



AGENDA | REGULAR TOWN COUNCIL MEETING

January 10, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

Council Members: Brett D. Gantt; Terry Mahaffey; Edward Gray, Vacant Seat

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

Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 2023 Revised Council Meeting Calendar

Allen Coleman, Town Clerk

CN2 Appointments - Public Art Committee

Allen Coleman, Town Clerk

CN3 Fiscal Year 2023-2024 Annual Operating Budget Pre-Public Hearing - Set Public Hearing

Amanda Grogan, Director of Budget and Performance Management

CN4 Encroachment Agreement - 1010 Woodlands Creek Way Lot 6 (Sherika Simpson)

Marty Stone, Assistant Town Manager

CN5 Human Resources (HR) Policy Updates and Budget Ordinance Amendment No. 13 - 2022 Pay Study

Mary Beth Manville, Human Resources Director

CN6 Resolution - North Carolina Department of Transportation (NCDOT) Paved Trails and Sidewalk Feasibility Study Grant Proposal

Angela Reincke, Parks Planning Project Manager

CN7 Rezoning Case No. 21CZ18 - Olive Chapel Professional Park

Amanda Bunce, Current Planning Manager

CN8 Rezoning Case No. 22CZ18 - Humie Olive Place

Shelly Mayo, Planner II

CN9 Rezoning Case No. 22CZ23 - Yellowbridge PUD Amendment - Set Public Hearing

Lauren Staudenmaier, Planner II

CN10 Rezoning Case No. 22CZ24 - Apex Gateway Ph 1 Amendment - Set Public Hearing

Amanda Bunce, Current Planning Manager

CN11 Rezoning Case No. 22CZ25 - 0 Prince Dead End Road - Set Public Hearing

Shelly Mayo, Planner II

CN12 Tax Report - November 2022

Allen Coleman, Town Clerk

UNFINISHED BUSINESS

UB1 Appointment of Temporary At-Large Town Councilmember - Unexpired Term Ending December 6, 2023

Allen Coleman, Town Clerk

PRESENTATIONS - None

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. 21CZ27 - 1010 Tingen Road

Shelly Mayo, Planner II

PH2 Annexation No. 735 - Hatcher Property - 28.8420 acres

Dianne Khin, Planning Director

AND

PH3 Rezoning Case No. 22CZ12 - Hatcher Property

Shelly Mayo, Planner II

PH4 Annexation No. 740 - 1933 Olive Chapel Road - 3.40 acres

Dianne Khin, Planning Director

PH5 Annexation No. 741 - The Townes at the Station PUD - 16.30 acres

Dianne Khin, Planning Director

AND

PH6 Rezoning Case No. 22CZ17 - The Townes at the Station PUD

Shelly Mayo, Planner II

PH7 Rezoning Case No. 22CZ20 - The Preserve at Holt

Shelly Mayo, Planner II

PH8 Unified Development Ordinance (UDO) Amendments - January 2023

Dianne Khin, Planning Director

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Laurie Hohe, Town Attorney

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

NCGS §143-318.11 (3):

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

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to amend the 2023 Town Council Meeting Calendar.

Approval Recommended?

Yes

Item Details

In accordance with North Carolina General Statute 143-318.12, a schedule of regular meetings shall be filed with the Town Clerk to the Town Council. The schedule must show the date, time, and place of each meeting.

It is proposed that the January Work Session scheduled for Wednesday, January 18, 2023 be rescheduled to Tuesday, January 17, 2023. This meeting will be held at the Apex Town Hall located at 73 Hunter Street in Apex and begin at 2:30 PM. Additionally, the March Work Session scheduled for Tuesday, March 31st, 2023 will be held at the Apex Police Department located at 205 Saunders Street in Apex. The April Work Session scheduled for Tuesday, April 18, 2023 will be held at the Apex Town Hall located at 73 Hunter Street in Apex.

Attachments

- Revised - 2023 Council Meeting Calendar



Town Council 2023 Meeting Calendar

AMENDED

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	T10	11	S12	13	14
15	16	T17	18	19	20	21
22	23	T24	25	T26	27	28
29	30	T31				
10th	Pre-Budget Public Hearing/				Regular Mtg	
12th	Council Strategic Planning - Location TBD					
17th	Work Session (optional)					
26th	Finance Committee Meeting					
31st	Joint Collaboration Meeting/Holly Springs					

February						
S	M	T	W	T	F	S
			T1	2	3	4
5	6	7	8	9	10	11
12	13	T14	15	16	S17	18
19	20	T21	22	23	24	25
26	27	T28				
1st	Economic Development Committee					
17th	Annual Council Retreat - Location TBD					
21st	Work Session (optional)					

March						
S	M	T	W	T	F	S
			1	T2	3	4
5	6	7	8	9	10	11
12	13	T14	15	S16	17	18
19	20	P21	22	T23	24	25
26	27	T28	29	30	31	
2nd	Planning Committee					
16th	Legislative Day					
21st	Work Session					
23rd	Joint Finance/Personnel Committee Mtg					

April						
S	M	T	W	T	F	S
						1
2	3	4	5	T6	7	8
9	T10	T11	12	13	14	15
16	17	T18	19	20	21	22
23	24	T25	26	T27	28	29
30						
6th	Finance Committee					
10th	Finance/Personnel Committee (optional)					
18th	Work Session (optional)					
27th	Rules Committee					

May						
S	M	T	W	T	F	S
	1	2	3	4	T5	6
7	8	T9	10	T11	12	13
14	15	T16	T17	18	19	20
21	22	T23	24	T25	26	27
28	T29	30	31			
5th	Budget Work Session					
11th	Planning Committee					
16th	Work Session (optional)					
17th	Economic Development Committee					
25th	Joint Collaboration Meeting/Cary					

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	T8	9	10
11	12	T13	14	15	16	17
18	19	20	21	T22	T23	24
25	26	T27	28	29	30	
8th	Budget Work Session (optional)					
22nd	Work Session (optional)					
23rd	Rules Committee					

July						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	T8	9	10	11	12
13	14	15	16	17	18	19
20	21	T22	T23	T24	25	26
27	28	T29	30	T31		
23rd	Economic Development Committee					
24th	Rules Committee					
29th	Joint Collaboration Meeting / Morrisville					
31st	Finance Committee					

September						
S	M	T	W	T	F	S
					1	2
3	4	5	6	T7	8	9
10	11	T12	13	14	15	16
17	18	T19	T20	21	22	23
24	25	T26	27	T28	29	30
7th	Planning Committee					
19th	Work Session (optional)					
20th	Closed Session - Evaluation (Appointed)					
28th	Personnel Committee					

October						
S	M	T	W	T	F	S
1	2	T3	4	5	6	7
8	9	T10	11	P12	13	14
15	16	17	18	19	T20	21
22	23	T24	25	T26	27	28
29	T30	31				
3rd	Closed Session - Evaluation (Appointed)					
12th	Work Session (optional)					
20th	Rules Committee					
26th	Finance Committee					
30th	Joint Collaboration Meeting / Wake County					

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	T9	10	11
12	13	T14	15	T16	17	18
19	20	21	22	23	24	25
26	27	T28	29	T30		
7th	Municipal Election					
9th	Economic Development Committee					
16th	Work Session (optional)					
30th	Planning Committee					

December						
S	M	T	W	T	F	S
					1	2
3	4	5	T6	7	T8	9
10	11	T12	13	T14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
6th	Organizational Meeting (Swearing-In)					
8th	Personnel Committee					
14th	Work Session (optional)					

Holidays	13
Regular Meetings	21
Work Sessions	11
Committee Meetings	20
Budget Hearings/Work Sessions	3
Joint Collaboration Meetings	4

CS - Evaluation (Appointed)	2
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Legislative Day	1
Retreat/Strategic Planning	2

Total Meetings 62

Meeting Location
P Police Department
T Town Hall
S Senior Center

62 Meeting days
1 Two meetings same day
62 Total Meetings

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to appoint the following residents to the Apex Public Art Committee for a three-year term each expiring January 31, 2025:

- Bradley Erickson
- Susan Kirley

Approval Recommended?

Mayor Jacques K. Gilbert recommends both Bradley Erickson and Susan Kirley for appointment consideration to the Apex Public Art Committee.

This recommendation is supported by Public Art Committee Chair, Tom Colwell.

Item Details

The Town Clerk's Office received a total of 5 applications for appointment consideration to the Public Art Committee. Listed below, in alphabetical order, are the applications and their respective applications are attached. All five candidates are eligible for appointment; however, the Public Art Committee only has two vacancies:

- Buck, Daniel
- Deepak, Shilpa
- Erickson, Bradley
- Kirley, Susan
- Lattimer, Christopher

Attachments

- Applications
- 2022 Public Art Committee Attendance Log



Entry #: 497 - Public Art Committee

Status: Submitted

Submitted: 7/10/2022 11:42 PM

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

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

Original Submittal**I'm interested in serving on... ***

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

How did you hear about this opportunity to serve? *

- | | | | | | |
|--|---------------------------------------|-----------------------------------|-----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Friend / Neighbor | <input type="checkbox"/> Town Website | <input type="checkbox"/> Facebook | <input type="checkbox"/> Nextdoor | <input type="checkbox"/> Twitter | <input checked="" type="checkbox"/> Mayor Gilbert |
|--|---------------------------------------|-----------------------------------|-----------------------------------|----------------------------------|---|

Candidate Contact Information**Legal Name ***

Daniel	L	Buck
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Preferred First Name

Daniel

(if different from Legal first name)

Address *

105 Lyndenbury Dr		
Apex	North Carolina	27502

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☐ Yes ☒ No

Email *

Dbuck.dem@gmail.com

Mobile Phone *

(919) 446-4576

Alternate Phone (work/home)

(919) 362-1871

Background Information

Current Employer

N/A

Current Job Title

N/A

Tell us why you would like to serve? *

I would like to help have Town of Apex be more Beautiful, bee-friendly, and environmentally sound. If possible I'd volunteer for positions on the Bee City Committee and Environmental Advisory Board, in addition to the Public Art Committee

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

General Bachelor's degree, BA. Public Speaking Skills, artists in the family, Can work up to 40 Hours/month.

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

N/A

Entry #: 530 - Public Art Committee **Status:** Submitted **Submitted:** 9/14/2022 11:13 AM

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

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

Original Submittal

I'm interested in serving on... *

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

How did you hear about this opportunity to serve? *

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

Candidate Contact Information

Legal Name *

Shilpa		Deepak
--------	--	--------

Preferred First Name

(if different from Legal first name)

Address *

1468 padstone dr		
apex	North Carolina	27560

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☐ Yes ☒ No

Email *

Mobile Phone *

Alternate Phone (work/home)

Background Information

Current Employer

Current Job Title

Tell us why you would like to serve? *

Iam interested in Arts. I also love to Volunteer. This seemed the best combination for me, It combines my interests and purpose.

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

Folk Art.

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

None.

Entry #: 496 - Public Art Committee

Status: Submitted

Submitted: 6/29/2022 2:43 PM

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

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

Original Submittal**I'm interested in serving on... ***

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

How did you hear about this opportunity to serve? *

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

Candidate Contact Information**Legal Name ***

Bradley	C	Erickson
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Preferred First Name

(if different from Legal first name)

Address *

2423 Bristers Spring Way		
Apex	North Carolina	27523

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☐ Yes ☒ No

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

Current Employer

First Citizens Bank

Current Job Title

Managing Senior Digital Product Manager

Tell us why you would like to serve? *

I adore public art in its multivariate forms. I have a Ph.D. in archaeology and have previously worked on arts and museum presentations in both physical and digital formats. I would love to bring my experience to work alongside others to help others experience public art and culture.

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

I have experience working with ancient and modern art from my Ph.D. work at UNC - Chapel Hill (Ph.D. earned May 2022). I also have experience working with people producing public art displays and projects in both physical and digital formats, including project planning, community feedback, and RFP's.

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

I have not served on any town boards, commissions, or committees but have volunteered extensively elsewhere and would love to serve the board in any way needed. Thank you for your consideration.

Entry #: 534 - Public Art Committee **Status:** Submitted **Submitted:** 12/6/2022 3:43 PM

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

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

Original Submittal

I'm interested in serving on...

Public Art Committee

How did you hear about this opportunity to serve?

Friend / Neighbor

Candidate Contact Information

Legal Name

Susan R Kirley

Preferred First Name

Address

1009 Napa Place, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

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

No

Email

susan@kirley.com

Mobile Phone

(919) 218-8108

Alternate Phone (work/home)

Background Information

Current Employer

Retired Preschool Teacher, Greenwood Forest Children's Center
Cary, NC

Current Job Title

Tell us why you would like to serve?

I believe that the Arts play a vital role in our community.

I love seeing artist's works displayed around Apex and I would like to be a part of the process.

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

BA in Psychology/Communications UNC-G class of '84
Volunteer, NCMA
Volunteer, Raleigh Little Theater costume shop
Art Class participant and exhibited artist, Apex Senior Center
Art collector and art history buff
Past board member and current member of the Landscaping committee, Vintage Grove HOA

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

N/A

Entry #: 493 - Public Art Committee **Status:** Submitted **Submitted:** 6/14/2022 5:43 PM

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

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

Original Submittal

I'm interested in serving on... *

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

How did you hear about this opportunity to serve? *

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

Candidate Contact Information

Legal Name *

Christopher	M	Lattimer
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Preferred First Name

Chris

(if different from Legal first name)

Address *

2104 Bullhead Rd		
Apex	North Carolina	27502

Do you live within the Apex town limits? *

- ☒ Yes ☐ No

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

- ☒ Yes ☐ No

Email *

chrislattimer2016@gmail.com

Mobile Phone *

(910) 591-6162

Alternate Phone (work/home)

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Background Information

Current Employer

Wake County Public Schools

Current Job Title

Assistant Principal

Tell us why you would like to serve? *

I am very interested in serving my community and art interests me a lot. Any way I can help enhance our town I want to be part of!

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

As an Assistant Principal I am constantly working with the community and it is a passion of mine. I have worked with chamber of commerces and rotary clubs to help promote the schools I have worked at.

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

I have served on the transportation committee for the Johnston county public school system when I worked there as well as serving on their executive board. This has given me great experience of how to be collaborative and work with others to accomplish our goals.

Attendance Log - Public Art Committee

	Total	Bethany Bryant, Vice Chair	Tom Colwell, Chair	Sean Durham	Anisa Ortiz	Ewan Pritchard	Lafayette Trawick
Monday, November 15, 2021	5						
December, 2021	Canceled						
Monday, January 24, 2022	5						
February, 2022	No Quarum						
Monday, March 21, 2022	5						
April, 2022	No Quarum						
Monday, May 16, 2022	4						
Monday, June 27, 2022	4						
Monday, July 18, 2022	4						
August, 2022	No Quarum						
Monday, September 19, 2022	5						
October, 2022	No Quarum						
Monday, November 21, 2022	4						
December, 2022	Canceled						

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget and Performance Management

Requested Motion

Motion to set a Public Hearing for Tuesday, January 24, 2023 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2023-2024 Annual Budget

Approval Recommended?

Yes

Item Details

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

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

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration/Town Manager's Office

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Sherika Simpson to install a fence that will encroach 96 linear feet, a pool that will encroach 13 square feet, a pool pump that will encroach 5 square feet, two HVAC units that will encroach 12 square feet and a plastic shed that will encroach 40 square feet into the 20' Town of Apex Public Storm Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Sherika Simpson (Grantee) for the property described as a residential lot known as Wake County PIN #0731-15-0364, Book of Maps 2004, Page 02251, lot is also known as 1010 Woodlands Creek Way, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a fence that will encroach 96 linear feet, a pool that will encroach 13 square feet, a pool pump that will encroach 5 square feet, two HVAC units that will encroach 12 square feet and a plastic shed that will encroach 40 square feet into the 20' Town of Apex Public Drainage Easement.

Attachments

- Encroachment Agreement
- Exhibit A



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

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this ____ day of _____, 2023, by and between Sherika Simpson, unmarried, hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN # 0731-15-0364** and more particularly described as **Lot 6** of the subdivision known as **Village at Crockett's Ridge**, which is shown on that certain plat recorded in **Book of Maps 2004, Page 02251**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **1010 Woodlands Creek Way, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot.**"

WHEREAS, the Town is the owner of a 20' Public Drainage Easement as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement.**"

WHEREAS, Grantee wishes to install certain improvements, more particularly described as a fence that will encroach 96 linear feet, a pool that will encroach 13 square feet, a pool pump that will encroach 5 square feet, two HVAC Units that will encroach 12 square feet and a plastic shed that will encroach 40 square feet into the "**Public Drainage Easement**" which serves the Residential Lot,

hereinafter referred to as the “**Encroachment**,” all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Drainage Easement**.

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

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

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

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

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

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

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

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

To Grantee: Sherika Simpson
1010 Woodlands Creek Way
Apex, NC 27502

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

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

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

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

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

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


13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Lot 6 Village at Crockett's Ridge (1010 Woodlands Creek Way, Apex, NC 27502)**, or by assumption of said obligations by an incorporated property or condominium owners association for **Village Crockett's Ridge**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee delegates and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEE

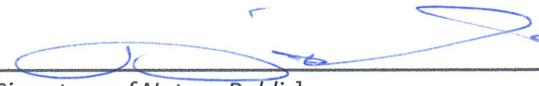
By: 
Sherika Simpson

STATE OF NORTH CAROLINA

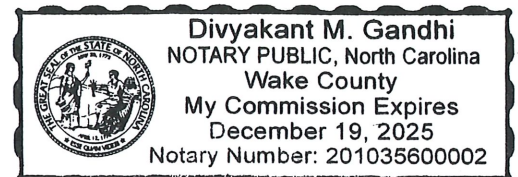
COUNTY OF Wake [county in which acknowledgement taken]

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

Witness my hand and official stamp or seal, this 15th day of Nov., 2022.


[Signature of Notary Public]

My Commission Expires: Dec. 19th 2025



(SEAL)

TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

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

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

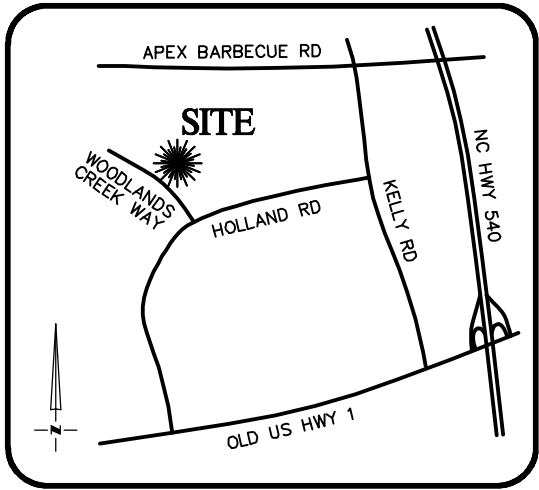
Witness my hand and official stamp or seal, this ____ day of _____, 2023.

[Signature of Notary Public]

My Commission Expires: _____

(SEAL)

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



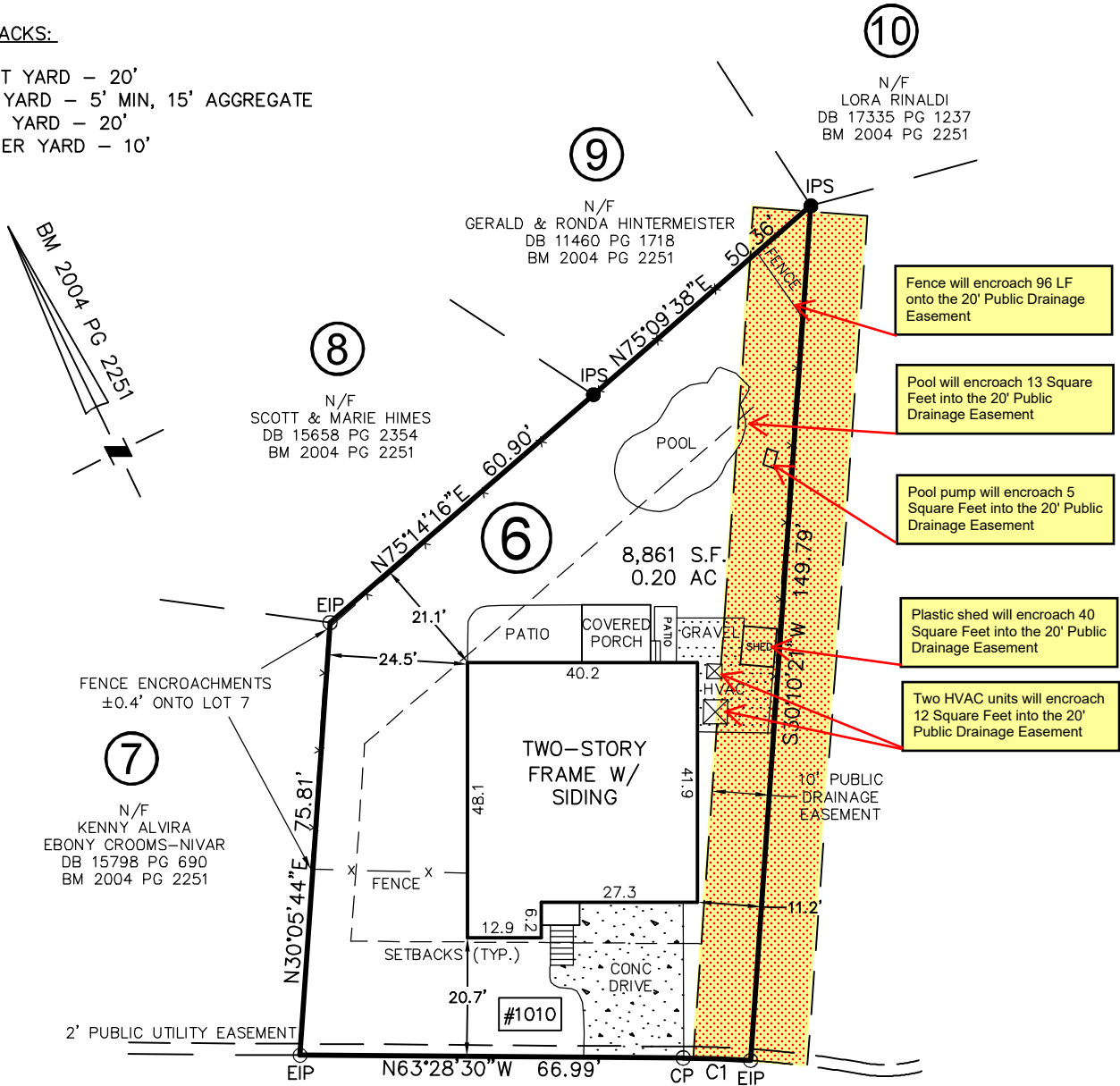
VICINITY MAP
Not To Scale

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINES
- CLOSURE EXCEEDS 1 INCH IN 10,000 FT.
- IPS ● - IRON PIN SET
- EIP ○ - EXISTING IRON PIPE
- CP ○ - COMPUTED POINT
- DB - DEED BOOK
- BM - BOOK OF MAPS/PLAT BOOK
- PG - PAGE
- #1010 STREET ADDRESS

SETBACKS:

- FRONT YARD - 20'
- SIDE YARD - 5' MIN, 15' AGGREGATE
- REAR YARD - 20'
- CORNER YARD - 10'

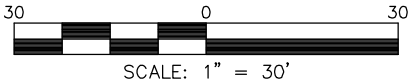


WOODLANDS
CREEK WAY

50' PUBLIC R/W

- NOTES:
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
 - AREAS COMPUTED BY COORDINATE METHOD
 - PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
 - NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
 - BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD

CURVE	RADIUS	ARC LENGTH	CH LENGTH	CH BEARING
C1	185.00'	11.77'	11.77'	N61°44'23"W



PHYSICAL SURVEY

FOR
#1010 WOODLANDS CREEK WAY
LOT 6, VILLAGE AT CROCKETTS RIDGE SUBDIVISION
Buckhorn Township, Wake County, North Carolina

PROPERTY OF: SHERIKA SIMPSON
MAP BOOK 2004 PAGE 2251 DEED REFERENCE 17994 PAGE 1634

DRAWN BY - Page 26 - DATE: AUGUST 25, 2022

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve updates to the Town's Position Classification Plan and corresponding pay policies and Budget Ordinance Amendment 13.

Approval Recommended?

Yes

Item Details

Town's Position Classification Plan was presented and approved at the Joint Personnel and Finance Committee Meeting on September 27, 2022. There were four primary goals for the Town-wide compensation and classification study over the past year:

- 1 - address increased cost of living
- 2 - ensure our pay plan is competitive in the job market (compared to other employers)
- 3 - provide for a merit increase
- 4 - address internal salary compression

Since implementation in September, the Town has completed a final review of all classifications and salaries to ensure that all positions were appropriately classified and identify any remaining salary compression that may be present or unintentionally created with the implementation of the new pay plan. We have been able to address all four goals, and with approval, finalize the FY23 study.

Attached are the updated Personnel Policies, reflecting updated language from the position study/pay plan implementation, as well as a few administrative updates. Any language removed will have a strikethrough, and any added language will be in red font.

With Council's approval of this consent item, the Town's Authorized Positions list will be updated with titles and grades from the position study, as well as the addition of FTE hours for previous LSE positions that are now considered part-time, non-benefited positions, and 3 LSE positions going to part-time, benefited, and presented for approval at the following Council Meeting.

LSE Positions being re-titled to Part-time, Non-Benefited Positions:

- Finance Department - Mail Courier
- Inspections Department - Office Assistant
- Police Department - School Crossing Guards. Reserve Officers

LSE Positions transitioning to Part-time, Benefited Positions:

- Finance Department - 20 hour/week Utility Billing Clerk; 30 hour/week Accounting Specialist
- Parks, Recreation, and Cultural Resources - 30 hour/week Facility Attendant

Budget Amendment 13 appropriates fund balance from the 3 primary operating funds to cover the following personnel expenses:

Additional funds for pay plan implementation	\$486,000
Conversion of 3 LSE position to Part Time Benefited	\$100,000
Executive level recruitment expenses	\$95,000
Retirement payouts	\$145,000

Attachments

- Budget Ordinance Amendment 13
- Revised Personnel Policies





Town of Apex

Budget Ordinance Amendment No. 13

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

General Fund

Section 1. Revenues:

Appropriated Fund Balance	\$786,000
Total Revenues	\$786,000

Section 2. Expenditures:

Communications	\$9,700
Cultural Arts Center	\$5,400
Economic Development	\$1,400
Facility Services	\$500
Finance	\$27,500
Fire & Rescue	\$278,400
Fleet Services	\$1,100
Human Resources	\$95,000
Information Technology	\$27,400
Inspections & Permitting	\$47,300
Parks & Recreation	\$61,600
Planning	\$27,900
Police	\$182,600
Solid Waste	\$20,200
Total Expenditures	\$786,000

Electric Fund

Section 3. Revenues:

Appropriate Fund Balance	\$11,000
Total Revenues	\$11,000

Section 4. Expenditures:

Electric Utility	\$11,000
Total Expenditures	\$11,000

Water & Sewer Fund

Section 5. Revenues:

Appropriated Fund Balance	\$29,000
Total Revenues	\$29,000

Section 6. Expenditures:

Water Maintenance	\$5,000
Sewer Treatment	\$5,000
Sewer Maintenance	\$19,000
Total Expenditures	\$29,000

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

Adopted this the 10th day of January, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX
PERSONNEL POLICY
January 1, 2022

BE IT RESOLVED by the Town Council of the Town of Apex that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Apex.

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

This policy manual is designed to acquaint all employees with the Town of Apex rules and regulations set forth to establish a fair and uniform system of personnel administration and to provide information concerning working conditions, employee benefits, and some of the policies affecting Town employment.

Employees shall understand and comply with all provisions of this manual. If an employee is unclear of the meaning or purpose of a policy, he or she should seek assistance from a supervisor, Director or Human Resources for clarification or interpretation. The policy manual describes many responsibilities of an employee and outlines the programs the Town has developed to benefit our employees. One of our Town objectives is to provide a work environment that is conducive to both personal and professional growth.

No policy manual can anticipate every circumstance or question about every one of our policies. Furthermore, there may be situations where the need arises to revise, add, or cancel policies. Therefore, the Town reserves the right to add new policies, and to change or cancel existing policies at any time.

Employment by the Town of Apex is "at-will" employment. Employment-at-will permits the employee or the Town to end the employment relationship at any time. Nothing in this policy creates an employment contract or term between the Town and its employees. This policy is established under authority of Chapter 160A, Article 7 of the General Statutes of North Carolina. The Town's Human Resources Department will notify employees of any changes to the policies as they occur.

Section 2. Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes.

Section 3. Responsibilities of the Town Manager

The Town Manager shall be responsible to the Town Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town officers and employees except attorneys providing legal advice to the Town Council and those elected by the people or whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals and suspensions in accordance with the Town Charter and other policies and procedures spelled out in other Articles in this Policy.

The Town Manager shall:

- a) recommend rules and revisions to the personnel system to the Town Council for consideration;
- b) make changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) perform such other duties as may be assigned by the Town Council not inconsistent with this Policy.

Section 4. Responsibilities of the Human Resources Director

The responsibilities of the Human Resources Director are to make recommendations to the Town Manager on the following:

- a) recommend rules and revisions to the personnel system to the Town Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the municipal service
- f) establish and maintain a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;

- h) develop and coordinate training and educational programs for Town employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy; and
- j) perform such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Section 5. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be applicable to all Town employees, unless otherwise noted. The Town Manager, Town Attorney, members of the Town Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 6. Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Manager or their designee, except the rules for the Legal Department which are approved by the Town Attorney, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy. A copy of the approved supplemental departmental rules shall be provided to the Human Resources Department and all employees of said department.

Section 7. Definitions

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full-time employee. An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, are required by the Town.

Part-time, benefited employee. An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the Town.

Part-time, non-benefited employee. An employee who is in a position for which an average work week of less than 20 hours and continuous employment of at least 12 months are required by the Town.

~~**Limited Service employee.** An employee appointed to a position for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 1000 hours per year.~~

Regular employee. An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

Probationary employee. An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

Temporary/Seasonal employee. An employee who is hired to work up to 40 hours per week for a limited period of time. Generally, term of employment does not exceed one year.

Trainee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

Intern. A status that enables students (or persons new to a field of study) to gain practical knowledge of their particular occupational area of interest through service with the Town.

Regular position. A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet town standards. Therefore, reference to "regular" positions or employment should not be construed as a contract or right to perpetual funding or employment.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities qualifications needed, and other required factors.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Human Resources Director shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

Section 5. Authorization of the Position Classification Plan

The position classification plan shall be approved by the Town Council and on file with the Human Resources Director. Copies will be available to all Town employees for review upon request. New positions shall be established upon recommendation of the Town Manager **or designee** and approval of the Town Council after which the Town Manager, assisted by the Human Resources Director, shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. **New classifications may be created mid-year without Town Council approval if the fiscal year's authorized FTEs and budget are not exceeded; however, the new classification must be presented to and approved with all other classifications by Town Council during the following budget process.**

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request ~~through~~ **to** the Department Head ~~and Human Resources~~. **The Department Head shall share the request with Human Resources,** ~~Upon receipt of such request, the Human Resources Director, in conjunction with the employee's supervisor and Department Head, shall~~ to determine the merit of the request and whether the position shall be studied out-of-cycle and during the next scheduled position study.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Position Classification Plan" adopted by the Town Council. The pay plan consists of ranges for minimum to maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. **Employees whose salaries reach the maximum of that grade will be paid in lump sum bonuses for any pay increases awarded.**

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, the Town Manager shall request the Human Resources Director to make comparative studies of all factors affecting the level of salary ranges **and may make minor adjustments in the allocation of positions to salary grades as long as the fiscal year budget and authorized FTEs are not exceeded.** When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the Town Manager shall recommend such changes in salary grades as appear to be warranted to the Town Council. **The Town Council shall adopt the Pay Plan and Position Classification Plan, including any minor adjustments made by the Town Manager during the previous budget year, annually as part of the budget process.**

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed ~~at the~~ **no lower than the** minimum salary for the classification in which they are employed; ~~however, exceptionally well-qualified applicants who substantially~~ Candidates that exceed the education and experience identified on the class specification may be employed above the minimum and up to the ~~job~~ **market** rate of the established salary range. Offers that exceed the ~~job~~ market rate require approval of the ~~Town Manager~~ **Human Resources Director or their designee.**

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries shall be one or (no more than) two grades below the minimum salary established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

~~Section 5. Probationary Pay Increases~~

~~Employees hired or promoted into the minimum rate of the pay range shall be advanced to 5% above the minimum of the pay range upon successful completion of the probationary period. Employees serving a twelve month probationary period are eligible for consideration for this pay increase after six months of successful employment. Employees hired or promoted above 5% of the minimum hiring rate are not eligible for a probationary increase.~~

Section 6. Merit Pay

Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Guidelines for determining performance levels and performance pay increases shall be established in procedures **recommended by the Human Resources Director and** approved by the Town Manager.

Section 7. Merit Pay Bonus

Employees who are at the top of the salary range for their position classification are eligible to be considered for a merit bonus at the time of their regular performance review date. Merit bonuses are awarded based on the performance criteria set in the performance pay matrix established each year. Merit bonuses are awarded in lump sum payments and do not become a part of base salary.

Section 8. Merit Pay Eligibility

Employees in regular positions are eligible to receive merit pay if they have been employed in the same position for the entire year. Merit pay is pro-rated for any employee who is out of work on any combination of paid and unpaid leave for greater than 12 weeks. New Employees are eligible to receive merit pay if they are hired ~~at any point~~ **before March 1** in the

performance year.; however, employees hired after March 1 will not be eligible for their merit increase until they have completed 6 months of employment with the Town. Merit pay is prorated for new employees based on the number of months as an active employee during the annual review period.

Limited Service Employees who are promoted to a regular position are also eligible for merit pay, pro-rated based on the number of months in the regular position during the annual review period. Employees who vacate a full-time position for a Limited Service position are considered to have been "separated" for purposes of merit, and are therefore not eligible for merit pay.

