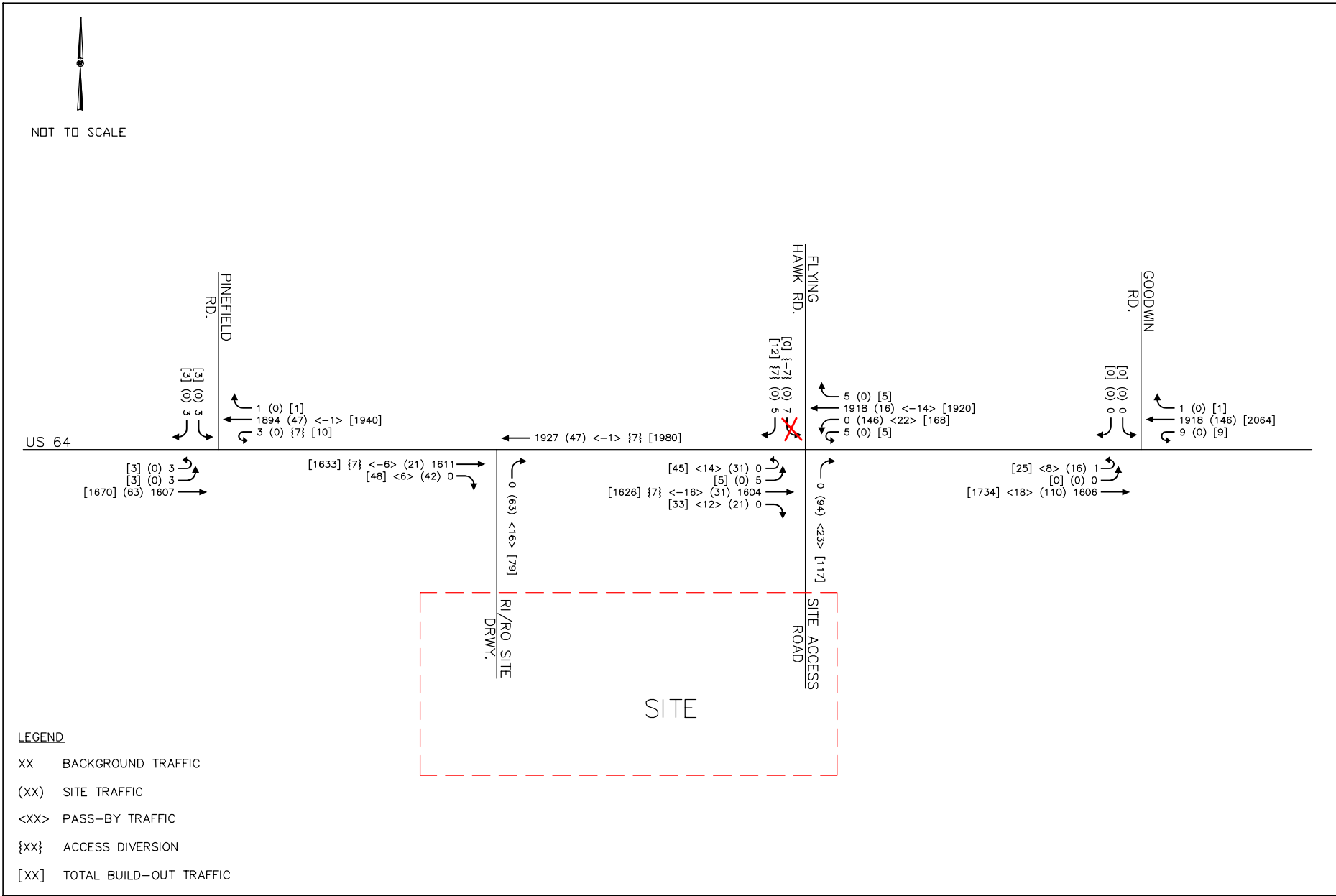
The proposed pass-by trips were assigned to the roadway network based on the directional distribution of background volumes along US 64.

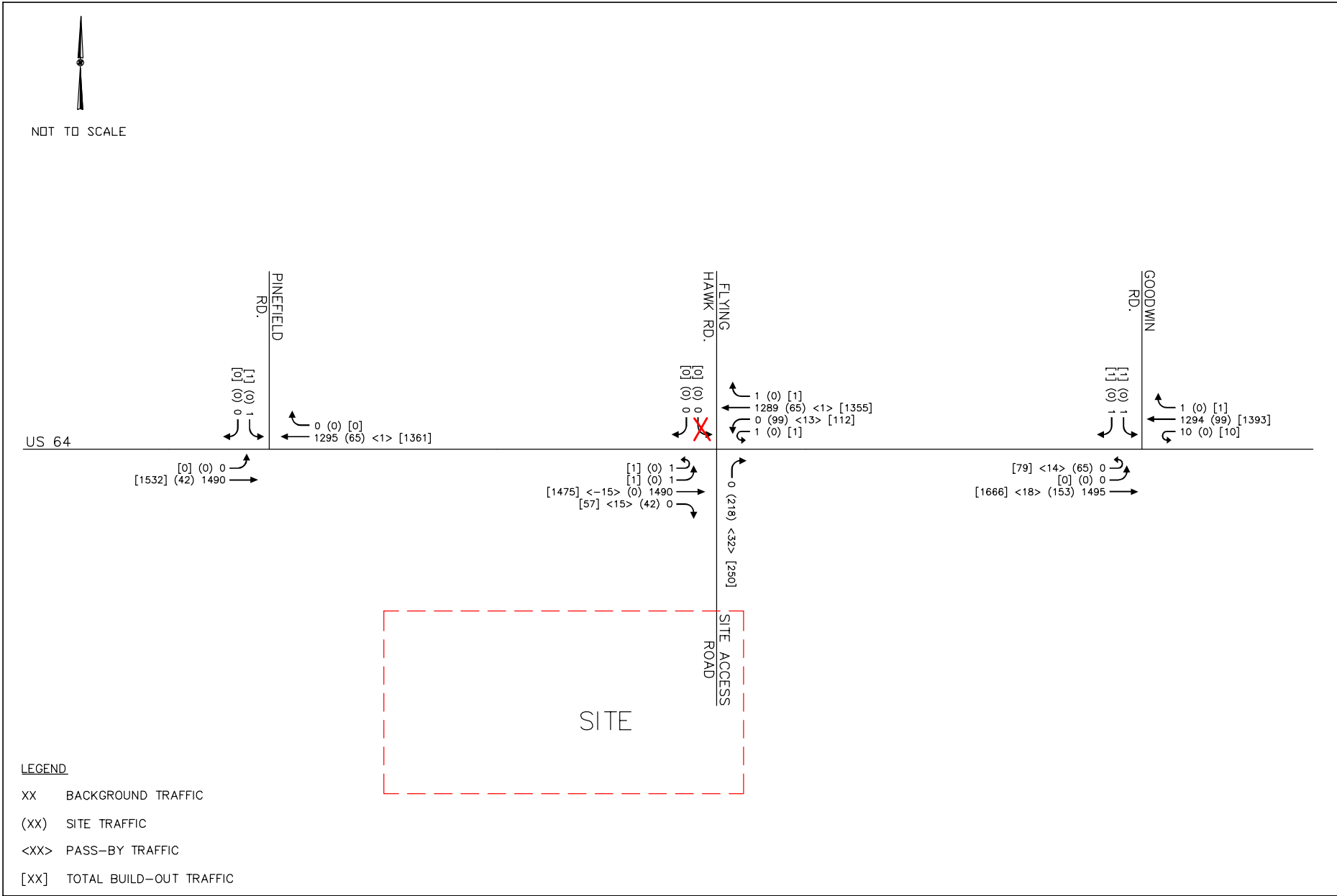
Full trip generation calculations, site-generated trip assignment, and pass-by trip assignment are shown on the intersection spreadsheets attached to this memorandum.

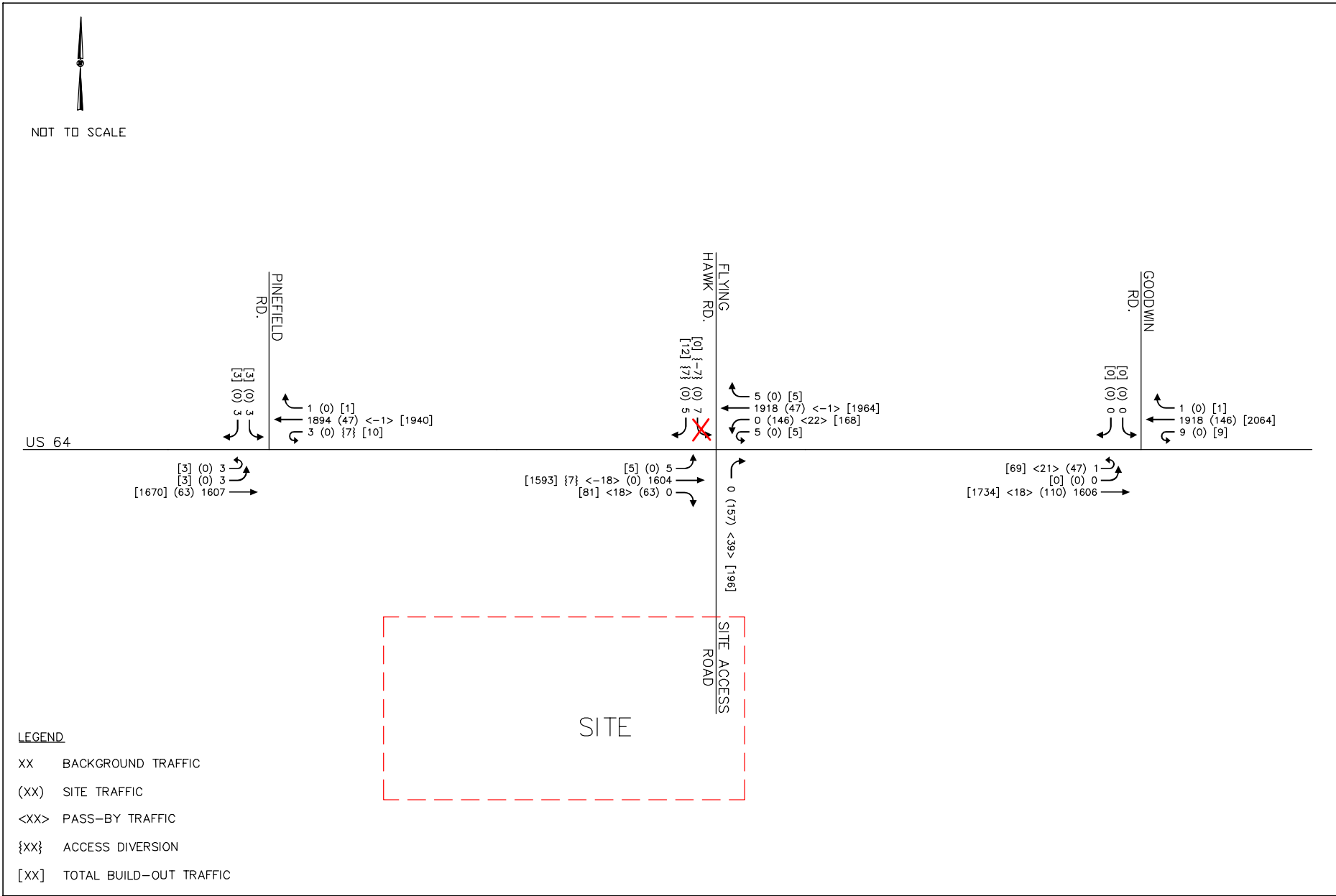




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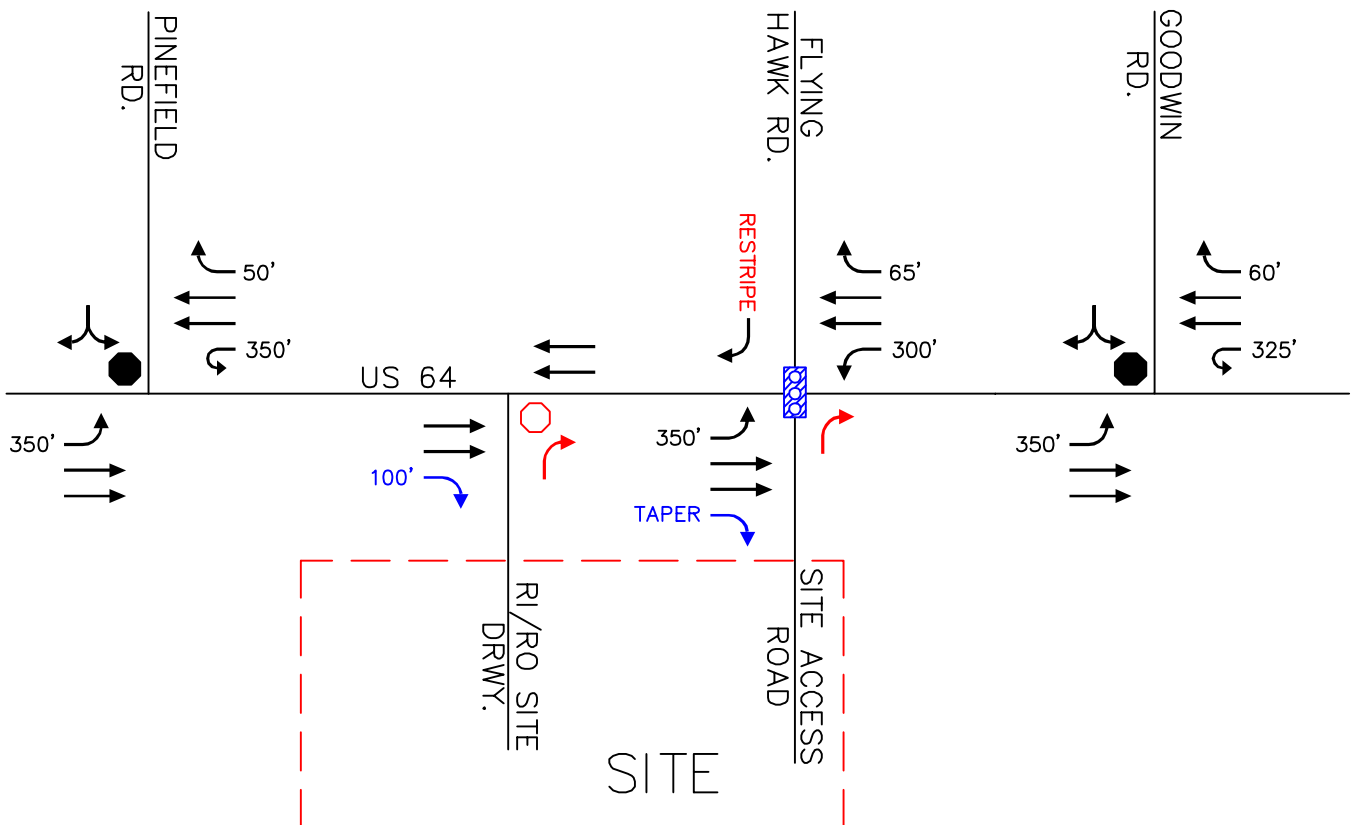








NOT TO SCALE



#### LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- PHASE 1 RECOMMENDED LANE (FROM ORIGINAL TIA)
- PHASE 1 RECOMMENDED STOP SIGN (FROM ORIGINAL TIA)
- PHASE 2 RECOMMENDED MONITORING FOR SIGNALIZATION
- PHASE 2 RECOMMENDED LANE
- XX' STORAGE LENGTH

**Kimley»Horn**

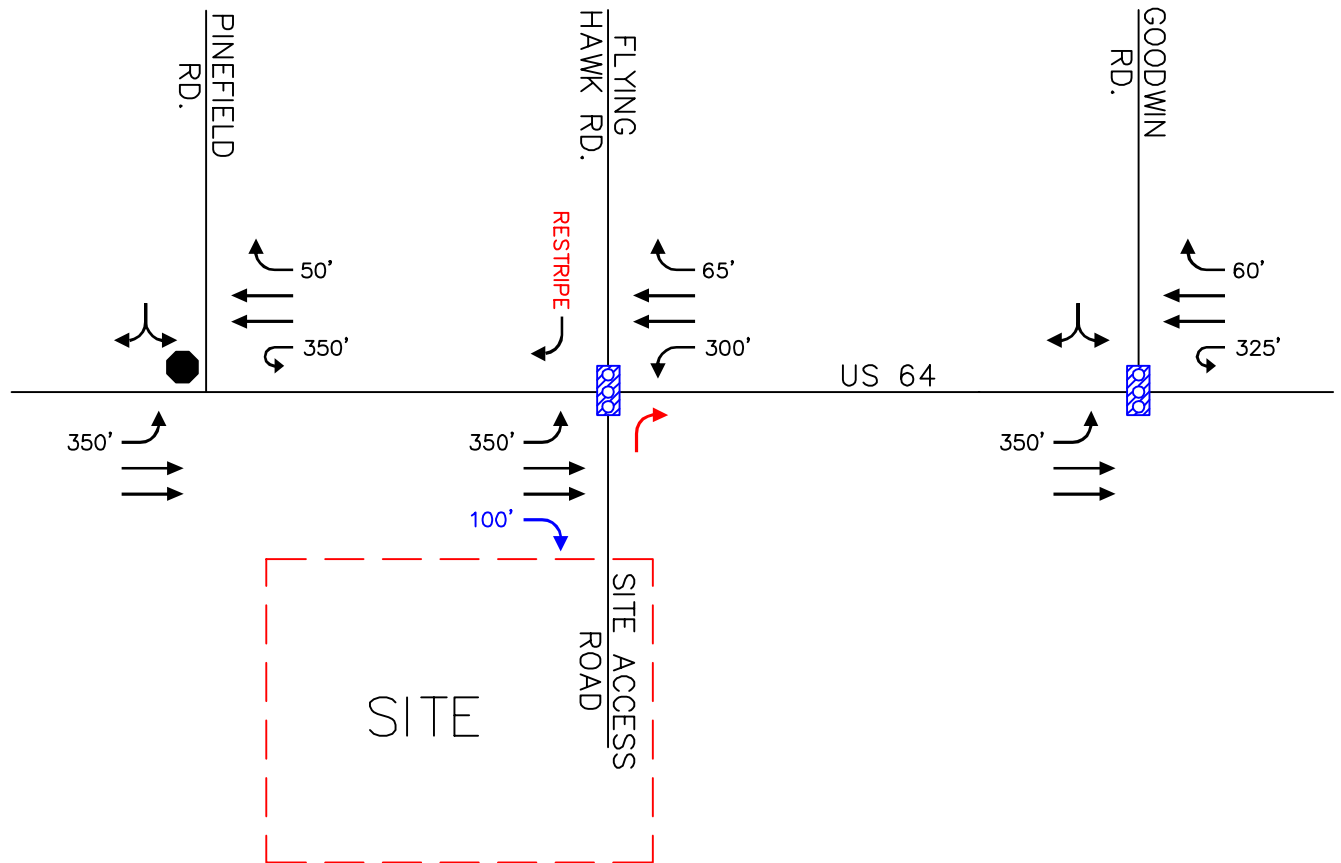
US 64 RESIDENTIAL –  
PHASE 2  
APEX, NC  
TRAFFIC IMPACT A

RECOMMENDED ROADWAY  
LANEAGE – WITH RI/RO  
DRIVEWAY

FIGURE  
5



NOT TO SCALE



#### LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- PHASE 1 RECOMMENDED LANE (FROM ORIGINAL TIA)
- PHASE 2 RECOMMENDED MONITORING FOR SIGNALIZATION
- PHASE 2 RECOMMENDED LANE
- XX' STORAGE LENGTH

**Kimley»Horn**

US 64 RESIDENTIAL –  
PHASE 2  
APEX, NC  
TRAFFIC IMPACT A

RECOMMENDED ROADWAY  
LANEAGE – NO RI/RO  
DRIVEWAY

FIGURE  
6



# Traffic Impact Analysis

For

## Sweetwater Development

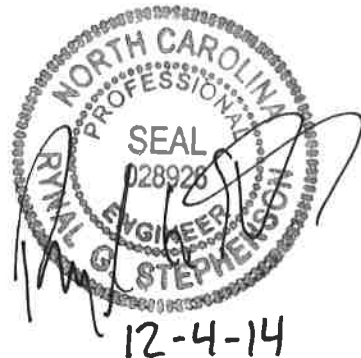
Located in  
Apex, North Carolina

Prepared For:  
ExperienceOne Homes, LLC,  
P.O. Box 5509  
Cary, NC 27512

Prepared By:  
Ramey Kemp & Associates, Inc.  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609  
NC Corporate License # C-0910

December 2014

RKA Project #14260





# **LEGEND**

- ★ Site Location
- Existing Study Intersection



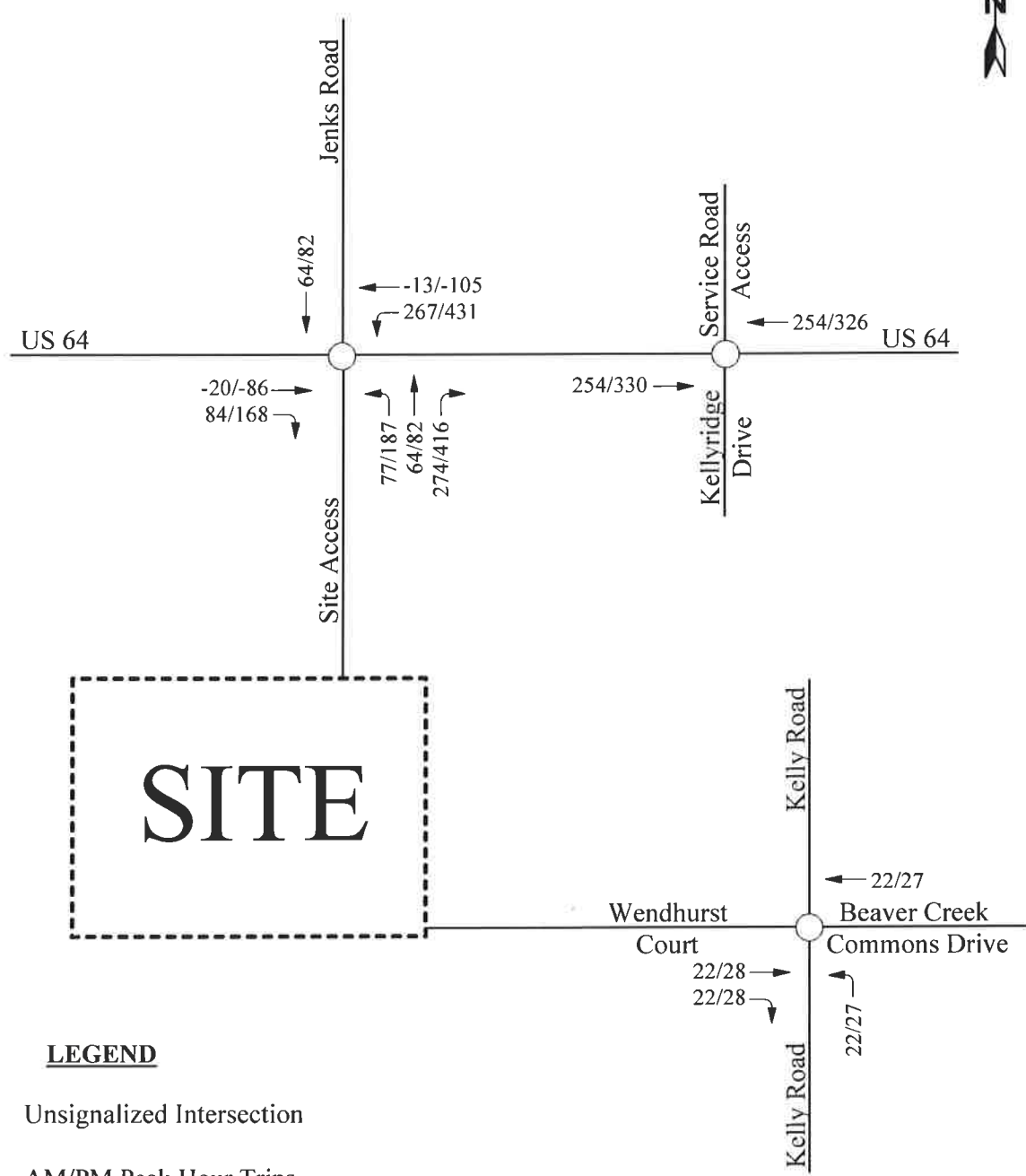
**Jenks Road Development**  
Apex, North Carolina

Site Location Map

Figure 1



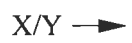




**LEGEND**



Unsignalized Intersection



AM/PM Peak Hour Trips



Sweetwater Development  
Apex, North Carolina

Total Site Trips	
Scale: Not to Scale	Figure 12

## 9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. Improvements that are necessary and recommended to accommodate a residential phase and full site build out generated traffic are identified below. These are improvements recommended for the development. Refer to Figure 14 and Figure 14a for the recommended improvements.

### **Residential:**

#### US 64 and Jenks Road/Site Access

- Convert the intersection to a superstreet design.
- Convert the southbound approach of Jenks Road to provide a single right turn lane and one inbound lane.
- Construct the Site Access (Jenks Road extension) with one outbound lane and one inbound lane. The outbound lane should be a single right turn lane.
- Install stop signs at the intersections.
- Construct a single westbound left turn lane at the Site Access intersection with a minimum of 275 feet of storage.
- A single eastbound left turn lane is currently provided at the Jenks Road intersection with 250 feet of storage which should be adequate for this phase.
- Construct a U-turn opening on US 64 approximately 800-1,000 feet east of the Site Access. Provide one u-turn lane with a minimum of 150 feet of storage plus appropriate taper.
- Construct a u-turn opening on US 64 approximately 800-1,000 feet west of Jenks Road. Provide one u-turn lane with a minimum of 250 feet of storage and appropriate taper.
- Install a stop sign at the u-turn locations.
- Consider modifying the potential interchange design to accommodate future traffic volumes and require less right-of-way.

#### Kelly Road and Wendhurst Court/Beaver Creek Commons Drive

- Provide through movement striping on the westbound leg.

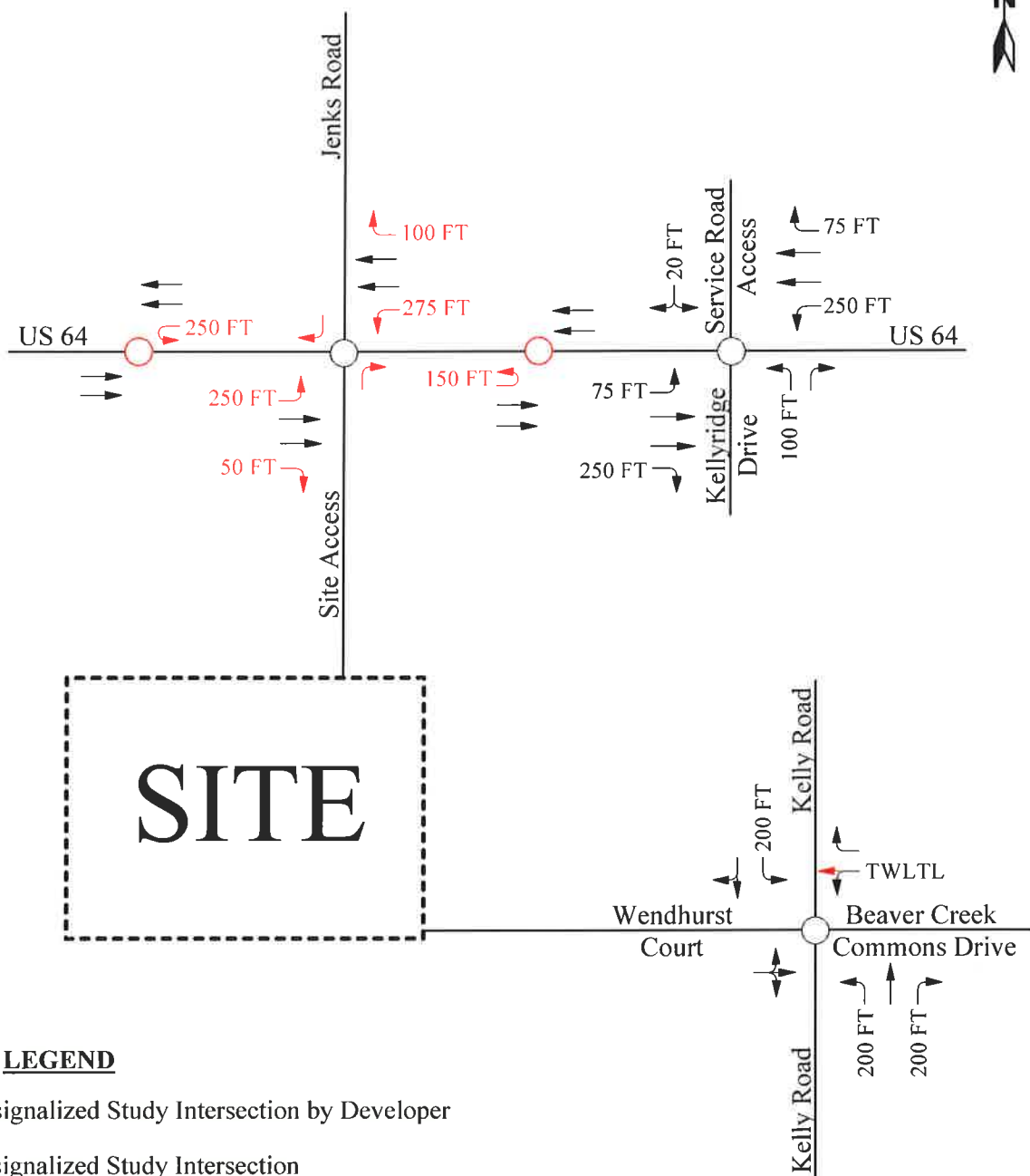
**Full Build Out:**

The following recommendations do not consider the residential phase and are intended to be considered independently.

US 64 and Jenks Road/Site Access

- Convert the intersection to a superstreet design. It is anticipated this will be required with the initial phase of the development
- Convert the southbound approach of Jenks Road to provide dual right turn lanes and one inbound lane.
- Construct the Site Access (Jenks Road extension) with a minimum of two outbound lanes and one inbound lane. The outbound lanes should be dual right turn lanes.
- Install traffic signals at the intersection when warranted
- Construct dual westbound left turn lanes at the Site Access signal with a minimum of 300 feet of storage.
- Construct dual eastbound left turn lanes at the Jenks Road signal with a minimum of 300 feet of storage.
- Construct a u-turn opening on US 64 approximately 800-1,000 feet east of the Site Access. Provide dual u-turn lanes with a minimum of 250 feet of full width storage plus appropriate taper.
- Construct a u-turn opening on US 64 approximately 800-1,000 feet west of Jenks Road. Provide one u-turn lane with a minimum of 250 feet of storage and appropriate taper.
- Install a traffic signal at the u-turn locations when warranted.
- Consider modifying the potential interchange design to accommodate future traffic volumes and require less right-of-way.





### LEGEND

- Unsignalized Study Intersection by Developer
- Unsignalized Study Intersection
- X FT → Existing Lane with Storage
- X FT ↗ Improvement by Developer

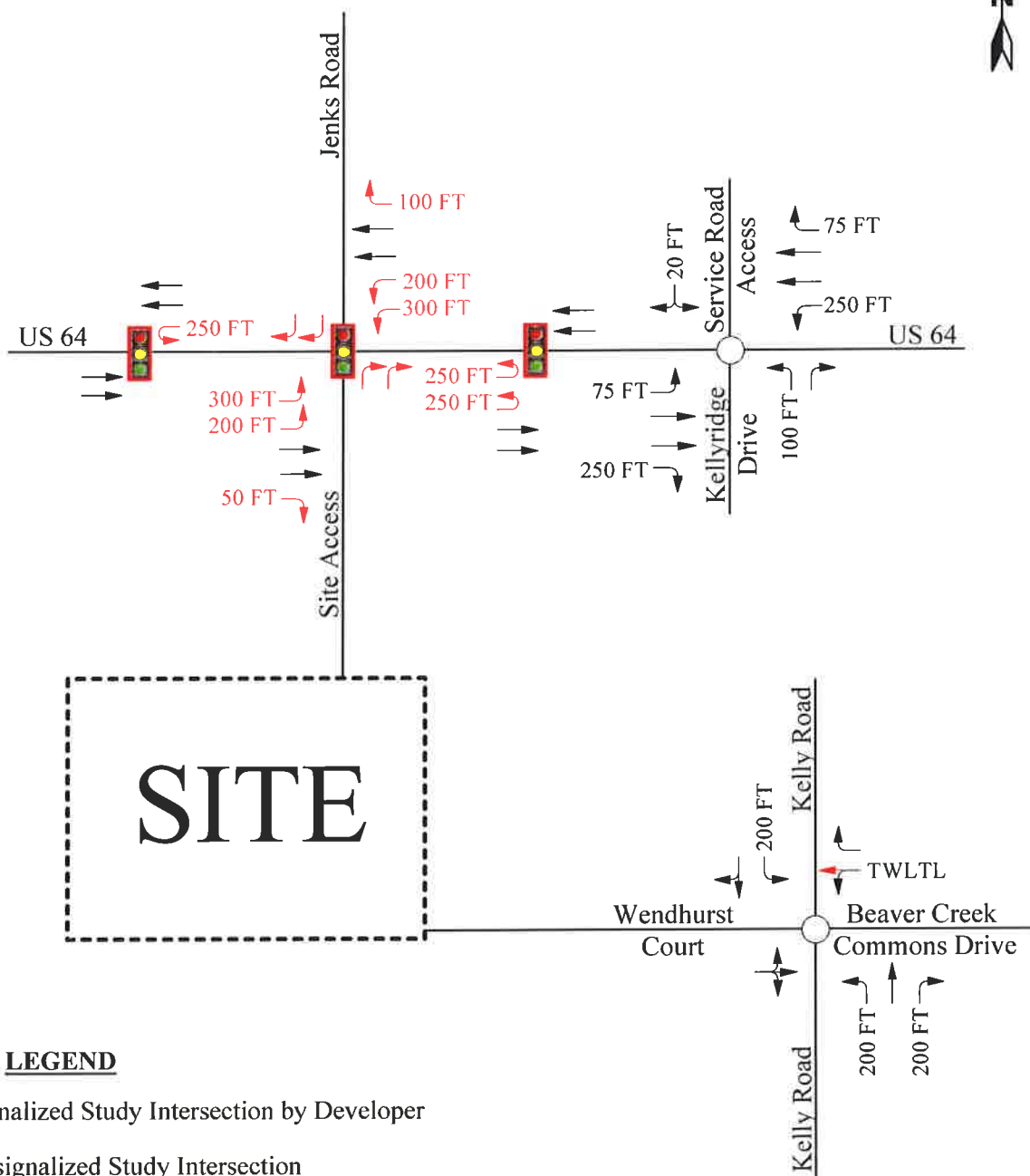


Sweetwater Development  
Apex, North Carolina

Recommended Lanes  
and Traffic Control -  
Residential

Scale: Not to Scale

Figure 14



### LEGEND



Signalized Study Intersection by Developer



Unsignalized Study Intersection

X FT → Existing Lane with Storage

X FT ↗ Improvement by Developer



Sweetwater Development  
Apex, North Carolina

Recommended Lanes  
and Traffic Control -  
Full Build Out

Scale: Not to Scale

Figure 14a

# **APPENDIX D**

## **CAPACITY ANALYSIS CALCULATIONS**

**US 64**

**&**

**MEDIAN BREAK**

HCM 6th TWSC  
5: US 64 EB & Median Break

2022 Existing  
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑			↱	
Traffic Vol, veh/h	0	1650	0	0	4	0
Future Vol, veh/h	0	1650	0	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1833	0	0	4	0
Major/Minor	Major1		Minor2			
Conflicting Flow All	-	0			917	-
Stage 1	-	-			0	-
Stage 2	-	-			917	-
Critical Hdwy	-	-			6.84	-
Critical Hdwy Stg 1	-	-			-	-
Critical Hdwy Stg 2	-	-			5.84	-
Follow-up Hdwy	-	-			3.52	-
Pot Cap-1 Maneuver	0	-			271	0
Stage 1	0	-			-	0
Stage 2	0	-			350	0
Platoon blocked, %		-				
Mov Cap-1 Maneuver	-	-			271	-
Mov Cap-2 Maneuver	-	-			271	-
Stage 1	-	-			-	-
Stage 2	-	-			350	-
Approach	EB			SB		
HCM Control Delay, s	0			18.5		
HCM LOS				C		
Minor Lane/Major Mvmt	EBT SBLn1					
Capacity (veh/h)	- 271					
HCM Lane V/C Ratio	- 0.016					
HCM Control Delay (s)	- 18.5					
HCM Lane LOS	- C					
HCM 95th %tile Q(veh)	- 0.1					

Intersection						
Int Delay, s/veh	0					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑			↘	
Traffic Vol, veh/h	0	2231	0	0	4	0
Future Vol, veh/h	0	2231	0	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	2479	0	0	4	0
Major/Minor	Major1		Minor2			
Conflicting Flow All	-	0			1240	-
Stage 1	-	-			0	-
Stage 2	-	-			1240	-
Critical Hdwy	-	-			6.84	-
Critical Hdwy Stg 1	-	-			-	-
Critical Hdwy Stg 2	-	-			5.84	-
Follow-up Hdwy	-	-			3.52	-
Pot Cap-1 Maneuver	0	-			167	0
Stage 1	0	-			-	0
Stage 2	0	-			236	0
Platoon blocked, %		-				
Mov Cap-1 Maneuver	-	-			167	-
Mov Cap-2 Maneuver	-	-			167	-
Stage 1	-	-			-	-
Stage 2	-	-			236	-
Approach	EB		SB			
HCM Control Delay, s	0		27.1			
HCM LOS			D			
Minor Lane/Major Mvmt	EBT SBLn1					
Capacity (veh/h)	-		167			
HCM Lane V/C Ratio	-		0.027			
HCM Control Delay (s)	-		27.1			
HCM Lane LOS	-		D			
HCM 95th %tile Q(veh)	-		0.1			

HCM 6th TWSC  
5: Site Access/Median Break & US 64 EB

2026 Build  
Timing Plan: AM Peak Hour

Intersection												
Int Delay, s/veh	5.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↑						↑		↑	
Traffic Vol, veh/h	0	2231	9	0	0	0	0	0	70	4	25	0
Future Vol, veh/h	0	2231	9	0	0	0	0	0	70	4	25	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	0	-	-	-	-	-	0	-	-	-
Veh in Median Storage, #	-	0	-	-	16983	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	2479	10	0	0	0	0	0	78	4	28	0

Major/Minor	Major1			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	1240	1240	2489	-
Stage 1	-	-	-	-	-	-	0	0	-
Stage 2	-	-	-	-	-	-	1240	2489	-
Critical Hdwy	-	-	-	-	-	6.94	7.54	6.54	-
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-
Follow-up Hdwy	-	-	-	-	-	3.32	3.52	4.02	-
Pot Cap-1 Maneuver	0	-	-	0	0	167	131	29	0
Stage 1	0	-	-	0	0	-	-	-	0
Stage 2	0	-	-	0	0	-	186	58	0
Platoon blocked, %	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	-	-	-	167	70	29	-
Mov Cap-2 Maneuver	-	-	-	-	-	-	70	29	-
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	99	58	-

Approach	EB	NB	SB
HCM Control Delay, s	0	44.1	\$ 344.8
HCM LOS		E	F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	SBLn1
Capacity (veh/h)	167	-	-	32
HCM Lane V/C Ratio	0.466	-	-	1.007
HCM Control Delay (s)	44.1	-	-	\$ 344.8
HCM Lane LOS	E	-	-	F
HCM 95th %tile Q(veh)	2.2	-	-	3.5

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon



HCM 6th TWSC  
5: US 64 EB & Median Break

2022 Existing  
Timing Plan: PM Peak Hour

Intersection						
Int Delay, s/veh	0					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑			↑	
Traffic Vol, veh/h	0	1596	0	0	4	0
Future Vol, veh/h	0	1596	0	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1773	0	0	4	0

Major/Minor	Major1		Minor2	
Conflicting Flow All	-	0	887	-
Stage 1	-	-	0	-
Stage 2	-	-	887	-
Critical Hdwy	-	-	6.84	-
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	5.84	-
Follow-up Hdwy	-	-	3.52	-
Pot Cap-1 Maneuver	0	-	284	0
Stage 1	0	-	-	0
Stage 2	0	-	363	0
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	-	284	-
Mov Cap-2 Maneuver	-	-	284	-
Stage 1	-	-	-	-
Stage 2	-	-	363	-

Approach	EB	SB
HCM Control Delay, s	0	17.9
HCM LOS		C

Minor Lane/Major Mvmt	EBT	SBLn1
Capacity (veh/h)	-	284
HCM Lane V/C Ratio	-	0.016
HCM Control Delay (s)	-	17.9
HCM Lane LOS	-	C
HCM 95th %tile Q(veh)	-	0

Intersection						
Int Delay, s/veh	0					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑↑			↑	
Traffic Vol, veh/h	0	2258	0	0	4	0
Future Vol, veh/h	0	2258	0	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Stop	Stop	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	16983	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	2509	0	0	4	0
Major/Minor	Major1		Minor2			
Conflicting Flow All	-	0			1255	-
Stage 1	-	-			0	-
Stage 2	-	-			1255	-
Critical Hdwy	-	-			6.84	-
Critical Hdwy Stg 1	-	-			-	-
Critical Hdwy Stg 2	-	-			5.84	-
Follow-up Hdwy	-	-			3.52	-
Pot Cap-1 Maneuver	0	-			164	0
Stage 1	0	-			-	0
Stage 2	0	-			232	0
Platoon blocked, %		-				
Mov Cap-1 Maneuver	-	-			164	-
Mov Cap-2 Maneuver	-	-			164	-
Stage 1	-	-			-	-
Stage 2	-	-			232	-
Approach	EB		SB			
HCM Control Delay, s	0				27.6	
HCM LOS					D	
Minor Lane/Major Mvmt	EBT SBLn1					
Capacity (veh/h)	-		164			
HCM Lane V/C Ratio	-		0.027			
HCM Control Delay (s)	-		27.6			
HCM Lane LOS	-		D			
HCM 95th %tile Q(veh)	-		0.1			

HCM 6th TWSC  
5: Site Access/Median Break & US 64 EB

2026 Build  
Timing Plan: PM Peak Hour

Intersection												
Int Delay, s/veh	38.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑	↑						↑		↑	
Traffic Vol, veh/h	0	2251	28	0	0	0	0	0	76	4	71	0
Future Vol, veh/h	0	2251	28	0	0	0	0	0	76	4	71	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	0	-	-	-	-	-	0	-	-	-
Veh in Median Storage, #	-	0	-	-	16983	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	2501	31	0	0	0	0	0	84	4	79	0

Major/Minor	Major1			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	-	1251	1251	2532
Stage 1	-	-	-	-	-	-	-	0	0
Stage 2	-	-	-	-	-	-	-	1251	2532
Critical Hdwy	-	-	-	-	-	-	6.94	7.54	6.54
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	-	6.54	5.54
Follow-up Hdwy	-	-	-	-	-	-	3.32	3.52	4.02
Pot Cap-1 Maneuver	0	-	-	0	0	0	164	129	~ 27
Stage 1	0	-	-	0	0	-	-	-	0
Stage 2	0	-	-	0	0	-	183	~ 55	0
Platoon blocked, %	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	-	-	-	-	164	63	~ 27
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	63	~ 27
Stage 1	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	89	~ 55

Approach	EB	NB	SB
HCM Control Delay, s	0	48.2	\$ 1186.4
HCM LOS		E	F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	SBLn1
Capacity (veh/h)	164	-	-	28
HCM Lane V/C Ratio	0.515	-	-	2.976
HCM Control Delay (s)	48.2	-	-	\$ 1186.4
HCM Lane LOS	E	-	-	F
HCM 95th %tile Q(veh)	2.5	-	-	10

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC  
7: Median Break & US 64 WB

2022 Existing  
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	1277	8	0
Future Vol, veh/h	0	0	0	1277	8	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	1419	9	0
Major/Minor			Major2		Minor1	
Conflicting Flow All			-	-	710	-
Stage 1			-	-	0	-
Stage 2			-	-	710	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	368	0
Stage 1			0	-	-	0
Stage 2			0	-	448	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	368	-
Mov Cap-2 Maneuver			-	-	368	-
Stage 1			-	-	-	-
Stage 2			-	-	448	-
Approach			WB		NB	
HCM Control Delay, s			0		15	
HCM LOS					C	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	368	-				
HCM Lane V/C Ratio	0.024	-				
HCM Control Delay (s)	15	-				
HCM Lane LOS	C	-				
HCM 95th %tile Q(veh)	0.1	-				

Intersection						
Int Delay, s/veh	0.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	1807	9	0
Future Vol, veh/h	0	0	0	1807	9	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2008	10	0
Major/Minor		Major2		Minor1		
Conflicting Flow All			-	-	1004	-
Stage 1			-	-	0	-
Stage 2			-	-	1004	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	238	0
Stage 1			0	-	-	0
Stage 2			0	-	315	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	238	-
Mov Cap-2 Maneuver			-	-	238	-
Stage 1			-	-	-	-
Stage 2			-	-	315	-
Approach			WB		NB	
HCM Control Delay, s			0		20.8	
HCM LOS					C	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	238	-				
HCM Lane V/C Ratio	0.042	-				
HCM Control Delay (s)	20.8	-				
HCM Lane LOS	C	-				
HCM 95th %tile Q(veh)	0.1	-				

HCM 6th TWSC  
7: Median Break & US 64 WB

2026 Build  
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	1823	9	0
Future Vol, veh/h	0	0	0	1823	9	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2026	10	0
Major/Minor		Major2		Minor1		
Conflicting Flow All			-	-	1013	-
Stage 1			-	-	0	-
Stage 2			-	-	1013	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	235	0
Stage 1			0	-	-	0
Stage 2			0	-	312	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	235	-
Mov Cap-2 Maneuver			-	-	235	-
Stage 1			-	-	-	-
Stage 2			-	-	312	-
Approach			WB		NB	
HCM Control Delay, s			0		21	
HCM LOS					C	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	235	-				
HCM Lane V/C Ratio	0.043	-				
HCM Control Delay (s)	21	-				
HCM Lane LOS	C	-				
HCM 95th %tile Q(veh)	0.1	-				



HCM 6th TWSC  
7: Median Break & US 64 WB

2022 Existing  
Timing Plan: PM Peak Hour

Intersection						
Int Delay, s/veh	0.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	1622	16	0
Future Vol, veh/h	0	0	0	1622	16	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	1802	18	0
Major/Minor		Major2		Minor1		
Conflicting Flow All		-	-	901	-	-
Stage 1		-	-	0	-	-
Stage 2		-	-	901	-	-
Critical Hdwy		-	-	6.84	-	-
Critical Hdwy Stg 1		-	-	-	-	-
Critical Hdwy Stg 2		-	-	5.84	-	-
Follow-up Hdwy		-	-	3.52	-	-
Pot Cap-1 Maneuver		0	-	278	0	-
Stage 1		0	-	-	0	-
Stage 2		0	-	357	0	-
Platoon blocked, %		-	-	-	-	-
Mov Cap-1 Maneuver		-	-	278	-	-
Mov Cap-2 Maneuver		-	-	278	-	-
Stage 1		-	-	-	-	-
Stage 2		-	-	357	-	-
Approach		WB		NB		
HCM Control Delay, s		0		18.8		
HCM LOS				C		
Minor Lane/Major Mvmt		NBLn1		WBT		
Capacity (veh/h)		278		-		
HCM Lane V/C Ratio		0.064		-		
HCM Control Delay (s)		18.8		-		
HCM Lane LOS		C		-		
HCM 95th %tile Q(veh)		0.2		-		

Intersection						
Int Delay, s/veh	0.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	2223	19	0
Future Vol, veh/h	0	0	0	2223	19	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2470	21	0
Major/Minor		Major2		Minor1		
Conflicting Flow All			-	-	1235	-
Stage 1			-	-	0	-
Stage 2			-	-	1235	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	169	0
Stage 1			0	-	-	0
Stage 2			0	-	238	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	169	-
Mov Cap-2 Maneuver			-	-	169	-
Stage 1			-	-	-	-
Stage 2			-	-	238	-
Approach			WB		NB	
HCM Control Delay, s			0		29.3	
HCM LOS					D	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	169	-				
HCM Lane V/C Ratio	0.125	-				
HCM Control Delay (s)	29.3	-				
HCM Lane LOS	D	-				
HCM 95th %tile Q(veh)	0.4	-				

HCM 6th TWSC  
7: Median Break & US 64 WB

2026 Build  
Timing Plan: PM Peak Hour

Intersection						
Int Delay, s/veh	0.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	2239	19	0
Future Vol, veh/h	0	0	0	2239	19	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2488	21	0
Major/Minor			Major2		Minor1	
Conflicting Flow All			-	-	1244	-
Stage 1			-	-	0	-
Stage 2			-	-	1244	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	166	0
Stage 1			0	-	-	0
Stage 2			0	-	235	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	166	-
Mov Cap-2 Maneuver			-	-	166	-
Stage 1			-	-	-	-
Stage 2			-	-	235	-
Approach			WB		NB	
HCM Control Delay, s			0		29.8	
HCM LOS					D	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	166	-				
HCM Lane V/C Ratio	0.127	-				
HCM Control Delay (s)	29.8	-				
HCM Lane LOS	D	-				
HCM 95th %tile Q(veh)	0.4	-				

# **APPENDIX E**

## **CAPACITY ANALYSIS CALCULATIONS**

### **US 64**

**&**

## **FUTURE EASTERN U-TURN LOCATION**

HCM 6th TWSC  
9: Eastern U-Turn Location & US 64 WB

2026 Build  
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	1834	16	0
Future Vol, veh/h	0	0	0	1834	16	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2038	18	0
Major/Minor		Major2		Minor1		
Conflicting Flow All		-	-	1019	-	-
Stage 1		-	-	0	-	-
Stage 2		-	-	1019	-	-
Critical Hdwy		-	-	6.84	-	-
Critical Hdwy Stg 1		-	-	-	-	-
Critical Hdwy Stg 2		-	-	5.84	-	-
Follow-up Hdwy		-	-	3.52	-	-
Pot Cap-1 Maneuver		0	-	233	0	-
Stage 1		0	-	-	0	-
Stage 2		0	-	309	0	-
Platoon blocked, %		-	-	-	-	-
Mov Cap-1 Maneuver		-	-	233	-	-
Mov Cap-2 Maneuver		-	-	233	-	-
Stage 1		-	-	-	-	-
Stage 2		-	-	309	-	-
Approach		WB		NB		
HCM Control Delay, s		0		21.7		
HCM LOS				C		
Minor Lane/Major Mvmt		NBLn1		WBT		
Capacity (veh/h)		233		-		
HCM Lane V/C Ratio		0.076		-		
HCM Control Delay (s)		21.7		-		
HCM Lane LOS		C		-		
HCM 95th %tile Q(veh)		0.2		-		

HCM 6th TWSC  
9: Eastern U-Turn Location & US 64 WB

2026 Build  
Timing Plan: PM Peak Hour

Intersection						
Int Delay, s/veh	0.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				↑↑	↑	
Traffic Vol, veh/h	0	0	0	2290	23	0
Future Vol, veh/h	0	0	0	2290	23	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	0	2544	26	0
Major/Minor			Major2		Minor1	
Conflicting Flow All			-	-	1272	-
Stage 1			-	-	0	-
Stage 2			-	-	1272	-
Critical Hdwy			-	-	6.84	-
Critical Hdwy Stg 1			-	-	-	-
Critical Hdwy Stg 2			-	-	5.84	-
Follow-up Hdwy			-	-	3.52	-
Pot Cap-1 Maneuver			0	-	159	0
Stage 1			0	-	-	0
Stage 2			0	-	227	0
Platoon blocked, %				-		
Mov Cap-1 Maneuver			-	-	159	-
Mov Cap-2 Maneuver			-	-	159	-
Stage 1			-	-	-	-
Stage 2			-	-	227	-
Approach			WB		NB	
HCM Control Delay, s			0		31.9	
HCM LOS					D	
Minor Lane/Major Mvmt	NBLn1	WBT				
Capacity (veh/h)	159	-				
HCM Lane V/C Ratio	0.161	-				
HCM Control Delay (s)	31.9	-				
HCM Lane LOS	D	-				
HCM 95th %tile Q(veh)	0.6	-				



# **APPENDIX F**

## **SIMTRAFFIC QUEUEING & PERFORMANCE RESULTS**

---

4: US 64 EB & Median Break Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	1.6	0.3	0.3
Total Del/Veh (s)	2.6	0.8	0.8

---

5: US 64 EB & Median Break Performance by movement

---

Movement	EBT	SBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	18.4	0.1

---

6: Median Break & US 64 WB Performance by movement

---

Movement	WBL	WBT	All
Denied Del/Veh (s)	2.7	0.2	0.2
Total Del/Veh (s)	2.4	1.1	1.1

---

7: Median Break & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	9.6	0.1

---

Total Network Performance

---

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	2.3

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: US 64 EB & Median Break

---

Movement	SB
----------	----

---

Directions Served	L
Maximum Queue (ft)	28
Average Queue (ft)	4
95th Queue (ft)	21
Link Distance (ft)	59
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 6: Median Break & US 64 WB

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	28
Average Queue (ft)	6
95th Queue (ft)	24
Link Distance (ft)	59
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

---

Network wide Queuing Penalty: 0

---

4: US 64 EB & Median Break Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	1.8	0.6	0.6
Total Del/Veh (s)	2.9	1.2	1.2

---

5: US 64 EB & Median Break Performance by movement

---

Movement	EBT	SBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	30.2	0.2

---

6: Median Break & US 64 WB Performance by movement

---

Movement	WBL	WBT	All
Denied Del/Veh (s)	2.1	0.4	0.4
Total Del/Veh (s)	3.2	1.5	1.5

---

7: Median Break & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	22.4	0.2

---

Total Network Performance

---

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	3.2

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: US 64 EB & Median Break

---

Movement	SB
----------	----

---

Directions Served	L
Maximum Queue (ft)	28
Average Queue (ft)	5
95th Queue (ft)	21
Link Distance (ft)	59
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 6: Median Break & US 64 WB

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)



---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	43
Average Queue (ft)	8
95th Queue (ft)	31
Link Distance (ft)	59
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

---

Network wide Queuing Penalty: 0

---

4: US 64 EB & Median Break Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	1.9	0.6	0.6
Total Del/Veh (s)	3.2	1.7	1.7

---

5: Site Access/Median Break & US 64 EB Performance by movement

---

Movement	EBT	EBR	NBR	SBL	SBT	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0	1.6	0.0
Total Del/Veh (s)	0.2	0.0	28.5	59.0	43.3	1.7

---

6: Median Break & US 64 WB Performance by movement

---

Movement	WBL	WBT	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	4.3	1.1	1.1

---

7: Median Break & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	21.6	0.2

---

8: US 64 EB & Eastern U-Turn Location Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	3.9	1.6	1.6

---

9: Eastern U-Turn Location & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.3	0.0	0.3
Total Del/Veh (s)	1.1	20.0	1.2

---

Total Network Performance

---

Denied Del/Veh (s)	0.5
Total Del/Veh (s)	5.2

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: Site Access/Median Break & US 64 EB

---

Movement	EB	EB	NB	SB
Directions Served	T	T	R	LT
Maximum Queue (ft)	4	4	92	80
Average Queue (ft)	0	0	36	26
95th Queue (ft)	3	3	71	64
Link Distance (ft)	66	66	1062	60
Upstream Blk Time (%)				2
Queuing Penalty (veh)				1
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

---

Intersection: 6: Median Break & US 64 WB

---

Movement	WB
Directions Served	L
Maximum Queue (ft)	6
Average Queue (ft)	0
95th Queue (ft)	4
Link Distance (ft)	
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	225
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	38
Average Queue (ft)	7
95th Queue (ft)	28
Link Distance (ft)	59
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 8: US 64 EB & Eastern U-Turn Location

---

Movement	
Directions Served	
Maximum Queue (ft)	
Average Queue (ft)	
95th Queue (ft)	
Link Distance (ft)	
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 9: Eastern U-Turn Location & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	48
Average Queue (ft)	13
95th Queue (ft)	38
Link Distance (ft)	60
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

---

Network wide Queuing Penalty: 1

---

4: US 64 EB & Median Break Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	2.1	0.3	0.3
Total Del/Veh (s)	2.7	0.8	0.9

---

5: US 64 EB & Median Break Performance by movement

---

Movement	EBT	SBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	12.0	0.1

---

6: Median Break & US 64 WB Performance by movement

---

Movement	WBL	WBT	All
Denied Del/Veh (s)	1.7	0.3	0.3
Total Del/Veh (s)	2.7	1.3	1.3

---

7: Median Break & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	17.4	0.3

---

Total Network Performance

---

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	2.5

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: US 64 EB & Median Break

---

Movement	SB
----------	----

---

Directions Served	L
Maximum Queue (ft)	28
Average Queue (ft)	4
95th Queue (ft)	20
Link Distance (ft)	59
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 6: Median Break & US 64 WB

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)



---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	50
Average Queue (ft)	14
95th Queue (ft)	39
Link Distance (ft)	59
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

---

Network wide Queuing Penalty: 0

---

4: US 64 EB & Median Break Performance by movement

---

Movement	EBL	EBT	All
Denied Del/Veh (s)	1.7	0.6	0.6
Total Del/Veh (s)	3.3	1.2	1.3