Employees promoted, transferred or demoted into different positions by March 1 are eligible for merit pay, awarded at the same time as the rest of the Town. Position changes that occur on or after March 1 will be eligible for merit pay after 6 months in the position. In either of these circumstances, employees will be eligible for full merit pay (not pro-rated), as long as the employee has served in a regular position for the entire annual review period.

Section 9. Career Progression Pay Increases

The Town Manager may approve the use of an established career development ladder and associated schedule of salary increases, either provided as in-range salary adjustments or as a promotion to a different position classification. Career progression increases recognize and reward employees for attaining and maintaining a higher level of skill, knowledge, training and certification which provide added value to the Town.

The Human Resources Department will maintain a copy of the approved career development ladders and associated pay progressions established for Town positions.

Section 10. Special Salary Adjustments

Once a year, the Town Manager may adjust an employee's salary if the employee has taken on added responsibilities that may not warrant a positions reclassification, but which increase the responsibility and complexity of the employee's work, or to establish equitable salary relationships. A justification for each adjustment will be documented in the employee's personnel file and may not exceed 10% of the employee's current salary.

Salary adjustments are not intended to be used as counter-offers to allow employees who get job offers to be rewarded for seeking new jobs while other employees have remained committed to Town employment. Special salary adjustments will become effective the first full pay period after approval, unless otherwise specified.

Section 11. Salary Effect of Promotions, Demotions, Laterals, Transfers, and Reclassifications

Interim Promotions. Interim promotional increases may be approved by the Town Manager or ~~their designee~~ when an employee is anticipated to be in an “acting” capacity assuming the majority of the position’s responsibilities for greater than ~~60 days~~ **two consecutive pay periods**. ~~Interim appointments are typically made only in the case of acting supervisory, division or Department Head positions.~~ Upon completion of the interim assignment, the employee’s salary will revert to the salary that it would have been had the acting increase not occurred.

Promotions. When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range.

The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility; however, if such action would create internal inequity within that classification, the salary shall be set appropriate to the employee’s qualifications for the job in relationship to other employees in the same classification.

Demotions. When an employee is demoted to a position for which qualified, the salary may be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause or voluntary. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If such action would create internal inequity within that classification, the salary shall be set appropriate to the employee’s qualifications for the job in relationship to other employees in the same classification.

If the demotion is for cause (disciplinary), the salary shall be decreased by a minimum of at least approximately 5%, or to the maximum of the new range if that is a greater decrease.

Lateral Transfers. ~~For non-competitive lateral moves or reassignments, there will normally be no change in salary. For a lateral move into a competitively recruited position, a salary increase may be granted based on the qualifications of the employee and the requirements of the position. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.~~

Reclassifications. An employee whose position is reclassified to a higher salary grade due to a change in the labor market will receive a pay increase **according to guidelines established by the Human Resources Department and Town budget availability.** ~~the following guidelines:~~

Salary Position in New Salary Range	Salary Increase Amount
Development Segment	5%, not to exceed top of Development segment, but not less than 2.5%
Performance Segment below Job Rate	2.5%, not to exceed job rate, but not less than 1%

Performance Segment above Job Rate	1%, not to exceed top of performance segment
Job Mastery Segment	None

~~If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.~~ If a position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary. An employee must be meeting performance expectations to receive a pay increase based on position reclassification

An employee whose position is reclassified due to significant job duty changes, such as taking on a supervisory role, or added responsibility for a major function at a higher level of responsibility which changes the employee's role, will be handled as a Promotion in accordance with the guidelines for promotional increases. A reclassification of this type typically results in a salary grade change of 2 or more grades.

Special Assignment An employee may be eligible for special assignment pay if assigned to a duty of greater than 30 days where the duties differ significantly from those duties typical in the employee's normal job classification, or when the duties are increased significantly due to the additional assignment (such as serving as training officer for a new Police recruit.) The assignment pay increase amount may vary depending on assignment, but typically will not exceed of 5% and does not change the employee's classification or salary grade. Assignment pay is rescinded upon the expiration of the special assignment, unless otherwise stated in departmental policies.

Section 12. Salary Effect of Salary Range Adjustments

The Town's salary ranges will be evaluated annually to determine if adjustments are needed for inflation or other competitive pay purposes. Any recommended salary adjustments will be presented to Town Council for approval as part of the annual budget process. Approved adjustments will be effective the first full pay period of the fiscal year, or as determined by Council as part of the budget approval.

If, as a result of adjusting the salary ranges, the salary of an employee falls below the minimum of the adjusted pay range, that employee's salary will be increased to the minimum of the pay range.

Employees whose salaries remain within the adjusted pay range may receive an increase up to the amount of the pay range adjustment, based on Town budget availability and Council approval.

~~Regular employees whose salary falls below 5% of the minimum of the adjusted range, will be increased to 5% above the minimum of the pay range.~~

~~Probationary employees whose salary falls below 5% of the minimum of the adjusted range will remain the same until eligible for the probationary increase; at which point, they will be taken to 5% above the minimum of the pay range.~~

Section 13. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.

Section 14. Effective Date of Salary Changes

Salary changes ~~approved after the first working day of a pay period~~ **shall become effective as of the effective date of the change that warranted the salary adjustment, at the beginning of the next pay period** or at such specific date as may be provided by procedures approved by the Town Manager **or their designee.**

Section 15. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will vacation, sick leave or holidays be included in the computation of hours worked for overtime compensation.

The Town prefers for employees to take comp-time at the appropriate rate wherever possible, as this reduces the budget impact to the Town. However, employees who have worked more than 40 hours in the workweek (171 hours in a 28-day cycle for non-exempt sworn law-enforcement officers and 212 in a 28-day cycle for firefighters) may receive paid overtime wages if approved in advance by their supervisor, and based on budget availability. In all cases, if the method for compensating overtime changes, the employee shall be made aware of the change prior to working the overtime. Compensatory leave balances may not exceed 100 hours at any time; however, departments may enforce a lower comp-time balance threshold, if needed, for budget related reasons. Employees must use compensatory leave time in advance of using accrued vacation leave to account for time off.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

Non-exempt employees will be compensated for any remaining balance of compensatory time upon separation from the organization. Requests to 'cash in' earned compensatory time while employed are not allowed; however, the Town reserves the right to pay out or pay down comp balances at any time.

Employees are required to report any time in which they have worked but may not have been compensated; however, authorization to work overtime should be approved prior to working the extra hours; failure to do so may result in disciplinary action.

Employees in positions determined to be "exempt" from the FLSA will not receive pay for hours worked in excess of their normal work periods. These employees may be granted "professional leave" on an hour-for-hour basis, as approved by the Department Head. Exempt employees may not exceed a balance of 40 "professional" leave hours. Such leave time is not guaranteed to be taken and will not be compensated for any remaining hours upon separation from the organization.

The Town intends to make deductions from the pay of exempt employees only for authorized reasons as allowed under the Fair Labor Standards Act, and prohibits improper pay deductions. Exempt employees who wish to question deductions they believe to be improper should notify their supervisor and the Human Resources Director who will promptly investigate the concern.

If the deduction is found to be improper the Town will reimburse the employee for lost pay and take corrective action to ensure that such deductions do not occur again.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Section 16. Call-back and Stand-by Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

Stand-by Status – A non-exempt employee who is on “stand-by” status and is required to remain on Town premises, or so close to the Town's premises that the employee cannot use the time effectively for his own purposes, is considered to be working and all hours are compensable under the FLSA as “engaged to wait.”

On Call Status. Non-exempt employees who are required to remain “on call” but are otherwise able to lead their normal off duty activities will not be compensated for time spent in on-call status. Under the FLSA, this type of situation is defined as “waiting to be engaged.” Although the employee is not limited in where and how they spend their time, they must carry a cell phone or pager and remain available with a professional demeanor in the event they are called back to respond to a critical situation. Employees are required to respond to the call back request within 10 minutes and must arrive at the designated work site of the emergency within 1 hour (or other agreed upon time, as approved by the supervisor) from the time the call was made.

On Call Pay - Non-exempt employees required to be “on-call” will be paid 1.25 hours per day, not to exceed 8 hours a week.

Call-back Pay. When employees are called back to work outside of normal working hours, compensation will be provided for a minimum of 2 hours if the completion of the task(s) is less than two hours. Tasks performed over 2 hours will be compensated for the actual time worked.

Note: Additional calls that are received while responding to the initial call are not subject to the 2 hours minimum rule. A new 2 hour minimum only applies if the employee returns home and is then called away from home an additional time.

For non-exempt employees, compensable time in call back duty begins when the person leaves home and ends when the person returns home. If the employee does not go directly home after the call back, the normal travel time from the employee's residence to the applicable department building shall be added to the time when the employee left home originally plus the hours worked during the call back. For the purposes of overtime, hours worked when responding to a call will be handled in accordance with the Fair Labor Standards Act.

Employees who are able to respond to calls from home (are not required to leave home or return to work to resolve the issue) will receive a minimum of one hour for responding to calls outside of normal working hours. Tasks performed over one hour will be compensated for the actual time worked. Additional calls that come in during the initial hour are not eligible for the minimum hour compensation, but will be included in total time worked for the employee.

Failure to be available for callback or failure to report to the duty station when called back to work may constitute insubordination and may be subject to disciplinary action. Employees who are assigned to positions that are subject to be called back but are unable to report due to legitimate environmental conditions or situations outside of their control, shall immediately contact their supervisor to inform them of the situation and to provide documentation of their circumstances. Based on the circumstances surrounding the individual situation, the Department Head, in consultation with the Human Resources Director, shall have discretion in deciding any further course of action.

Employees who hold positions that are classified as exempt from the provisions of the Fair Labor Standards Act are not eligible for call back pay.

Section 17. Fee-based Pay

Employees who offer a specialized Town service after normal working hours may be eligible for fee-based pay provided that the after-hours work generates a fee large enough to reimburse the full personnel costs of the service in addition to providing revenue to the Town. Fee-based pay rates may be set by the Town Council upon approval of the specialized Town service. Employees are not eligible for fee-based pay for work done during the Town's normal operating hours.

Section 18. Special Event Pay

Special Event Pay is provided to non-exempt employees who are required/volunteer to work in a special event that occurs outside of their regularly scheduled work hours. Special Event Pay would provide pay at 1.5 times the employee's hourly rate.

Special event pay is for hours worked on an employee's regular day-of-rest, Saturday, Sunday, or "special days" and is therefore not subject to overtime hours/calculations and cannot be treated as compensatory time. Special event pay is provided regardless of whether or not:

- a holiday falls within the week

- an employee has worked their required hours in the week (ex: 40)
- other leave has been used during the workweek (not subject to offsetting)

Exempt employees who work special events may either flex their schedules or accrue professional time per the personnel policy.

Section 19. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager **or their designee** as to capability of payroll equipment and appropriateness of the deduction.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under the this policy or who participates or assists in any EEOC, OSHA or other internal or external investigative processes protected by law.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, Department Heads shall notify Human Resources concerning the number and classification of positions that are to be filled. Human Resources shall publicize these opportunities for employment, including applicable salary information and employment qualifications. It is the general practice that information concerning job openings and hiring practices shall be provided to recruitment sources, including organizations and other media available to ensure a diverse pool of applicants. In addition, notices of vacancies shall be posted on the Town website. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. The local Department of Employment Security office may be notified of job

vacancies and may be used as a referral source. A vacancy may be filled using only internal recruitment to provide opportunities for qualified Town employees. In rare situations (because of emergency conditions, high turnover, **lack of qualified applicants**, etc. **or where previous town experience is essential or exceptional qualifications of an internal candidate so indicate**), the Town may hire or promote without advertising jobs, upon approval of the Town Manager **or their designee**.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years, in accordance with the records retention schedule issued by the N.C Division of Archives and History.

Screening. The Human Resources Department shall oversee the process for screening applications for employment and selecting a pool of candidates for further consideration.

Selection. Hiring Supervisors shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Town shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant, either internal or external, the Hiring Supervisor shall make recommendations to Human Resources including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. ~~The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager.~~

~~Limited Service~~ **Temporary/Seasonal Employee Appointments.** Department Heads may recruit and hire ~~limited-service~~ temporary/seasonal employees without the approval of the Human Resources Director and Town Manager provided that the ~~limited-service~~ **temporary/seasonal** employee is not a relative of a regular employee as defined in Article V Section 10 and the wages for the ~~limited-service~~ temporary/seasonal employee are included in the department's budget. Department Heads are responsible for ensuring that the average workweek of a ~~limited-service~~ **temporary/seasonal** employee does not exceed 20 hours per week unless the ~~limited-service~~ **temporary/seasonal** assignment is less than 12 months in duration. The Human Resources Department will assist with recruitment efforts when necessary to fill on-going ~~limited-service~~ **temporary/seasonal** assignments.

Section 4. Probationary Period

All new employees or employees promoted to a regular position shall serve a probationary period. Employees shall serve a six month probationary period, except that sworn police and fire personnel and Department Heads shall serve a twelve month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months.

While an employee is on probationary status, he/she is not eligible to apply for other positions within the Town, except in matters of direct placement, or with the Town Manager's approval.

While serving on probationary status, all new full and part time employees shall receive all benefits provided in accordance with this Policy (any mandatory waiting periods will apply), but shall not be entitled to utilize the complaint resolution procedures established by this Policy.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without stating a reason and without following the steps outlined in this Policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted employees retain all other rights and benefits such as the right to use of the complaint resolution process.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position.

The Town Manager has the authority to make a direct internal promotion, especially where previous town experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate; however, in most cases, the Town will consider both external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as

external candidates.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this policy.

Disciplinary demotions are not subject to “save pay” or “save grade” adjustments. Reassignment to a lower grade or lower pay position is a part of the disciplinary action and therefore there is no intent to retain or protect the employee’s previous pay or grade.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process.

A Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager, **or their designee**, with the consent of the receiving Department Head. Any employee transferred without requesting the action may ask for a review of the action in accordance with the complaint resolution process outlined in this policy.

An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department Heads shall establish work schedules that meet the operational needs of the department in the most cost effective manner possible. All schedules must be approved by the Town Manager, or their designee, and will be in accordance with the Fair Labor Standards Act.

Section 2. Meal Periods and Rest Breaks

The work schedule of fulltime employees should normally include a meal break of a minimum of 30 minutes to provide the employee the opportunity to rest and eat during the workday. Meal breaks for employees who do not work in public safety are unpaid and the employee is free to leave the work premises.

Section 3. Lactation Breaks

A nursing mother will be provided with reasonable paid breaks during the work day for the purpose of expressing breast milk for her child. If the employee does not have a private office, the employee shall be provided with a private space (not a bathroom) in close proximity to the work area, where she can express milk in privacy.

Section 4. Attendance

An employee is expected to report to his/her workstation at the required time. If the employee is going to be absent or tardy, the employee must notify the supervisor with as much notice as possible, in accordance with department notice procedures. If the supervisor is unavailable, the employee should contact their Department Head or Human Resources, if the Department Head is not available.

Employees who are delayed and who have not notified their supervisor of their expected tardiness or absence for that day may be charged leave without pay for the period of their absence. Repeated absences, tardiness, and/or unapproved leave can result in disciplinary action, including termination.

Section 5. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes; or
- f) Be a candidate for nomination or election to office for the Town of Apex;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 6. Secondary Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and decide whether to approve the work.

Conflicting or unreported outside employment is grounds for disciplinary action up to and including dismissal.

Secondary employment is not permitted when it:

- Creates either directly or indirectly a conflict of interest with the Town, or
- Brings discredit to the Town or conflicts with the Town's goals, mission, or vision, or
- Impairs the employee's ability to perform all expected duties, and/or the ability to make decisions and carry out in an objective view the duties and responsibilities of the Town.

No regular, full-time employees are permitted to work in other departments within the Town.

Special exceptions to the rules above may be made, with the approval of the Town Manager, when deemed to be in the best interest of the Town.

Approval for secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on primary employment. Secondary Employment arrangements should be reviewed annually for approval.

Section 7. Expectation of Ethical Conduct

Successful business operation and reputation of the Town of Apex is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. Continued success of the Town of Apex is largely dependent upon the public's trust, which we are dedicated to preserving. Employees owe a duty to the Town of Apex, the public, and Council members to act in a way that will merit the continued trust and confidence.

The Town of Apex will comply with all applicable laws and regulations. All employees are to conduct Town business in a professional manner and in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. All Town employees are to be treated with dignity and respect. In general, the use of good judgment, based on high ethical principles, will guide employees with respect to acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the employee should seek advice and consultation by discussing the matter openly with his/her immediate supervisor and, if necessary, with the Human Resources Department. Compliance with this policy is the responsibility of every Town of Apex employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

Section 8. Conduct and Working Environment

Employees are expected to conduct themselves in an appropriate manner as judged by a reasonable person.

The Town encourages a congenial work environment of respect and professionalism. Decorum, collegiality, kindness, respect, and professional courtesy are ideals to be pursued amongst employees.

Disrespectful conduct or actions are prohibited. This prohibition includes but is not limited to intentional acts such as:

- Verbal abuse: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
- Physical abuse: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property
- Hostile Gestures: non-verbal threatening gestures

- Exclusion: socially or physically excluding or disregarding a person in work-related activities
- Persistent singling out of one person
- Shouting and/or yelling at an individual in public and/or in private
- Personal insults and use of offensive nicknames
- Deliberately interfering with mail and other communications
- Spreading rumors and gossip regarding individuals
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Using intimidation tactics and making threats
- Sabotaging another's work
- Stalking others
- Making malicious, false, and harmful statements about others or the Town
- Publicly disclosing another's private information (outside of public records law requirements)
- Fraud
- Falsification of records for personal profit

Any of the above actions, or conduct that is otherwise deemed as bullying or discriminatory, will not be tolerated and will be handled in accordance with the Town's Job Discrimination and Workplace Harassment policy.

Section 9. Use of Town Time, Equipment, Supplies and Vehicles

Town supplies and equipment are to be used for the Town's business. During working hours, employee personal use must be restricted to occasional use that does not interfere with the conduct of Town business. Personal use should be limited to personal time (breaks, after hours) and personal use of the phone, internet and e-mail on Town time must be kept to a minimum. Supervisors are expected to monitor the extent of personal use of these assets during regular working hours. For more information regarding appropriate use of Town supplies and equipment, please refer to the Town's Information Technology Policy.

Employees are responsible for assuring the security of Town confidential material in their possession and similarly maintaining the security of Town-provided equipment.

Town employees are required to report time worked in the Town's time & attendance system. Time claimed as "work time" shall accurately report actual time and physical attendance. Failing to accurately report time worked will be deemed as waste, fraud, and abuse and will be subject to disciplinary action.

All employees who use Town vehicles are required to follow applicable motor vehicle and safety requirements. Violation of Town vehicle policies or misuse of Town vehicles also subjects the employee to disciplinary action, up to and including dismissal.

Section 10. Employment of Relatives

The Town prohibits the hiring and employment of immediate family members (as defined in Article VII, Section 12) or domestic partners (as defined herein) into any regular full or part-time position within the same work unit or department, or to any ~~limited-service~~ **temporary/seasonal** position in the same work unit or department, unless the limited service position is either short-term in duration or only involves occasional and sporadic work. The Town also prohibits the hiring and employment of any person who is an immediate family member of individuals holding the following positions: Town Manager, Assistant Town Manager, ~~Human Resources Director~~, Finance Director, ~~or~~ Town Attorney, **or any members of the Human Resources Department.**

Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the Town; or
- 4) create the potential or perception of favoritism.

The Town also prohibits the hiring and employment of an immediate family member of the Mayor or a Town Council Member. An immediate family member of an elected official may remain employed if hired prior to the official's election or appointment to office.

For purposes of this Section, "domestic partners" shall mean two individuals who have reached the age of majority and live together in a relationship of indefinite duration, with an exclusive mutual commitment (i.e., are not married to anyone else, do not have another domestic partner, and are not related by blood more closely than would bar their lawful marriage pursuant to the laws of North Carolina) in which the partners share the necessities of life.

Section 11. Job Related Discrimination and Workplace Harassment

The Town is committed to maintaining a work environment free of workplace harassment for its employees, customers and citizens. Town of Apex employees are prohibited from engaging in workplace harassment, which is defined as offensive and unsolicited speech or conduct that denigrates or shows hostility or aversion toward a person or group of persons because of such person's or persons' age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

The speech and conduct prohibited by this policy include, but are not limited to, any offensive and unsolicited speech or conduct based on age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status (i) that has the purpose or effect of creating a hostile work environment (as defined below), or (ii) submission to which is made, either explicitly or implicitly, a term or condition of a person's (or group of persons') employment or is used as the basis for employment decisions affecting such person (or group of persons).

For purposes of this policy, workplace harassment shall be deemed to create a hostile work environment if the speech or conduct, taking into account all of the relevant circumstances, (i) is objectively severe enough or sufficiently pervasive enough to create a work environment that a reasonable person would find to be hostile or abusive, (ii) is perceived to be hostile or abusive by the complainant(s), and (iii) has the purpose or effect of substantially interfering with an employee's (or group of employees') work performance.

For purposes of this policy, workplace harassment because of a person's sex shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other speech or conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's employment, or is used as the basis for employment decisions affecting such person.

Each employee is responsible for creating an atmosphere free of discrimination. Employees are responsible for respecting the rights of their coworkers.

If an employee experiences any job-related discrimination or harassment based on age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status, or if an employee believes to have been treated in an unlawful, discriminatory manner or have been unlawfully harassed, the incident should be promptly reported to the supervisor. If the employee believes it would be inappropriate to discuss the matter with his/her supervisor, the incident should be reported directly to the Department Head or the Human Resources Department. Once made aware of the complaint, the Town is committed to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent possible.

If, at the completion of the investigation, the Town determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken against the offending employee.

The Town prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in the complaint investigation. However, if, after investigating any complaint of unlawful discrimination, the Town determines that any employee intentionally provided false information regarding the complaint, disciplinary action

may be taken against the one who gave the false information.

Violations of this policy shall constitute detrimental personal conduct pursuant to Article IX, Section 4, of the Town's Personnel Policies, and shall subject violators to disciplinary action, up to and including dismissal.

Section 12. Acceptance or Granting of Gifts and Favors

No employee of the Town shall accept any gift, favor, or thing of value which could appear to influence such employee in the discharge of the employee's duties, or generate the appearance of impropriety. Acceptance of any item regardless of perceived value must be reported to the Department Head with the exception of token gifts and trinkets, acts of generosity with nominal value given to a group of employees in appreciation, and corporate discounts provided to all public safety or Town personnel regardless of position. No preferential treatment or improper favor, service or thing of value may be conveyed or granted in the discharge of duties.

Section 13. Performance Evaluation

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file.

Guidelines regarding when and how performance evaluations are to be conducted are maintained by the Human Resources Department.

Section 14. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

The violation of safety rules may be considered detrimental personal conduct and can result in disciplinary action including suspension, demotion or dismissal. Examples of safety-related detrimental personal conduct include but are not limited to:

- Workplace Violence
- Dangerous use of Vehicle or Equipment (i.e. racing, use as a weapon)
- Horseplay resulting in Injury or Property Damage
- Purposely and Repeatedly not using PPE

- Possession and/or use of Drugs/Alcohol at workplace
- Entering Confined Space without using proper procedures

Section 15. Substance Abuse Policy

The Town may establish policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations.

Section 16. Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Completed I-9 forms are maintained separately from the personnel file.

Section 17. Workers' Compensation and Return to Work

All employees of the Town are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Filing a Workers' Compensation Claim

Town of Apex Worker's Compensation claims are handled by Human Resources. All claims are managed in accordance with the NC Workers' Compensation statutes and the North Carolina Industrial Commission. Benefits are determined by law, as provided in General Statutes of NC, Chapter 97. The Human Resources Department will assist employees if unresolved problems arise. To qualify, an employee must immediately report any job-related injury to their supervisor or Department Head who will take actions necessary to attain appropriate help for the employee. Responsibility for claiming compensation under the Workers' Compensation Act falls upon the injured employee, and the employee must file such claims with the North Carolina Industrial Commission within two years from date of injury. Employees must report an on-the-job injury or illness to their supervisor within twenty-four (24) hours, regardless of how minor the injury. The supervisor will assist the employee in filing the claim. Additionally, injury reports must be filed as detailed in the Town of Apex Risk Management Manual.

Medical Treatment for Work-related Injuries

Under NC Workers' Compensation law, the Town of Apex has the right to direct medical care for employees who suffer work related injuries or illnesses. Town employees shall seek medical treatment for work related injuries from the Town's designated healthcare provider. Employees may not seek medical treatment for work related injuries from other healthcare providers unless emergency treatment is needed. In life-threatening emergencies, 911 should be called and the employee should be transported to the nearest hospital emergency room. If emergency treatment is necessary outside of the business hours of the Town's designated healthcare provider, the employee may go to a hospital emergency room.

After treatment from the health care provider, the employee must return the physician's work limitations or release form or other instructions from an emergency room physician to their supervisor. The injured employee will not be charged sick or vacation leave while receiving initial medical care. Employees are responsible for providing their supervisor with all related physician notes and any updates on their status.

Modified Duty Assignments

The Town encourages early return to work for employees who suffer work related injuries or illnesses. If the healthcare provider determines that the injured employee cannot return to their job without restrictions, a modified work assignment or reassignment to a different job will be considered. In all cases, managers and supervisors are expected to work with employees to identify modified duty opportunities, with the primary focus being the return of the employee to their regular job. If a suitable modified duty position cannot be found Human Resources should be contacted to assist in finding reasonable accommodations, including tasks within the department that may be different than the employee's regular job or reassignment to a different job. Employees who return to a modified duty assignment must perform the work within the restrictions indicated by the healthcare provider.

Employees must report to their next scheduled shift once the healthcare provider releases them to work. Failure to report to a modified duty assignment may result in disciplinary action. Employees are responsible for providing their supervisor with written notice of the healthcare provider's change in restrictions. The modified duty assignment will end when the employee reaches maximum medical improvement. If the employee reaches maximum medical improvement but cannot return to the original job, the Human Resources Department will consider all other options available under the Town's personnel policies.

Absence Due to Work-Related Injury

An employee unable to work due to a work related injury or illness may use accrued sick, vacation, or compensatory leave during the first seven calendar days of the work related disability, which by law are not eligible for Workers' Compensation pay. If the injury results in a disability requiring absence from work totaling 21 calendar days or more, the Workers' Compensation pay shall be retroactive beginning with the first day of absence. All leave time expended during the first seven days of the disability, in excess of the maximum allowed to

supplement the Workers' Compensation payment, may be reinstated to the employee if the employee makes arrangements with the Town of Apex Finance Department to make payment for the hours requested to be reinstated.

Under the Worker's Compensation Act no contributions are made by the employer into an employee's retirement fund during any period an employee receives Workers' Compensation pay.

If the work related disability qualifies, the employee will be placed in Family Medical Leave status in accordance with the Family Medical Leave Act. The town will pay the individual's premium for medical insurance, life insurance, and dental benefits. Premiums for dependent coverage are the employee's responsibility.

If total disability exists, employees may receive additional assistance through a Social Security disability and/or a disability retirement through the NCLGERS, provided the employee has reached maximum medical improvement and has received a permanent total disability rating from the approved healthcare provider. Human Resources can provide more information in these cases.

Return to Work

Employees released by their treating physician or therapist to return to full duty will be required to complete a Fitness for Duty certification. This form shall be completed by the employee and the employee's treating physician prior to the return to work release date.

Employees on Workers' Compensation leave status can expect to return to an equivalent position in the Town if they return to work within 52 weeks from the date of the Workers' Compensation disability absence. If the employee is medically unable to perform previous job duties, they will be placed in a suitable position according to their qualifications, availability of a position, and North Carolina Workers' Compensation Law.

After one year during which an employee is unable to perform full duties and/or a full schedule due to an on-the-job (or other) injury, the employee may be terminated after all options have been considered in accordance with federal and state laws.. Termination of employment at any point may also take place if medical information indicates that the employee is unlikely ever to be able to perform the full duties of the position. Upon termination, the Human Resources Department will assist the employee in obtaining whatever benefits are available through Workers' Compensation, and/or the Local Government Employees' Retirement System.

Section 18. Fitness for Duty

The Town is committed to providing a safe workplace for employees. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner for the duration of their work schedule. Employees who are

not fit for duty may present a safety hazard to themselves, their co-workers or the public.

Purpose

The purpose of this policy is to establish procedures and criteria by which the Town can ensure that employees are fit for duty. In addition, this policy will provide guidelines for determining light duty assignments regarding employees that are unable to perform their regular assigned duties as a result of a non-work related injury/illness/psychological condition.

Scope

This policy applies to all Town employees.

Definitions

Fit for duty - means the employee is able to perform their regular assigned duties in a safe, secure, productive, and effective manner.

Light Duty - is a temporary, modified work assignment, different from an employee's regular assignment that may be offered to employees that are unable to perform their regular assigned duties as a result of a non-work related injury/illness/psychological condition.

Roles & Responsibilities

A. Employee Responsibilities

1. Employees must come to work fit for duty, and be able to perform their job responsibilities in a safe, secure, productive, and effective manner during the entire time they are working.
2. Employees are responsible for notifying their supervisors when they are not fit for duty.
3. Employees must immediately notify their supervisors of any non-work related illness/injury/condition that may affect their ability to perform their job duties and/or compromise their safety, the safety of their co-workers, or the public.
4. Employees must notify their supervisor of any medication they are taking (prescription or over-the-counter) that may affect their ability to perform their job duties.
5. Employees must keep their supervisor updated on any subsequent changes to the status of their injury/illness/psychological condition or use of medication.

6. While performing their light duty assignment, employees must comply with the temporary work restrictions and recommendations from their personal physician.
7. Employees are responsible for notifying their supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty.
8. Employees must comply with all aspects of the Fitness for Duty Policy. Failure to comply may be grounds for disciplinary action up to and including termination.

B. Supervisor Responsibilities

1. Supervisors are responsible for observing the attendance, performance, and behavior of their employees.
2. Supervisors must maintain confidentiality of the employee's medical information and records.
3. Supervisors should contact Human Resources with any questions concerning the employee's work restrictions.
4. Supervisors are responsible for ensuring compliance with all aspects of the Fitness for Duty Policy. Failure to comply may be grounds for disciplinary action up to and including termination.

Light Duty Eligibility

In order for employees to be eligible for a light duty assignment, documentation must be provided from a licensed medical provider authorizing the employee to return to work in a light duty capacity. The medical documentation must clearly define the following information:

- a. Employee's work status
- b. Specific work restrictions
- c. Duration of restrictions
- d. Medication regimen
- e. Prognosis for recovery
- f. Physical therapy schedule (if applicable)

Documentation shall be submitted to the immediate supervisor and forwarded through the chain of command to the Department Head. The Department Head will be responsible for

providing Human Resources with a copy of the documentation. The Department Head will consult with Human Resources on the feasibility of light duty within their department or within another Town department.

Medical Clearance

The employee's personal physician will make the initial medical determination whether to clear the employee back to work following a non-work related injury/illness/psychological condition, unless the conditions listed under "Fitness for Duty Examination Procedures" exist. If the conditions exist, the Town's authorized physician will make the medical determination by conducting a fitness for duty exam.

Fitness for Duty Examination Procedures

A fitness for duty medical examination will be required by the Town's authorized physician for a non-work related injury/illness/psychological condition under the following conditions:

1. The employee's personal physician has cleared them to return to work but their supervisor or manager, based on direct observation, reasonably believes that the employee's injury/illness/psychological condition may interfere with their ability to perform their job duties safely, or could pose a direct threat to others.
2. The employee is taking medication (prescription or over-the-counter) that could interfere with their ability to perform their job duties safely, or could pose a direct threat to others.

Light Duty Criteria

The Town does not guarantee light duty assignments for employees that have a non-work related injury/illness/psychological condition. Light duty assignments will typically be scheduled during normal business hours, with the employee working their normal number of scheduled hours. Generally, overtime is not permitted. If overtime is being considered, Human Resources must be consulted and the Town Manager **or their designee** must approve. Accumulated leave may be used in the event that the employee is not able to work their normal work schedule.

Employees must meet the following criteria:

1. Employee must be capable of doing productive work for their assigned department or another Town department.

2. Light duty assignments shall not exceed 90 days. In certain circumstances this period may be extended based on the treating physician recommendations, the availability of qualifying light duty assignments, and the approval of the Town Manager or their designee.
3. Employee must attend regular follow-up medical appointments.

Light Duty Assignments

Guidelines for determining appropriate light duty assignments:

1. Light duty assignments must comply with the employee's temporary work restrictions issued by the licensed, treating physician.
2. Light duty assignments must involve tasks that are meaningful and valuable to the Town.
3. Light duty assignments will always have an ending date. This date may be extended as specified under "Light Duty Criteria" in this policy.

If a light duty assignment meeting the employee's work restrictions isn't available within the employee's department, the Department Head will contact Human Resources for assistance in securing a suitable assignment in another Town Department. The Department Head, in consultation with Human Resources, will make the final determination regarding the light duty assignment. If a light duty assignment meeting the employee's work restrictions isn't available in another department, the employee must use accrued sick, vacation, or compensatory time in order to be paid for time away from work. In such cases, the Human Resources Department shall be notified so that FMLA eligibility can be assessed.

Section 19. Inclement Weather

The Town of Apex recognizes that severe weather conditions and other rare emergency circumstances may make it difficult to provide a full range of Town services to the citizens. This policy clarifies the designation of service critical personnel and provides direction on how to account for work hours when the Town's normal operating hours are modified.

Declaration of an Emergency

The Town Manager will determine when emergency conditions exist that warrant the alteration

of the Town's normal business operating hours of 8:00 am – 5:00 pm.

When the Town Manager alters the Town's normal work hours (late opening, early closing, or closed for the day) this decision will be communicated as soon as possible through the Employee Notification Hotline - 919-249-3405, the Town's email system, and on the Town's intranet. Employees who are not deemed to be Service Critical do not have to report to work during the closing period and may qualify for administrative leave during this period.

Designation of Service Critical Personnel

The Town provides a range of essential services that require personnel to be physically present at work to respond to emergency conditions regardless of the weather conditions. Department Heads are responsible for designating employees as Service Critical Personnel in the event of inclement weather or other emergency conditions. Service Critical personnel are expected to report to work during emergency situations unless specifically directed not to report to work.