---

5: US 64 EB & Median Break Performance by movement

---

Movement	EBT	SBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	35.2	0.2

---

6: Median Break & US 64 WB Performance by movement

---

Movement	WBL	WBT	All
Denied Del/Veh (s)	1.6	0.5	0.5
Total Del/Veh (s)	4.1	1.9	1.9

---

7: Median Break & US 64 WB Performance by movement

---

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.1	40.4	0.5

---

Total Network Performance

---

Denied Del/Veh (s)	0.6
Total Del/Veh (s)	3.6

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: US 64 EB & Median Break

---

Movement	SB
----------	----

---

Directions Served	L
Maximum Queue (ft)	32
Average Queue (ft)	5
95th Queue (ft)	21
Link Distance (ft)	59
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 6: Median Break & US 64 WB

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	64
Average Queue (ft)	17
95th Queue (ft)	47
Link Distance (ft)	59
Upstream Blk Time (%)	1
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

---

Network wide Queuing Penalty: 0

#### 4: US 64 EB & Median Break Performance by movement

Movement	EBL	EBT	All
Denied Del/Veh (s)	1.8	0.6	0.6
Total Del/Veh (s)	3.6	2.0	2.1

#### 5: Site Access/Median Break & US 64 EB Performance by movement

Movement	EBT	EBR	NBR	SBL	SBT	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0	0.5	0.0
Total Del/Veh (s)	0.3	0.0	35.1	83.4	85.4	4.0

#### 6: Median Break & US 64 WB Performance by movement

Movement	WBL	WBT	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	22.6	1.6	2.2

#### 7: Median Break & US 64 WB Performance by movement

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	0.2	35.9	0.4

#### 8: US 64 EB & Eastern U-Turn Location Performance by movement

Movement	EBL	EBT	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	4.2	1.7	1.7

#### 9: Eastern U-Turn Location & US 64 WB Performance by movement

Movement	WBT	NBL	All
Denied Del/Veh (s)	0.6	0.0	0.6
Total Del/Veh (s)	1.6	59.8	2.2

#### Total Network Performance

Denied Del/Veh (s)	0.6
Total Del/Veh (s)	7.6

---

Intersection: 4: US 64 EB & Median Break

---

Movement

---

Directions Served  
Maximum Queue (ft)  
Average Queue (ft)  
95th Queue (ft)  
Link Distance (ft)  
Upstream Blk Time (%)  
Queuing Penalty (veh)  
Storage Bay Dist (ft)  
Storage Blk Time (%)  
Queuing Penalty (veh)

---

Intersection: 5: Site Access/Median Break & US 64 EB

---

Movement	EB	NB	SB
Directions Served	R	R	LT
Maximum Queue (ft)	17	111	113
Average Queue (ft)	1	45	66
95th Queue (ft)	7	91	118
Link Distance (ft)	66	1062	60
Upstream Blk Time (%)			30
Queuing Penalty (veh)			22
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

---

Intersection: 6: Median Break & US 64 WB

---

Movement	WB	WB
Directions Served	L	T
Maximum Queue (ft)	77	44
Average Queue (ft)	15	3
95th Queue (ft)	80	43
Link Distance (ft)		990
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	225	
Storage Blk Time (%)		0
Queuing Penalty (veh)		0



---

Intersection: 7: Median Break & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	59
Average Queue (ft)	16
95th Queue (ft)	43
Link Distance (ft)	59
Upstream Blk Time (%)	1
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 8: US 64 EB & Eastern U-Turn Location

---

Movement	
Directions Served	
Maximum Queue (ft)	
Average Queue (ft)	
95th Queue (ft)	
Link Distance (ft)	
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Intersection: 9: Eastern U-Turn Location & US 64 WB

---

Movement	NB
Directions Served	L
Maximum Queue (ft)	76
Average Queue (ft)	24
95th Queue (ft)	57
Link Distance (ft)	60
Upstream Blk Time (%)	3
Queuing Penalty (veh)	1
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

---

Network Summary

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Network wide Queuing Penalty: 23

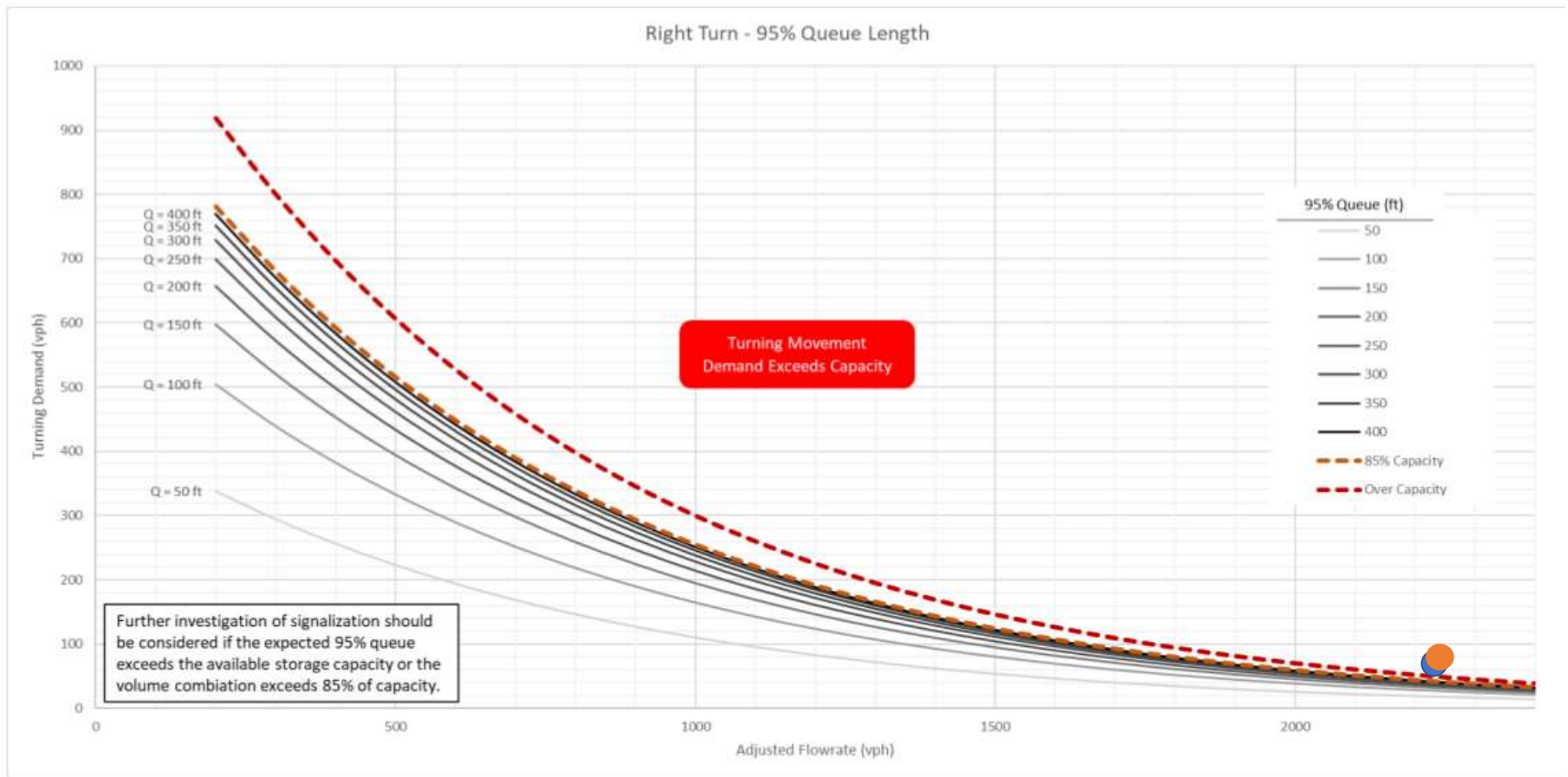
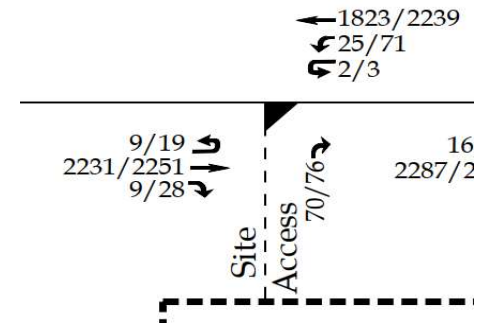
# **APPENDIX G**

## **ITRE 95<sup>th</sup> PERCENTILE QUEUE LENGTH CALCULATIONS**

## Northbound Right-Turn Movement

AM Peak Hour	
t =	
CVAF =	1.00000E+00
Conflicting =	2,240
ACV =	2,240
Turn Vol =	70

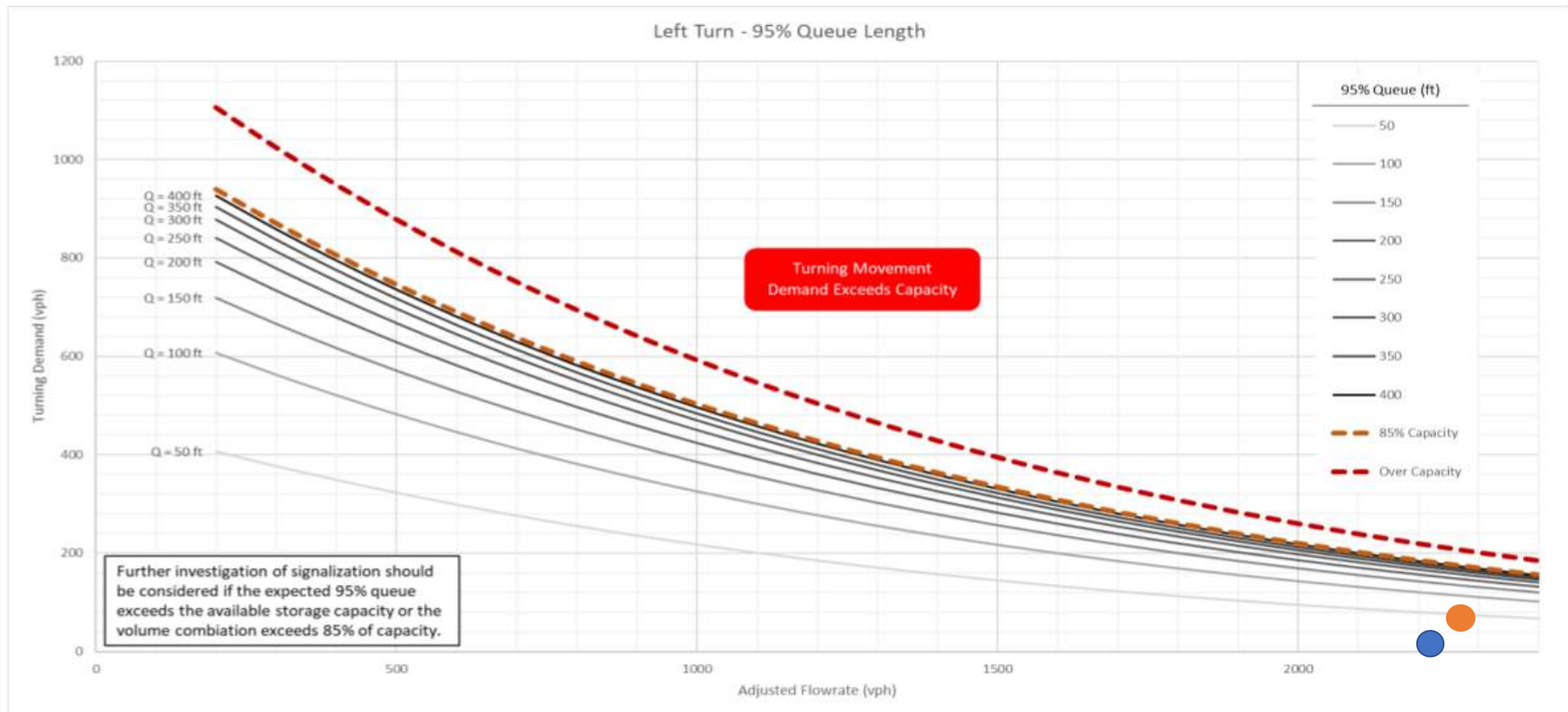
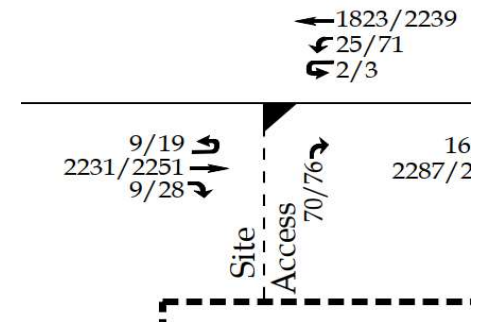
PM Peak Hour	
t =	
CVAF =	1
Conflicting =	2,279
ACV =	2,279
Turn Vol =	76



## Westbound Left-Turn Movement

AM Peak Hour	
t =	
CVAF =	1
Conflicting =	2240
ACV =	2,240
Turn Vol =	27

PM Peak Hour	
t =	
CVAF =	1
Conflicting =	2279
ACV =	2,279
Turn Vol =	74



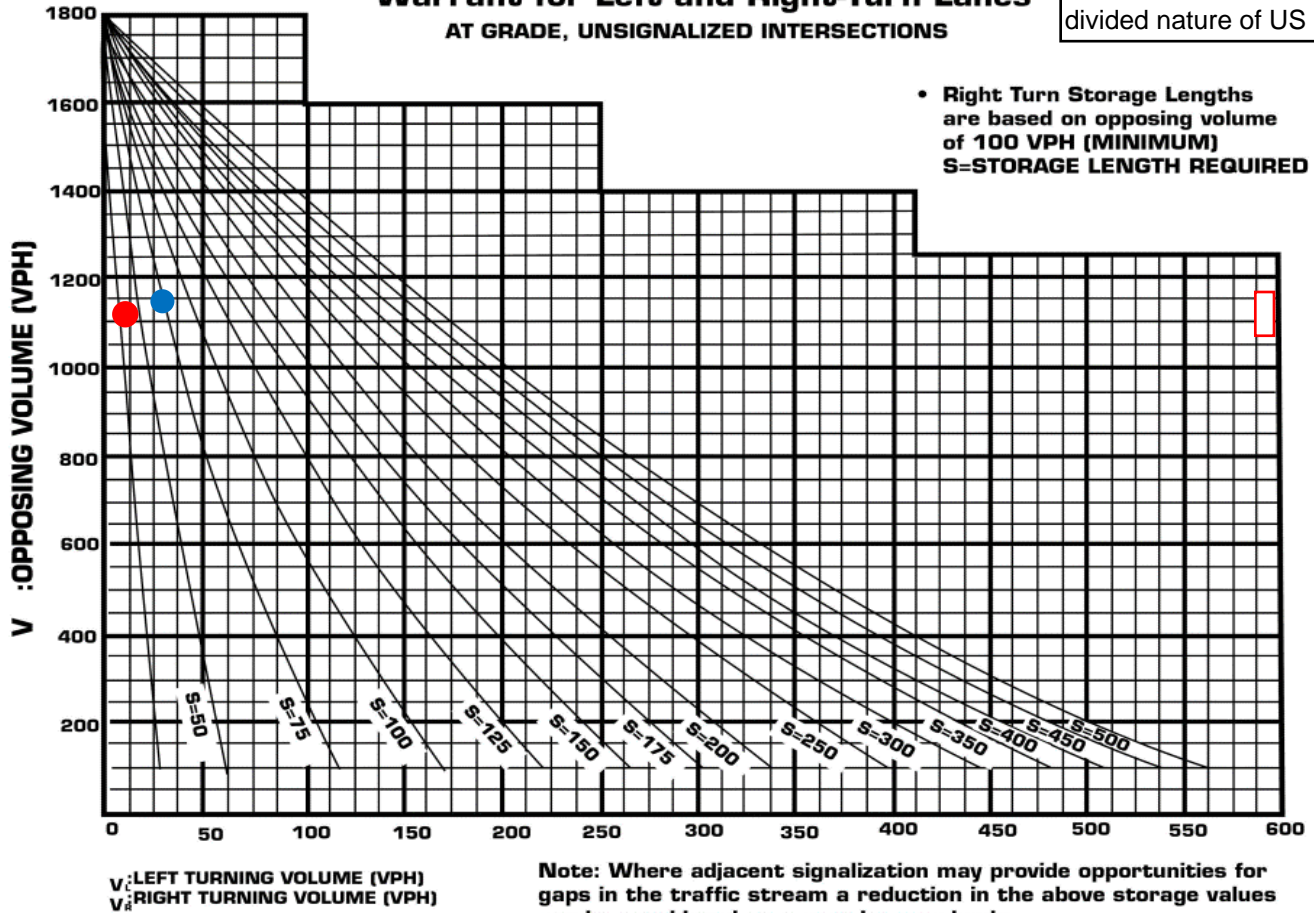
# **APPENDIX H**

## **TURN LANE WARRANTS**

**YELLOW BRIDGE RESIDENTIAL  
TURN LANE STORAGE WARRANTS**

**NOTE:** Approach volumes halved due to the 4-lane divided nature of US 64

**Warrant for Left and Right-Turn Lanes  
AT GRADE, UNSIGNALIZED INTERSECTIONS**



Policy On Street And Driveway Access to North Carolina Highways

**INTERSECTION:** US 64 & Median Break

SCENARIO	Movement	Turn Lane	Turning Volume (V <sub>R</sub> /V <sub>L</sub> )	Approach / Opposing Volume (V <sub>A</sub> /V <sub>O</sub> )	Symbol
AM Build	WBR	Right	9	1125	●
PM Build	EBR	Right	28	1154	●
					●
					●



# **APPENDIX I**

## **TRIP GENERATION COMPARISON**

**Table 1: Trip Generation Summary – Scenario 1**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	53 DU	580	11	32	35	20
Multi-Family Homes (Low-Rise) (220)	103 DU	741	11	38	38	23
Total Trips		1,321	22	70	73	43

**Table 2: Trip Generation Summary – Scenario 2**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	44 DU	489	9	27	29	17
Multi-Family Homes (Low-Rise) (220)	107 DU	768	12	39	39	23
Shopping Center (820)	25 KSF	944	15	9	45	50
Total Trips		2,201	36	75	113	90

**Table 3: Trip Generation Summary – Scenario 3**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	59 DU	640	12	35	38	23
Multi-Family Homes (Low-Rise) (220)	83 DU	587	9	31	31	19
Shopping Center (820)	25 KSF	944	15	9	45	50
Total Trips		2,171	36	75	114	92

**Table 4: Trip Generation Summary Comparison**

Scenario	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
		Enter	Exit	Enter	Exit
Scenario 3 [Analyzed in the TIA]	2,171	36	75	114	92
Scenario 1 Difference (+/-) [Scenario 1 - Scenario 3]	-850	-14	-5	-41	-49
Scenario 2 Difference (+/-) [Scenario 2 - Scenario 3]	+30	0	0	-1	-2

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Taylor Wray, Special Events Coordinator  
Department(s): Parks, Recreation, and Cultural Resources  
Requested Motion

Presentation of the Indigenous Peoples' Day proclamation

### Approval Recommended?

Yes

### Item Details

The Indigenous Peoples' Day Proclamation is to recognize the Indigenous people in our community and the amazing contributions they have made towards knowledge, labor, technology, science, philosophy, arts, culture, and more.

### Attachments

- Indigenous Peoples' Day Proclamation





*"The Peak of Good Living"*

## TOWN OF APEX NORTH CAROLINA

### *Proclamation*

### Indigenous Peoples Day

*from the Office of the Mayor*

WHEREAS, the Town of Apex, North Carolina recognizes that the Indigenous People of the lands that would later become known as the Americas have occupied these lands since long before European settlers; and

WHEREAS, the Town recognizes that Apex is built upon the land where Indigenous Peoples hunted and lived; and

WHEREAS, the Town values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts, and culture; and

WHEREAS, the community southwest of Apex, known as Friendship, brought together Indigenous Peoples, African Americans, and European Americans; and

WHEREAS, the Town of Apex seeks to combat cultural prejudice, eliminate racial discrimination, and to promote awareness, understanding, and good relations among Indigenous Peoples and all other segments of our community; and

WHEREAS, the Town of Apex promotes equality of opportunity consistent with the U.S. Declaration of Independence for all people including those who descend from Indigenous Peoples, and desires to uphold policies and practices that ensure equal access to opportunity and their rights to pursue life, liberty, and happiness in America; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples ("the Declaration") on December 16, 2010, and the Declaration recognizes that "Indigenous peoples have suffered from historic injustices as a result of their colonization and dispossession of their lands, territories, and resources."

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim the 10<sup>th</sup> day of October 2022 as Indigenous Peoples Day in Apex and call upon all residents to observe this day with appropriate ceremonies and activities.

I hereby set my hand and have caused the Seal of the  
Town of Apex, North Carolina, to be affixed.  
This the 27th day of September 2022.

Jacques K. Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Jacques K. Gilbert, Mayor  
Audra Killingsworth, Mayor Pro-Tempore (co-sponsor)  
Department(s): Governing Body

### Requested Motion

Motion to approve a proclamation declaring October 2022 as "Hindu Heritage Month".

### Approval Recommended?

Yes

### Item Details

The Town of Apex and the nation have been influenced by the extraordinary cultural, ethnic, linguistic, and religious diversity of its residents. The adoption of this proclamation would proclaim October 2022 as Hindu Heritage Month in Apex and call upon all residents to reflect on the significant contributions Hindu communities have made to shape our national life.

### Attachments

- Proclamation







*"The Peak of Good Living"*

## TOWN OF APEX NORTH CAROLINA

# *Proclamation*

## Hindu Heritage Month

*from the Office of the Mayor*

WHEREAS, The Town of Apex and the nation have been influenced by the extraordinary cultural, ethnic, linguistic, and religious diversity of its residents; and

WHEREAS, There is an estimated one billion Hindus worldwide, and approximately 3.4 million Hindu Americans that live across the nation; and

WHEREAS, Hindu Americans in Apex represent diverse ethnic backgrounds, including individuals of Indian, Pakistani, Bangladeshi, Malaysian, Indonesian, Afghani, Nepali, Bhutanese, Sri Lankan, Fijian, Caribbean, and European descent; and

WHEREAS, Hindu Americans throughout Apex celebrate numerous holidays and festivals, such as Diwali, which celebrates the victory of good over evil and knowledge over ignorance; and

WHEREAS, The year 2022 marks the 129<sup>th</sup> anniversary of when Hinduism was officially introduced to the United States by Swami Vivekananda at the 1893 World's Parliament of Religions in Chicago, Illinois, and the 122<sup>nd</sup> anniversary of when he founded the Vedanta Society in San Francisco, California; and

WHEREAS, Hindi Americans now serve in various levels of government across the state and nation, including three members in the United States House of Representatives; and

WHEREAS, the residents, businesses, and government institutions of the Town of Apex, North Carolina are firmly committed to celebrating and promoting diversity, inclusion, and cultural traditions of our Town's communities.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim October 2022 as Hindu Heritage Month in Apex and call upon all residents to reflect on the significant contributions Hindu communities have made to shape our national life.

I hereby set my hand and have caused the Seal of the  
Town of Apex, North Carolina, to be affixed.  
This the 27th day of September 2022.

Jacques K. Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: September 27, 2022

## Item Details

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

### Requested Motion

Public Hearing and possible motion to approve Rezoning Application #21CZ17 Ten Ten Business Park. The applicant, J National Capital V, LLC., seeks to rezone approximately 4.6 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on September 12, 2022 and, by a vote of 7-0, recommended approval with the conditions offered by the applicant.

### Item Details

The property to be rezoned is identified as a portion of PIN 0751359861.

### Attachments

- Staff Report
- Vicinity Map
- Application







Rezoning #21CZ17

0 150 300  
Feet



## STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

September 27, 2022 Town Council Meeting



All property owners and tenants within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

### **BACKGROUND INFORMATION:**

**Location:** 2132 Ten Ten Road

**Applicant/Owner:** J National Capital V, LLC.

### **PROJECT DESCRIPTION:**

**Acreage:** 4.6 ± acres

**PIN:** 0751359861 (portion of)

**Current Zoning:** Residential Agricultural (RA)

**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)

**2045 Land Use Map:** Industrial Employment

**Town Limits:** ETJ

### **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Planned Commercial-Conditional Use (PC-CU #94CU21); High Density-Multi-family Residential (HDMF)	Retail shopping center (Pinnacle Plaza); Multi-family Residential (Avalon Peaks)
<b>South:</b>	Light Industrial (LI)	Vacant; Communication tower, commercial
<b>East:</b>	Light Industrial (LI)	Colonial Gas facility
<b>West:</b>	Light Industrial-Conditional Use (LI-CU #90CU09)	Self-service storage (Public Storage)

### **Existing Conditions:**

The subject property is located on the south side of Ten Ten Road. The subject property is vacant and wooded.

### **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on April 28, 2021. Given the time span since the initial meeting, the applicant conducted a second neighborhood meeting on September 8, 2022. The neighborhood meeting reports are attached.

### **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the properties subject to this rezoning as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning is consistent with that land use classification.

### **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.

# STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

September 27, 2022 Town Council Meeting



## Permitted Uses and Limitations:

Security of caretaker quarters	Health/fitness center or spa
Government Service	Kennel
Transportation facility	Monument Sales, retail
Veterinary clinic or hospital	Repair services, limited
Vocational school	Retail sales, bulky goods
Recycling center	Retail sales, general
Recycling collection station	Self-service storage
Utility, Minor	Studio for art
Waste or wastewater plant	Upholstery shop
Wireless support structure	Pet services
wireless communication facility	Automotive accessory sale and installation
botanical garden	Automotive paint or body shop
Entertainment, indoor	Automotive parts
Greenway	Automotive service station
Park, active (access only)	Car wash or auto detailing
Park, passive (assess only)	Repair and maintenance, general
Shooting range, indoor	Towing service
Broadcasting statin (radio and television)	Towing service storage
Radio and television studio	Truck terminal
Commissary	Vehicle sales and rental, heave (access only)
Restaurant, general	Building supplies, wholesale
Dispatching office	Laboratory, industrial research
Medical or dental office or clinic	Machine or welding shop
Medical or dental laboratory	Warehousing
Office, business or professional	Woodworking or cabinetmaking
Research facility	Wholesaling, general
Parking garage, commercial	Brewery
Parking lot, commercial	Distillery
Artisan studio	Manufacturing and processing
Funeral home	Manufacturing and processing, minor
Gas and fuel sales, retail	Microbrewery
Gas and fuel sales, wholesale	Microdistillery
Glass sales	

## Special Uses

Airplane landing strip	Land clearing and inert debris landfill
Airport	Arena, auditorium or stadium
Chipping and mulching	Entertainment, outdoor
Communication tower, commercial	Regional recreation complex
Communication tower, constructed stealth	Adult establishment
Communication tower, public safety	Electronic gaming operations
Electrical power facility	Dry cleaning and dyeing plant
Incinerator	Laundry plant
Recycling plant	Wood or lumber processing
Sanitary landfill	

## STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

September 27, 2022 Town Council Meeting



### PROPOSED ZONING CONDITIONS:

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.

### PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on September 12, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

### PLANNING STAFF RECOMMENDATION:

During the petition review, staff recommended the applicant limit the use, "Self-service storage" to "Self-service storage (access only)" given the property's location on Ten Ten Rd and its proximity to an existing self-storage use (Public Storage). Planning staff recommends approval of #21CZ17 Ten Ten Business Park with the additional use limitation and conditions as offered by the applicant.

### ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Light Industrial-Conditional Zoning district is consistent with the Industrial Employment land use classification on the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because will allow for the development of non-residential uses that are consistent with surrounding properties, especially those on the south side of Ten Ten Road. It will also encourage compatible development of the property and increase the tax base.

### CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

#### *Legislative Considerations*

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



## STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

September 27, 2022 Town Council Meeting



- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

## PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ17 Submittal Date: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

### Project Information

Project Name: Ten Ten Business Park  
Address(es): 2132 Ten Ten Road  
PIN(s): Portion of 0751359861

Acreage: Approx. 4.6 acres

Current Zoning: RA Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment

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

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

Area classified as mixed use:	Acreage:	_____
Area proposed as non-residential development:	Acreage:	_____
Percent of mixed use area proposed as non-residential:	Percent:	_____

### Applicant Information

Name: J National Capital V, LLC c/o M. Gray Styers, Jr.  
Address: 434 Fayetteville Street, Suite 2800  
City: Raleigh State: NC Zip: 27601  
Phone: 919-755-8741 E-mail: styers@foxrothschild.com

### Owner Information

Name: Vertical Bridge AM II LLC  
Address: 70 Park of Commerce Drive, Suite 200  
City: Boca Raton State: FL Zip: 33487  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: M. Gray Styers, Jr.  
Address: 434 Fayetteville Street, Suite 2800  
City: Raleigh State: NC Zip: 27601  
Phone: 919-755-8741 E-mail: gstyers@foxrothschild.com

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION INFORMATION**Application #: 21CZ17 Submittal Date: \_\_\_\_\_

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

**PROPOSED USES:**

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

1	See attached list of proposed uses	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	_____

**Proposed Uses by Right in LI**

Security or caretaker quarters	Monument sales, retail
Government service	Repair services, limited
Transportation facility	Retail sales, bulky goods
Veterinary clinic or hospital	Retail sales, general
Vocational school	Self-service storage
Recycling center	Studio for art
Recycling collection station	Upholstery shop
Utility, minor	Pet services
Water or wastewater plant	Automotive Accessory Sales and Installation
Wireless support structure	Automotive paint or body shop
Wireless communication facility	Automotive parts
Botanical garden	Automotive service station
Entertainment, indoor	Car wash or auto detailing
Greenway	Repair and maintenance, general
Park, active (access only)	Towing service
Park, passive (access only)	Towing service storage
Shooting range, indoor	Truck terminal
Broadcasting station (radio and television)	Vehicle sales and rental, heavy (access only)
Radio and television recording studio	Building supplies, wholesale
Commissary	Contractor's office and storage yard
Restaurant, general	Gas and fuel, wholesale
Dispatching office	Laboratory, industrial research
Medical or dental office or clinic	Machine or welding shop
Medical or dental laboratory	Warehousing
Office, business or professional	Woodworking or cabinetmaking
Publishing office	Wholesaling, general
Research facility	Brewery
Parking garage, commercial	Distillery
Parking lot, commercial	Manufacturing and processing
Artisan Studio	Manufacturing and processing, minor
Funeral home	Microbrewery
Gas and fuel, retail	Microdistillery
Glass sales	
Health/fitness center or spa	
Kennel	

**Special Uses in LI**

Airplane landing strip	
Airport	
Chipping and Mulching	
Communication tower, commercial	
Communication tower, constructed stealth	

21CZ17

Communication tower, camouflage stealth Communication tower, public safety Electrical power facility Incinerator Recycling Plant Sanitary Landfill Land Clearing and Inert Debris Landfill Arena, auditorium or stadium Entertainment, outdoor Regional recreation complex Adult Establishment Electronic gaming operation Asphalt or concrete plant Dry cleaning and dyeing plant Laundry plant Wood or lumber processing	
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## PETITION INFORMATION

Application #: 21CZ17

Submittal Date: 8/12/2022

## PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

- 1) The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
- 2) Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
- 3) For any building greater than 10, 000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.

## 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.

See attached narrative.

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

See attached narrative.



**PETITION INFORMATION**

Application #: 21CZ17

Submittal Date: \_\_\_\_\_

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

See attached narrative.

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

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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**PETITION INFORMATION**

Application #: 21CZ17 Submittal Date: \_\_\_\_\_

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

See attached narrative.

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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.

See attached narrative.

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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.

See attached narrative.

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**1) Consistency with 2045 Land Use Map. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.**

The subject property is *currently* inconsistent with the 2045 Future Land Use Map, but this rezoning request will make the property consistent. The request is to rezone a portion that is currently zoned Residential Agriculture of a larger parcel zoned Light Industrial. The portion subject to rezoning is currently undeveloped, vacant land. The 2045 Land Use Map classifies the entire parcel as Industrial Employment. "Industrial Employment is intended to delineate land that allows for industrial uses such as light manufacturing, tech-flex, warehousing, and processing facilities." (Peak Plan 2030, p. 23). RA is not an allowable zoning in the Industrial Employment 2045 Land Use Classification. Therefore, rezoning this area to Light Industrial will bring the area into consistency.

The subject property is also identified as "underdeveloped" in the Advance Apex 2045 Plan's Land Use Screening Map (Figure 1). Under the 2045 Plan, this means the parcel is identified "to receive new growth." (p 3, Advance Apex 2045 Land Use Update Memo). The 2030 Peak Plan anticipates the demand for industrial land in Apex to increase by approximately 110 acres through 2032. (Peak Plan 2030 p 13). The current zoning of RA abutting Ten Ten Road is preventing any development of the parcel zoned LI because a RA district cannot provide access to a LI use. Ten Ten Road is the only thoroughfare abutting the property that could provide access. This rezoning will add approximately 4.6 acres of industrial land, and will provide for the productive use and access to the remaining acres of the parcel that is already zoned light industrial.

Several goals, objectives and policies of the Peak Plan will be accomplished by rezoning this portion from RA to LI. First, it will encourage and achieve the goal of "Balanced Growth." Balanced Growth is accomplished by encouraging non-residential land uses to achieve a more sustainable, balanced tax base. (Peak Plan 2030, p. 30-31). By rezoning this area from RA to LI, the remainder of the parcel zoned LI will be accessible for development plans that will bring jobs and an increased tax base for Apex on non-residential lands.

The goal of Balanced Growth is also accomplished by preserving industrial lands identified in the 2045 Land Use Map for employment through zoning mechanisms. (Peak Plan 2030, p. 30-31). The portion subject to rezoning is identified as industrial land in the 2030 and 2045 Land Use Map, and rezoning the parcel to LI is a zoning mechanism that will allow the parcel to be accessed and ultimately developed to bring jobs and increase the economic strength of the area, in a currently underdeveloped parcel.

Supporting retail growth near already-developed areas is another important component of achieving Balanced Growth. (Peak Plan 2030, p. 30-31). The requested rezoning is in an area surrounded by light industrial uses.

Next, the request will achieve the goal of "Economic Development". (Peak Plan 2030, p. 33). This goal is accomplished by preserving "access and visibility for large parcels that could be developed" as employment centers along transportation corridors. (Peak Plan 2030, p. 33). The area zoned Light Industrial is currently not accessible. The rezoning request is necessary to provide access to the rest of the parcel which is currently underdeveloped. In addition, the subject property abuts Ten Ten Road and is located near the intersection of Ten Ten Road and Jessie drive. Jessie Drive is a key transportation

corridor under the Peak Plan, and Ten Ten Road is identified for improvements in the next five years with plans to expand to 6-lanes. Rezoning the portion zoned RA to LI will provide employment and economic development opportunities along these transportation corridors. Overall, this request will accomplish the goal of Economic Development in Apex.

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

The site is currently surrounded to the east, west and south by Light Industrial zoning. Across from the property, on the other side of Ten Ten Road, is Planned Commercial and High Density Multi-Family Residential. This request to rezone the subject area to LI is appropriate for the location and consistent with surrounding land uses.

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

The proposed uses will comply with any applicable supplemental standards in UDO Section 4.4.

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

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

**5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.**

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

**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.**

As required by the UDO, the uses proposed will avoid any adverse impacts on public facilities.

**7) Health, safety, and welfare. The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.**

The proposed zoning of Light Industrial will not effect the health, safety of welfare of residents of Apex or the ETJ. The surrounding properties are zoned Light Industrial, consistent with this request. There is one high-density multi-family parcel within 300 feet of the subject parcel that is located across Ten Ten road from the parcel.

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

The rezoning request is likely to enhance the value of adjacent properties by increase the value of the land and will not be substantially detrimental.

21CZ17

**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 rezoning will allow for the development of a use that is consistent with the surrounding area and consistent with the designation and intent of the 2045 Land Use Map. The rezoning will not constitute a nuisance or hazard.

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

As required by the UDO, the uses proposed will comply with all relevant standards of the UDO.



## Supplemental Project Narrative to Rezoning Petition

The second condition that the Applicant has added to the rezoning petition will also further the public interest and land development goals of the Town of Apex in other ways.

As noted in the previously submitted Project Narrative to the Application, the subject property has been identified as “underdeveloped” in the Advance Apex 2045 Plan’s Land Use Screen Map in the 2019 Future Land Use Map Update. Most of the subject parcel is already zoned LI, but a radio broadcast tower has been located on the property since 1986. Since that time (and with the wide-spread deployment of mobile commercial radio service (i.e. cellphone) towers since the mid-1990s), the Applicant understands that tower construction techniques have improved; stronger tower construction materials have become more widely utilized; “fall zone” analyses and designs have become more sophisticated; and structural standards for tower construction have become more rigorous. A recent comprehensive structural analysis of the tower identified certain “overstresses” under the current standards (i.e. if the tower were built new today).

If this rezoning is approved, Applicant, at considerable expense, will have substantial improvements constructed to strengthen the tower and to address these overstresses so that it is brought up to “all current codes and standards.” Those improvements are shown in the sealed Design Drawings by Stainless, a business of FDH Infrastructure Services, an engineering firm based in Raleigh, submitted with this application.

With those improvements, **“the fall zone under the design considerations as outlined by the building code is 0 feet”** (“zero fall zone”) as stated in the Fall Zone Letter prepared by Christophy Ply, PE, SE, President/CEO of Engineered Tower Solutions, also submitted with this application.

Applicant offers as a condition of the rezoning that it will provide the Town with a certification that these improvements have been completed prior to approval of construction drawings for development on the property. In other words, the tower improvements will be made prior to construction of other buildings on the property.

Approval of the rezoning with this condition and the tower improvements that will consequentially be made will result in the Town not only realizing the benefits of development of this underdeveloped large parcel at a designated Employment Mixed Use Activity Center (as discussed in the original Project Narrative), but the radio tower will also then have a zero fall zone and meet all current applicable codes and standards.



**AGENT AUTHORIZATION FORM**Application #: 21CZ17


Submittal Date: \_\_\_\_\_

Vertical Bridge AM II LLC

is the owner\* of the property for which the attached

application is being submitted:

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

The property address is: 2132 Ten Ten RoadThe agent for this project is: Hayes Finley☐ I am the owner of the property and will be acting as my own agentAgent Name: Hayes FinleyAddress: 434 Fayetteville Street, Suite 2800, Raleigh, NC 27604Telephone Number: 919-755-8837E-Mail Address: hfinley@foxrothschild.comSignature(s) of Owner(s)\* Adam Ginder

Type or print name

5-12-2021

Date

Buddy Norman

Type or print name

5-12-21

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 #: 21CZ17 Submittal Date: \_\_\_\_\_The undersigned, Adam Ginder (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

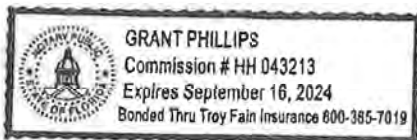
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2132 Ten-Ten Road Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated November 23, 2016 and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book 016613 Page 02064.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/23/2016, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/23/2016, 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 12<sup>th</sup> day of May, 2021.

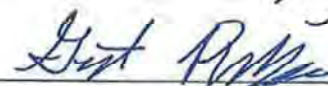
  
 \_\_\_\_\_ (seal)  
~~Adam Ginder~~ Adam Ginder  
 Type or print name

STATE OF ~~NORTH CAROLINA~~  
COUNTY OF Palm Beach

I, the undersigned, a Notary Public in and for the County of Palm Beach, hereby certify that Adam Ginder, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's \_\_\_\_\_, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

  
 Notary Public Florida  
 State of ~~North Carolina~~  
 My Commission Expires: September 16, 2024

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 21CZ17

Submittal Date: \_\_\_\_\_

**Insert legal description below.**

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE TOWNSHIP OF WHITEOAK, COUNTY OF WAKE, STATE OF NORTH CAROLINA, DESCRIBED IN DEED BOOK 12494, PAGE 1893, FURTHER DESCRIBED AS:  
COMMENCING FROM AN EXISTING CONCRETE MONUMENT, FOUND ON THE SOUTHERN BOUNDARY OF SAID PARCEL, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES E:2054044'-N:714443';  
THENCE, N 05° 48' 42" W FOR A DISTANCE OF 1965.97 FEET TO THE POINT OF BEGINNING;  
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 616.87 FEET TO A POINT;  
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 14.33 FEET TO A POINT;  
THENCE, S 52° 52' 43" E FOR A DISTANCE OF 53.71 FEET TO A POINT;  
THENCE, S 56° 29' 06" E FOR A DISTANCE OF 80.99 FEET TO A POINT;  
THENCE, S 59° 15' 26" E FOR A DISTANCE OF 79.52 FEET TO A POINT;  
THENCE, S 61° 39' 02" E FOR A DISTANCE OF 76.92 FEET TO A POINT;  
THENCE, S 64° 52' 36" E FOR A DISTANCE OF 77.35 FEET TO A POINT;  
THENCE, S 65° 55' 15" E FOR A DISTANCE OF 77.86 FEET TO A POINT;  
THENCE, S 05° 54' 23" W FOR A DISTANCE OF 446.50 FEET TO A POINT;  
THENCE, N 85° 02' 05" W FOR A DISTANCE OF 381.92 FEET TO THE POINT OF BEGINNING, CONTAINING 207,341 SQFT -OR- 4.76 ACRES.



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
Tel (919) 755-8700 Fax (919) 755-8800  
www.foxrothschild.com

HAYES FINLEY  
Direct No: 919.755.8837  
Email: HFinley@Foxrothschild.com

April 16, 2021

**Re: Notice of Neighborhood Meeting**

Neighborhood Property Owners:

You are invited to attend a virtual neighborhood meeting on **April 28, 2021** to discuss the proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road from Residential Agricultural (RA) to Light Industrial. The meeting will begin at **5:00 p.m.** and last until **7:00 p.m.** You can participate online or by telephone.

To participate via video, follow these instructions:

1. Go to [www.webex.com](http://www.webex.com).
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 185 417 6683.
4. Then enter the Password: tentenroad
5. Tips:
  - a. You may download the desktop app or join from your browser.
  - b. You can call in for audio or use your computer audio.
  - c. Call in a few minutes early to set up your audio and video.

You may also join by phone:

+1-215-299-3000 US Toll  
+1-800-598-1154 US Toll Free  
Access code: 185 417 6683

Please see the attachments for specific details regarding the neighborhood meeting and rezoning process.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington





Fox Rothschild <sup>LLP</sup>  
ATTORNEYS AT LAW

April 16, 2021

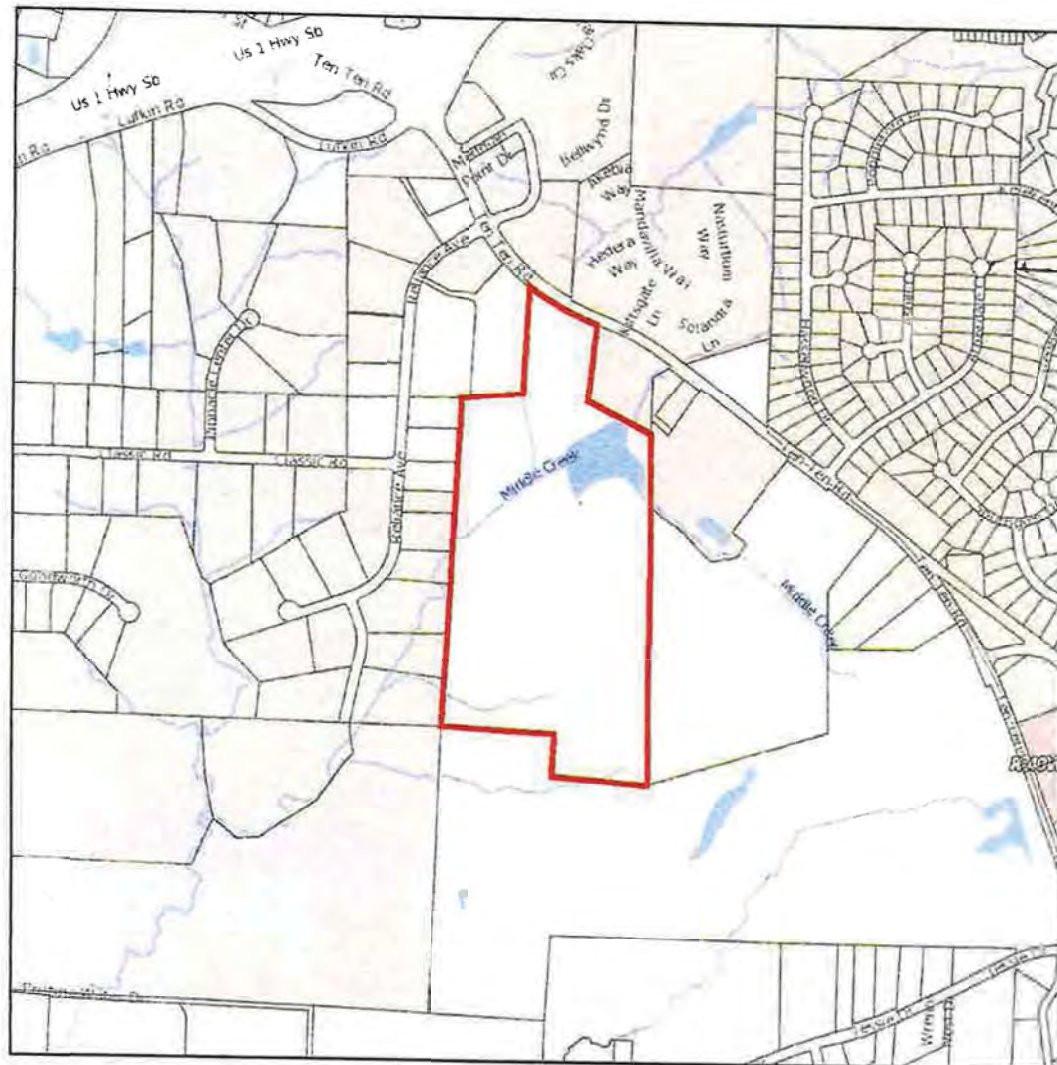
Page 2

If you have any concerns or questions I can be reached at:

Hayes Finley  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[hfinley@foxrothschild.com](mailto:hfinley@foxrothschild.com)  
919-755-8837

Sincerely,

Hayes Finley



## 2132 Ten Ten RD GIS MAP

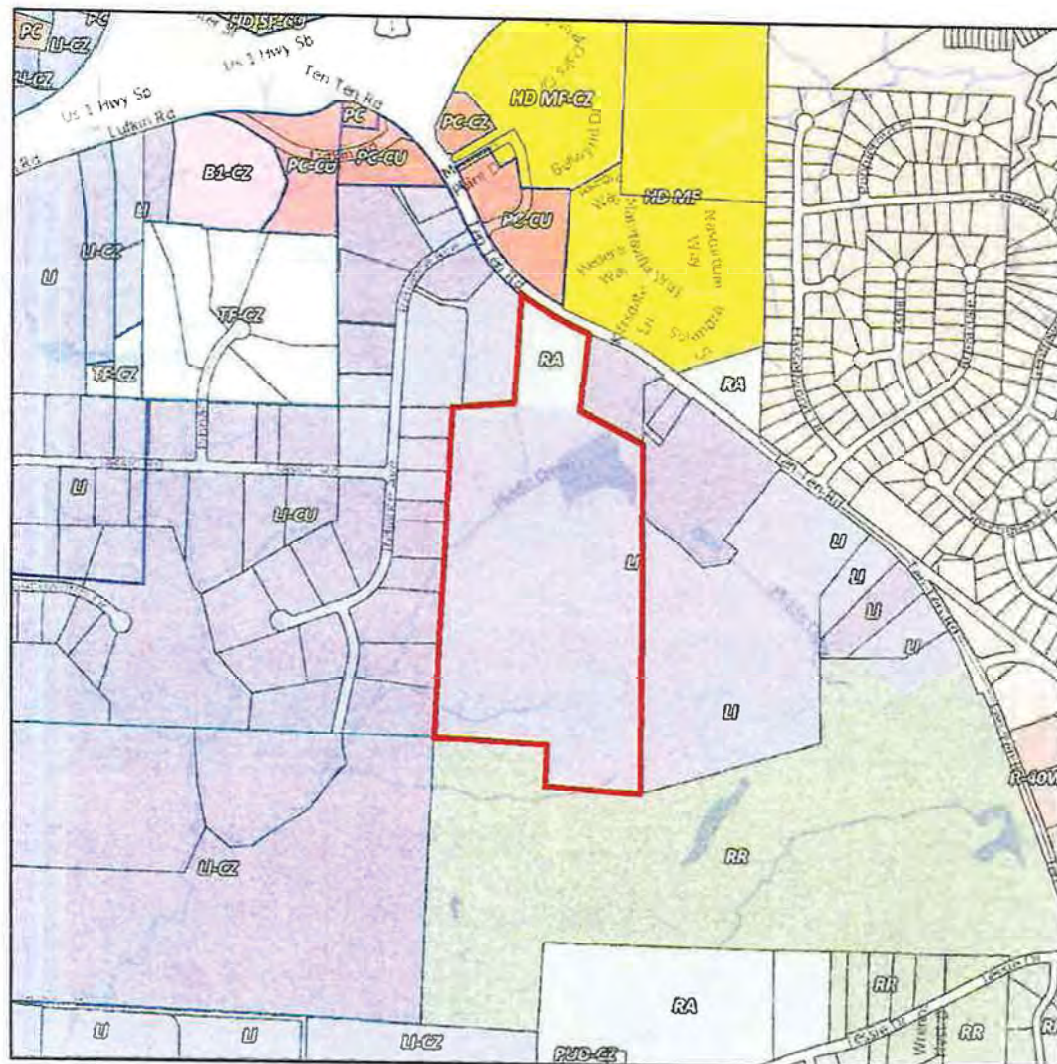
PIN: 0751359861  
 PIN Ext: 000  
 Real Estate ID: 0067257  
 Map Name: 0751 10  
 Owner: VERTICAL BRIDGE AM II LLC  
 Mail Address 1: 750 PARK OF COMMERCE DR  
 STE 200  
 Mail Address 2: BOCA RATON FL 33487-3650  
 Mail Address 3:  
 Deed Book: 018240  
 Deed Page: 02345  
 Deed Acres: 57.62  
 Deed Date: 12/15/2020  
 Building Value: \$3,895  
 Land Value: \$3,056,518  
 Total Value: \$3,060,413  
 Billing Class: Business  
 Description: TVX RALEIGH DURHAM FAMILY  
 TV CORP PROP  
 Heated Area: 1383  
 Street Name: TEN TEN RD  
 Site Address: 2132 TEN TEN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: WHITE OAK  
 Year Built: 1915  
 Sale Price: \$0  
 Sale Date:  
 Use Type: SINGLFAM



0 425 850 1,700 ft  
 1 inch = 800 feet

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 are provided for the data therein, its use, or its interpretation.





## 2132 Ten Ten RD GIS MAP

PIN: 0751359861  
 PIN Ext: 800  
 Real Estate ID: 0120512  
 Map Name: 0751 10  
 Owner: TVX OF RALEIGH DURHAM  
 Mail Address 1: 3012 HIGHWOODS BLVD  
 Mail Address 2: RALEIGH NC 27604-1037  
 Mail Address 3:  
 Deed Book: 001000  
 Deed Page: 00001  
 Deed Acres:  
 Deed Date: 1/1/2007  
 Building Value: \$108,063  
 Land Value: \$0  
 Total Value: \$108,063  
 Billing Class: Business  
 Description: LEASEHOLD IMP  
 Heated Area: 1912  
 Street Name: TEN TEN RD  
 Site Address: 0 TEN TEN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: White Oak  
 Year Built: 1981  
 Sale Price: \$0  
 Sale Date:  
 Use Type: LT MANUF  
 Design Style: Conventional  
 Land Class: Leasehold Imps



0 425 850 1,700 ft  
 1 inch = 800 feet

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 are provided for the data therein, its use, or its interpretation.

# List of persons invited to the Neighborhood Meeting

	PIN	PIN Ext	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Street Name	Site Address	Qty
SUBJECT PROPERTY SUBJECT PROPERTY	751359861	0	67257	VERTICAL BRIDGEAM II LLC	750 PARK OF COMMERCE DR STE 200	BOCA RATON FL 33487-3650		TEN TEN RD	2132 TEN TEN RD	
1	751359861	800	120512	TVX OF RALBIGH DURHAM	3012 HIGHWOODS BLVD	RALEIGH NC 27604-1037		TEN TEN RD	0 TEN TEN RD	
2	751367704	0	203246	PSNC III LP	PS# 25863	701 WESTERN AVE	GLENDALCA 91201-2349	TEN TEN RD	2110 TEN TEN RD	
3	751464462	0	120976	COLONIAL PIPELINE CO	RESURGENS PLAZA	945 E PACES FERRY RD NE	ATLANTA GA 30326-1160	TEN TEN RD	2200 TEN TEN RD	APEX
4	751470207	0	67241	MIJAC 2 LLC	PO BOX 28929	RALEIGH NC 27611-8929		TEN TEN RD	2147 TEN TEN RD	APEX
5	751477193	0	56788	CRK APEX LAND CO LLC	MARVIN F POER & COMP	3520 PIEDMONT RD NE STE 410	ATLANTA GA 30305-1512	SOLANDRA LN	200 SOLANDRA LN	APEX
6	751486438	0	252638	SOF FC FUNDING I LLC	902 CARNEGIE CTR STE 520	PRINCETON NJ 08540-6531		TEN TEN RD	2280 TEN TEN RD	APEX
7	751467337	0	262180	JAY T PROPERTIES LLC	2019 EASTCHESTER DR	HIGH POINT NC 27265-1406		TEN TEN RD	2290 TEN TEN RD	APEX
8	751459934	0	196429	MOTIVA ENTERPRISES LLC	PROPERTY TAX DEPT	PO BOX 2727	HOUSTON TX 77252-2727	TEN TEN RD	2300 TEN TEN RD	APEX
9	751449982	0	104751	BRITE PROPERTIES LLC	PO BOX 2723	SHALLOTTE NC 28459-2723		TEN TEN RD	2320 TEN TEN RD	
10	751532815	0	36704	CAREY C. JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781		TEN TEN RD	2512 TEN TEN RD	
11	75138504	0	45172	JACK 1, LLC	738 CASH ST	APEX NC 27502-1302		PRISTINE WATER DR	0 PRISTINE WATER DR	APEX
11	751341664	0	314173	LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER ORD	BOBBITT DESIGN BUILD	600 GERMANTOWN RD	RALEIGH NC 27607-5144	PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	1	402986	IPEARL HOLDINGS LLC	2025 PRODUCTION DR	APEX NC 27539-6349		PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	2	402987	2031 PRODUCTION REALTY, LLC	407 CATLIN RD	CARY NC 27519-5982		PRODUCTION DR	2031 PRODUCTION DR	APEX
12	751342839	0	311464	PRODUCTION DRIVE BUSINESS CENTER CONDOS	ABCZ PROPERTIES LLC	2511 RELIANCE AVE	APEX NC 27539-6347	PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	1	400206	BUILDERS RESOURCE SERVICES INC	PO BOX 1356	HOLLY SPRINGS NC 27540-1356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	2	400207	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	3	400208	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	4	400209	ED PROPERTIES LLC	2019 PRODUCTION DR STE 104	APEX NC 27539-6356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	5	400210	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	6	400211	SOQUINO, CONSTANCE F SOQUINO, JOSEPH C	184 AMERICAN CT	APEX NC 27523-6725		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	7	400212	JKL INVESTMENTS LLC II	125 HILLS OF THE HAW	PITTSBORO NC 27312-8583		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	8	400213	BSS LLC	2015 PRODUCTION DR UNIT 100	APEX NC 27539-6349		PRODUCTION DR	2015 PRODUCTION DR	APEX
13	751251185	0	232248	PINNACLE PARK IV LLC	HOPE BUFFALO	7825 OLD STAGE RD	RALEIGH NC 27603-5521	RELIANCE AVE	0 RELIANCE AVE	APEX
14	751252443	0	230515	PINNACLE PARK INVESTMENTS LLC	5210 DRIFTWOOD LN	MOREHEAD CITY NC 28557-2576		RELIANCE AVE	0 RELIANCE AVE	APEX
15	751352673	0	232381	RELIANCE CENTER CONDOMINIUM	7905 BLANEY FRANKS RD	APEX NC 27539-7460		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	1	304500	BARONE REAL ESTATE INVESTMENTS LLC	2476 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	2	304501	LOOKFORGE INVESTMENTS LLC	3204 RIGHTERS MILL WAY	APEX NC 27539-3627		RELIANCE AVE	2477 RELIANCE AVE	APEX
15	751352673	3	304502	IDM LLC	7908 SENTER FARM RD	APEX NC 27539-9789		RELIANCE AVE	2479 RELIANCE AVE	APEX
15	751352673	4	304503	LAGALY, SAVANNAH M TRUSTEE LAGALY, NOAH D TRUSTEE	213 LINTON BANKS PL	CARY NC 27513-2053		RELIANCE AVE	2481 RELIANCE AVE	APEX
15	751352673	5	304504	D O M RENTALS & PROPERTY MANAGEMENT, LLC	417 OULVERT ST	APEX NC 27502-1731		RELIANCE AVE	2483 RELIANCE AVE	APEX
16	751352880	0	226381	FRIEDLEY, JUDITH A	302 EDINBURGH DR	CARY NC 27511-6410		RELIANCE AVE	2485 RELIANCE AVE	APEX
17	751352984	0	226380	D & S INVESTMENTS LLC	3007 BUCHINGHAM WAY	APEX NC 27502-9341		RELIANCE AVE	2485 RELIANCE AVE	APEX
18	751363103	0	222533	ABOOD, JOHN D ABOOD, MARILYN D	1413 ROCK CREEK LN	CARY NC 27511-5636		RELIANCE AVE	2445 RELIANCE AVE	
19	751363310	0	220651	SEVEN SPRINGS PROPERTIES GROUP LLC	2435 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2435 RELIANCE AVE	
20	751363370	0	219693	HILDAN LLC	2426 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2425 RELIANCE AVE	
21	751275103	0	189839	RELIANCE LLC	2401 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2401 RELIANCE AVE	APEX



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

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

# Instruction Packet and Affidavit for Electronic Neighborhood Meetings

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?