Employees should be clear on their designation as "Service Critical" in advance of an emergency event. Service Critical personnel are expected to follow departmental leave request policies, and use accrued leave time (sick, vacation, comp) to cover missed work time during the emergency event.

When severe weather is predicted, the Town may make special arrangements for Service Critical personnel in order to ensure their availability to work. These provisions may include allowing personnel to drive Town vehicles home, arranging for hotel rooms and meals, or setting up sleeping quarters on-site. When submitting time sheets to payroll after an emergency event, "Service Critical" must be noted on the employee's timesheet to ensure proper processing.

Any overtime earned by a non-exempt employee during emergency situations will be calculated in accordance with the Fair Labor Standard Act.

Exempt employees who are required to work during a designated period of declared disaster or local emergency will receive pay at 1.5 hours of their calculated hourly rate (based on annual salary) for any hours worked over 40 in the week. This provision only applies to exempt employees who are at the Assistant Town Manager level and below.

Eligibility for Administrative Leave

When Town operations are closed for a full day, a fulltime employee whose job is not deemed to be service critical is eligible to receive administrative leave for the day if the employee was

scheduled for work and planning to attend work during the closing period. Employees who are out on sick leave immediately before and immediately following an administrative leave period, are assumed to be sick, and must use sick leave to account for the absence during the period of administrative leave. Likewise, employees who are scheduled to be on vacation during the administrative leave period must use vacation leave unless they notify their supervisor that the vacation plans are canceled due to the emergency conditions and they report to work immediately following the administrative leave period. When the administrative leave period is granted for partial days, the following shall apply:

Delayed Opening – Unless the Town Manager sets a specific opening time, employees who work non-standard hours (i.e., 7:00–4:00 or 7:30–4:30) would apply the delay period to their normal work schedule. For example, if Town Hall is on a 2-hour delay, then employees who normally report at 7:30 am will report at 9:30 am unless other arrangements are made with their supervisor. Employees who are not scheduled to be at work during the delay period, do not receive any administrative leave for this period.

Early Closing – If the Town Manager sets a specific closing time for Town offices (i.e., 2:00 p.m.) employees receive administrative leave only from the time of closing. Employees who work non-standard hours are expected to work a normal schedule until the official closing time unless instructed otherwise.

Employees who are unable to report to work during periods of inclement weather when the Town offices are open must use compensatory or vacation leave to account for missed work hours. In the event an employee has exhausted all vacation and comp leave hours, sick leave may be used to account for the missed work time.

Compensation for Critical Service Personnel during Administrative Leave Periods

Non-exempt service critical personnel who work during a period of administrative leave will be granted compensatory leave time equal to the hours actually worked during the period of administrative leave, not to exceed 8 hours per day.

For example, when Town offices are closed all day, service critical personnel receive 8 hours of comp time even if they work a 12-hour shift. If Town offices close at 4 pm, and the service critical personnel would normally be off work at this time, then no additional comp time is granted. Shift employees who work a night shift on the days that Town offices are closed for a full day before the beginning of a night shift, will also receive 8 hours of compensatory leave time for that day. Employees not scheduled to be at work on a day Town offices are closed, do not receive compensatory leave time.

Exempt employees in service critical positions who work during periods when Town offices are closed may be provided with flexible work scheduling options as soon as possible when Town

operations allow in order to recognize the work performed during the period of administrative leave.

Section 20. Appropriate Dress and Use of Town Logo

Employees shall represent the Town in a professional manner at all times and dress appropriately for conducting such business.

The same professional standards of behavior also apply when wearing the Town logo, seal, department logo, or “Town of Apex” marked clothing before or after work hours.

Department Heads shall determine the dress policy specific to their department requirements.

All employees are expected to be neat, clean and appropriately dressed according to the following guidelines:

- All clothes should be clean and of proper fit. If uniforms are required, they must be of the established color and style specified for the department.
- Hair must be secured so that it does not interfere with job performance or pose a safety threat.
- Any tattoo, body piercing, or related, that is visible and presents a safety hazard or may be determined to be offensive to members of the public (as determined by the respective Department Head) must be completely covered at all times.
- Athletic shoes may be worn in certain departments if approved by the Department Head, provided they are in good condition and do not pose a safety threat.
- Safety toed shoes and boots may be required in specific departments.

Departments have authority to use discretion to determine what constitutes appropriate dress. Supervisors shall advise employees of the appropriate dress or uniform for certain positions as well as items of clothing or shoes that are prohibited if they present a safety hazard, if they do not promote a professional image, or may be determined to be offensive to members of the public.

Section 21. Identification Badges & Access Control

Badge Issue and Use

1. Upon initial employment, identification and electronic access badges will be issued by the Human Resources Department to regular full-time and part-time employees, and limited service employees if required by the position.

2. Vendors will be issued identification badges when work requires building access during hours the building is not normally open to the public, or upon specific request by the Department employing the vendor.

Badge Security and Control

1. Department Directors will designate the appropriate level of building access for each employee. Typically this access will include exterior door building access, and access to the doors in an employee's department or regular work area.
2. Employees must maintain control of their ID badges at all times. ID badges should not be left unsecured in a vehicle or other areas where they can be accessed by an unauthorized person. ID badges may not be "loaned" to any other person for any reason.
3. An employee who loses an ID badge must report this loss to the supervisor and HR Department immediately so the badge can be deactivated.
4. Replacement badges will be issued for free the first time a badge is lost or damaged. Employees will be charged a \$5.00 fee for subsequent replacement badges requested within a 1 year period. Replacement badges for name and department changes will be issued without a fee.
5. Identification badges must be relinquished upon separation from employment, and will be shredded by HR or the supervisor and immediately deactivated. ID badges will be deactivated during the period of time an employee is on an extended leave of absence

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time and part-time employees of the Town are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the Town's discretion. Limited Service employees are eligible only for workers' compensation.

Section 2. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance programs for full-time and part-time employees.

Employees who are scheduled to work 20 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee shall be paid by the Town with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Section 3. Retiree Health Insurance

Employees hired prior to July 1, 2020

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System (NCLGERS) may elect to retire and receive all benefits earned under the retirement plan. An employee who retires directly from the Town with 15 years of Town service may elect to continue on the Town's group health insurance plan if requested within 30 days of the retirement date. The retiree may continue dependent coverage (and pay the cost of this coverage) if enrolled in dependent coverage at the time of retirement. The Town will subsidize the cost of the health insurance premiums for the retiree as follows:

- 15* years of service: 50% subsidy
- 20* years of service: 75% subsidy
- 25* years of service: 100% subsidy

When a retiree reaches age 65, the retiree enrolls in Medicare Part A and B and pays the cost. The Town provides Medicare supplement insurance for the retiree and subsidizes the cost of the Medicare supplement (as shown above) not to exceed the Town's monthly premium contribution toward employee health insurance coverage. *(*Unused sick leave counted by the NCLGRS as creditable service time will count in determining total years of Town service.)*

Employees who were hired prior to July 1, 2020 and separate from Town service will forfeit this benefit unless re-hired with the Town into a benefits eligible position within 2 years of the separation date, at which point previous service years will count towards overall service with the Town for the purpose of this benefit.

Employees who separate from service and are re-employed 2 or more years later will be considered a new hire and will not be eligible for the retiree health insurance benefit.

Employees hired on or after July 1, 2020

Employees hired on or after July 1, 2020 are not eligible for retiree health insurance.

Section 4. Group Life Insurance

The Town may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 5. Other Optional Group Insurance Plans

The Town may make other group insurance plans available to employees upon authorization of the Town Manager or Town Council.

Section 6. Retirement

Town employees who work in a position requiring more than 1,000 hours annually shall join the North Carolina Local Government Employees' Retirement System when eligible as a condition of employment. Participation begins on the first day of employment for all new hires. Guidelines for participating in the NC LGERS can be found in the LGERS Employee Handbook or in Human Resources,

Section 7. Supplemental Retirement Benefits

The Town contributes to a 401(k) retirement plan for each employee participating in the North Carolina Local Government Retirement System. Each law enforcement officer shall receive 401(k) benefits as prescribed by North Carolina State Law. General employees also receive a contribution, as established by the Town Council.

Section 8. Social Security

The Town, to the extent of its lawful authority and power, extends Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 9. Unemployment Compensation

Town employees are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 10. Tuition Assistance Program

It is the policy of the Town of Apex to provide educational assistance to employees who desire to further their education through a degree program in a career field that would benefit the Town and increase their ability and knowledge to pursue promotional opportunities. The amount of educational assistance provided per employee will be determined annually based on the approved budget and maintained in the Human Resources Department. Employees are expected to pursue coursework outside regular work hours, on their own time.

Employees interested in pursuing a degree from an accredited university or college shall submit an Educational Assistance Application form annually for Town approval. Priority will be given to employees in a degree program for which approval has been given in the prior budget year (assuming the employee continues to meet all policy requirements). Town of Apex will reimburse the costs of registration, fees, tuition, student and lab fees, upon completion of the course and certification by the institution that final grades meet the standards of the Town of a "C" or better up to the maximum allowed for the fiscal year. For classes that are considered "Pass/Fail," a "Pass" for the course will be considered as satisfactory completion. The first and/or last day of the course must be within the fiscal year for which reimbursement is requested. Employees receiving additional reimbursements for coursework from sources outside the Town may not receive total reimbursements in excess of 100 percent of the total tuition cost. Requests for tuition assistance shall be submitted to the Human Resources Office prior to course registration and are subject to review and approval by Human Resources.

All full-time regular employees who have successfully completed the Town's probationary period are eligible to receive this benefit. Eligible employees must be employed continuously for the entire academic session in order to qualify for reimbursement. Employees are expected to continue Town employment for one year from the date of the education reimbursement. Employees separating from Town employment prior to one year from reimbursement must repay the Town the total amount of the reimbursement(s) received for the year calculated by counting backwards one year from the last day of work. Tuition reimbursement monies owed to the Town may be deducted from any compensation received upon the employee's separation from employment.

Human Resources will notify employees of the application period for participation in the Educational Assistance Program and will provide the forms for both application and reimbursement.

Section 11. Longevity Pay

A program of longevity pay may be provided to recognize and reward the total years of service as a permanent Town employee. The annual payment is made the first week in December to those full-time employees who are employed by the Town as of November 30, and who have completed the required number of years of service as of November 30 of the year the payment is made and who are employed by the Town on the date the payment is made. Longevity pay shall be made in a lump sum that does not build into base pay. Payments may be made in the following amounts:

2 through 4 years	\$100
5 through 9 years	\$300
10 through 14 years	\$500
15 through 19 years	\$600
20 plus years	\$700

Section 12. Employee Assistance Program

The Town provides an Employee Assistance Program (EAP) to help employees resolve a wide range of personal problems or to help improve their job performance. This confidential counseling service is available to employees and their family members. Employees may choose to go to the EAP on their own, or they may be encouraged to use the EAP by their supervisor when their job performance is unsatisfactory. Employees participating in the EAP are required to meet existing job performance standards. The employee's use of the EAP does not replace the use of established procedures for managing unsatisfactory job performance.

The Town will not have access to EAP records without written permission from the employee. All individual rights to confidentiality will be assured in the same manner as any other health records.. With approval of the supervisor, employees may use earned sick or vacation leave for a scheduled EAP appointment.

Section 13. Law Enforcement Officers' Special Separation Allowance

A law enforcement officer who retires under a full service retirement may be entitled to a Special Separation Allowance as provided under G.S. 143-166.42. This allowance will terminate at death or on the last day of the month when the officer attains 62 years of age, or upon the first day of re-employment as a benefits eligible employee in any capacity for a local government in North Carolina.

Section 14. Credit Union

Membership in the Local Government Federal Credit Union is open to all Town employees and their family members for various loan services, checking, and saving accounts.

Section 15. Section 125 Benefits

The Town offers pre-tax deductions for benefits premiums, dependent care, flexible medical spending accounts, and other voluntary benefits. Specific information on these plans is available from the Human Resources Office.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation, sick leave, holiday leave and other leaves of absence, as described below, to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths.

Employees must exhaust all accrued paid leave and/or comp-time before going on an unpaid status, except in circumstances where an employee is receiving disability payments or is on a military leave of absence. Employees must use paid leave to cover their regularly scheduled work hours. Once an employee has exhausted all paid leave, they will cease to earn accruals until they are back actively at work.

Section 2. Holidays

The policy of the Town is to recognize the following Holidays as paid holidays for Town employees:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (2 days)
- Christmas (3 days)

The Human Resources Director shall prepare a schedule of holidays at the beginning of December for the following calendar year. Departments providing 24-hour operation may adopt a varying holiday schedule that designates the legal holiday as the designated holiday when a legal holiday observance falls on a Saturday or Sunday. Any special holiday schedule shall be approved in advance by the Town Manager **or their designee**.

Section 3. Holidays: Effect on Other Types of Leave

Regular holidays that occur during a vacation, sick or other paid leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible.

All shift personnel will receive holiday pay for every holiday the Town observes, regardless of whether they work the holiday or not. Shift personnel who work on a holiday will receive time and a half for all hours worked on the holiday, in addition to the holiday pay for that day.

Non-shift employees classified as exempt under the Fair Labor Standards Act are not eligible for holiday premium pay.

Section 5. Floating Holiday

Regular employees who have completed the new hire probationary period will receive one (1) paid floating holiday per fiscal year that may be used for personal reasons such as: religious observances, parent-teacher conferences or to supplement vacation, sick and holiday leave. The floating holiday will be provided at the beginning of each fiscal year and may be used at any time during the year, but will not carry over from one fiscal year to another (unused floating holiday hours will be lost). The floating holiday hours will be based of work schedule, as listed below:

General, 40 hour employees - 8 hours
Police Patrol – 12 hours
Fire Shift – 17.25 hours
Part-time – pro-rated based on hours worked

Section 6. Vacation Leave

Vacation leave shall be used for personal time off, and may be used for sick time when sick leave accrual is depleted.

Section 7. Vacation Leave: Accrual Rate

Each full -time employee of the Town shall earn vacation at the following schedule. Leave earning is pro-rated for full-time and part-time employees working more or less than 40 hours per week.

<u>Years of Service</u>	<u>Hours Accrued Per Year</u>
Less than 2	80
2 through 4	96

5 through 9	120
10 through 14	144
15 through 19	168
20 plus	192

The accrual rate for part-time employees is prorated by the average number of hours in the workweek. An employee must be at work or on paid leave status to accrue vacation leave. Short-term disability and workers compensation leave are not considered paid leave. The accrual rate for an employee on any type of unpaid leave will be prorated based on the actual hours paid in the pay period.

Vacation leave may not be used prior to accruing it. Only vacation leave hours that display in an employee's vacation leave bank (HR Portal) are eligible to be used on a timesheet. Use of "pending" leave (leave that will accrue in the current pay period, but has not yet been earned) is not allowed.

Vacation leave accrual rates are based on years of service with the Town of Apex and cannot be transferred from other municipalities.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than this maximum of accumulated leave shall have the excess accumulation removed so that days equal to only thirty (30) days are carried forward to January 1 of the next calendar year. Any vacation time in excess of 30 days will be converted to sick leave.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed thirty (30) days, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation.

Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager **or their designee** when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated vacation subject to the thirty day maximum.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 9 of this Article.

Section 12. Sick Leave

Sick leave may be granted to probationary and regular employees absent from work for any of the following reasons: sickness, bodily injury, required medical/physical or dental examinations or treatment, EAP visits, childbirth during the documented period of disability (generally 6 weeks), for the first 6 weeks following the adoption of a child, or exposure to a contagious disease when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill but may not be used to care for healthy children when the regular caregiver is sick. Sick leave beyond 10 days will only be approved for a family member's serious health condition as defined by the FMLA and with appropriate FMLA medical documentation.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the-net salary amount after all current payroll deductions (as of the date of the injury) are made.

"Immediate family" shall be defined to include spouses (including common-law spouses), children, parents, siblings, grandparents, grandchildren (regardless of whether such family members are related by blood, adoption or marriage) and guardians.

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than thirty minutes after the beginning of the scheduled work day. Sick leave is not paid out upon separation of employment.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of 8 hours per month of service or 96 hours per year. Sick leave for full-time and part-time employees working other than the basic work schedule during any pay period shall be pro-rated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

Sick leave may not be used prior to accruing it. Only sick leave hours that display in an employee's sick leave bank (HR Portal) are eligible to be used on a timesheet. Use of "pending" leave (leave that will accrue in the current pay period but has not yet been earned) is not allowed.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

Rehired employees who return to work for the Town within one year of separation may have their sick leave balance reinstated if they have not already transferred their balance to another government agency. Employees who have been separated from the Town for more than one year will not be allowed to reinstate their former sick leave balance. Special considerations may be made if the employee separated for military service or support (contract service).

Section 14. Sick Leave Transfer from Other Organizations

An employee who has credible service in the State or Local Employee's Retirement System may transfer his or her sick leave balance from the organization(s) in which the retirement service was gained, as long as the employee has not been separated from the organization for longer than 12 months. This sick leave balance is to be used as described above in section 12.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and

- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 16. Additional Sick Leave

In addition to regularly accrued sick leave, at the beginning of the 15th year of active service, employees holding a full or part-time regular position will have an Additional Sick Leave account established and accrue ten (10) days per month for the next 12 consecutive months. Beginning at the 25th year, employees will accrue an additional ten (10) days of Additional Sick Leave per month for the next 12 consecutive months.

To use the additional sick leave, an employee must have a family medical leave qualifying event of either their own serious health condition or to care for an immediate family member with a serious health condition. "Serious health conditions" include conditions covered under the Family Medical Leave Act, and a medical certification documenting the need for the leave will be required.

Additional Sick Leave is not eligible for payout but may be used towards years of service requirements for retirement and retiree health insurance purposes. Leave will be prorated based on the Town's sick leave earning rates for employees who do not work a 40 hour per week schedule.

Section 17. Calculation for Pro-rated Leave

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 18. Unpaid Leave (Leave without Pay)

Any use of Leave without Pay (LWOP) must be approved by the **Department Director** ~~Town Manager~~. Prior to the use of Leave without Pay, employees must have exhausted all applicable paid leave, except in circumstances where an employee is receiving disability payments or is on a military leave.

Section 19. Family and Medical Leave

The Family Medical Leave Act (FMLA) policy is followed in accordance with federal regulations (29 U.S.C. § 2619). Employees who have at least 12 months of service and have worked at least 1,250 hours in the last consecutive 12 months are eligible. Employees who have questions concerning eligibility should contact the Human Resources Department.

FMLA provides for up to 12 weeks of unpaid leave under the following circumstances:

- a) For the birth of a child and to bond with the newborn child
- b) For the placement of a child with the employee for adoption or foster care, and to bond with that child
- c) To care for an immediate family member with a serious health condition.
“Immediate family member” shall be defined as spouses (including common-law spouses), children (regardless of age), parents, siblings, grandparents, grandchildren (regardless of whether such family members are related by blood, adoption or marriage) and guardians.
- d) The employee's own serious health condition makes the employee unable to perform the functions of his or her job
- e) For qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty or called to active duty status in the National Guard or Reserves during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, or Regular Armed Forces during deployment to a foreign country..

The FMLA also provides for up to 26 weeks of unpaid leave for eligible employees to care for a covered service member during a single 12-month period.

Depending on circumstances, it may be permissible to use FMLA leave intermittently. The Town reserves the right to consider individual circumstances and needs in conjunction with business demands and federal/state requirements.

Certification and Eligibility Requirements:

1. Employees may request FMLA leave by submitting a FMLA Employee Request Form to their Supervisor or Human Resources. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures.
2. The Town may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification. If there is reason to doubt the validity of the medical certification, the Town may require the employee to get a second opinion. If the second opinion differs from the original certification provided, the Town may require the employee to get a third opinion, at which time the doctor will be jointly selected by the employee and the Town. The third opinion will be final and binding on both parties. The burden of the cost of the second and third opinions will be at the expense of the Town.
3. If the Town requires medical certification for leave the employee must provide sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified. Failure to provide adequate information within fifteen calendar days may result in delayed or denied FMLA leave/protection until proper certification can be obtained.
4. The Town reserves the right to waive certification and can place the employee on leave upon learning of the employee's circumstances, even if the employee has not yet requested FMLA leave or the request is pending the completion of the FMLA certification forms.
5. Generally, FMLA approved leave will begin on the first day of absence, when the leave is foreseeable. In the event of an unplanned leave, individual needs/circumstances, in accordance with federal regulations, will be reviewed to determine the appropriate start date of FMLA leave.
6. An eligible employee is entitled to up to twelve or twenty-six workweeks of leave, depending on circumstances – as identified above, on a rolling 12- month period measured backward from the date of any FMLA leave usage. If the employee returns to work before the twelve or twenty-six weeks is depleted and is able to physically perform his/her duties, the employee will be reinstated to the original, or equivalent position, with equivalent pay, benefits and other employment terms. If the twelve or twenty-six weeks of this leave are exhausted and the employee has not returned to work, the Town will determine if the employee will be reinstated.

7. Employees will be required to deplete their earned compensatory time and vacation leave during FMLA before being granted unpaid leave. If the approved FMLA is for circumstances for which sick leave usage is permissible per Town policy, then sick leave must also be depleted before being granted unpaid leave.

8. All benefits will continue to accrue during a period of paid leave.

9. When an employee is on leave under FMLA, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

10. Employees who are out of work under the provisions of FMLA are prohibited from engaging in any secondary employment during what would be their normal scheduled workday. Employees on leave as a result of their own serious health condition are NEVER approved for secondary employment. Employees who work secondary employment while on FMLA during what would have been normal work hours are considered to have voluntarily terminated their employment with the Town. Police employees may work extra-duty assignments while on FMLA with prior approval from the Chief of Police, in consultation with HR. Each request will be reviewed on a case by case basis.

11. Short-term disability, workers' compensation and approved medical leave of absence will run concurrently with FMLA leave.

12. An employee who is approved for FMLA for a personal illness or injury will not be allowed to return to work without a completed Fit for Duty Form, unless the employee was out to care for a family member or for birth of a child (Police sworn personnel who have given birth to a child must still complete the Fit for Duty form). An employee who does not return to work within three working days after their FMLA expires will be considered to have voluntarily terminated their employment with the Town.

It is the responsibility of the immediate supervisor to begin the process of placing the employee on leave. If a supervisor observes that an employee is out sick more than three consecutive days, the supervisor is to notify the Human Resources Department. If a supervisor is told by an employee that the employee will need to be out for an extended period of time for reasons other than a normal vacation, the supervisor is to notify Human Resources and instruct the employee to do the same.

Section 20. Military Leave

Military leave is provided for employees who are members of an Armed Forces Reserve organization or National Guard, or any other duty that falls within the “uniformed services” as defined and covered under the Uniformed Service Employment Reemployment Rights Act (USERRA). Military service is defined as any performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty, inactive duty training (such as drills), and funeral honors duty performed by National Guard and reserve members, as well as the period for which an employee is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty. Employees who are eligible for military leave have all job rights specified by the Uniformed Service Employment and Reemployment Act.

Employees on Military Leave may choose to take their leave on a paid or unpaid status. An employee on military leave will continue to accrue vacation and sick leave, regardless of whether or not paid leave was used.

Differential Pay

Military differential pay is partial compensation for the difference between the base pay salary that the employee earned while on military leave and the salary that would have been earned during the same period as a Town employee. Differential pay is not available for employees using paid leave or switching shifts to cover absences. Employees may switch shifts with other employees to attend drill, if approved by their supervisor/manager.

Employees will be granted two calendar weeks of military differential pay, per year. The effect will be to maintain the employee's salary at the normal level during the period of leave.

In addition to the 2 weeks above, when employees are called to active duty for state or national emergency, the Town will provide military differential pay during the first 180 ~~90~~ days of active duty. ~~The Town Manager may elect to extend this period for an additional 90 days if service continues to be required.~~

The employee must provide a Leave and Earnings Statement (LES) to payroll as soon as it is available to verify military pay. The Town will make normal deductions and/or contributions based on this difference in pay for taxes, FICA and other applicable benefits.

Job Benefits: Health premiums for employees who are performing services in the uniformed services for less than 31 days will remain in effect. Employees who are performing services in the uniformed services for 31 or more days may choose from the following two options:

- Option One: The employee and their dependents may elect to continue health coverage and /or dental benefits through the Town of Apex's group policy at full cost to the employee for a period of up to 24 months. See Human Resources for more details.
- Option Two: The employee may elect to cancel health and/or dental coverage through the Town of Apex, as coverage is provided to all military personnel and their families. Employee's health coverage will be reinstated with no waiting period when the employee returns to active employment with the Town.

While taking military leave the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. The Town's contributions to the NC 401(k) retirement will continue and be based on the employee's regular salary, regardless of whether or not paid leave is being used. Life and Disability insurance benefits will be handled in accordance with vendor policies.

Reinstatement Following Military Service

An employee returning from military service shall be reinstated with full benefits provided the employee:

1. Applies for reinstatement within the applicable timeframe established under USERRA; and
2. Is able to perform the duties of the former position or similar position; or
3. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the Town. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 21. Personal Leave of Absence

The Town Manager **or their designee** may grant a personal leave of absence for unique or extraordinary reasons that may not apply to other types of leave. The leave shall be used for reasons of personal disability, sickness or disability of immediate family members, time with a newborn or adopted child, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justifiable by the Town Manager **or their designee**. The Town Manager, **or their designee**, will consider the nature of the position, the impact on the Town, and the employee's tenure when reviewing a request for personal leave. The maximum amount of time that can be granted for a personal leave is six weeks in any 12-month period (calculated by using the rolling method). Vacation requests that exceed 31 calendar days will be considered a personal leave of absence.

Personal Leave will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while personal leave are considered to have voluntarily terminated their employment.

Job Benefits: Benefits will be handled in accordance with State & Federal laws and vendor policies. For more information, contact Human Resources.

Return to Work: The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager **or their designee**. Upon returning to duty after being on personal leave, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of personal leave shall be considered a voluntary resignation.

Section 22. Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 23. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which will better equip the employee to perform assigned duties upon the recommendation of the Department Head, and with the approval of the Town Manager **or their designee**.

Educational leave at full or partial pay for a period not to exceed twelve calendar months may be granted to an employee to take one or more courses that will better equip the employee to perform assigned duties upon the recommendation of the Department Head and the Town Manager **or their designee** and with the approval of the Town Council. An employee granted such extended educational leave with pay shall agree to return to the service of the Town upon completion of training and remain in the employ of the Town for a period of twice the educational leave received, or the employee shall reimburse the Town for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which Town employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 24. Shared Leave

An employee may donate vacation leave to another employee who meets the criteria to participate in the Town's shared leave program. An employee is eligible to receive shared leave when the employee:

- has been a full-time employee of the Town of Apex for one year*;
- has a serious medical condition or has an immediate family member with a serious health condition, as qualified under FMLA, that requires the employee to miss 20 consecutive workdays, or experience excessive intermittent absences due to the same or another serious health condition;
- has exhausted all sick, vacation and compensatory leave time;
- produces medical documentation to support the need for leave beyond the available accumulated leave;
- applies for, or is nominated by a co-worker to receive shared leave.

** This requirement may be waived by the Town Manager **or their designee** if the full-time employee can provide medical documentation to support the need for leave in advance of meeting the one-year requirement. In most cases, this will be for very serious health conditions or medical procedures of an emergent nature.*

Employees out of work on workers' compensation leave or employees receiving short-term disability benefits are not eligible for shared leave.

All applications or nominations for shared leave should be made to the Human Resources Department who will administer the shared leave policy. Leave may be made available for use on a current basis and is not retroactive beyond the current pay period. All leave donations are strictly voluntary and are kept confidential. Leave donations must be a minimum of 4 hours and are credited to the sick leave account of the shared leave recipient. Any unused donated leave shall be returned to the donor(s) on a pro-rata basis and credited to the leave account from which it was donated.

It is the responsibility of the employee requesting leave to monitor their leave usage and notify Human Resources/Payroll of the amount of leave they need for each pay period. Once the donations have run out, the employee may request for HR to send another announcement requesting donations; however, HR announcements for shared leave requests will be made no more than every 4 weeks.

Requests for shared leave will be active for a period of 3 months from the date the leave is requested, assuming the leave is still needed for the same condition. After 3 months, the shared leave request is considered void and a new request must be made, documenting the reasons for need of continued shared leave.

Section 25. Bereavement Leave

Employees will be granted up to 3 days (24 hours) of paid bereavement leave as needed in the event of the death of an immediate family member as defined in Section 11 of this article. Sick leave, as approved by the Department Head, may be used for any additional time of needed for this purpose.

Section 26. Paid Parental Leave

Employees who have completed one year of service with the Town of Apex and who qualify for Family Medical Leave are eligible for Paid Parental Leave. Paid parental leave is in addition to an employee's accrued vacation or sick leave. Qualifying events for parental leave include the following:

- Birth of a child of the employee;
- The legal placement of a child with the employee for adoption, foster care or guardianship; or
- The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis).

An employee may receive paid parental leave for one qualifying event within a rolling twelve month period. The amount of paid parental leave for any one person shall not exceed eight weeks in a twelve month period.

If both parents are employed by the Town and have one qualifying event, each parent is eligible for the eight weeks of paid parental leave. Each parent can use their allocated eight weeks of paid parental leave, either consecutively or intermittently.

Paid parental leave will run concurrently with FMLA and may be used consecutively or intermittently in one week increments. Employees shall provide advance notice to their supervisor of paid parental leave dates. The total amount of paid parental leave shall not exceed 320 hours for employees who work a 40-hour week schedule and is pro-rated for employees who work more or less than 40 hours per week.

An employee out of work and receiving paid parental leave may not work a secondary job during the same hours an employee would normally be at work, or work any off duty assignments during the parental leave period.

All Town-provided benefits will continue to be paid by the Town during the time the employee is out of work on Parental Leave. Sick and vacation leave will continue to accrue while the employee is in a paid parental leave status.

An employee who wishes to use parental leave shall follow the Town's procedures for requesting FMLA and request paid parental leave at the same time. FMLA leave and paid parental leave are approved through the HR Department, and no individual supervisor may deny an employee's request for FMLA or paid parental leave. An employee may be required to submit supporting documentation to satisfy eligibility requirements for paid parental leave and FMLA.

An employee must return to work after the duration of any approved parental/FMLA leave. An employee who does not remain actively employed by the Town for a minimum of 6 months after returning from paid parental leave will be required to reimburse the Town for one-half the paid parental leave received. If an employee returns to work after parental leave, and is actively employed for greater than 6 months but less than 12 months, the employee will be required to reimburse the Town for one-quarter the paid parental leave received. The value of the paid parental leave received will be deducted from the employee's final paycheck, including any annual leave or compensatory time paid out in compliance with the Fair Labor Standards Act. The Town Manager **or their designee** may waive the payback provision if medical complications, a special needs birth, or other documented family hardship impacts the employee's ability to return to work.

Section 27. Paid Caregiver Leave

Employees who have completed one year of service with the Town of Apex and who qualify for Family Medical Leave are eligible for up to three (3) weeks of Paid Caregiver Leave. Paid Caregiver leave is in addition to an employee's accrued vacation or sick leave. Qualifying events for Caregiver leave include the following:

- To care for an immediate family member with a serious health condition. "Immediate family member" shall be defined as spouses (including common-law spouses), children (regardless of age), parents, siblings, grandparents, grandchildren (regardless of whether such family members are related by blood, adoption or marriage) and guardians. "Serious health conditions" include conditions covered under the Family Medical Leave Act. Family Medical Leave certification documenting the need to provide care will be required.

An employee may receive paid Caregiver leave for all qualifying events within a rolling twelve month period. The amount of paid Caregiver leave for any one person shall not exceed three weeks in a twelve month period.

Paid Caregiver leave will run concurrently with FMLA and may be used consecutively or intermittently in one week increments. Employees shall provide advance notice to their supervisor of paid Caregiver leave dates. The total amount of paid Caregiver leave shall not exceed 120 hours for employees who work a 40-hour week schedule and is pro-rated for employees who work more or less than 40 hours per week. An employee out of work and receiving paid Caregiver leave may not work a secondary job during the same hours an employee would normally be at work, or work any off duty assignments during the Caregiver leave period.

All Town-provided benefits will continue to be paid by the Town during the time the employee is out of work on Caregiver Leave. Sick and vacation leave will continue to accrue while the employee is in a paid Caregiver leave status.

An employee who wishes to use Caregiver leave shall follow the Town's procedures for requesting FMLA and request paid Caregiver leave at the same time. FMLA leave and paid Caregiver leave are approved through the HR Department, and no individual supervisor may deny an employee's request for FMLA or paid Caregiver leave. An employee may be required to submit supporting documentation to satisfy eligibility requirements for paid Caregiver leave and FMLA.

An employee must return to work after the duration of any approved Caregiver/FMLA leave. An employee who does not remain actively employed by the Town for a minimum of 6 months after returning from paid Caregiver leave will be required to reimburse the Town for one-half the paid Caregiver leave received. If an employee returns to work after Caregiver leave, and is

actively employed for greater than 6 months but less than 12 months, the employee will be required to reimburse the Town for one-quarter the paid Caregiver leave received. The value of the paid Caregiver leave received will be deducted from the employee's final paycheck, including any annual leave or compensatory time paid out in compliance with the Fair Labor Standards Act.

Section 28. Volunteer/Community Involvement Leave

Regular employees who have completed the new hire probationary period will receive eight (8) hours per fiscal year to be used to volunteer for service in the schools or in community programs. Employees in part-time, benefited positions will receive prorated hours based on their annual schedule. This leave will reset each year on July 1 and cannot be carried over into the new fiscal year (unused leave will be forfeited) or paid out upon separation.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. The effective date of a resignation shall be the last day worked. Vacation leave and compensatory time cannot be used during the two-week notice period. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager **or their designee**.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation.

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary due to economic circumstances, program elimination, or privatization of existing programs the Town will attempt to accomplish a reduction in force without layoffs if at all possible, and if not possible, aid the transition of employees into other employment outside the organization.