- Rezoning (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 below.



**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.

April 16, 2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at  
2132 Ten Ten Road 0751359861

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](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> 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 rezoning request is to rezone approximately 4.6 acres of the northern area of the parcel, abutting Ten Ten Road from Residential Agricultural to Light Industrial.

Estimated submittal date: May 3, 2021

## MEETING INFORMATION:

Property Owner(s) name(s):

VERTICAL BRIDGE AM II LLC

Applicant(s):

Hayes Finley, Fox Rothschild LLP

Contact information (email/phone):

hayes.finley@gmail.com/919-755-8837

Electronic Meeting invitation/call in info:

see attached letter with instructions

Date of meeting\*\*:

April 28, 2021

Time of meeting\*\*:

5pm-7pm

## MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:15-5:45pm Question & Answer: 5:45-7:00pm

\*\*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: Ten Ten Business Park Zoning: RA

Location: 2132 Ten Ten Road

Property PIN(s): 0751359861 Acreage/Square Feet: Approx. 4.6 acres

Property Owner: VERTICAL BRIDGE AM II LLC

Address: 750 Park of Commerce Drive Ste 200

City: Boca Raton State: FL Zip: 33487

Phone: 919.787.4262 Email: jacksonanton@me.com

Developer: J National Capital V, LLC

Address: 4006 Abbey Parkway

City: Raleigh State: NC Zip: 27612

Phone: 919.740.2487 Fax: \_\_\_\_\_ Email: jacksonanton@me.com

Engineer: William G. Daniel & Associates, P.A.

Address: 1150 S.E. Maynard Road, Suite 260

City: Cary State: NC Zip: 27511

Phone: 919.467.9708 Fax: \_\_\_\_\_ Email: bdaniel@wmgda.com

Builder (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

### Town of Apex Department Contacts

#### Planning Department Main Number

(Provide development name or location to be routed to correct planner) (919) 249-3426

#### Parks, Recreation & Cultural Resources Department

Angela Reincke, Parks Planner (919) 249-7468

#### Public Works - Transportation

Russell Dalton, Senior Transportation Engineer (919) 249-3358

#### Water Resources Department

Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-3537

Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-1166

James Gregg, Utility Engineer (Water & Sewer) (919) 249-3324

#### Electric Utilities Division

Rodney Smith, Electric Technical Services Manager (919) 249-3342



#### **Providing Input to Town Council:**

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> 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](mailto:AllCouncil@apexnc.org).

#### **Private Agreements and Easement Negotiation:**

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

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

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

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

#### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

## **Construction Traffic: James Misciagno 919-372-7470**

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

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

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

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

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

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

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

## **Dirt on Properties or in Streams: James Misciagno 919-372-7470 Danny Smith [Danny.Smith@ncdenr.gov](mailto: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](mailto: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: WebEx


Date of meeting: April 28, 2021

Time of meeting: 5pm-7pm

Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC

Applicant(s): Hayes Finley, Fox Rothschild LLP

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.	John Abood	2445 Reliance Ave, Apex, NC 27539			Y
2.	Ryan Thigpen	2435 Reliance Ave, Apex, NC 27539			Y
3.	Hayes Finley	434 Fayetteville Street, Raleigh, NC 27604	919-755-8837		n/a
4.	Bill Daniel				
5.	Bill Jackson				
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): VERTICAL BRIDGE AM II LLC  
Applicant(s): Hayes Finley, Fox Rothschild LLP  
Contact information (email/phone): hfinley@foxrothschild.com/919-755-8837  
Meeting Format: WebEx  
Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm

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 is the nature of the offering (type of lots, water/sewer, etc)?

#### Applicant's Response:

The overall planning has not been done yet, the request is to rezone the portion of the parcel adjoining Ten Ten Rd for access.

We appear to have access to city water/sewer and natural gas. Preference to build buildings instead of sell lots.

Lot sizes will vary due to environmental constraints. Maybe 4-5 acre lot sizes.

### Question/Concern #2:

Supporting of the project, curious about the process, timeline of project.

#### Applicant's Response:

Planning to submit the application in June, will have public hearings and anticipate final action in August.

Infrastructure construction could begin 8 months after the rezoning.

### Question/Concern #3:

Good project- hard to find good Light Industrial property. Who might object to this project?

#### Applicant's Response:

Agreed. We are not adjacent to any single-family residential, so don't anticipate any objections.

### Question/Concern #4:

Access onto Ten Ten Road and traffic improvements?

#### Applicant's Response:

Major widening of Ten Ten Road has been approved for 2030. We have hired Ramey Kemp & Assoc. to do a TIA. NCDOT and

Apex traffic engineer expressed preference for entrance on the side of the frontage near the mini warehouse.



# 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, Hayes Finley, 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 WebEx (indicate format of meeting) on April 28, 2021 (date) from 5pm (start time) to 7pm (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.

4/28/21  
Date

By: Hayes Finley

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Cynthia L. Jackson, a Notary Public for the above State and County, on this the 28th day of June, 2021.

SEAL



Cynthia L. Jackson  
Notary Public  
Cynthia L. Jackson  
Print Name

My Commission Expires: 1-7-2023



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
Tel 919.755.8700 Fax 919.755.8800  
WWW.FOXROTHSCHILD.COM

GRAY STYERS  
Direct No: 919 755 8741  
Email: GStyers@Foxrothschild.com

August 23, 2022

**Re: Notice of Virtual Meeting about Pending Rezoning**

Dear Neighbors:

You are cordially invited to participate in a virtual meeting on Thursday, **September 8, 2022**, to learn more about and discuss a proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road to Light Industrial to match the zoning classification of the remainder of that property. (This is the front portion of the property on which the radio station tower is located – on the south side of Ten Ten Road.)

The meeting will begin at **6:00 p.m.** You can participate online via WebEx video teleconference or by telephone.

To participate via video teleconference, follow these instructions:

1. Go to [www.webex.com](http://www.webex.com)
2. Click "Join a Meeting."
3. In the "Enter Meeting Information" bar, type the meeting number: 24251433035.
4. Then enter the Password: Neighbor
5. Tips:
  - a. You may download the desktop app or join from your browser.
  - b. You can call in for audio or use your computer audio.
  - c. Call in a few minutes early to set up your audio and video.

You may also join by phone, US Toll Free:

+1-800-598-1154 US Toll Free  
Access code: 2425 143 3035

Please see the enclosures for maps showing the property's location, current zoning classification, and the Town's future land use map.





Neighborhood Property Owners  
August 23, 2022  
Page 2

If you have any questions in advance of this meeting, we can be reached at:

Gray Styers  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[gstyers@foxrothschild.com](mailto:gstyers@foxrothschild.com)  
919-755-8741

Erin Catlett  
Fox Rothschild LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, NC 27601  
[ecatlett@foxrothschild.com](mailto:ecatlett@foxrothschild.com)  
919.719.1242

Sincerely,

*/s/ M. Gray Styers, Jr.*

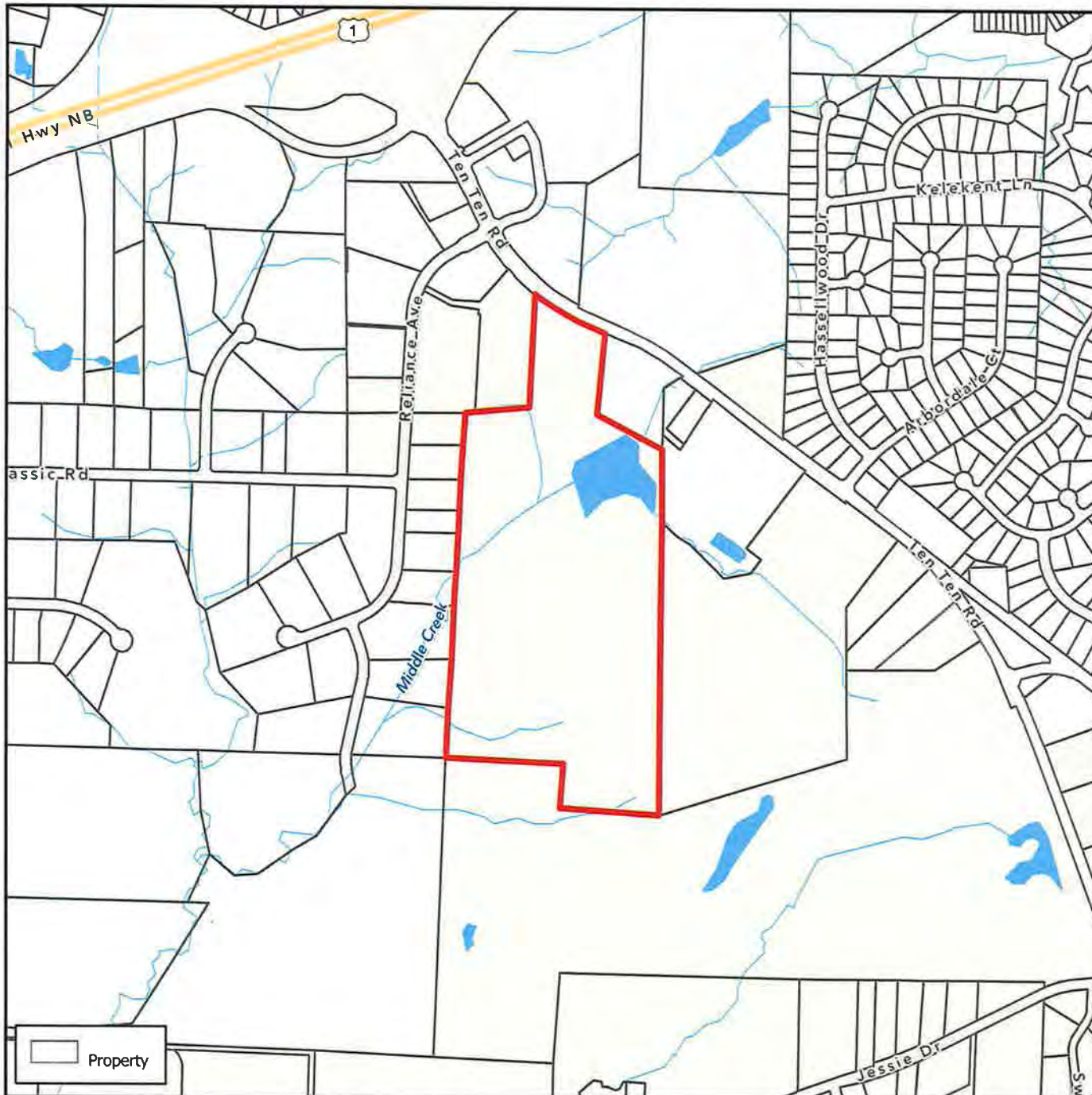
M. Gray Styers, Jr.

*/s/ Erin A. Catlett*

Erin A. Catlett

Enclosures

Cc: Mr. Bill Jackson  
Ms. Sarah Van Every



## Location Map - 2132 Ten Ten Road

PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

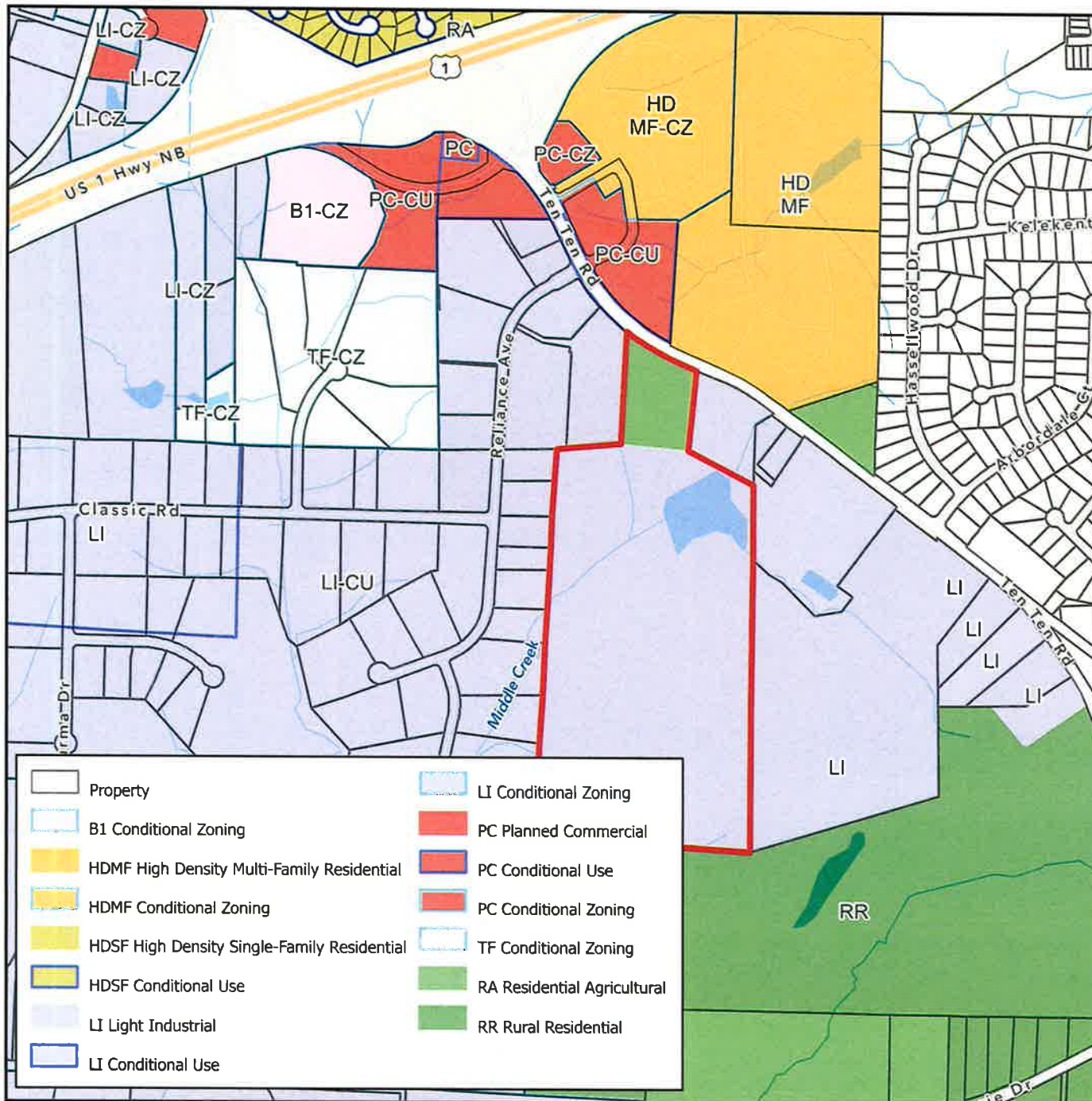


0 400 800 1600 ft  
 1 inch equals 800 feet

**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 Map - 2132 Ten Ten Road



PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

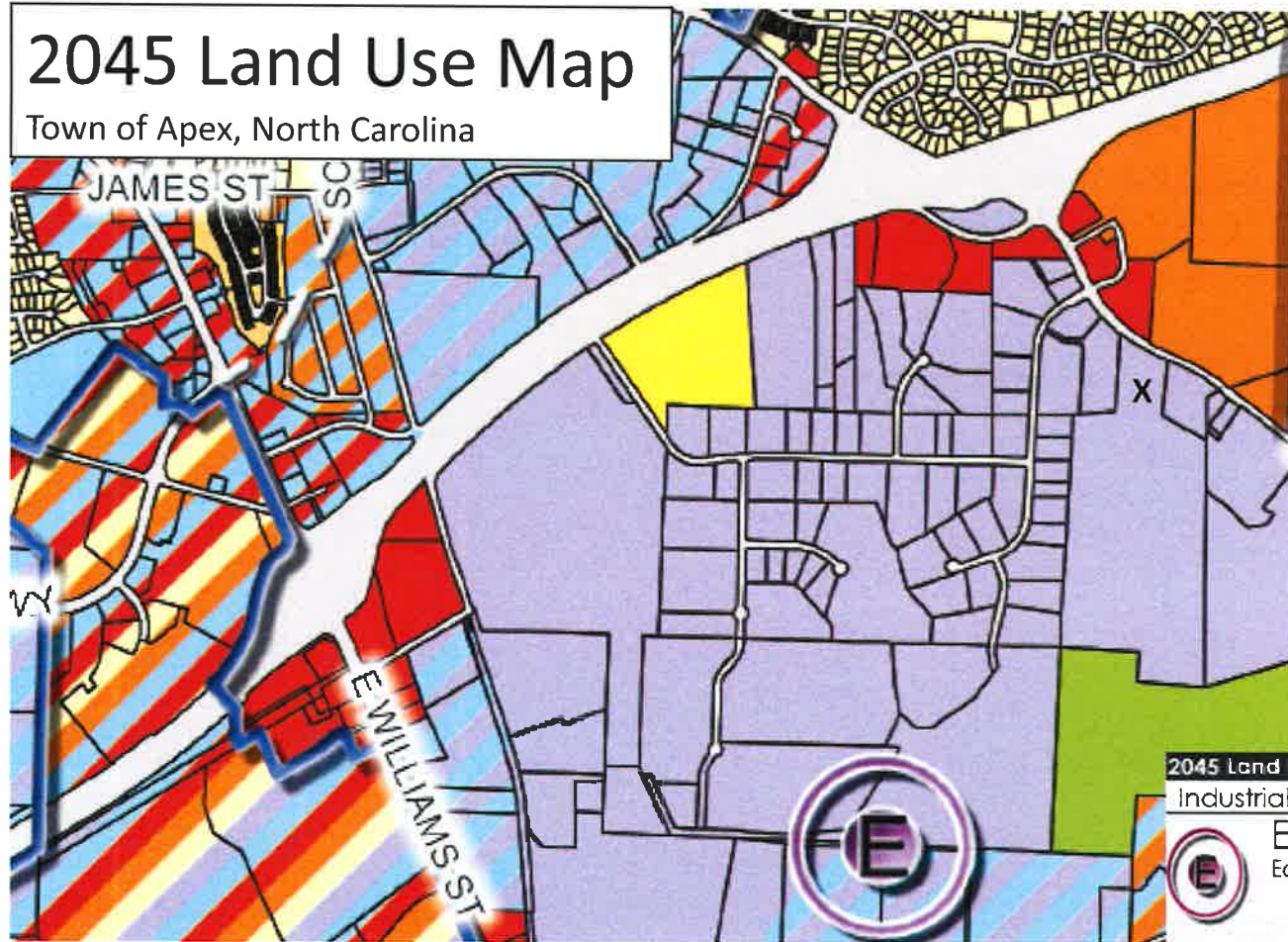


0 400 800 1600 ft  
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**Disclaimer**  
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# 2045 Land Use Map

Town of Apex, North Carolina



## Future Land Classifications

- Protected Open Space
- Rural Density Residential  
One dwelling unit per five acres
- Rural Transition Residential  
One dwelling unit per one acre
- Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
- Medium Density Residential  
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential  
Single-family homes, duplexes, triplexes, quadplexes, and townhomes\*
- High Density Residential  
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC

**Employment Mixed Use (EMU)**

Economic development potential estimated to be, but not limited to:

- Office, warehousing, tech/flex
- Some commercial



SITE ADDRESS		PIN NUM	OWNER	MAILING ADDRESS		
2445 RELIANCE AVE	0751363103		ABOOD, JOHN D ABOOD, MARILYN D	1413 ROCK CREEK LN	CARY NC 27511-5636	
0 PRISTINE WATER DR	0751235497		APEX INDUSTRIAL OWNER 3 LLC	WOODLAWN HALL AT OLD PARKLAND	3953 MAPLE AVE STE 300	DALLAS TX 75219-3228
2320 TEN TEN RD	0751449982		BRITE PROPERTIES LLC	PO BOX 2723	SHALLOTTE NC 28459-2723	
2512 TEN TEN RD	0751532815		CAREY C JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781	
200 SOLANDRA LN	0751477193		CFK APEX LAND CO LLC	MARVIN F POER & COMP	3520 PIEDMONT RD NE STE 410	ATLANTA GA 30305-1512
2200 TEN TEN RD	0751464462		COLONIAL PIPELINE CO	RESURGENS PLAZA	945 E PACES FERRY RD NE	ATLANTA GA 30326-1160
2455 RELIANCE AVE	0751352984		D & S INVESTMENTS LLC	3007 BUCKINGHAM WAY	APEX NC 27502-9341	
0 RELIANCE AVE	0751351185		ESTRELLA PROPERTIES II LLC	101 FERN BLUFF WAY	CARY NC 27518-8973	
2465 RELIANCE AVE	0751352880		FRIDLEY, JUDITH A	302 EDINBURGH DR	CARY NC 27511-6410	
2425 RELIANCE AVE	0751363870		HILDAN LLC	2425 RELIANCE AVE	APEX NC 27539-7049	
2290 TEN TEN RD	0751467337		JAY T PROPERTIES LLC	2019 EASTCHESTER DR	HIGH POINT NC 27265-1406	
2025 PRODUCTION DR	0751341664		LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER CRD	BOBBITT DESIGN BUILD	600 GERMANTOWN RD	RALEIGH NC 27607-5144
2147 TEN TEN RD	0751470207		MOJAC 2 LLC	PO BOX 28929	RALEIGH NC 27611-8929	
2300 TEN TEN RD	0751459934		MOTIVA ENTERPRISES LLC	PROPERTY TAX DEPT	PO BOX 2727	HOUSTON TX 77252-2727
0 RELIANCE AVE	0751352443		PINNACLE PARK INVESTMENTS LLC	5210 DRIFTWOOD LN	MOREHEAD CITY NC 28557-2576	
2019 PRODUCTION DR	0751342839		PRODUCTION DRIVE BUSINESS CENTER CONDOS	ABCZ PROPERTIES LLC	2511 RELIANCE AVE	APEX NC 27539-6347
2110 TEN TEN RD	0751367704		PS NC III LP	PS# 25863	701 WESTERN AVE	GLENDALE CA 91201-2349
2475 RELIANCE AVE	0751352673		RELIANCE CENTER CONDOMINIUM	7905 BLANEY FRANKS RD	APEX NC 27539-7460	
2401 RELIANCE AVE	0751375103		RELIANCE LLC	2401 RELIANCE AVE	APEX NC 27539-7049	
2280 TEN TEN RD	0751466438		SCF RC FUNDING I LLC	902 CARNEGIE CTR STE 520	PRINCETON NJ 08540-6531	
2435 RELIANCE AVE	0751363310		SEVEN SPRINGS PROPERTIES GROUP LLC	2435 RELIANCE AVE	APEX NC 27539-7049	
2132 TEN TEN RD	0751359861		VERTICAL BRIDGE AM II LLC	750 PARK OF COMMERCE DR STE 200	BOCA RATON FL 33487-3650	
			APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
			Current Tenant	3011 Akebia WAY	APEX NC 27539	
			Current Tenant	3012 Akebia WAY	APEX NC 27539	
			Current Tenant	3013 Akebia WAY	APEX NC 27539	
			Current Tenant	3014 Akebia WAY	APEX NC 27539	
			Current Tenant	3021 Akebia WAY	APEX NC 27539	
			Current Tenant	3022 Akebia WAY	APEX NC 27539	
			Current Tenant	3023 Akebia WAY	APEX NC 27539	
			Current Tenant	3024 Akebia WAY	APEX NC 27539	
			Current Tenant	3111 Akebia WAY	APEX NC 27539	
			Current Tenant	3112 Akebia WAY	APEX NC 27539	
			Current Tenant	3113 Akebia WAY	APEX NC 27539	
			Current Tenant	3114 Akebia WAY	APEX NC 27539	
			Current Tenant	3121 Akebia WAY	APEX NC 27539	
			Current Tenant	3122 Akebia WAY	APEX NC 27539	
			Current Tenant	3123 Akebia WAY	APEX NC 27539	
			Current Tenant	3124 Akebia WAY	APEX NC 27539	
			Current Tenant	3211 Akebia WAY	APEX NC 27539	
			Current Tenant	3212 Akebia WAY	APEX NC 27539	
			Current Tenant	3213 Akebia WAY	APEX NC 27539	
			Current Tenant	3214 Akebia WAY	APEX NC 27539	
			Current Tenant	3221 Akebia WAY	APEX NC 27539	
			Current Tenant	3222 Akebia WAY	APEX NC 27539	
			Current Tenant	3223 Akebia WAY	APEX NC 27539	
			Current Tenant	3224 Akebia WAY	APEX NC 27539	
			Current Tenant	2200 Hedera WAY	APEX NC 27539	
			Current Tenant	2211 Hedera WAY	APEX NC 27539	
			Current Tenant	2212 Hedera WAY	APEX NC 27539	
			Current Tenant	2213 Hedera WAY	APEX NC 27539	
			Current Tenant	2214 Hedera WAY	APEX NC 27539	
			Current Tenant	2215 Hedera WAY	APEX NC 27539	
			Current Tenant	2216 Hedera WAY	APEX NC 27539	
			Current Tenant	2311 Hedera WAY	APEX NC 27539	
			Current Tenant	2312 Hedera WAY	APEX NC 27539	
			Current Tenant	2313 Hedera WAY	APEX NC 27539	
			Current Tenant	2314 Hedera WAY	APEX NC 27539	
			Current Tenant	2321 Hedera WAY	APEX NC 27539	
			Current Tenant	2322 Hedera WAY	APEX NC 27539	
			Current Tenant	2323 Hedera WAY	APEX NC 27539	
			Current Tenant	2324 Hedera WAY	APEX NC 27539	
			Current Tenant	2400 Hedera WAY	APEX NC 27539	
			Current Tenant	2411 Hedera WAY	APEX NC 27539	
			Current Tenant	2412 Hedera WAY	APEX NC 27539	
			Current Tenant	2413 Hedera WAY	APEX NC 27539	
			Current Tenant	2414 Hedera WAY	APEX NC 27539	
			Current Tenant	2415 Hedera WAY	APEX NC 27539	
			Current Tenant	2416 Hedera WAY	APEX NC 27539	
			Current Tenant	2600 Hedera WAY	APEX NC 27539	
			Current Tenant	2611 Hedera WAY	APEX NC 27539	
			Current Tenant	2612 Hedera WAY	APEX NC 27539	
			Current Tenant	2613 Hedera WAY	APEX NC 27539	
			Current Tenant	2614 Hedera WAY	APEX NC 27539	
			Current Tenant	2615 Hedera WAY	APEX NC 27539	
			Current Tenant	2622 Hedera WAY	APEX NC 27539	
			Current Tenant	2623 Hedera WAY	APEX NC 27539	
			Current Tenant	2624 Hedera WAY	APEX NC 27539	
			Current Tenant	2625 Hedera WAY	APEX NC 27539	
			Current Tenant	2300 Heldera WAY	APEX NC 27539	
			Current Tenant	4311 Mandavilla WAY	APEX NC 27539	
			Current Tenant	Mandavilla WAY	APEX NC 27539	
			Current Tenant	Mandavilla WAY	APEX NC 27539	

[illegible]



[illegible]

Current Tenant	2445B Reliance AVE	APEX NC 27539
Current Tenant	2445C Reliance AVE	APEX NC 27539
Current Tenant	2455B Reliance AVE	APEX NC 27539
Current Tenant	2455A Reliance AVE	APEX NC 27539
Current Tenant	2455C Reliance AVE	APEX NC 27539
Current Tenant	2455D Reliance AVE	APEX NC 27539
Current Tenant	2455 Reliance AVE	APEX NC 27539
Current Tenant	2465 Reliance AVE	APEX NC 27539
Current Tenant	2469 Reliance AVE	APEX NC 27539
Current Tenant	2475 Reliance AVE	APEX NC 27539
Current Tenant	2477 Reliance AVE	APEX NC 27539
Current Tenant	2479 Reliance AVE	APEX NC 27539
Current Tenant	2481 Reliance AVE	APEX NC 27539
Current Tenant	2483 Reliance AVE	APEX NC 27539
Current Tenant	200 Solandra LN	APEX NC 27539
Current Tenant	211 Solandra LN	APEX NC 27539
Current Tenant	212 Solandra LN	APEX NC 27539
Current Tenant	213 Solandra LN	APEX NC 27539
Current Tenant	214 Solandra LN	APEX NC 27539
Current Tenant	221 Solandra LN	APEX NC 27539
Current Tenant	222 Solandra LN	APEX NC 27539
Current Tenant	223 Solandra LN	APEX NC 27539
Current Tenant	224 Solandra LN	APEX NC 27539
Current Tenant	300 Solandra LN	APEX NC 27539
Current Tenant	311 Solandra LN	APEX NC 27539
Current Tenant	312 Solandra LN	APEX NC 27539
Current Tenant	313 Solandra LN	APEX NC 27539
Current Tenant	314 Solandra LN	APEX NC 27539
Current Tenant	315 Solandra LN	APEX NC 27539
Current Tenant	316 Solandra LN	APEX NC 27539
Current Tenant	400 Solandra LN	APEX NC 27539
Current Tenant	411 Solandra LN	APEX NC 27539
Current Tenant	412 Solandra LN	APEX NC 27539
Current Tenant	413 Solandra LN	APEX NC 27539
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Current Tenant	500 Solandra LN	APEX NC 27539
Current Tenant	511 Solandra LN	APEX NC 27539
Current Tenant	512 Solandra LN	APEX NC 27539
Current Tenant	513 Solandra LN	APEX NC 27539
Current Tenant	514 Solandra LN	APEX NC 27539
Current Tenant	515 Solandra LN	APEX NC 27539
Current Tenant	521 Solandra LN	APEX NC 27539
Current Tenant	522 Solandra LN	APEX NC 27539
Current Tenant	524 Solandra LN	APEX NC 27539
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Current Tenant	600 Solandra LN	APEX NC 27539
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Current Tenant	622 Solandra LN	APEX NC 27539
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Current Tenant	625 Solandra LN	APEX NC 27539
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Current Tenant	722 Solandra LN	APEX NC 27539
Current Tenant	723 Solandra LN	APEX NC 27539
Current Tenant	724 Solandra LN	APEX NC 27539
Current Tenant	2110 Ten Ten RD	APEX NC 27539
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Current Tenant	2127 Ten Ten RD	APEX NC 27539
Current Tenant	2129 Ten Ten RD	APEX NC 27539
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Current Tenant	2133 Ten Ten RD	APEX NC 27539
Current Tenant	2135 Ten Ten RD	APEX NC 27539
Current Tenant	2137 Ten Ten RD	APEX NC 27539
Current Tenant	2139 Ten Ten RD	APEX NC 27539
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Current Tenant	2143 Ten Ten RD	APEX NC 27539
Current Tenant	2145 Ten Ten RD	APEX NC 27539
Current Tenant	2147 Ten Ten RD	APEX NC 27539
Current Tenant	2280 Ten Ten RD	APEX NC 27539
Current Tenant	2290 Ten Ten RD	APEX NC 27539
Current Tenant	2300 Ten Ten RD	APEX NC 27539
Current Tenant	Ten Ten RD	APEX NC 27539
Current Tenant	Ten Ten RD	APEX NC 27539



Virtual Neighborhood Meeting hosted via Webex  
Thursday, September 8, 2022  
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

### **AGENDA**

- I. Introductions of Applicant Team
- II. Introductions of Attendees
- III. Explanation of the Rezoning Process
- IV. Explanation of Future Meetings
  - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
  - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
- VI. Questions and Comments from Attendees

Applicant Attorney:

M. Gray Styers  
434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
[gstyers@foxrothschild.com](mailto:gstyers@foxrothschild.com)  
919.755.8741

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual Meeting held via Webex

Date of meeting: September 8, 2022 Time of meeting: 6:00pm

Property Owner(s) name(s): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC, c/o Gray Styers

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Eric Puskar	4316 Mandavilla Way, Apex	not provided	not provided	
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC c/o Gray Styers

Contact information (email/phone): gsyters@foxrothschild.com/919.755.8741

Meeting Address: virtual meeting held via Webex

Date of meeting: September 8, 2022

Time of meeting: 6:00pm

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

Question/Concern #1:

No questions from attendee

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:



Virtual Neighborhood Meeting hosted via Webex  
Thursday, September 8, 2022  
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

**MINUTES OF MEETING**

- I. Introductions of Applicant Team
  - i. Gray Styers introduced the applicant team members present on the call:
    - 1. Bill Jackson, representative from J. National Capital V, LLC (applicant)
    - 2. Gray Styers, Erin Catlett (attorneys for applicant)
    - 3. Bruce Gamboe, Melanie DeJesus (technology team)
- II. Introductions of Attendees
  - i. One attendee identified:
    - 1. Eric Puskar, 4316 Mandavilla Way, Apex, NC 27502
      - a. Volunteered his presence was to hear about what is proposed for the parcel
- III. Explanation of the Rezoning Process
  - i. Orientation to the location of the parcel using Location Map (attached)
  - ii. Town of Apex Zoning Map to show the split zoned parcel (attached)
  - iii. Overview of the rezoning process in the Town of Apex
- IV. Explanation of Future Meetings
  - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
  - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
  - i. Provided background on the parcel and the surrounding area of light industrial uses
  - ii. Expanded on the nature of the split zoning of the parcel – only the 4.4-acre portion of the larger parcel is the subject of the rezoning to Light Industrial. If the rezoning is approved, the small portion will then match the zoning rest of the parcel and the surrounding parcels
  - iii. Provided a history of the rezoning application including a Neighborhood Meeting hosted in 2021 with no opposition
  - iv. Provided information regarding the tower on the parcel and the condition to the rezoning application to strengthen the radio tower and create a zero-fall zone providing a safer tower
  - v. Provided further detail regarding the requested rezoning to Light Industrial and potential associated uses
  - vi. Provided further detail regarding the Future Land Use Map and the Industrial Employment designation

- vii. Provided further detail on the conditions being added as part of the rezoning application
  - viii. Reviewed rezoning process in a bit more detail including the upcoming Planning Board Meeting and Town Council Meeting
  - ix. Reviewed next steps if the rezoning is approved – site plan approval, permits for construction and building
- VI. Questions and Comments from Attendees
  - i. Attendee, Mr. Puskar had no questions
- VII. Questions and Comments received via Chat Feature in Webex
  - i. None recieved
- VIII. Questions and Comments received via Written Correspondence or Phone Call
  - i. None received

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, M. Gray Styers, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting held via Webex (location/address)  
on September 8, 2022 (date) from 6:00pm (start time) to 6:35pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

September 9, 2022

Date

By: M. Gray Styers

STATE OF NORTH CAROLINA  
COUNTY OF ~~WAKE~~ Guilford

Sworn and subscribed before me, Debra Parks Little Notary Public for the above State and  
County, on this the 9th day of September, 20 22.

SEAL



Debra Parks Little  
Notary Public  
Debra Parks Little  
Print Name

My Commission Expires: 8/10/26



## Location Map - 2132 Ten Ten Road

PARCEL\_PK: 43874  
 REID: 0067257  
 PIN\_NUM: 0751359861  
 PIN\_EXT: 000  
 LAND\_VAL: 3056518  
 BLDG\_VAL: 3895  
 TOTAL\_VALUE\_ASSD: 3060413  
 DEED\_ACRES: 57.620000000000005  
 YEAR\_BUILT: 1915  
 HEATEDAREA: 1383  
 TYPE\_AND\_USE: 01  
 TYPE\_USE\_DECODE: SINGLFAM  
 DESIGNSTYL: CVL  
 DESIGN\_STYLE\_DECODE: Conventional  
 PLANNING\_JURISDICTION: AP  
 TOWNSHIP: 20  
 TOWNSHIP\_DECODE: WHITE OAK  
 FIREDIST: 23  
 OWNER: VERTICAL BRIDGE AM II LLC  
 ADDR1: 750 PARK OF COMMERCE DR STE 200  
 ADDR2: BOCA RATON FL 33487-3650  
 DEED\_BOOK: 018240  
 DEED\_PAGE: 02345  
 DEED\_DATE: 12/15/2020  
 UNITS: 1  
 LAND\_CODE: B  
 LAND\_CLASS: AHS  
 LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
 OWNERSHIP: 1020  
 ACTIVITY: 1100  
 FUNCTION: 1100  
 STRUCTURE: 1110

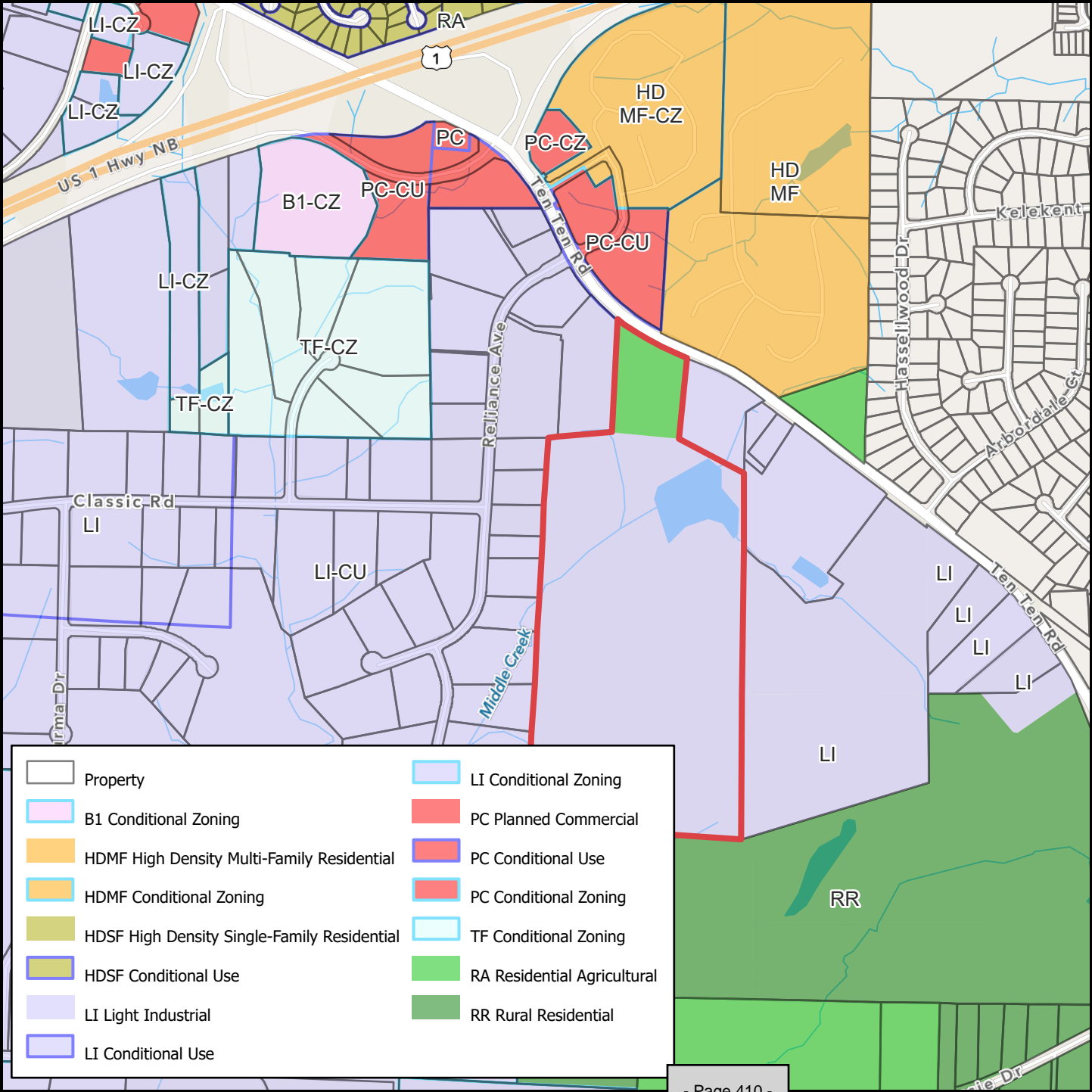


0 400 800 1600 ft  
 1 inch equals 800 feet

### **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 Map - 2132 Ten  
Ten Road**



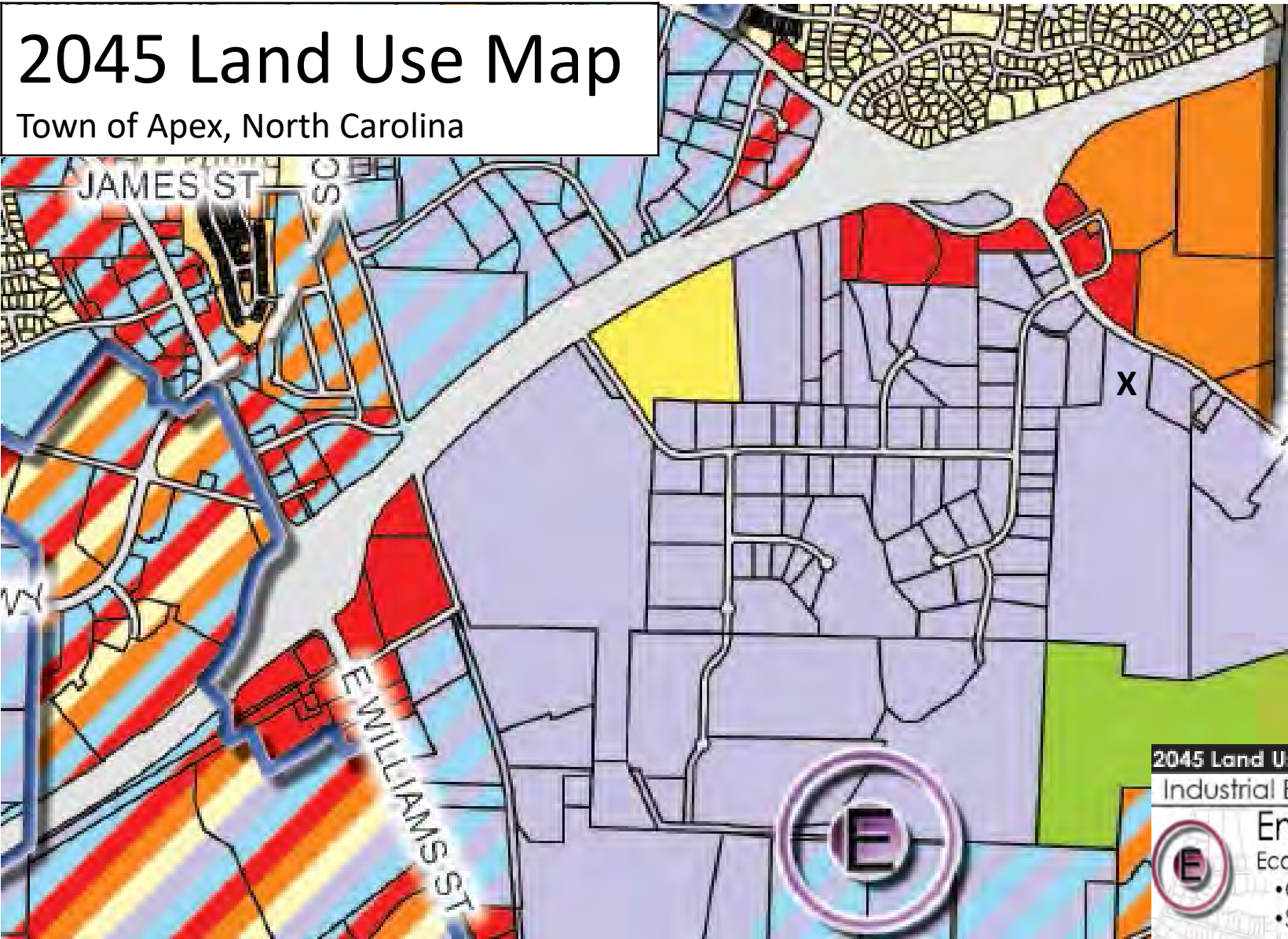
PARCEL\_PK: 43874  
REID: 0067257  
PIN\_NUM: 0751359861  
PIN\_EXT: 000  
LAND\_VAL: 3056518  
BLDG\_VAL: 3895  
TOTAL\_VALUE\_ASSD: 3060413  
DEED\_ACRES: 57.620000000000005  
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DEED\_PAGE: 02345  
DEED\_DATE: 12/15/2020  
UNITS: 1  
LAND\_CODE: B  
LAND\_CLASS: AHS  
LAND\_CLASS\_DECODE: Acres Greater Than 10 With House  
OWNERSHIP: 1020  
ACTIVITY: 1100  
FUNCTION: 1100  
STRUCTURE: 1110

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# 2045 Land Use Map

Town of Apex, North Carolina



## Future Land Classifications

- Protected Open Space
- Rural Density Residential  
One dwelling unit per five acres
- Rural Transition Residential  
One dwelling unit per one acre
- Low Density Residential  
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
- Medium Density Residential  
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential  
Single-family homes, duplexes, triplexes, quadplexes, and townhomes\*
- High Density Residential  
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC
Employment Mixed Use (EMU)	
Economic development potential estimated to be, but not limited to:	
<ul style="list-style-type: none"><li>• Office, warehousing, tech/flex</li><li>• Some commercial</li></ul>	





Date: **July 19, 2022**

Bill Jackson  
J National Capital V LLC  
4006 Abbey Park Way  
Raleigh, NC 27612

Engineered Tower Solutions, PLLC  
3227 Wellington Court  
Raleigh, NC 27615  
(919) 782-2710

**Subject:** **Fall Zone Letter**

**Tower Owner Designation:** **Vertical Bridge Site Number:** US-NC-5033  
**Vertical Bridge Site Name:** RAL-027-FM

**Engineering Firm Designation:** **Engineered Tower Solutions Job Number:** 22105172.STR.1671

**Site Data:** **2132 Ten Ten Road, Apex, Wake County, NC 27502**  
**Latitude 35° 42' 50.02", Longitude -78° 49' 2.96"**  
**1580 Foot – Guyed Tower**

Dear Bill Jackson,

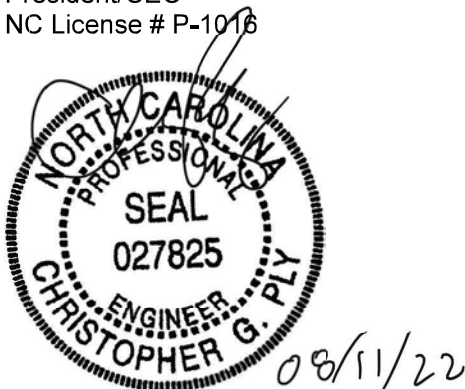
*Engineered Tower Solutions* is pleased to submit this **“Fall Zone Letter”** to comment on the above-mentioned tower.

The Structural Modification Drawings sealed by Stainless on May 24, 2022 (Stainless Project no. 327621) meets all current applicable codes and standards. The structural modification drawings address the overstresses outlined in the Comprehensive Structural Analysis by Stainless on April 15, 2022 (Stainless Report no. 327620). Upon completion of the structural modifications outlined in Stainless Project no. 327621, the subject tower will be adequate to support the applied loads at the required design event as outlined in the North Carolina Building Code, 2018 edition. When a design wind event occurs, there are additional safety factors that allow the structure to remain in satisfactory condition with no signs of failure. **Thus, the fall zone under the design considerations as outlined by the building code is 0 feet.**

We at the *Engineered Tower Solutions* appreciate the opportunity of providing our continuing professional services to you. If you have any questions or need further assistance on this or any other projects, please give us a call.

Fall Zone Letter Prepared by:

Christopher Ply, PE, SE  
President/CEO  
NC License # P-1016



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



## Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

## PROJECT DESCRIPTION:

**Acreage:** ±4.6 acres

**PIN(s):** 0751359861 (portion of)

**Current Zoning:** Residential Agricultural (RA)

**Proposed Zoning:** Light Industrial-Conditional Zoning (LI-CZ)

**2045 Land Use Map:** Industrial Employment

**Town Limits:** ETJ

## Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

☒ Apex Transportation Plan  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

☐ Parks, Recreation, Open Space, and Greenways Plan  
☐ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



## Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



### Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Sarah Soh

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of September 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin  
Date: 2022.09.12 16:57:13  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** J National Capital V, LLC  
**Authorized Agent:** Fox Rothschild, LLP  
**Property Address:** 2132 Ten Ten Road  
**Acreage:** ±4.6 acres  
**Property Identification Number (PIN):** 0751359861 (portion of)  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Properties:** Residential Agricultural (RA)  
**Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: October 11, 2021 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Bonnie Brock (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.caryinfo.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36173>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: September 24 – October 11, 2021





**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17**  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC  
**Agente autorizado:** Fox Rothschild, LLP  
**Dirección de las propiedades:** 2132 Ten Ten Road  
**Superficie:** ±4.6 acres  
**Número de identificación de las propiedades:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedades:** Residential Agricultura (RA)  
**Ordenamiento territorial propuesto para las propiedades:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de octubre, 2021 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raincnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/3779](http://www.apexnc.org/DocumentCenter/View/3779). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 24 de septiembre - 11 de octubre, 2021



**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
**CONDITIONAL ZONING #21CZ17**  
**2132 Ten Ten Road**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** J National Capital V, LLC
- Authorized Agent:** Fox Rothschild, LLP
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: October 11, 2021 4:30 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Bonnie Brock (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC

**Agente autorizado:** Fox Rothschild, LLP

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedades:** Residential Agricultura (RA)

**Ordenamiento territorial propuesto para las propiedades:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

### **Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de octubre, 2021 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

### **Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario





Meridian  
at Ten Ten

Avalon Peaks

Reliance Ave

Akebia Way

Nasturtium Way

Hedera Way

Kiftgate Ln

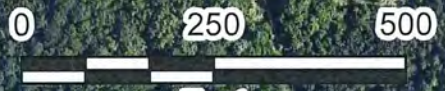
Mandavilla Way

Solandra Ln

Ten Ten Rd

Rezoning #21CZ17

Classic Rd



Public Hearing Sign Posted By

Signature

Date  
7/7/21





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17  
Ten Ten Business Park

Project Location: 2132 Ten Ten Road

Applicant or Authorized Agent: Fox Rothschild, LLP

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

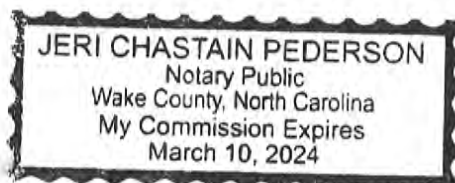
9/27/2021  
Date

Shanne F. Klein  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 27 day of September, 2021.



Jeri Chastain Pederson  
Notary Public

My Commission Expires: 03 / 10 / 2024





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
**CONDITIONAL ZONING #21CZ17**  
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** J National Capital V, LLC.  
**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Property Address:** 2132 Ten Ten Road  
**Acreage:** ±4.6 acres  
**Property Identification Number (PIN):** 0751359861 (portion of)  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: September 12, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: August 26 - September 12, 2022





**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17**  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC.  
**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** ±4.6 acres.  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de septiembre de 2022 4:30 P.M.**  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario



# TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** J National Capital V, LLC.

**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Property Address:** 2132 Ten Ten Road

**Acreage: ±4.6 acres**

**Property Identification Number (PIN):** 0751359861 (portion of)

### 2045 Land Use Map Designation: Industrial Employment

**Existing Zoning of Property:** Residential Agricultural (RA)

**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: September 12, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC.

**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 12 de septiembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING

### Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17  
Ten Ten Business Park

Project Location: 2132 Ten Ten Road

Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/29/2022  
Date

Shane F. Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 29 day of August, 202 2.



Joshua Killian  
Notary Public

My Commission Expires: 06/19/2027





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ17  
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** National Capital V, LLC.  
**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Property Address:** 2132 Ten Ten Road  
**Acreage:** ±4.6 acres  
**Property Identification Number (PIN):** ±4.6 acres  
**2045 Land Use Map Designation:** Industrial Employment  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.  
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time:** September 27, 2022 6:00 PM  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>

If you are unable to attend, you may provide a written statement by email to [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/lmaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36376>.

Dianne F. Ktun, AICP  
Director of Planning and Community Development





**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17**  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC.  
**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.  
**Dirección de las propiedad:** 2132 Ten Ten Road  
**Superficie:** ±4.6 acres  
**Número de identificación de las propiedad:** 0751359861 (portion of)  
**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

*Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificada a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal:** 27 de septiembre de 2022 6:00 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public\\_hearing@apexnc.org](mailto:public_hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/lmaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/478>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 2 de septiembre - 27 de septiembre de 2022





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** National Capital V, LLC.

**Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Property Address:** 2132 Ten Ten Road

**Acreage:** ±4.6 acres

**Property Identification Number (PIN):** 0751359861 (portion of)

**2045 Land Use Map Designation:** Industrial Employment

**Existing Zoning of Property:** Residential Agricultural (RA)

**Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.  
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

### **Town Council Public Hearing Date and Time: September 27, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17  
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** J National Capital V, LLC.

**Agente autorizado:** M. Gray Styers, Jr., Fox Rothschild, LLP.

**Dirección de las propiedad:** 2132 Ten Ten Road

**Superficie:** ±4.6 acres

**Número de identificación de las propiedad:** 0751359861 (portion of)

**Designación actual en el Mapa de Uso Territorial para 2045:** Industrial Employment

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** Light Industrial-Conditional Zoning (LI-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 27 de septiembre de 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

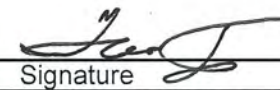




July, 2021  
May 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department

0 250 500  
Feet

Public Hearing Sign Posted By

  
Signature

7/7/21  
Date





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17  
Ten Ten Business Park

Project Location: 2132 Ten Ten Road

Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 2, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

9/6/2022  
Date

Deanne Fkhin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above  
State and County, this the 6 day of September, 202 2.



Joshua Killian  
Notary Public

My Commission Expires: 6 / 19 / 2027



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Lauren Staudenmaier, Planner II  
Department(s): Planning and Community Development

### Requested Motion

Public Hearing and possible motion to approve Rezoning Application #22CZ16 1039 Irongate Drive. The applicant, Aaron Robertson, seeks to rezone approximately 0.46 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1039 Irongate Drive.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on September 12, 2022 and unanimously recommended approval of the rezoning with conditions offered by the applicant.

### Item Details

The property to be rezoned is identified as PIN 0741129183.

## Attachments

- Staff Report
- Vicinity Map
- Application



## STAFF REPORT

### Rezoning #22CZ16 1039 Irongate Drive

September 27, 2022 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

#### **BACKGROUND INFORMATION:**

**Location:** 1039 Irongate Drive  
**Applicant/Owner:** Aaron Robertson/A-Man's Property Services, LLC.

#### **PROJECT DESCRIPTION:**

**Acreage:** ±0.46 acres  
**PIN:** 0741129183  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Medium Density-Conditional Zoning (MD-CZ)  
**Current 2045 Land Use Map:** Medium/High Density Residential/Office Employment  
**Town Limits:** Corporate Limits

#### **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Rural Residential (RR)	Irongate Dr; Single-family Residential (Iron Gate Subdivision)
<b>South:</b>	Rural Residential (RR)	Single-family Residential; Agriculture
<b>East:</b>	Rural Residential (RR)	Single-family Residential (Iron Gate Subdivision)
<b>West:</b>	Rural Residential (RR)	Single-family Residential (Iron Gate Subdivision)

#### **Existing Conditions:**

The subject property is a total of ±0.46 acres and is located on the south side of Irongate Drive and east of Tingen Road. This property contains an existing foundation for a single-family dwelling that does not meet the setbacks of the current zoning district. The dwelling has already been moved to the site, but is not yet on the permanent foundation. The rear of the site is vegetated.

#### **Neighborhood Meeting:**

The applicant conducted a neighborhood meeting on June 23, 2022. The neighborhood meeting report is attached.

#### **WCPSS Coordination:**

A Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning as an increase in the number of homes allowed is not possible based on the proposed zoning conditions.

#### **2045 LAND USE MAP:**

The 2045 Land Use Map identifies the subject property as Medium/High Density Residential/Office Employment. The proposed rezoning to Medium Density-Conditional Zoning (MD-CZ) is not consistent with that land use classification. If the property is rezoned as proposed, the 2045 LUM will automatically be amended to Medium Density Residential per NCGS 160D-605(a).

## STAFF REPORT

Rezoning #22CZ16 1039 Irongate Drive

September 27, 2022 Town Council Meeting



### PROPOSED ZONING CONDITIONS:

#### Limitation of Uses:

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

#### Permitted Uses and Limitations:

1. Single-family (P)
2. Accessory apartment (P)

#### Conditions:

1. The minimum lot width shall be 90 feet.
2. The front setback shall be at least 25.5 feet.
3. No permitted encroachments within the required front setback shall be allowed with the exception of eaves.

### EAB RECOMMENDATIONS:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2. The proposed rezoning is under one (1) acre and is proposed to resolve a nonconformity.

### PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ16 with the conditions as offered by the applicant.

### PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on September 12, 2022 and unanimously recommended approval with the conditions as proposed by the applicant. The Planning Board also provided a note that Stormwater Staff will need to go onsite to review current stormwater issues in the right-of-way (ditch).

### ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the subject property as Medium/High Density Residential/Office Employment. If the property is rezoned as proposed, the 2045 LUM will automatically be amended to Medium Density Residential per NCGS 160D-605(a).

The proposed rezoning is reasonable and in the public interest because it resolves the nonconformity associated with the current placement of the foundation for the single-family dwelling. The existing foundation was poured in the front setback of the current zoning district causing a compliance issue with UDO Section 5.1.1 *Table of Intensity and Dimensional Standards, Residential Districts*. The proposed rezoning conditions also ensure that the lot cannot be further subdivided so that it remains consistent with the lot sizes in the neighborhood

## STAFF REPORT

Rezoning #22CZ16 1039 Irongate Drive

September 27, 2022 Town Council Meeting



### CONDITIONAL ZONING STANDARDS:

The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards.

#### 2.3.3.F:

##### **Legislative Considerations**

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.







## PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 22CZ16

Submittal Date: 7/1/22

Fee Paid: \_\_\_\_\_

### Project Information

Project Name: Aaron Robertson

Address(es): 1039 Irongate Drive

PIN(s): 0741129183

Acreage: 0.46

Current Zoning: RR

Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium/High Density Residential/Office Employment

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

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

Area classified as mixed use: Acreage: \_\_\_\_\_

Area proposed as non-residential development: Acreage: \_\_\_\_\_

Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Aaron Robertson

Address: PO Box 712

City: Morrisville

State: NC

Zip: 27560

Phone: 919-780-4843

E-mail: amansproperties0425@gmail.com

### Owner Information

Name: A-Man's Property Services, LLC

Address: PO Box 712

City: Morrisville

State: NC

Zip: 27560

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Agent Information

Name: Aaron Robertson

Address: PO Box 712

City: Morrisville

State: NC

Zip: 27560

Phone: 919-780-4843

E-mail: amansproperties0425@gmail.com

Other contacts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION INFORMATION**Application #: 22CZ16 Submittal Date: 7/1/22

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

**PROPOSED USES:**

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

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

## PETITION INFORMATION

Application #: 22CZ16 Submittal Date: 7/1/22

### PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

1. The minimum lot width shall be 90 feet.
2. The front setback shall be at least 25.5 feet.
3. No permitted encroachments within the required front setback shall be allowed with the exception of eaves.

### LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed rezoning and LUM change to Medium Density Residential will be consistent because the proposed zoning conditions will allow the property to be consistent with the surrounding neighborhood.

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

The proposed uses and conditions for this rezoning will ensure that the district is compatible with the surrounding residential land uses.

PETITION INFORMATION

Application #: 22CZ16 Submittal Date: 7/1/22

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

The proposed Conditional Zoning District will be in compliance with Section 4.4 Supplemental Standards.

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

The design will match the surrounding residential areas, comply with Section 6.3, and will have no significant adverse impacts on surrounding lands.

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5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The proposed uses will minimize environmental impacts by reducing the amount of tree removal.

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6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed uses will not increase the demand on public facilities and services.

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7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed uses will not be detrimental to health, safety, or welfare of the residents of the town.

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PETITION INFORMATION

Application #: 22CZ16 Submittal Date: 7/1/22

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

The proposed uses will not be detrimental adjacent properties.

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

The proposed uses will not constitute as a nuisance or hazard to adjacent properties.

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

The proposed rezoning will comply with all standards.



# AGENT AUTHORIZATION FORM

Application #: 22CZ16

Submittal Date: 7/1/22

AARON ROBERTSON

is the owner\* of the property for which the attached

application is being submitted: Aaron Robertson/A-Man's Property Services LLC

- ☐ 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:

1039 IRONBATE DR

The agent for this project is:

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

Agent Name:

Aaron Robertson

Address:

PO BOX 712, Morrisville NC 27560

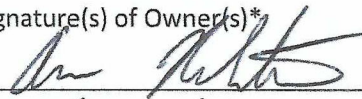
Telephone Number:

919-780-4843

E-Mail Address:

amansproperties 0425@gmail.com

Signature(s) of Owner(s)\*



Aaron Robertson

Type or print name

6/30/22

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

# AFFIDAVIT OF OWNERSHIP

Application #: 22CZ16

Submittal Date: 7/1/22

The undersigned, Aaron Robertson (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 1039 Irongate Dr. Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/20/22, and recorded in the Wake County Register of Deeds Office on 1/20/22, in Book 18888 Page 2117.
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 1/20/22, 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 1/20/22, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30<sup>th</sup> day of June, 2022.

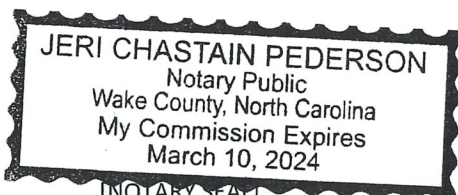
Aaron Robertson (seal)  
Aaron Robertson

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Aaron Robertson, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Jeri Chastain Pederson  
Notary Public  
State of North Carolina  
My Commission Expires: 3/10/2024



# AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

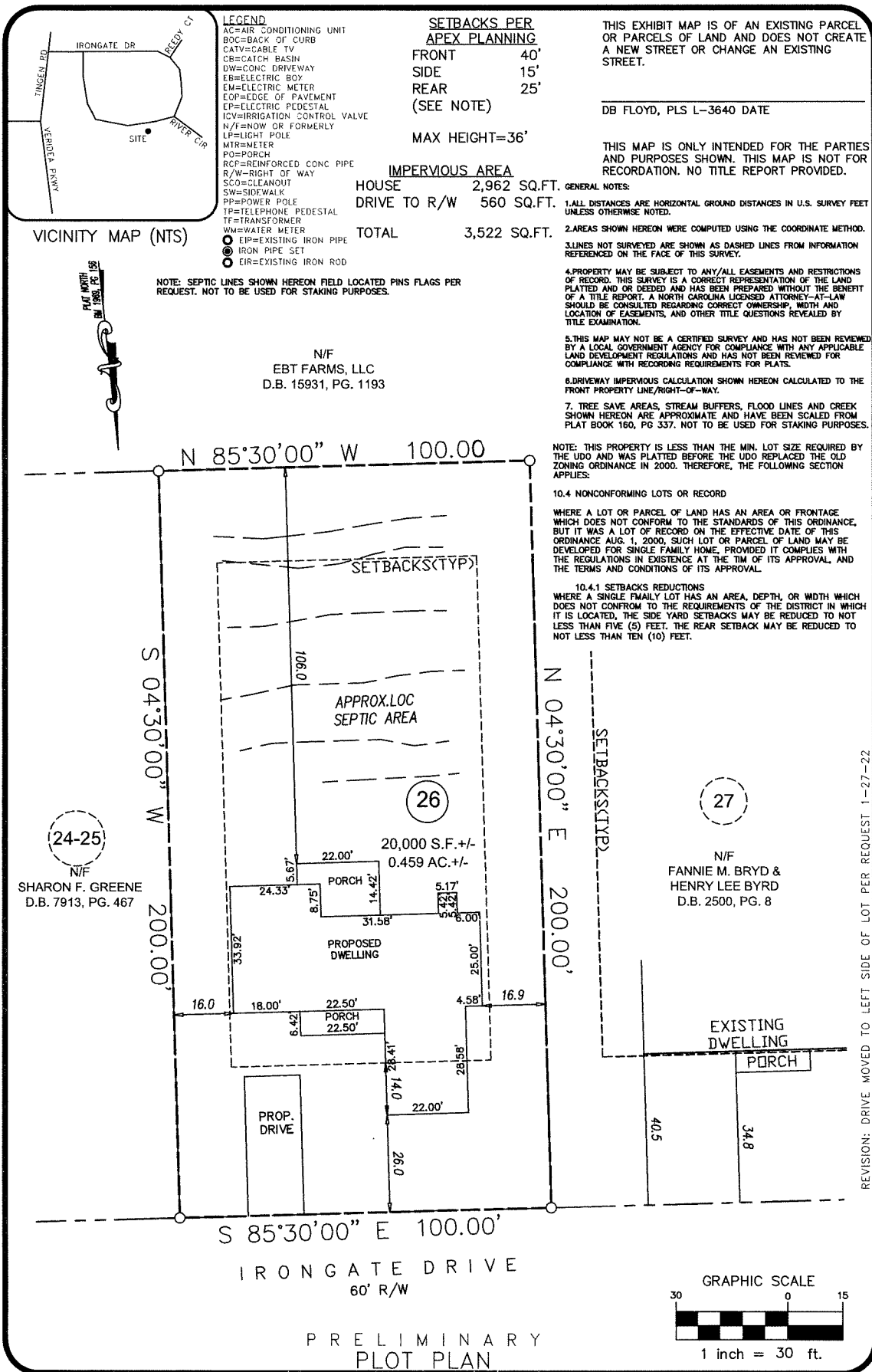
Application #: 22CZ16

Submittal Date: 7/1/22

Insert legal description below.

Legal description for lot 26, Irongate Subdivison

Beginning at an existing iron pipe on the southern right of way of Irongate Drive in Wake County, North Carolina, said iron pipe being the northeastern corner of Lot 26 in Iron Gate Subdivision as recorded in book of maps 1969, page 156 in the Wake County Registry; thence leaving said right of way along common property line of, now or formerly, Sharon Greene as recorded in Wake County Registry in deed book 7913 page 467, Lots 24 and 25, S04°30W 200.00 feet to an existing iron pipe; thence N85°30W 100.00 feet along the northern boundary of, now or formerly, EBT Farms, LLC property as recorded in said Registry in deed book 7913 page 467; thence N04°30W 200.00 feet with common property line of, now or formerly, Henry and Fannie Byrd as recorded in said Registry in deed book 2377 page 147, Lot 28, to an existing iron pipe on the southern right of way of Irongate Drive; thence along said right of way S85°30E 100.00 feet to the Point of Place of Beginning containing 0.459 +/- acres.



## Wake County Residential Development Notification

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

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

Please send any questions about this form to:

[studentassignment-gis-group@wcpss.net](mailto: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	1					✓		2600	2600		500k						
Townhomes																	
Condos																	
Apartments																	
Other																	



# NOTICE OF NEIGHBORHOOD MEETING

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

6-23-22  
Date

Dear Neighbor:

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

1039 IRONGATE DR 0741129183  
APEX  
Address(es) PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

PROPOSED ZONING - MEDIUM DENSITY  
RESIDENTIAL - CONDITIONAL ZONING

Estimated submittal date: \_\_\_\_\_

## MEETING INFORMATION:

Property Owner(s) name(s): AARON ROBERSON

Applicant(s): \_\_\_\_\_

Contact information (email/phone): 919-780-9843

Meeting Address: 1039 IRONGATE DR

Date/Time of meeting\*\*: 6 PM

Welcome: 6 PM Project Presentation: 6:30 PM Question & Answer: 7:00 PM

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



## PROJECT CONTACT INFORMATION

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

### Development Contacts:

Project Name: AARON ROBERSON Zoning: R2  
 Location: 103A IRONGATE DR, APEX  
 Property PIN(s): 0741129183 Acreage/Square Feet: 20,000 SF / 0.467/-Ac  
 Property Owner: AARON ROBERSON  
 Address: PO BOX 712  
 City: MORRISVILLE State: NC Zip: 27560  
 Phone: 919-780-9813 Email: AMANSPROPERTIES0425@GMAIL.COM  
 Developer: N/A  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Engineer: SURVEYOR: ECLS GLOBAL INC  
 Address: 19 N MCKINLEY ST  
 City: COATS State: NC Zip: 27521  
 Phone: 910-897-3257 Fax: \_\_\_\_\_ Email: ALLISON@ECLSGLOBALINC.COM  
 Builder (if known): PAUL SATTERWHITE  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: NC Zip: \_\_\_\_\_  
 Phone: 919-868-2481 Fax: \_\_\_\_\_ Email: PAULNCBUILDER@GMAIL.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 1039 IRONGATE DRIVE, APEX, NC  
 Date of meeting: 6/23/2022 Time of meeting: 6:00 PM  
 Property Owner(s) name(s): \_\_\_\_\_  
 Applicant(s): \_\_\_\_\_

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	SONYA WARD/ECLS	310 KEITH STREET, APEX,			
2.	Joseph Perkins	3004 RIVER CIR PO BOX 702 APEX, NC 27502			✓
3.	Norman & Stuart	1038 Irongate Dr			com ✓
4.	Robert & Vanessa Lassiter	1011 Irongate Dr Apex NC 27502			✓
5.	Rosella Walters Hasan	1045 Irongate Dr			✓
6.	Sharon Greene	1037 Irongate Dr			✓
7.	Dorothy Thomas	1048 Irongate Dr			✓
8.	Rich Spillone	1020 Irongate Dr			✓
9.	Phoenix & Norman Jiles	1040 Irongate Rd			✓
10.	Harri Robertson	1039 Irongate Dr.			✓
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.



## SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): AARON ROBERTSON

Applicant(s): \_\_\_\_\_

Contact information (email/phone): 919-780-9843

Meeting Address: 1039 IRONGATE DR APEX

Date of meeting: 6-23-22 Time of meeting: 6 PM

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

Question/Concern #1:

HOW WILL REZONING AFFECT EXISTING LOTS

Applicant's Response:

WILL REACH OUT TO APEX FOR DETAILS

Question/Concern #2:

HOW TO STOP EROSION OF NEIGHBORING LOTS FROM 1039 IRONGATE

Applicant's Response:

WE NEED TO GET REZONING PASSED TO BE ABLE TO CONTINUE W/ CONSTRUCTION SO SOD/LANDSCAPE CAN BE DONE

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Allison Smith, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 1039 DOWNGATE DR (location/address) on 6-23-22 (date) from 6pm (start time) to 8pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

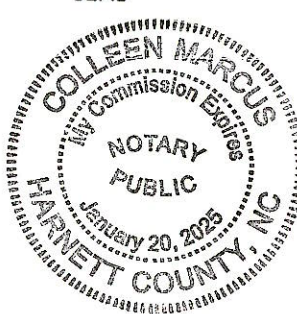
7-26-22  
Date

By: Allison Smith

STATE OF NORTH CAROLINA  
COUNTY OF WAKE Harnett

Sworn and subscribed before me, Colleen Marcus a Notary Public for the above State and County, on this the 26<sup>th</sup> day of July, 20 22.

SEAL



Colleen Marcus  
Notary Public  
Colleen Marcus  
Print Name

My Commission Expires: January 20, 2025



SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
1039 IRONGATE DR	0741129183	A-MAN'S PROPERTY SERVICES LLC	PO BOX 712
1026 IRONGATE DR	0741221559	ANDERSON, BETTIE J	1026 IRONGATE DR
1043 IRONGATE DR	0741127172	BYRD, HENRY LEE BYRD, FANNIE M	PO BOX 411
1018 IRONGATE DR	0741128631	CROSS, PEARLIE M RICHARDSON, DORA C	1018 IRONGATE DR
0 VERIDEA PKWY	0741119629	EBT FARMS, LLC	472 HENRYS RIDGE RD
1037 IRONGATE DR	0741221133	GREENE, SHARON F	1037 IRONGATE DR
1047 IRONGATE DR	0741125184	JOHNSON, TRACY LEWIS	3807 SHAFTSBURY ST
1016 IRONGATE DR	0741127549	LASSITER, ROBERT MCCOY	1011 IRONGATE DR
3004 RIVER CIR	0741223182	PERKINS, JOSEPH E PERKINS, SANDRA M	PO BOX 702
3006 RIVER CIR	0741222186	PERKINS, JOSEPH EDWARD	PO BOX 702
1022 IRONGATE DR	0741220651	RICKS, GAIL A	1022 IRONGATE DR
1020 IRONGATE DR	0741129650	SPULLER, RICHARD E SPULLER, ALISON B	1020 IRONGATE DR
1038 IRONGATE DR	0741220461	STUART, NORMA J	1038 IRONGATE DR
1044 IRONGATE DR	0741127440	TRADE BRIDGE PROPERTIES LLC BLOUNT, WILLIAM H JR	1022 EVANS RD
1042 IRONGATE DR	0741128339	UZZELL, RONALD	1042 IRONGATE DR
1045 IRONGATE DR	0741126183	WALTERS, ROSELLA N	1045 IRONGATE DR
		Current Tenant	1040 Irongate DR
		Current Tenant	1041 Irongate DR
		Current Tenant	3004 River CIR
			MORRISVILLE NC 27560-0712
			APEX NC 27502-6505
			APEX NC 27502-0411
			APEX NC 27502-6505
			PITTSBORO NC 27312-4641
			APEX NC 27502-6506
			DURHAM NC 27704-1662
			APEX NC 27502-6506
			APEX NC 27502-0702
			APEX NC 27502-0702
			APEX NC 27502-6505
			APEX NC 27502-6505
			CARY NC 27513-3111
			APEX NC 27502-6505
			APEX NC 27502-6506
			APEX NC 27502
			APEX NC 27502
			APEX NC 27502

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ16 1039 Irongate Drive

Planning Board Meeting Date: September 12, 2022



## Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

### PROJECT DESCRIPTION:

**Acreage:** ±0.46 acres

**PIN(s):** 0741129183

**Current Zoning:** RR

**Proposed Zoning:** MD-CZ

**Current 2045 Land Use Map:** Medium/High Density Residential/Office Employment

**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Medium Density Residential

**Town Limits:** Corporate Limits

### Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

☒ Apex Transportation Plan  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

☒ Parks, Recreation, Open Space, and Greenways Plan  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ16 1039 Irongate Drive

Planning Board Meeting Date: September 12, 2022



### Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ16 1039 Irongate Drive

Planning Board Meeting Date: September 12, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ16 1039 Irongate Drive

Planning Board Meeting Date: September 12, 2022



### Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tim Royal

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented. Note: stormwater staff needs to go out to review current stormwater issue in right-of-way (ditch).

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of September 2022.

Attest:

Reginald Skinner, Planning Board Chair

**Dianne Khin**

Digitally signed by Dianne Khin  
Date: 2022.09.12 17:37:04  
-04'00'

Dianne Khin, Director of Planning and  
Community Development





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ16 1039 Irongate Drive

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Aaron Robertson

**Authorized Agent:** Aaron Robertson

**Property Address:** 1039 Irongate Drive

**Acreage:** ±0.46 acres

**Property Identification Number (PIN):** 0741129183

**Current 2045 Land Use Map Designation:** Medium/High Density Residential/Office Employment

**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Medium Density Residential

**Existing Zoning of Property:** Rural Residential (RR)

**Proposed Zoning of Property:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Planning Board Public Hearing Date and Time: September 12, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Director of Planning and Community Development



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ16  
1039 Irongate Drive

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Aaron Robertson  
**Authorized Agent:** Aaron Robertson  
**Property Address:** 1039 Irongate Drive  
**Acreage:** ±0.46 acres  
**Property Identification Number (PIN):** 0741129183  
**Current 2045 Land Use Map Designation:** Medium/High Density Residential/Office Employment  
**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Medium Density Residential  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time:** September 12, 2022 4:30 PM  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/40718](https://www.apexnc.org/DocumentCenter/View/40718). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: August 26-September 12, 2022

**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ16  
1039 Irongate Drive

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifica las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Aaron Robertson  
**Agente autorizado:** Aaron Robertson  
**Dirección de las propiedad:** 1039 Irongate Drive  
**Superficie:** ±0.46 acre  
**Números de identificación de las propiedad:** 0741129183





**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

### **ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ16**

1039 Irongate Drive

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Aaron Robertson

**Agente autorizado:** Aaron Robertson

**Dirección de las propiedad:** 1039 Irongate Drive

**Superficie:** ±0.46 acre

**Números de identificación de las propiedad:** 0741129183

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium/High Density Residential/Office Employment

**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Medium Density Residential

**Ordenamiento territorial existente de las propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para las propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de septiembre de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.org/imap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/479](https://www.apexnc.org/DocumentCenter/View/479). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: August 26-September 12, 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ16**  
1039 Irongate Drive

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Aaron Robertson  
**Agente autorizado:** Aaron Robertson  
**Dirección de las propiedad:** 1039 Irongate Drive  
**Superficie:** ±0.46 acre  
**Números de identificación de las propiedad:** 0741129183  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium/High Density Residential/Office Employment  
**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Medium Density Residential  
**Ordenamiento territorial existente de las propiedad:** Rural Residential (RR)  
**Ordenamiento territorial propuesto para las propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 12 de septiembre de 2022 4:30 P.M.  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=Hwncfapexgww>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org) o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.org/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/479](https://www.apexnc.org/DocumentCenter/View/479). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de agosto - 12 de septiembre



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ16  
1039 Irongate Road  
Project Location: 1039 Irongate Road  
Applicant or Authorized Agent: Aaron Robertson

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/29/2022  
Date

*Dianne F. Khin*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 29 day of August, 202 2.



*Joshua Killian*  
Notary Public

My Commission Expires: 06 / 19 / 2027





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ16 1039 Irongate Drive

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Aaron Robertson

**Authorized Agent:** Aaron Robertson

**Property Address:** 1039 Irongate Drive

**Acreage:** ±0.46 acres

**Property Identification Number (PIN):** 0741129183

**Current 2045 Land Use Map Designation:** Medium/High Density Residential/Office Employment

**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Medium Density Residential

**Existing Zoning of Property:** Rural Residential (RR)

**Proposed Zoning of Property:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.  
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

### **Town Council Public Hearing Date and Time: September 27, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/townofapexgov>.


If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Director of Planning and Community Development



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-345-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ16  
1039 Irongate Drive

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDOS) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant:** Aaron Robertson  
**Authorized Agent:** Aaron Robertson  
**Property Address:** 1039 Irongate Drive  
**Acreage:** ±0.46 acres  
**Property Identification Number (PIN):** 0741129183  
**Current 2045 Land Use Map Designation:** Medium/High Density Residential/Office Employment  
**If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Medium Density Residential  
**Existing Zoning of Property:** Rural Residential (RR)  
**Proposed Zoning of Property:** Medium Density Residential Conditional Zoning (MD-CZ)


**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2nd Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: September 27, 2022, 6:00 PM**  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/townofapex>

If you are unable to attend, you may provide a written statement by email to [public-hearing@apexnc.org](mailto:public-hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.townofapex.org/emap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/40736](https://www.apexnc.org/DocumentCenter/View/40736). You may call 919-345-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40737/227216>

Dianne F. Khan, AICP  
Director of Planning and Community Development

Published Dates: September 2-September 27, 2022





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ16  
1039 Irongate Drive

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Aaron Robertson

**Agente autorizado:** Aaron Robertson

**Dirección de las propiedad:** 1039 Irongate Drive

**Superficie:** ±0.46 acre

**Números de identificación de las propiedad:** 0741129183

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium/High Density Residential/Office Employment

**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Medium Density Residential

**Ordenamiento territorial existente de las propiedad:** Rural Residential (RR)

**Ordenamiento territorial propuesto para las propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 27 de septiembre de 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40173/22CZ16>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Published Dates: September 2-September 27, 2022

**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ16  
1039 Irongate Drive

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §5600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** Aaron Robertson  
**Agente autorizado:** Aaron Robertson  
**Dirección de las propiedad:** 1039 Irongate Drive  
**Superficie:** 10.46 acres  
**Números de identificación de las propiedad:** 0741129183  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium/High Density Residential/Office Employment  
**Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a:** Medium Density Residential  
**Ordenamiento territorial existente de las propiedad:** Rural Residential (RR)  
**Ordenamiento territorial propuesto para las propiedad:** Medium Density Residential-Conditional Zoning (MD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

**Fecha y hora de la audiencia pública del Consejo Municipal: 27 de septiembre de 2022 6:00 P.M.**  
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Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org) o presentarla a la oficina del Secretario Municipal (73 Hunter Street) o por correo USPS a P.O. Box 250, Apex, NC 27502, al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.stategnc.gov/fmaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/40736](https://www.apexnc.org/DocumentCenter/View/40736). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40736/22CZ16>.

Dianne F. Klein, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 2 de septiembre – 27 de septiembre





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ16  
1039 Irongate Road  
Project Location: 1039 Irongate Road  
Applicant or Authorized Agent: Aaron Robertson

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 2, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

9/6/2022

Date

*Lianne F. Klein*

Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

6 day of September, 202 2.

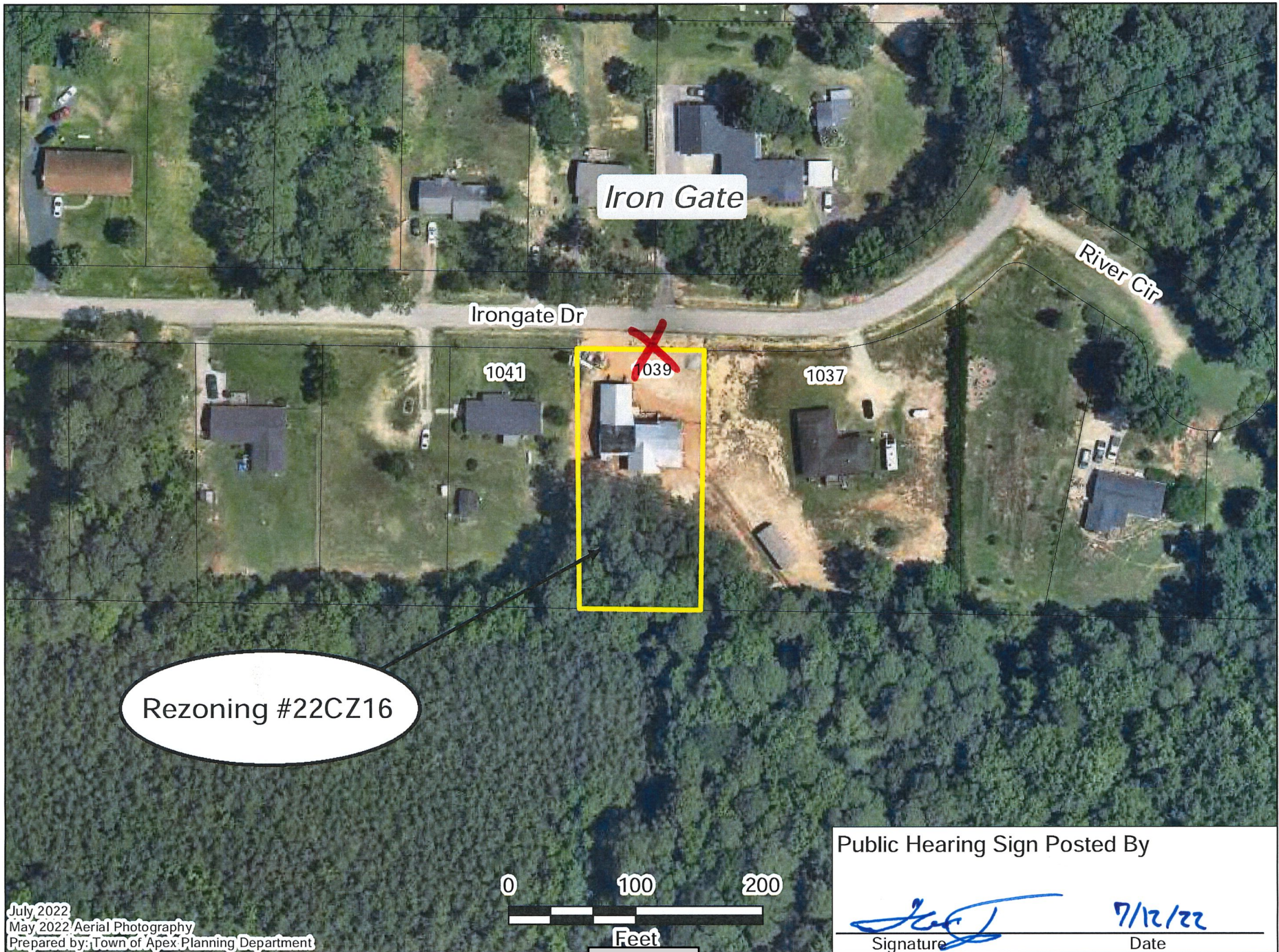


*Joshua Killian*

Notary Public

My Commission Expires: 6 / 19 / 2027





Rezoning #22CZ16

July 2022  
May 2022 Aerial Photography  
Prepared by: Town of Apex Planning Department

0 100 200  
Feet

Public Hearing Sign Posted By  
 7/12/22  
Signature Date



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

### Requested Motion

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

### Approval Recommended?

The Planning and Community Development Department recommends approval. The Planning Board heard these amendments at their September 12, 2022 meeting and unanimously recommended approval.

### Item Details

Requested by Planning Staff:

1. Amendment to Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.
2. Amendments to Secs. 7.2.5 *Single-family Residential Grading* and 8.1.2.B.2.b *Site and Tree Survey Required* in order to update references to the date of LiDAR data.
3. Amendments to Sec. 8.7 *Signs* in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

### Attachments

- Staff Report
- Planning Board Report to Town Council
- Public Notice
- Ordinance



# STAFF REPORT

## Amendments to the Unified Development Ordinance

September 27, 2022 Town Council Meeting



### Requested by Planning Staff:

1. Amendment to Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use “Yard waste transfer station” and to establish the definition, supplemental standards, land use class, and parking standards for such use.

### 4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					
		Residential									Business						Planned Development			Other			Standards
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	Section(s)
Utilities																							
...																							
Yard Waste Transfer Station	4.3.3.Q														S							4.4.3.K	

### 4.3.3 Use Classifications, Utilities

...

- Q)** **Yard waste transfer station. A permanent facility designed to store unprocessed yard waste material for transfer to off-site chipping, mulching, or landfill locations.**

### 4.4.3 Supplemental Use Standards, Utilities

...

- K)** **Yard waste transfer station**

- 1) **Storage only. No chipping or mulching activities may occur onsite unless a Special Use Permit for “Chipping and mulching” is approved. See UDO Secs. 4.3.3.A and 4.4.3.A Chipping and mulching.**
- 2) **Standards. On-site storage of unprocessed material shall meet all of the following standards:**
  - a) **Storage shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet;**
  - b) **Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential zoning districts; and**
  - c) **Outdoor material storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district.**

- 3) **Access road.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include residential streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- 4) **Parking.** No vehicular or bicycle parking shall be required for such use.

#### 8.2.6.B Landscape Buffers Between Land Uses

- ...
- 4) Land Use Classes
  - ...
  - f) Class 6
    - ...
    - Yard waste transfer station**
    - ...

#### 8.3.2 Off-Street Parking Requirements

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Utilities		
...		
<b><u>Yard Waste Transfer Station</u></b>	<b><u>None</u></b>	<b><u>None</u></b>

2. **Amendments to Secs. 7.2.5 *Single-Family Residential Grading* and 8.1.2.B.2 *Site and Tree Survey Required* in order to change the date of LiDAR data from a specific date to the latest data acquired by the Town of Apex and to ensure the requirements for topographic information are consistent throughout the UDO.**

#### 7.2.5 Single-Family Residential Grading

- ...
- B) Single-Family Residential Subdivision Mass Grading
  - ...
  - 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
    - ...
    - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or ~~2013~~ topography generated from the ~~2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,~~ **latest LiDAR data acquired by the Town of Apex,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County, depending on the site location;~~
    - ...
- C) Single-Family Residential Subdivision Staged Grading
  - ...
  - 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
    - ...

- b) Existing and proposed grades of site based on **topography verified by a professional land surveyor or topography generated from the latest Town of Apex LiDAR LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;** topography in the corporate limits, and ETJ and Wake County LiDAR topography in Wake County's jurisdiction or topography verified by a professional land surveyor;

#### 8.1.2.B.2 Site and Tree Survey Required

...

- b) Provide field verified topography of the area located within the limits of disturbance (including stormwater retention areas within RCA) at a minimum of **two-foot (2')** contours is required at the site plan stage and subdivision construction plan stage of plan review or **2013** topography generated from the **latest LiDAR data acquired by the Town of Apex,** **2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex; ~~the Town of Cary, or Wake County, depending on the site location.~~

...

3. **Amendments to Sec. 8.7 Signs in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.**

#### 8.7.1 Permitted Signs: Location, Size, and Number

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination <sup>1</sup>
Permanent						
...						
<b>31</b>	<b>Interior Sign</b>	<b>8.7.1.A.31</b>	<b>X</b>	<b>P</b>	<b>X</b>	<b>Yes</b>
Prohibited						
See Sec. 8.7.2 Prohibited Signs						
Central Business District, <b>Apex National Register Historic District</b> , Small Town Character Overlay District, and <b>Mixed Office-Residential-Retail</b> Planned Development Districts						
See Sec. 8.7.7 Central Business District, <b>Apex National Register Historic District</b> , Small Town Character Overlay District, <b>and Mixed Office-Residential-Retail</b> and Planned Development Districts						
Planned Developments <b>PUD-CZ, TND-CZ, MEC-CZ (except those governed by Sec. 8.7.7)</b>						
See Sec. 2.3.4 and 8.7.7						
Sign Design and Color						
<sup>1</sup> Subject to Sec. 8.7.4.C Uniform Color Scheme, 8.6 Exterior Lighting, and 8.7.6.B Sign illumination.						

- A) Conditions

...

#### **31) Interior Sign**

**A ground sign located adjacent to parking spaces that are reserved as drive-up pick-up locations which meets the conditions below:**



- a) Such sign shall be no more than 10 feet in height and no more than 10 square feet in area if located at least 200 feet from a public right-of-way, or is not visible from a public right-of-way.
- b) Such sign shall be no more than four (4) feet in height and no more than four (4) square feet in area if located less than 200 feet from a public right-of-way, or is visible from a public right-of-way.
- c) Such sign may be internally illuminated per Sec. 8.7.6.B *Sign Illumination*.
- d) Also subject to Secs. 8.7.4 *Sign Design and Color* and 8.7.5 *Master Sign Plan Requirement*.

#### 8.7.2 Prohibited Signs

...

- P) Box-style signs with internally-illuminated backgrounds. Individually illuminated letters and logos are ~~acceptable~~ permitted.

...

#### 8.7.6 Installation Requirements

...

##### B) *Sign illumination*

Unless otherwise prohibited by this Section, signs may be illuminated if such illumination is in accordance with this Section. All electric signs and lighting for externally illuminated signs shall also be in accordance with Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, the Building and National Electric Code, and shall obtain all required building permits. All wiring to ground signs or to lighting equipment erected after the effective date of this Section must be underground.

...

- 4)** *Style of internally illuminated signs. Internally illuminated signs shall have individually illuminated letters and logos. Such letters shall have opaque sides and the acrylic front shall be flush with the sides instead of held by a lip.*

#### 8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail District ~~and Planned Development Districts~~

#### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

#### **PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their September 12, 2022 meeting and unanimously recommended approval.

# PLANNING BOARD REPORT TO TOWN COUNCIL

## Unified Development Ordinance Amendments

Planning Board Meeting Date: September 12, 2022



### Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

### Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Sarah Soh

- ☒ Approval of the proposed UDO amendment(s)  
☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of September 2022.

Attest:

Reginald Skinner, Planning Board Chair

**Dianne Khin**

Digitally signed by Dianne Khin  
Date: 2022.09.12 17:47:39  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC 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 Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.
2. Amendments to Secs. 7.2.5 *Single-family Residential Grading* and 8.1.2.B.2.b *Site and Tree Survey Required* in order to update references to the date of LiDAR data.
3. Amendments to Sec. 8.7 *Signs* in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Town Council Public Hearing Date and Time: September 27, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: September 7-27, 2022



## 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:

#### Solicitado por el personal de planificación:

1. Enmiendas a las Secciones 4.2.2 *Tabla de Uso*; 4.3.3 *Clasificaciones de Uso, Servicios públicos*; 4.4.3 *Normas de Uso Complementario, Servicios públicos*; 8.2.6.B.4 *Clases de Uso Territorial*; y 8.3.2 *Requisitos de estacionamiento fuera de la vía pública para crear el uso "Estación de transferencia de desperdicios de jardín"* y establecer la definición, normas complementarias, clase de uso territorial y normas de estacionamiento para dicho uso.
2. Enmiendas a las Secciones 7.2.5 *Clasificación residencial unifamiliar* y 8.1.2.B.2.b *Análisis del sitio y de árboles requeridos* para actualizar las referencias a la fecha en los datos LiDAR.
3. Enmiendas a la Sección 8.7 *Letreros* para modificar las normas de letreros iluminados internamente y señales en los Distritos de Desarrollo Planificado y para crear un tipo de letreros y normas para letreros interiores ubicados en estacionamientos.

**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: 27 de septiembre de 2022 6:00 PM**

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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: 7-27 de septiembre de 2022



## 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 Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.
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**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
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The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianna F. Khin, AICP

Director of Planning and Community Development

Published Dates: September 7-27, 2022





**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:

### **Solicitado por el personal de planificación:**

1. Enmiendas a las Secciones 4.2.2 *Tabla de Uso*; 4.3.3 *Clasificaciones de Uso, Servicios públicos*; 4.4.3 *Normas de Uso Complementario, Servicios públicos*; 8.2.6.B.4 *Clases de Uso Territorial*; y 8.3.2 *Requisitos de estacionamiento fuera de la vía pública para crear el uso "Estación de transferencia de desperdicios de jardín"* y establecer la definición, normas complementarias, clase de uso territorial y normas de estacionamiento para dicho uso.
2. Enmiendas a las Secciones 7.2.5 *Clasificación residencial unifamiliar* y 8.1.2.B.2.b *Análisis del sitio y de árboles requeridos* para actualizar las referencias a la fecha en los datos LIDAR.
3. Enmiendas a la Sección 8.7 *Letreros* para modificar las normas de letreros iluminados internamente y señales en los Distritos de Desarrollo Planificado y para crear un tipo de letreros y normas para letreros interiores ubicados en estacionamientos.

**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: 27 de septiembre de 2022 6:00 PM**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 7-27 de septiembre de 2022

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

#### 4.2.2 Use Table

### 4.3.3 Use Classifications, Utilities

#### 4.4.3 Supplemental Use Standards, Utilities

- Page 480 -

Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

- 4) **Parking. No vehicular or bicycle parking shall be required for such use.**

8.2.6.B *Landscape Buffers Between Land Uses*

...

- 4) *Land Use Classes*

...

- f) *Class 6*

...

**Yard waste transfer station**

...

8.3.2 *Off-Street Parking Requirements*

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Utilities		
...		
<b><u>Yard Waste Transfer Station</u></b>	<b><u>None</u></b>	<b><u>None</u></b>

**Section 2. Section 7.2.5 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

7.2.5 *Single-Family Residential Grading*

...

- B) *Single-Family Residential Subdivision Mass Grading*

...

- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:

...

- b) Existing and proposed grades of site based on topography verified by a professional land surveyor or ~~2013~~ topography generated from the ~~2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,~~ **latest LiDAR data acquired by the Town of Apex,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County, depending on the site location;~~

...

- C) *Single-Family Residential Subdivision Staged Grading*

...

- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:

...

- b) Existing and proposed grades of site based on **topography verified by a professional land surveyor or topography generated from the latest Town of Apex LIDAR LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;** topography in the corporate limits, and ETJ and Wake County LIDAR topography in Wake County's jurisdiction or topography verified by a professional land surveyor;

#### 8.1.2.B.2 Site and Tree Survey Required

- ...
- b) Provide field verified topography of the area located within the limits of disturbance (including stormwater retention areas within RCA) at a minimum of **two-foot (2')** contours is required at the site plan stage and subdivision construction plan stage of plan review or ~~2013~~ topography generated from the **latest LiDAR data acquired by the Town of Apex, 2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County, depending on the site location.~~
- ...

### Section 3. Section 8.7 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:

#### 8.7.1 Permitted Signs: Location, Size, and Number

...

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination <sup>1</sup>
Permanent						
...						
<b><u>31</u></b>	<b><u>Interior Sign</u></b>	<b><u>8.7.1.A.31</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>X</u></b>	<b><u>Yes</u></b>
Prohibited						
See Sec. 8.7.2 Prohibited Signs						
Central Business District, <b><u>Apex National Register Historic District</u></b> , Small Town Character Overlay District, and <b><u>Mixed Office-Residential-Retail</u></b> Planned Development Districts						
See Sec. 8.7.7 Central Business District, <b><u>Apex National Register Historic District</u></b> , Small Town Character Overlay District, <b><u>and Mixed Office-Residential-Retail</u></b> and Planned Development Districts						
Planned Developments <b><u>PUD-CZ, TND-CZ, MEC-CZ (except those governed by Sec. 8.7.7)</u></b>						
See Sec. 2.3.4 and 8.7.7						
Sign Design and Color						
<sup>1</sup> Subject to Sec. 8.7.4.C Uniform Color Scheme, 8.6 Exterior Lighting, and 8.7.6.B Sign illumination.						

- A) Conditions

...

- 31) Interior Sign**  
**A ground sign located adjacent to parking spaces that are reserved as drive-up pick-up locations which meets the conditions below:**

- a) Such sign shall be no more than 10 feet in height and no more than 10 square feet in area if located at least 200 feet from a public right-of-way, or is not visible from a public right-of-way.
- b) Such sign shall be no more than four (4) feet in height and no more than four (4) square feet in area if located less than 200 feet from a public right-of-way, or is visible from a public right-of-way.
- c) Such sign may be internally illuminated per Sec. 8.7.6.B Sign Illumination.
- d) Also subject to Secs. 8.7.4 Sign Design and Color and 8.7.5 Master Sign Plan Requirement.

#### 8.7.2 Prohibited Signs

...

- P) Box-style signs with internally-illuminated backgrounds. Individually illuminated letters and logos are ~~acceptable~~ permitted.

...

#### 8.7.6 Installation Requirements

...

- B) *Sign illumination*  
Unless otherwise prohibited by this Section, signs may be illuminated if such illumination is in accordance with this Section. All electric signs and lighting for externally illuminated signs shall also be in accordance with Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, the Building and National Electric Code, and shall obtain all required building permits. All wiring to ground signs or to lighting equipment erected after the effective date of this Section must be underground.

...

- 4) Style of internally illuminated signs. Internally illuminated signs shall have individually illuminated letters and logos. Such letters shall have opaque sides and the acrylic front shall be flush with the sides instead of held by a lip.**

#### 8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail District ~~and Planned Development Districts~~

**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 \_\_\_\_\_ 2022.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UNFINISHED  
BUSINESS  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Liz Loftin, Senior Planner  
Department(s): Planning and Community Development

### Requested Motion

Continued from August 23, 2022, Town Council Meeting.

Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Adams Property Planned Unit Development (PUD) containing 23.92 acres, Annexation No. 733 into the Town's corporate limits.

### Approval Recommended?

Yes

### Item Details

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

### Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





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## TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2022-082

ANNEXATION PETITION NO. #733

Adams Property Planned Unit Development (PUD) – 23.92 acres

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 23, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on September 27, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (Parcel ID Number(s): 0710889798, 0710889126, & 0710879844 - Buckhorn Township, Wake County, North Carolina), dated May 20, 2022" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 27th day of September, 2022.

---

Jacques K. Gilbert  
Mayor

ATTEST:

---

Allen L. Coleman, CMC, NCCCC  
Town Clerk

APPROVED AS TO FORM:

---

Laurie L. Hohe  
Town Attorney

Legal Description

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING

AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS



STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-082, adopted at a meeting of the Town Council, on the 23rd day of August, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 27<sup>th</sup> day of September, 2022.

(SEAL)

---

Allen L. Coleman, CMC, NCCCC  
Town Clerk



*"The Peak of Good Living"*

**Town Clerk's Office**  
Allen Coleman, Town Clerk

# TOWN OF APEX NORTH CAROLINA

## Media Contact:

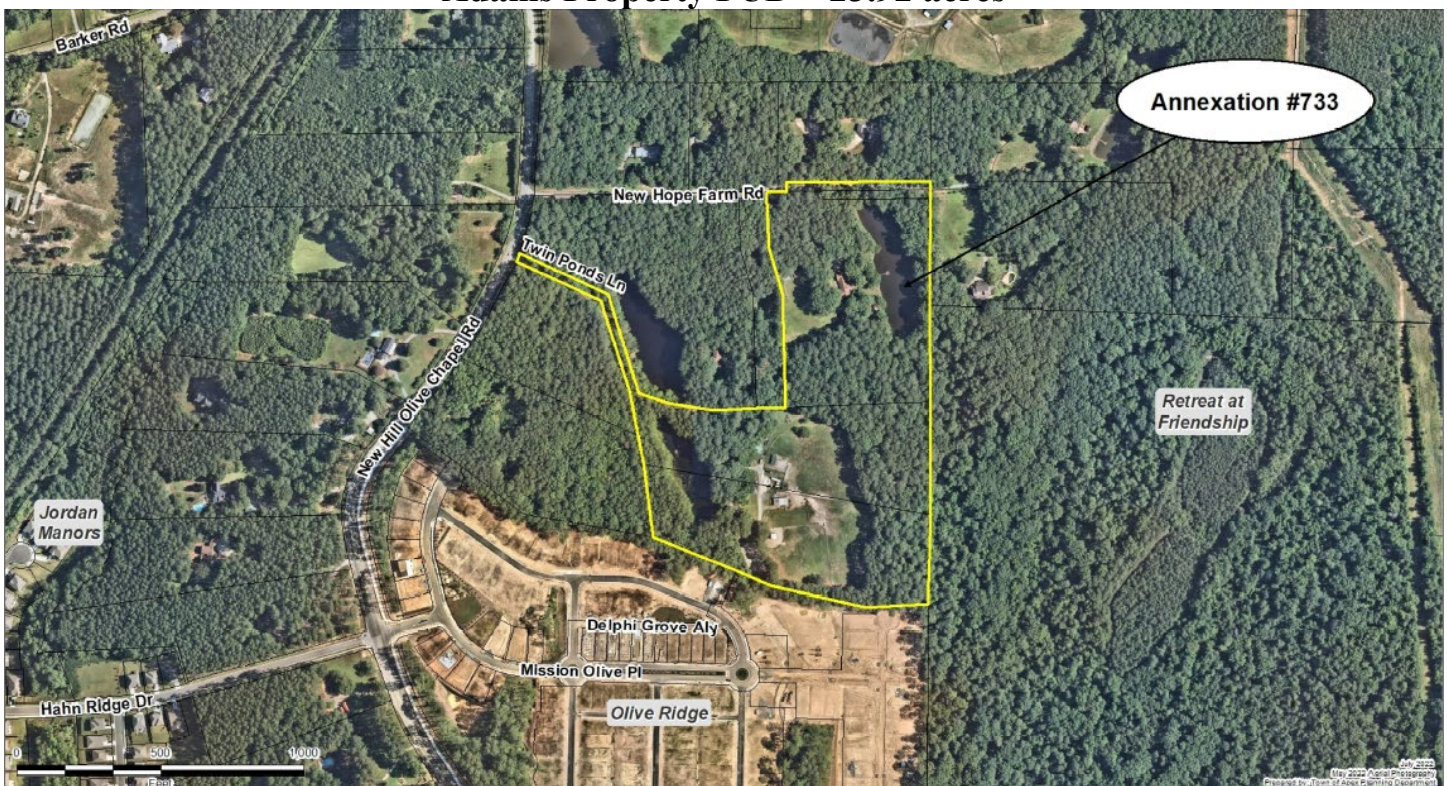
Allen Coleman, Town Clerk to the Apex Town Council

## FOR IMMEDIATE RELEASE

### PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (August 11, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **23rd day of August, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

### Annexation Petition #733 Adams Property PUD – 23.92 acres





*"The Peak of Good Living"*

**Town Clerk's Office**  
Allen Coleman, Town Clerk

## TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org). Please use subject line "Annexation Petition No. 733" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, August 23, 2022.

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

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

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

###

TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

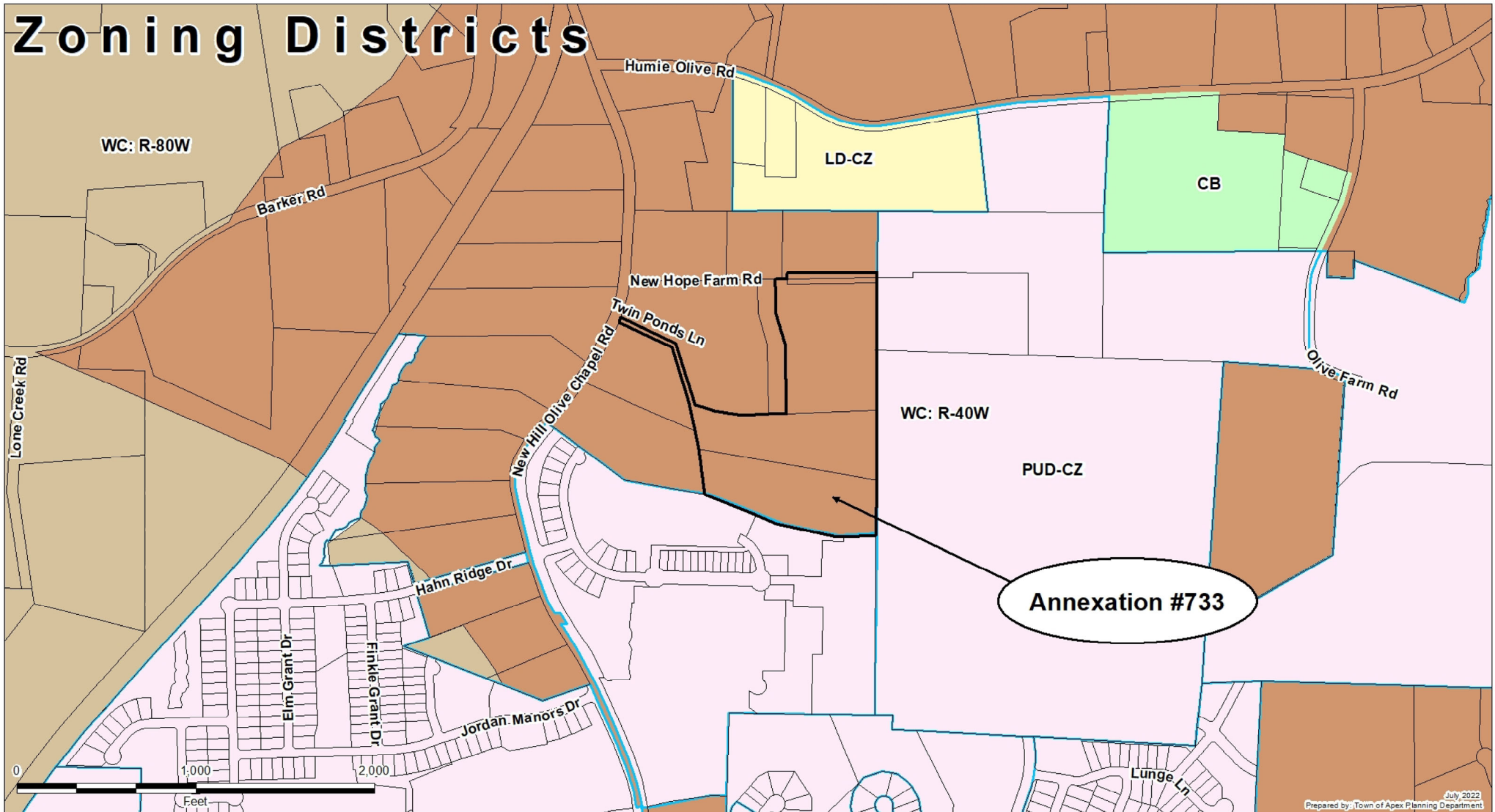












## PETITION FOR VOLUNTARY ANNEXATION

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 #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Fee Paid \$ \_\_\_\_\_

Check # \_\_\_\_\_

### TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

### OWNER INFORMATION

Carey Adams-Knouff

0710-88-9126 & 0710-87-9844

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 308-9546

careyak@icloud.com

Phone

E-mail Address

Donna J. Albrecht - Trustee

0710-88-9798

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 362-5516

N/A (Son's = tomnchd@gmail.com)

Phone

E-mail Address

M/I Homes of Raleigh LLC

0710-99-0078 & 0710-99-0171

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 233-5725

eleatham@mihomes.com

Phone

E-mail Address

### SURVEYOR INFORMATION

Surveyor: BATEMAN CIVIL SURVEY CO.

Phone: (919) 577-1080

Fax: \_\_\_\_\_

E-mail Address: JEFF.BAKER@BATEMANCIVILSURVEY.COM

### ANNEXATION SUMMARY CHART

#### Property Information

Total Acreage to be annexed:

23.92 AC

Population of acreage to be annexed:

UNKNOWN

Existing # of housing units:

2

Proposed # of housing units:

~65

Zoning District\*:

RUD-CZ (PROPOSED)

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

Need water service due to well failure

☐

Need sewer service due to septic system failure

☐

Water service (new construction)

☒

Sewer service (new construction)

☒

Receive Town Services

☒

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Carey Adams-Khouff

Please Print

x [Signature]

Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

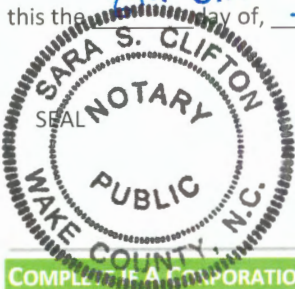
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Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County,  
this the 6th day of April, 2022.



[Signature]

Notary Public

My Commission Expires: January 10, 2025

COMPLETE IF A CORPORATION:

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

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_

Attest:

President (Signature)

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_



PETITION FOR VOLUNTARY ANNEXATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Donna J. Albrecht, Trustee

Please Print

x Donna J. Albrecht, Trustee

Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County,  
this the 5<sup>th</sup> day of April, 2022.

Sara S. Clifton

Notary Public

My Commission Expires: January 10, 2025



COMPLETE IF A CORPORATION:

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

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_

President (Signature)

Attest: \_\_\_\_\_

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_



PETITION FOR VOLUNTARY ANNEXATION

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, m/I Homes of Raleigh, 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 4th day of April, 2022.

Name of Limited Liability Company m/I Homes of Raleigh, LLC

By: x \_\_\_\_\_

Signature of Member/Manager

Ryan Shears, Area President

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sara S. Clifton, a Notary Public for the above State and County, this the 4th day of April, 2022.

Sara S. Clifton

Notary Public

My Commission Expires: January 10, 2025

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership \_\_\_\_\_

By: \_\_\_\_\_

Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UNFINISHED

BUSINESS

Meeting Date: September 27, 2022

## Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

### Requested Motion

Continued from the August 23<sup>rd</sup> Town Council Meeting. Possible motion to approve Rezoning Application #22CZ08 Adams Property PUD and Ordinance. The applicant, M/I Homes of Raleigh, LLC, seeks to rezone approximately 23.92 acres from Wake County Residential-40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on August 8, 2022 and unanimously recommended approval with the conditions offered by the applicant.

### Item Details

The properties to be rezoned are identified as PINs 0710889798, 0710990078, 0710990171, 0710889126, 0710879844.

### Attachments

- Staff Report
- Vicinity Map
- Application



## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

#### **BACKGROUND INFORMATION:**

**Location:** 0, 0 & 8820 New Hope Farm Road and 8841 & 8833 Twin Ponds Lane  
**Applicant/Agent:** M/I Homes of Raleigh, LLC  
**Owners:** M/I Homes of Raleigh, LLC; Carey Adams; Carey Adams-Knouff; Donna J. Albrecht Revocable Living Trust

#### **PROJECT DESCRIPTION:**

**Acreage:** ±23.92 acres  
**PINs:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**Current Zoning:** Wake County Residential-40W (R-40W)  
**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)  
**2045 Land Use Map:** Low Density Residential  
**Town Limits:** Currently in Wake County jurisdiction; to be annexed with rezoning

#### **Adjacent Zoning & Land Uses:**

	Zoning	Land Use
<b>North:</b>	Wake County Residential (R-40W)	Single-family Residential
<b>South:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ34)	Single-family Residential (Olive Ridge subdivision)
<b>East:</b>	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ16)	Vacant; Single-family Residential (Retreat at Friendship)
<b>West:</b>	Wake County Residential (R-40W)	Vacant; Single-family Residential

#### **EXISTING CONDITIONS:**

The properties are situated on the east side of New Hill Olive Chapel Road, north of the Olive Ridge subdivision, and west of the Retreat at Friendship subdivision. The properties contain two single-family homes, several accessory structures, two existing ponds and one stream with a riparian buffer.

#### **NEIGHBORHOOD MEETING:**

The applicant conducted a neighborhood meeting on March 29, 2022. The neighborhood meeting report is attached.

#### **2045 LAND USE MAP:**

The 2045 Land Use Map designates the subject properties as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

#### **WCPSS COORDINATION:**

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated.

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



School expansion or construction within the next five years may address concerns at the elementary and high school grade levels.

#### **PLANNED UNIT DEVELOPMENT PLAN:**

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

#### **Permitted Uses:**

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

#### Residential Uses:

- Single-family
- Accessory Apartment

#### Recreation Uses:

- Recreation Facility, private
- Greenway
- Park, active
- Park, passive
- Utility, minor

#### **Proposed Design Controls:**

Proposed Land Area: 23.23 acres  
Maximum Number of units: 66 units  
Maximum Density: 2.8 units per acre  
Maximum Building Height: 45 feet, 3 stories  
Maximum Built-Upon Area: 60%  
Minimum Lot Size: 4,000 sq ft  
Minimum Lot Width: 40 feet

#### **Setbacks:**

Minimum Setbacks	
Front	10'
Rear	20'
Side	5'
Corner	5'
From Buffer/RCA	10' for Buildings; 5' for Parking Areas
Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.	