Procedures

Determinations of reductions: The determination of positions to be eliminated or employees subjected to layoff will be based (in priority order) on (1) the need for the employee's services; (2) the quality of the employee's past performance; and (3) seniority. The individual(s) selected for layoff may or may not be the incumbent of the position(s) to be eliminated. Based on the above criteria, the Department Head will develop a rationale for the proposed reductions and changes in positions and personnel, and present it to the Human Resources Director and Town Manager **or their designee**. All reductions in force require the approval of the Town Manager.

Layoff Avoidance: Prior to a layoff, the Town will take the following steps to assist employees who are targeted to lose their current position to locate other employment within the

organization.

1. The Town will attempt to locate alternate Town employment for affected employees whose past performance has met performance requirements. Employees may be required to accept a transfer to another Town position for which they meet the basic qualifications. Employees not occupying affected positions may be re-assigned to another position at the same salary grade in order to create a better match of experience and skills with existing Town positions and to prevent a layoff from occurring within the Town. Such movement will be the prerogative of the Department Head or Town Manager. Pay decisions regarding transfers will be in accordance with the Town's pay policies.
2. If the reason for potential reduction is driven by economic reasons, management may offer employees in full-time positions the option of reducing their work schedule to less than 40 hours a week (but no less than 20 hours). Benefits would be pro-rated in accordance with Town policy. The reduced schedule must be agreed to for a minimum of one year and may be renewed with the mutual consent of the employee and Department Head on an annual basis.

Transition Assistance

Negotiated Employment. In any privatization effort, the Town will negotiate to the fullest extent possible, for the continued employment of all who are involved in a Town function with the new private contractor.

Outplacement Services The Town will provide standard outplacement services either internally or through a contracted party. The services will include (1) career counseling, (2) resume application preparation, (3) allowances for reasonable time off for interviews and employment follow-up as approved by the employee's supervisor, (4) reasonable office support and telephone access as approved by the employee's supervisor to use for the job search.

Retirement. Employees whose positions have been designated for elimination may be eligible for a full or reduced retirement through the North Carolina Local Government Employees' Retirement System. As allowed under G.S. 128-27(a2) The Town Council may approve a discontinued service retirement allowance for employees who are at least 55 years of age and have 20 years of creditable service, or a reduced discontinued service allowance for employees who are 50-54 years of age and have 20 years of creditable service. Employees granted a discontinued service retirement are not eligible for severance pay.

Severance Pay. Employees whose positions are being eliminated under a reduction in force will be eligible for seniority-based severance pay as outlined below if all of the following conditions are met as of their last day of employment with the Town:

1. The employee has not elected one of the above-referenced retirement options;
2. The employee has not refused alternate full time employment with the Town; and
3. The employee has not refused reasonable employment offers with a contractor (in the event of negotiated privatization). A reasonable employment offer shall be defined as one in which the employment offer does not result in a permanent reduction in the rate of pay of more than 15%.
4. The employee executes and returns the Town's standard waiver and release form.

Severance pay is based on total years of service with the Town of Apex. Severance pay is the equivalent of two weeks base pay for employees with less than one year of service, with an additional week of pay granted for each additional full year of Town service. Severance pay will be paid out on a bi-weekly basis and is not subject to employee or employer retirement contributions, and as a result, will not be included in computing the average final compensation for retirement purposes. Any period covered by severance pay will not be counted as an active employment period for the purposes of earning retirement service credit or for qualifying for employer-paid insurance coverage.

Benefits

Employees who receive severance pay will be eligible for continuation of insurance coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA), at the employee's expense. Employees who retire with full, early or discontinued service retirement may be eligible for retiree health benefits under Article VIII Section 5 of the Apex Personnel Policies. No other benefits will apply after termination of employment.

Notice Requirements

Employees who are laid off due to a reduction in force will be given as much notice as possible and at least two weeks' notice of anticipated layoff. If this is not possible, employees will receive two weeks compensation in addition to the severance pay noted above.

Reinstatement

An employee in good standing who is separated because of a reduction in force will be given the first opportunity to be reinstated in the same or similar position within one year of separation. All sick leave will be reinstated as long as the employee has remained an active member of the North Carolina Local Government Retirement System, and other seniority-based benefits will be calculated based on total Town service.

Section 4. Disability

An employee who cannot perform the required duties with reasonable accommodation because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence **acceptable by Human Resources** ~~to the Town Manager~~. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System (NCLGERS) may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager **or their designee**. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired ~~with the approval of the Town Manager, and may be regarded~~ as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Coverage

Article IX applies to all Town employees. While the Town will generally follow a progressive disciplinary process, employees may be separated from service at any time if the employee's job performance or conduct fails to meet the expectations of the supervisor and Department Head or if funding for the position is no longer available.

Section 2. Employee Legal Representation

The Town prohibits the participation or presence of an attorney or any form of legal representation in any informal or formal employer/employee meetings or conferences.

Section 3. Disciplinary Actions

When an employee fails to meet the job responsibilities of his or her position, the supervisor is responsible for correcting the failure and initiating disciplinary action when appropriate. Disciplinary action, when imposed, is for the purpose of improving employee and Town performance. Disciplinary action may be based on unsatisfactory job performance or detrimental personal conduct when the employee is not meeting the job performance requirements or personal conduct standards set for the position. The type of disciplinary action taken depends on the facts and circumstances of the situation, but may include a written warning, final written warning, suspension, demotion or dismissal.

Section 4. Unsatisfactory Job Performance Defined

Disciplinary Action may be taken for unsatisfactory job performance. Unsatisfactory job performance includes any aspect of the employee's job that is not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, incompetence, or lack of prudent judgment in the performance of duties.
- 2) Careless, negligent or improper use of Town property or equipment.
- 3) Physical or mental inability to perform duties after reasonable accommodation.
- 4) Discourteous treatment of the public or other employees.

- 5) Excessive absences, late reporting, absence without approved leave, or repeated improper use of leave privileges.
- 6) Failure to meet work standards established in work plan.
- 7) Failure to follow established departmental or Town policies and procedures.
- 8) Failure to carry out supervisor's assignments or instructions.
- 9) Failure to maintain credentials or license required for position.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior, whether on-duty or off-duty, intentional or unintentional, of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; the laws of any government may be or have been violated or public confidence in Town government is likely to be undermined. Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud, theft or dishonesty
- 2) Conviction of a felony or the entry of a plea of *nolo contendere* thereto.
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment.
- 4) Misusing or directing the misuse of Town work time, funds, equipment or property.
- 5) Careless, negligent, reckless, willful or wanton damage to or destruction of Town property.
- 6) Careless, negligent, reckless, willful or wanton acts that endanger the lives or property of others.
- 7) Possession of unauthorized firearms or other lethal weapons on the job.
- 8) Communication of a threat or engaging in threatening behavior;
- 9) Brutality in the performance of duties.
- 10) Any violation of the Town's Drug and Alcohol Policy.
- 11) Engaging in incompatible employment or serving a conflicting interest.
- 12) Request or acceptance of gifts in exchange for favors or influence.

- 13) Engaging in political activity prohibited by the Town's Personnel Policies.
- 14) Engaging in acts during or outside duty hours that negatively affect the image of the Town and which interfere with the working relationship between the employee and co-workers or between the employee and the public that employee serves.
- 15) Inharmonious work environment – an employee displaying unproductive behaviors such as promoting rumors, bad-mouthing others and other demeaning behaviors distracting from a positive working environment.
- 16) Harassment of an employee or the public with threatening, obscene or derogatory language or gestures.
- 17) Stated refusal to perform assigned duties (insubordination) or flagrant violation of work rules and regulations.
- 18) Flagrant behavior or repeated rude or uncivil behavior directed toward citizens or co-workers.
- 19) Workplace Violence or workplace harassment.

Section 6. Disciplinary Action Process for Unsatisfactory Job Performance

An employee whose job performance is unsatisfactory or grossly inefficient will normally receive progressive warnings before disciplinary action resulting in suspension, demotion or dismissal is taken by the Department Head or the Town Manager; however, the Town reserves the right to administer any disciplinary action, up to and including dismissal, at any time under employment at-will. When appropriate, progressive warnings should include the following steps:

1. When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor.
2. An employee whose job performance remains unsatisfactory over a period of time normally would receive at least one written warning in addition to a final written warning from the supervisor before suspension, demotion or dismissal are initiated. The first written warning would include the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time frames set for improvement. A copy of each written warning should be submitted to Human Resources for placement in the employee's personnel file.

3. If the employee's performance continues to be unsatisfactory after one or more written warnings, then the supervisor should give the employee a final written warning serving notice that corrected performance must take place immediately in order to avoid disciplinary suspension, demotion or dismissal. A copy of the final written warning should be submitted to Human Resources for placement in the employee's personnel file.
4. In the event that the employee's performance fails to improve after the final written warning, or if the employee's performance deficiency is the result of one incident severe enough that it negatively impacts on the image of the Town or compromises the safety of persons or property, or creates significant financial liability for the Town, then the supervisor may recommend disciplinary demotion, suspension or dismissal by following the process outlined in Section 7 of this policy.

Section 7. Disciplinary Action for Detrimental Personal Conduct

With the approval of the **Town Manager**, an employee may be placed on disciplinary suspension, demoted or dismissed without prior warning due to personal conduct detrimental to town service in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When an employee is suspended or dismissed immediately, the employee may be told to leave town property at once and either to report to a supervisor at a specific time or to remain away until further notice.

Section 8. Notification of disciplinary action

Supervisors are encouraged to meet with employees to inform them of proposed disciplinary actions for suspensions, demotions, and dismissals. The intent of the meeting is to notify the employee of the proposed disciplinary action and provide an opportunity for the employee to provide further information, if any, for the supervisor to consider in making a final decision. While this meeting is encouraged, it does not prevent the Town from taking disciplinary action, up to and including dismissal, without prior notice, when necessary.

Section 9. Disciplinary actions relating to special job requirements

An employee may be placed on disciplinary suspension, demoted or dismissed for failing to obtain or maintain a required license, certificate, registration or similar document, or for failing to maintain a satisfactory driving record when driving town equipment or vehicles is a job requirement.

Section 10. Non-Disciplinary Suspension

The Department Head may suspend an employee with pay for the following reasons. Any suspension without pay requires approval of the Human Resources Director.

1. To investigate the circumstances surrounding any alleged violation of any Federal, State or Town laws, statutes, ordinances, rules, regulations or policies.
2. To investigate any alleged act or omission in the scope and course of employment which might constitute a criminal offense.
3. To investigate when an employee is charged with a criminal offense or becomes a party to a civil action or other non-criminal proceeding not arising out of the scope or course of employment to determine if the circumstances of the case cast substantial doubt on the employee's ability to satisfactorily perform their normal duties, or result in a lack of public confidence in the delivery of Town services if the employee were to remain employed.

Following an investigation of an employee's actions which involve possible criminal charges or civil actions, the Department Head may take disciplinary action even if criminal or civil proceedings are pending. After conclusion of the criminal or civil proceedings, the Department Head may review the initial disciplinary decision to determine if additional disciplinary action is necessary.

If an employee is placed on an unpaid non-disciplinary suspension and is reinstated following the suspension, the employee shall not lose any compensation or benefits to which the employee would have been entitled had the suspension not occurred. All health, dental and life insurance benefits are maintained during the period of non-disciplinary suspension.

Section 11. Disciplinary Suspension and Deductions

Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions imposed in good faith for infractions of workplace conduct rules and/or workplace safety violations, in accordance with Federal and State regulations.

ARTICLE X. COMPLAINT RESOLUTION PROCESS

Section 1. Purpose

The Town recognizes that there are times when the need arises for employees to express concerns or complaints in a formal manner. The following procedures will ensure that employees receive a fair and unbiased review of workplace concerns.

The timelines that are listed below (both for the employee and supervisor/Town Manager) are intended to provide a quick and prompt response to concerns/complaints; however, these timelines may be modified, if needed, upon mutual agreement of the employee and supervisor/Town Manager. Any agreed upon changes to the timeline should be documented in writing by both parties.

Section 2. Procedures

Step 1: Informal discussion with supervisor

Employee concerns should first be discussed with the employee's immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue.

Step 2: Written complaint to supervisor

If the employee is not satisfied with the results of the informal discussion in Step 1, the employee may submit a written complaint within fifteen calendar days of the event or within fifteen calendar days of learning of the event to his or her appropriate supervisor (the person who took the action which created the concern - could be immediate supervisor, division head, Department Head, etc.) to include:

- The nature of the complaint.
- Detailed information including evidence of the issue, witnesses, related policies, etc.
- The remedy or outcome desired.

The supervisor will have ten calendar days to respond to the employee in writing.

If the employee complaint is regarding illegal harassment, discrimination or retaliation, the employee should submit the written complaint directly to Human Resources.

Step 3: Written complaint to next level supervisor

If the employee is not satisfied with the response from the supervisor, the employee may submit a written complaint to next level supervisor (Division Head, Department Head, Town

Manager, etc.) for review within ten calendar days after received of the response from Step 2. A copy should also be sent to Human Resources. The request for review should include:

- An explanation of the complaint and details of all previous efforts to resolve the issue.
- A copy of the written complaint submitted to the immediate supervisor.
- A copy of the immediate supervisor's written response to the employee's complaint.
- Detailed information regarding the employee's dissatisfaction with the immediate supervisor's response.

The next level supervisor will have ten calendar days to respond to the employee in writing.

Step 4: Written complaint to the Town Manager

If the employee is not satisfied with the response in Step 3, the employee may submit a written complaint to the Town Manager for review. A copy should also be sent to Human Resources. The request for review should include:

- An explanation of the complaint and details of all previous efforts to resolve the issue.
- A copy of the written complaint submitted to all previous supervisors.
- A copy of the previous supervisors' written responses to the employee's complaint.
- Detailed information regarding the employee's dissatisfaction with the previous supervisor's response.

The Town Manager will consult with the employee's immediate supervisor, Human Resources and any other relevant parties to evaluate the complaint and provide a written response to the employee within ten calendar days after receipt of the written concern. The outcome of the review by the Town Manager will be final unless new evidence or other circumstances warrant additional review of the complaint. The Town Manager would notify the Town Council of any impending legal action.

Section 3. Recordkeeping

Human resources will maintain records of the complaint resolution process confidentially and securely.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168(b), the following information with respect to each Town employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of each increase or decrease in salary; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification; date and general description of the reasons for each promotion; date and type of each dismissal, suspension or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt.

Section 2. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Manager, with the concurrence of the Town Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Director, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained in the Human Resources Department. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of

such material in accordance with established complaint resolution procedures.

Section 6. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Policy 132.3 of the General Statutes.

PART XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Separability

If any provision of these policies or any rule, regulation, or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Amendments

The Town Council has the authority to amend, revise, or repeal all or any portion of this policy as it sees fit.

Section 4. Effective Date

These policies shall become effective on August 6, 2019.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

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

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to adopt a Municipal Resolution for the North Carolina Department of Transportation's Paved Trails and Sidewalk Feasibility Study Grant Proposal for the Town of Apex.

Approval Recommended?

Yes

Item Details

The North Carolina Department of Transportation Integrated Mobility Division has issued a call for projects for the Paved Trails and Sidewalks Study Grant. Parks, Recreation and Cultural Resources staff is proposing to apply for funds to conduct a feasibility study for the Middle Creek Greenway/ Swift Creek Connector Corridor from the intersection of the extension of Jessie drive north to Ten Ten Road and east to Regency Park in the Town of Cary. Staff is proposing a funding match of 20% up to a maximum of \$20,000, if awarded the grant. Staff has received letters of support from Wake County and Holly Springs. A resolution from CAMPO is pending and, on the January 5th, 2023, Technical Coordinating Committee meeting agenda. Staff is also waiting for committed letters of support from the Town of Cary and developers with projects located along the corridor.

Attachments

- Draft TC Resolution_Apex_TrailsFeasibilityStudyGrant-2022
- Bicycle, Pedestrian, and Equestrian Plan - Advance Apex Map
- Middle Creek Greenway Feasibility Study - Vicinity Map 12.19.2022
- Middle Creek Greenway Feasibility Study Area Map 12.19.2022



RESOLUTION
ENDORISING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION’S
PAVED TRAILS AND SIDEWALK FEASIBILITY STUDY GRANT PROPOSAL FOR
THE TOWN OF APEX

A motion was made by _____ and seconded by _____ for the adoption of the resolution, and upon being put to a vote was duly adopted.

WHEREAS, the North Carolina Department of Transportation (NCDOT) Integrated Mobility Division has issued a call for projects for the Paved Trails and Sidewalk Feasibility Study Grant; and

WHEREAS, the Town of Apex plans to apply for funds to conduct a greenway feasibility study for the Middle Creek Greenway/Swift Creek Connector Corridor as identified in the Town’s Comprehensive Transportation Plan (Attachment 1); and

WHEREAS, the Town of Apex has consistently supported bicycle and pedestrian planning initiatives; and

WHEREAS, the proposal is consistent with Town’s goals and objectives which seek to “provide, manage and maintain a safe, efficient and sustainable transportation system for all modes, intended to serve all segments of the population” and “encourage walking, bicycling and transit options, integrated with motor vehicle transportation, by providing a transportation system that serves the public with mobility choices”; and

WHEREAS, the rules associated with the grant application require that Town of Apex (Municipality) endorse the project; and

WHEREAS, the Parks, Recreation and Cultural Resources Advisory Commission has identified the Middle Creek Corridor as a priority corridor for the Town.

NOW THEREFORE BE IT RESOLVED by the Town of Apex that it endorses the NCDOT Paved Trails and Sidewalks Feasibility Study Grant proposal for Middle Creek Greenway/ Swift Creek Connector Corridor on this the 10th day of January 2023.

Jacques K. Gilbert
Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk
Official Town Seal

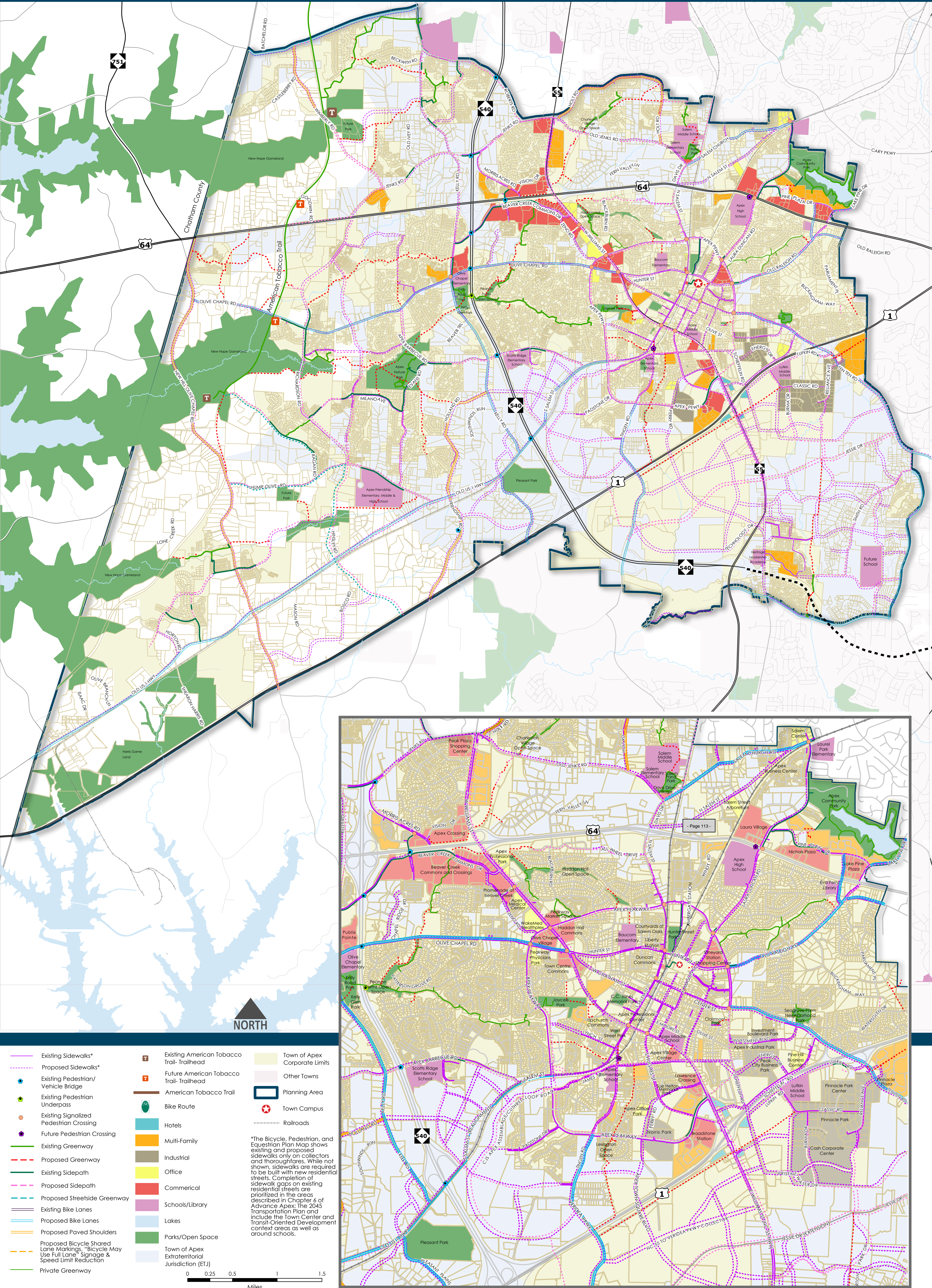
NOTARY CERTIFICATION
State of North Carolina

Print Name _____, Notary Public

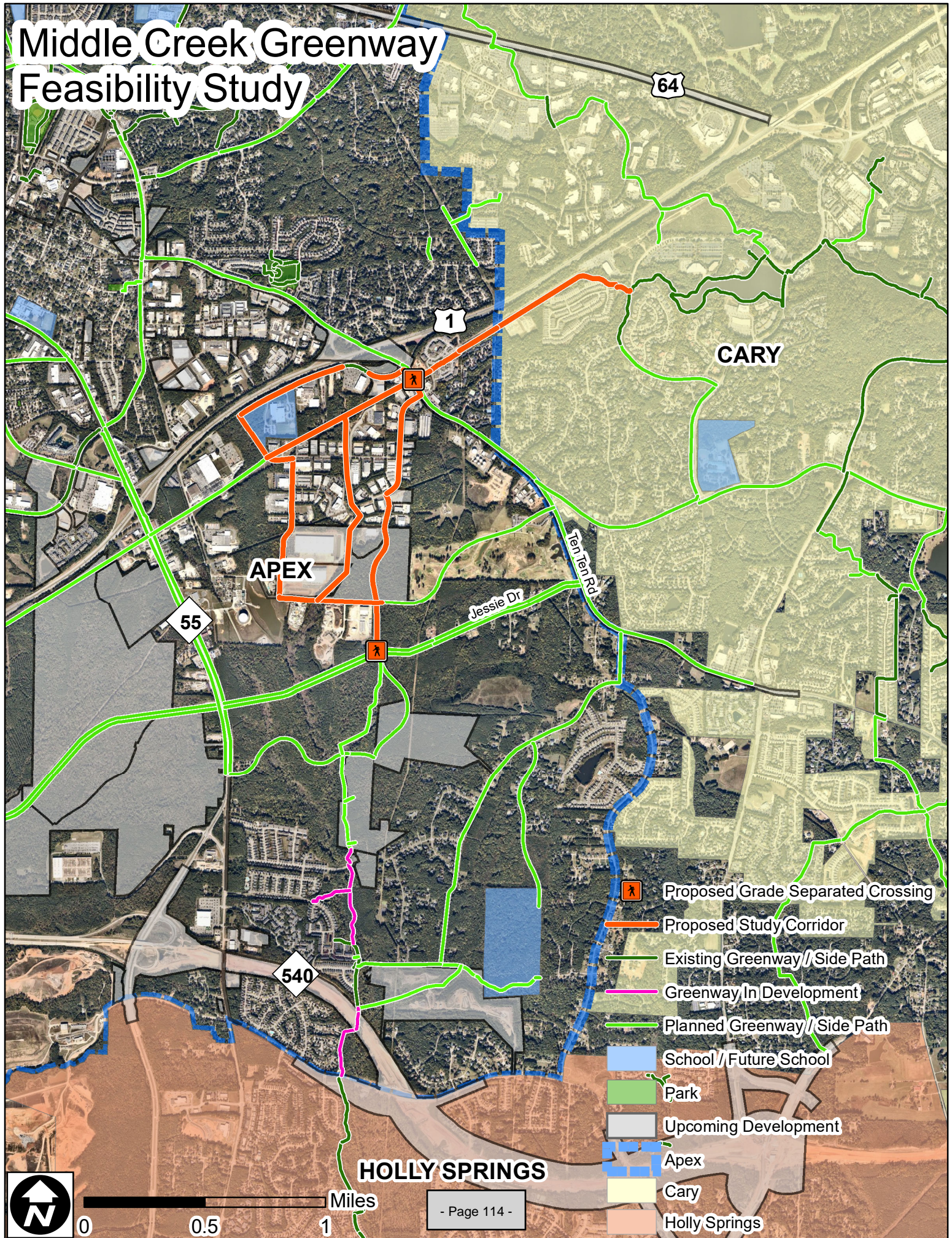
My Commission Expires: _____

Notary Seal

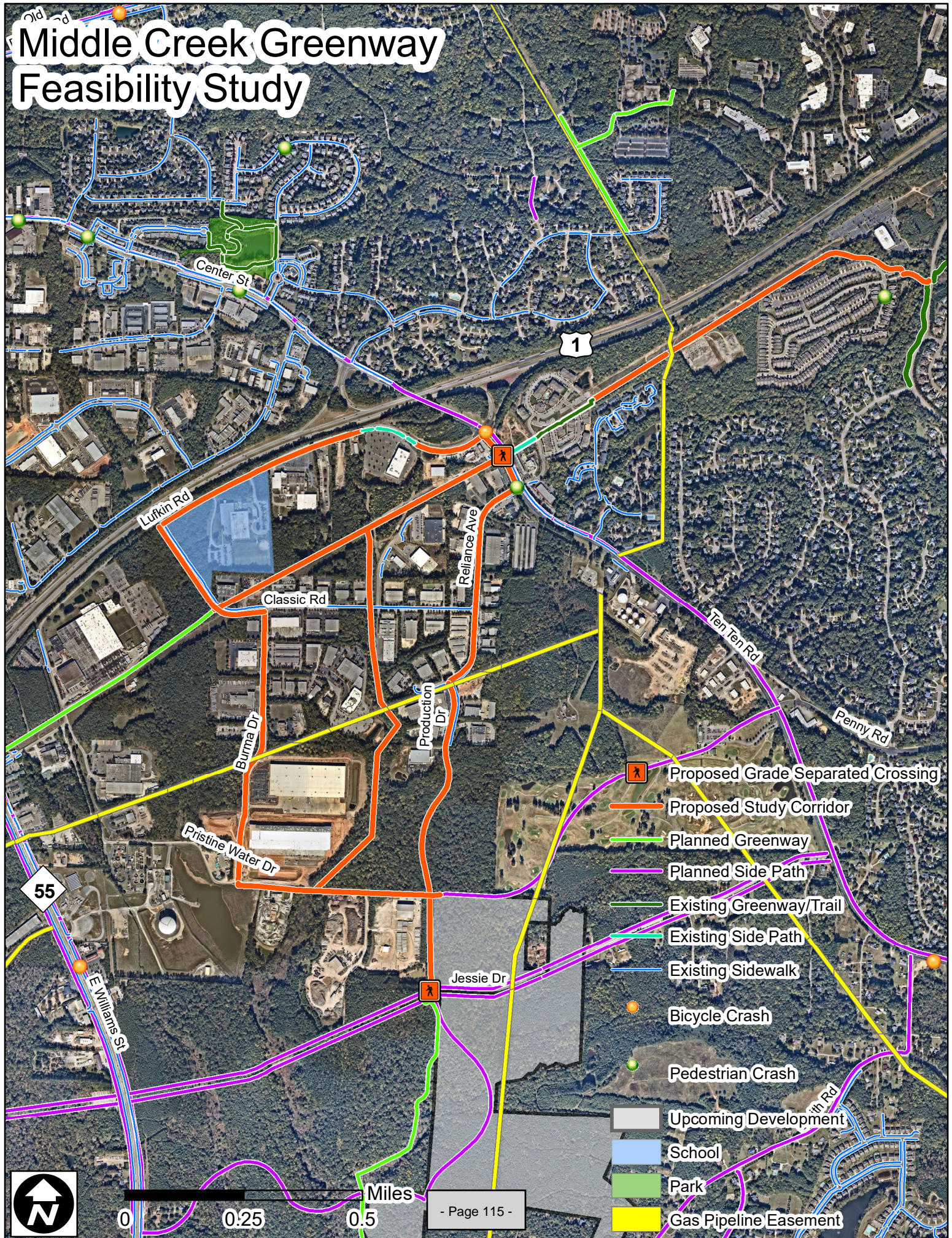
Bicycle, Pedestrian, and Equestrian Plan



Middle Creek Greenway Feasibility Study



Middle Creek Greenway Feasibility Study



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 21CZ18 Olive Chapel Professional Park, Jones & Clossen Engineering, PLLC, petitioner, for the properties located at 0, 0, 0, 1480, 1460, and 1400 Chapel Ridge Road.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Case No. 21CZ18 was approved at the November 29, 2022 Town Council meeting.

Attachments

- Statement of the Town Council and Ordinance to Amend the Official Zoning District Map
- Legal Description



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 8.7 ACRES LOCATED AT 0, 0, 0, 1480, 1460, AND 1400 CHAPEL RIDGE ROAD FROM OFFICE AND INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ #16CZ11) TO OFFICE AND INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ)

#21CZ18

WHEREAS, Olive Chapel Professional Park, LLC/Jones & Cnossen Engineering, PLLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of August 2021 (the "Application"). The proposed conditional zoning is designated #21CZ18;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ18 before the Planning Board on the 14th day of November 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of November, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ18. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8 to 0 for the application for #21CZ18;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #21CZ18 before the Apex Town Council on the 29th day of November 2022;

WHEREAS, the Apex Town Council held a public hearing on the 29th day of November 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ18 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 2045 Land Use Map designation of Office Employment is consistent with the zoning district Office & Institutional-Conditional Zoning (O&I-CZ);

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for additional non-residential uses to serve the surrounding areas. It will also encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #21CZ18 rezoning the subject tract located at 0, 0, 0, 1480, 1460, and 1400 Chapel Ridge Road from Office and Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office and Institutional-Conditional Zoning (O&I-CZ).

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

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Office and Institutional-Conditional Zoning (O&I-CZ

Ordinance Amending the Official Zoning District Map #21CZ18

#16CZ11) to Office and Institutional-Conditional Zoning (O&I-CZ) District, subject to the conditions stated herein.

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

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

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

Permitted Uses and Limitations:

- | | |
|--|--|
| 1. Government service | 11. Newsstand or gift shop (%) |
| 2. Veterinary clinic or hospital | 12. Pharmacy (%) |
| 3. Vocational school | 13. Printing or copying service |
| 4. Medical or dental office or clinic | 14. Studio for Art |
| 5. Medical or dental laboratory | 15. Personal service (%) |
| 6. Office, business or professional | 16. Health/fitness center or spa (limited to 2,500 SF max) |
| 7. Publishing office | 17. Real estate sales (limited to 2,500 SF max) |
| 8. Radio and television recording studio | 18. Utility, minor |
| 9. Restaurant, general (%) (limited to 1,500 SF max) | 19. Pet Services |
| 10. Financial institution | 20. Tailor Shop |

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.

Ordinance Amending the Official Zoning District Map #21CZ18

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC

APPROVED AS TO FORM:

Town Attorney

Attachment A

OLIVE CHAPEL PROFESSIONAL PARK - ANNEXATION LEGAL DESCRIPTION

Beginning at a point, said point having nc grid coordinates of N-723145.48, E-2032672.14, thence N27-03-58E 239.37 feet to a point, thence S66-48-09E 19.96 feet to a point, thence N27-31-15E 39.66 Feet to a point, thence N16-25-09W 323.87 feet to a point, thence N38-32-02W 41.34 feet to a point, thence N12-10-56W 366.86 feet to a point, thence S88-29-56E 203.00 feet to a point, thence S88-29-56E 77.00 feet to a point, thence S67-29-40E 210.02 feet to a point, thence S84-59-01E 126.05 to a point in the western r.o.w. of Chapel Ridge Road, thence along the western r.o.w. of Chapel Ridge Road S10-40-35W 184.97 feet to a point, thence along a curve to the left having a radius of 424.54 feet and a chord distance of 178.88 feet and a chord bearing of S01-31-38E to a point, thence along a curve to the right having a radius of 194.00 feet and a chord distance of 98.38 feet and a chord bearing of S01-06-47 W to a point, thence continuing along a curve to the right having a radius of 194.00 feet and a chord distance of 100.55 feet and a chord bearing of S30-53-49W to a point, thence S45-51-23W 115.00 feet to a point, thence along a curve to the left having a radius of 227.00 feet and a chord distance of 188.09 feet and a chord bearing of S21-22-55W to a point, thence along a curve to the right having a radius of 30.00 feet and a chord distance of 40.86 feet and a chord bearing of S39-51-49 W to a point in the northern r.o.w. of Olive Chapel Road, thence along the northern r.o.w. of Olive Chapel Road S82-46-17W 45.14 feet to a point, thence S83-46-04W 54.06 feet to a point, thence S83-46-04W 45.61 feet to a point, thence S84-17-33W 99.92 feet to a point, thence S84.03-11W 57.76 feet to a point, thence leaving the northern r.o.w. of Olive Chapel Road N27-03-58 E 23.51 feet to the point and place of beginning containing 8.698 acres.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning Department

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #22CZ18 Humie Olive Place. Construction Masters, LLC, petitioner, for the properties located at: 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Road.

Approval Recommended?

Planning Department recommends approval.

Item Details

Rezoning Case #22CZ18 was approved at the November 29, 2022 Town Council meeting.

Attachments

- Statement and Ordinance



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 2.00 ACRES LOCATED AT 2157 & 0 BLAZING TRAIL AND 7994, 7988, AND 7982 HUMIE OLIVE ROAD FROM MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ #16CZ27) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)

#22CZ18

WHEREAS, Construction Masters, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of September 2022 (the “Application”). The proposed conditional zoning is designated #22CZ18;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ18 before the Planning Board on the 14th day of November 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of November 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ18. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 6 to 2 for the application for #22CZ18;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #22CZ18 before the Apex Town Council on the 29th day of November 2022;

WHEREAS, the Apex Town Council held a public hearing on the 29th day of November 2022 and Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ18 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. This designation on the 2045 Land Use Map includes the zoning district Medium Density Residential-Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density Residential-Conditional Zoning (MD-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 allows for a different housing type while maintaining the character of the adjacent single-family neighborhoods. Duplexes provide opportunities for people, including teachers and other school staff, to rent in an area where they otherwise may not be able to afford to live. It may also provide a home owner with the supplemental income needed to buy a home in an area that is otherwise not affordable. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #22CZ18 rezoning the subject tract located at 2157 & 0 Blazing Trail and 7994, 7988, and 7982 Humie Olive Road from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ).

Ordinance Amending the Official Zoning District Map #22CZ18

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

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ) District, subject to the conditions stated herein.

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

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

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. An “S” indicates that a use category or specific use type is allowed only if reviewed and approved in accordance with the procedures and standards of Sec. 2.3.5 *Special Use*.

- | | |
|------------------------|--------------------------|
| 1. Single-family | 4. Day care facility (S) |
| 2. Duplex | 5. Utility, minor |
| 3. Accessory apartment | |

Zoning Conditions:

1. Vinyl siding is not permitted, however vinyl windows, decorative elements and trim are permitted.
2. All single-family and duplex homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.
6. The garages for duplex units shall be on opposite sides of the structure.
7. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Eaves shall project at least 12 inches from the wall of the structure.

Ordinance Amending the Official Zoning District Map #22CZ18

10. 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
11. The roofline for duplexes must be broken up vertically between each unit.
12. All rear elevations for duplexes shall include the following:
 - A change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
 - Windows on at least 30% of the rear façade (not including the roof). The building plans shall include the calculation of the rear wall area and the percent of that area that is windows.
13. All duplex units shall be two stories.
14. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
15. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a side path, sidewalk or SCM.
16. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.
17. The Developer shall extend the 5' wide sidewalk along the site frontage north along Blazing Trail Drive to complete the connection to the existing 5' wide sidewalk at The Parkside at Bella Casa – Phase 13A common area to the north. This sidewalk connection is subject to approval and recording of a public access easement on HOA common Area by The Townes at Bella Casa Association, Inc.

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."

Ordinance Amending the Official Zoning District Map #22CZ18

This the ____ day of _____ 2023.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A:



ENGINEERING ~ SURVEYING

P.O. BOX 444

GARNER, NC 27529

PHONE (919) 779-4854

FAX (919) 779-4056

LAND DESCRIPTION FOR

ANNEXATION OF WAKE COUNTY PIN#: 0721517458

7904 HUMIE OLIVE ROAD (NCSR 1142)

APEX, NORTH CAROLINA

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;

THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS;

THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;

THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS;

THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;

THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning

Requested Motion

Motion to set the Public Hearing for the January 24, 2023 Town Council meeting regarding Rezoning Application #22CZ23 Yellowbridge PUD Amendment. The applicant, Tucker Ennis, Lennar Carolinas LLC., seeks to rezone approximately 48.2331 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2813 and 2817 US 64 Highway West.

Approval Recommended?

The Planning Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0722743789 and 0722752304.

Attachments

- Vicinity Map
- Application







Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

December 1, 2022

Via Town of Apex IDT

Lauren Staudenmaier
Planner
Town of Apex
73 Hunter Street
Apex, NC 27502

RE: Yellowbridge Planned Unit Development Amendment; PINs 0722752304
and 0722743789 (the "Property")

Dear Lauren,

This letter is to inform you of a proposed PUD Amendment to amend the PUD Text as follows:

Residential District Design Guideline 6 for Single-Family detached homes on Pg. 14 shall be amended as follows by adding the language shown in underline and deleting the language shown in strikethrough:

6. Garages on the front façade of homes that face the street shall not exceed 350% of the total width of the house and garage together.

This is the only change proposed by the PUD Amendment.

Sincerely,

A blue ink signature of Matthew J. Carpenter, written in a cursive style.

Matthew J. Carpenter



Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

November 1, 2022

Via Town of Apex IDT

Dianne Khin

Director of Planning and Community Development

Town of Apex

73 Hunter Street

Apex, NC 27502

RE: Planned Unit Development Amendment; PINs 0722752304 and
0722743789 (the "Property")

Dianne,

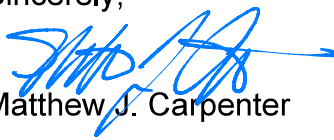
On September 13, 2022, the Apex Town Council voted to rezone the Property to Planned Unit Development Conditional ("PUD-CZ")(the "Rezoning") to facilitate the development of Yellowbridge, a community with single-family detached homes, townhomes, and commercial uses along US-64. The approval included development standards and conditions in the PUD text (the "PUD Text") and concept plan (the "Concept Plan").

Prior to the September 13 Town Council meeting, after several meetings and conversations with neighbors, the developer added additional architectural commitments to the PUD Text to require all single-family detached homes to have crawl space foundations, front porches, and decorative features, and replaced the single-family detached elevations on pg. 16 of the PUD Text with new elevations (the "New Elevations").

The developer was unaware that the New Elevations were inconsistent with Residential District design guideline 6 on pg. 14 of the PUD Text ("Standard 6") which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend Standard 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the New Elevations. The proposed amendment is more specifically set forth in **Exhibit A** to this letter.

The remaining design standards and conditions in the PUD Text and Concept Plan will remain as approved by Town Council on September 13.

Sincerely,



Matthew J. Carpenter

Exhibit A to Letter re Yellowbridge PUD Amendment

ARCHITECTURAL STANDARDS

Yellowbridge PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~0% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	_____	Submittal Date:	_____
Fee Paid	\$ _____	Check #	_____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Yellowbridge
Address(es): 2813 and 2817 US 64 Hwy W
PIN(s) 0722743789 and 0722752304

_____ Acreage: 48.2331
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ w/ amended conditions
Current 2045 LUM Designation: Medium Density Residential/Commercial Services

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

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

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

Applicant Information

Name: Lennar Carolinas, LLC c/o Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: (919) 835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

Name: Yellowbridge Capital, LLC
Address: 113 Mill Point Road
City: Kitty Hawk State: NC Zip: 27949-4082
Phone: N/A E-mail: N/A

Agent Information

Name: Lennar Carolinas, LLC attn. Tucker Ennis
Address: 1100 Perimeter Park Drive, Suite 112
City: Morrisville State: NC Zip: 27560
Phone: (919) 835-4032 E-mail: tucker.ennis@lennar.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____

Submittal Date: _____

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed uses and density are not changing and are therefore consistent with the property's LUM designations.

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

The proposed uses and density are not changing and are therefore consistent with the property's LUM designations.

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

The proposed uses will comply with regulations in the PUD Text and supplemental standards in the UDO.

PETITION PROCESS INFORMATION

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

The PUD Text and Concept Plan include mitigating conditions that will not change.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The design of the PUD minimizes environmental impacts and will not be changed by the proposed amendment.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed PUD Amendment will not have an adverse impact on public facilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on the health, safety, or welfare of residents.

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

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on adjacent properties.

PETITION PROCESS INFORMATION

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

The proposed uses will not change and will not constitute a nuisance or hazard.

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

The proposed development will meet standards of the PUD and UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____

Submittal Date: _____

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: 2813 and 2817 US 64 Hwy W
Nearest intersecting roads: US 64 Hwy W and Kellyridge Dr.
Wake County PIN(s): 0722743789 and 0722752304
Township: White Oak

Contact Information (as appropriate)

Contact person: Lennar Carolinas, LLC c/o Matthew Carpenter
Phone number: (919) 835-4032 Fax number: N/A
Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601
E-mail address: matthewcarpenter@parkerpoe.com
Owner: Yellowbridge Capital, LLC
Phone number: _____ Fax number: _____
Address: 113 Mill Point Road, Kitty Hawk, NC 27949-4082
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Yellowbridge
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff _____ Date _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

2813 and 2817 US 64 Hwy W

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Yellowbridge Capital, LLC

TOWN OF APEX

BY: Tucker Ennis

BY: _____

Authorized Agent

Authorized Agent

DATE: 11/1/2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #:

Submittal Date:

Yellowbridge Capital, LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 2813 and 2817 US 64 Hwy W, Apex, NC, 27523

The agents for this project are: Tucker Ennis and Stephen Dorn

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

Agent Names: Tucker Ennis and Stephen Dorn

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

Telephone Number: (919) 835-4032

E-Mail Address: tucker.ennis@lennar.com

Signature(s) of Owner(s)*

Gerald L. Hornick

Gerald Hornick, as Manager of Yellowbridge Capital, LLC

Type or print name

10/25/22

Date

GERALD L. HORNICK

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #:

Submittal Date:

The undersigned, Tucker Ennis (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2813 and 2817 US 64 Hwy W and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
4. To Affiant's knowledge, no claim or action has been brought against the owners of the property which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 25th day of OCT, 2022.



Tucker Ennis

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

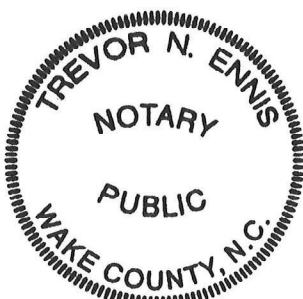


Notary Public

State of North Carolina

My Commission Expires: MAY 1ST, 2027

[NOTARY SEAL]



18 of 20

Planned Unit Development-Conditional
Zoning Application

Exhibit A
To Owner Affidavit for
Yellowbridge Rezoning
Legal Description

PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbington – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbington, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbington subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbington, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbington Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbington Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence along said southern right of way line North 82°54'26" East 331.57 feet to a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43" West 189.14 feet to a set iron rod on the southern right of way line of U.S.

Highway 64; thence along said southern right of way line the following two courses: (1) North 82°54'26" East 265.68 feet to a set iron rod; and (2) North 82°53'08" East 305.02 feet to a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbingtion subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbingtion subdivision South 02°25'07" East 148.61 feet to the point of beginning.

Containing 48.2331 acres, more or less, and being all of Lot "B" as said lot is shown and so designated on that certain plat entitled "Subdivision, Property of Gaither Bryant Garner, Jr. and Gerald L. Hornick" recorded in Book of Maps 1984, Page 1516, Wake County Registry, TOGETHER WITH all of Tract 1 as said tract is shown and so designated on that certain plat entitled "Division for Gerald L. Hornick, et ux and G. Bryant Garner, et ux" recorded in Book of Maps 2003, Page 474, Wake County Registry, LESS AND EXCEPT the area dedicated as public right of way for Chanticlair Drive as recorded in Deed Book 11778, Page 1490, Wake County Registry.

Wake County Residential Development Notification

Developer Company Information	
Company Name	Lennar Carolinas, LLC
Company Phone Number	c/o Matthew Carpenter, 919-835-4032
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	matthewcarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	unknown, Rezoning submittal 3/1/2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Yellowbridge
Address of Subdivision (if unknown enter nearest cross streets)	2813 & 2817 US 64 West
REID(s)	
PIN(s)	0722743789 and 0722752304

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

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	<u>40</u>									unknown	unknown	2026					
Townhomes	<u>130</u>									unknown	unknown	2026					
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

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

October 10, 2022

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
2813 and 2817 US 64 Hwy W 0722743789 and 0722752304

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="radio"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/>	Major Site Plan	Town Council (QJPH*)
<input type="radio"/>	Special Use Permit	Town Council (QJPH*)
<input checked="" type="radio"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

See attached notice letter.

Estimated submittal date: November 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Electronic Meeting invitation/call in info: See attached notice letter

Date of meeting**: October 24, 2022

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: October 10, 2022

Re: Development approvals for 2831 US 64 Hwy W (PIN 0722743789) and 2817 US 64 Hwy W (PIN 0722752304)(collectively, the "Property")

On September 13, Apex Town Council voted to rezone the Property to Planned Unit Development Conditional (PUD-CZ)(the "Rezoning") to allow the development of Yellowbridge, a residential community with small scale commercial uses along US-64 (the "Project"). With the Rezoning complete, the developer is ready to move forward with the Project and is holding a **neighborhood meeting October 24 at 6:00 PM** to discuss next steps with the community which will include filing a Residential Master Subdivision Plan (the "Subdivision Plan") and Planned Unit Development Amendment (the "PUD Amendment").

The Subdivision Plan will follow the Concept Plan approved by Council on September 13, but provide greater engineering detail as to specific site elements. The PUD Amendment will revise one of the architectural conditions (as shown in the attached) to be consistent with the architectural elevations approved as part of the Rezoning.

During the meeting, the applicant will describe the nature of the applications and field any questions from the public. Enclosed are: (1) the previously approved PUD Concept Plan; (2) text of the PUD Amendment; (3) a project contact information sheet; and (4) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the online Zoom meeting:

Visit:
Enter the following meeting ID: 811 0900 8782
Enter the following password: 990517

To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 811 0900 8782 #
Enter the Participant ID: #
Enter the Meeting password: 990517 #

If you have any questions prior to the meeting, please contact me directly at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com

Sincerely,


Matthew J. Carpenter

SITE AND UTILITY NOTES:

1. DIRECTION, ORDER, AND SUPERVISORY DECISIONS SHALL BE LIMITED TO ANSIC, SUPERVISORY ACTION, AND APPROVAL.
2. BULK REFINING OPERATIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE ANSIC BULK REFINING PROCEDURE, WHICH IS A PART OF THE ANSIC DESIGN AND APPROVAL.
3. ALL COWDOW MANAGERS ARE REQUIRED TO ENFORCE ONLY 1 BULK DESIGN AND APPROVAL. COWDOW MANAGERS ARE NOT TO ENFORCE ANY OTHER COWDOW DESIGN AND APPROVAL.
4. COWDOW MANAGERS ARE REQUIRED TO ENFORCE THE BULK DESIGN AND APPROVAL. COWDOW MANAGERS ARE NOT TO ENFORCE ANY OTHER COWDOW DESIGN AND APPROVAL.
5. ENVIRONMENTAL HAZARDS ARE SUBJECT TO THE BULK CONFORMANCE WITH THE ANSIC REGULAR AGENTS.
6. THE PROPOSED BULK DESIGN AND APPROVAL IS SUBJECT TO THE ANSIC CONFORMANCE WITH THE ANSIC REGULAR AGENTS.
7. ALL BULK REFINING ARE REQUIRED TO BE CONDUCTED ONLY BY ANSIC, ORDER, OR COWDOW REFINING. BULK REFINING IS SUBJECT TO THE ANSIC CONFORMANCE WITH THE ANSIC REGULAR AGENTS.
8. PROJECTS ARE REQUIRED TO ADOPTED COWDOW MASTER PLANS INCLUDING ANSIC DESIGN AND APPROVAL.
9. WASTE AND GASES.
10. THE PROJECT SHALL NOT ADOPT COWDOW MASTER PLANS INCLUDING ANSIC DESIGN AND APPROVAL.
11. THE PROJECT SHALL NOT ADOPT COWDOW MASTER PLANS INCLUDING ANSIC DESIGN AND APPROVAL.

POTENTIAL ACCESS POINTS:

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PSD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the TIR at the time of Master Subdivision Final Approval.



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18
9

**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**

1) CONC
C100 SCALE: 1"=100'



ARCHITECTURAL STANDARDS

Yellowbridge PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~30% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Yellowbridge Zoning: Rural Residential (RR)

Location: 2813 and 2817 US 64 Hwy W

Property PIN(s): 0722743789 and 0722752304 Acreage/Square Feet: 48.24 acres

Property Owner: Yellowbridge Capital, LLC

Address: 113 Mill Point Road

City: Kitty Hawk State: NC Zip: 27949-4082

Phone: n/a Email: n/a

Developer: Lennar Carolinas, LLC

Address: 1100 Perimeter Park Drive, Suite 112

City: Morrisville State: NC Zip: 27560

Phone: c/o Matthew Carpenter, 919-835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC; Attn. Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: n/a Email: jroach@peakengineering.com

Builder (if known): Same as Developer

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Online via zoom

Date of meeting: October 24, 2022 Time of meeting: 6:00 PM

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	See attached attendance list				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

**Yellowbridge PUD Amendment
Neighborhood Meeting Attendance Roster
October 24, 2022**

Steve Ritchie
Polly Petrino
Kate Macdonnell
Jen Curtis-Maury
Chip Allen
Jeremy Brewer
Penny Grieci
C.J. Bottitta
Jason Hornick
Gerald Hornick
Kelley McLaughlin
Brant Gifford

*Contact information as received but has been redacted for filing.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas

Contact information (email/phone): _____

Meeting Address: Online via zoom

Date of meeting: October 24, 2022

Time of meeting: 6:00 PM

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

Question/Concern #1:

Request to amend architectural commitment 6 in PUD Text.

Applicant's Response:

When we committed to the revised architectural commitments and elevations, we were unaware that they were inconsistent with condition 6 which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend condition 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the provided architectural elevations. All other conditions in the PUD Text and Concept Plan will remain the same.

Question/Concern #2:

How many total units?

Applicant's Response:

160 total units including 40 single-family detached and 120 townhomes. The only change to the existing zoning is to the single architectural commitment concerning garage width. The remaining conditions and design guidelines, including total unit count, will remain the same.

Question/Concern #3:

Who will maintain the undeveloped commercial property while the residential portion is being developed?

Applicant's Response:

The developer will maintain the commercial property until a commercial project is planned. The intent is to keep the commercial portion wooded in the interim.

Question/Concern #4:

Will there be stop signs at the intersection of Chantclair and Rothwood, and if so, how many?

Applicant's Response:

Yes, although final stop sign configuration will not be known until later in the process and will be dictated by Town transportation staff.

Notice List for Neighborhood Meeting

SITE ADDRESS		PIN NUM	OWNER	MAILING ADDRESS	
0 113 ROTHWOOD WAY	0722731969	ABINGTON COMMUNITY ASSN INC	ABINGTON COMMUNITY ASSN INC	PPM INC OF RALEIGH	11010 RAVEN RIDGE RD
2817 BRYANT POND LN	0722841609	ABERNATHY, JOHN	ABERNATHY, JOHN	1113 ROTHWOOD WAY	APEX NC 27502-4308
0 US 64 HWY W	0722649347	ALLEN, CHESTER W IV ALLEN, ELEN M	ALLEN, CHESTER W IV ALLEN, ELEN M	2617 BRYANT POND LN	APEX NC 27502-4318
2905 BRYANT POND LN	0722652622	ANS TRUST THE	ANS TRUST THE	KATHIE L RUSSELL TRUSTEE	727 W HARSETT ST STE 109
101 TIMBERLEA CT	0722741431	BAILEY, JAMES EDWARD BAILEY SUZANNE C	BAILEY, JAMES EDWARD BAILEY SUZANNE C	2905 BRYANT POND LN	RALEIGH NC 27603-1669
2599 BRYANT POND LN	0722953496	BANKS, WAYNE BANKS, DEGRATIAS A	BANKS, WAYNE BANKS, DEGRATIAS A	101 TIMBERLEA CT	APEX NC 27502-9642
103 TIMBERLEA FOREST DR	0722742422	BECKER, SHANNON V BECKER, DEBRA LYNN	BECKER, SHANNON V BECKER, DEBRA LYNN	2599 BRYANT POND LN	APEX NC 27502-4310
2905 BRYANT POND LN	0722852354	BEN JIMMERSON TRUSTEE JIMMERSON, BRI FAMIL Y LIVING TRUST	BEN JIMMERSON TRUSTEE JIMMERSON, BRI FAMIL Y LIVING TRUST	APEX NC 27502-9642	APEX NC 27502-9642
5031 LYNDENBURY DR	0722842758	BIRDENBAUGH, DAVID N BIRDENBAUGH, CONNE L	BIRDENBAUGH, DAVID N BIRDENBAUGH, CONNE L	103 TIMBERLEA FOREST DR	APEX NC 27502-9642
1119 ROTHWOOD WAY	0722840599	BURLESON, RYAN W L BURLESON, BETSY L	BURLESON, RYAN W L BURLESON, BETSY L	5031 LYNDENBURY DR	APEX NC 27502-9644
2958 BRYANT POND LN	0722742283	CHADWORTH, TIMOTHY J CARTWRIGHT, MELISSA S	CHADWORTH, TIMOTHY J CARTWRIGHT, MELISSA S	5031 LYNDENBURY DR	APEX NC 27502-9644
308 LYNDENBURY DR	0722855248	COOLING, KEVIN TRUSTEE COOLING, JOANNE TRUSTEE	COOLING, KEVIN TRUSTEE COOLING, JOANNE TRUSTEE	1119 ROTHWOOD WAY	APEX NC 27502-4308
1125 ROTHWOOD WAY	0722840570	CURTIS-MAURY, MATTHEW F CURTIS-MAURY, JENNIFER	CURTIS-MAURY, MATTHEW F CURTIS-MAURY, JENNIFER	2958 BRYANT POND LN	APEX NC 27502-4311
2966 TIMKEN FOREST DR	0722646334	DEKOURCY, JOURN J DEKOURCY, DONNA M	DEKOURCY, JOURN J DEKOURCY, DONNA M	308 LYNDENBURY DR	APEX NC 27502-9619
400 LYNDENBURY DR	0722954199	EKKERBERG, JOHN J EKKERBERG, AMANDA J	EKKERBERG, JOHN J EKKERBERG, AMANDA J	1125 ROTHWOOD WAY	APEX NC 27502-4308
1106 ROTHWOOD WAY	0722748778	FALLS, SCOTT H TRUSTEE FALLS, MARY KATHERINE TRUSTEE	FALLS, SCOTT H TRUSTEE FALLS, MARY KATHERINE TRUSTEE	2966 TIMKEN FOREST DR	APEX NC 27502-9645
102 TIMBERLEA CT	0722852274	FOLKES, MICHAEL J FOLKES, ELIZABETH H	FOLKES, MICHAEL J FOLKES, ELIZABETH H	400 LYNDENBURY DR	APEX NC 27502-4309
501 LYNDENBURY DR	0722842968	GANNON, TRAVIS GANNON, DANIELE	GANNON, TRAVIS GANNON, DANIELE	1106 ROTHWOOD WAY	APEX NC 27502-4309
405 CHANTICLAR DR	0722844846	GARRETT, PATRICK JAMES GARRETT, MELISSA BETH	GARRETT, PATRICK JAMES GARRETT, MELISSA BETH	501 LYNDENBURY DR	APEX NC 27502-9642
2928 BRYANT POND LN	0722649161	GARRY, ADAM T	GARRY, ADAM T	501 LYNDENBURY DR	APEX NC 27502-9644
505 LYNDENBURY DR	0722842679	GREEN, BRYAN GREEN, ERIN	GREEN, BRYAN GREEN, ERIN	405 CHANTICLAR DR	APEX NC 27502-9729
2854 TIMKEN FOREST DR	0722846203	HARRIS, SHARITA A	HARRIS, SHARITA A	2928 BRYANT POND LN	APEX NC 27502-4317
1137 ROTHWOOD WAY	0722747405	HERSHKOWITZ, MICHAEL THOMAS HERSHKOWITZ, SHARON MARIE	HERSHKOWITZ, MICHAEL THOMAS HERSHKOWITZ, SHARON MARIE	505 LYNDENBURY DR	APEX NC 27502-9644
2811 BRYANT POND LN	0722740440	HEDONROBERTSON, JULIA LYNN	HEDONROBERTSON, JULIA LYNN	2854 TIMKEN FOREST DR	APEX NC 27502-4315
2598 BRYANT POND LN	0722744407	HOBART, BARRY J TR HOBART, JEBORAH LYNN ITR	HOBART, BARRY J TR HOBART, JEBORAH LYNN ITR	1137 ROTHWOOD WAY	APEX NC 27502-4308
1120 ROTHWOOD WAY	0722744407	KISER, JEFFERSON B KISER, DENISE C	KISER, JEFFERSON B KISER, DENISE C	2811 BRYANT POND LN	APEX NC 27502-4318
404 CHANTICLAR DR	0722748601	LAMB, KIMBERLY SLAMB, JONATHAN E	LAMB, KIMBERLY SLAMB, JONATHAN E	2598 BRYANT POND LN	APEX NC 27502-4310
112 LANGSHIRE CT	0722855042	LAUFFER, MATTHEW S LAUFFER, LISA C	LAUFFER, MATTHEW S LAUFFER, LISA C	1120 ROTHWOOD WAY	APEX NC 27502-4309
405 LYNDENBURY DR	0722852045	LOGSDON, JAMES M LOGSDON, KIMBERLY D	LOGSDON, JAMES M LOGSDON, KIMBERLY D	404 CHANTICLAR DR	APEX NC 27502-9646
1101 GOLATH LN	0722849365	LOYD, FRANK ROYAL LOYD, AMY S	LOYD, FRANK ROYAL LOYD, AMY S	112 LANGSHIRE CT	APEX NC 27502-9621
1140 ROTHWOOD WAY	0722748321	MACDONELL, JAMES T MACDONELL, KATHARINE G	MACDONELL, JAMES T MACDONELL, KATHARINE G	405 LYNDENBURY DR	APEX NC 27502-8643
1105 GOLATH LN	0722843096	MARY L WALKIEWICZ TRUST	MARY L WALKIEWICZ TRUST	1101 GOLATH LN	APEX NC 27502-4316
2962 BRYANT POND LN	0722853285	MATTHEWS, JAMES CHRISTOPHER TRUSTEE MATTHEWS, HOLLY KATHERINE TRUSTEE	MATTHEWS, JAMES CHRISTOPHER TRUSTEE MATTHEWS, HOLLY KATHERINE TRUSTEE	1140 ROTHWOOD WAY	APEX NC 27502-4309
0 US 64 HWY W	0722846131	MATTHEWS, JOSEPH T MATTHEWS, PHILONIVA J	MATTHEWS, JOSEPH T MATTHEWS, PHILONIVA J	2592 BRYANT POND LN	APEX NC 27502-4311
2961 TIMKEN FOREST DR	0722861231	MITCHELL, JENNIFER D	MITCHELL, JENNIFER D	7231 CARPENTER FIRE STATION RD	CARY NC 27513-9611
115 LANGSHIRE CT	0722852843	PARKER, WILLIAM P II PARKER, SUSAN R	PARKER, WILLIAM P II PARKER, SUSAN R	2961 TIMKEN FOREST DR	APEX NC 27502-4316
WOOD WAY	0722749305	PEPE, RICHARD L PEPE, CHRISTINE	PEPE, RICHARD L PEPE, CHRISTINE	115 LANGSHIRE CT	APEX NC 27502-9621
EN FOREST DR	0722847017	PETERSON, KIRK PETERSON, CINDI	PETERSON, KIRK PETERSON, CINDI	1137 ROTHWOOD WAY	APEX NC 27502-4308
NBURY DR	0722852155	PETRINO, THAREN WAYNE PETERSON, RACHEL LOVE	PETRINO, THAREN WAYNE PETERSON, RACHEL LOVE	2651 TIMKEN FOREST DR	APEX NC 27502-4316
NT POND LN	0722849353	PETRINO, RAMOND J PETRINO, POLLY M	PETRINO, RAMOND J PETRINO, POLLY M	403 LYNDENBURY DR	APEX NC 27502-9643
NBURY DR	0722854046	POPKO, BRIAN J LEVEDAKOU, ELEN N VENO	POPKO, BRIAN J LEVEDAKOU, ELEN N VENO	2623 BRYANT POND LN	APEX NC 27502-4318
WOOD WAY	0722841608	RICCHE, STEVEN RICHIE, CHRISTA VENO	RICCHE, STEVEN RICHIE, CHRISTA VENO	402 LYNDENBURY DR	APEX NC 27502-9645
NT POND LN	0722744298	SAMORSKI, CHRISTOPHER WILLIAM TRUSTEE SAMORSKI, KARELYN JO TRUSTEE	SAMORSKI, CHRISTOPHER WILLIAM TRUSTEE SAMORSKI, KARELYN JO TRUSTEE	101 ROTHWOOD WAY	APEX NC 27502-4306
N FOREST DR	0722746202	SCHMIDTKE, JOSEPH A SCHMIDTKE, VERONIKA	SCHMIDTKE, JOSEPH A SCHMIDTKE, VERONIKA	2584 BRYANT POND LN	APEX NC 27502-4310
WOOD WAY	0722844765	SMITH, JEFFREY D SMITH, AMY N	SMITH, JEFFREY D SMITH, AMY N	2960 TIMKEN FOREST DR	APEX NC 27502-4311
0 BRYANT POND LN	0722844046	SWEETWATER PROPERTY OWNERS ASSOCIATION, INC	SWEETWATER PROPERTY OWNERS ASSOCIATION, INC	1146 ROTHWOOD WAY	APEX NC 27502-4309
113 LANGSHIRE CT	0722862012	TASTET, LANCE J TASTET, SYLVIA B	TASTET, LANCE J TASTET, SYLVIA B	RALEIGH NC 27603-1408	CARY NC 27513-5658
2812 US 64 HWY W	0722761436	TAYLOR MORRISON OF CAROLINAS INC	TAYLOR MORRISON OF CAROLINAS INC	CARY NC 27513-5616	APEX NC 27502-9621
1131 ROTHWOOD WAY	0722845575	TOMASI, EDWARD JAMES TOMASI, COLETTE MARIE	TOMASI, EDWARD JAMES TOMASI, COLETTE MARIE	CARY NC 27513-9636	APEX NC 27502-4308
US 64 HWY W	0722845575	US DEVELOPMENT LLC	US DEVELOPMENT LLC	2650 WILLESSEN DR	APEX NC 27502-4317
2981 BRYANT POND LN	0722744590	VANZANTEN, JUS JR VZANTZEN, HEDI JILL RAFFK	VANZANTEN, JUS JR VZANTZEN, HEDI JILL RAFFK	2650 WILLESSEN DR	APEX NC 27502-4310
1100 ROTHWOOD WAY	0722748668	VERMETTE, MARK E VERMETTE, ELIZABETH S	VERMETTE, MARK E VERMETTE, ELIZABETH S	2581 BRYANT POND LN	APEX NC 27502-4310
0 ACTION ST	0722667310	VORA, JAY VORA, ALYSSA K	VORA, JAY VORA, ALYSSA K	1100 ROTHWOOD WAY	APEX NC 27502-4309
2800 US 64 HWY W	0722665208	WESTFORD APARTMENTS WEH LP	WESTFORD APARTMENTS WEH LP	SILVER SPRING MD 20910-1265	SILVER SPRING MD 20910-1265
102 TIMBERLEA CT	0722667508	WESTFORD COMMERCIAL WEH LP	WESTFORD COMMERCIAL WEH LP	SILVER SPRING MD 20910-1265	SILVER SPRING MD 20910-1265
2817 US 64 HWY W	0722852327	WHITE, ALAN WHITE, STEPHANIE A	WHITE, ALAN WHITE, STEPHANIE A	APEX NC 27502-9642	APEX NC 27502-9642
1114 ROTHWOOD WAY	0722752304	YELLOWBRIDGE CAPITAL LLC	YELLOWBRIDGE CAPITAL LLC	KITTY HAWK NC 27649-4082	KITTY HAWK NC 27649-4082
	0722748669	ZUMWALT, ROBERT ZUMWALT, SUSAN	ZUMWALT, ROBERT ZUMWALT, SUSAN	APEX NC 27502-4309	APEX NC 27502-4309

Created by Town of Apex Planning and Community Development
Date Created: 10/6/2022

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at online via Zoom (location/address) on October 24 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/25/2022
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 25th day of October, 2022.



Amy W. Stephenson
Notary Public
Amy W. Stephenson
Print Name

My Commission Expires: 10/2/2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Motion to set Public Hearing for the January 24, 2023 Town Council meeting regarding Rezoning Application No. 22CZ24 Apex Gateway Ph 1. The applicant, Maggie Houston, Beacon Development, seeks to rezone approximately 132.11 acres from Light Industrial-Conditional Zoning (LI-CZ #22CZ02) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751.

Approval Recommended?

The Planning and Community Development Department recommends approval.