#### **Proposed RCA & Buffers:**

The proposed Adams Property PUD is located west of the Highway 540 Corridor and is required to provide a minimum 30% of RCA for the residential development. If the property is mass graded, an additional 5% RCA per UDO Section 7.2.5.B will be required.

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also 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 in required planting or landscape areas.

Perimeter Buffers	UDO Required	PUD Proposed
Private New Hope Farm Road:	0-foot	0-foot
Northern boundary:	20-foot Type B	20-foot Type B
Southern boundary:	20-foot Type B	10-foot Type B
Western boundary:	20-foot Type B	20-foot Type B 100-foot Type E
Eastern boundary:	15-foot Type A	10-foot minimum, 30-foot average 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.*

#### ZONING CONDITIONS:

The following conditions shall also apply:

1. A maximum of 66 residential units shall be permitted upon the property.
2. No covenant prohibiting the accessory apartment use shall encumber the property.
3. All single-family detached dwellings shall be pre-configured with conduit for future installation of roof-mounted solar PV panels.
4. Homes shall be designed to meet or exceed Energy Star requirements.
5. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
7. Developer shall install at least three (3) pet waste stations within the community.
8. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
9. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
10. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the property to prevent access to Twin Ponds Lane.

#### Architectural Standards

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with



## STAFF REPORT

Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Residential areas will utilize brick, stone, and fiber cement plank siding.
3. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
4. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
5. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. Garage doors shall have windows, decorative details or carriage-style adornments on them.
7. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
8. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - Windows
  - Bay window
  - Recessed window
  - Decorative window
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Decorative cornice
  - Column
  - Portico
  - Balcony
  - Dormer
13. Front porches shall be a minimum of 5 feet deep.

### NATURAL RESOURCE AND ENVIRONMENTAL DATA

The Property is within the Beaver Creek Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2022. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



(non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

#### **PARKING**

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

#### **PUBLIC FACILITIES:**

The proposed PUD shall be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. The development will be served water and sewer by the Town of Apex.

#### **STORMWATER MANAGEMENT:**

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 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.

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

#### **APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:**

The proposed PUD is consistent with the Apex Transportation Plan and Bicycle Pedestrian System Plan.

#### **General Roadway Infrastructure**

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way to Retreat at Friendship (Future Phase 10) to the east and Olive Ridge to the south. Opportunities for future connection have been shown to the west at New Hope Farm Road and the residential properties to the west. All access and circulation are conceptual and will be finalized at the time of Development 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:

##### Humie Olive and New Hill Olive Chapel Road

- Developer shall pay a fee in lieu in the amount of \$25,000 toward the cost of the design,



right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

**Pedestrian Facilities**

Sidewalks will be provided on both sides of streets internal to the site and along street frontage. The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to \$4,224.00 for the future installation of the side path.

**AFFORDABLE HOUSING**

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex.

**HOUSING STAFF RECOMMENDATION:**

Staff is very proactive in (1) providing affordable housing documentation upfront to applicants, (2) reviewing applicant financial and project documentation and (3) working with applicants early in the process on the affordable housing rezoning condition to determine if there are opportunities to provide affordable units on-site. Currently the Town has limitations in regards to affordable housing such as (1) the inability to implement and enforce mandatory Inclusionary Housing Zoning, (2) no adopted Affordable Housing Incentive Zoning Policy to-date, (3) the inability to collect fee-in-lieu of onsite units or a donation to the Affordable Housing Fund, and (4) restrictive use of the Town's Affordable Housing Fund per North Carolina General Statutes. For example, there was no recommendation for collection of an affordable housing fee to the Town's Affordable Housing Fund as a proposed affordable housing fee may be considered an impact fee. In North Carolina, impact fees must be specifically authorized by statute. The General Assembly has not yet specifically authorized impact fees for the purposes of affordable housing. In addition, per North Carolina General Statute § 157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least twenty-percent (20%) of the total housing units within the development must be set-aside as affordable housing units for the exclusive use of persons of low-income earning no more than sixty-percent (60%) AMI. This proposed development does not meet the North Carolina General Statute § 157-3 threshold and would not qualify to receive financial assistance from the Town's Affordable Housing Fund.

After staff met with the applicant on several occasions, the applicant concluded that providing on-site affordable housing units was not financially feasible based on the economics of their financial pro-forma in this proposed development. Due to the applicant's analysis of their pro-forma and the limitations listed above, staff concluded that it was not recommended to request on-site affordable housing units in this proposed development.

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



#### ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on February 17, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Add a zoning condition which minimizes tree clearing, stormwater control measure, or infrastructure in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.	Added
Existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location.	Not Added
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none"><li>• Reduce pet waste near SCM drainage areas.</li><li>• Eliminate fertilizer near SCM drainage areas.</li></ul>	Added
Increase pervious surface.	Added
Install pervious pavements where practicable (e.g. when parking maximums are exceeded).	Not Added
Install pet waste stations in neighborhoods.	Added
It is requested that the "solar options" sign (attached below) be added when the temporary construction sign permit is submitted for review.	Not Added
Pre-configure all homes with electrical conduit for solar PV per Town specifications.	Added
Five of the 62 homes shall be constructed with a solar PV system of minimum 4 kilowatts.	Not Added
Wire all garages with 220-volt outlets at the exterior to provide for EV charging stations.	Not Added
Minimize roof protrusions on roofs facing along the arc ESW (sides facing the sun) or/and concentrate the protrusions in one location where possible.	Not Added
Stormwater re-use application. <ul style="list-style-type: none"><li>• Integrate irrigation from the SCM (wet pond) on site, if possible.</li></ul>	Not Added
Increase biodiversity. <ul style="list-style-type: none"><li>• Plant pollinator-friendly flora.</li><li>• Plant native flora (Refer to the Apex Design &amp; Development Manual for approved native species).</li></ul>	Added
Implement green infrastructure. <ul style="list-style-type: none"><li>• 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.</li></ul>	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.	Added
Apply for green building certifications, such as LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard.	Added
Include International Dark Sky Association compliance standards for amenity areas, signage and other nonresidential uses. <ul style="list-style-type: none"><li>• Outdoor lighting shall be shielded in a way that focuses lighting to the ground.</li></ul>	Added

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
<ul style="list-style-type: none"><li>Lighting that minimizes the emission of blue light to reduce glare shall be used.</li></ul>	

#### **PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:**

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Adams Property PUD project at their May 25, 2022 meeting. The Commission made a recommendation for a 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 2022-2023 rates:

Single Family Detached Units: \$3,753.89/lot

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.

#### **PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of rezoning #22CZ08 Adams Property PUD with the conditions as offered by the applicant.

#### **PLANNING BOARD RECOMMENDATION:**

The Planning Board heard this rezoning at August 8, 2022 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

#### **ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:**

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

The 2045 Land Use Map designates the subject properties as Low Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

The proposed rezoning is reasonable and in the public interest in that the density, use, and architectural standards proposed are consistent with those to the south and east. The rezoning will encourage compatible development of the property and increase the tax base.

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

##### ***Standards***

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





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

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

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
  - (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
  - (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
  - (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
  - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
  - (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
  - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced



by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

- (i) A non-residential component;
- (ii) An overall density of 7 residential units per acre or more; or
- (iii) Environmental measures including but not limited to the following:
  - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
  - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
  - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
  - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
  - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
  - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.



- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

**CONDITIONAL ZONING STANDARDS:**

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

**Legislative Considerations**

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

## STAFF REPORT

### Rezoning #22CZ08 Adams Property PUD

September 27, 2022 Town Council Meeting



- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



March 25, 2022

Joshua Reinke  
Ramey Kemp & Associates, Inc.  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609

Subject: **Staff summary and comments for the Twin Ponds Lane TIA, 02/28/2022**

Mr. Reinke:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

#### Study Area

The TIA studied access to the proposed development at the following intersections:

- Humie Olive Road and Heelan Driveway
- New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

The intersection of New Hill Olive Chapel Road and Humie Olive Road was also included in the study area for analysis in the TIA.

#### Trip Generation

The proposed development is expected to consist of up to 87 single-family homes. The development is projected to generate approximately 17 new trips entering and 50 new trips exiting the site during the weekday A.M. peak hour and 56 new trips entering and 33 new trips exiting the site during the weekday P.M. peak hour. The development is projected to add a total of 920 daily trips onto the adjacent roadway network.



### Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2025, and the following approved developments:

- Jordan Manors (75% built out, 25% remaining)
- Woodbury / Bristol Assemblage (75% built out, 25% remaining)
- Gracewood PUD
- Friendship Station PUD
- Belterra
- Olive Ridge
- Heelan Property

### Trip Distribution and Assignment

The trip distributions to and from the development are as follows:

- 30% to/from the north via New Hill Olive Chapel Road
- 10% to/from the south via New Hill Olive Chapel Road
- 60% to/from the east via Humie Olive Road

### Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 3 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "NA" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** - Existing year 2021 traffic counts adjusted to account for pandemic traffic conditions.
- **No Build 2025** – Projected year (2025) with background growth, approved development traffic from others, and committed transportation improvements by others where applicable.
- **Build 2025** – Projected year (2025) with background traffic, background improvements, and site build-out including recommended improvements where applicable.

## Humie Olive Road and Heelan Driveway

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Humie Olive Road and Heelan Driveway		
	No Build 2025	Build 2025
<b><u>Overall</u></b>	<u>NA</u>	<u>NA</u>
<b><i>Eastbound (Humie Olive Road)</i></b>	NA	NA
<b><i>Westbound (Humie Olive Road)</i></b>	$A / A^2$	$A / A^2$
<b><i>Northbound (Heelan Driveway)</i></b>	$B / B^1$	$B / B^1$

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

### TIA recommendations:

- The TIA recommends no improvements at this intersection. The Heelan Property is committed to constructing Heelan Driveway as a stop-controlled, northbound approach with one lane of ingress and one lane of egress. Additionally, the Heelan Property has committed to constructing an exclusive eastbound right turn lane and a westbound left turn lane both with 75 feet of storage and appropriate deceleration length and taper along Humie Olive Road at the site driveway. Based on these improvements, the left turn movement and the stop controlled northbound approach are projected to operate at LOS B or better during both peak hours in the Build scenario.

### Apex staff recommendations:

- Apex staff concur with the recommendations that no additional geometric improvements are needed. All movements at the access drive are projected to operate at LOS B or better with minimal vehicle delays and minimal queues.
- It should be noted that the development is reliant on access to the site to be constructed by adjacent development. Per the UDO Section 7.5.4, development is restricted to 50 single family homes or 100 multi-family homes on a single point of access to the public street system, and 300 residential units on two points of access. Three points of access are required for development exceeding 300 residential units. Therefore, adjacent developments need to establish adequate connections to the thoroughfare and major collector street network to allow for this development to develop to its capacity.

## New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway			
	No Build 2025	No Build 2025	Build 2025
<b><u>Overall</u></b>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<b><i>Eastbound (Hahn Ridge Drive)</i></b>	<i>B / B<sup>1</sup></i>	<i>C / C<sup>1</sup></i>	<i>C / D<sup>1</sup></i>
<b><i>Westbound (Olive Ridge Driveway)</i></b>	<i>NA</i>	<i>C / D<sup>1</sup></i>	<i>C / D<sup>1</sup></i>
<b><i>Northbound (New Hill Olive Chapel Road)</i></b>	<i>A / A<sup>2</sup></i>	<i>A / A<sup>2</sup></i>	<i>A / A<sup>2</sup></i>
<b><i>Southbound (New Hill Olive Chapel Road)</i></b>	<i>NA</i>	<i>A / A<sup>2</sup></i>	<i>A / A<sup>2</sup></i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

### TIA recommendations:

- The TIA recommends no improvements at this intersection. The Olive Ridge development is committed to constructing Olive Ridge Driveway as a stop-controlled, westbound approach with one lane of ingress and one lane of egress. Additionally, the Olive Ridge development has committed to constructing an exclusive southbound left turn lane with 50 feet of storage and appropriate deceleration length and taper along New Hill Olive Chapel Road at the site driveway. Based on these improvements, the major street left turn movements are projected to operate at LOS A during both peak hours and the stop-controlled minor street approaches are projected to operate at LOS C and D in the AM and PM peak hours of the Build scenario, respectively.

### Apex staff recommendations:

- Apex staff concur with the recommendations that no additional geometric improvements are needed. The development is projected to add less than 20 trips to and from the site driveway during the peak hours. Average vehicle delays are projected to increase to 26 seconds per vehicle in the PM peak on the stop-controlled approaches. Per the UDO, no mitigation is required if LOS remains at level D or better.
- It should be noted that the development is reliant on access to the site to be constructed by adjacent development. Per the UDO Section 7.5.4, development is restricted to 50 single family homes or 100 multi-family homes on a single point of access to the public street system, and 300 residential units on two points of access. Three points of access are required for development exceeding 300 residential units. Therefore, adjacent developments need to establish adequate connections to the thoroughfare and major collector street network to allow for this development to develop to its capacity.

### Humie Olive Road and New Hill Olive Chapel Road

Table 3. A.M. / P.M. Signalized Peak Hour Levels of Service Humie Olive Road and New Hill Olive Chapel Road			
	Existing 2021	No Build 2025	Build 2025
<b><u>Overall</u></b>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<b><i>Westbound (Humie Olive Road)</i></b>	<i>B / B<sup>1</sup></i>	<i>D / F<sup>1</sup></i>	<i>D / F<sup>1</sup></i>
<b><i>Northbound (New Hill Olive Chapel Road)</i></b>	NA	NA	NA
<b><i>Southbound (New Hill Olive Chapel Road)</i></b>	<i>A / A<sup>2</sup></i>	<i>A / A<sup>2</sup></i>	<i>A / A<sup>2</sup></i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

#### TIA recommendations:

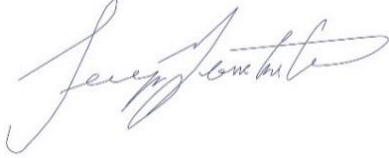
- The TIA recommends no improvements at this intersection. Overlapping committed intersection improvements by adjacent developments include:
  - Extension of the westbound left-turn lane to 250 feet of storage and appropriate deceleration length and taper, and construction of a southbound left-turn lane with 150 feet of storage plus deceleration length and taper by the Friendship Station PUD.
  - Extension of the westbound left-turn lane to 200 feet of storage plus deceleration length and taper, and construction of a southbound left-turn lane with 150 feet of storage plus deceleration length and taper by the Heelan Property.

#### Apex staff recommendations:

- Town staff recommends this intersection be studied for signal warrants and a traffic signal be installed if permitted by NCDOT prior to the development's build out.
- The stop-controlled approach of Humie Olive Road is projected to operate at LOS D and F in the AM and PM peak hours respectively. Average vehicle delays are projected to increase to over 2 minutes per vehicle on the westbound approach with 95<sup>th</sup> percentile queues extending beyond 250 feet in the PM peak hour. Staff evaluated converting this intersection to all-way stop control (AWSC), however due to high traffic volumes on New Hill Olive Chapel Road, the AWSC operations did not show an operational benefit. Some approaches still showed operational failure with LOS F in both peak hours. A traffic signal was shown to improve operations to LOS C or better on all approaches during both peak hours of the day.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed. All recommendations are subject to review by Town Council prior to approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Serge Grebenschikov".

Serge Grebenschikov  
Traffic Engineer  
919-372-7448





Rezoning #22CZ08

New Hope Farm Rd

Twin Ponds Ln

New Hill Olive Chapel Rd

Olive Ridge

Delphi Grove Aly

Gordal Trl

Mission Olive Pl

Hahn Ridge Dr

Jordan Manors



May 2022  
February 2022 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 #: #22CZ08 Submittal Date: 4-1-22  
Fee Paid: \$ paid Check #: \_\_\_\_\_

### PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Adams Property PUD  
Address(es): 8820, 0 & 0 New Hope Farm Road and 8841 & 8833 Twin Ponds Lane  
PIN(s): 0710889798, 0710990078, 0710990171, 0710889126 & 0710879844

Acreage: 23.92

Current Zoning: R-40W Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: LDR (up to 3 du/ac)

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

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

Area classified as mixed use: Acreage: \_\_\_\_\_

Area proposed as non-residential development: Acreage: \_\_\_\_\_

Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: M/I Homes of Raleigh LLC  
Address: 1511 Sunday Drive, Suite 100  
City: Raleigh State: NC Zip: 27607  
Phone: 919-233-5725 E-mail: eleatham@mihomes.com

### Owner Information

Name: See Attached  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent Information

Name: M/I Homes of Raleigh LLC  
Address: 1511 Sunday Drive, Suite 100  
City: Raleigh State: NC Zip: 27607  
Phone: 919-233-5725 E-mail: eleatham@mihomes.com

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adams Property PUD - Owner List

PIN	ADDRESS	OWNER
0710889798	8820 New Hope Farm Rd	ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST
0710990078	0 New Hope Farm Rd	M/I HOMES OF RALEIGH LLC
0710990171	0 New Hope Farm Rd	M/I HOMES OF RALEIGH LLC
0710889126	8841 Twin Ponds Lane	ADAMS-KNOUFF, CAREY
0710879844	8833 Twin Ponds Lane	ADAMS, CAREY

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: #22CZ08

Submittal Date: 4-1-22

### PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

### LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The 2045 Land Use Map designates this area for low density residential, which is contemplated not to exceed a density of 3 du/ac. The proposed project is for a single-family detached residential community around 2.8 du/ac. Therefore, the proposed rezoning is consistent with the 2045 Land Use Map.

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

The surrounding area has been approved for, and is being built as, residential communities. The Olive Ridge community directly south and the Heelan community directly east are both planned at similar densities as what is being proposed. The proposed rezoning is compatible with the existing land use pattern for the 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 rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Heelan community.

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

The proposed rezoning is meant to facilitate the development of a community which will operate as another phase of the adjacent Heelan community. Nevertheless, the project has been designed with large boundary buffers where possible, both to create separation from adjacent development and to protect environmental features.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

As noted above, the proposed project has been designed to provide large buffers around the environmental features on or near the property. Moreover, the project will provide 35% of the project area as RCA. The project minimizes impacts to the environment through thoughtful design.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed project consists of no more than 65 single-family homes. This level of development is not expected to have a significant impact on the Town's ability to continue providing excellent services. The proposed project does not represent a strain on the provision of public services like roads, water, wastewater, schools & emergency services.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed development will add more housing to Apex in an area already planned for growth. By following existing development patterns, this infill project avoids leapfrog development, which can lead to sprawl, and ultimately to more vehicle miles being driven, and more time away from family while commuting. Infill development, like what is proposed, promotes welfare.

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

Adjacent properties are, for the most part, slated for residential development of a similar kind proposed here. In fact, the adjacent Heelan community is being built by the applicant for this proposed rezoning. This actually creates some better efficiencies and will not be a detriment.



## PETITION PROCESS INFORMATION

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

The project is surrounded by other developments which are much larger than what is proposed. Moreover, the surrounding developments also will be residential in nature and of a similar density/intensity. As a result, the proposed project is consistent with uses on adjacent properties and is neither a nuisance or a hazard.

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

The proposed rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Heelan community. Where the PUD is silent, the UDO provisions apply.

TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
8833 TWIN PONDS LN	0710879844	ADAMS, CAREY	8833 TWIN PONDS LN
8841 TWIN PONDS LN	0710889126	ADAMS-KNOUFF, CAREY	8833 TWIN PONDS LN
8820 NEW HOPE FARM RD	0710889798	ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST	8820 NEW HOPE FARM RD
2108 NEW HILL OLIVE CHAPEL RD	0710782623	BARTH, PAUL A BARTH, SUSAN M	2108 NEW HILL OLIVE CHAPEL RD
8801 NEW HOPE FARM RD	0710892208	DIPROFIO, DAVID P DIPROFIO, VICKI M	8801 NEW HOPE FARM RD
8848 TWIN PONDS LN	0710970228	DRP NC 1 LLC	590 MADISON AVE FL 13
8825 NEW HOPE FARM RD	0710990226	GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M	PO BOX 307
8800 NEW HOPE FARM RD	0710884797	HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J	8800 NEW HOPE FARM RD
3120 OLIVE FARM RD	0720075965	MM HOMES OF RALEIGH LLC	1511 SUNDAY DR STE 100
8812 NEW HOPE FARM RD	0710887654	MCKEITHAN, KAREN D ST CLAIR, LANCE	8812 NEW HOPE FARM RD
2020 NEW HILL OLIVE CHAPEL RD	0710784941	MEILLEUR, GUY	2020 NEW HILL OLIVE CHAPEL RD
8815 NEW HOPE FARM RD	0710896246	PAIRIS-GARCIA, MONIQUE GARCIA, JUAN	8815 NEW HOPE FARM RD
2008 NEW HILL OLIVE CHAPEL RD	0710794176	SCHNORR, CHRISTOPHER T SCHNORR, EVELYN A	2008 NEW HILL OLIVE CHAPEL RD
		APEX TOWN OF	PO BOX 250
		Current Tenant	2041 New Hill Olive Chapel RD
		Current Tenant	2105 New Hill Olive Chapel RD
		Current Tenant	2125 New Hill Olive Chapel RD
		Current Tenant	2205 New Hill Olive Chapel RD
		Current Tenant	8824 New Hope Farm RD
		Current Tenant	8825 New Hope Farm RD
		Current Tenant	8829 New Hope Farm RD
		Current Tenant	3120 Olive Farm RD
		Current Tenant	8836 Twin Ponds LN
		Current Tenant	8841 Twin Ponds LN
		Current Tenant	8848 Twin Ponds LN
			NEW HILL NC 27562-9235
			NEW HILL NC 27562-9235
			NEW HILL NC 27562-9178
			NEW HILL NC 27562-9736
			NEW HILL NC 27562-9179
			NEW YORK NY 10022-2524
			NEW HILL NC 27562-0307
			NEW HILL NC 27562-9178
			RALEIGH NC 27807-5195
			NEW HILL NC 27562-9178
			NEW HILL NC 27562-9734
			NEW HILL NC 27562-9179
			NEW HILL NC 27562-9734
			APEX NC 27502-0250
			NEW HILL NC 27562
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			NEW HILL NC 27562

Developer Company Information	
Company Name	M/I Homes of Raleigh LLC
Company Phone Number	919-233-5725
Developer Representative Name	Erica Leatham
Developer Representative Phone Number	919-233-5725
Developer Representative Email	eleatham@mihomes.com

New Residential Subdivision Information	
Date of Application for Subdivision	April 1, 2022
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	0 & 8820 New Hope Farm Rd and 8833 & 8841 Twin Ponds Lane
REID(s)	0096776, 0107563, 0096777, 0105635, 0117372
PIN(s)	0710-87-9844, 0710-88-9798, 0710-88-9126, 0710-99-0078, 0710-99-0171

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2025

Lot by Lot Development <i>Information</i>																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	65					35	30	2200	3300	\$400,000	\$600,000	2025	30	2026	35		
Townhomes																	
Condos																	
Apartments																	
Other																	

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

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

Please send any questions about this form to:  
[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)

## AGENT AUTHORIZATION FORM

Application #: #22CZ08

Submittal Date: 4-1-22

M/I Homes of Raleigh LLC

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

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

The property address is: 0 New Hope Farm Road & 0 New Hope Farm Road

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: e.leatham@mihomes.com

Signature(s) of Owner(s)\*



Erica Leatham

Type or print name

march 30, 2022

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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



# AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08

Submittal Date: 4-1-22

The undersigned, M/I Homes of Raleigh LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 New Hope Farm Road & 0 New Hope Farm 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 December 13, 2021, and recorded in the Wake County Register of Deeds Office on December 13, 2021, in Book 18839 Page 2513.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on December 13, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on December 13, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30<sup>th</sup> day of march, 2022.

x Erica Leatham

(seal)

Erica Leatham

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Erica Leatham, 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.



Sara S. Clifton

Notary Public Sara S. Clifton

State of North Carolina

My Commission Expires: January 10, 2025

## AGENT AUTHORIZATION FORM

Application #: #22CZ08

Submittal Date: 4-1-22

Donna J Albrecht, Trustee is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 8820 New Hope Farm Road

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: eleatham@mihomes.com

Signature(s) of Owner(s)\*

x Donna J. Albrecht

Donna J. Albrecht, Trustee

Type or print name

3/30/2022

Date

\_\_\_\_\_

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

# AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08

Submittal Date: 4-1-22

The undersigned, Donna J. Albrecht, Trustee of the Donna J. Albrecht Revocable Living Trust (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 8820 New Hope Farm 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 June 6, 2018, and recorded in the Wake County Register of Deeds Office on June 13, 2018, in Book 17154 Page 1465.
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 June 13, 2018, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on June 13, 2018, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

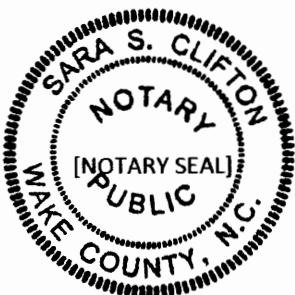
This the 30<sup>th</sup> day of march, 2022.

x Donna J. Albrecht (seal)  
Donna J. Albrecht, Trustee  
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Donna J. Albrecht, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DL # 1770121, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Sara S. Clifton

Notary Public

State of North Carolina

My Commission Expires: January 10, 2025

## AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: #22CZ08

Submittal Date: 4-1-22

**Insert legal description below.**

Being all of Lot 3, Section I, New Hope Farm Subdivision, according to a plat of a survey entitled "New Hope Farm Subdivision, Lot 3, 4, 8, Section I, Buckhorn Township, Wake County, North Carolina, Proeprty of New Hope Land Partnership, Larry Kingsley, et. al.", by Glen D. Ward & Associates, Engineers, dated June 7, 1978 and recorded in Book of Maps 1978, Page 383, Wake County Registry.

## AGENT AUTHORIZATION FORM

Application #: #22CZ08 Submittal Date: 4-1-22  
Carey  
Carey Adams-Knouff 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: 8833 & 8841 Twin Ponds Lane

The agent for this project is: M/I Homes of Raleigh LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 | Raleigh, NC 27607

Telephone Number: (919) 233-5725

E-Mail Address: eleatham@mihomes.com

Signature(s) of Owner(s)\*

X Carey Adams-Knouff

Type or print name

3/30/2022

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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



# AFFIDAVIT OF OWNERSHIP

Application #: #22CZ08

Submittal Date: 4-1-22

The undersigned, Carey Adams-Knouff

(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 8833 & 8841 Twin Ponds Lane and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated August 11, 2021, and recorded in the Wake County Register of Deeds Office on August 11, 2021, in Book 18641 Page 1836.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on August 11, 2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on August 11, 2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30<sup>th</sup> day of march, 2022.

X Carey Adams-Knouff (seal)  
Carey Adams-Knouff  
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Carey Adams-Knouff, 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.



Sara S. Clifton  
Notary Public Sara S. Clifton  
State of North Carolina  
My Commission Expires: January 10, 2025

# NOTICE OF NEIGHBORHOOD MEETING

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

3/15/2022

Date

Dear Neighbor:

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

8820 & 0 New Hope Farm Rd

0710889798, 0710990078, & 0710990171

8833 & 8841 Twin Ponds Ln

0710889126 & 0710879844

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

This rezoning is sought to facilitate the development of approximately 65 single family homes adjacent to the Heelan PUD. The applicant for this project is M/I Homes, the builder of Heelan.

This community is proposed as an addition to and in conjunction with the existing Heelan community.

Estimated submittal date: April 1

## MEETING INFORMATION:

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

Contact information (email/phone): nghosh@morningstarlawgroup.com/919-590-0362

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date/Time of meeting\*\*: March 29, 2022 5:00 PM

Welcome: 5:00 PM Project Presentation: 5:03 PM Question & Answer: 5:06 PM

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

# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Adams Property PUD Zoning: PUD-CZ

Location: New Hope Farm Road

Property PIN(s): 0710889798; 0710990078; 0710889126; & 0710879844 Acreage/Square Feet: 23.64 acres

Property Owner: Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: M/I Homes of Raleigh

Address: 1511 Sunday Drive

City: Raleigh State: NC Zip: 27607

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: Jones & Cnossen, PE

Address: P.O. Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: \_\_\_\_\_ Email: peter@jonescnossen.com

Builder (if known): Same as developer

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

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

### **Providing Input to Town Council:**

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> 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](mailto: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.

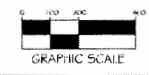
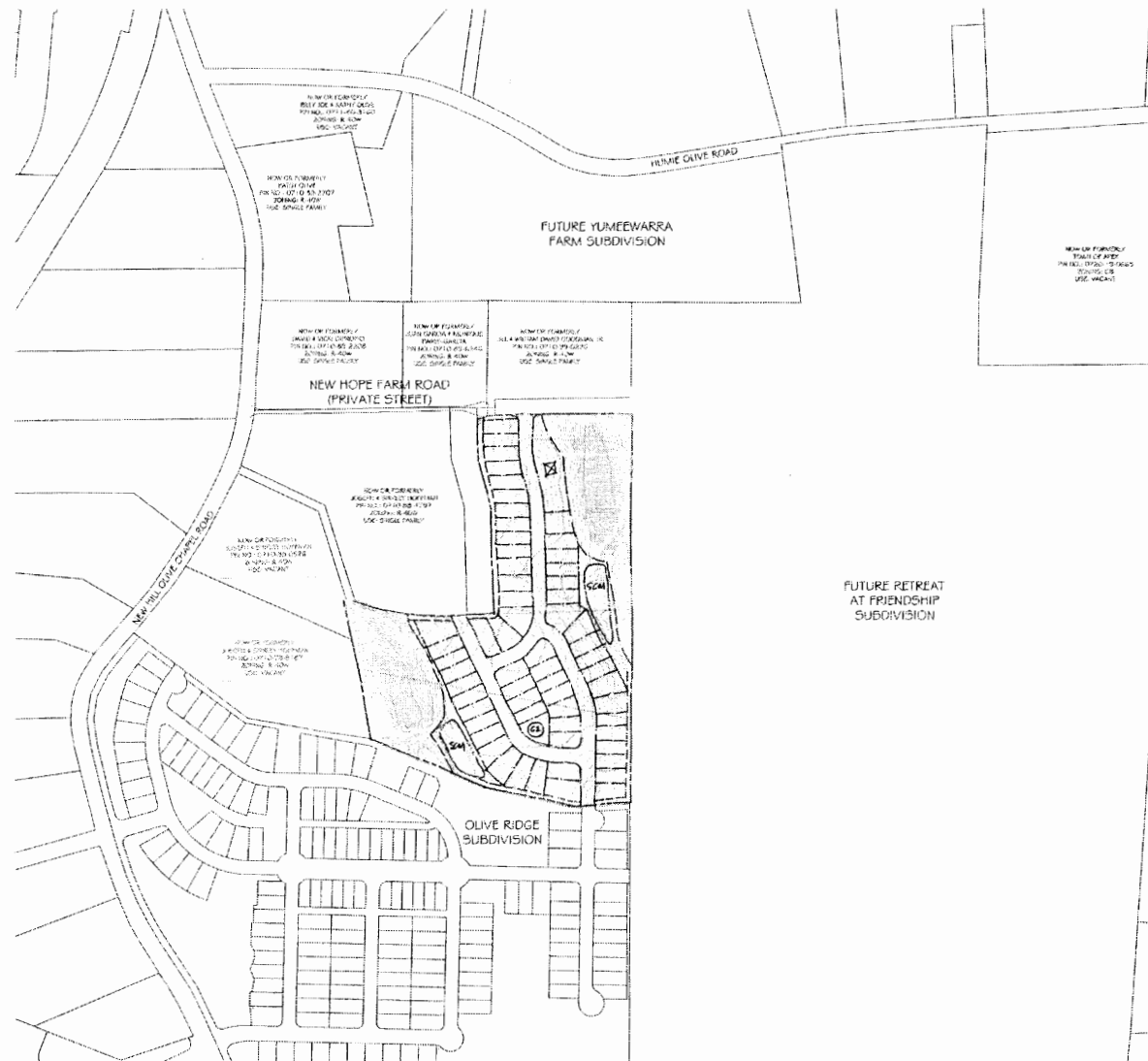
It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce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





# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date of meeting: 3/29/2022

Time of meeting: 5:00 PM

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

DEVELOPMENT  
TEAM

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Tom Albrecht - Seller				
2.	NIL CAHOSH		919-590-0362	NGHOSH@MORNINGSTARLAWGROUP.COM	
3.	PATRICK KIERNAN		919-387-1174	PATRICK@JONESCHOSSENI.COM	
4.	PATRICK ADAMS		919-422-4681	PADAMS@MIHOMES.COM	
5.	JOSHUA REINKE		919-987-1293	JREINKE@PAMEYKEMP.COM	
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

## SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Albrecht Revocable Living Trust, Cary Adams, & M/I Homes of Raleigh

Applicant(s): M/I Homes of Raleigh

Contact information (email/phone): nghosh@morningstarlawgroup.com/919-590-0362

Meeting Address: https://morningstarlaw.group/03292022mtg2

Date of meeting: 3/29/2022

Time of meeting: 5:00 PM

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

Question/Concern #1:

What is the timeline for this project?

Applicant's Response:

The project will unfold over three processes. Right now, we are in the rezoning phase.

From submittal, rezoning takes about 4 months. After that, we will submit for master subdivision plan approval.

That takes about 5 months. Following that, we can submit for CDs which may take another 3 months or so before construction can begin.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Nil Ghosh, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on 3/29/2022 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

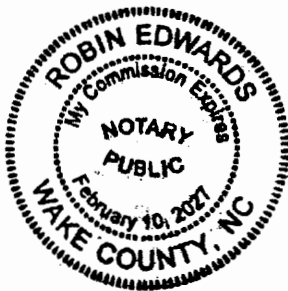
3/30/22  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Nil Ghosh, a Notary Public for the above State and County, on this the 30<sup>th</sup> day of March, 2022.

SEAL



Robin Edwards  
Notary Public  
Robin Edwards  
Print Name

My Commission Expires: 2/10/2027

# Adams Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

April 1, 2022

PREPARED BY:



## **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

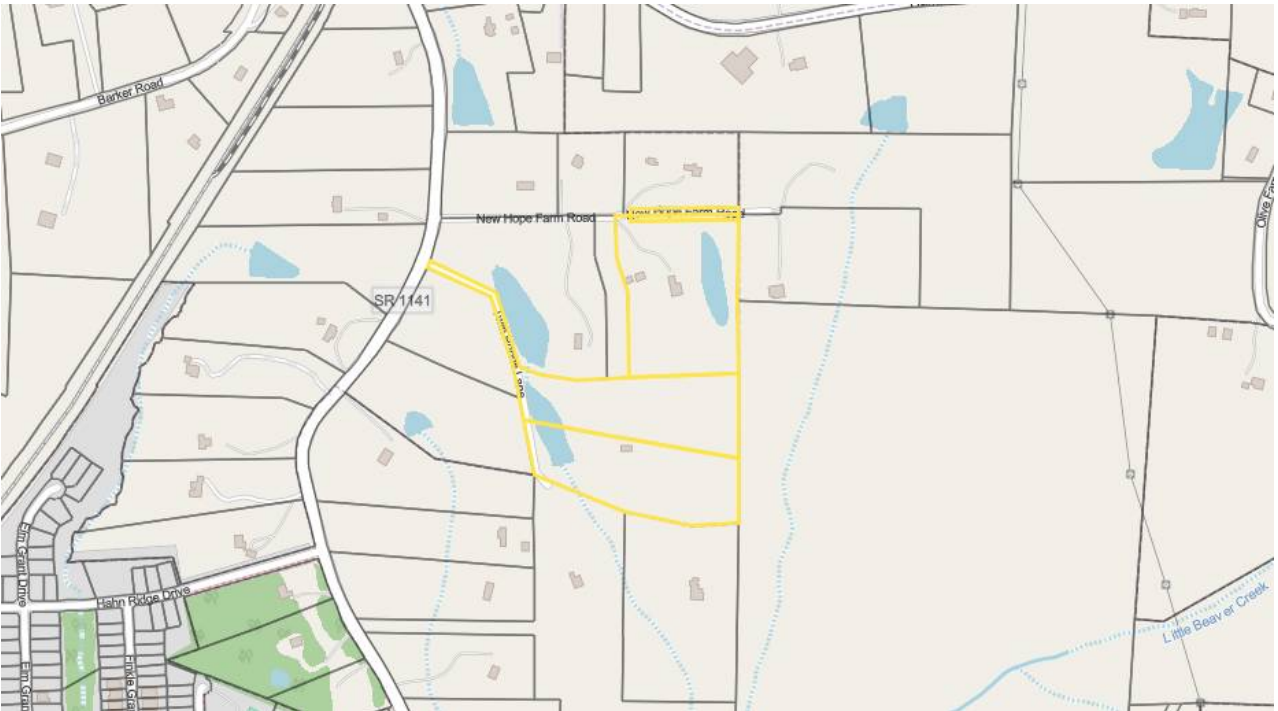
Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 18: Affordable Housing



## Section 2: Vicinity Map



The Adams Property PUD is located just outside the southwest region of Apex's planning jurisdiction, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Heelan Property PUD is being developed just east of the property. The Olive Ridge Community is being developed south of the property.

### Section 3: Project Data

**A. Name of Project:**

Adams Property PUD

**B. Property Owners:**

M/I Homes of Raleigh  
Carey Adams  
Albrecht Revocable Living Trust

**C. Prepared By:**

Nil Ghosh, Associate  
Morningstar Law Group  
700 W Main St | Second Floor  
Durham, NC 27701

**D. Current Zoning Designation:**

R-40W (Wake County)

**E. Proposed Zoning Designation:**

Planned Unit Development – Conditional Zoning (PUD-CZ)

**F. Current 2045 Land Use Map Designation:**

Low Density Residential ( $\leq 3$  units/acre)

**G. Proposed 2045 Land Use Map Designation:**

Low Density Residential

**H. Proposed Use**

Up to 66 dwelling units, associated open space, recreational amenities, and infrastructure.

**I. Size of Project**

Wake County Tax Identification Number	Acreage
0710-88-9798	23.92 acres
0710-99-0078	
0710-99-0171	
0710-88-9126	
0710-87-9844	

## Section 4: Purpose Statement

The Adams Property PUD development will be a single-family residential community with detached homes. This community is meant to operate as a phase of the Heelan Property PUD, so main amenities will be shared with that community. Nevertheless, this community will include the requisite amount of open space and amenities for a project of this size.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit 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 open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- 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 to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the 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 recently updated Advance Apex 2045.

## Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

Accessory apartment	Single-family
Greenway	Recreation Facility, private
Park, active	Park, passive
Utility, minor	

Additionally, the following conditions shall also apply:

- A. A maximum of 66 residential units shall be permitted upon the property.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.
- C. All single-family detached dwellings shall be pre-configured with conduit for future

- installation of roof-mounted solar PV panels.
- D. Homes shall be designed to meet or exceed Energy Star requirements.
- E. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
- F. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
- G. Developer shall install at least three (3) pet waste stations within the community.
- H. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
- I. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
- J. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the Property to prevent access to Twin Ponds Lane.

## Section 6: Proposed Design Controls

### A. Maximum Non-Residential Design Controls

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 2.8 units per acre.

**Design Controls** At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density:	2.8 Units/Acre
Maximum Number of Units:	66
Maximum Built-Upon Area:	60%
Minimum Lot Size:	4,000 sf
Minimum Lot Width:	40'
Maximum Building Height:	45' and 3 stories
<i>Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.</i>	

Minimum Setbacks	
<b>Front</b>	10'
<b>Rear</b>	20'
<b>Side</b>	5'
<b>Corner</b>	5'
<b>Building to Building</b>	NA

<b>From Buffer/RCA</b>	10' for Buildings 5' for Parking Areas
------------------------	---

### C. Perimeter Buffers

North boundary	
Former New Hope Farm Road:	0-foot
Other:	20-foot Type B
South boundary:	10-foot Type B
West boundary:	
Adjacent to REID #0101565	20-foot Type B
Other:	100-foot Type E
East boundary:	10-foot minimum, 30-foot average Type B
<i>Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.</i>	

## 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 Site Plan submittal. The following conditions shall apply:

- A.** Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B.** Residential areas will utilize brick, stone, and fiber cement plank siding.
- C.** Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D.** At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- E.** A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F.** Garage doors shall have windows, decorative details or carriage-style adornments on them.
- G.** The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- H.** J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than



two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

- I. Eaves shall project at least 12 inches from the wall of the structure.
- J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- L. 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:
  - 1. Windows
  - 2. Bay window
  - 3. Recessed window
  - 4. Decorative window
  - 5. Trim around the windows
  - 6. Wrap around porch or side porch
  - 7. Two or more building materials
  - 8. Decorative brick/stone
  - 9. Decorative trim
  - 10. Decorative shake
  - 11. Decorative air vents on gable
  - 12. Decorative gable
  - 13. Decorative cornice
  - 14. Column
  - 15. Portico
  - 16. Balcony
  - 17. Dormer
- M. Front porches shall be a minimum of 5 feet deep.

## **Section 8: Parking and Loading**

Parking for the development shall be per Town of Apex UDO.

## **Section 9: Signage**

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

## **Section 10: Natural Resource and Environmental Data**

### **A. River Basins and Watershed Protection Overlay Districts**

The project is located within the primary watershed within the Beaver Creek Basin. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

### **B. Resource Conservation Areas (RCA) and Landscaping**

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 of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. 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 may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also 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 in required planting or landscape areas.

### **C. Any Historic Structures Present**

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

## **Section 11: Stormwater Management**

**A.** This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 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.

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

## **Section 12: Parks and Recreation**

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on May 25, 2022, 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 2022-2023 rates:

Single Family Detached Units:                      \$3,753.89/lot

(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.

## **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:

**A. General Roadway Infrastructure**

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way and opportunities for future connections will be provided. Further, cul-de-sacs will be avoided except where environmental features make through streets infeasible.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

**B. 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:

Humie Olive and New Hill Olive Chapel Road

- Developer shall pay a fee in lieu in the amount of \$25,000 toward the cost of the design, right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

**C. Pedestrian Facilities:**

Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to \$4,224.00 for the future installation of the side path.

**D. Water and Sanitary Sewer**

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development 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. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

## **E. 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 development may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

### **Section 15: Consistency with the 2045 Land Use Map**

The proposed land use is consistent with the 2045 Land Use Map.

### **Section 16: Compliance with the UDO**

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

### **Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan**

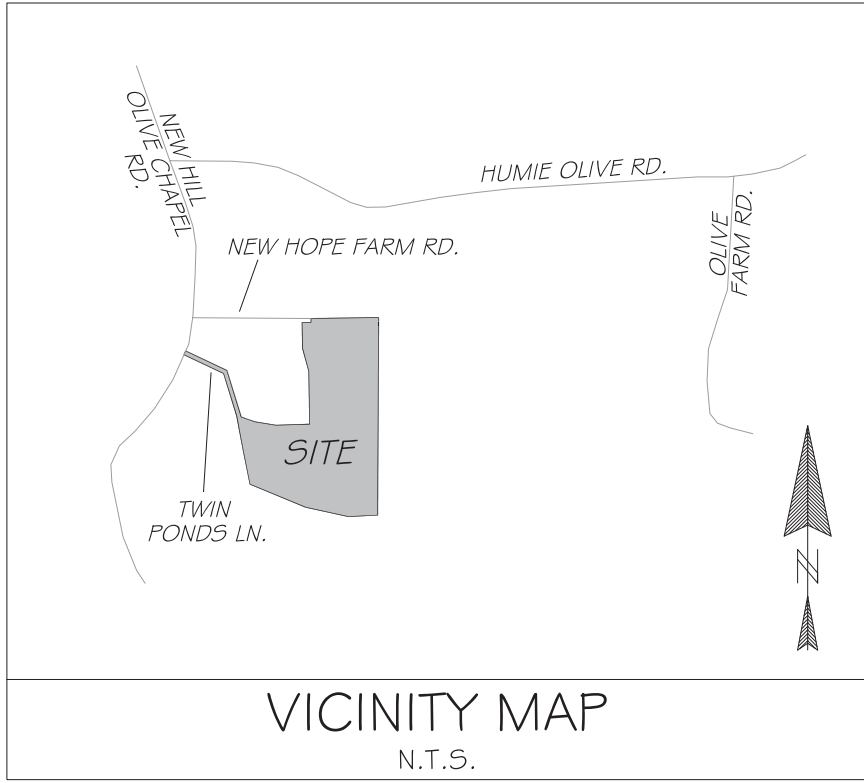
Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan.

### **Section 18: Affordable Housing**

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex. This developer has shown its commitment to providing affordable housing within the Town of Apex with its new construction projects when possible. However, due to the overall financial aspects of the Adams Property PUD, it is not economically feasible to include additional affordable housing units in light of the numerous affordable housing units which this developer has provided in previous PUDs before the Town codified any incentives for the provision of affordable housing.



# ADAMS PROPERTY PLANNED UNIT DEVELOPMENT



SITE DATA	
PROJECT NAME	ADAMS PROPERTY PUD
PREPARER'S CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	MI HOMES-RALEIGH 1511 SUNDAY DRIVE SUITE #110 RALEIGH, NC 27607 PHONE - (919) 205-9980 CONTACT PERSON - ERICA LEATHAM
CURRENT ZONING	R-40W
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
PROPOSED ZONING DESIGNATION	PUD-CZ
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
WAKE COUNTY PINS	0710-87-9844, 0710-88-9798, 0710-88-9126, 0710-99-0078, 0710-99-0171
TOTAL PROJECT AREA	23.92 ACRES
AREA IN LAND DEDICATION	N/A
NET SITE AREA	23.92 ACRES
MAXIMUM DENSITY	2.8 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	66 UNITS
MINIMUM LOT SIZE	4,000 SF
REQUIRED RCA / BUFFER AREA	7.18 ACRES (30%, IF STAGED GRADING) 8.37 ACRES (35%, IF MASS GRADING)
PROVIDED RCA / BUFFER AREA	8.37 ACRES (35.0%)
MAXIMUM BUILT UPON AREA FOR PUD	14.35 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45'
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UDO SECTION 8.3 FOR SINGLE-FAMILY RESIDENTIAL LOTS
PUBLIC RECREATION REQUIREMENT (FEE-IN-LIEU)	SINGLE-FAMILY DETACHED (\$3,753.89/LOT)
PRCR ADVISORY COMMISSION MEETING DATE	5/25/22
WATERSHED INFORMATION	PRIMARY; BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	APEX 21-004
HISTORIC STRUCTURE?	NO
PHASED DEVELOPMENT	NO
FEMA FLOODPLAIN INFORMATION	MAP #3720071000K - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

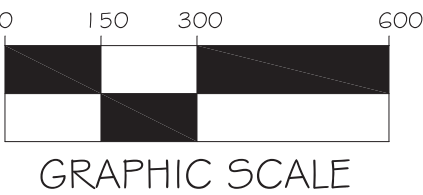
- PERMITTED USE:
- SINGLE-FAMILY
  - ACCESSORY APARTMENT
  - GREENWAY
  - RECREATION FACILITY, PRIVATE
  - PARK, ACTIVE
  - PARK, PASSIVE
  - UTILITY, MINOR

MINIMUM BUILDING SETBACKS-SINGLE FAM.	
FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

PD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN
- PRELIMINARY UTILITY PLAN

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION



SCALE: 1"=300' DRAWN: PLK

DATE: APRIL 1, 2022

REVISION:	
5/12/22	PER TRC
6/6/22	PER TRC
7/7/22	PBVC SET
8/4/22	EX. ACCESS EASE.

SHEET: 1

PROJECT: 2152

THIS SHEET IS FOR  
ILLUSTRATIVE PURPOSES ONLY



TOWN REQUIRED PUD NOTES:

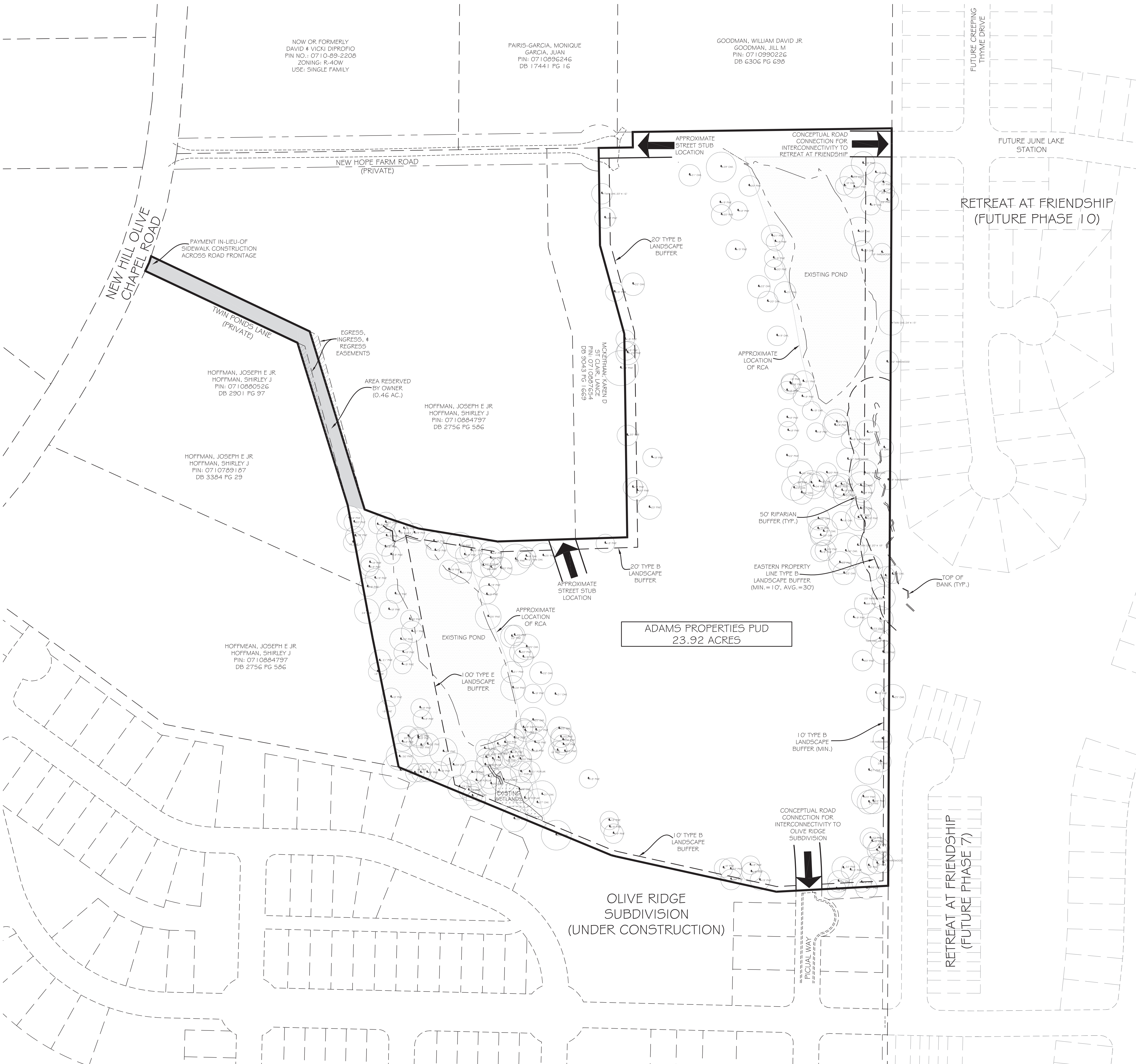
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NOTES:

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2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
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7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

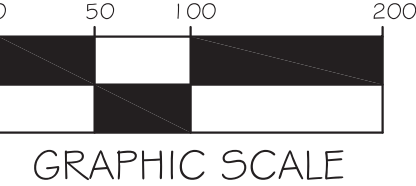
PLANNING NOTES:

1. A TRANSPORTATION IMPACT ANALYSIS HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7. SIGNS
6. THE PUD SHALL MEET AND EXCEED THE TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR, 10-YEAR, AND 25-YEAR 24 HOUR STORM EVENTS.
7. THIS DEVELOPMENT IS EXPECTED TO BE MASS GRADED AND IS NOT EXPECTED TO BE PHASED.



THIS SHEET IS FOR  
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION



**Jones & Clossen**  
ENGINEERING, PLLC  
Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST.  
SUITE 001  
PO BOX 1062  
APEX, NC 27502  
Office: 919-387-1174  
Registration: P-0151  
www.jonesclossen.com



ADAMS PROPERTY PUD  
PD PLANS  
PRELIMINARY LAYOUT PLAN

SCALE:	1" = 100'	DRAWN:	PLK
DATE:	APRIL 1, 2022		
REVISION:	5/1/22	PER:	TRC
	6/6/22	PER:	TRC
	7/7/22	PER:	SET
	8/4/22	EX. ACCESS:	EASE.
SHEET:	2		
PROJECT:	2152		



TOWN REQUIRED PUD NOTES:

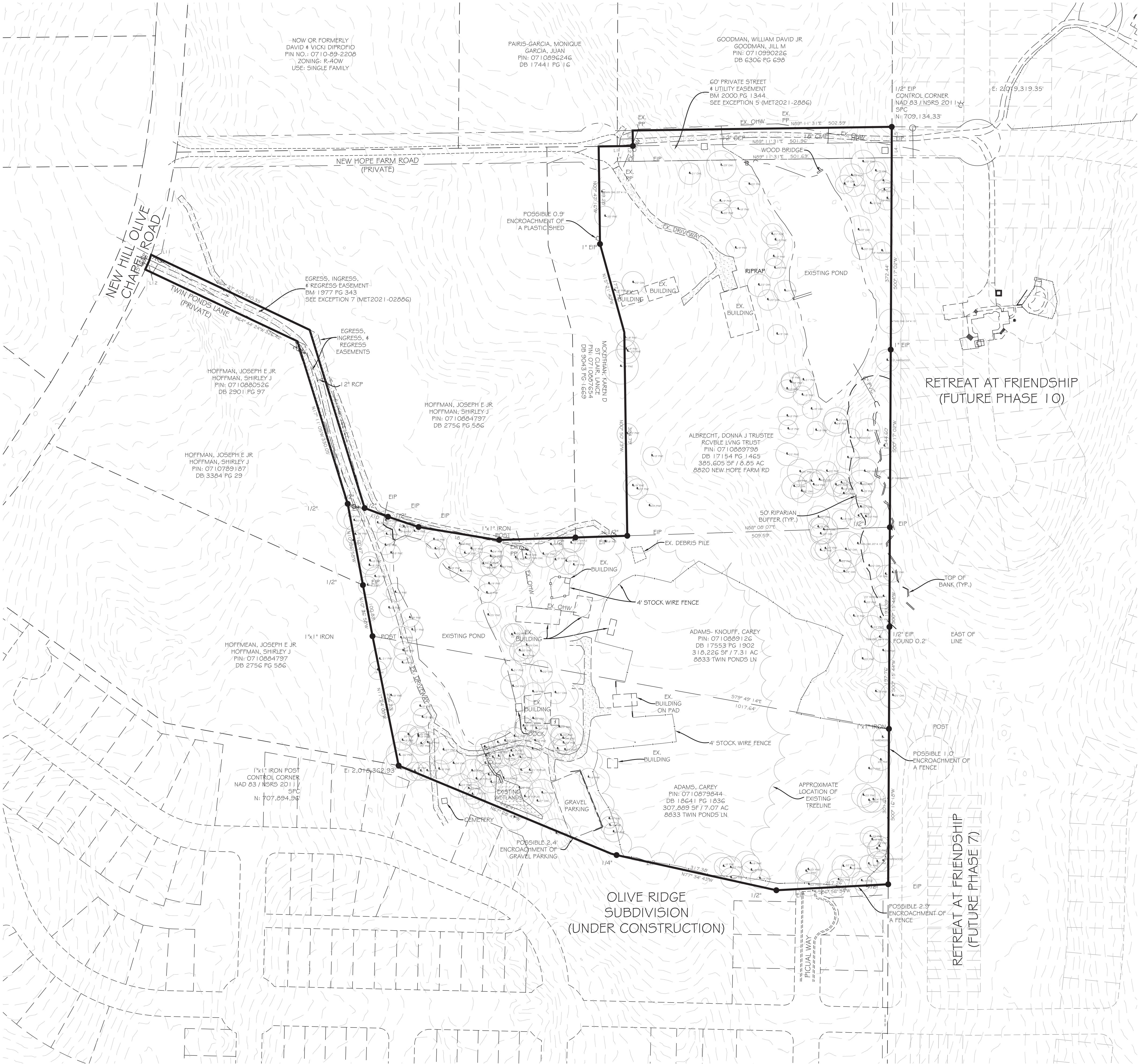
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LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S00° 06' 38"W	29.93'
L2	S00° 06' 38"W	29.94'
L3	N24° 57' 29"E	17.79'
L4	N17° 37' 41"E	13.06'
L5	S69° 29' 27"E	48.31'
L6	S71° 31' 34"E	62.60'
L7	S80° 38' 27"E	155.34'
L8	N88° 08' 07"E	151.09'
L9	N88° 08' 07"E	100.54'
L10	N89° 10' 19"E	66.34'
L11	S00° 48' 29"E	29.86'
L12	N00° 48' 29"W	30.00'

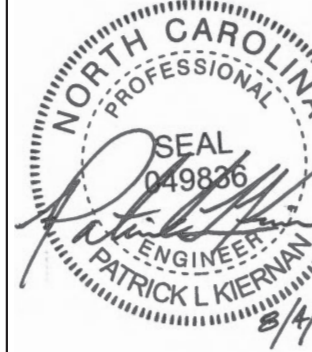
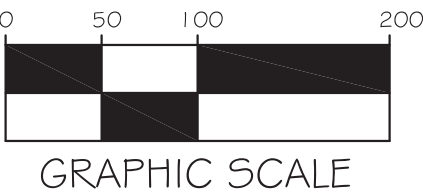
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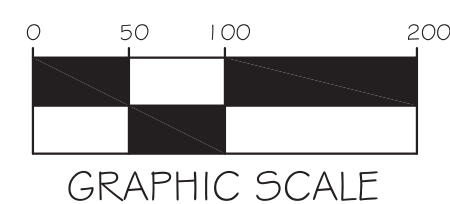




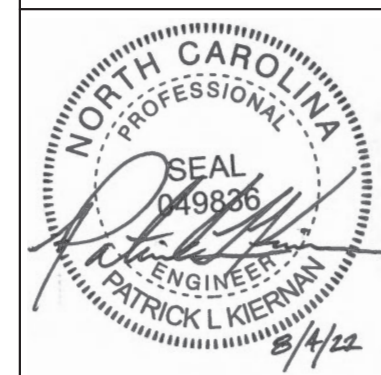
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7. THE LOCATION OF SILT FENCE SHALL MAINTAIN A 3' OF CLEARANCE FROM FIRE HYDRANTS.
8. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
9. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC RAW SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
10. CONTACT FOR TOWN OF APEX EXISTING UTILITIES IS RODNEY SMITH AT 919-249-3342.
11. THE DEVELOPER SHALL LIFT THE TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
12. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
13. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
14. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

PRELIMINARY PLANS  
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SUITE 001  
PO BOX 1062  
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---

ADAMS PROPERTY PUD  
PD PLANS

# PRELIMINARY UTILITY PLAN

SCALE 1" = 100'	DRAWN PLK
DATE APRIL 1, 2022	
REVISION 5/1/22	PER TRC
6/6/22	PER TRC
7/7/22	PB/TC SET
8/4/22	EX. ACCESS EASE.
SHEET 4	
PROJECT 2152	





**Belmont Plan**

in Grove at White Oak | Garner, North Carolina

Modeling all options



Bed **3 - 5** Bath **3 - 4** Garage **2 - 3** Sq Ft **2,302 - 2,400**

[View Details](#)

Modeling all options



**Crabtree Plan**

in Grove at White Oak | Garner, North Carolina

Modeling all options

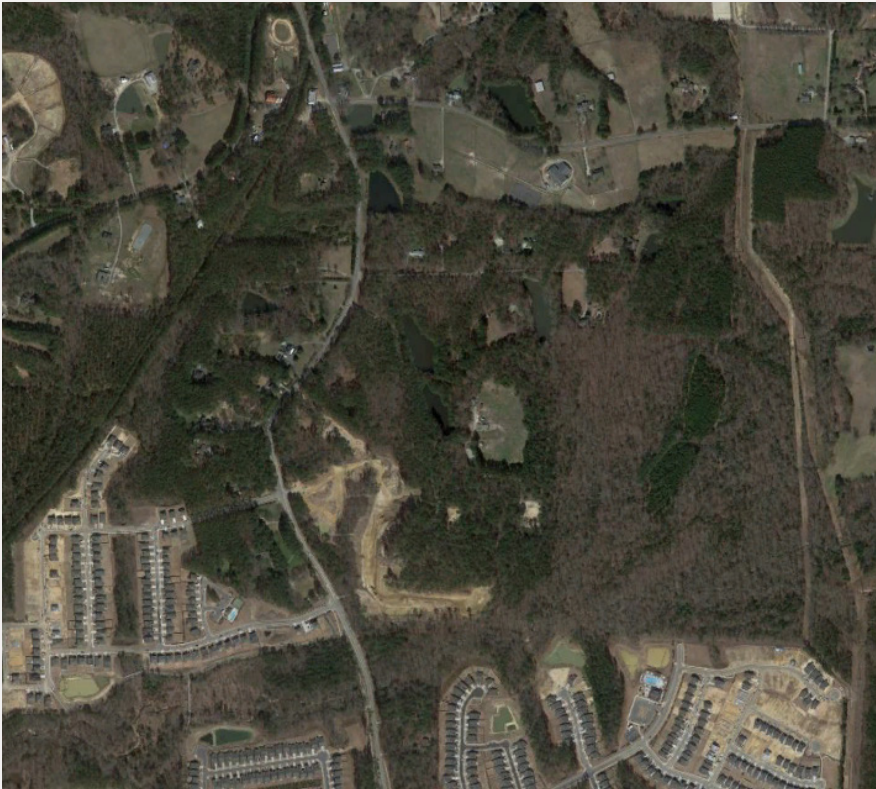


Bed **3 - 4** Bath **2 - 4** Garage **2 - 3** Sq Ft **2,561**

[View Details](#)







Twin Ponds Lane Development  
**Traffic Impact Analysis**  
**Apex, North Carolina**



**TRAFFIC IMPACT  
ANALYSIS**

**FOR**

**TWIN PONDS LANE DEVELOPMENT**

**LOCATED**

**IN**

**APEX, NC**

Prepared For:  
M/I HOMES OF RALEIGH, LLC  
1511 Sunday Drive, 100  
Raleigh, NC

Prepared By:  
Ramey Kemp & Associates, Inc.  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609  
License #C-0910



2/28/2022

FEBRUARY 2022

RKA Project No. 21765

Prepared By: MLS

Reviewed By: JTR

**TRAFFIC IMPACT ANALYSIS  
TWIN PONDS LANE DEVELOPMENT  
APEX, NORTH CAROLINA**

**EXECUTIVE SUMMARY**

**1. Development Overview**

A Traffic Impact Analysis (TIA) was conducted for the proposed Twin Ponds Lane Development in accordance with the Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be a maximum of 87 single-family home development and estimated to be built out in 2025. Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via Humie Olive Road and Heelan Driveway and via New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.)

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

**2. Existing Traffic Conditions**

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- New Hill Olive Chapel Road and Humie Olive Road

- New Hill Olive Chapel Road and Hahn Ridge Drive.

Peak hour turning movement counts were conducted by Ramey Kemp & Associates, Inc. at the intersection of New Hill Olive Chapel Road and Humie Olive Road in December of 2021 during weekday AM (7:00 to 9:00) and weekday PM (4:00 to 6:00) peak hours, while schools were in session.

Turning movement counts at the intersections of New Hill Olive Chapel Road and Olive Ridge Driveway/ Hahn Ridge Drive and Humie Olive Road and Heelan Site Drive were determined based on the TIAs for Jordan Manors, Olive Ridge, and Heelan Property. Based on coordination with the Town only 75% of Jordan Manors was assumed to be built-out at the time of data collection; therefore, only 75% of the turning movement volumes (based on the Jordan Manors TIA) were included along Hahn Ridge Drive under 2021 existing conditions. Through volumes were determined by balancing the traffic counts at the adjacent intersection of Humie Olive Road and New Hill Olive Chapel Road.

Traffic volumes were balanced between study intersections, where appropriate.

### **3. Site Trip Generation**

The proposed development is assumed to consist of a maximum of 87 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10<sup>th</sup> Edition. Table E-1 provides a summary of the trip generation potential for the site.

**Table E-1: Site Trip Generation**

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	87 dwellings	920	17	50	56	33

#### 4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2025 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Jordan Manors
- Woodbury / Bristol Assemblage
- Gracewood PUD
- Friendship Station PUD
- New Hill Assembly / Belterra / Jordan Vistas
- Olive Ridge
- Heelan Property

#### 5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2025 no-build, and 2025 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

#### 6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

##### **Committed Improvements by Friendship Station PUD**

###### New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 250 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

##### **Committed Improvements by Heelan Property**

###### New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 200 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

Humie Olive Road and Heelan Driveway

- Provide an exclusive eastbound right-turn lane with 75 feet of storage.
- Provide an exclusive westbound left-turn lane with 75 feet of storage.
- Construct a northbound approach with one ingress and one egress lane as a shared left/right-turn lane.
- Provide stop control for the northbound approach.

**Committed Improvements by Olive Ridge**New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

- Construct a westbound approach with one ingress and one egress lane as a shared left/through/right turn lane.
- Provide stop control for the westbound approach.
- Provide an exclusive southbound left-turn lane with 50 feet of storage.

**Recommended Improvements by the Twin Ponds Lane Development**

Due to committed improvements by other developments and low impacts to the study intersections, no additional improvements are recommended by the developer.



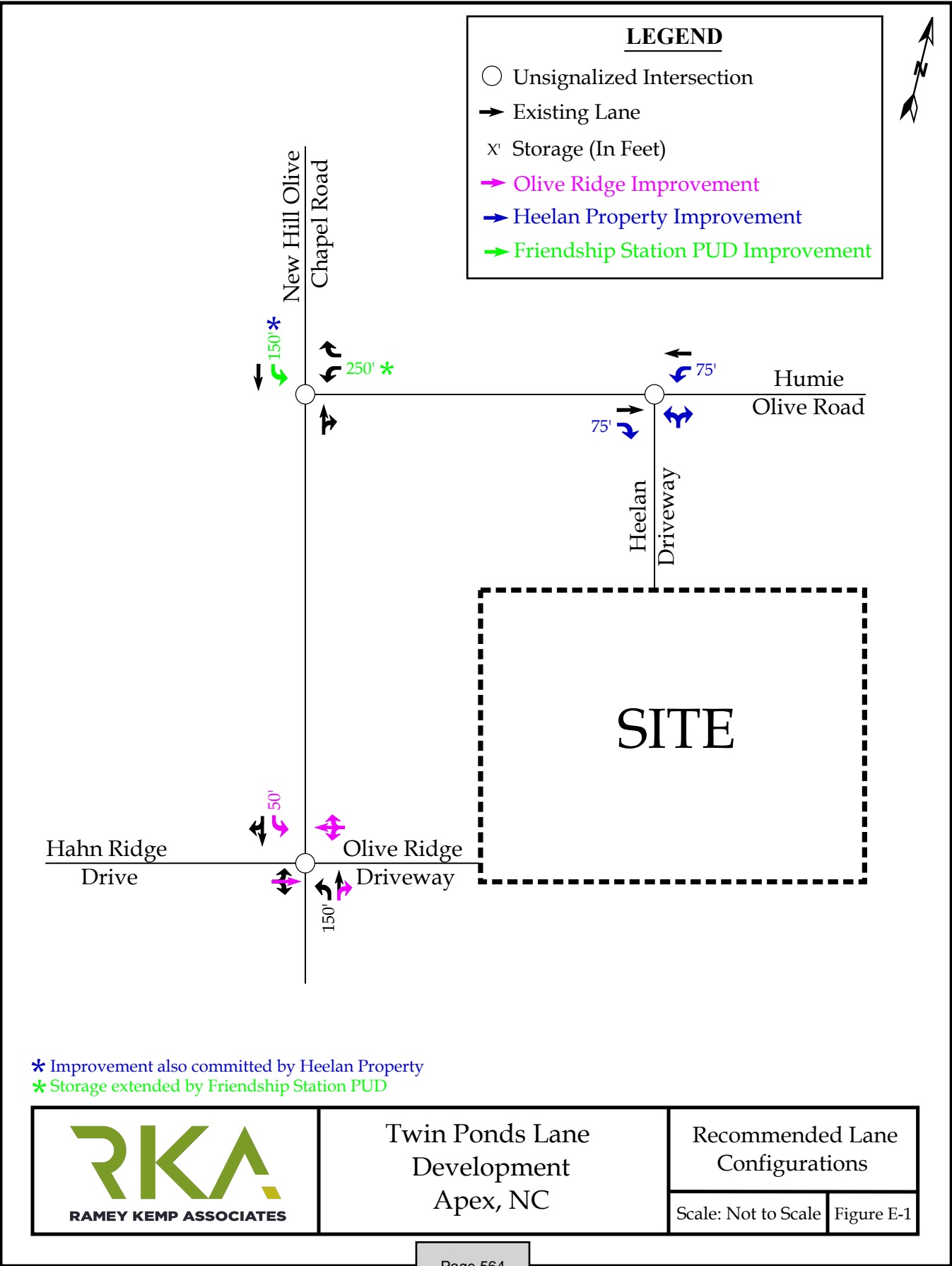


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Appendix A:	Scoping Documentation
Appendix B:	Traffic Counts
Appendix C:	Adjacent Development Information
Appendix D:	Capacity Calculations – New Hill Olive Chapel Road and Humie Olive Road
Appendix E:	Capacity Calculations – New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway
Appendix F:	Capacity Calculations – Humie Olive Road and Heelan Driveway
Appendix G:	SimTraffic Queuing Reports

# **TRAFFIC IMPACT ANALYSIS**

## **TWIN PONDS LANE DEVELOPMENT**

### **APEX, NORTH CAROLINA**

## **1. INTRODUCTION**

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Twin Ponds Lane development to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2025, is assumed to consist of a maximum of 87 single-family homes. The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

### **1.1. Site Location and Study Area**

The development is proposed to be located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- New Hill Olive Chapel Road and Humie Olive Road
- New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway
- Humie Olive Road and Heelan Driveway\*

\*No-build and build conditions only



Refer to Appendix A for the approved scoping documentation.

### **1.2. Proposed Land Use and Site Access**

The site is located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road. The proposed development, anticipated to be completed in 2025, is assumed to consist of a maximum of 87 single-family homes.

Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street, and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via the intersection of Humie Olive Road and Heelan Driveway and via the intersection of New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.) Refer to Figure 2 for a copy of the preliminary site plan.

### **1.3. Adjacent Land Uses**

The proposed development is located in an area consisting primarily of residential development. Additionally, Apex Friendship Middle School and Apex Friendship High School are located east of the proposed development.

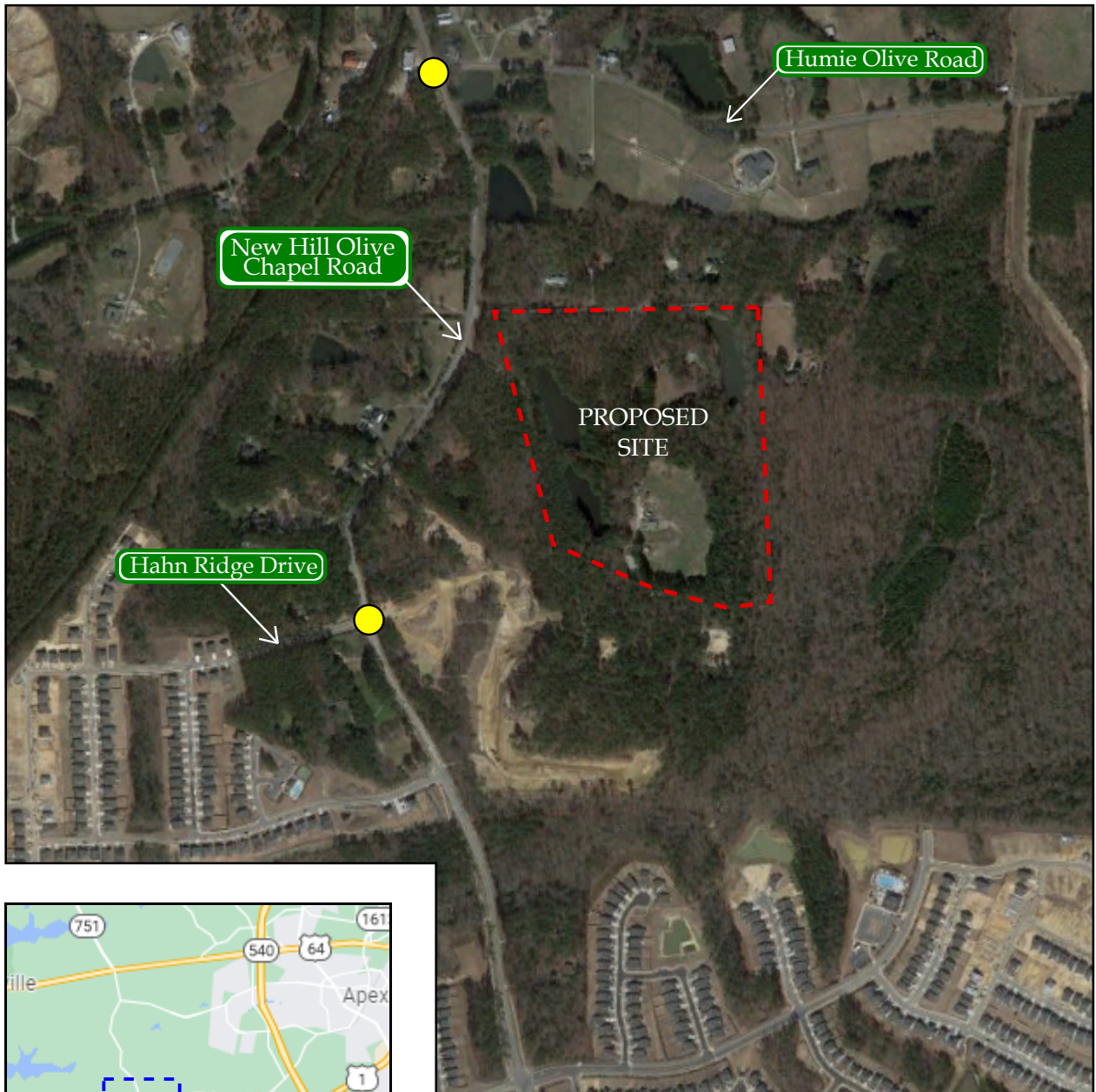
### **1.4. Existing Roadways**

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

**Table 1: Existing Roadway Inventory**

<b>Road Name</b>	<b>Route Number</b>	<b>Typical Cross Section</b>	<b>Speed Limit</b>	<b>Maintained By</b>	<b>2020 AADT (vpd)</b>
New Hill Olive Chapel Road	SR 1141	2-lane undivided	45 mph	NCDOT	4,900
Humie Olive Road	SR 1142	2-lane undivided	45 mph	NCDOT	1,450*
Hahn Ridge Drive	N/A	2-lane undivided	25 mph	Private	540*

\*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



### LEGEND

- - - Proposed Site Location
- Existing Study Intersection
- - - Study Area



Twin Ponds Lane  
Development  
Apex, NC

Site Location Map

Scale: Not to Scale

Figure 1



## NOTES:

1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS.
2. BOUNDARY & EXISTING CONDITIONS INFORMATION TAKEN FROM A SURVEY COMPLETED BY ROBINSON & PLANTE SURVEYORS.
3. TOPOGRAPHIC INFORMATION TAKEN FROM TOWN OF APEX LIDAR INFORMATION.
4. PER FEMA MAP #3720072000J & #3720071000K DATED 02 MAY 2006, A 100-YEAR FLOODPLAIN IS PRESENT.
5. THE SITE WAS REVIEWED FOR ENVIRONMENTAL FEATURES BY SPANGLER ENVIRONMENTAL, INC. THE TOWN OF APEX PROJECT NUMBERS ARE 19-003.
6. FUTURE COMPLETION OF THE STREET STUDS AND UTILITIES FOR ALL STREETS GREATER THAN 10 FEET AWAY FROM THE PUD BOUNDARY LINE SHALL BE PAID FOR BY FEE-IN-LIEU.
7. THE DEVELOPER IS REQUESTING TOWN WATER SERVICE AND SEWER SERVICE.
8. ALL SANITARY SEWER CLEAN-OUTS IN VEHICLE TRAFFIC AREAS SHALL BE CONSTRUCTED IN ACCORDANCE WITH TOWN OF APEX STANDARD DETAIL 7.15.
9. ALL VALVE BOXES AND COVERS, STORM DRAINAGE GRATES AND MANHOLE COVERS SHALL MEET ASTM A40, GRADE 35B IRON REQUIREMENTS.
10. ALL SANITARY SEWER SERVICES SHALL BE 4" PVC SERVICES.
11. ALL WATER SERVICES TO RESIDENTIAL LOTS SHALL BE 3/4" SERVICES.
12. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH @ 919-249-3342.
13. A PRE-CONSTRUCTION MEETING IS REQUIRED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.
14. A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTIONS DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT RUDY BAKER AT 249-3361 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY FOR STORM DRAIN SYSTEMS.
15. ALL WATER AND SEWER SERVICES SHALL BE LOCATED WITHIN A 5' UTILITY EASEMENT LOCATED ALONG THE FRONT OF ALL LOTS.
16. ALL WATERLINE MAINS SHALL HAVE A TEE OR CROSS AT JUNCTIONS. ALL MAIN LINE GATE VALVES SHALL BE THE SAME SIZE AS THE WATER MAIN THEY ARE LOCATED ON.
17. CONSTRUCTION VEHICLE PARKING LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH & SPANISH SHALL BE INSTALLED.
18. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED. THE DEVELOPER WILL BE REQUIRED TO INSTALL WEATHER RESISTANT TEMPORARY ROAD NAME SIGNS AT INTERSECTIONS PRIOR TO PLAY APPROVAL. THESE SIGNS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL REPLACED BY THE PERMANENT SIGNS.
19. DURING INSTALLATION OF SILT FENCE, MAINTAIN 3' CLEARANCE AROUND FIRE HYDRANTS.

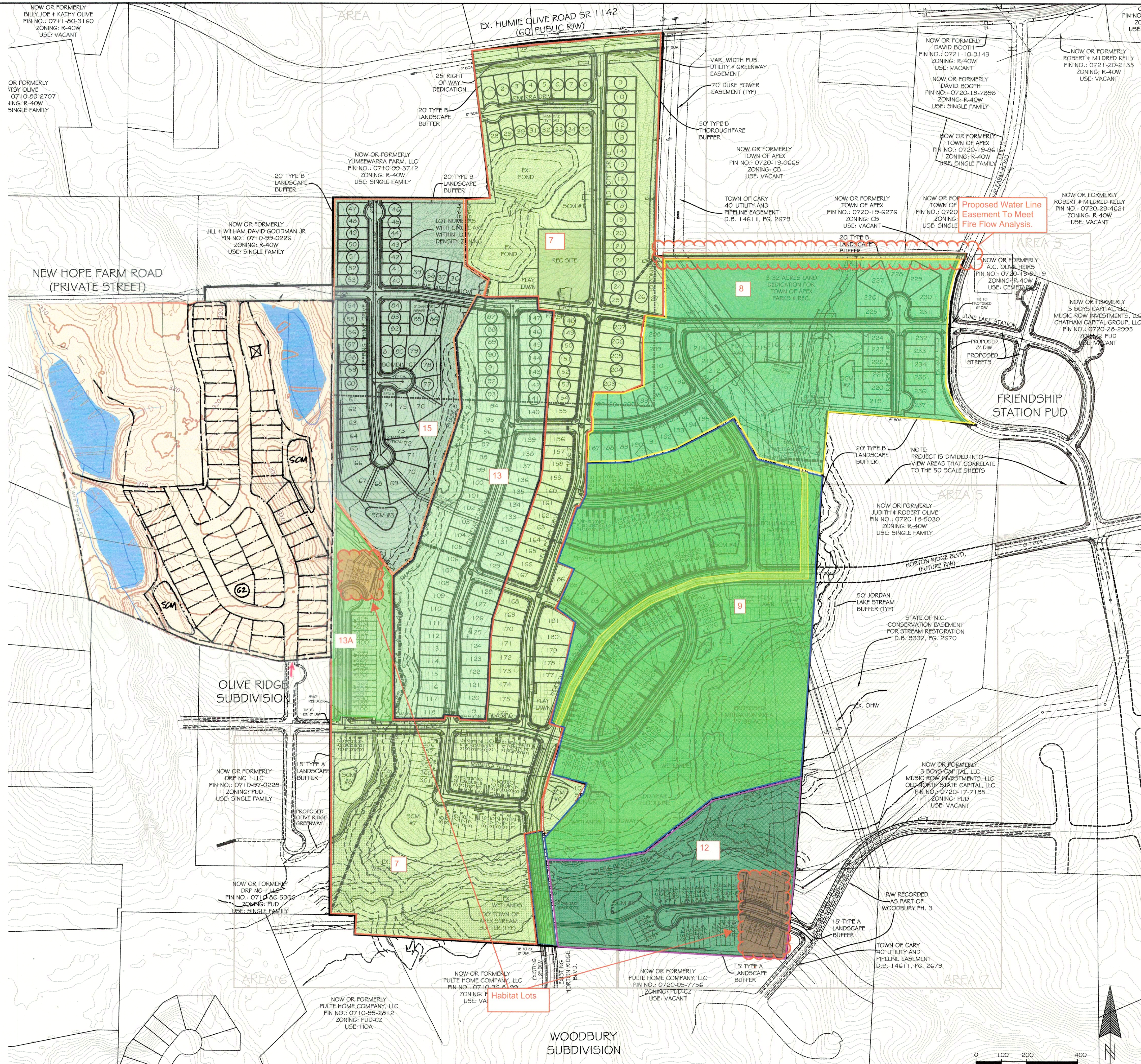
## HATCH LEGEND:

RCA	
PROPOSED MITIGATION AREA	
PLAY LAWN	
WETLANDS	

## TOWN OF APEX REQUIRED PLAN NOTES:

1. ALL WATER AND SEWER LINES SHALL BE INSTALLED WITH A MINIMUM OF THREE-FOOT COVER.
2. MAINTAIN 18 INCHES OF MINIMUM VERTICAL SEPARATION BETWEEN UTILITIES.
3. VERIFY ALL ILLUSTRATED UTILITY CROSSINGS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF CONFLICTS ARE ENCOUNTERED.
4. CONTRACTOR SHALL COORDINATE UTILITY RELOCATION OR ABANDONMENT WITH LOCAL UTILITY COMPANIES AS REQUIRED.
5. ALL METTER CONNECTIONS TO TOWN POTABLE WATER SHALL HAVE A TOWN-APPROVED BACKFLOW PREVENTION ASSEMBLY INSTALLED.
6. WATER AND SEWER SHALL BE SEPARATED AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS, WHERE LOCAL CONDITIONS PREVENT A SEPARATION OF 10 FEET, THE WATER MAIN MAY BE LAID CLOSER, PROVIDED THAT THE ELEVATION OF THE BOTTOM OF THE WATER MAIN IS AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER WITH A HORIZONTAL SEPARATION OF AT LEAST THREE-FOOT.
7. ALL NEW PUBLIC WATER AND SEWER LINES CONTAINED WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WILL REQUIRE A WATER DISTRIBUTION EXTENSION PERMIT AND/OR A GRAVITY SEWER EXTENSION PERMIT PRIOR TO THE RELEASE OF CONSTRUCTION DRAWINGS. ALL WATER DISTRIBUTION EXTENSION PERMIT APPLICATIONS SHALL BE ACCOMPANIED BY A SEALED ENGINEER'S REPORT PER THE TOWN OF APEX STANDARD SPECIFICATIONS AND STANDARD DETAILS. CONTACT THE ENGINEERING DIVISION AT 919-249-3394 TO OBTAIN THESE PERMIT APPLICATIONS.
8. A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTIONS DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT THE BUILDING INSPECTIONS DIRECTOR AT 919-249-3361 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY. IT IS THE RESPONSIBILITY OF THE OWNER OR HIS REPRESENTATIVE(S) TO LOCATE AND IDENTIFY ALL EXISTING AND PROPOSED UTILITIES AND TO CLEARLY IDENTIFY THEM ON THE APPROVED PLANS.
9. NO PRIVATE UTILITY EASEMENTS SHALL BE ALLOWED TO BE COUNTED IN THE CALCULATIONS FOR BUFFERS, RCA, OR REQUIRED LANDSCAPE AREAS.

7	SFA (RL): 21 Lots SFA (FL): 22 Lots SFD: 29 Lots, 46 Lots DEV. 17-18 Months	13A	SFA: 18 Lots Habitat: 5 Lots Dev. 4-5 Months
8	SFD: 41 Lots, 1 Lot Dev. 7-8 Months	12	SFA: 35 Lots Habitat: 10 Lots Dev. 6-7 Months
9	SFA (RL): 70 Lots SFA (FL): 37 Lots SFD: 4 Lots Dev. 8-9 Months		
13	SFD: 47 Lots SFD: 14 Lots Dev. 8-9 Months		
15	SFD: 16 Lots SFD: 35 Lots Dev. 7-8 Months		



0710-88-9798  
-9126  
87-9844

23.29 AC.  
70 LOTS

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION

Jones & Crossen  
ENGINEERING, PLLC



Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST.  
SUITE 001  
PO BOX 1062  
APEX, NC 27502  
Office: 919-387-1174  
Registration: P-0151  
www.jonescrossen.com

FOR  
REVIEW  
ONLY

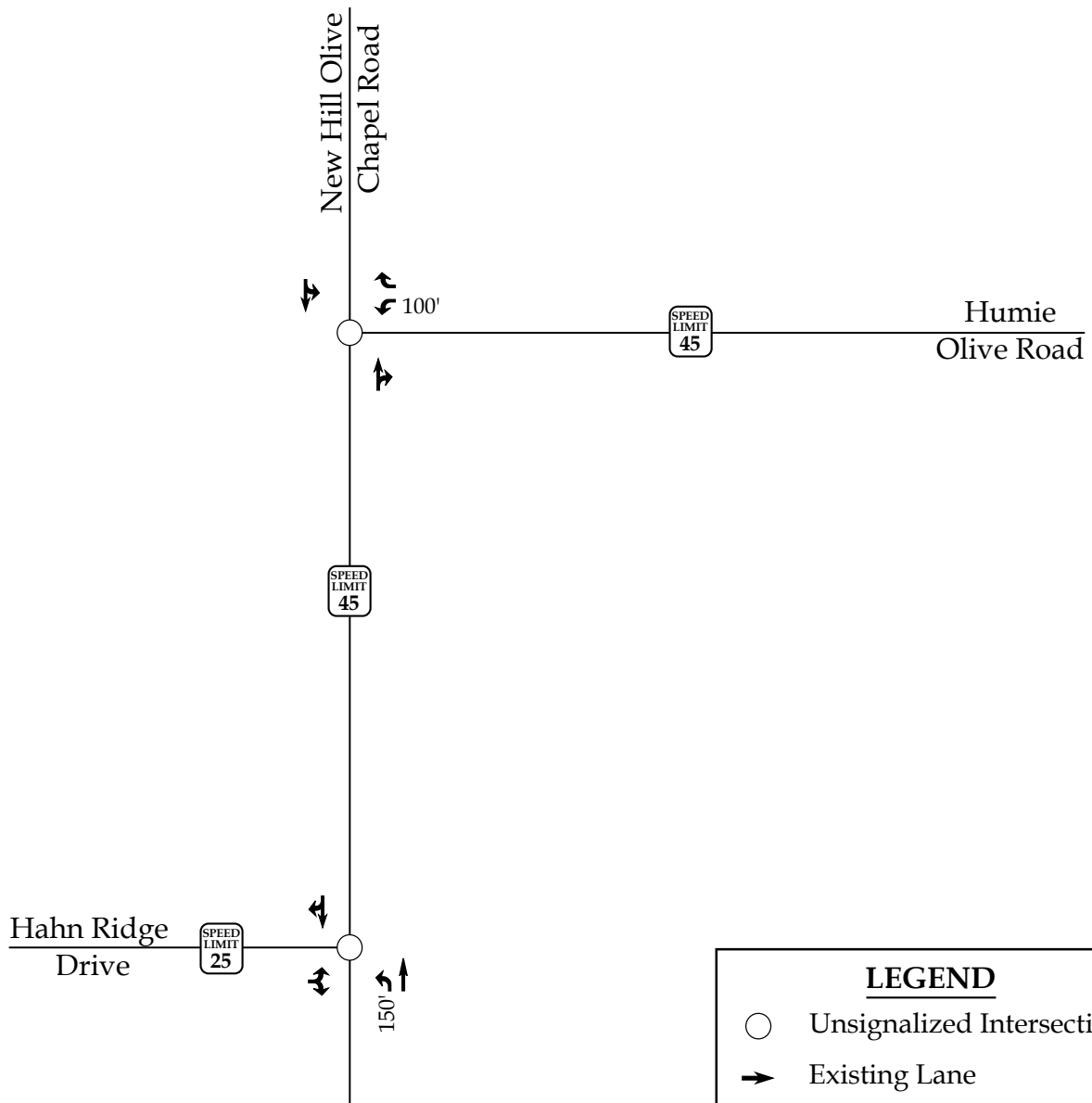
RETREAT AT FRIENDSHIP  
MASTER SUBDIVISION PLAN

WAKE COUNTY, NORTH CAROLINA


PRELIMINARY UTILITY PLAN OVERALL

SCALE	DRAWN
1"=200'	WCN
DATE	
2/1/21	PER TRC
5/3/21	NEW LAYOUT / TRC
6/1/21	PER TRC
7/16/21	MSP APPROVAL SET
SHEET	
27	
PROJECT	
1910	





**LEGEND**

- Unsignalized Intersection
- ➔ Existing Lane
- X' Storage (In Feet)
-  Posted Speed Limit



Twin Ponds Lane  
Development  
Apex, NC

2021 Existing  
Lane Configurations

Scale: Not to Scale    Figure 3



## **2. 2021 EXISTING PEAK HOUR CONDITIONS**

### **2.1. 2021 Existing Peak Hour Traffic Volumes**

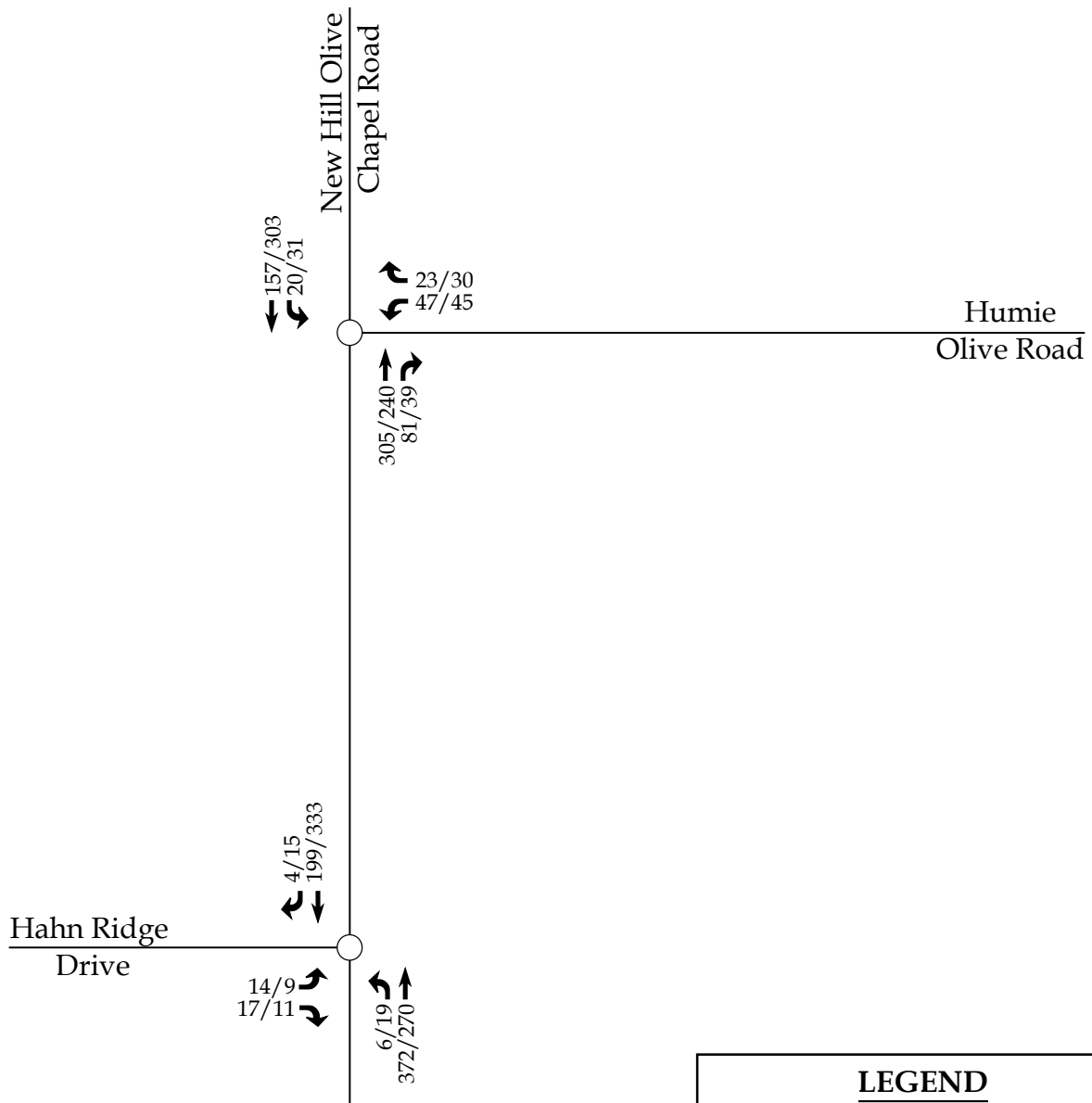
Peak hour turning movement counts were conducted by Ramey Kemp & Associates, Inc. at the intersection of New Hill Olive Chapel Road and Humie Olive Road in December of 2021 during weekday AM (7:00 to 9:00) and weekday PM (4:00 to 6:00) peak hours, while schools were in session. Previously collected traffic data (November of 2018) was grown to 2021 and compared with the new counts. It was determined that the new traffic counts at this intersection were reasonable when compared to the grown older counts; therefore, no adjustments were made to the new count data. This methodology was approved as part of the Memorandum of Understanding (MOU).

Turning movement counts at the intersections of New Hill Olive Chapel Road and Olive Ridge Driveway/ Hahn Ridge Drive and Humie Olive Road and Heelan Site Drive were determined based on the TIAs for Jordan Manors, Olive Ridge, and Heelan Property. Based on coordination with the Town only 75% of Jordan Manors was assumed to be built-out at the time of data collection; therefore, only 75% of the turning movement volumes (based on the Jordan Manors TIA) were included along Hahn Ridge Drive under 2021 existing conditions. Through volumes were determined by balancing the traffic counts at the adjacent intersection of Humie Olive Road and New Hill Olive Chapel Road.

Weekday AM and PM traffic volumes were balanced between study intersections. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. Refer to Appendix A for a copy of the approved MOU. A copy of the count data is located in Appendix B of this report.

### **2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions**

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.



### LEGEND

- Unsynchronized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Twin Ponds Lane  
Development  
Apex, NC

2021 Existing  
Peak Hour Traffic

Scale: Not to Scale

Figure 4

### 3. 2025 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

#### 3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2025 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2025 projected peak hour traffic.

#### 3.2. Adjacent Development Traffic

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Jordan Manors
- Woodbury / Bristol Assemblage
- Friendship Station PUD
- New Hill Assembly / Belterra / Jordan Vistas
- Olive Ridge
- Gracewood PUD
- Heelan Property

Table 2, on the following pages, provides a summary of the adjacent developments.

**Table 2: Adjacent Development Information**

<b>Development Name</b>	<b>Percent Built-Out</b>	<b>Location</b>	<b>Build-Out Year</b>	<b>Land Use / Intensity</b>	<b>TIA Performed</b>
Jordan Manors	75%*	West of New Hill Olive Chapel Road, adjacent to Olive Ridge	<i>Expected prior to the build-out of the proposed Twin Ponds Lane development</i>	240 single-family homes	May 2015 by KHA
Woodbury / Bristol Assemblage	75%*	Along Horton Ridge Boulevard, east of New Hill Holleman Road	<i>Expected prior to the build-out of the proposed Twin Ponds Lane development</i>	311 single-family homes and 89 townhomes	May 2016 by VHB
Friendship Station PUD	N/A	Along Humie Olive Road at Olive Farm Road	2025	316 single-family homes, 185 apartment, 337 townhomes, 144,000 sq. ft. of retail space, and 68,000 sq. ft. office	March 2017 by RKA
New Hill Assembly / Belterra / Jordan Vistas	N/A	West of New Hill Olive Chapel Road and north of Old US 1	2022	152 single-family detached homes	April 2018 by RKA
Olive Ridge	N/A	East of New Hill Olive Chapel Road, across from Jordan Manors Drive	2022	169 single-family homes	December 2018 by RKA
Gracewood PUD	75%*	Northwest of the intersection of Old US 1 at Horton Road	2024	409 single-family homes	May 2017 by Kimley Horn
Heelan Property	N/A	Southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road	2026*	250 single-family detached homes and 268 townhomes	September 2019 by RKA

\*The remaining 25% of trips were included as adjacent development trips to be added to the projected conditions.

\*\*Assumed to be 75% built / occupied prior to the built-out of the proposed Twin Ponds Lane development.

The Jordan Manors, Woodbury, and Gracewood PUD are expected to be 75% built/occupied prior to the build-out of the Twin Ponds Lane development; therefore, the remaining 25% of trips were included as adjacent development trips to be added to projected conditions. Roadway improvements committed by Friendship Station PUD at the intersection of New Hill Olive Chapel Road and Humie Olive Road include the extension of the westbound left turn lane to 250 feet of storage and to provide an exclusive southbound left-turn lane with 150 feet of storage. It should be noted that the Heelan Property also committed to provide an extended westbound left-turn lane (200 feet of storage) and an exclusive southbound left-turn lane at the intersection of New Hill Olive Chapel Road and Humie Olive Road. The Heelan Property development also committed to provide the intersection of Humie Olive Road and Heelan Driveway with an exclusive eastbound right-turn lane and an exclusive westbound left-turn lane both with 75 feet of storage. Additionally, the Olive Ridge Development committed to provide a 50-foot southbound left-turn lane at the intersection of New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway. All of these roadway improvements committed by the adjacent developments listed above were included in 2025 no-build conditions.

The Jordan Manors, Woodbury, Friendship Station PUD, and Heelan Property developments are committed to the construction of Horton Ridge Boulevard. The roadway is expected to be a major collector street that is expected to add interconnectivity to neighborhoods within the vicinity of the site and ultimately connect to Richardson Road. Based on the anticipated connection, traffic relief is expected at the intersection of Humie Olive Road and New Hill Olive Chapel Road. Horton Ridge Boulevard was not included under future conditions since Heelan Property is not expected to be fully built and to provide conservative results within the external study area.

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Adjacent development trips are shown in Figure 6. Adjacent



development information can be found in Appendix C. Refer to Appendix A for a copy of the approved MOU.

### **3.3. Future Roadway Improvements**

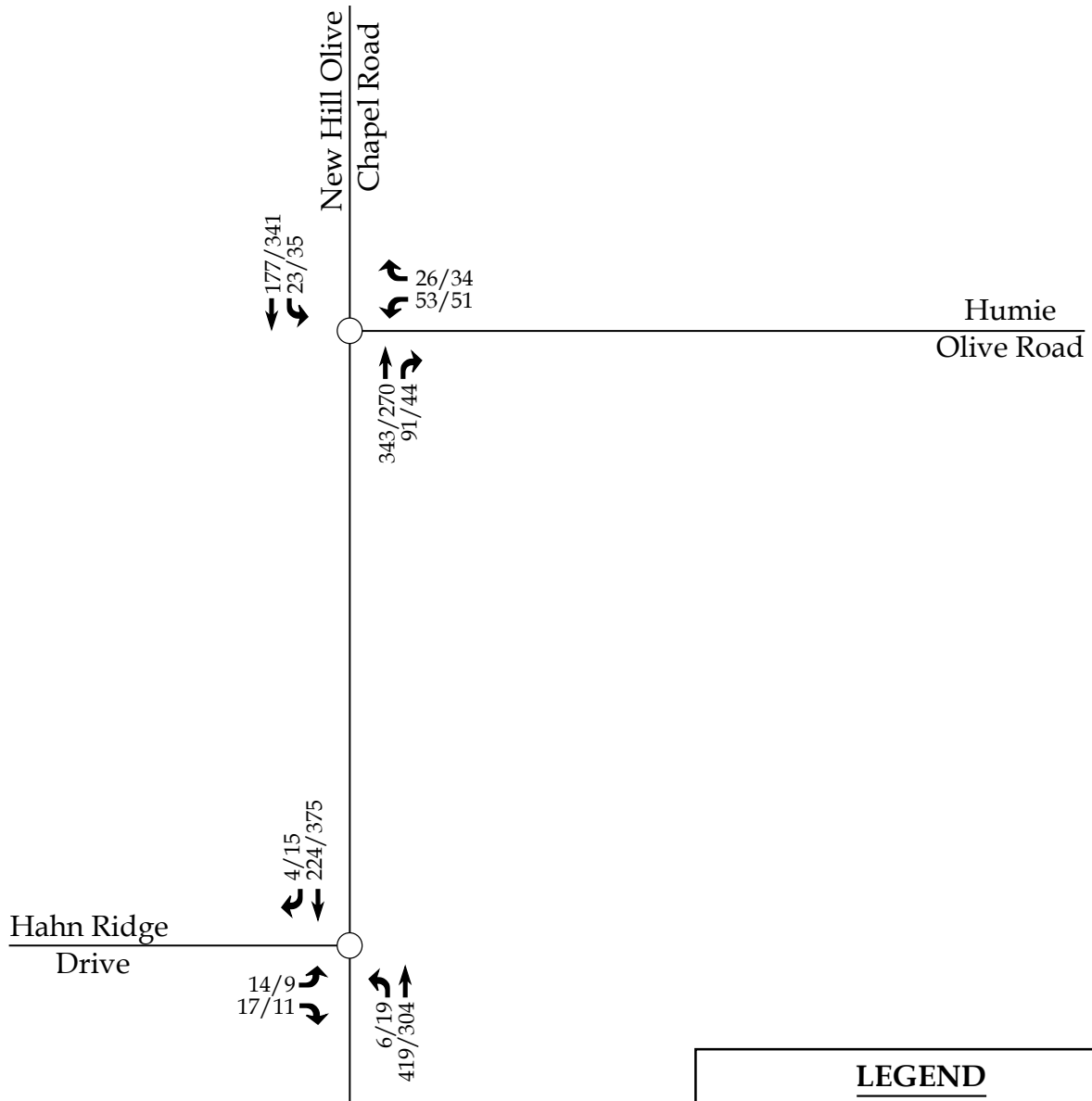
Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study apart from the committed improvements by the adjacent developments mentioned above.

### **3.4. 2025 No-Build Peak Hour Traffic Volumes**

The 2025 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2025 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2025 no-build peak hour traffic volumes at the study intersections.

### **3.5. Analysis of 2025 No-Build Peak Hour Traffic Conditions**

The 2025 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



### LEGEND

- Unsignalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Twin Ponds Lane  
Development  
Apex, NC

2025 Projected  
Peak Hour Traffic

Scale: Not to Scale

Figure 5

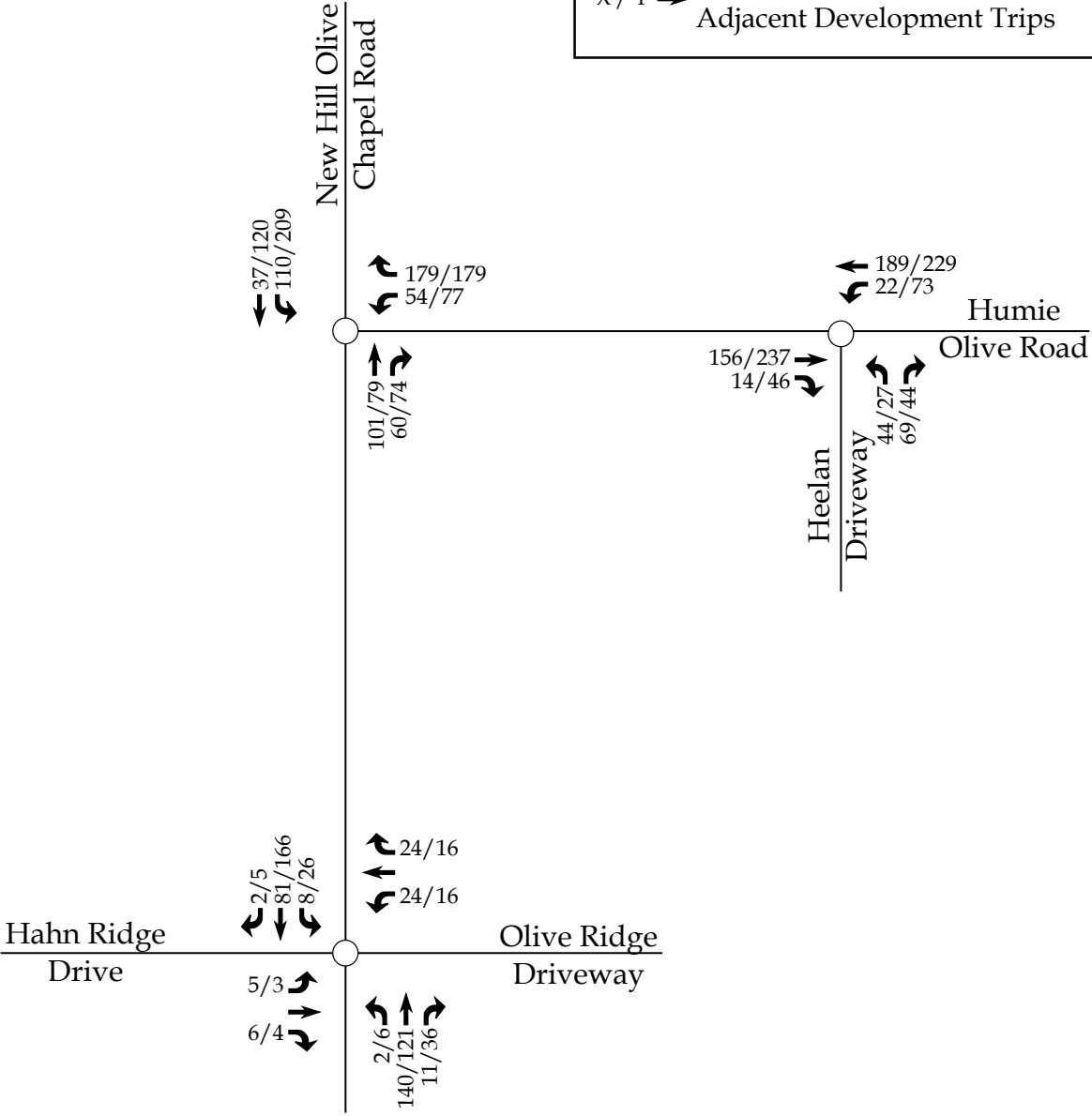
LEGEND

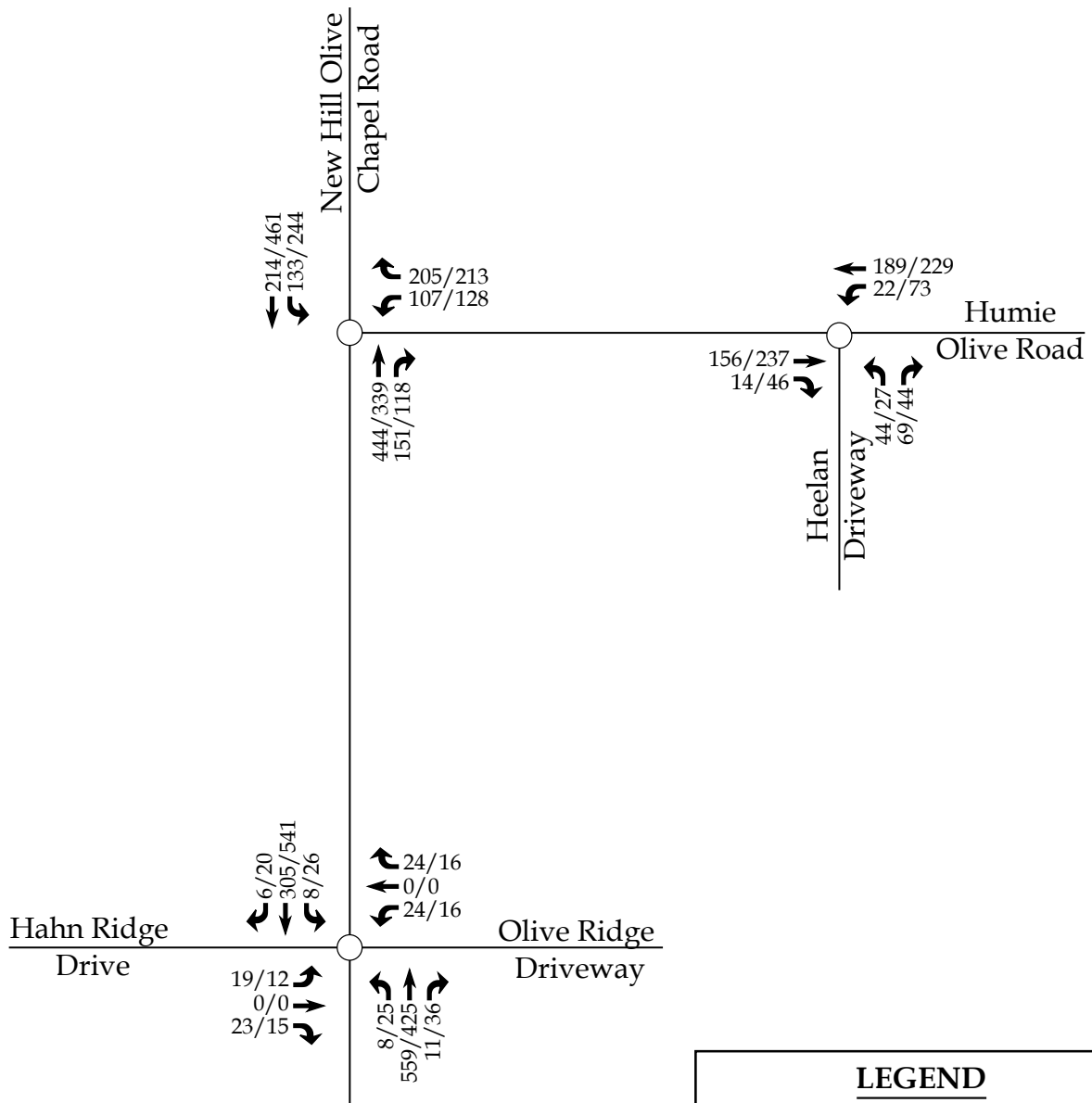
○

Unsignalized Intersection

X / Y →

Weekday AM / PM Peak Hour  
Adjacent Development Trips





**LEGEND**

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic

	Twin Ponds Lane Development Apex, NC	2025 No-Build Peak Hour Traffic	
		Scale: Not to Scale	Figure 7

#### 4. SITE TRIP GENERATION AND DISTRIBUTION

##### 4.1. Trip Generation

The proposed development is assumed to consist of a maximum of 87 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site.

**Table 3: Trip Generation Summary**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing (210)	87 units	920	17	50	56	33

It is estimated that the proposed development will generate approximately 920 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 67 trips (17 entering and 50 exiting) will occur during the weekday AM peak hour and 89 trips (56 entering and 33 exiting) will occur during the weekday PM peak hour. It should be noted that this development is expected to generate less trips than typical NCDOT guidelines to require a TIA (3,000 daily trips); however, a courtesy copy of the TIA will be provided to NCDOT for review.

##### 4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that the site trips will be regionally distributed as follows:

- 30% to/from the north via New Hill Olive Chapel Road
- 10% to/from the south via New Hill Olive Chapel Road
- 60% to/from the east via Humie Olive Road



These regional distributions are consistent with connecting adjacent developments and were approved as part of the MOU. The site trip distribution is shown in Figure 8 and the site trip assignment is shown in Figure 9.