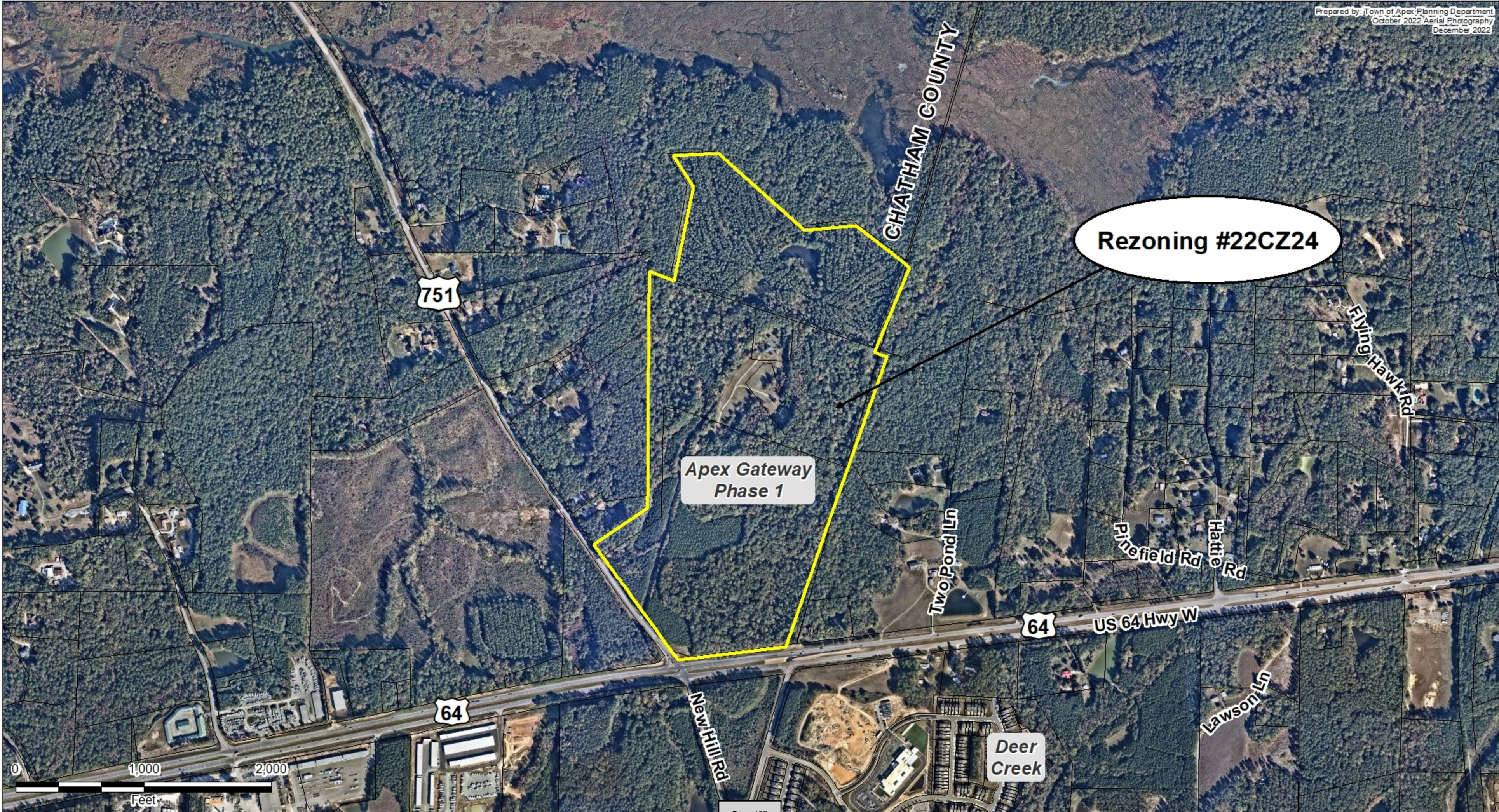
Item Details

The properties to be rezoned are identified as PINs 071200566821, 071200551996, and 071200575776.

Attachments

- Vicinity Map
- Application





PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 22CZ24 Submittal Date: 11-1-22
Fee Paid: \$1000

Project Information

Project Name: Apex Gateway Phase 1
Address(es): 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751
PIN(s): 17900, 95398, 73702, 71694, 60523
Acreage: 132.11
Current Zoning: LI-CZ Proposed Zoning: LI-CZ
Current 2045 LUM Classification(s): Employment Center (Chatham County)
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☐

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

Area classified as mixed use:	Acreage:	<u>0</u>
Area proposed as non-residential development:	Acreage:	<u>132.11</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0</u>

Applicant Information

Name: Maggie Houston
Address: 500 East Morehead Street, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: (704) 926-1403 E-mail: maggie@beacondevelopment.com

Owner Information

Name: SEE ATTACHED FOR ALL OWNER INFORMATION
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Walker Gorham
Address: 500 East Morehead Street, Suite 200
City: Charlotte State: NC Zip: 28202
Phone: (704) 926-1403 E-mail: walker@beacondevelopment.com
Other contacts: Maggie Houston (maggie@beacondevelopment.com)
Gray Harrell (Gray@beacondevelopment.com)

PETITION INFORMATIONApplication #: 22CZ24 Submittal Date: 11-1-22

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

PROPOSED USES:

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

1	<u>Government Service</u>	21	<u>Truck Terminal</u>
2	<u>Communication Tower, Commercial (S)</u>	22	<u>Building Supplies, Wholesale</u>
3	<u>Communication Tower, Public Safety (S)</u>	23	<u>Laboratory, Industrial Research</u>
4	<u>Utility, Minor</u>	24	<u>Machine or Welding Shop</u>
5	<u>Wireless Support Structure</u>	25	<u>Warehousing</u>
6	<u>Wireless Communication Facility</u>	26	<u>Woodworking or Cabinetmaking</u>
7	<u>Broadcasting Station (radio & television)</u>	27	<u>Wholesaling, General</u>
8	<u>Radio and Television Recording Studio</u>	28	<u>Brewery</u>
9	<u>Commissary</u>	29	<u>Distillery</u>
10	<u>Restaurant, General</u>	30	<u>Manufacturing and Processing</u>
11	<u>Dispatching Office</u>	31	<u>Manufacturing and Processing, Minor</u>
12	<u>Medical or Dental Office or Clinic</u>	32	<u>Microbrewery</u>
13	<u>Medical or Dental Laboratory</u>	33	<u>Microdistillery</u>
14	<u>Office, Business or Professional</u>	34	
15	<u>Pilot Plant</u>	35	
16	<u>Research Facility</u>	36	
17	<u>Parking Garage, Commercial</u>	37	
18	<u>Parking Lot, Commercial</u>	38	
19	<u>Glass Sales</u>	39	
20	<u>Health/Fitness Center or Spa</u>	40	

PETITION INFORMATION

Application #: 22CZ24 Submittal Date: 11-1-22

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

Please refer to the attached page(s) following Page 7 of this package for all proposed Zoning Conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed LI-CZ District is consistent with the Chatham County Land Use Map. The Land Use Map identifies this area of the County as a Future Employment Center (751 Employment Center). The objective of the Employment Center is to act as a targeted area to provide a job-generating setting. The proposed CZ District will bring employment opportunities upon development; including employment opportunities as a regional headquarters beverage distribution company.

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

The proposed LI-CZ District is compatible with the surrounding area. The land is located at the north east quadrant of US 64 and NC 751, both of which are major arterials. Additionally, the area of Chatham County proposed to be rezoned and annexed in to the Town of Apex has been identified as a Future Employment Center; which rezoning the land to the proposed LI-CZ District will help provide employment opportunities over the existing zoning.

PETITION INFORMATION

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

Supplemental standards in Section 4.4 exist for several of the allowed uses (listed below). Depending on the uses proposed at the time of Site Plan review, the supplemental standards will be met.

Uses with Supplemental Standards: Government Service, Communication Tower (commercial and public safety), Utility (minor), Wireless Support Structure, Wireless Communication Facility, Commissary, Restaurant (general), Medical or Dental Laboratory, Office/Business or Professional, Pilot Plant, Parking Garage (commercial), Parking Lot (commercial), Machine or Welding Shop, Brewery, Distillery, Microbrewery, Microdistillery.

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

Design with the proposed LI-CZ District's use will minimize adverse effects onto the adjacent lands and will meet the Town's Design Ordinance accordingly to ensure impacts are minimized. A traffic impact analysis will be performed and submitted at the time of site plan review to confirm no adverse impacts or mitigate adverse impacts of traffic. Furthermore, there are several conditions associated with this rezoning request that will aide in minimizing noise, lighting, and visual impacts to adjacent lands.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The LI-CZ District proposes the following environmental based conditions:

Existing trees greater than 24" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements, Increase design storm pre- and post-attenuation requirement to the 25-year storm, Install signage near environmental sensitive areas in order to eliminate fertilizer near SCM drainage area, Preserve tree canopy where possible and replace with native trees where unable to preserve, Plant trees designed for efficiency, Include landscaping that requires less irrigation, Install signage near Resource Conservation Area (RCA), Install timers or light sensors or smart lighting technology, Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed LI-CZ District use intends to avoid adverse impacts on public facilities. The proposed development will positively benefit the the potable water and wastewater facilities (utility mains proposed to be extended). There will be no negative impacts to the road system (Traffic Impact Analysis will be prepared during development plan review phase) or the police, fire, and EMS facilities. There will be no impact on the park and school facilities as the CZ District will not allow for residential use.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Health, safety, or welfare of the Town of Apex residents will not be affected, the LI-CZ District proposes several Rezoning Conditions to ensure such. At the time of Site Plan review, any proposed development will comply with all Town of Apex standards.

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

The proposed LI-CZ District is not detrimental to adjacent properties, but will benefit the adjacent properties. The development of this LI-CZ District will include extension of the potable water and wastewater mains to serve this vicinity of the Town, which will provide adjacent properties an opportunity to connect to the public services.

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

The LI-CZ District will not constitute nuisance or hazard due to traffic impact or noise. A traffic impact analysis will be conducted at the time of Site Plan review based on the proposed zoning to ensure there will be no traffic concerns or mitigate traffic concerns on the surrounding roadway infrastructure. The LI-CZ District will comply with landscape buffering requirements set forth in the Town of Apex Code of Ordinances to minimize noise nuisance.

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

The proposed LI-CZ District will contain a development that will comply with all Town of Apex requirements from site planning, utility, stormwater, erosion control, and traffic standards.

USE CONDITIONS

1. Machine or welding shop: This use is allowed with the exception of welding associated with automobiles.
2. Building supplies, wholesale: This use shall not exceed 200,000 square feet and shall not include more than 15% of the building's square footage as outdoor storage.
3. The use Glass Sales shall be all indoors except what is stored on trucks. Outdoor truck parking must be fully screened from any public right-of-way.

ENVIRONMENTAL CONDITIONS

1. Existing trees greater than 24" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.
2. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
3. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
4. The project shall preserve a minimum of 15% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers, and/or common area in the development.
5. To improve energy efficiency, the project shall plant evergreen trees on the northern side of all buildings to act as a windbreak. This shall not apply where loading docks are proposed along a building facade.
6. To improve energy efficiency, a combination of large and small deciduous shade trees shall be planted on the southern side of any buildings. This shall not apply where loading docks are proposed along a building facade.
7. The project shall plant only drought tolerant native plants. Landscaping shall be coordinated with and approved by the Planning Department at the time of Site Plan or Master Subdivision Plan review.
8. At least (1) information sign or other marking shall be provided at the boundary of an area dedicated as Resource Conservation Area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
9. The project shall install light timers or other smart lighting technology on at least 50% of the fixtures in the parking lot so they are automatically turned off or reduced in level of lighting when the business is closed.
10. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.

ARCHITECTURAL CONDITIONS - INDUSTRIAL

1. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
2. The building shall have more than one parapet height.
3. Windows and glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
4. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.

ARCHITECTURAL CONDITIONS – COMMERCIAL

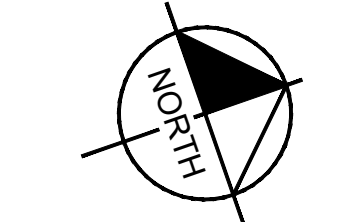
1. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) feet in width without being interrupted with an architectural feature such as, but not limited to, a column,

recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. This would also include reveals in concrete tilt construction with integrated thin brick and contrasting paint colors, which add visual interest. The percentage of brick required on the facades will be 65 percent for a single story building, 50 percent for a two story building, and only the first floor for a three story building.

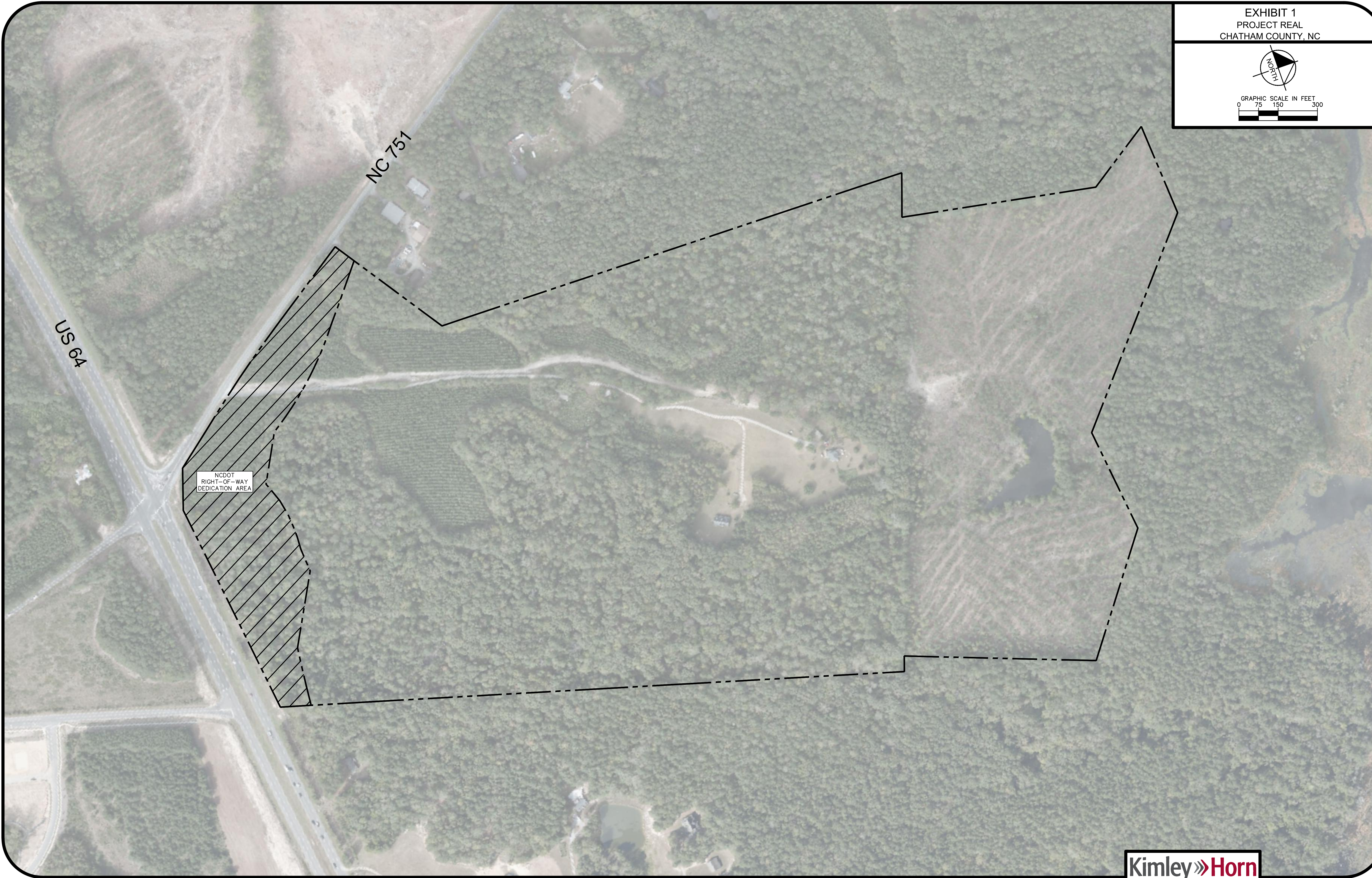
2. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
3. Buildings on corners are to be treated as gateways with quality design.
4. Corner buildings shall match or exceed the height of adjacent buildings.
5. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
6. The orientation of drive-thru lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.
7. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance.
8. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) feet of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.
9. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
10. Simple parapet roof edges with varying coping shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
11. The building shall have more than one parapet height.
12. Roof features may include hip roofs or awnings with metal or shingle roofs.
13. Buildings shall be architecturally compatible by way of colors and use of materials. The building exterior shall have more than one material color.
14. The exterior materials shall include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - a. Brick masonry
 - b. Decorative concrete block (either integrally colored or textured)
 - c. Stone accents
 - d. Aluminum storefronts with anodized or pre-finished colors.
 - e. EIFS cornices and parapet trim.
 - f. Precast concrete
 - g. Concrete tilt with a base wall paint color in conjunction with varying complimentary accent paint colors and integral thin brick, with associative percentages as outlined in item 1 above.
15. Exterior materials that shall not be allowed are as follows:
 - a. Vinyl siding
 - b. Painted, smooth faced concrete block (decorative blocks are acceptable)
 - c. Metal walls
16. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
17. Soffit and fascia materials shall be EIFS, architectural metal panels (ACM), or tongue and groove wood.

TRANSPORTATION CONDITIONS

1. Development shall dedicate public right-of-way for the future interchange at US 64 and NC 751 consistent with the area shown in Exhibit 1. This area is based on the outermost limit of interchange concepts evaluated by the North Carolina Department of Transportation at the time of rezoning. This dedication shall be included in development plans and occur at the time of Subdivision Final Plat or Site Plan Final Plat, whichever occurs first, for any parcel(s) adjacent to US 64 and NC 751 as applicable. If NCDOT has approved an interchange design prior to the first Subdivision Final Plat or Site Plan Final Plat that is less than shown on Exhibit 1, the development shall only be required to dedicate the right-of-way shown in the approved interchange design.
2. Development shall dedicate a 60 foot right-of-way with 30' Public Road Construction Easement on each side for a public roadway extending from NC 751 to the eastern boundary of the rezoned parcels. The location of the connection to NC 751 is subject to NCDOT and Town review and approval. The terminus at the eastern edge of the rezoned parcels is subject to Town review and approval. The right-of-way and Public Road Construction Easement shall be directly adjacent to the highway buffer of the right-of-way dedicated accommodating the future interchange at US 64 and NC 751. The development shall contribute a \$1,000,000 payment-in-lieu for the future construction of the collector road.
3. All lots within the development shall have frontage on a public street. The development shall construct a minimum of two stub street connections to adjacent parcels that have no frontage along public streets or only have frontage along NC 751. The location of the stub streets shall be subject to Town review and approval.



GRAPHIC SCALE IN FEET
0 75 150 300



SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING BOUNDED ON THE NORTH BY US GOVERNMENT LAND, ON THE SOUTH BY THE ROADS NC 751 AND US 64, ON THE WEST BY BARBOUR KATHLEEN B PARCEL (BM 92 PG 43), LONG JOHN W AND LONG FAYE C PARCEL (BM 92 PG 43), ALUCINO WILLIAM J AND ALUCINO BARBARA J PARCEL (BM 11 PG 9), DROEGE BRENT MICHAEL PARCEL (BM 2014 PG 0320) AND DROGE INVESTMENTS LLC PARCEL (DB 1949 PG 612), AND ON THE EAST BY TRAN HUNG AND NGUYEN LIEN PARCEL (BM 1993 PG 603), ABBOT O WAYNE PARCEL (BM 2009 PG 216), DIACUMSKI JASON PARCEL (BM 2009 PG 216), BISHOP HELEN A AND BISHOP WILLIAM H PARCEL (BM 2009 PG 216), ABBOTT O WAYNE PARCEL (BM 2009 PG 216) AND US GOVERNMENT LAND (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE (SAID PIPE BEING INSIDE OF A 1 3/4 INCH IRON PIPE), SAID 1/2 INCH IRON PIPE BEING SOUTH 0 DEGREES 24 MINUTES 11 SECONDS EAST A DISTANCE OF 141.41 FEET FROM AN EXISTING 1/2 INCH IRON PIPE, THE POINT OF COMMENCING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727970.55' EASTING: 2014637.34'), SAID POINT OF COMMENCING BEING THE NORTHEAST CORNER OF THAT PARCEL CONVEYED TO PHILIP MICHAEL MCLAIN AND WIFE BY DEED 1395 PAGE 247, DESCRIBED AS TRACT D, SAID 1/2 IRON PIPE BEING THE TRUE POINT OF BEGINNING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727829.13' EASTING: 2014636.46'), SAID POINT OF BEGINNING BEING NORTH 3 DEGREES 22 MINUTES 52 SECONDS A DISTANCE OF 2,685.98 FEET FROM AN EXISTING NGS MONUMENT STAMPED "FIN" (PID AB2852).

THENCE RUNNING IN A CLOCKWISE DIRECTION SOUTH 71 DEGREES 07 MINUTES 23 SECONDS EAST A DISTANCE OF 169.65 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE NORTH 10 DEGREES 18 MINUTES 21 SECONDS EAST A DISTANCE OF 749.23 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE NORTH 33 DEGREES 58 MINUTES 49 SECONDS WEST A DISTANCE OF 289.54 FEET TO A 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5554); THENCE NORTH 86 DEGREES 14 MINUTES 51 SECONDS EAST A DISTANCE OF 357.10 FEET TO A 4 INCH BY 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5555); THENCE SOUTH 49 DEGREES 31 MINUTES 1 SECOND EAST A DISTANCE OF 901.76 FEET TO A CALCULATED POINT; THENCE NORTH 83 DEGREES 19 MINUTES 1 SECOND EAST A DISTANCE OF 405.10 TO AN EXISTING 1/2 INCH IRON PIPE; SOUTH 53 DEGREES 24 MINUTES 19 SECONDS EAST A DISTANCE OF 530.32 FEET TO A CALCULATED POINT ON THE CHATHAM-WAKE COUNTY LINE; THENCE LEAVING CHATHAM-WAKE COUNTY LINE, SOUTH 20 DEGREES 29 MINUTES 52 SECONDS WEST A DISTANCE OF 733.29 FEET TO A CALCULATED POINT ON THE TRACT 1 NORTHERN LINE; THENCE LEAVING PEGGY G TRUSTEE SOUTHERN LINE SOUTH 71 DEGREES 27 MINUTES 2 SECONDS EAST A DISTANCE OF 59.40 FEET TO AN EXISTING 1 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE WITH THE COUNTY LINE BETWEEN CHATHAM COUNTY AND WAKE COUNTY, DESCRIBED AS LINE "F" IN BOOK OF MAPS 61 PAGE 68 THE FOLLOWING BEARINGS AND DISTANCES, SOUTH 15 DEGREES 53 MINUTES 52 SECONDS WEST A DISTANCE OF 823.61 FEET TO AN EXISTING 1 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 56 MINUTES 17 SECONDS WEST A DISTANCE OF 66.32

FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 50 MINUTES 58 SECONDS WEST A DISTANCE OF 241.91 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE SOUTH 15 DEGREES 52 MINUTES 53 SECONDS WEST A DISTANCE OF 911.62 FEET TO AN EXISTING 1 INCH IRON PIPE; THENCE SOUTH 15 DEGREES 46 MINUTES 19 SECONDS WEST A DISTANCE OF 343.72 FEET TO A CALCULATED POINT IN THE NORTHERN LINE OF US 64 HIGHWAY 200 FOOT RIGHT OF WAY; THENCE WITH THE NORTHERN LINE OF US 64 HIGHWAY AND LEAVING CHATHAM-WAKE COUNTY LINE SOUTH 82 DEGREES 51 MINUTES 36 SECONDS WEST A DISTANCE OF 837.66 FEET TO A CALCULATED POINT; THENCE NORTH 71 DEGREES 52 MINUTES 46 SECONDS WEST A DISTANCE OF 161.00 FEET TO AN EXISTING 5/8" IRON ROD ON THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY; THENCE WITH THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY NORTH 38 DEGREES 43 MINUTES 21 SECONDS WEST A DISTANCE OF 157.84 FEET TO A CALCULATED; THENCE A CURVE HAVING A RADIUS OF 6,670 FEET, A LONG CHORD BEARING OF NORTH 38 DEGREES 34 MINUTES 29 SECONDS WEST A DISTANCE OF 245.92 FEET TO A CALCULATED POINT; THENCE A CURVE HAVING A RADIUS OF 6,270 FEET, A LONG CHORD BEARING OF NORTH 35 DEGREES 35 MINUTES 11 SECONDS WEST A DISTANCE OF 249.29 FEET TO A CALCULATED POINT; THENCE NORTH 34 DEGREES 15 MINUTES 32 SECONDS WEST A DISTANCE OF 374.51 FEET TO A CALCULATED POINT; THENCE LEAVING THE EASTERN LINE OF NC HIGHWAY 751 60 FOOT RIGHT OF WAY AND WITH THE SOUTHERN LINE OF BARBOUR TRACT (BB 92 PAGE 43) NORTH 55 DEGREES 38 MINUTES 45 SECONDS EAST A DISTANCE OF 2.24 FEET TO AN EXISTING 1 3/4 INCH IRON ROD WITH SQUARE METAL TOP; THENCE CONTINUING WITH THE SOUTHERN LINE OF BARBOUR TRACT NORTH 55 DEGREES 38 MINUTES 45 SECONDS EAST A DISTANCE OF 505.51 FEET TO AN EXISTING 1 3/4 INCH IRON ROD WITH SQUARE METAL TOP; THENCE WITH THE EASTERN LINE OF BARBOUR TRACT NORTH 0 DEGREES 25 MINUTES 8 SECONDS EAST A DISTANCE OF 99.99 FEET TO AN EXISTING 1 INCH IRON PIPE; THENCE WITH THE EASTERN LINE OF LONG TRACT (BM 92 PG 43) AND TRACT B-1 (BM 11 PG 9) NORTH 0 DEGREES 41 MINUTES 44 SECONDS EAST A DISTANCE OF 1298.14 FEET TO AN EXISTING 1/2 INCH IRON PIPE; THENCE WITH THE EASTERN LINE OF LOT 1 (BM 2014 PG 0320) NORTH 0 DEGREES 42 MINUTES 32 SECONDS EAST A DISTANCE OF 280.64 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK; THENCE WITH TRACT C EASTERN LINE (DB 1949 PG 612) NORTH 1 DEGREE 3 MINUTES 8 SECONDS EAST A DISTANCE OF 171.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,754,539 SQUARE FEET OR 132.11 ACRES, MORE OR LESS.

AND BEING A PORTION OF THE LAND CONVEYED TO JEAN CARROL MILLS GOODWING, MARGARET KING MILLS, REGINALD HORTON MILLS, JR. AND WILLIAM STEPHEN MILLS BY DEED BOOK 657 PAGE 863, DESCRIBED AS TRACT 1 AND TRACT 2 IN DEED BOOK LQ PAGE 235, AND BEING ALL OF THE LAND CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 95 PAGE 462, DESCRIBED AS LOT 1. AND BEING ALL OF THE LAND CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 97 AT PAGE 471, DESCRIBED AS LOT 2, AND BEING ALL OF THE LAND CONVEYED TO GRAY PEGGY G TRUSTEE BY DEED BOOK 1919 PAGE 1134.

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ24

Submittal Date: _____

The undersigned, PEGGY G GRAY TRUSTEE (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at Off NC Highway 751 Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 4/12/2017, and recorded in the Wake County Register of Deeds Office on 5/1/2017, in Book 1919 Page 1134.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

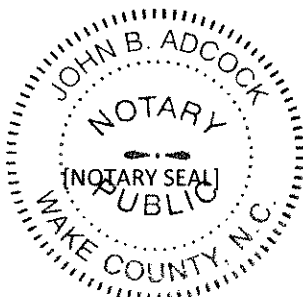
This the 22nd day of December, 2021.

Peggy G. Gray (seal)
Peggy G. Gray, Trustee

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Pegg G. Gray, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's n/a, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[Signature]
Notary Public
State of North Carolina
My Commission Expires: 25 JAN 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTIONApplication #: 22CZ24

Submittal Date: _____

Insert legal description below.

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, AND BEING THE LAND CONVEYED TO GRAY PEGGY G TRUSTEE BY DEED BOOK 1919 PAGE 1134, (ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE (SAID PIPE BEING INSIDE OF A 1 3/4 INCH IRON PIPE), SAID 1/2 INCH IRON PIPE BEING SOUTH 39 DEGREES 6 MINUTES 2 SECONDS EAST A DISTANCE OF 252.95 FEET FROM AN EXISTING 1/2 INCH IRON PIPE, THE POINT OF COMMENCING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727970.55' EASTING: 2014637.34'), SAID POINT OF COMMENCING BEING THE NORTHEAST CORNER OF THAT PARCEL CONVEYED TO PHILIP MICHAEL MCLAIN AND WIFE BY DEED 1395 PAGE 247, DESCRIBED AS TRACT D, SAID 1/2 IRON PIPE BEING THE TRUE POINT OF BEGINNING (HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING: 727774.24' EASTING: 2014796.99').

THENCE RUNNING IN A COUNTER-CLOCKWISE DIRECTION AND WITH THE NORTHERN LINE OF THE PORTION OF THAT PARCEL CONVEYED JEAN CARROL MILLS GOODWING, MARGARET KING MILLS, REGINALD HORTON MILLS, JR. AND WILLIAM STEPHEN MILLS BY DEED BOOK 657 PAGE 863, AND DESCRIBED AS TRACT 1 AND TRACT 2 IN DEED BOOK LQ PAGE 235, SOUTH 71 DEGREES 07 MINUTES 45 SECONDS EAST A DISTANCE OF 708.11 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH WHITE CAP AND TACK, THENCE CONTINUING WITH THE NORTHERN LINE OF TRACT 1 BEING ALSO THE NORTHERN LINE OF THAT PARCEL CONVEYED TO WILLIAM STEPHEN MILLS BY PLAT RECORDED IN BOOK OF MAPS 95 PAGE 462, DESCRIBED AS LOT 1, SOUTH 71 DEGREES 08 MINUTES 24 SECONDS EAST A DISTANCE OF 311.22 FEET TO AN EXISTING 1/2 INCH IRON PIPE WITH PINK CAP AND TACK, THENCE LEAVING LOT 1 NORTHERN LINE AND CONTINUING WITH TRACT 1 NORTHERN LINE SOUTH 71 DEGREES 14 MINUTES 02 SECONDS EAST A DISTANCE OF 656.10 FEET TO A CALCULATED POINT, THENCE LEAVING TRACT 1 NORTHERN LINE NORTH 20 DEGREES 29 MINUTES 52 SECONDS EAST A DISTANCE OF 733.29 FEET TO A CALCULATED POINT ON THE CHATHAM-WAKE COUNTY LINE, THENCE LEAVING CHATHAM-WAKE COUNTY LINE NORTH 53 DEGREES 24 MINUTES 19 SECONDS WEST A DISTANCE OF 530.32 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE SOUTH 83 DEGREES 19 MINUTES 1 SECOND WEST A DISTANCE OF 405.10 TO A CALCULATED POINT, THENCE NORTH 49 DEGREES 31 MINUTES 1 SECOND WEST A DISTANCE OF 901.76 FEET TO A 4 INCH BY 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5555), THENCE SOUTH 86 DEGREES 14 MINUTES 51 SECONDS WEST A DISTANCE OF 357.10 FEET TO A 4 INCH CONCRETE MONUMENT WITH DISK (STAMPED CORPS OF ENGINEERS US ARMY, DATE: 1967, ID# 5554), THENCE SOUTH 33 DEGREES 58 MINUTES 49 SECONDS EAST A DISTANCE OF 289.54 FEET TO AN EXISTING 1/2 INCH

AGENT AUTHORIZATION FORMApplication #: 22CZ24

Submittal Date: _____

PEGGY G GRAY TRUSTEE

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: Off NC Highway 751 Apex, NC 27523The agent for this project is: Beacon Development Company☐ I am the owner of the property and will be acting as my own agentAgent Name: Walker GorhamAddress: 500 E Morehead St, Suite 200Telephone Number: 704-597-7757E-Mail Address: walker@beacondevelopment.com

Signature(s) of Owner(s)*

Peggy G. Gray, Trustee
Type or print name

12/22/2021
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 22CZ24

Submittal Date: _____

Mills Chatham Development Group, LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 106 NC-751, Apex, NC 27523

The agent for this project is: Hager Rand

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

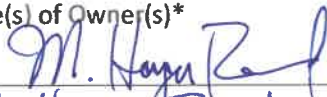
Agent Name: Hager Rand

Address: 3214 Hillsborough Road, Durham, NC 27705 /mail to: PO BOX 2627, DURHAM, NC 27705

Telephone Number: 919-383-1531

E-Mail Address: hager@durhamcoke.com

Signature(s) of Owner(s)*


M. Hager Rand

Type or print name

7/28/2022

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ24

Submittal Date: _____

The undersigned, _____ (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at _____ and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28TH day of July, 2022.

M. Hager Rand

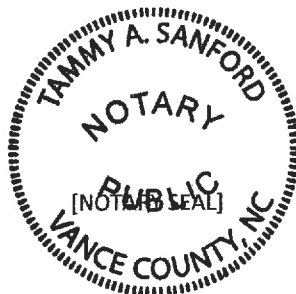
(seal)

M. Hager Rand

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Vance

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



Tammy A. Sanford

Notary Public

State of North Carolina

My Commission Expires: 4-18-23

NOTICE OF NEIGHBORHOOD MEETING

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

8/31/2022

Date

Dear Neighbor:

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

104 NC HWY 751, 106 NC HWY 751 0712 0055 1996, 0712 00 56 6821,
106 OFF NC HWY 751, OFF NC HWY 751 0712 00 55 1996, 0712 00 57 5776

Address(es)

PIN(s)

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

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

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input checked="" type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

THIS PROPOSAL IS FOR A MULTI-BUILDING DEVELOPMENT INCLUDING ASSOCIATED PARKING, DRIVE AISLES AND LANDSCAPING. THIS PROPOSAL ALSO INCLUDES THE MODIFICATION OF A PREVIOUSLY APPROVED REZONING CONDITION TO REVISE THE TREE REPLACEMENT TO BE CONSISTENT WITH THE TOWN OF APEX UDO STANDARDS.

Estimated submittal date: 10/1/2022

MEETING INFORMATION:

Property Owner(s) name(s): Mills Chatham Investment Properties, LLC; Peggy G Gray Trust
Applicant(s): Beacon Development Company
Contact information (email/phone): maggie@beacondevelopment.com
Meeting Address: Virtual (See final page of packet for dial in number)
Date/Time of meeting**: 9/19/2022 at 5:00 PM

Welcome: 5:00-5:15 PM Project Presentation: 5:15-5:30 PM Question & Answer: 5:30-7:00 PM

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Apex Gateway Phase 1 Zoning: LI-CZ

Location: 104 NC Hwy 751, 106 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751

Property PIN(s): 0712 00 56 6821, 0712 00 55 1996, 0712 00 55 1996, 0712 00 57 5776 Acreage/Square Feet: 132.11 AC / 5,754,712 SF

Property Owner: Mills Chatham Investment Properties, LLC; Peggy G Gray Trust

Address: 3214 Hillsborough Road, Durham, NC 27705 ; 1221 Broad St Apt 215, Fuquay Varina, NC 27526

City: - State: - Zip: -

Phone: - Email: -

Developer: Beacon Development Company

Address: 500 E Morehead St, Suite 200

City: Charlotte State: NC Zip: 28202

Phone: 704-597-7757 Fax: - Email: walker@beacondevelopment.com

Engineer: Advanced Civil Design, Inc.