LEGEND

○

Unsignalized Intersection

X% →

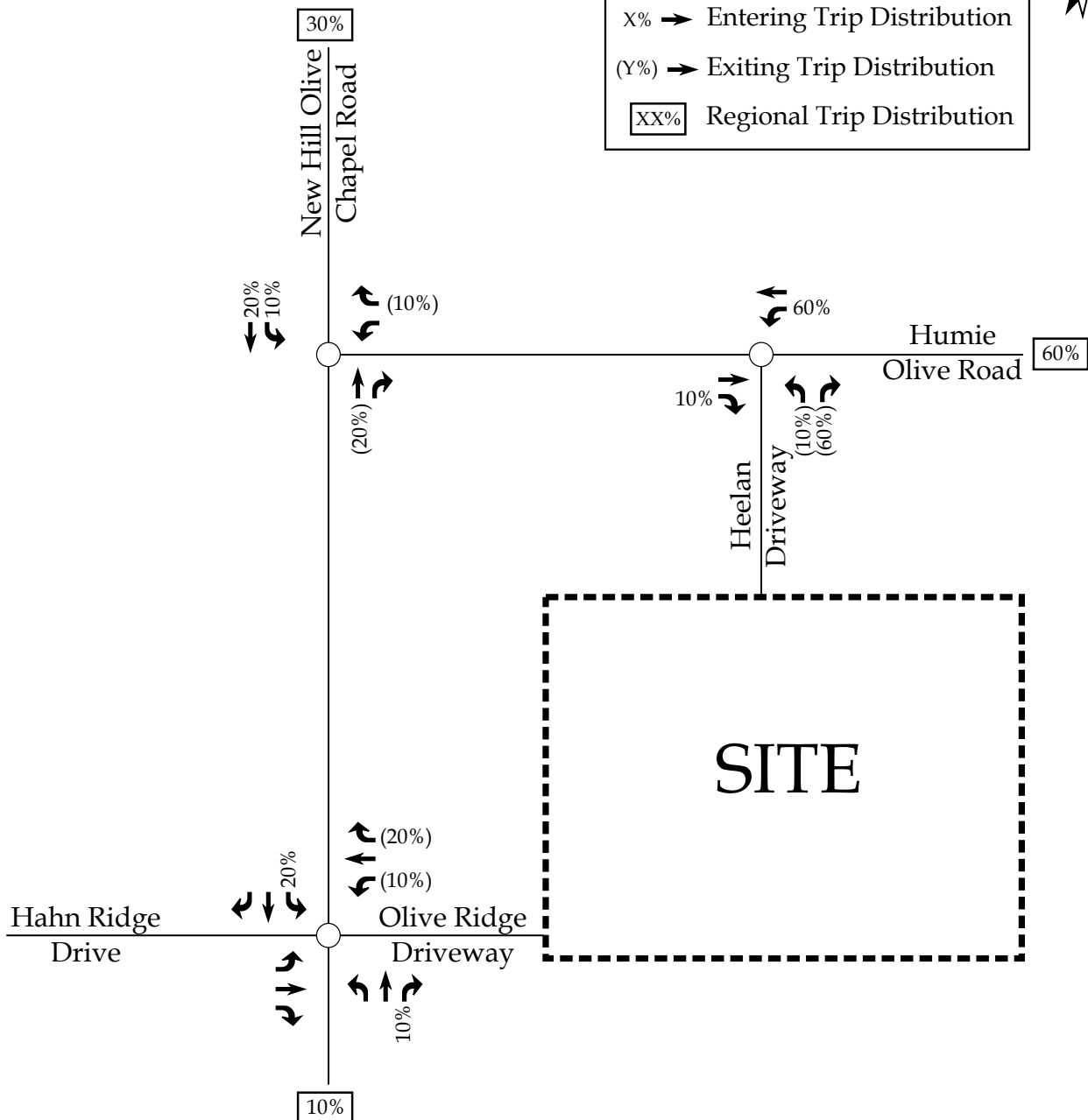
Entering Trip Distribution

(Y%) →

Exiting Trip Distribution

XX%

Regional Trip Distribution



RKA

RAMEY KEMP ASSOCIATES

Twin Ponds Lane Development

Apex, NC

Site Trip Distribution

Scale: Not to Scale    Figure 8

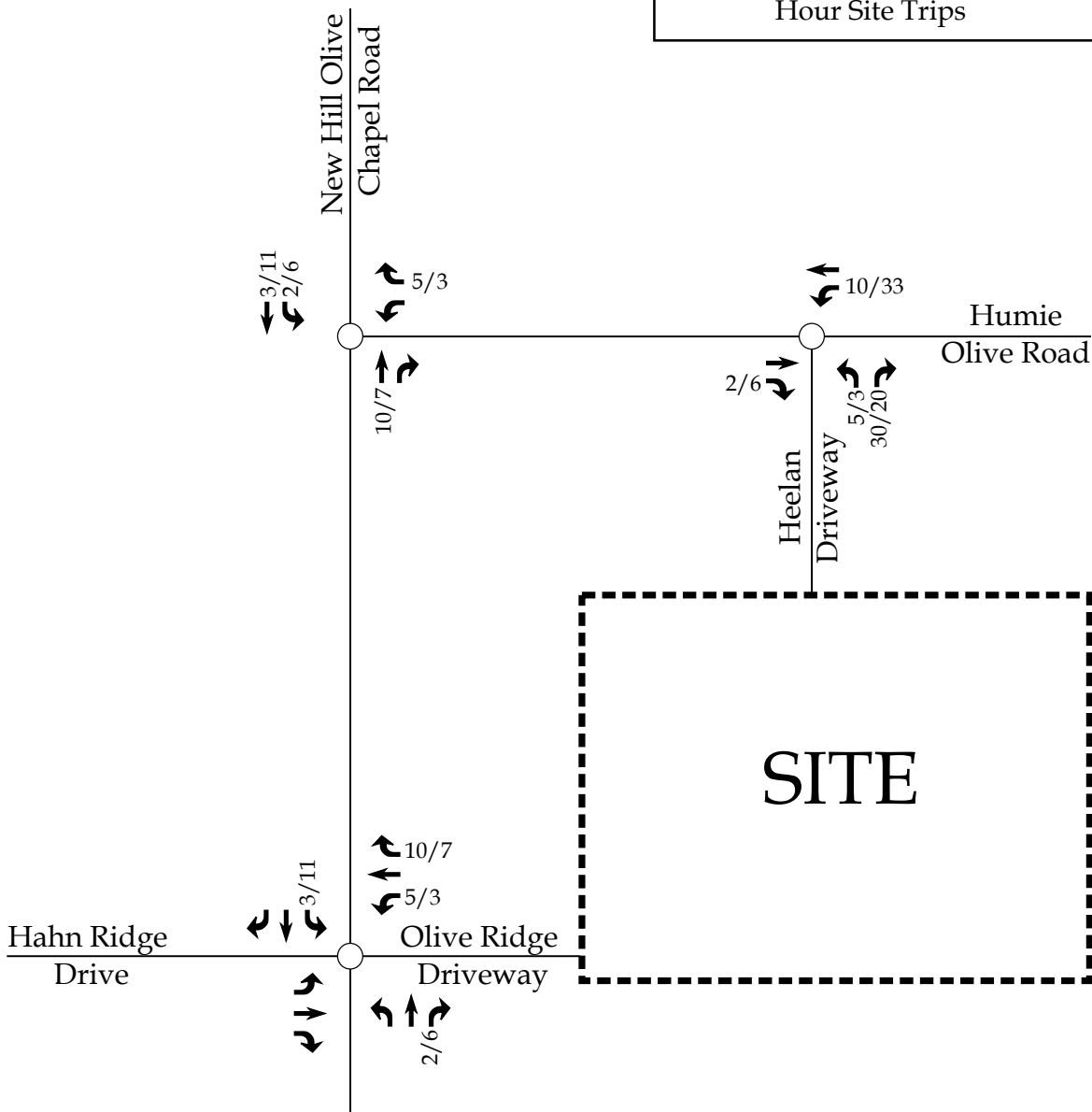
LEGEND

○

Unsignalized Intersection

X / Y →

Weekday AM / PM Peak  
Hour Site Trips



<div>RKA</div> <div>RAMEY KEMP ASSOCIATES</div>	<div>Twin Ponds Lane Development</div> <div>Apex, NC</div>	Site Trip Assignment	
		Scale: Not to Scale	Figure 9

## **5. 2025 BUILD TRAFFIC CONDITIONS**

### **5.1. 2025 Build Peak Hour Traffic Volumes**

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2025 no-build traffic volumes to determine the 2025 build traffic volumes. Refer to Figure 10 for an illustration of the 2025 build peak hour traffic volumes with the proposed site fully developed.

### **5.2. Analysis of 2025 Build Peak Hour Traffic Conditions**

Study intersections were analyzed with the 2025 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

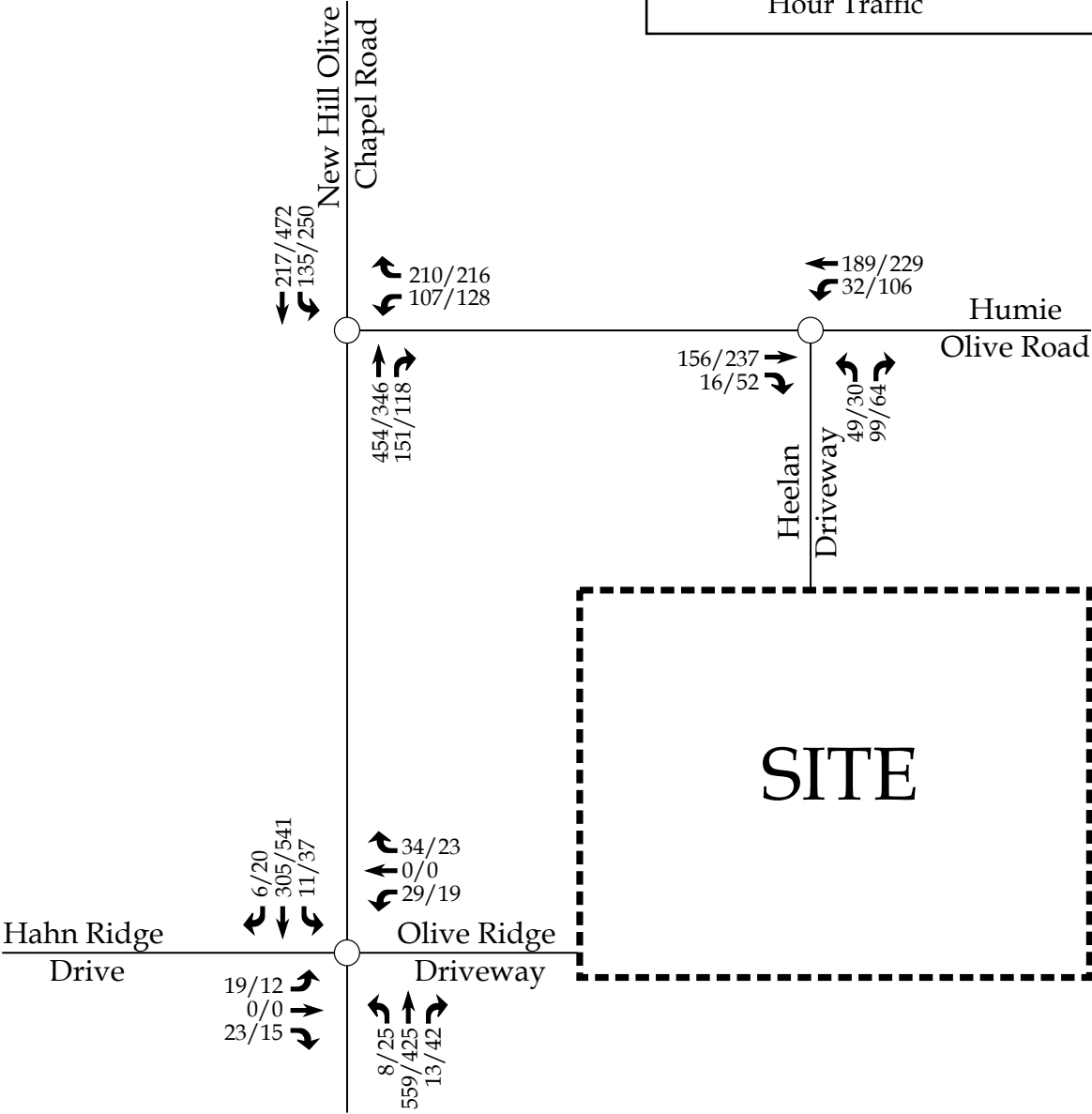
LEGEND

○

Unsignalized Intersection

X / Y →

Weekday AM / PM Peak  
Hour Traffic



Twin Ponds Lane  
Development  
Apex, NC

2025 Build  
Peak Hour Traffic

Scale: Not to Scale      Figure 10



## 6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6<sup>th</sup> Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

**Table 4: Highway Capacity Manual – Levels-of-Service and Delay**

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

### 6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town’s UDO and NCDOT Congestion Management Guidelines.

## 7. CAPACITY ANALYSIS

### 7.1. New Hill Olive Chapel Road and Humie Olive Road

The existing unsignalized intersection of New Hill Olive Chapel Road and Humie Olive Road was analyzed under 2021 existing, 2025 no-build, and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

**Table 5: Analysis Summary of New Hill Olive Chapel Road and Humie Olive Road**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	WB	1 LT, 1 RT	B <sup>2</sup>	N/A	B <sup>2</sup>	N/A
	NB	1 TH-RT	--		--	
	SB	1 LT-TH	A <sup>1</sup>		A <sup>1</sup>	
2025 No-Build	WB	1 LT*, 1 RT	D <sup>2</sup>	N/A	F <sup>2</sup>	N/A
	NB	1 TH-RT	--		--	
	SB	1 LT, 1 TH	A <sup>1</sup>		A <sup>1</sup>	
2025 Build	WB	1 LT*, 1 RT	D <sup>2</sup>	N/A	F <sup>2</sup>	N/A
	NB	1 TH-RT	--		--	
	SB	1 LT, 1 TH	A <sup>1</sup>		A <sup>1</sup>	

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Committed improvements to the lane configuration by the Friendship Station PUD and Heelan Property are shown in red.

\*Additional storage committed by Friendship Station PUD and Heelan Property.

Capacity analysis of 2021 existing, 2025 no-build, and 2025 build traffic conditions indicates the major street left-turn movement at the intersection of New Hill Olive Chapel Road and Humie Olive Road is expected to operate at LOS A during both weekday AM and PM peak hours. The minor-street approach is expected to operate at LOS B under 2021 existing traffic conditions during both weekday AM and PM peak hours. Under 2025 no-build and 2025 build traffic conditions, the minor-street approach is expected to operate at LOS D during the weekday AM peak hour and LOS F during the PM peak hour. These levels of service are not uncommon for an unsignalized minor-street approaches at a mainline (New Hill Olive Chapel Road) with heavy through volumes.

Due to poor minor-street approach LOS during the weekday AM and PM peak hour, a traffic signal was considered at this intersection. 2025 no-build and 2025 build traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal is expected to be warranted during both weekday peak hours. Due to the high volume of residential development, (which typically generate trips during two distinct peak hours each weekday) it is anticipated that the 4- or 8-hour signal warrants would not be met, which NCDOT typically prefers for signalization.

The 150-foot southbound left-turn lane improvement committed by Friendship Station PUD and the Heelan Property along New Hill Olive Chapel Road is anticipated to provide sufficient storage for the southbound left-turning queues under 2025 build traffic conditions.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95<sup>th</sup> queue is anticipated to be 131 feet during the weekday AM peak hour and 245 feet during the weekday PM peak hour. Friendship Station PUD committed to extend the westbound left-turning movement to 250 feet which is anticipated to provide sufficient storage under 2025 build conditions.

It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions. Additionally, interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of the traffic currently at the intersection of New Hill Olive Chapel Road and Humie Olive Road.

No improvements are recommended at this intersection since the 4- and 8- hour warrants for signalization are not anticipated to be met, there is low impact by the proposed development, and there will be future interconnectivity / connector road between adjacent developments.

## 7.2. New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

The existing unsignalized intersection of New Hill Olive Chapel Road and Hahn Ridge Drive was analyzed under 2021 existing traffic conditions with the lane configurations and traffic control shown in Table 6. Olive Ridge Driveway is anticipated to align with Hahn Ridge Drive along New Hill Olive Chapel Road under 2025 no-build traffic conditions. Olive Ridge Driveway is anticipated to be a main access point for the Twin Ponds Lane development. Refer to Table 6 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

**Table 6: Analysis Summary of New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB NB SB	1 LT-RT 1 LT, 1 TH 1 TH-RT	B <sup>2</sup> A <sup>1</sup> --	N/A	B <sup>2</sup> A <sup>1</sup> --	N/A
2025 No-Build	EB <b>WB</b> NB SB	1 LT- <b>TH</b> -RT <b>1 LT-TH-RT</b> 1 LT, 1 TH- <b>RT</b> <b>1 LT</b> , TH-RT	C <sup>2</sup> C <sup>2</sup> A <sup>1</sup> A <sup>1</sup>	N/A	C <sup>2</sup> D <sup>2</sup> A <sup>1</sup> A <sup>1</sup>	N/A
2025 Build	EB <b>WB</b> NB SB	1 LT- <b>TH</b> -RT <b>1 LT-TH-RT</b> 1 LT, 1 TH- <b>RT</b> <b>1 LT</b> , TH-RT	C <sup>2</sup> C <sup>2</sup> A <sup>1</sup> A <sup>1</sup>	N/A	D <sup>2</sup> D <sup>2</sup> A <sup>1</sup> A <sup>1</sup>	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Committed improvements to the lane configuration by the Olive Ridge development are shown in **red**.

Capacity analysis of 2021 existing traffic conditions indicates the minor-street approach at the intersection of Hahn Ridge Drive and New Hill Olive Chapel Road currently operates at LOS B during the weekday AM and PM peak hour. Under 2025 no-build traffic conditions, Olive Ridge Driveway will align with Hahn Ridge Drive at New Hill Olive Chapel Road. The minor-street approaches are expected to operate at LOS C during the weekday AM peak hour and

LOS D or better during the weekday PM peak hour under 2025 no-build and 2025 build traffic conditions. It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions.

Exclusive left- and right-turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to the North Carolina Highways*. Based on the SimTraffic queuing reports under 2025 build traffic conditions, the southbound left-turning movement 95<sup>th</sup> queue is anticipated to be 18 feet during the weekday AM peak hour and 33 feet during the weekday PM peak hour. Olive Ridge Development is committed to constructing a southbound left-turn lane with 50 feet of storage. This improvement is anticipated to provide sufficient storage under 2025 build conditions.

An exclusive northbound right-turn lane was considered, but not recommended at this intersection due to the low contribution of traffic by the proposed Twin Ponds Lane Development.

No improvements by the developer are recommended at this intersection due to minimal queuing and low contribution of traffic to the intersection.



### 7.3. Humie Olive Road and Heelan Driveway

The unsignalized intersection of Humie Olive Road and Heelan Driveway was analyzed under 2025 no-build and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 7. Heelan Driveway is anticipated to be a main access point for the Twin Ponds Lane development. Refer to Table 7 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports and Appendix G for the SimTraffic queuing reports.

**Table 7: Analysis Summary of Humie Olive Road and Heelan Driveway**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 No-Build	EB WB NB	1 TH, <b>1 RT</b> <b>1 LT</b> , 1 TH <b>1 LT-RT</b>	-- A <sup>1</sup> B <sup>2</sup>	N/A	-- A <sup>1</sup> B <sup>2</sup>	N/A
2025 Build	EB WB NB	1 TH, <b>1 RT</b> <b>1 LT</b> , 1 TH <b>1 LT-RT</b>	-- A <sup>1</sup> B <sup>2</sup>	N/A	-- A <sup>1</sup> B <sup>2</sup>	N/A

Committed improvements to lane configurations by the Heelan Property development shown in **red**.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2025 no-build and build traffic conditions indicates the minor-street movement and major-street left-turn movement currently operates at LOS B or better during the weekday AM and PM peak hours. Under 2025 no-build traffic conditions, the Heelan Property is expected to construct this intersection with a stop control for the southbound approach, an exclusive eastbound right-turn lane, and a westbound left-turn lane each with 75 feet of storage.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95<sup>th</sup> queue for the westbound left-turning movement is anticipated to be 18 feet during the weekday AM peak hour and 47 feet during the weekday PM peak hour. It should be noted interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate

some of queuing at the intersection of Humie Olive Road and Heelan Driveway. Turn lane storages committed by the Heelan Property development are expected to sufficiently accommodate 2025 build traffic volumes. Due to minimal queuing, future interconnectivity, and sufficient turn lane storages, no improvements by the developer are recommended at this intersection.

## 8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed residential development, located in the southeast quadrant at the intersection of Humie Olive Road and New Hill Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be built out in 2025. Site access will be provided via interconnectivity with Heelan Property (one full movement driveway along Humie Olive Road, five full movement driveways along Horton Ridge Boulevard, one full movement driveway along Olive Farm Road to align with Friendship Station Northern Site Driveway, one full movement driveway along Future Cave Junction Street and interconnectivity with Olive Ridge Subdivision). The primary access points to be analyzed in this study are via Humie Olive Road and Heelan Driveway and via New Hill Olive Chapel Road and Olive Ridge Driveway (to be aligned with Hahn Ridge Drive, providing access to Jordan Manors.)

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

### Trip Generation

It is anticipated that the proposed development will generate approximately 920 total site trips on the roadway network during a typical 24-hour weekday period. It is estimated that the proposed development will generate approximately 67 trips (17 entering and 50 exiting) during the weekday AM peak hour and 89 trips (56 entering and 33 exiting) during the weekday PM peak hour.

### Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

### Intersection Capacity Analysis Summary

A summary of the study area intersections are as follows:

#### New Hill Olive Chapel Road and Humie Olive Road

Due to poor minor-street approach LOS during the weekday AM and PM peak hour, a traffic signal was considered at this intersection. 2025 no-build and 2025 build traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal is expected to be warranted during both weekday peak hours. Due to the high volume of residential development, (which typically generate trips during two distinct peak hours each weekday) it is anticipated that the 4- or 8-hour signal warrants would not be met, which NCDOT typically prefers for signalization.

The 150-foot southbound left-turn lane improvement committed by Friendship Station PUD and the Heelan Property along New Hill Olive Chapel Road is anticipated to provide sufficient storage for the southbound left-turning queues under 2025 build traffic conditions.

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95<sup>th</sup> queue is anticipated to be 141 feet during the weekday AM peak hour and 245 feet during the weekday PM peak hour. Friendship Station PUD committed to extend the westbound left-turning movement to 250 feet which is anticipated to provide sufficient storage under 2025 build conditions.

It should be noted the proposed development is only expected to account for 2% of the total traffic at this study intersection during the weekday AM and PM peak hours under 2025 build conditions. Additionally, interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of the traffic currently at the intersection of New Hill Olive Chapel Road and Humie Olive Road.

No improvements are recommended at this intersection since the 4- and 8- hour warrants for signalization are not anticipated to be met, there is low impact by the proposed development, and there will be future interconnectivity / connector road between adjacent developments.

New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

Exclusive left- and right-turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to the North Carolina Highways*. Based on the SimTraffic queuing reports under 2025 build traffic conditions, the southbound left-turning movement 95<sup>th</sup> queue is anticipated to be 15 feet during the weekday AM peak hour and 33 feet during the weekday PM peak hour. Olive Ridge Development is committed to constructing a southbound left-turn lane with 50 feet of storage. This improvement is anticipated to provide sufficient storage under 2025 build conditions.

An exclusive northbound right-turn lane was considered, but not recommended at this intersection due to the low contribution of traffic by the proposed Twin Ponds Lane Development.

No improvements by the developer are recommended at this intersection due to minimal queuing and low contribution of traffic to the intersection.

Humie Olive Road and Heelan Driveway

Based on the SimTraffic queuing report under 2025 build traffic conditions, the 95<sup>th</sup> queue for the westbound left-turning movement is anticipated to be 18 feet during the weekday AM peak hour and 47 feet during the weekday PM peak hour. It should be noted interconnectivity along Horton Ridge Boulevard between the adjacent developments is expected to alleviate some of queuing at the intersection of Humie Olive Road and Heelan Driveway. Turn lane storages committed by the Heelan Property development are expected to sufficiently accommodate 2025 build traffic volumes. Due to minimal queuing, future interconnectivity, and sufficient turn lane storages, no improvements by the developer are recommended at this intersection.



## 9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified to accommodate future traffic conditions. See a more detailed description of the improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

### **Committed Improvements by Friendship Station PUD**

#### New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 250 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

### **Committed Improvements by Heelan Property**

#### New Hill Olive Chapel Road and Humie Olive Road

- Extend the westbound left-turn lane to 200 feet of storage.
- Provide an exclusive southbound left-turn lane with 150 feet of storage.

#### Humie Olive Road and Heelan Driveway

- Provide an exclusive eastbound right-turn lane with 75 feet of storage.
- Provide an exclusive westbound left-turn lane with 75 feet of storage.
- Construct a northbound approach with one ingress and one egress lane as a shared left/right-turn lane.
- Provide stop control for the northbound approach.

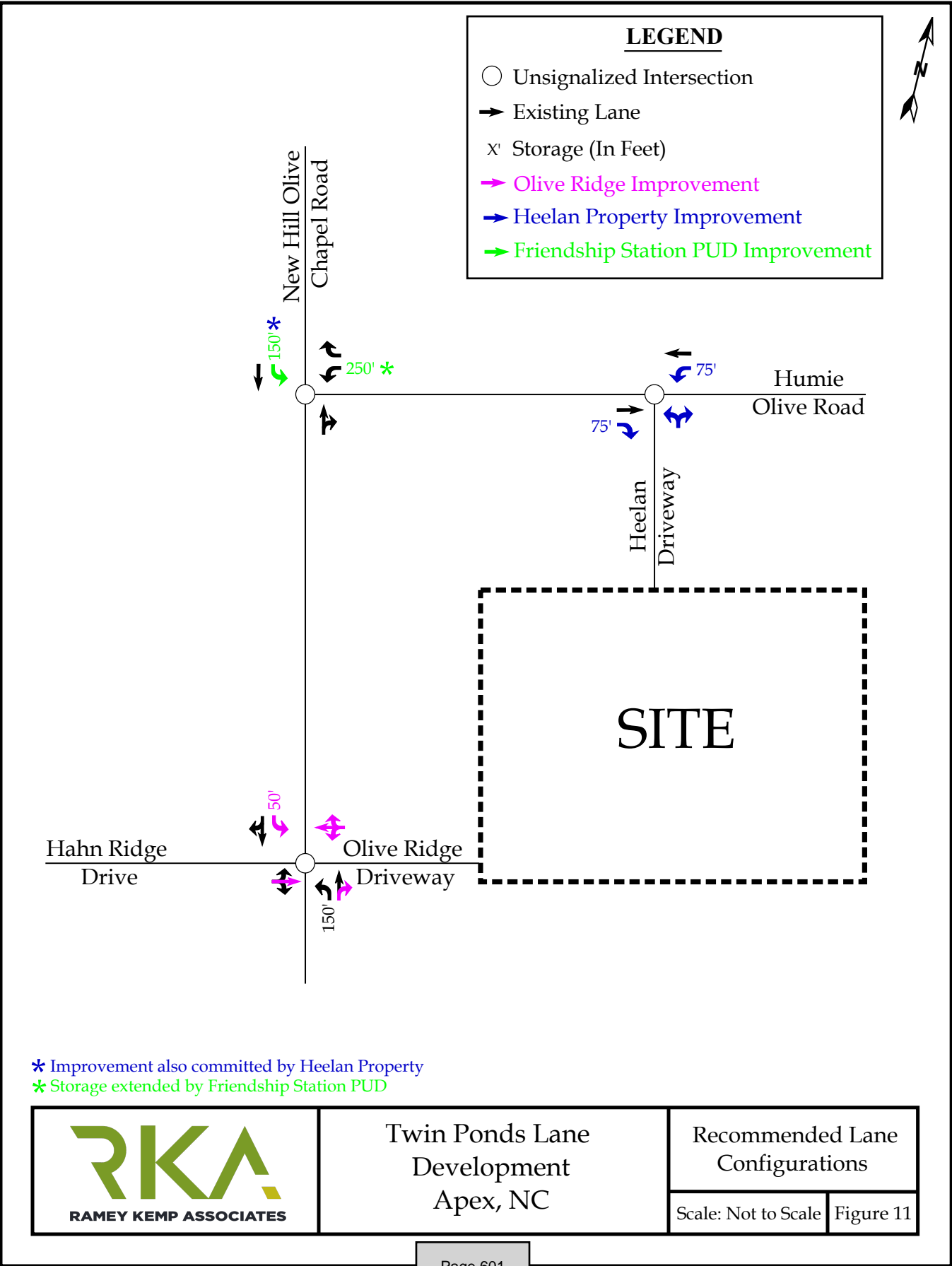
### **Committed Improvements by Olive Ridge**

#### New Hill Olive Chapel Road and Hahn Ridge Drive / Olive Ridge Driveway

- Construct a westbound approach with one ingress and one egress lane as a shared left/through/right turn lane.
- Provide stop control for the westbound approach.
- Provide an exclusive southbound left-turn lane with 50 feet of storage.

**Recommended Improvements by Twin Ponds Lane Development**

Due to committed improvements by other developments and low impacts to the study intersections, no additional improvements are recommended by the developer.



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ08 Adams Property PUD

Planning Board Meeting Date: August 8, 2022



## Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

## PROJECT DESCRIPTION:

**Acreage:** 23.92 acres

**PIN(s):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**Current Zoning:** Wake County Residential-40W (R-40W)

**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**2045 Land Use Map:** Low Density Residential

**Town Limits:** Currently in Wake County jurisdiction; to be annexed

## Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

☒ Apex Transportation Plan

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

☒ Parks, Recreation, Open Space, and Greenways Plan

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_



## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ08 Adams Property PUD

Planning Board Meeting Date: August 8, 2022



### Legislative Considerations:

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

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ08 Adams Property PUD

Planning Board Meeting Date: August 8, 2022



6. **Impact on public facilities.** The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

7. **Health, safety, and welfare.** The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ08 Adams Property PUD

Planning Board Meeting Date: August 8, 2022



### Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Sarah Soh

- ☒ **Approval:** the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☐ **Approval with conditions:** the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

- ☐ **Denial:** the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8 day of August 2022.

Attest:

  
Mark Steele, Planning Board Vice-Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2022.08.08 17:34:59  
-04'00'

Dianne Khin, Director of Planning and  
Community Development





**TOWN OF APEX**

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #22CZ08  
Adams Property PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC  
**Property Addresses:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Acreage:** ±23.23 acres  
**Property Identification Numbers (PINs):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)  
**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM**

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

**A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.**

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08

Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** M/I Homes of Raleigh, LLC

**Agente autorizado:** M/I Homes of Raleigh, LLC

**Dirección de la propiedades:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Superficie:** ±23.23 acres

**Número de identificación de la propiedades:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential

**Ordenamiento territorial existente de la propiedades:** Wake County Residential-40W (R-40W)

**Ordenamiento territorial propuesto para la propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de agosto de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

**De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.**

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ08 Adams Property PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC

**Property Addresses:** 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Acreage:** ±23.92 acres

**Property Identification Numbers (PINs):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**2045 Land Use Map Designation:** Low Density Residential

**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)

**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

### **Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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>.

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08

Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** M/I Homes of Raleigh, LLC

**Agente autorizado:** M/I Homes of Raleigh, LLC

**Dirección de la propiedades:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Superficie:** ±23.92 acres

**Número de identificación de la propiedades:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential

**Ordenamiento territorial existente de la propiedades:** Wake County Residential-40W (R-40W)

**Ordenamiento territorial propuesto para la propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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>.

#### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**Public Hearing was closed; vote was  
continued to September 27, 2022**

### **PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ08 Adams Property PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC

**Property Addresses:** 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Acreage:** ±23.92 acres

**Property Identification Numbers (PINs):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**2045 Land Use Map Designation:** Low Density Residential

**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)

**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.  
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

#### **Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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>.

#### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP  
Director of Planning and Community Development





## TOWN OF APEX

PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELÉFONO 919-249-3426

**La audiencia pública fue cerrada; la votación se continuó hasta el 27 de septiembre de 2022**

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08

Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** M/I Homes of Raleigh, LLC

**Agente autorizado:** M/I Homes of Raleigh, LLC

**Dirección de las propiedades:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Superficie:** ±23.92 acres

**Número de identificación de las propiedades:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844

**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential

**Ordenamiento territorial existente de las propiedades:** Wake County Residential-40W (R-40W)

**Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

***Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.***

**Fecha y hora de la audiencia pública del Consejo Municipal: 23 de agosto, 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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>.

### Mapa de las inmediaciones:

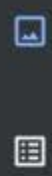


Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





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**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #22CZ08  
Adams Property PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC  
**Property Addresses:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Acreage:** ±23.23 acres  
**Property Identification Numbers (PINs):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)  
**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

**Planning Board Public Hearing Date and Time:** August 8, 2022 4:30 PM  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

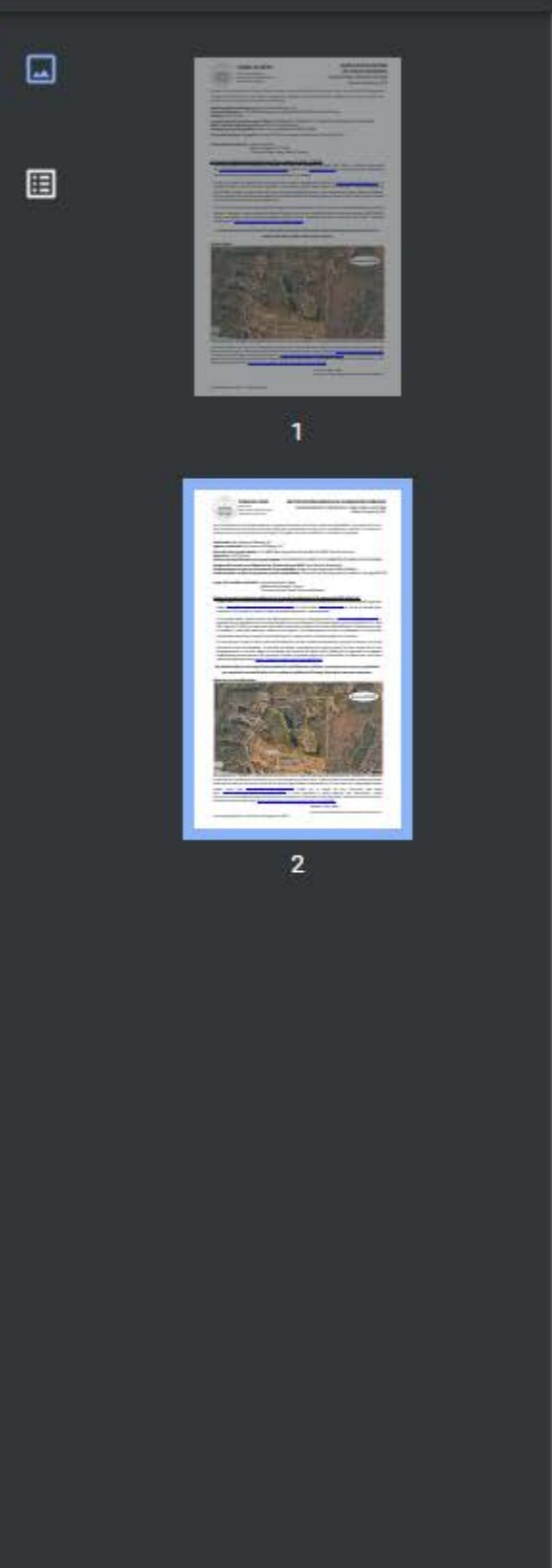
A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/i/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents, visit [www.apexnc.org/DocumentCenter/View/38989](http://www.apexnc.org/DocumentCenter/View/38989).





Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/3173](https://www.apexnc.org/DocumentCenter/View/3173). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khan, AICP  
Director of Planning and Community Development

Published Dates: July 25 – August 8, 2022

**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEFONO 919-249-3626

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08  
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** M/I Homes of Raleigh, LLC  
**Agente autorizado:** M/I Homes of Raleigh, LLC  
**Dirección de la propiedades:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Superficie:** ±23.23 acres  
**Número de identificación de la propiedades:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential  
**Ordenamiento territorial existente de la propiedades:** Wake County Residential 40W (R-40W)  
**Ordenamiento territorial propuesto para la propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 8 de agosto de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapexgov>. Por favor visite [www.apexnc.org](https://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

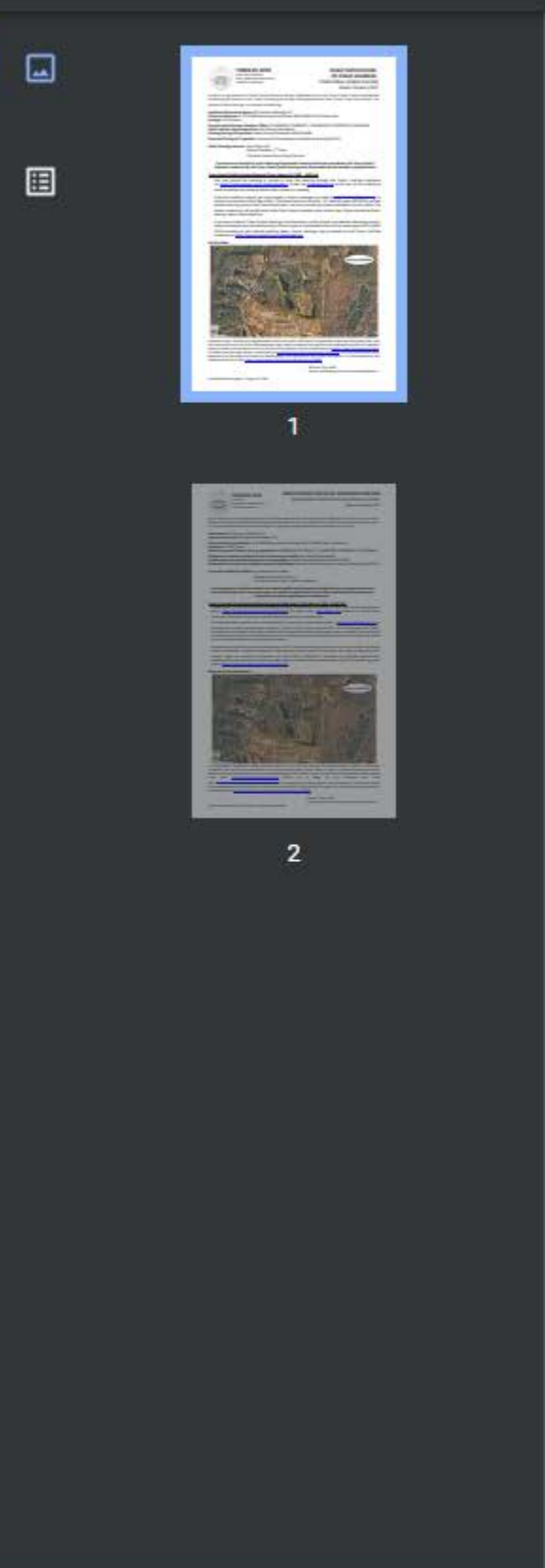
**Mapa de las inmediaciones:**

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/3173](https://www.apexnc.org/DocumentCenter/View/3173). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khan, AICP  
Directora de Planificación y Desarrollo Comunitario

Fecha de publicación: 25 de julio - 8 de agosto de 2022





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3425

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS  
CONDITIONAL ZONING #22CZ08  
Adams Property PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC  
**Property Addresses:** 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Acreage:** ±23.92 acres  
**Property Identification Numbers (PINs):** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)  
**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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/townofapexgov>.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/4178](http://www.apexnc.org/DocumentCenter/View/4178). You may call 919-249-3425, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/38990>.

Dianne F. Khan, AICP  
Director of Planning and Community Development

Published Dates: August 5 - August 23, 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3425

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08  
Adams Property PUD**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

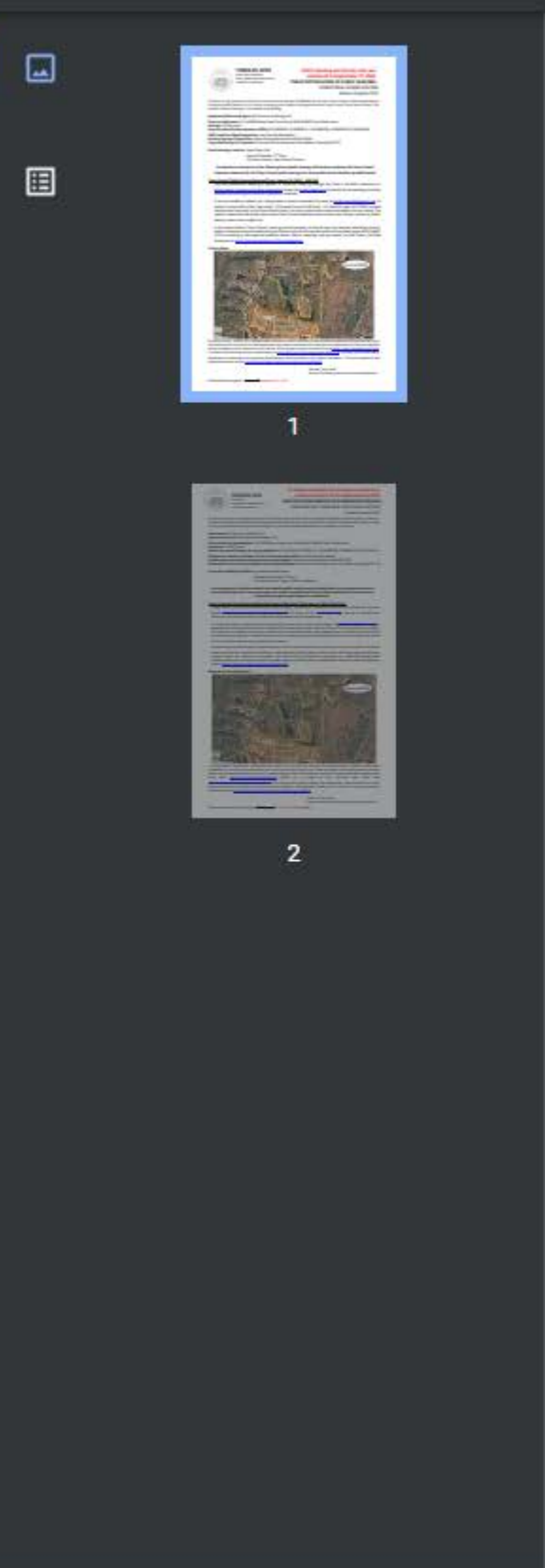
**Solicitante:** M/I Homes of Raleigh, LLC  
**Agente autorizado:** M/I Homes of Raleigh, LLC  
**Dirección de la propiedades:** 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

**Id de la propiedades:** 0710990078, 0710990171, 0710889798, 0710889126, 0710879844  
**Mapa de Uso Territorial 2045:** Low Density Residential









**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

**Public Hearing was closed; vote was continued to September 27, 2022**  
**PUBLIC NOTIFICATION OF PUBLIC HEARINGS**  
**CONDITIONAL ZONING #22CZ08**  
**Adams Property PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

**Applicant/Authorized Agent:** M/I Homes of Raleigh, LLC  
**Property Addresses:** 0, 0, & 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Acreage:** ±23.92 acres  
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**2045 Land Use Map Designation:** Low Density Residential  
**Existing Zoning of Properties:** Wake County Residential-40W (R-40W)  
**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

**Town Council Public Hearing Date and Time: August 23, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit [www.apexnc.org](http://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](mailto:public.hearing@apexnc.org), or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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>.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Community Development, with questions or for further information. To view the petition and related documents, please visit [www.apexnc.org/DocumentCenter/View/38989](http://www.apexnc.org/DocumentCenter/View/38989).





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Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.org/imap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP  
Director of Planning and Community Development

Published Dates: August 5 - ~~August 24~~ September 17, 2022



**TOWN OF APEX**  
PO BOX 250  
APEX, NORTH CAROLINA 27502  
TELEPHONE 919-249-3426

**La audiencia pública fue cerrada; la votación se continuó hasta el 27 de septiembre de 2022**  
**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ08**  
Adams Property PUD

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

**Solicitante:** M/I Homes of Raleigh, LLC  
**Agente autorizado:** M/I Homes of Raleigh, LLC  
**Dirección de las propiedades:** 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane  
**Superficie:** ±23.92 acres  
**Número de identificación de las propiedades:** 0710990078, 0710990171, 0710889796, 0710889126, 0710879844  
**Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential  
**Ordenamiento territorial existente de las propiedades:** Wake County Residential-40W (R-40W)  
**Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

*Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.*

**Fecha y hora de la audiencia pública del Consejo Municipal:** 23 de agosto, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=Hw9ofagagpw>. Por favor visite [www.apexnc.org](https://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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/watch?v=Hw9ofagagpw>.

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.org/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38989>.

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Publicado el 5 de agosto - 23 de agosto 27 de septiembre de 2022









## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ08  
Adams Property PUD

Project Location: 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane

Applicant or Authorized Agent: M/I Homes of Raleigh, LLC

Firm: M/I Homes of Raleigh, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on July 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/25/2022  
Date

*Lianne F. Khin*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 25 day of July, 202 2.



*Joshua Killian*  
Notary Public

My Commission Expires: 6/19/2027



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11  
Town of Apex Unified Development Ordinance

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Applicant or Authorized Agent: M/I Homes of Raleigh, LLC

Firm: M/I Homes of Raleigh, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 5, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/8/2022  
Date

Shianne F. Khin  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 8 day of August, 202 2.



SEAL

Jeri Chastain Pederson  
Notary Public

My Commission Expires: 3 / 10 / 2024



**Student Assignment**  
5625 Dillard Drive  
Cary, NC, 27518  
Email: [studentassignment@wcpss.net](mailto:studentassignment@wcpss.net)

tel: (919) 431-7333  
fax: (919) 694-7753

April 13, 2022

Dianne Khin, AICP  
Director, Department of Planning and Community Development  
Town of Apex  
[Dianne.Khin@apexnc.org](mailto:Dianne.Khin@apexnc.org)

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: April 1, 2022
- Name of development: 22CZo8 Adams Property PUD
- Address of rezoning: o, o, and 882o New Hope Farm Rd; 8833 & 8841 Twin Ponds Ln
- Total number of proposed residential units: 67
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
  - ☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☒ School expansion or construction within the next five years may address concerns at these grade levels:
  - ☒ Elementary ☐ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

*Glenn Carrozza*

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 23.92 ACRES LOCATED AT 0,0 & 8820 NEW HOPE FARM ROAD; 8841 & 8833 TWIN PONDS LANE FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)**

**#22CZ08**

**WHEREAS**, M/I Homes of Raleigh, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of April 2022 (the “Application”). The proposed conditional zoning is designated #22CZ08;

**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 #22CZ08 before the Planning Board on the 8<sup>th</sup> day of August 2022;

**WHEREAS**, the Apex Planning Board held a public hearing on the 8<sup>th</sup> day of August 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ08. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ08;

**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 #22CZ08 before the Apex Town Council on the 23<sup>rd</sup> day of August 2022;

**WHEREAS**, the Apex Town Council held a public hearing on the 23<sup>rd</sup> day of August 2022. 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 #22CZ08 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 Low 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 density, use, and architectural standards proposed are consistent with those to the south and east. The rezoning will encourage compatible development of the property and increase the tax base; and

**WHEREAS**, the Apex Town Council by a vote of \_\_\_\_ to \_\_\_\_ approved Application #22CZ08 rezoning the subject tracts located at 0,0 & 8820 New Hope Farm; 8841 & 8833 Twin Ponds Lane from Wake County Residential- 40W (R-40W) 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



## Ordinance Amending the Official Zoning District Map #22CZ08

zoning classification of the "Rezoned Lands" from Wake County Residential-40W (R-40W) 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" Adams Property 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 \_\_\_\_\_ 2022.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

## "Attachment A"

### TWIN POND OUTER BOUNDARY LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF THREE PARCELS OF LAND LOCATED IN BUCKTHORN TOWNSHIP, WAKE COUNTY NORTH CAROLINA AND IDENTIFIED BY NC PINS: 0710889798, 0710889126, 0710879844, 0710990171 & 0710990078 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,770.50' AND E= 2,017,831.18'; THENCE, FROM THE POINT OF COMMENCEMENT AND WITH SAID RIGHT OF WAY, N24°48'02"E A DISTANCE OF 95.92 FEET TO A 3/4" IRON PIPE SET ON THE EASTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD AND THE NORTH WESTERN CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 17553 AT PAGE 1902 OF THE WAKE COUNTY REGISTER OF DEEDS (NC PIN 0710889126), SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 708,857.57' AND E= 2,017,871.42'; THENCE, FROM THE POINT OF BEGINNING AND WITH SAID RIGHT OF WAY, N24°57'29"E A DISTANCE OF 17.79 FEET TO A MAG NAIL SET IN THE MIDDLE OF TWIN PONDS LANE (A PRIVATE DRIVE); THENCE, CONTINUING WITH SAID RIGHT OF WAY, N17°37'41"E A DISTANCE OF 13.06 FEET TO A 3/4" IRON PIPE SET; THENCE, LEAVING SAID RIGHT OF WAY, S64°37'40"E A DISTANCE OF 340.35 FEET TO A 1" IRON REBAR FOUND; THENCE S17°08'16"E A DISTANCE OF 361.67 FEET TO A 1/2" IRON REBAR FOUND; THENCE S69°29'27"E A DISTANCE OF 48.31 FEET TO A 1/2" IRON REBAR FOUND; THENCE S71°31'34"E A DISTANCE OF 62.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S80°38'27"E A DISTANCE OF 155.34 FEET TO A 1" IRON REBAR FOUND; THENCE N88°08'07"E A DISTANCE OF 151.09 FEET TO A 1/2" IRON PIPE FOUND; THENCE N88°08'07"E A DISTANCE OF 100.54 FEET TO A 1/2" IRON PIPE FOUND; THENCE N00°50'13"W A DISTANCE OF 394.79 FEET TO A 3/4" IRON PIPE SET; THENCE N15°21'40"W A DISTANCE OF 177.77 FEET TO A 1" IRON PIPE FOUND; THENCE N00°47'16"W A DISTANCE OF 189.28 FEET TO A MAG NAIL SET IN NEW HOPE FARM ROAD (A PRIVATE DRIVE); THENCE N89°10'19"E A DISTANCE OF 66.34 FEET TO A MAG NAIL SET; THENCE N00°48'29"W A DISTANCE OF 30.00 FEET TO A 5/8" IRON PIPE FOUND; THENCE N89°11'31"E A DISTANCE OF 502.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°06'38"W A DISTANCE OF 29.94 FEET TO A 3/4" IRON PIPE SET; THENCE S00°17'02"W A DISTANCE OF 372.44 FEET TO A 1" IRON PIPE FOUND; THENCE S00°17'02"W A DISTANCE OF 344.60 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 193.39 FEET TO A 1/2" IRON PIPE FOUND; THENCE S00°15'44"W A DISTANCE OF 197.76 FEET TO A 1" SQUARE IRON POST FOUND; THENCE S00°16'18"W A DISTANCE OF 301.61 FEET TO A 1/2" IRON PIPE FOUND; THENCE S86°56'34"W A DISTANCE OF 217.26 FEET TO A 1/2" IRON PIPE FOUND; THENCE N77°34'43"W A DISTANCE OF 317.38 FEET TO A 1/4" IRON PIPE FOUND; THENCE N75°41'15"W A DISTANCE OF 10.60 FEET TO A 3/4" IRON PIPE SET; THENCE N67°28'47"W A DISTANCE OF 446.41 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N11°24'08"W A DISTANCE OF 256.23 FEET TO A 1" SQUARE IRON POST FOUND; THENCE N10°36'58"W A DISTANCE OF 100.83 FEET TO A 1/2" IRON PIPE FOUND; THENCE N10°36'58"W A DISTANCE OF 160.47 FEET TO A 1/2" IRON PIPE FOUND; THENCE N17°11'05"W A DISTANCE OF 330.05 FEET TO A 3/4" IRON PIPE SET; THENCE N64°44'24"W A DISTANCE OF 326.42 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 1,014,778 SQUARE FEET OR 23.92 ACRES, MORE OR LESS

"Attachment B"

# Adams Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

April 1, 2022

PREPARED BY:



## **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

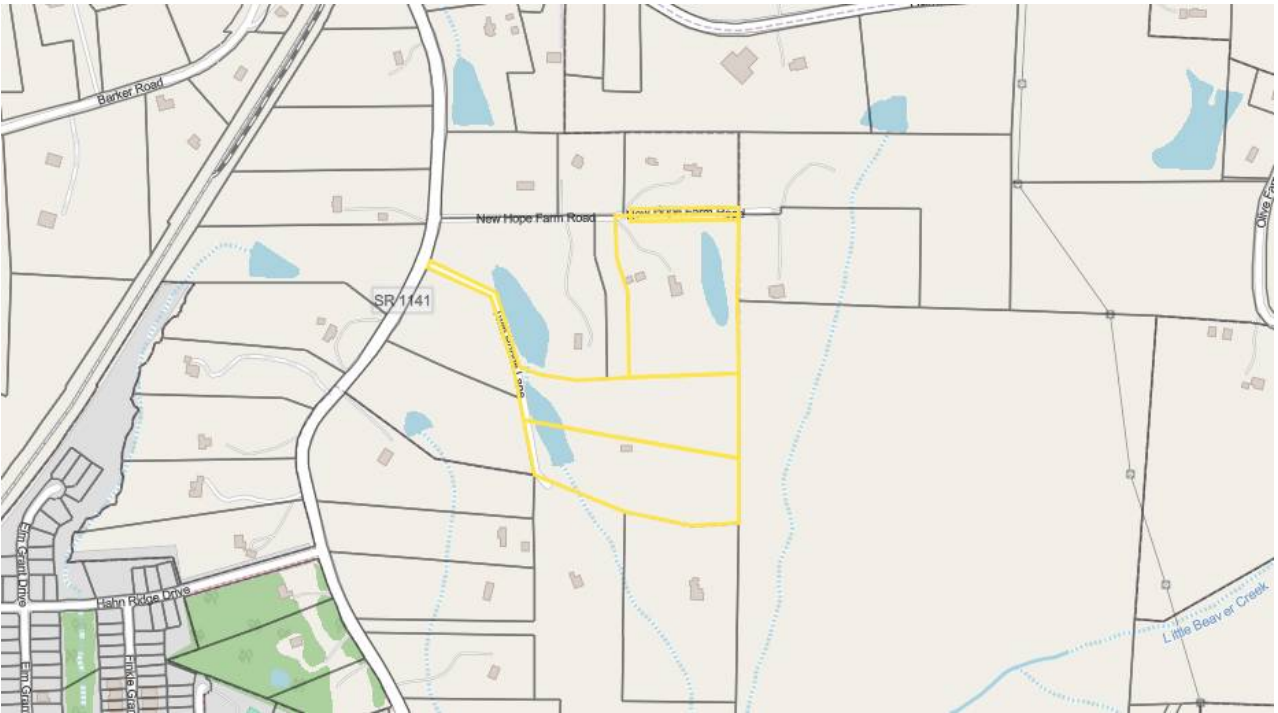
Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 18: Affordable Housing



## Section 2: Vicinity Map



The Adams Property PUD is located just outside the southwest region of Apex's planning jurisdiction, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Heelan Property PUD is being developed just east of the property. The Olive Ridge Community is being developed south of the property.

### Section 3: Project Data

**A. Name of Project:**

Adams Property PUD

**B. Property Owners:**

M/I Homes of Raleigh  
Carey Adams  
Albrecht Revocable Living Trust

**C. Prepared By:**

Nil Ghosh, Associate  
Morningstar Law Group  
700 W Main St | Second Floor  
Durham, NC 27701

**D. Current Zoning Designation:**

R-40W (Wake County)

**E. Proposed Zoning Designation:**

Planned Unit Development – Conditional Zoning (PUD-CZ)

**F. Current 2045 Land Use Map Designation:**

Low Density Residential ( $\leq 3$  units/acre)

**G. Proposed 2045 Land Use Map Designation:**

Low Density Residential

**H. Proposed Use**

Up to 66 dwelling units, associated open space, recreational amenities, and infrastructure.

**I. Size of Project**

Wake County Tax Identification Number	Acreage
0710-88-9798	23.92 acres
0710-99-0078	
0710-99-0171	
0710-88-9126	
0710-87-9844	

## Section 4: Purpose Statement

The Adams Property PUD development will be a single-family residential community with detached homes. This community is meant to operate as a phase of the Heelan Property PUD, so main amenities will be shared with that community. Nevertheless, this community will include the requisite amount of open space and amenities for a project of this size.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit 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 open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- 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 to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the 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 recently updated Advance Apex 2045.

## Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

Accessory apartment	Single-family
Greenway	Recreation Facility, private
Park, active	Park, passive
Utility, minor	

Additionally, the following conditions shall also apply:

- A. A maximum of 66 residential units shall be permitted upon the property.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.
- C. All single-family detached dwellings shall be pre-configured with conduit for future

- installation of roof-mounted solar PV panels.
- D. Homes shall be designed to meet or exceed Energy Star requirements.
- E. Signage shall be provided by any homeowner's association regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
- F. Signage or other marking shall be provided by any homeowner's association at the boundary of lots adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
- G. Developer shall install at least three (3) pet waste stations within the community.
- H. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
- I. Any required outdoor lighting (e.g. amenities, signage, decorative walls/fences, etc.) shall utilize full cutoff fixtures that have a maximum color temperature of 3000K. This condition shall not apply to the lighting on single-family homes or their accessory structures.
- J. Construction traffic shall be prohibited from utilizing existing Twin Ponds Lane. Developer may erect a barrier or barriers on the Property to prevent access to Twin Ponds Lane.

## Section 6: Proposed Design Controls

### A. Maximum Non-Residential Design Controls

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 2.8 units per acre.

**Design Controls** At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density:	2.8 Units/Acre
Maximum Number of Units:	66
Maximum Built-Upon Area:	60%
Minimum Lot Size:	4,000 sf
Minimum Lot Width:	40'
Maximum Building Height:	45' and 3 stories
<i>Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.</i>	

Minimum Setbacks	
<b>Front</b>	10'
<b>Rear</b>	20'
<b>Side</b>	5'
<b>Corner</b>	5'
<b>Building to Building</b>	NA



<b>From Buffer/RCA</b>	10' for Buildings 5' for Parking Areas
------------------------	---

### C. Perimeter Buffers

North boundary	
Former New Hope Farm Road:	0-foot
Other:	20-foot Type B
South boundary:	10-foot Type B
West boundary:	
Adjacent to REID #0101565	20-foot Type B
Other:	100-foot Type E
East boundary:	10-foot minimum, 30-foot average Type B
<i>Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.</i>	

## 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 Site Plan submittal. The following conditions shall apply:

- A.** Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B.** Residential areas will utilize brick, stone, and fiber cement plank siding.
- C.** Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D.** At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- E.** A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F.** Garage doors shall have windows, decorative details or carriage-style adornments on them.
- G.** The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- H.** J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than

two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

- I. Eaves shall project at least 12 inches from the wall of the structure.
- J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- L. 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:
  - 1. Windows
  - 2. Bay window
  - 3. Recessed window
  - 4. Decorative window
  - 5. Trim around the windows
  - 6. Wrap around porch or side porch
  - 7. Two or more building materials
  - 8. Decorative brick/stone
  - 9. Decorative trim
  - 10. Decorative shake
  - 11. Decorative air vents on gable
  - 12. Decorative gable
  - 13. Decorative cornice
  - 14. Column
  - 15. Portico
  - 16. Balcony
  - 17. Dormer
- M. Front porches shall be a minimum of 5 feet deep.