Address: 51 Kilmayne Drive, Suite 102

City: Cary State: NC Zip: 27511

Phone: 919-481-6290 Fax: - Email: jwhitacre@advancedcivildesign.com

Builder (if known): -

Address: -

City: - State: - Zip: -

Phone: - Fax: - Email: -

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic:	James Misciagno	919-372-7470
------------------------------	------------------------	---------------------

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
-------------------------------------	----------------------	---------------------

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

Electric Utility Installation:	Rodney Smith	919-249-3342
---------------------------------------	---------------------	---------------------

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

Virtual Meeting Log in Information

Join Zoom Meeting

<https://us02web.zoom.us/j/5848957659>

Meeting ID: 584 895 7659

One tap mobile

+13092053325,,5848957659# US

+13126266799,,5848957659# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

Meeting ID: 584 895 7659

AERIAL MAP
NC 751 & US 64
CHATHAM COUNTY, NC



GRAPHIC SCALE IN FEET
0 150 300 600



This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, CODE RESEARCH, OR CONTACT WITH THE CITY, COUNTY, ETC.

KimleyHorn

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421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
PHONE: 919-677-2000 FAX: 919-677-2050
WWW.KIMLEY-HORN.COM

CONTACT: DANIELLE HAMMOND, P.E. (DANIELLE.HAMMOND@KIMLEY-HORN.COM)



LEGEND

---	Prop. Right of Way	---	Ex. Wetlands
---	Prop. Right of Way	---	Ex. Property Line
---	Ex. Property Line	---	Property Line
---	Property Line	---	Setback Line
---	Setback Line	---	Easement Line
---	Easement Line	---	

FLOOD NOTE

By graphic plotting only this property is not located in special flood hazard zone by the federal Emergency Management Agency on Flood Insurance Rate Map, Community Panel No. 3720071200K with an effective date of July 19, 2022, in Wake County North Carolina. No field surveying was performed to determine this zone.

GRAPHIC SCALE

(IN FEET)
1 inch = 150 ft.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual
Date of meeting: September 19, 2022 Time of meeting: 5:00pm - 7:00pm
Property Owner(s) name(s): Mills Chatham Development Group, LLC, Peggy G Gray Trust
Applicant(s): Beacon Development Company

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Tim McKeever	816 NC-751			X
2.	Steph McKeever	816 NC-751			X
3.	Robert Long	314 NC-751			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Mills Chatham Development Group, LLC & Peggy G Gray Trust

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / maggie@beacnodevelopment.com / 704-926-1403

Meeting Address: Virtual

Date of meeting: September 19, 2022

Time of meeting: 5:00pm - 7:00 pm

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

Question/Concern #1:

Concerned about having one access road into the site from NC 751. Can another access be added along US 64?

Applicant's Response:

We'd like to have another access along US 64, but NCDOT will not allow new access points along this road.

The proposed access on NC 751 is the furthest from the NC 751 & US 64 intersection. This is proposed as a signalized intersection and will provide a southbound left hand turn into our site as well as a northbound right hand turn into our site.

Question/Concern #2:

Concerned about the timing and phasing for traffic improvements.

Applicant's Response:

The offsite traffic improvements for this project will be required to be completed before certificate of occupancy is granted for the proposed development. These offsite improvements will be constructed concurrently with proposed buildings and other infrastructure.

Question/Concern #3:

Concerned with safety and speed limit along NC 751.

Applicant's Response:

We want to make NC 751 a more safer route and will bring this up with our Traffic Engineer and NCDOT.

Question/Concern #4:

Concerned with collisions at intersection of NC 751 and US 64.

Applicant's Response:

Yes, this intersection has been identified as a safety concern by NCDOT. All proposed improvements will be done to current NCDOT standards and will hopefully help alleviate concerns until NCDOT future improvements are funded.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Mills Chatham Development Group, LLC & Peggy G Gray Trust

Applicant(s): Beacon Development Company

Contact information (email/phone): Maggie Houston / maggie@beacnodevelopment.com / 704-926-1403

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

Question/Concern #1:

Is a pump station still being planned? Will utilities be stubbed to adjacent properties?

Applicant's Response:

Yes, a pump station is still planned to serve the area. Ultimately, the pump station and proposed utilities will have the capacity to serve the surrounding area and future development, however utilities won't necessarily be stubbed to every adjacent property.

The proposed utilities will have access to it from adjacent property owner via easements and/or right of way dedication.

Question/Concern #2:

Who owns and is responsible for the utilities?

Applicant's Response:

The developer is responsible for constructing and paying (subject to partial reimbursement from the Town) for the utilities based on Town's standards. Once constructed, public water and sewer will be owned and and operated by the Town.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Maggie Houston, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Microsoft Teams (Virtual) (location/address)
on September 19, 2022 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

9/23/2022
Date

By: Maggie Houston

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Meredith E Swanzy, a Notary Public for the above State and County, on this the 23rd day of September, 20 22.



Meredith E Swanzy
Notary Public
Meredith E Swanzy
Print Name

My Commission Expires: September 23, 2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Motion to set the Public Hearing for the January 24, 2022 Town Council meeting regarding Rezoning Application #22CZ25 Prince Dead End Road – Town Rezoning. The applicant, Town of Apex, seeks to rezone approximately 25.53 acres from Light Industrial (LI) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 0 Prince Dead End Rd.

Approval Recommended?

The Planning Department recommends approval.

Item Details

The property to be rezoned is identified as PIN 0741316489.

Attachments

- Vicinity Map
- Application



**Aquiline
PUD**

**Village at
Broadstone
Station**

Iron Gate

Irongate Dr

Veridea

Rezoning #22CZ25

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 #: 22CZ25

Submittal Date: 11/1/22

Fee Paid: _____

Project Information

Project Name: Town Yard Waste Transfer Station

Address(es): 0 Prince Dead End Rd

PIN(s): 0741316489

Acreage: 25.53

Current Zoning: LI

Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Med. Den. Residential/High Den. Residential/Office Emp/Comm Services/Industrial Emp

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: 25.53

Area proposed as non-residential development:

Acreage: _____

Percent of mixed use area proposed as non-residential:

Percent: 100%

Applicant Information

Name: John Mullis, Town of Apex Public Works Director

Address: 105-A Upchurch St

City: Apex

State: NC

Zip: 27502

Phone: 919-249-3434

E-mail: john.mullis@apexnc.org

Owner Information

Name: Town of Apex

Address: PO Box 250

City: Apex

State: NC

Zip: 27502

Phone: _____

E-mail: _____

Agent Information

Name: Same as applicant

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

E-mail: _____

Other contacts: _____

PETITION INFORMATIONApplication #: 22CZ25 Submittal Date: 11/1/22

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

PROPOSED USES:

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

1	<u>Yard Waste Transfer Station (S)</u>	21	<u></u>
2	<u>Utility, minor</u>	22	<u></u>
3	<u>Government Services</u>	23	<u></u>
4	<u>Chipping and mulching (S)</u>	24	<u></u>
5	<u>Communication tower, commercial (S)</u>	25	<u></u>
6	<u>Communication tower, constructed stealth (S)</u>	26	<u></u>
7	<u>Communication tower, camouflage stealth (S)</u>	27	<u></u>
8	<u>Communication tower, public safety (S)</u>	28	<u></u>
9	<u>Electrical power facility (S)</u>	29	<u></u>
10	<u>Park, active</u>	30	<u></u>
11	<u>Park, passive</u>	31	<u></u>
12	<u>Greenway</u>	32	<u></u>
13	<u>Transportation Facility</u>	33	<u></u>
14	<u>Recycling Collection Station</u>	34	<u></u>
15	<u>Wireless support structure</u>	35	<u></u>
16	<u>Wireless communication facility</u>	36	<u></u>
17	<u>Parking lot, public</u>	37	<u></u>
18	<u>Parking garage, public</u>	38	<u></u>
19	<u></u>	39	<u></u>
20	<u></u>	40	<u></u>

PETITION INFORMATION

Application #: 22CZ25 Submittal Date: 11/1/25

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

Please see attached.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) **Consistency with 2045 Land Use Map.** The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The proposed uses are consistent with the Industrial Employment portion of the mixed use land use classification.

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 property is located along the south side of US 1 Hwy and west of a buffered stream which provide natural separation from other uses. Buffers will be provided along the other sides of the property to provide separation from other uses.

0 Prince Dead End Rd
Rezoning Conditions
11-10-22

1. The perimeter buffers east of Prince Dead End Rd shall be as follows:
 - a. East: 0'
 - b. South: 50' Type A
 - c. North: 50' Type A
 - d. West (along Prince Dead End Rd): 50' Type A
2. The protection of the critical root zone of trees within the buffers is not required outside of the buffers.
3. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.
4. The use of the site as a "Yard Waste Transfer Station" shall be limited as follows:
 - a. storm debris clean up of leaves, limbs, wood chips, and similar materials; and
 - b. intermittent storage of yard waste material collected by the Town, as needed.

PETITION INFORMATION

Application #: 22CZ25 Submittal Date: 11/1/22

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

Future use of the property will comply with any supplemental standards required in Sec. 4.4 of the UDO.

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

Perimeter buffers will be provided to avoid significant adverse impacts on surrounding properties.

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 rezoning commits to providing stormwater control for the 25-year storm. Development of the property will comply with the UDO's RCA requirement and will provide perimeter buffers as outlined in the proposed zoning conditions.

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.

There will be no impact on schools or parks as residential uses are not proposed. The site will designed to avoid adverse impacts on all other 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 uses should not have a negative impact on the health, safety, and welfare of the residents of the Town or its ETJ.

PETITION INFORMATION

Application #:

22CZ25

Submittal Date:

11/1/22

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

The proposed rezoning will not be 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.

The proposed rezoning limits the number of uses allowed overall and provides limitations on the use "Yard Waste Transfer Station".

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.

Development will comply with all applicable provisions for use, layout, and general development characteristics as specified in the zoning conditions, UDO and Town engineering specifications.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ25

Submittal Date: 11/1/22

The undersigned, Catherine Crosby (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

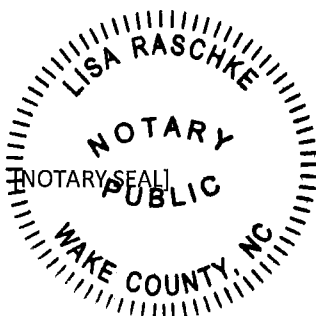
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Prince Dead End Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 20th day of December, 2022.

Catherine Crosby (seal)
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 Catherine Crosby, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Lisa Raschke
Notary Public
State of North Carolina
My Commission Expires: 04/03/2027

AGENT AUTHORIZATION FORM

Application #: 22CZ25

Submittal Date: 11/1/22

Town of Apex _____ 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 Prince Dead End Rd

The agent for this project is: John Mullis, Public Works Director

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

Agent Name: John Mullis

Address: 105-A Upchurch Street

Telephone Number: 919-249-3434

E-Mail Address: john.mullis@apexnc.org

Signature(s) of Owner(s)*

Catherine Crosby
Type or print name

12/20/22
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: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ25

Submittal Date: 11/1/22

Insert legal description below.

Please see attached

Lying and being in White Oak Township, Wake County, North Carolina, and described as follows more fully to wit:

Beginning at a concrete monument on the eastern right-of-way of U.S. Highway 1 at its intersection with the eastern right-of-way of Veridea Parkway (N.C.S.R. 1153); thence along the eastern right-of-way of U.S. Highway 1 the following two (2) courses and distances: N 58°42'28" E 574.15' to a point and N 58°39'42" E 640.98' to a point, said point being the POINT OF BEGINNING and the northwestern corner of the Town of Apex property with Wake County PIN 0741.03-31-6489; thence with aforesaid eastern right-of-way the following four (4) courses and distances: N 58°34'09" E 183.09', N 58°42'10" E 610.67', N 58°37'12" E 1133.41', and N 58°13'33" E 653.11' to a point; thence leaving the U.S. Highway 1 right-of-way and along a common property line with HH Trinity Apex Investments, LLC S 01°32'02" W 733.68' to a point; thence along the northern property line of Wildbird, LLC S 89°43'24" W 570.15' to a point on the right-of-way of Prince Dead End Road (N.C.S.R. 1177); thence across the aforementioned 60' right-of-way width and continuing along the northern property line of Wildbird, LLC the following three (3) courses and distance: S 45°43'10" W 1287.00', S 24°43'08" W 382.20', and N 89°22'32" W 67.10' to a point; thence as a reference line the following twelve (12) courses and distances up the run of Big Branch (A.K.A. Reedy Branch): N 31°28'57" W 206.97', N 03°56'38" W 110.81', N 39°37'56" W 44.06', N 49°19'02" W 73.32', N 49°41'01" W 35.60', N 38°42'10" W 47.39', N 46°02'55" W 42.77', N 45°31'20" W 100.63', N 45°17'08" W 46.50', N 49°25'42" W 30.03', N 36°19'24" W 36.16', and N 48°04'15" W 35.94' to the POINT OF BEGINNING, containing 25.53 acres more or less. The above described tract of land is all of Wake County PIN 0741.03-31-6489, also being all of Tract C-2 as described on the plat recorded in Wake County Register of Deeds Book of Maps 1989 Page 59.

NOTICE OF NEIGHBORHOOD MEETING

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

9-13-22

Date

Dear Neighbor:

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

0 Prince Dead End Rd

0741316489

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input 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)):

The purpose of the rezoning is to reduce the perimeter buffers applicable east of Prince Dead End Rd

as follows: 0' buffer on the east; 50' on the north, south and west and to provide that the critical root zone of trees does not have to be protected beyond the buffers.

Estimated submittal date: Oct 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Town of Apex

Applicant(s): John Mullis, Public Works Director john.mullis@apexnc.org

Contact information (email/phone): Amanda Bunce, Current Planning Manager amanda.bunce@apexnc.org

Meeting Address: Virtual: see next page for instructions on how to join

Date/Time of meeting**: Wednesday, September 28, 2022

Welcome: 6:00pm Project Presentation: 6:10pm Question & Answer: 6:20-7:00pm

**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>.

0 Prince Dead End Road
Virtual Neighborhood Meeting information:

Type in this link to join the meeting: bit.ly/3U9DHIA

Enter in the Meeting ID and Passcode

Meeting ID: 266 162 656 338

Passcode: RTDUGo

Or you may call in with audio only:

1-828-552-5715

Phone Conference ID: 212 930 499#

You may e-mail Amanda Bunce at amanda.bunce@apexnc.org to request the meeting invitation be e-mailed to you. If you have difficulties joining the meeting, please email or call Amanda at 919-249-3529.

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: Town Yard Waste Transfer Station Zoning: LI-CZ (proposed)

Location: 0 Prince Dead End Rd

Property PIN(s): 0741316489 Acreage/Square Feet: To be determined

Property Owner: Town of Apex

Address: 73 Hunter Street

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: Town of Apex, John Mullis, Public Works Director

Address: 103-A Upchurch Street

City: Apex State: NC Zip: 27502

Phone: 919-249-3434 Fax: _____ Email: john.mullis@apexnc.org

Engineer: To be determined

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): To be determined

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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

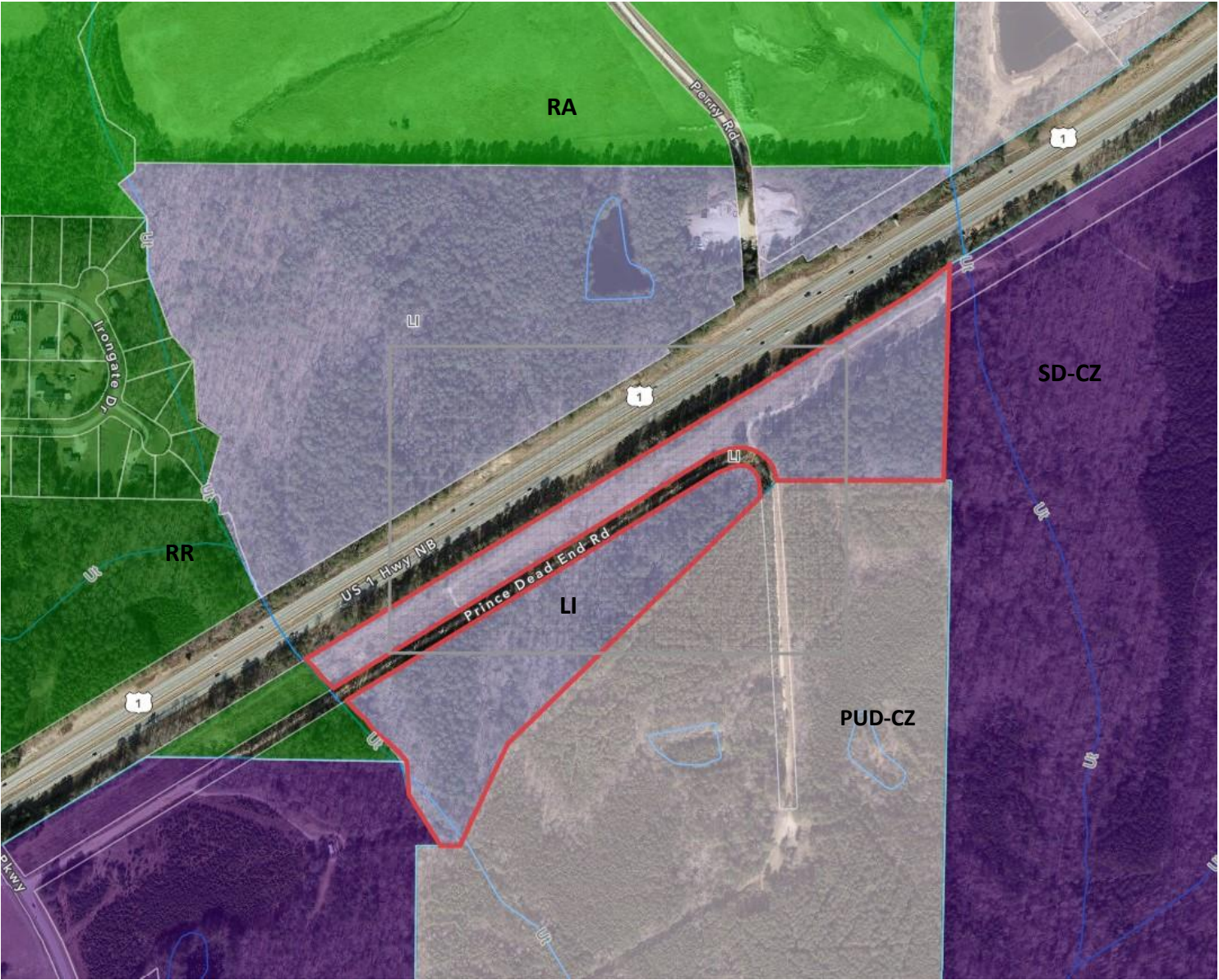
Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

Existing Zoning



Vicinity Map



NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual

Date of meeting: September 28, 2022 Time of meeting: 6-8pm

Property Owner(s) name(s): Town of Apex

Applicant(s): John Mullis, Public Works Director

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.	Debbie Conger				<input type="checkbox"/>
2.	Cathie Pendergraft				<input type="checkbox"/>
3.	Carol Woodell				<input type="checkbox"/>
4.	Colon Hobby				<input type="checkbox"/>
5.	Greg Hobby				<input type="checkbox"/>
6.	John Mullis, Public Works Director			john.mullis@apexnc.org	<input type="checkbox"/>
7.	Amanda Bunce, Current Planning Manager			amanda.bunce@apexnc.org	<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): Town of Apex

Applicant(s): John Mullis, Public Works Director

Contact information (email/phone): john.mullis@apexnc.org

Meeting Address: Virtual

Date of meeting: September 28, 2022

Time of meeting: 6-8 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:

Please see attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Questions and responses from Neighborhood Meeting for proposed rezoning of Town's property at 0 Prince Dead End Rd (PIN 0741316489)

Staff opened the meeting at 6:00pm by describing the existing zoning and the reason for the proposed rezoning. Staff explained the proposed reduction in buffer widths as compared to the standards in the UDO. Staff then showed a concept version of the site plan for the proposed Yard Waste Transfer Station. Staff explained that the use is not allowed by right and that a Special Use Permit would need to be approved by the Board of Adjustment before the site plan could be approved.

Staff then asked for questions or comments about the proposed rezoning.

1. Where does the debris go now?

The yard waste is currently taken to either Greenway Waste or to a Holly Springs site.

2. How much traffic is anticipated from the proposed yard waste transfer site?

During the 3 month peak leaf season, it is anticipated that the Town's 5-6 leaf trucks would each make 3-5 trips per day and the 1 truck with a grapple may make 2 trips per day. For the remaining 9 months of the year, it is anticipated that each truck would make 1 trip per day. The leaf trucks are not large vehicles. They are single axle and hold about 25 cubic yards. A larger truck with a capacity of 100 cubic yards would come to remove the debris and so less large truck trips are anticipated.

3. What is the current weight limit for the Veridea Parkway bridge over US 1 Hwy?

Staff will have to find that answer.

4. More than one person expressed that they would prefer that things stay the same as there are now as new development is anticipated in the surrounding area. They are concerned about this use devaluing their property.

5. There is already a lot of traffic on Veridea Parkway. I am concerned about the additional truck traffic that would be generated by this use.

6. More than one person expressed concerned that the use Chipping and Mulching is listed as a proposed use. They worry that if the yard waste transfer site is approved on this property that the Town will eventually want to use it for chipping and mulching which is a much more intense process.

Staff shared that the chipping and mulching use requires approval of a Special Use Permit as well.

7. Attendees wanted to know how long the Town intends to use the property for this use.

Staff explained that the Town's needs and future development on surrounding properties would be factors in that decision and that the length of time is unknown. Staff shared that a larger site or an additional site may be needed in the future as the Town grows.

8. Several people, especially the owners of the property to the south, expressed concern about the lack of maintenance by NCDOT on Prince Dead End Rd. It is not in good shape now and they worry about the condition being degraded with the number of trucks that will use it.

Staff shared that they would pass along the concerns about the current condition of the road to NCDOT. Staff has already contacted NCDOT for the required driveway permit and that is still under review. It has not yet been determined what improvements may be required for this use and who will be responsible for those improvements (NCDOT, Town, or both).

- 9. The owner to the south expressed concern with people dumping trash on his property and the Town's property. He's contacted the Town to have the trash picked up from the Town's property and it has not been removed.**
- 10. A question was asked about how much of the site would be cleared.**
Staff showed the concept plan and explained the proposed limits of disturbance.
- 11. The owner to the south expressed concern about maintenance of the ditch on the north side of the road, especially at the bend in the road near the proposed driveway.**
Staff said that this concern would be passed along to those designing the site plan.
- 12. An owner to the west stated that in the past, school buses often slide off the road on rainy days as they tried to get back onto Veridea Parkway due to the slope of the road.**
- 13. A few attendees agreed that the Town shouldn't move forward with the proposed rezoning until it is certain that they want to use the property for this use and until they know what road improvements will be required by NCDOT.**
- 14. Will the Duke easement be used for any storage?**
That area can't be used and there would be a 50' buffer from the easement.
- 15. Concern was expressed about the impact on property owners along Veridea Pkwy that live outside the notification area for this rezoning.**
- 16. When will the site plan will be available?**
Staff explained that the full site plan will be required with the request for the Special Use Permit.

Staff provided potential submittal date for the rezoning and the earliest public hearing dates at Planning Board and Town Council. Staff let everyone know that they would receive public notices in the mail for each of the public hearings and that those notices would also be posted on the Town's website.

Staff thanked everyone in attendance for sharing their questions and concerns and encouraged them to reach out if they had any additional questions or concerns. Staff shared that the neighborhood meeting report would be shared with Town Administration and included with the staff report for the rezoning, noting that Town Council members do read these reports.

Meeting ended at 8pm.

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, Amanda Bunce, 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-Microsoft Teams (location/address) on September 28, 2022 (date) from 6:00pm (start time) to 8:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

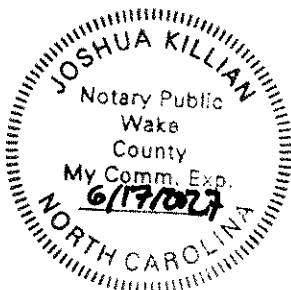
10-31-22
Date

By: *Amanda Bunce*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above State and County, on this the 31 day of October, 2022.

SEAL



Joshua Killian
Notary Public
Joshua Killian
Print Name

My Commission Expires: 6/17/2027

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 10, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated December 09, 2022.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on January 03, 2023, approved and accepted the enclosed tax report for the Town of Apex, dated December 09, 2022 for the period of November 1, 2022 through November 30, 2022.

Attachments

- Tax Report





Board of Commissioners

P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180

FAX 919 856 5699

SHINICA THOMAS, CHAIR
SUSAN EVANS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
DON MIAL
CHERYL STALLINGS
JAMES WEST

January 4, 2023

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on January 3, 2023, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yvonne Gilyard", written over a horizontal line.

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Board Report

Date : 01/03/2023

Return

Approved By : Kim Lorbacher
48E066236AA4D0...

TO : WAKE COUNTY BOARD OF COMMISSIONERS
RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	COCKMAN, JOHN JR 144 OLD GROVE LN APEX NC, 27502 - 1789	0000340267 - 2022- 2022- 000000	City 419.72 County 634.20	1,053.92	1,053.92	Refund

Marcus D. Kinrade

Wake County Tax Administrator

Total City Rebated	419.72
Total County Rebated	634.20
Total Rebate/Refund	1,053.92

DocuSigned by:
Marcus Kinrade
CC:37C19A0FB14C430...

*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Print

Lock

Board Report

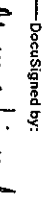
Date : 01/03/2023

Return

DocuSigned by:

 Approved By : 

TO : WAKE COUNTY BOARD OF COMMISSIONERS
RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	KOSCIELNY, VALENTY KOSCIELNY, CECYLIA 2760 ANGELICA ROSE WAY APEX NC, 27502 - 8004	0000478938- 2022- 2022- 000000	City 173.83 County 262.66	436.49	436.49	Refund
2	PERRUCCIO, BRIAN JAMES 1422 BIG LEAF LOOP APEX NC, 27502	0004210234- 2022- 2022- 000000	City 180.36 County 272.52	452.88	452.88	Refund
Marcus D. Kinrade						
Wake County Tax Administrator						
DocuSigned by: 						
CC: 37C19A0FB14C430...						
Total City			354.19			
Total County			535.18			
Total Rebate/Refund				889.37	889.37	

*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Print Lock



Wake County Tax Administration

Rebate Details

11/01/2022 - 11/30/2022

APEX

DATE 12/09/2022 TIME 9:30:07 AM PAGE 1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
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BUSINESS ACCOUNTS

830551	244.27	0.00	24.43	0.00	268.70	11/02/2022	0006874750	2022	2022	000000	MASON JAR TAVERN INC, THE
831134	0.00	0.00	279.29	0.00	279.29	11/08/2022	0006842613	2022	2022	000000	ACADEMY SPORTS LP #289
832867	11.02	0.00	1.10	0.00	12.12	11/29/2022	0006562984	2022	2022	000000	NGUYEN, NGHIA T
832161	1.94	0.00	0.19	0.00	2.13	11/18/2022	0006816569	2022	2022	000000	BUZZY BAKES LLC
831402	18.18	0.00	1.82	0.00	20.00	11/10/2022	0006979803	2022	2022	000000	PEAK CITY GYM LLC
831401	18.31	0.00	3.66	0.00	21.97	11/10/2022	0006979803	2022	2021	000000	PEAK CITY GYM LLC
831400	1.83	0.00	0.55	0.00	2.38	11/10/2022	0006979803	2022	2020	000000	PEAK CITY GYM LLC
831140	128.13	0.00	12.81	0.00	140.94	11/08/2022	0006972803	2022	2022	000000	CROWN CASTLE USA INC
832868	128.13	0.00	12.81	0.00	140.94	11/29/2022	0006958650	2022	2022	000000	NGUYEN UNISEX SALON INC.
831123	0.00	0.00	37.79	0.00	37.79	11/03/2022	0006824312	2022	2022	000000	MATRESS FIRM INC
830699	61.40	0.00	6.14	0.00	67.54	11/03/2022	0006829802	2021	2021	000000	CAROLINA SILVICS INC
831122	0.00	0.00	23.75	0.00	23.75	11/08/2022	0006820115	2022	2022	000000	MATRESS FIRM INC

SUBTOTALS FOR BUSINESS ACCOUNTS	613.21	0.00	404.34	0.00	1,017.55	12	Properties Rebated				
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BUSINESS REAL ESTATE ACCOUNTS

832311	12,416.88	0.00	0.00	0.00	12,416.88	11/21/2022	0000365697	2020	2020	000000	WAL MART REAL ESTATE BUSINESS TRUST
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SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	12,416.88	0.00	0.00	0.00	12,416.88	1	Properties Rebated				
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Wake County Tax Administration

Rebate Details

11/01/2022 - 11/30/2022

APEX

DATE

12/09/2022

TIME

9:31:31 AM

PAGE

2

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
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DMV ACCOUNTS

830962	36.66	3.75	0.00	0.00	40.41	11/07/2022	0508319562	2007	2007	000000	FRESKOS, MARK ALLEN
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SUBTOTALS FOR DMV ACCOUNTS	36.66	3.75	0.00	0.00	40.41	1	Properties Rebated				
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INDIVIDUAL
PROPERTY ACCOUNTS

831127	0.00	0.00	9.00	0.00	9.00	11/08/2022	0006962426	2022	2022	000000	ENG COMMERCIAL FINANCE CO.
831648	4.71	0.00	0.48	0.00	5.19	11/15/2022	0006973173	2022	2022	000000	SIEGL, BRENDAN DAVID
830553	9.02	0.00	0.90	0.00	9.92	11/02/2022	0006884736	2022	2022	000000	WHITAKER, TEDDY ANDREW
830576	416.15	120.00	41.61	0.00	577.76	11/02/2022	0006826238	2022	2022	000000	ARAYA, MUSSIE HAGOS

SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	429.88	120.00	51.99	0.00	601.87	4	Properties Rebated				
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INDIVIDUAL REAL
ESTATE ACCOUNTS

831089	173.83	0.00	0.00	0.00	173.83	11/09/2022	0000478938	2022	2022	000000	KOSCIELNY, WALENTY
832150	419.72	0.00	0.00	0.00	419.72	11/18/2022	0000340267	2022	2022	000000	COCKMAN, COLON J JR



Wake County Tax Administration

Rebate Details

11/01/2022 - 11/30/2022

APEX

DATE

12/09/2022

TIME

9:31:31 AM

PAGE

3

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR TYPE	OWNER
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SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	593.55	0.00	0.00	0.00	593.55		2	Properties Rebated		
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WILDLIFE BOAT
ACCOUNTS

831087	180.36	0.00	0.00	0.00	180.36	11/08/2022	0004210234	2022	2022	000000	PERRUCCIO, BRIAN JAMES
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SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	180.36	0.00	0.00	0.00	180.36		1	Properties Rebated		
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TOTAL REBATED FOR APEX	14,270.54	123.75	456.33	0.00	14,850.62		21	Properties Rebated for City		
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UNFINISHED BUSINESS

Meeting Date: January 10, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to appoint a Temporary At-Large Town Councilmember to serve from January 12, 2023 until a new replacement is sworn in (December 2023).

Approval Recommended?

Yes

Item Details

The application period was open from 9:00 AM on Wednesday, November 30 through 5:00 PM on Friday, December 9, 2022. The Town Clerk's Office in partnership with the Town's Communications' Department advertised the vacancy using a variety of platforms including the Town's website, social media, and local news media. A total of 34 completed applications were received for the temporary seat vacated by Former Councilmember Cheryl Stallings, who was recently elected to serve on the Wake County Board of Commissioners. Of the 34 applications, three did not meet the eligibility requirements set by the Apex Town Council.

On Friday, December 16, 2022, the Town Clerk's Office released the nomination results submitted by the Mayor and each individual Town Councilmember. Each member of the Town Council, including the Mayor, were able to select up to seven (7) candidates to be interviewed by the close of business day Friday, December 16, 2022. A total of seventeen (17) candidates received nominations, however, only four (4) received a majority (three or more) vote required to move forward in the process. The individuals who received three or more nominating votes were (in alphabetical order): John Marshall Barnes III, Tayon Dancy, Shagufta Hakeem, and Arno Zegerman.

On Friday, January 6, 2023, a Special Town Council meeting was held to conduct candidate interviews and hold a public hearing to receive feedback on the potential candidates. Two opportunities were provided

for the public to provide comment: (A) Written Statements and (B) In-Person as part of the public hearing. The full meeting, including candidate interviews, the public hearing, and Council deliberations were open to the public and livestreamed on the Town's Youtube Channel:

<https://www.youtube.com/c/TownofApexGov>

As additional background:

On Tuesday, November 29, 2022, the Apex Town Council voted to accept Councilmember Cheryl Stallings resignation and initiate the selection process. Council unanimously voted to adopted a policy and process timeline for appointing a candidate to fill the unexpired term.

According to North Carolina General Statutes § 160A-63 and the Apex Town Code of Ordinances, the Apex Town Council has the authority to appoint a qualified individual to fill Stallings unexpired term until residents have the opportunity to elect a successor in the 2023 Apex municipal elections.