## **Section 8: Parking and Loading**

Parking for the development shall be per Town of Apex UDO.

## **Section 9: Signage**

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

## **Section 10: Natural Resource and Environmental Data**

### **A. River Basins and Watershed Protection Overlay Districts**

The project is located within the primary watershed within the Beaver Creek Basin. According to the FEMA Floodplain Map # 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

### **B. Resource Conservation Areas (RCA) and Landscaping**

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 of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. 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 may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required sewer infrastructure and SCM outlets. The SCM water storage and treatment area shall not be permitted within the riparian buffer. The sewer shall be designed to minimize impacts to the riparian buffer.

The developer shall install pollinator-friendly flora within SCM planting areas, as permitted by the NC Department of Environmental Quality's SCM Manual.

Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual or approved by Planning Department Staff. Where possible, the developer shall also 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 in required planting or landscape areas.

### **C. Any Historic Structures Present**

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

## **Section 11: Stormwater Management**

**A.** This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 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.

SCMs shall not be located within NC DEQ required stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.

## **Section 12: Parks and Recreation**

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on May 25, 2022, 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 2022-2023 rates:

Single Family Detached Units:                      \$3,753.89/lot

(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.

## **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:

**A. General Roadway Infrastructure**

The road network will promote connectivity where possible to adjacent neighborhoods and undeveloped property. Connectivity to adjacent communities will be coordinated with existing or planned rights-of-way and opportunities for future connections will be provided. Further, cul-de-sacs will be avoided except where environmental features make through streets infeasible.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

**B. 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:

Humie Olive and New Hill Olive Chapel Road

- Developer shall pay a fee in lieu in the amount of \$25,000 toward the cost of the design, right-of-way acquisition, and installation of a future traffic signal at the intersection of Humie Olive Road and New Hill Olive Chapel Road prior to platting 80% of the lots

**C. Pedestrian Facilities:**

Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

The Bicycle and Pedestrian System Plan Map shows a 10-foot side path along the eastern side of New Hill Olive Chapel Road which the project area has approximately 30 linear feet of frontage upon. This project will not construct the side path along that frontage and instead will make a payment-in-lieu equal to \$4,224.00 for the future installation of the side path.

**D. Water and Sanitary Sewer**

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development 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. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.



#### **E. 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 development may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

#### **Section 15: Consistency with the 2045 Land Use Map**

The proposed land use is consistent with the 2045 Land Use Map.

#### **Section 16: Compliance with the UDO**

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

#### **Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan**

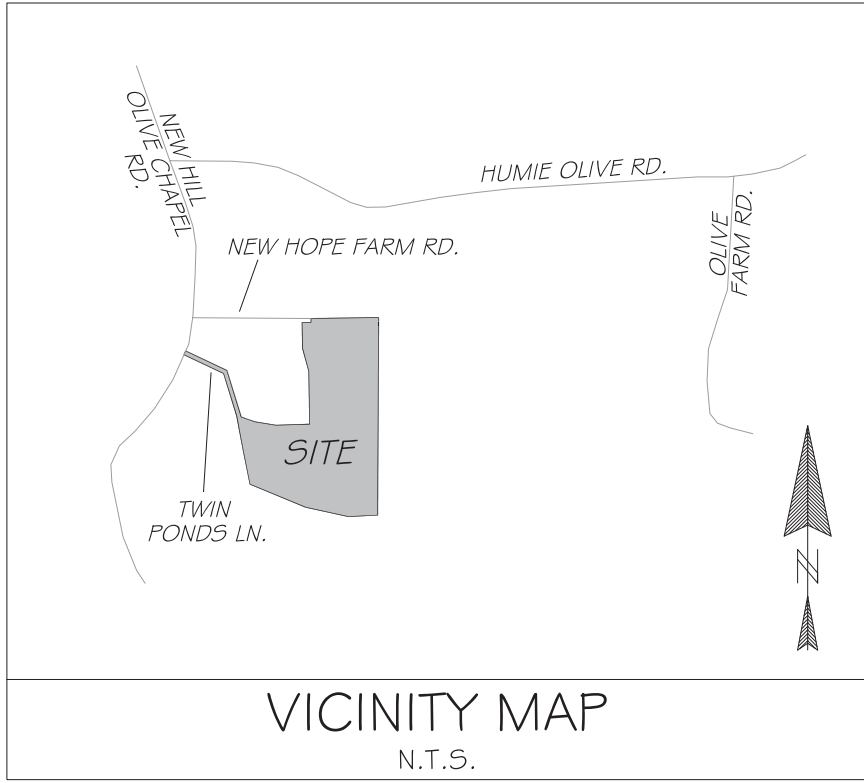
Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan.

#### **Section 18: Affordable Housing**

This project does not include additional affordable housing units over those committed in the original Heelan Property PUD. The Heelan Property PUD requires 15 affordable housing finished townhouse ownership lots to be sold to Habitat for Humanity of Wake County (Habitat Wake) as part of the development of that property. Additionally, the developer of the Heelan Property PUD and the Adams Property PUD also is the developer of the Friendship Station PUD. The Friendship Station PUD requires 8 affordable townhouse ownership lots to be sold to Habitat Wake as part of the development of that property. Through these two developments a total of 23 affordable housing townhouse ownership units will be produced in Apex. This developer has shown its commitment to providing affordable housing within the Town of Apex with its new construction projects when possible. However, due to the overall financial aspects of the Adams Property PUD, it is not economically feasible to include additional affordable housing units in light of the numerous affordable housing units which this developer has provided in previous PUDs before the Town codified any incentives for the provision of affordable housing.



# ADAMS PROPERTY PLANNED UNIT DEVELOPMENT



SITE DATA	
PROJECT NAME	ADAMS PROPERTY PUD
PREPARER'S CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	MI HOMES-RALEIGH 1511 SUNDAY DRIVE SUITE #110 RALEIGH, NC 27607 PHONE - (919) 205-9980 CONTACT PERSON - ERICA LEATHAM
CURRENT ZONING	R-40W
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
PROPOSED ZONING DESIGNATION	PUD-CZ
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL (LD)
WAKE COUNTY PINS	0710-87-9844, 0710-88-9798, 0710-88-9126, 0710-99-0078, 0710-99-0171
TOTAL PROJECT AREA	23.92 ACRES
AREA IN LAND DEDICATION	N/A
NET SITE AREA	23.92 ACRES
MAXIMUM DENSITY	2.8 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	66 UNITS
MINIMUM LOT SIZE	4,000 SF
REQUIRED RCA / BUFFER AREA	7.18 ACRES (30%, IF STAGED GRADING) 8.37 ACRES (35%, IF MASS GRADING)
PROVIDED RCA / BUFFER AREA	8.37 ACRES (35.0%)
MAXIMUM BUILT UPON AREA FOR PUD	14.35 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45'
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UDO SECTION 8.3 FOR SINGLE-FAMILY RESIDENTIAL LOTS
PUBLIC RECREATION REQUIREMENT (FEE-IN-LIEU)	SINGLE-FAMILY DETACHED (\$3,753.89/LOT)
PRCR ADVISORY COMMISSION MEETING DATE	5/25/22
WATERSHED INFORMATION	PRIMARY; BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	APEX 21-004
HISTORIC STRUCTURE?	NO
PHASED DEVELOPMENT	NO
FEMA FLOODPLAIN INFORMATION	MAP #3720071000K - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

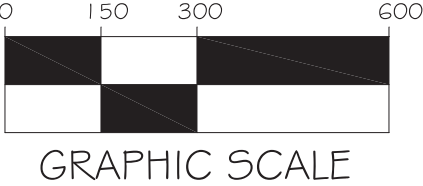
- PERMITTED USE:
- SINGLE-FAMILY
  - ACCESSORY APARTMENT
  - GREENWAY
  - RECREATION FACILITY, PRIVATE
  - PARK, ACTIVE
  - PARK, PASSIVE
  - UTILITY, MINOR

MINIMUM BUILDING SETBACKS-SINGLE FAM.	
FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

PD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN
- PRELIMINARY UTILITY PLAN

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION





TOWN REQUIRED PUD NOTES:

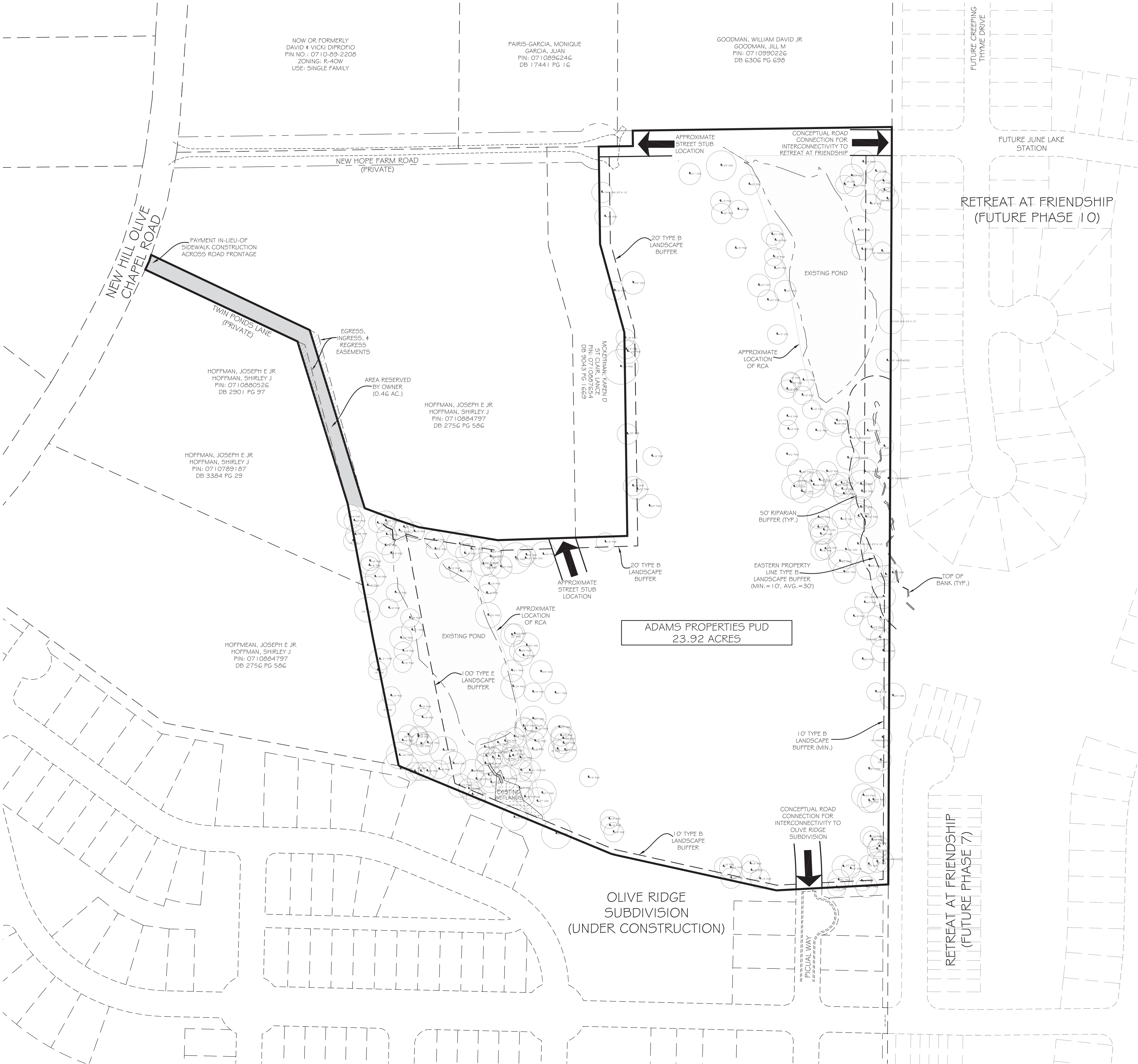
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NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 21-004.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
8. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

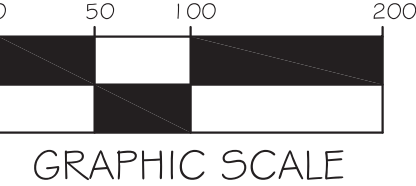
PLANNING NOTES:

1. A TRANSPORTATION IMPACT ANALYSIS HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7. SIGNS
6. THE PUD SHALL MEET AND EXCEED THE TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR, 10-YEAR, AND 25-YEAR 24 HOUR STORM EVENTS.
7. THIS DEVELOPMENT IS EXPECTED TO BE MASS GRADED AND IS NOT EXPECTED TO BE PHASED.



THIS SHEET IS FOR  
ILLUSTRATIVE PURPOSES ONLY

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION



**Jones & Clossen**  
ENGINEERING, PLLC  
Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST.  
SUITE 001  
PO BOX 1062  
APEX, NC 27502  
Office: 919-387-1174  
Registration: P-0151  
www.jonesclossen.com



ADAMS PROPERTY PUD PD PLANS		PRELIMINARY LAYOUT PLAN	
WAKE COUNTY, NORTH CAROLINA		TOWN OF APEX	
SCALE: 1" = 100'	DRAWN: PLK	DATE: APRIL 1, 2022	
REVISION: 5/1/22	PER TRC	7/7/22	PER TRC
6/6/22	PER TRC	7/7/22	PER TRC
7/7/22	PER TRC	7/7/22	PER TRC
8/4/22	EX. ACCESS EASE.	7/7/22	EX. ACCESS EASE.
SHEET: 2		PROJECT: 2152	



TOWN REQUIRED PUD NOTES:

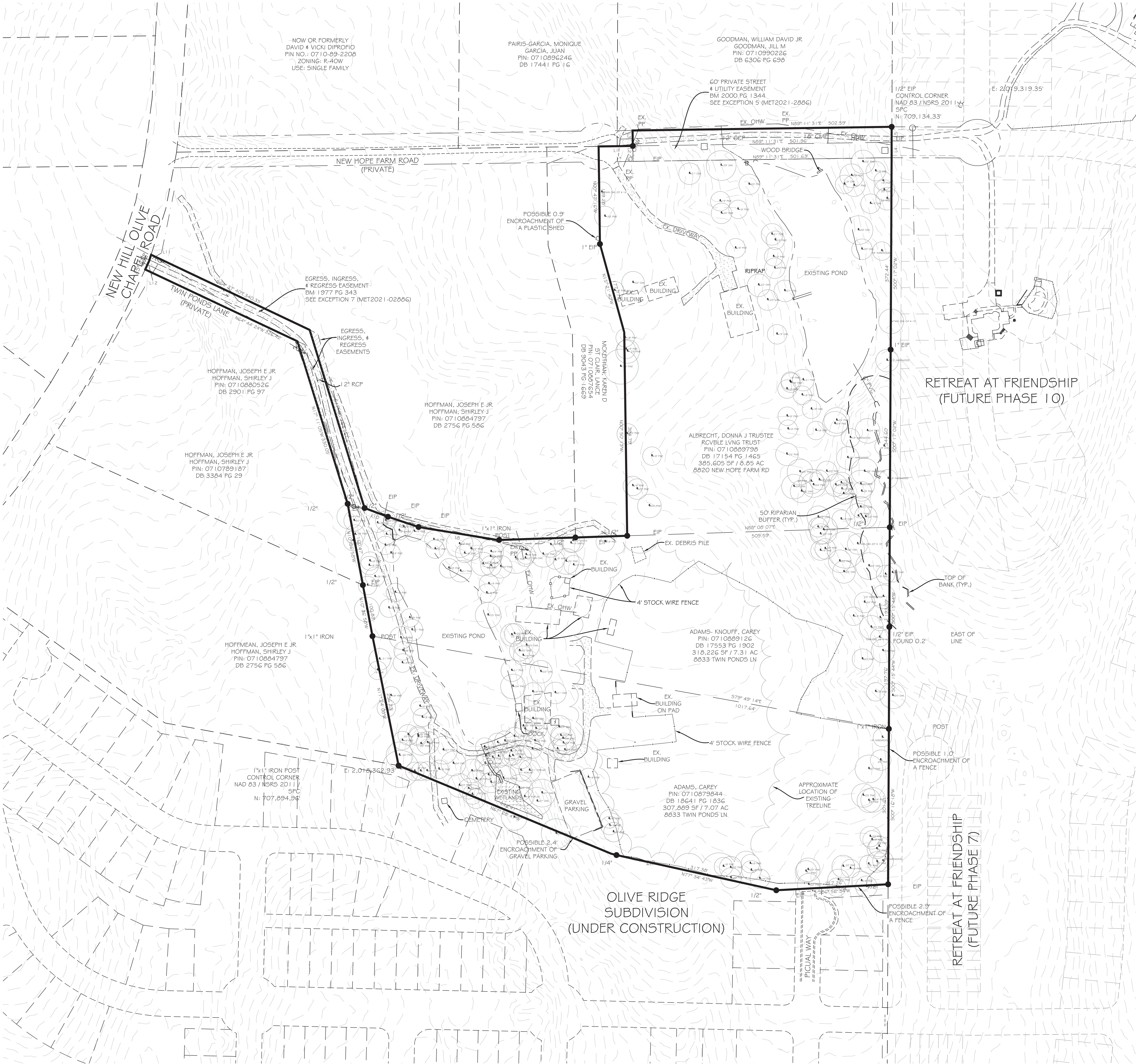
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LINE TABLE		
LINE#	DIRECTION	LENGTH
L1	S00° 06' 38"W	29.93'
L2	S00° 06' 38"W	29.94'
L3	N24° 57' 29"E	17.79'
L4	N17° 37' 41"E	13.06'
L5	S69° 29' 27"E	48.31'
L6	S71° 31' 34"E	62.60'
L7	S80° 38' 27"E	155.34'
L8	N88° 08' 07"E	151.09'
L9	N88° 08' 07"E	100.54'
L10	N89° 10' 19"E	66.34'
L11	S00° 48' 29"E	29.86'
L12	N00° 48' 29"W	30.00'

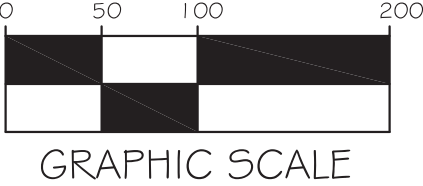
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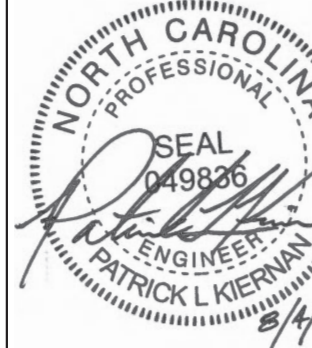


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REVISION: 5/1/22	PER TRC	REVISION: 6/6/22	PER TRC
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SHEET: 3	PROJECT: 2152		



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7. INSTALLATION OF SPLIT FENCE SHALL MAINTAIN 8' CLEARANCE ABOVE ALL HYDRANTS.
8. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
9. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC RW SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
10. CONTACT FOR TOWN OF APEX ELECTRICAL UTILITIES IS RODNEY SMITH AT 919-249-3342.
11. THIS DEVELOPMENT SHALL USE THE TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
12. THE UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
13. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
14. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.







**Belmont Plan**

in Grove at White Oak | Garner, North Carolina

Modeling all options



Bed **3 - 5** Bath **3 - 4** Garage **2 - 3** Sq Ft **2,302 - 2,400**

[View Details](#)

Modeling all options



**Crabtree Plan**

in Grove at White Oak | Garner, North Carolina

Modeling all options



Bed **3 - 4** Bath **2 - 4** Garage **2 - 3** Sq Ft **2,561**

[View Details](#)



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS  
Meeting Date: September 27, 2022

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

- (A) Motion to appoint Alyssa Stepusin and Mr. Daniel Khodaparast to the Apex Planning Board; and
- (B) Motion to appoint Tina Sherman as Vice Chair of the Apex Planning Board

### Approval Recommended?

Yes

### Item Details

The current Apex Planning Board Chair, Reginald Skinner, and the Mayor both recommend that current member Tina Sherman be considered for the Vice-Chair appointment.

This appointment would be for the unexpired Vice-Chair term (August 9, 2022 - December 31, 2022).

The Clerk's Office advertised the two vacant positions on the Planning Board via the Town's eNewsletter and various Social Media Platforms. Over 20 applicants were received and considered for the positions. Interested applicants were encouraged to apply by August 12.

The Mayor reviewed the applications and recommends both Daniel Khodaparast and Alyssa Stepusin for the two vacant seats on the Apex Planning Board.

### Attachments

- Planning Board Applicants
- Planning Board Chairman Recommendation Letter
- Current Planning Board Roster





Town of Apex | Planning Board Applicants  
As of 8/12/2022

Submission Date	Resident AdvisoryBoard/ Committee	Legal First Name	Legal Middle Initial	Legal Last Name	Preferred First Name	Street Address	City	Zip Code	Live Within Apex Corporate Limits?	Live Within ETJ?	Email	MobilePhone
8/12/2022 3:40 PM	Planning Board	Janak		Thapaliya		3082 Wishing Well Wynd	Apex	27502	Yes	No	janakthapaliya@gmail.com	(409) 554-1345
8/10/2022 8:16 PM	Planning Board	kim	A	wisniewski	Ms. Kim Wise	1003 rushden way	apex	27502	Yes	No	northcarolinatutors@gmail.com	(919) 551-5000
8/9/2022 8:28 AM	Planning Board	Eileen		Lerro		617 West Chatham st	Apex	27502	Yes	No	lerroe@msn.com	(973) 715-2169
8/8/2022 7:54 PM	Planning Board	Elvis		Greer		3428 Willow Green Drive	Apex	27502	Yes	No	greerster@gmail.com	(919) 443-5058
8/8/2022 2:33 PM	Planning Board	Candace		Smith		521 Evening Star Drive	Apex	27502	Yes	No	csmith1127@gmail.com	(479) 313-5176
8/8/2022 2:31 PM	Planning Board	Casey		Angel		1014 Tribayne Court	Apex	27502	Yes	No	caseyangel_24@hotmail.com	(619) 400-7990



Town of Apex | Planning Board Applicants  
As of 8/12/2022

8/8/2022 1:46 PM	Planning Board	Jonathan		Parsons		307 S Hughes St	Apex	27502	Yes	Yes	jparsonsrla@gmail.com	(919) 601-7997
8/8/2022 9:33 AM	Planning Board	Keith	A	Hogan		1309 Chenworth Dr	Apex	27502	Yes	No	keith.hogan@credit-suisse.com	(802) 793-4862
8/8/2022 8:26 AM	Planning Board	John	R	Yager		2254 Farrington Rd	Apex	27523	No	Yes	john.yager.sr@gmail.com	(919) 730-1449
8/8/2022 8:03 AM	Planning Board	Sarah	C	Dodge		1306 Eastham Drive	Apex	27502	Yes	No	sarahcdodge@gmail.com	(864) 346-9489
8/7/2022 7:24 PM	Planning Board	Erin	Q	Bridges		1011 N Salem St	Apex	27502	No	Yes	eqbridges@gmail.com	(919) 272-7481
8/7/2022 6:53 PM	Planning Board	Darrin		Dexter		133 Briarfield Drive	Apex	27502	Yes	No	darr.dexter@gmail.com	(919) 605-3116
8/4/2022 9:55 AM	Planning Board	Timothy	H	Padgett	Tim	1256 Dalgarnen Drive	Apex	27502	Yes	Yes	tpadgett3@nc.rr.com	(919) 219-1037
7/19/2022 11:39 AM	Planning Board	Alyssa		Stepusin	Alyssa Byrd	103 Sugarland Drive	Apex	27502	Yes	No	alyssastepusin@gmail.com	(919) 482-0660

Town of Apex | Planning Board Applicants  
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7/17/2022 12:00 PM	Planning Board	Aaron	B	Brower	Aaron	1829 Versa Ct.	Apex	27502	Yes	No	abrower3@gmail.com	(919) 257-3432
7/12/2022 3:47 PM	Planning Board	Noah		Toppe	Noah	1885 LAZIO LN	APEX	27502-4753	Yes	No	Noah.Toppe@gmail.com	(919) 610-8161
6/5/2022 1:04 PM	Planning Board	Daniel		Khodaparast		121 Ada Street	Apex	27502	Yes	No	dkhodaparast@gmail.com	(919) 218-5028
5/28/2022 7:29 PM	Planning Board	MITESH		PATEL		2125 Turling way	Apex	27523	Yes	Yes	ombkids@gmail.com	(917) 224-1078
5/17/2022 10:59 AM	Planning Board	Sean		Crowell		2025 Energy Drive	Apex	27502	Yes	Yes	sacrowell@loureiro.com	(198) 422-9703 x3
4/24/2022 8:31 AM	Planning Board	Richard	D	Colby	Rich	1007 Winding Creek Road	Apex	27502	Yes	Yes	richardcolbync@gmail.com	(191) 927-4910 x0
3/28/2022 5:31 PM	Planning Board	Kevin	S	Hutchinson		316 Briarfield Drive	Apex	27502	Yes	No	kevin.s.hutch@gmail.com	(919) 824-4773
11/8/2021 10:44 AM	Planning Board	Alan	M	Brockway Jr		2965 Thirlestane Dr	Apex	27502	Yes		borokkuei@gmail.com	(919) 616-7630
9/28/2021 12:08 PM	Planning Board	Sean	P	Hein		3121 LUNGE LANE	NEW HILL	27562	Yes		seanheinsurvey@gmail.com	(919) 723-8589
9/21/2021 3:05 PM	Planning Board	Karen	G	Jayson	Karen	205 Piney Woods Lane	Apex	27502-4057	Yes		kj@mjayson.com	(919) 637-1241
9/14/2021 11:12 PM	Planning Board	Jermaine	R	Wilkins		3109 Floresta Drive	Apex	27539	Yes		jrnyardwilkins@hotmail.com	(919) 247-7790
9/3/2021 4:50 PM	Planning Board	Nihar		Shah	Nihar	3017 LAUDER LANE	Apex	27523	Yes		shahnihark@gmail.com	(201) 832-8883
8/2/2021 2:39 PM	Planning Board	John		Hamilton		1931 Post Rail Ln	Apex	27502	Yes		johnhamilton2124@gmail.com	(919) 210-6124
Recommended Applicants												

Legal First Name	Legal Middle Initial	Legal Last Name	Current Employer	Current Job Title
Janak		Thapaliya	Siemens	Civil/Structural Engineer
kim	A	wisniewski	NCTutors and Educational Services	Business Owner and Educator
Eileen		Lerro	Marriott	Bistro
Elvis		Greer	Spekit	Head of Product Marketing
Candace		Smith	Q2 lab solutions	Research Scientist
Casey		Angel	Longfellow Real Estate Partners	Director, Corporate Communications

Jonathan		Parsons	HHHunt	Director of Decelopmenf
Keith	A	Hogan	CBRE Credit-Suisse, Morrisville NC	Facilities Operations manger
John	R	Yager	Retired	
Sarah	C	Dodge	Wakemed	Nurse
Erin	Q	Bridges		
Darrin		Dexter	SmallHD, LLC	Controller
Timothy	H	Padgett	Kimley-Horn and Associates	Transportation Engineer
Alyssa		Stepusin	Lee & Associates Raleigh-Durham	Director of Marketing & Communications



Aaron	B	Brower	Hazen and Sawyer	Associate Vice President
Noah		Toppe	UNC Health	Program Manager - Real Estate Development & Facilities
Daniel		Khodaparast	Oracle NetSuite	Senior Software Engineer & Team Lead
MITESH		PATEL	Cepheid (Danaher corp.)	Sr. Software Quality Engineer
Sean		Crowell	Loureiro Engineering Associates	Senior Vice President
Richard	D	Colby	Retired	
Kevin	S	Hutchinson	Optum	VP, State Government Solutions
Alan	M	Brockway Jr	Cisco	Senior Technology Auditor
Sean	P	Hein	Timmons Group	Project Manager
Karen	G	Jayson	Retired	
Jermaine	R	Wilkins	DHI Communities (a DR Horton Company)	Regional Purchasing Manager - Mid Atlantic
Nihar		Shah	American Tower Corporation	Director Product Innovation
John		Hamilton	Retired	

Town of Apex | Planning Board Applicants  
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Legal First Name	Legal Middle Initial	Legal Last Name	Why are you interested in serving?
Janak		Thapaliya	I would like to serve to my own town as I am a licensed professional engineer. My professional experience and expertise as a civil engineer will help me contribute to the development of my town.
kim	A	wisniewski	I live in Apex and Own an Educational Service. Planning for what is coming in Apex is essential since I am unable to locate an office and planning for all business owners is my top priority.
Eileen		Lerro	Give back to community I live in.
Elvis		Greer	<p>In 2018, I moved across the country to Apex, with my wife and two children. The charm, and balance between amenities and open space were the primary reasons why we now call Apex home. Coming from California I spent most of my life experiencing the impact of irresponsible growth. There's something so special about Apex I am enthusiastically up for the rewarding challenge of meeting the needs of current and future residents while doing what it takes to ensure Apex remains a truly special place to live.</p> <p>In just a short time here, I've worked closely with the citizens of Apex and our own town council, to champion a safe and environmentally conscious sidepath to the American Tobacco Trail. Being the voice of our community has been extremely rewarding. It has also taught me more about how our town makes decisions, and how much it prioritizes the voice of its citizens. I admire that and want to continue serving as a voice for our community and balancing that with the priorities of Apex.</p>
Candace		Smith	I love Apex. I'm deeply committed to being a lifelong citizen, and I'd like to know more about how Apex will grow and offering input into planning.
Casey		Angel	<p>In short, I would love the opportunity to serve the community that myself and my family love with the set of skills and experience I've acquired through my professional life. I have had the privilege of working with number community and economic organizations, including planning commissions and board to help advocate for smart growth. Apex is in need of threading a very fine needle, on one side our entire region has experienced explosive growth which is enviable, but brings so many concerns of preservation and ensuring the quality of life that so many seek continues to be a shining example in the region and nationally. I truly believe that I can help with walking that line and continuing to have a bright future for all of Apex.</p> <p>My wife and I moved to Apex several years ago and fell in love with the charm and personality of the town. One apartment and two homes later, we never left Apex (in fact kept moving about 1 mile away until we found our forever home) for so many reasons. It is my only hope that I have the great opportunity to help shape it for my son and all of the future generations that will inherit this gem.</p>

Town of Apex | Planning Board Applicants  
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Jonathan		Parsons	I love apex having lived in downtown now for 6 years. My kids walk to the middle school and I continue to work within the area. We are uniquely positioned for the next chapter of our growth and I want to help us reach high marks for our community
Keith	A	Hogan	I am interested in serving the Apex community and being involved with the future of our town. I have lived in Apex for the last 13 years and absolutely love our community. I think outside the box and I would be bring a fresh set of eyes to the board. I believe would be an asset to the team.
John	R	Yager	I believe there is a certain appeal to the Town of Apex that requires careful planning to retain. I have lived in Apex/surrounding area for 23 years and in Cary an additional 12 years and believe and would like to contribute to planning for further Apex growth.
Sarah	C	Dodge	I have lived in Apex for 12 years. Since then i have seen Apex go through a tremendous amount of growth in a short amount of time. I am an open-minded person who cares for this town. I would like to help be one who helps guides for more orderly and environmentally friendly growth for the people of Apex.
Erin	Q	Bridges	I have seen this town grow and change a lot while growing up here in the 90s and living here with my 3 young children now. There is so much benefit to growth and i want to help make sure it happens in an intentional way without losing what makes Apex so special.
Darrin		Dexter	I would like to get more involved in how this great city is run and be part of that process
Timothy	H	Padgett	I've been a resident of Apex for over 20 years and have seen significant growth and change in that time. I would like to be involved in planning for the next 20 years!
Alyssa		Stepusin	I worked in the public sector for over a decade and after transitioning to the private sector, I'd love to reengage by helping shape my community. Apex is an incredible place with valuable assets. I want to serve the community and bring my past and current experience as (hopefully!) a strength to the planning board.

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Aaron	B	Brower	To help contribute to the Town that I have lived in and love for the past 22 years. I have always had an interest to serve but now that our children are older, I have more time to dedicate to other things.
			When my wife and I moved to North Carolina from Northern Virginia four years ago, we chose Apex for its charm and potential. Upon moving here, I immediately started reading the Peak Plan 2030 and the 2045 Land Use Map. The more I read, the more excited I became about Apex's opportunity to develop into an even better place to call home.
			Balanced growth is critical for supporting a variety of uses in Apex without negatively impacting the Town's charm. At the current pace, Apex's current estimated population of ~73,000 will nearly double by 2030 and triple by 2035. Depending on the economy and other factors, the growth rate may slow down, but it is still important to make sure that each project is viewed through multiple lenses.
Noah		Toppe	In addition, having two parents in the real estate planning and development sectors has always fueled my interest in helping to shape the landscape of a local municipality. The opportunity to be a part of the decision making process in the place my family and I call home is very exciting.
Daniel		Khodaparast	Every day our community grows. I want to help make an impact on ensuring that its growth is done well, with respect to the diverse members of it. We need to take into account the needs of those members and best position appropriate land use to satisfy demand into the future.
MITESH		PATEL	I am IT professional and passionate about civic volunteer and had involved in many on job, temple and public volunteering like Habitat for Humanity, NC & NY General and local election poll worker, City of New York disaster volunteer, BAPS volunteer.
Sean		Crowell	I have lived in Apex since 2015 and have enjoyed raising my children here, coaching local sports teams and seeing the area grow. I also opened a local office for an Engineering firm that focuses on Environmental Engineering and Brownfields redevelopment. I have a passion for the environment and significant skills associated with engineering development and redevelopment and would love to serve the community through providing my skills to support the responsible continued development of the area.
Richard	D	Colby	I have lived in multiple small towns and want to see Apex grow and still maintain a neiborly small town atmosphere
Kevin	S	Hutchinson	I have a background in public policy and would like to get more involved in the decisions of the Apex community.
Alan	M	Brockway Jr	I care about issues regarding local development from a consumer-first point of view. As our area's cost of living increases due to incoming corporate offices with higher wages, I believe it is important to keep Apex (and all of NC) accessible to those individuals and families who do not work at these high-wage corporations. I was born and raised in the triangle, but also spent a fair amount of time working in San Jose and San Francisco -- I don't want the triangle to succumb to the same cost of living issues these California cities have, but also want to allow the natural growth of NC into a major economic center of the US.
Sean	P	Hein	I would like to see Apex continue to grow in a well thought out and sustainable way. Would like to apply my experience to assist in recommendations for the Town's future.
Karen	G	Jayson	I have seen the explosive growth in Apex and the impact it has had on the western Apex community. I have also talked with neighbors and listened to their views on the growth, its impact on traffic, schools, and the quality of life. I would like to have the opportunity to share their views - and mine - and have a voice on the planning committee so that we can retain the best of Apex's home town atmosphere and continue to grow to meet the needs of the greater metropolitan area.
Jermaine	R	Wilkins	Service has been an integral element of my life since childhood. Instilled in me by my parents at a young age was a sense of service as a requirement to be a productive and contributing member to the greater good of my proverbial village. Respect to elders and a focus on sharing my efforts with those who may be less fortunate or otherwise unable to perform were fixtures of the environment I was raised in. Beginning at home with family, extending to my Church community and filtering into my experience as a student in elementary school, service was intricately woven into my foundation as an individual. At this stage of my life I would like to be intentional about engaging in service to my community in a structured fashion due to the fact that it is firmly entrenched as one of my core values and I have spent much of the last 15 years, building a career, starting a family and focusing on personal achievement. It is time to restore the balance that comes natural to me.
Nihar		Shah	I have worked for Telecom companies and understand the Zoning board requirements. I have worked with majority of the Zoning boards in state of NJ ( resident of NJ for 20 years prior to move to NC in 2020) and will like to help the town from planning prospective.
John		Hamilton	I wish to share my many years planning, management, communication, vendor management, procurement, and analyst experience and knowledge.



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Legal First Name	Legal Middle Initial	Legal Last Name	Please List Any Education/SpecialSkills/Experience You Have That Would Be Useful.
Janak		Thapaliya	I have Master's degree in civil engineering. I am a licensed professional engineer with over 14 years of civil/structural engineering experience. I am familiar with land development projects as a civil engineer. I am willing to share and contribute my engineering knowledge to my town's development.
kim	A	wisniewski	SMS PTA Board Member, M.Ed. & B.S. In Education, Apex Chamber of Commerce Member, LaunchApex Business Graduate, Current Wake County License Teacher Highly skilled in Planning / Being Community-Minded / Professional and Kind
Eileen		Lerro	25 years on the recreation commission for Ringwood New Jersey 25 years on the Lakeland regional high School school board 18 years girl scout leader Mom of five grown kids Retired 18 years United airlines
Elvis		Greer	I have spent the last decade leading cross-functional teams at some of the most recognizable brands in the world, such as Salesforce, Zendesk, and Apple. I've learned the art of communication and collaboration, as well as how to be efficient and effective.  I have an MBA from the Anderson School of Management, which has given me an extremely valuable skill set across all areas of business, from finance to strategy, to entrepreneurship. While pursuing my Master's degree, I traveled internationally to consult for a micro-finance institution, giving me a powerful experience of serving an extremely diverse population, with a culture entirely different from my own. I gained a real understanding of empathy and the importance of approaching important topics from all perspectives, even if those perspectives don't always align directly with my own.  I know my diverse background, and working in some of the most challenging and engaging environments, have all prepared me to represent our town and fellow citizens with the utmost professionalism and dignity.
Candace		Smith	Finally, I currently serve as my neighborhood's HOA board President, which has given me the novel experience of serving our community from many different vantage points, from public safety to landscaping, to ensuring our little section of Apex remains a desirable, family-friendly place to live.
			I'm super organized and smart. I have a PhD in genomics, I think logically and I have been married to a man in the building industry for 17 years.
Casey		Angel	I have extensive background in residential housing, commercial real estate, and working with local governments to work with public-private partnerships. This background includes executive roles with such groups as Habitat for Humanity, Realtor Associations, and policy consulting groups in Washington D.C.  Within these roles, I have had to dive into the overall economic and community impact of housing, commercial, and public developments. I continue to do this work day in and day out, and I believe my expertise here would be a valuable asset in being able to understand and disseminate this information with the group and making the best decisions based on our town's goals and municipal plan.

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Jonathan		Parsons	Licensed landscape architect and planner with 21 years experience in planning and design/ development  Mixed use Urban infill Parks and open space Community block grants Streetscapes and urban design  Experience across multiple states and jurisdictions to provide an informed view on challenges and questions  Want to work with community leaders and residents
Keith	A	Hogan	35 Years in the HVAC, refrigeration, building operation and project management.
John	R	Yager	Corporate America planning and managing experience.
Sarah	C	Dodge	I have a degree in Landscape Architecture from Clemson University. I worked as a landscape designer and land planner in Baltimore at an engineering firm for many years before moving to NC.
Erin	Q	Bridges	I have a background in journalism and communications. I have experience working for government organizations including the US Navy, the Federal Emergency Management Agency and county government. I have personal experience as a resident of Apex during the population boom of the 1990s and 2000s. I have lived in towns and cities in 6 states, which gives me perspective on how growth has been managed well and the repercussions of doing it poorly.
Darrin		Dexter	I have an extensive background in accounting and finance with over 30 years in that field. I have an interest in economics. I have lead teams and been part of numerous teams that affected change and progress in the corporate world
Timothy	H	Padgett	I'm a transportation engineer with a background in planning and travel demand forecasting.
Alyssa		Stepusin	Current Position: Lee & Associates Raleigh-Durham (commercial real estate) - Marketing and Communications Director NC Real Estate License # 298106 Previous: Town of Fuquay-Varina Economic Development Director Chatham County Economic Development Corporation, President Chatham County Economic Development Corporation, Director of Marketing and Strategic Planning  With my background of more than a decade in economic development, I have a strong grasp of public policy and processes, planning, utilities, transportation, and other indirect issues (workforce, education, etc.) that planning board members are charged with reviewing. If selected for a future role with the planning board, I would bring hard skills, such as understanding how to navigate and read a UDO, as well as an appreciation for the value of staff in processing these complex requests. My current position with Lee & Associates also affords me the opportunity to see development trends across the Triangle region. I want to support the Town's effort to be innovative and grow while balancing the issues that naturally arise from change and development. I will also preemptively note that I take conflicts of interest seriously. I would always proactively address any issues between requests to the board and my position in commercial real estate.

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Aaron	B	Brower	Prior to current employment, I worked with Raleigh Water for 19 years most recently serving as an assistant director for 7 years over a \$1.5 billion dollar 10 year capital improvement program, asset management, and developer negotiations/plan review. I believe my experience with the development world within the City of Raleigh uniquely qualify me to serve on the Planning Board as I am very familiar with rezonings, text changes, and special use cases. I look forward to serving on the Planning Board if given the opportunity.
Noah		Toppe	<p>Currently and for the past 13 years I have worked in both the public and private real estate sectors. My experience leading highest and best use analyses for various properties will prepare me to look at proposed projects from multiple perspectives in an effort to provide the most benefit to the Town and its residents.</p> <p>In addition, I hold a master's degree in public policy (with a concentration in social policy) from George Mason University. Through my education, I gained valuable experience learning how to evaluate policy proposals and understanding how they would have impacts on institutions, processes, or targeted populations. These skills will help me evaluate the impacts of proposed planning projects at a local community/neighborhood level and a more macro (town-wide) level.</p> <p>On a personal level, I grew up in both Raleigh and Cary and am very familiar with the greater Triangle area. I also have a good understanding of how to use the various GIS maps at the Wake County and Town of Apex level.</p>
Daniel		Khodaparast	<p>I have dual degrees in Computer Science and Mechanical Engineering. I currently am a Senior Software Engineer and Team Lead. In my role, I manage a team of engineers spread across the US and Czech Republic.</p> <p>I understand various cultural and personality differences can make up a great team and that not everyone comes from the same background. Words, thoughts, and plans must be adapted to keep things flowing smoothly. I have applied this by even traveling (pre-covid) overseas to give training/talks about various technical subjects.</p> <p>My curiosity and drive often leads me into doing extensive research and documentation to ensure that all bases are covered when addressing any issues.</p>
MITESH		PATEL	I am Graduate in IT and Material engineering and Environmental conservative. Having experience to served in town and government office from professional and public volunteering.
Sean		Crowell	<p>Environmental Engineering (PE)</p> <p>Mechanical Engineering (BS)</p> <p>20+ Years of experience in Environmental Site Assessment and Remediation</p> <p>Extensive understanding of environmental regulations</p> <p>Extensive experience running a business in the area</p> <p>Local experience coaching sports and working with people in the community</p>
Richard	D	Colby	Associate Degree in Electrical Engineering. I am an advanced musician on a digital piano. I have played for charities and contributed over \$500 to the volunteers at Apex Childrens hospital. I was born in a small town and lived in multiple small towns. I am outgoing and very friendly.
Kevin	S	Hutchinson	Bachelor of Arts in Government, Notre Dame; Master of Public Policy - Sanford School of Public Policy @ Duke University; Served as Policy Advisor in the Office of the Governor (2003-2006); have been doing government consulting and solutions for 15+ years.
Alan	M	Brockway Jr	MS Information Security and Privacy, minor in psychology.
Sean	P	Hein	Licensed Professional Land Surveyor, Real Estate broker and realtor, current Project manager for a Civil Engineering team working on entitlements, design plans, permits. Have a expert understanding in planning, rezonings, etc.
Karen	G	Jayson	I have experience in research and analysis. I know how to track down information and have worked with real estate professionals over the years I have a masters in criminal justice and experience in labor market analysis. I try to stay objective and weigh both the pros and cons of each side of a problem.
Jermaine	R	Wilkins	For the last 15+ years, I have served in leadership roles in multiple Production homebuilding operations in the Charleston, SC, Charlotte, NC and Raleigh markets. My early life interest in urban planning and a career of professional exposure to community development centered around housing has spurred a lifelong passion for meaningful placemaking. I am a firm believer that special places inclusive of the built environment produce special citizens. My discipline within the Production Homebuilding industry has been chiefly centered around Procurement and vertical construction operations. In addition to the tangible skills this experience has afforded me, in my opinion, the most coveted skill that has been afforded to me is my collaborative spirit. The ability to work with others that may see life's challenges differently than I do and come to a sensible resolution is a skill that I regard as a meaningful contribution to the greater civic good.
Nihar		Shah	Masters in Electrical Engineering , Executive MBA
John		Hamilton	President Paravenn Corporation an Information Management consultant firm focusing on project management, data management, data warehousing, system design, system implementation, and customer service. Most customers were in the public sector.

Town of Apex | Planning Board Applicants  
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Legal First Name	Legal Middle Initial	Legal Last Name	Have you ever served on a Town Advisory Board/Committee? If so, which Board or Committee?	How Did you Hear About this Opportunity
Janak		Thapaliya	N/A	Friend / Neighbor, Town Website
kim	A	wisniewski	NA	email from Apex Chambers
Eileen		Lerro	See above	Facebook
Elvis		Greer	I have never served on any town boards, commissions, or committees.	Council member Mahaffey
Candace		Smith	None.	Facebook
Casey		Angel	No current town boards served, however I currently serve on the Board of Directors and Fund Development Committee for CASA NC, one of the leading affordable housing developers in the Triangle, the Board of Advisors for the Raleigh Chamber of Commerce, and Advisory Board for The George Washington University School of Business.	Town Website



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Jonathan		Parsons	Durham county / city appearance board - 2007-2009 Ncasla- 2010-2013	Facebook
Keith	A	Hogan	N/A	Facebook
John	R	Yager	No	Facebook
Sarah	C	Dodge	No	Town Website
Erin	Q	Bridges	None	Facebook
Darrin		Dexter	None	Town Website
Timothy	H	Padgett	Never served	Friend / Neighbor
Alyssa		Stepusin	None for the Town of Apex, but I have held a number of committee roles in Siler City, Pittsboro, and Chatham County.	Town Website

Town of Apex | Planning Board Applicants  
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Aaron	B	Brower	N/A	Friend / Neighbor
Noah		Toppe	I have not previously served on any town boards, commissions, or committees	Town Website
Daniel		Khodaparast	n/a	Friend / Neighbor, Town Website
MITESH		PATEL	Having some kind of overview but never served in town boards. willing to serve such service in planning board, housing advisory board or board of adjustment.	Town Website
Sean		Crowell	NA	Town Website
Richard	D	Colby	I have not served on any town boards. I would bring fresh new ideas.	Town Website
Kevin	S	Hutchinson	I have not. I selected "Planning Board" because I had to choose one, but I am flexible and just interested in helping. If you have a certain board/committee/commission/etc that you are having trouble finding members for, or could benefit from the leadership and experience that I bring, please let me know. Give me a call and I'm happy to discuss.	Town Website
Alan	M	Brockway Jr	N/A	Town Website
Sean	P	Hein	Have not.	Town Website
Karen	G	Jayson	No, I have not.	Town Website
Jermaine	R	Wilkins	I have not previously served on any town boards, commissions or committees.	Town Website
Nihar		Shah	Part of HOA board in NJ	Town Website
John		Hamilton	No	Town Website



## MEMORANDUM

TO: Mayor Jacques Gilbert

FROM: Planning Board Chair Reginald Skinner

DATE: August 23, 2022

RE: Planning Board appointment recommendations for September 2022

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I respectfully recommend that the following applicants be considered for possible appointment to the Town of Apex Planning Board in September 2022. There are two open seats on the Planning Board. My recommendations are ranked in priority order below:

1. Casey Angel because he is an Affordable Housing Advocate who sits on the CASA Board and is complimentary of staff in Triangle Business Journal article attached below.
2. Alyssa (Byrd) Stepusin because she is an Economic Development professional in Chatham County and Fuquay-Varina. She was a 40 under 40 Economic Development winner (see press release below), is a new marketing/communications director with Lee & Associates and brings diversity to the board.
3. Janak Thapaliya because he is a Civil Engineer with PSEG and would bring diversity to the board.
4. Sean Hein because he is a Professional Land Surveyor and Real Estate Broker, and a Senior Project Manager with Timmons Group, a civil engineering firm.

## 2021 Corporate Philanthropy Awards: Casey Angel with Longfellow Real Estate Partners



[Enlarge](#)

Casey Angel of Longfellow Real Estate Partners.

LONGFELLOW REAL ESTATE PARTNERS

Nov 18, 2021

**Name:** Casey Angel

**Title:** Associate Director, Corporate Communications

**Company:** Longfellow Real Estate Partners

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Who went above and beyond to forward the cause of philanthropy in the Triangle? The entire staff of CASA have shown unbelievable resilience over the past year. The staff was able to continue their successful outreach to the community, and hasn't missed a beat in providing affordable housing units throughout the Triangle with their family units, veterans' housing, workforce housing solutions and disability housing programs. In addition to their continued compassion for the community, they have also gone above and beyond for their residents' individual well-being during the pandemic.

Who do you look to for guidance? My guidance comes from my personal advisers, my family – specifically my wife and son. Thinking about how projects, ideas and plans may be viewed and their



positive impacts is what I love to chat with my wife about. Sharing my passion for safe, affordable housing with my family helps us give back together, but also allows us to share in the little things that can be a blessing to others.

Where do you see yourself in five years? In five years, I will continue helping our community with housing insecurity. Housing is the bedrock of all we hold dear as a society – it is the foundation that all of our successes are built off of. While we may have individual differences, housing is the one common need that connects us all, and that is why it is so vital. Coming together as a community is the way we help solve this crisis.

What is on your wish list for philanthropy in the next year? Topping the wish list for giving and philanthropy has to be the return to in-person meetings, fundraisers and educational opportunities. Meeting others who share your passion, and getting to know those we are working with is of the utmost importance. Covid has separated all of us, but for so many it separated the tangible touch points we have with the causes that are so near and dear to us.

What could the Triangle business community do to further support philanthropy? I've always lived by the wisdom "To whom much is given, much will be required" – and I truly believe the Triangle community can continue to grow and blossom with this approach. Our region has the great fortune of opportunity, growth and quality of life for so many, and it is our responsibility to help our neighbors in need. We need the best of our businesses, government and nonprofits working together for the best tomorrows.

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<https://www.fuquay-varina.org/DocumentCenter/View/6603/2021-Alyssa-Byrd-40-Under-40>

March 17, 2019

Fuquay-Varina Economic Development Director Alyssa Byrd Wins 40 Under 40 Award in Economic Development

Fuquay-Varina, NC – Alyssa Byrd, Economic Development Director with the Town of Fuquay-Varina has been announced as a recipient of the 2021 Economic Development 40 Under 40 Award, the biennial award recognizing rising stars under 40 years old in the economic development industry.

The awards program is hosted by Development Counsellors International (DCI), a New York- based integrated marketing firm that works with economic development and travel organizations around the globe, and Jorgenson Consulting, a leading national executive search firm serving organizations in non-profit, economic, and community development industries. An independent selection committee of six economic development professionals and site selection consultants evaluated a record-number of 200-plus nominees.

"This past year has demonstrated the importance of economic development in building and sustaining resilient communities," said Julie Curtin, president of DCI's economic development practice. "I'm especially impressed by the diverse perspectives and skillsets of this year's winners as they lead communities to prioritize new ways of thinking, building inclusive and equitable economies, and bringing an attitude of fresh new ideas to the challenges in the industry. The economic development future is bright with these young leaders."

Alyssa joined the Town of Fuquay-Varina in August 2020 after 9 successful years with the Chatham

Economic Development Corporation where she served as President of that organization. Fuquay-Varina is one of the fastest growing municipalities in North Carolina and located in a region that competes in an international marketplace. As the Economic Development Director for the Town of Fuquay-Varina, Alyssa will continue to work to realize the Town's assets, opportunities, and development potential.

"Alyssa joined the Town of Fuquay-Varina with a great deal of experience. We knew she was top-notch, and she proves it each and every day. The Town Board is excited that she is a part of our organization and community and look forward to the value that she will add toward helping Fuquay-Varina achieve its economic development goals", said Mayor John W. Byrne.

"Management and staff are very proud of this well-deserved recognition for Alyssa. She is a great ambassador for the Town and is a dedicated professional. We feel fortunate that she is a part of our team and have no doubt that she will continue to do great things for Fuquay-Varina", said Town Manager Adam Mitchell.

"The economic development industry is in good hands with these rising leaders," said Todd Jorgenson, managing director and principal of Jorgenson Consulting, Inc. "The communities they represent—from Tuxpan, Mexico to Covington, Kentucky to Québec, Canada—are fortunate to have the smart, innovative ideas of this year's winners."

DCI and Jorgenson officially announced the winners on March 16th at a virtual awards reception held in conjunction with the International Economic Development Council Leadership Summit.

For more information on the 40 Under 40 awards program and this year's winners, visit [econdev40under40.com](http://econdev40under40.com).

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#### **About the Town of Fuquay-Varina**

The Town of Fuquay-Varina is located approximately 15 minutes outside of Raleigh and is one of the fastest growing towns in the state of North Carolina. Fuquay-Varina is a dynamic, inclusive, and caring community that provides exceptional service while offering economic opportunity, sense of place, and an unmatched quality of life. [www.fuquay-varina.org](http://www.fuquay-varina.org)

#### **About DCI**

Considered the leader in marketing places, Development Counsellors International (DCI) specializes in economic development and tourism marketing. The agency has designed integrated marketing campaigns for more than 500 cities, regions, states and countries since it was established in New York City in 1960. Services include public relations, branding, research, websites, paid media, and talent attraction. [www.aboutdci.com](http://www.aboutdci.com)

#### **About Jorgenson Consulting**

Founded in 1992, Jorgenson Consulting has worked diligently over the past 29 years to establish itself as a premier national executive search firm. With a focus on the fields of non-profit, economic and community development, we partner with our clients to help them identify and secure the highest caliber of executive talent. Our goal is to develop a thorough understanding of our clients and leverage that knowledge with our own expertise and resources to source executive talent that can truly serve the organization by yielding economic benefits while also contributing to a community's competitive advantage. [www.jci-inc.net](http://www.jci-inc.net)

**Media Contacts:** Susan Weis Communications Director Town of Fuquay-Varina 919-552-1417

[sweis@fuquay-varina.org](mailto:sweis@fuquay-varina.org)

Julie Curtin President, Economic Development, DCI 303.627.0272

[julie.curtin@aboutdci.com](mailto:julie.curtin@aboutdci.com)

# Town of Apex

## Planning Board Roster

**Reginald Skinner**, Chair  
2<sup>nd</sup> Term – Expires 12/31/2023  
106 Hasbrouck Drive  
Apex, NC 27523  
(M) 919-523-5224  
(E) [reggie.skinner@gmail.com](mailto:reggie.skinner@gmail.com)  
**Employer:** Juniper Networks  
**Profession:** Service Manager

**Tina Sherman**, Member  
2<sup>nd</sup> Term – Expires 12/31/2023  
2251 Toad Hollow Trail  
Apex, NC 27502  
(M) 919-539-3639  
(E) [tinasherman@gmail.com](mailto:tinasherman@gmail.com)  
**Employer:** not provided  
**Profession:** not provided

**Tim Royal**, Member,  
ETJ Representative  
2<sup>nd</sup> Term – Expires 12/31/2023  
105 Beechtree Court  
Apex, NC 27523  
(M) 919-412-4196  
(E) [tgroyal@hotmail.com](mailto:tgroyal@hotmail.com)  
**Employer:** not provided  
**Profession:** not provided

**Keith Braswell**, Member  
1<sup>st</sup> Term – Expires 12/31/2022  
301 Grand Helton Court  
Apex, NC 27502  
(M) 919-754-7579  
(E) [kbraswell@hotmail.com](mailto:kbraswell@hotmail.com)  
**Employer:** not provided  
**Profession:** not provided

**2-Vacant Member Positions**

**Ryan Akers**, Member,  
Wake County Representative  
1<sup>st</sup> Term – Expires 12/31/2022  
805 Wasdell Way  
Apex, NC 27523  
(M) 919-475-1923  
(E) [ryan\\_and\\_amy@me.com](mailto:ryan_and_amy@me.com)  
**Employer:** Ryan Akers Independent  
**Profession:** Civil Engineer

**Jeff Hastings**, Member,  
Historical Society, Non-Voting Member  
1<sup>st</sup> Term – Expires 12/31/2022  
3609 Friendship Road  
Apex, NC 27502  
(M) 919-851-1211  
(E) [jeff@burkebrothershardware.com](mailto:jeff@burkebrothershardware.com)  
**Employer:** Burke Brothers Hardware  
**Profession:** Owner

**Steven Rhodes**, Member  
1<sup>st</sup> Term – Expires 12/31/2023  
107 Downing Place  
Apex, NC 27502  
(M) 919-819-2629  
(E) [steven.rhodes2009@gmail.com](mailto:steven.rhodes2009@gmail.com)  
**Employer:** Dominion Energy  
**Profession:** Raleigh Region Sales and Marketing Manager

**Sarah Soh**, Member  
Unexpired Term – Expires 12/31/2022  
3269 Bellamy Ridge Drive  
Apex, NC 27523  
(M) 770-820-8419  
(E) [ssnorthcarolina@gmail.com](mailto:ssnorthcarolina@gmail.com)  
**Employer:** not provided  
**Profession:** Senior Project Architect