Attachments

- Official Nomination Record
- Interview Questions
- Written Statements Received
- Adopted Process Timeline for Selecting and Appointing a Candidate to Fill a Temporary At-Large Town Council Seat
- Adopted Policy for Resignations of Mayor or Member(s) of Town Council and Filling Vacancies
- Resignation Letter - Cheryl Stallings Former Apex Town Councilmember



TOWN OF APEX
TEMPORARY AT-LARGE TOWN COUNCILMEMBER NOMINATION TALLY SHEET
OFFICIAL NOMINATION RECORD

Alphabetical Number	Legal Last Name	Legal First Name	Legal Initial		Mayor Jacques K. Gilbert	Mayor Pro-Tempore Audra Killingsworth	Councilmember Brett Gantt	Councilmember Ed Gray	Councilmember Terry Mahaffey	TOTAL
1	Abel	Lazuli	A		JKG	AK	BG	EG	TM	0
2	Ashcraft	Pauline			JKG	AK	BG	EG	TM	0
3	Barnes III	John	M		JKG	AK	BG	EG	TM	3
4	Chakrabarti	Alok	K		JKG	AK	BG	EG	TM	0
5	Chartier	Greg	L		JKG	AK	BG	EG	TM	0
6	Connerton	Peter			JKG	AK	BG	EG	TM	0
7	Dancy	Tayon	N		JKG	AK	BG	EG	TM	5
8	Dexter	Darrin	S		JKG	AK	BG	EG	TM	1
9	Frick	Dylan	N		JKG	AK	BG	EG	TM	2
10	Grimes	Donald			JKG	AK	BG	EG	TM	2
11	Hakeem	Shagufta	F		JKG	AK	BG	EG	TM	3
12	Hale	Christine			JKG	AK	BG	EG	TM	1
13	Kane	Timothy	R		JKG	AK	BG	EG	TM	2
14	Keith	Stephen	L		JKG	AK	BG	EG	TM	0
15	Keller	Thomas	H		JKG	AK	BG	EG	TM	0
16	Kevin	Lawrence			JKG	AK	BG	EG	TM	1
17	Lyon	Gregory			JKG	AK	BG	EG	TM	0
18	Meckes	Robert	D		JKG	AK	BG	EG	TM	2
19	Miller	Jonathan	B		JKG	AK	BG	EG	TM	0
20	Moyer	Wesley	m		JKG	AK	BG	EG	TM	1
21	Mu	Shuyun			JKG	AK	BG	EG	TM	1
22	Mulpuri	Teja			JKG	AK	BG	EG	TM	0
23	Pease	Anthony	J		JKG	AK	BG	EG	TM	0
24	Rodriguez	William			JKG	AK	BG	EG	TM	0
25	Shapiro	Jesse	S		JKG	AK	BG	EG	TM	2
26	VanderClute	Sara	A		JKG	AK	BG	EG	TM	0
27	Walters	Jeffrey	F		JKG	AK	BG	EG	TM	2
28	Ward	David	K		JKG	AK	BG	EG	TM	2
29	Whipple	Earl			JKG	AK	BG	EG	TM	0
30	Williams	Latrinda	D		JKG	AK	BG	EG	TM	1
31	Zegerman	Arno			JKG	AK	BG	EG	TM	4

LEGEND	
	Nominations



DRAFT
TOWN OF APEX
FILING VACANCIES ON COUNCIL
INTERVIEW QUESTIONS
(RELEASED 24-HOURS PRIOR TO INTERVIEW)

1. What prior experience, either professionally or personally, do you feel has equipped you for this role? (Personal)
2. If new resources were available, what one area of Town services would you feel most needs additional resources and why? (Budgeting)
3. What is the most challenging part of budgeting for you? Please share an experience you've had in developing a budget with competing demands. (Budgeting)
4. Promoting inclusion, which fosters a sense of belonging, and embracing diversity, are all priority areas of the Town Council and Town Administration. Give specific examples of how you would help create an environment where differences are valued, encouraged, and supported? (Equity)
5. Please provide an example of when your ethics and personal character were challenged. How did you respond? (Personal)
6. How will you manage competing requests from constituents? (Residents)
7. What is your favorite part of public service? Why? What is the least favorite? Why? (Personal)
8. Please provide an example of how you were able to work through a problem when you disagreed with team members about something that was very important to you. (Teamwork)

Town of Apex
Temporary At-Large Town Councilmember
Written Statements Received
Summary

Last Name	First Name	Council Candidate	Submission Received
Chandler	Heather	Tayon Dancy	Friday, January 6, 2023 at 9:36 AM
Edwards - Carter	Thiane	Tayon Dancy	Thursday, January 5, 2023 at 10:29 PM
Evenson	Kelley	Tayon Dancy	Friday, January 6, 2023 at 7:43 AM
Hardin	Esther	Tayon Dancy	Thursday, January 5, 2023 at 9:40 PM
Harris Jr.	Willie	Tayon Dancy	Friday, January 6, 2023 at 10:13 AM
James	Virginia	Tayon Dancy	Thursday, January 5, 2023 at 8:23 PM
Keith-Moore	Andrea	Tayon Dancy	Friday, January 6, 2023 at 11:53 AM
Lowery	Prenessa	Tayon Dancy	Friday, January 6, 2023 at 11:57 AM
Shelor	Clay	Tayon Dancy	Thursday, January 5, 2023 at 10:15 PM
Smith	Kelley	Tayon Dancy	Friday, January 6, 2023 at 11:49 AM
Smith	Tasha	Tayon Dancy	Friday, January 6, 2023 at 11:46 AM
Spivey	Rhonda	Tayon Dancy	Friday, January 6, 2023 at 11:47 AM

Allen Coleman

From: Heather Chandler <heather@wholebrainscape.com>
Sent: Friday, January 6, 2023 9:36 AM
To: Public Hearing
Cc: Tayon Dancy
Subject: Council Candidate Interviews - Written Comments

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.

Dear Mayor and Town Councilmembers,

I was hoping to deliver my comments at Tayon Dancy in person today, but am unable to due to family schedule.

However, I am very pleased to offer my written comments to wholeheartedly endorse Tayon for the open seat on the Apex Town Council.

I first met Tayon in 2018 in the LaunchApex program. She and I were part of the first cohort. It was a pleasure getting to know Tayon in the cohort and learn from her experiences and ideas. She definitely has a passion for Apex and small business. She understands how small businesses are key to making Apex a great place to live, work, and visit.

She was extremely supportive of my efforts to open Apex's first escape room. She understood how a business that offers a fun family activity was a perfect fit for Apex and would be a nice way to attract more people to our downtown and also be a great place for Apex residents to spend time and make memories with their families . Not only did she understand our mission, but she also supported us by telling people about us and bringing her own family to play.

I've gotten to know Tayon and her family over the past 5 years, and I know how much time they spend in service to help make Apex the Peak of Good Living. Before, during, and after the pandemic she routinely participated in food drives and in other events that give back to the community, and she is very service oriented (as evidenced by her involvement with Delta). She also the community organizer for the MLK commemoration events. I really appreciate how she sees a need for something like this and follows through on making it happen. I can envision her doing this same thing as a council member.

As a small business owner, I would be very glad to have Tayon on the council as I know she cares about small businesses and making sure we are set up to thrive in Apex. She understands that small businesses are the backbone and that we need to have adequate support to continue to flourish here. I also appreciate how she is very involved in community service and puts together the MLK event each year. It is activities like this that reflect Apex's values to the rest of the Triangle.

Thank you for your time!

Heather Chandler

1821 White Dogwood Rd
Apex, NC 27502
(919)924-4338

Owner, Whole Brain Escape (410 Upchurch St, Apex, NC)

Allen Coleman

From: Thiane Edwards Carter <thianecarter@gmail.com>
Sent: Thursday, January 5, 2023 10:29 PM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments

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Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Thiane Edwards Carter
221 Presenteer Trail, Apex, NC 27539
(704) 458-0780

To whom it may concern:

I am writing this statement in support of my Soror and friend, Tayon Dancy. I have known Mrs. Dancy (Tayon) for approximately 8 years as we are both members of the Western Wake Chapter of Delta Sigma Theta Sorority, Inc. (Delta). Tayon served as the Chairperson for our Social Action Committee (also known as Social and Political Awareness) and she could not have been more suited for the role.

Tayon led our chapter through its first Candidates Forums and Get Out the Vote activities, as well as our Delta Days at the School Board initiatives. (Delta Days at the School Board is a quarterly activity, wherein Deltas visit school board meetings to show support for educators and the students that they serve). Through Tayon's leadership, we ensured that Delta was (and is) known as a local organization focused on both social and political action.

Perhaps most notably, Tayon spearheaded the statewide signature political event - Delta Day at the State Capital (Delta Day). Delta Day is the opportunity for Sorors of Delta Sigma Theta Sorority, Inc. from across our state to meet, interact with and engage our state legislature. An event of this magnitude is made more complicated by the sensitive political climate and Tayon used her knowledge of politics and activism to orchestrate Delta Days for more than 500 Sorors each year. I could go on about Tayon's commitment to and passion for social activism and political awareness, but I will close by saying that you could not select a more accomplished, qualified candidate for the position of At-Large Board Member.

Sincerely,

Thiané

Allen Coleman

From: Kelley Evenson <kelley.evenson@gmail.com>
Sent: Friday, January 6, 2023 7:43 AM
To: Public Hearing
Subject: Council Candidates Interviews - Written Comments

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Dear Mayor, Apex Town Council, and Apex Community Members,

My name is Kelley Evenson and I wanted to take the opportunity to share my knowledge on the character of Tayon Dancy. For the past 8 years we have been across-the-street neighbors, and we have had the privilege of sharing life's joys and trials together. Tayon is a woman of vibrant faith and a dedicated advocate for those in need. Her compassionate voice and purposeful presence enable her to succeed in her endeavors focused on improving the lives of others.

Over the years, we have watched each other raise our children through Olive Chapel Elementary, Scotts Ridge Elementary, Apex Friendship Middle School, and Apex Friendship High School; we have celebrated the births of babies and mourned the loss of family members together; and we have reflected together about the true blessings of living here in this wonderful community of Apex.

It is a great honor to share these insights on Tayon Dancy and offer support to her as a candidate for Apex Town Council.

Sincerely,
Kelley Evenson
1943 Post Rail Lane, Apex
919-280-9328

Allen Coleman

From: Esther Hardin <ehardin104@yahoo.com>
Sent: Thursday, January 5, 2023 9:40 PM
To: Public Hearing
Subject: Council Candidate Interviews
Attachments: Tayon Dancy.docx

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TO: Allen Coleman, Town Clerk
Subject: Council Candidate Interviews

It is my great pleasure to submit this letter of recommendation in support of Tayon Dancy for Council Candidate for the Town of Apex Government. I have known Tayon for approximately 15 years and worked with her as North Carolina Social Action Chair for Delta Sigma Theta Sorority, Inc. for 5 years. Delta Sigma Theta Sorority is an international organization of college educated women committed to public service. While serving as Chair of this committee I had an opportunity to witness Tayon's dedication to excellence and her passion for serving her community.

Each year Delta Sigma Theta Sorority Inc. travels to Washington, DC for Delta Days in the Nation's Capital. It is an opportunity to meet with the legislators from North Carolina to request support for critical needs in the communities that we represent. Tayon was always prepared to share needs from our local communities with the NC legislators and frequently served as spokesperson for the group.

Tayon, has excellent oral, written and interpersonal skills and works well with others. She is a self-starter and goes beyond what is required when given a task. I am confident without reservations that she would be an excellent fit on your Town Council. Feel free to contact me at 252-671-0924.

Best Regards,

Esther Hardin

Esther Hardin
1020 Nickelby Street
Durham, NC 27703

Allen Coleman

From: Elder Willie Harris Jr. <pastorharris@mtzioncary.org>
Sent: Friday, January 6, 2023 10:13 AM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments
Attachments: Written Statement - Tayon Dancy.pdf

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FYI

Elder Willie Harris Jr., Pastor
Mt. Zion Church
<https://mtzioncary.org>
@mtzioncary

FROM THE DESK OF
Willie Harris, Jr.

January 6, 2023

Town Clerk Allen Coleman
P.O. Box 250
Apex, NC 27502

Dear Apex Town Council,

I am delighted to submit this written statement for Tayon Dancy for her candidacy for the At-Large Seat on the Apex Town Council. I have served as her pastor for 14 years. Tayon is a committed member of Mt. Zion Church of Cary. She is an ordained minister who teaches and instructs, including our future generations. She is passionate about missions and advocates for our church to do outreach and community service. She is currently organizing and leading the effort for our church to partner with a non-profit organization to serve underserved girls.

In addition to her service at Mt. Zion, I know she is actively involved in community projects in Apex, such as events for the MLK holiday and serving as a chaplain in the South Atlantic Region of the Delta Sigma Theta Sorority.

I have also observed Tayon persevere through personal hardships over the years. She consistently exhibits faith, patience, and steadfastness.

As Tayon's pastor, I am very proud of her and all of her accomplishments. We have talked about her calling into the political area. She is passionate about policies that would serve all people well. I am confident that she would perform well on the Apex Town Council.

Sincerely yours,



Willie Harris, Jr.

Allen Coleman

From: Virginia James <jamesvirginia235@gmail.com>
Sent: Thursday, January 5, 2023 8:23 PM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments

Notice: This message is from an external sender.

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Good evening Town Clerk Allen Coleman,

As part of my support for Tayon Dancy's bid for council member, I am sending this written comment. Having Tayon Dancy fill the vacant seat would be an excellent addition to the city council. I have been fortunate to have Tayon Dancy in my life for six years. As a resident of Apex since 2018, the way she takes part in the community has been truly inspiring to me. I am confident that she will do a great job representing the city. She clearly possesses all the qualities required for this position. The commitment she has shown to Apex has been unwavering. She is committed to teamwork. She is known for her integrity and sound judgment. Her leadership qualities make her an ideal candidate for the council position. She has excellent communication and strategic thinking skills. Taking action and listening to others are two of her most valuable qualities. Clearly, she loves people and is passionate about them. Tayon has served in numerous leadership roles for Delta Sigma Theta Sorority, Inc. She has represented the organization well in her leadership roles and proposed solutions to any issues that arose. She is calm and patient in stressful situations. Her attention to detail goes beyond her excellent business management skills. A trailblazer for change, Tayon leads by example. If you want a people's leader to fill the vacant seat, you should vote for Tayon Dancy.

Thank you,

Virginia James
1413 Applethorn Drive
Apex, NC 27502
(919) 394-3955

Allen Coleman

From: Andrea Keith-Moore <andrea.keith.moore@gmail.com>
Sent: Friday, January 6, 2023 11:53 AM
To: Public Hearing
Subject: Council Candidate Interviews-Written Comments

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Greetings from Andrea K. Moore. I reside at 336 Ashdale Dr, Fuquay-Varina, NC 27526 and can be reached at 985-445-7070.

I am submitting this comment in support of Ms. Tayon Dancy as the chosen appointee for your At-large Town Council member seat.

I have had the pleasure of knowing Ms. Dancy for the last 12 years via our sorority, Delta Sigma Theta Sorority, Inc., and am also proud to call her a friend.

Ms. Dancy has been fully engaged in, and been the lead on, our Western Wake Chapter civic community endeavors as well as those of our region. She is a true public servant that will seek to fulfill and uphold the needs of the council that support the will of the people and be an ardent contributor for the development and delivery of evidence based policy, programs and procedures.

If you are seeking a council member to not only compliment your current structure, but help it to stretch and grow as well, Ms. Dancy is your choice.

Sincerely-

Andrea K. Moore

Allen Coleman

From: Prenessa Lowery <prenessa@yahoo.com>
Sent: Friday, January 6, 2023 11:57 AM
To: Public Hearing; Prenessa Lowery
Subject: Apex City Council Candidate - Tayon Dancy (Written Statement)

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Dear Mr. Allen Coleman, Apex Town Clerk,

I am Prenessa Mickens Lowery and providing the following information pertaining to Tayon DANCY, Candidate for Apex Town Council.

I have known Tayon her entire life, we are cousins.

Tayon is a strong leader with experience motivating teams through challenges to achieve common business, community, and organizational goals; driving growth in individuals through mentoring both on a business and spiritual level, and initiating changes in processes, social policies, and standards affecting the communities, non profits, or businesses she serves. She is a passionate advocate for women, children, and the communities in which she lives.

She is an experienced project/program manager with strong skills in influencing all levels of an organization, organizing complex projects/programs for the community/business, and driving significant improvements in processes or policies where necessary.

Tayon is well connected in the area of Social Advocacy and is passionate about Social justice. She gets great joy when impacting changes in policies and laws that affects her family and the people she serves.

Tayon is a community organizer, and petitioned the Town in which she lives to recognize MLK holiday weekend with more than just time off. In 2020 amongst the pandemic, she led a committee to host the first ever MLK Unity weekend in the history of Apex, NC in 2021. With her skills in technology, she was able to quickly pivot and use her knowledge to host the event virtually including a march down Salem St. by drone. She has chaired the committee each year since, and is preparing to host the 3rd event for 2023 adding an official National Day of Service. She was awarded the Town of Apex citizen award of the year, given her vision and execution of MLK in the Town of Apex,

Tayon served as the State of NC chair for the Social Action Committee of Delta Sigma Theta. Planning events such as Delta Day at the NC General Assembly, and Divine 9 Legislative Day at the NC General Assembly advocating for policy/law changes, conducting social advocacy workshops at the state and regional level (Census 2020, Voter Education/Mobilization, Human Trafficking, Running for Office, Medicaid Expansion, Politics & Pulpits, Real ID, and much more), and driving policy changes.

She also has instituted several initiatives across the state of NC including local Delta Days at the school board, Delta Day at the County Commission, Delta Day at the Student Government, and Delta Day at the local Town Halls. Tayon also leads the NC delegation of Deltas at the Federal Government in Washington DC each year to advocate for federal laws affecting her constituency in the state of NC.

Board Member: WakeUp Wake County Local Organization & Delta Sigma Theta Sorority, Incorporated

Received Sexual Assault Certification from the State of North Carolina to assist with education on sexual assault and support victims.

It is with great pride that I recommend Tayon Dancy as the next Apex City Council member.

Sincerely,

Prenessa Mickens Lowery

Allen Coleman

From: Clay Shelor <jcshelor@gmail.com>
Sent: Thursday, January 5, 2023 10:15 PM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments (on Tayon Dancy)

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To whom it may concern,

It is with honor that I write to comment on Tayon Dancy's candidacy for the vacated seat on the Apex Town Council to fill the unexpired term vacated by former Apex Councilmember Cheryl Stallings.

We met Tayon in 2020. With the tumultuous public events of that year, we were seeking to have conversations with people from a variety ethnic backgrounds to listen, learn and to grow toward greater understanding in our community. Tayon's church, Mt Zion Church in Cary, put me in contact with Tayon. We organized group book discussions together to facilitate conversations between white, African American and Asian American people to seek understanding, to build friendships and to serve our communities together.

Tayon showed herself as one extremely gifted in connecting with people, listening to people from a variety of viewpoints and responding graciously and truthfully in ways that grew understanding and built bridges.

We have seen Tayon's leadership gifts at work in her career, church family, her sorority, her community and her family. One amazing event that Tayon dreamed of, petitioned the town for, chaired and organized was the Town of Apex Martin Luther King Jr commemoration weekend for the past three years that brought together people from multiple backgrounds to lift up the dream of building a society with justice, equality, understanding and unity.

So with great enthusiasm I wholeheartedly recommend Tayon Dancy for the vacated seat on the Apex Town Council. Her hard work, grace, leadership skills would make her ideal for a leadership role with the Town of Apex.

Please let me know if you have any questions.

Sincerely,

Clay Shelor
109 Oxpens Rd, Cary, NC 27513
919-656-7690

Allen Coleman

From: Kelly Smith <kas3312@gmail.com>
Sent: Friday, January 6, 2023 11:49 AM
To: Public Hearing
Subject: Fwd: Council Candidate Interviews - Written Comments

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On Behalf of Tayon Dancy:

First Name: Kelly

Last Name: Smith

Address: [114 Forthview Way Apex, NC 27502](#)

Phone Number: 919-389-1965

To Whom It May Concern:

Tayon and I first met in 2010 at our local church, Mt. Zion (Cary, NC). We were both involved in the same ministry and that is how we had grown to know each other.

In the beginning of getting to know Tayon we were just “participants” in the same ministry. Tayon was a woman who knew what she wanted for herself, and her family, and so it was important for her to make sure her family was taken care of. I believe this is how Tayon’s progression over the years in growing not just as a “participate” in ministry at church, but to being in leadership. She has now taken the role as Minister and is on the Missions committee: She makes sure that not just her family is taking care of, but the people amongst her influence as well.

Also in Tayon’s growth over the years is not just seen in leadership at church, but in the community as well. Her knowledge from her leadership role and in the community helps to make sure all are aware of what’s going on around us so that no one is left without knowing. Her community participation in Corral Riding, the MLK walk and I’m sure countless others, is no surprise because Tayon has a big heart.

Tayon would be an asset to this vacated seat ‘At-Large Town Councilmember’ because she will care for the people. Her contributions at church and in the community will allow her to grow more, not just as a candidate in a seat, but for a voice that can speak to the everyone.

Please elect her for this seat.

Thank you,

--

Gratefully His,
Kelly Smith

"Kneeling at His Feet, Submitting to His Will"

41 And He withdrew from them about a stone's throw, and He knelt down and *began* to pray, 42 saying, "Father, if You are willing, remove this cup from Me; yet not My will, but Yours be done." (Luke 22:41-42)

Allen Coleman

From: Tasha Smith <tnsmith0074@yahoo.com>
Sent: Friday, January 6, 2023 11:46 AM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments

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Good morning everyone,

My name is Tasha Smith, and I am a good friend and sister in Christ to council member nominee, Tayon Dancy. I have known Tayon for over 10 years. We attend the same church, Mt. Zion Church in Cary, where she is an evangelist. During this time, I have come to know her as a woman of God, who demonstrates great character, compassion, and strength. She has a passion for service and people. Tayon is a crusader for those who have mental health struggles. We took a course together that was geared toward helping churches learn how to create a peer ministry to provide those struggling with mental health issues with the support needed in day-to-day struggles, as well as guide them to clinician mental health services if needed.

Tayon takes her role of evangelist seriously and is not afraid to bring The Gospel to any space that she is standing in. As a member of the Delta Sigma Theta Sorority, she serves as Regional Chaplain. She volunteers at multiple organizations, past and present, in Wake County being a servant to people. She leads the charge by connecting masses of people to be of service to those in need. As many of you may know that is not an easy task, but she does it with a smile, determination, and grit!

I am sure you are already aware of all of the great things that Tayon does, and has accomplished. I want to make you aware of what a beautiful and wonderful friend she is to me. She has helped me get through difficult times in my life, always willing to listen, to help me brainstorm, and problem-solve. She is devoted to her family. Our children grew up together and I know my children can count on her for love, wisdom, and direction.

I believe that Tayon would be a wonderful addition to the Apex Town Council. She is invested in the community that she lives in and is supportive of your endeavors. Tayon demonstrates great leadership skills and has the gift of moving people to action. It is my hope that she is appointed to help with the great work Apex is doing with its residents.

If anyone has additional questions, please feel free to contact me with the information provided below.

Respectfully submitted,

Tasha N. Smith, MSW, LCSWA
706 Pierside Dr.
Cary, NC 27519
919.279.5581

Allen Coleman

From: Rhonda Spivey <mommyw2grls@gmail.com>
Sent: Friday, January 6, 2023 11:47 AM
To: Public Hearing
Subject: Council Candidate Interviews – Written Comments
Attachments: TDancy (06Jan2023).pdf

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Town Clerk Allen Coleman,

Please accept the attached written statement in support of Tayon Dancy.

Thank you,

Rhonda Spivey
1101 Oak Park Drive
Durham, NC 27703
(919) 949-3420

January 6, 2023

Via Email (public.hearing@apexnc.org)

Apex City Council
P.O. Box 250
Apex, NC 27502

Re: Tayon Dancy – Candidate for At-Large Town Councilmember

Dear Mayor Gilbert and Apex Councilmembers:

I am writing in support of Tayon Dancy's candidacy for the At-Large Town Councilmember. I believe that Tayon is an exceptional candidate for this opportunity because of her passion for people and her compassion for equitable opportunities.

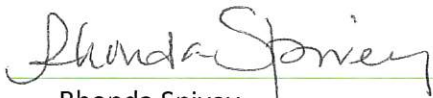
Tayon is extremely passionate about the welfare of others. She is particularly attentive to the well-being of our children and their future. With two children of her own, she understands the situations that our young people are approaching and desires to help steer our youth and young adults in a way that is positive for them and their communities. A few years ago, Tayon took the initiative of petitioning the Town of Apex to approve an entire Martin Luther King, Jr. (MLK) weekend which would, (among many other things), include various opportunities for our youth to express themselves in a positive fashion. After a unanimous vote, the Inaugural MLK weekend occurred in 2021 in the Town of Apex.

Moreover, Tayon has compassion for equitable treatment and opportunities for all mankind. This is not rhetoric for her. This is her life. Tayon strives to ensure equity by being a participant and a voice on various boards and committees within her workplace and community. She collaborates with several community groups to gain insight and develop ideas for future generational growth.

I believe the saying *"If you're absent from the conversation, it will happen without you"* is the spirit of Tayon. I am confident that Tayon will exceed your expectations in this role and will add extreme value to your Town Council.

For these reasons, I strongly support selecting Tayon Dancy as the At-Large Town Councilmember.

Sincerely,



Rhonda Spivey
1101 Oak Park Drive
Durham, NC 27703
(919) 949-3420



APPROVED 11/29/2022

TOWN OF APEX PROCESS TIMELINE FOR SELECTING AND APPOINTING A CANDIDATE TO FILL A TEMPORARY AT-LARGE TOWN COUNCIL SEAT

Tuesday, November 29 (Regular Meeting):

The Apex Town Council approves the selection process and schedule for appointing a qualified candidate to temporarily fill an At-Large seat vacated by a resignation.

9:00 AM Wednesday, November 30 – 5:00 PM Friday, December 9, 2022:

Town Clerk's Office and Communications' Department to advertise position and solicit applications from qualified candidates through the Media, Town's Website, and Social Media. Applications available on Town's website and by email.

5:00 PM Friday, December 9, 2022:

All completed applications with accompanying resumes must be submitted and received by the Town Clerk.

Monday, December 12 – Tuesday, December 13, 2022:

The Town Clerk's Office to verify each application is complete and meets the established qualifying criteria. The Wake County Tax Administration and Board of Elections will assist the Clerk's Office with the verification process.

Tuesday, December 13, 2022:

Eligible applicants are shared with the Mayor and Town Council. The Town Clerk's Office in partnership with the Communications' Department will issue a press release notifying the public who is eligible and applied for consideration.

Friday, December 16, 2022:

The Mayor and each Town Council member will provide the Town Clerk with up to seven (7) candidates to be interviewed by the close of business day Friday, December 16, 2022.



APPROVED 11/29/2022

Friday, December 16, 2022:

The Town Clerk's Office in partnership with the Communications' Department will issue a press release notifying the public the candidates selected to be interviewed.

Friday, January 6, 2023 (Special Meeting):

Candidate interviews to be conducted by the Mayor and Town Council. This will be a called special meeting of the Council, which will be livestreamed/recorded and open to the public. As in other Council meetings the Town Manager, Town Attorney, and Town Clerk will also be present. At the conclusion of the interviews, Council will deliberate and conduct a public hearing to receive feedback on the potential candidates.

Tuesday, January 10, 2023 (Regular Meeting):

The Mayor and Town Council will vote to appoint a qualified candidate to fill the vacancy by nomination and ballot method. The candidate appointed to the At-Large Town Councilmember seat will serve until the next municipal election (November 2023).

Thursday, January 12, 2023 (Council Strategic Planning Meeting):

The individual selected and appointed to fill the vacancy will be sworn in by the Mayor and/or Town Clerk. The newly sworn-in Councilmember will participate in the Strategic Planning Meeting and all future meetings of the Apex Town Council.

Monday, January 16, 2022:

New Councilmember Orientation process begins, coordinated by the Town Clerk.

Questions regarding the application process and timeline should be directed to the Town Clerk Allen Coleman allen.coleman@apexnc.org, 919-249-1260, or 73 Hunter Street, Apex, NC 27502.



TOWN OF APEX GOVERNING BODY POLICIES & RULES OF PROCEDURE

CHAPTER xx | SECTION xx – Resignation of Mayor or Member of Town Council

Resignation of members of the Town Council or in the Office of the Mayor shall be in writing and shall specify the date that the resignation becomes effective. A resignation that fails to specify an effective date shall be effective when accepted by the Town Council. The written resignation shall be filed with the Town Clerk who shall record the date and time the resignation is filed. The Town Clerk shall present the resignation to the next regular meeting of the Town Council. At such meeting or at such later time as the Town Council may decide, the Town Council shall vote on the question of accepting the resignation. A resignation may be withdrawn by the maker at any time prior to the time the Town Council votes to accept it. A resignation may not be withdrawn, once it has been accepted by the Town Council, except by an approving vote of the Town Council.

CHAPTER xx | SECTION xx – Filling Vacancies

The Town Council shall identify and appoint a qualified person to fill an existing vacancy in the office of the Mayor or Council Member. The individual who has resigned or announced their intention to resign shall not participate in the process of filling their vacancy. The Mayor, Mayor Pro-Tempore, or other presiding officer will serve as the chairperson over this process.

The Town Clerk shall give public notice of the vacancy. The notice shall invite applications from persons who are interested in filling the vacancy. The form of the application shall be as prescribed by the Town Council and shall be provided by the Town Clerk. Completed applications shall be filed with the Town Clerk on or before the date specified in the application. All applications and candidate information are public records and subject to release pursuant to North Carolina Public Records Act.

The Town Clerk shall investigate the tax records and voting records of each applicant to ensure that all Wake County taxes are current and that the applicant is a qualified voter in the Town of Apex Corporate Limits. The Town Clerk shall also determine that each applicant satisfies all residency requirements to fill the vacancy. The applications and the information gathered by the Town Clerk with respect to applicant tax records, voting records and residency shall be provided to the Town Council.

The Town Council shall develop criteria to be used as a basis for evaluating the applications. The Town Council shall evaluate the applications based on the criteria and shall narrow the field of applicants to such number as the Town Council deems appropriate.



TOWN OF APEX GOVERNING BODY POLICIES & RULES OF PROCEDURE

The Town Council shall use the responses to the questionnaire as a basis for further narrowing the field of applicants to a final field of not less than three nor more than seven candidates. These candidates shall be invited to appear before the Town Council to be interviewed.

The Council shall schedule all meetings of the Town Council for the purpose of filling a vacancy under this subsection. All such Town Council meetings shall be called and held consistent with the State's Open Meetings Law. The Mayor or presiding officer shall attempt to obtain livestreaming or television coverage of the interviews.

Following the conclusion of the interviews and in an open meeting, the Town Council shall proceed to fill the vacancy by nomination and ballot method. Each Council member may nominate a candidate to fill the vacancy. Following the nominations, each Council member will vote by secret ballot for the person they would like to fill the vacancy. Although, the ballots may be marked secretly, each ballot must contain the Council member name for the record. The person who receives a majority of votes will be selected to fill the vacancy. If no candidate receives a majority of votes, those candidates who receive zero votes will be removed from consideration and the Council members will take a second vote. If no candidate receives a majority of votes in the second round of votes, the two candidates who received the most votes will remain on the ballot for the remaining rounds until a candidate receives a majority vote.

The Town Council is authorized to modify the procedure prescribed by this section (consistent with the general spirit and intent thereof) to address unexpected situations or to make timely progress.

Cheryl Stallings
2009 Abby Knoll Drive
Apex, NC 27502

November 22, 2022

Town of Apex
73 Hunter Street
Apex, NC 27502

Dear Mayor Gilbert, Mayor Pro Tem Killingsworth, and Members of Council:

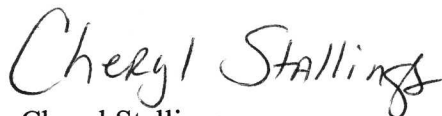
It is with mixed emotions that I tender my resignation as an Apex Councilmember effective December 4th, 2022 at 11:59 pm. Because I was recently elected to the Wake County Board of Commissioners, District 3 seat, I must resign my position with the Town Council prior to being sworn into my new role.

It has been an honor and a privilege to work with all of you, as well as our dedicated Town staff, over the years in service to the people of Apex. I look forward to watching the Town continue to thrive as we honor our past, present, and potential as a welcoming community to all.

I will remain steadfast and involved, and I will continue to represent and work for the Apex and greater Wake County community. I am committed to the work of a healthy and sustainable economy, community, and environment for all.

A special thanks is also extended to the people of Apex for allowing me this opportunity to serve on the Town Council. I look forward to continued service as your next Wake County Commissioner.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Stallings".

Cheryl Stallings
Town Councilmember

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application #21CZ27 Tingen Road Residential. The applicant, Jeff Roach for Peak Engineering and Design, PLLC, seeks to rezone approximately 2.27 acres from Residential Agricultural (RA) to High Density Multi- Family - Conditional Zoning (HDMF-CZ). The proposed rezoning is located at 1010 Tingen Road.

Approval Recommended?

The Planning recommends approval.

The Planning Board held a Public Hearing on December 12, 2022 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0741264605.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 1010 Tingen Road
Applicant: Peak Engineering & Design, PLLC
Authorized Agent: Jeff Roach, PE
Owner: Joseph V. Iannone

PROJECT DESCRIPTION:

Acreage: +/- 2.27 acres
PINs: 0741264605
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)
2045 Land Use Map: Medium/High Density Residential
Town Limits: Inside the ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Residential Agricultural (RA)	Single Family Residential; School (Apex Elementary School)
South:	High Density Multi-Family Residential (HDMF)	Townhomes (Westhaven Townhomes)
East:	Residential Agricultural (RA)	Tingen Rd; Single Family Residential; Vacant
West:	Residential Agricultural (RA)	Single Family Residential

EXISTING CONDITIONS:

The site is located on the west side of Tingen Road and is ±2.27 acres. The site is wooded and has stream buffers.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on September 29, 2021. The neighborhood meeting report is attached.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the elementary and high school grade levels. Possible long-term solutions may include capping students out to schools with available seats, reassignments, or calendar changes.

2045 LAND USE MAP:

The 2045 Land Use Map designates the property as Medium/High Density Residential. The proposed rezoning to HDMF-CZ is consistent with the Land Use Map designation.

STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 Town Council Meeting



PROPOSED ZONING CONDITIONS:

Permitted Uses:

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

The applicant is proposing the following uses:

- Townhouse
- Multi-family or apartment
- Utility, minor
- Park, active
- Park, passive
- Greenway
- Recreation facility, private

Conditions:

1. Residential architectural standards:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 - c. For the homes, roof pitch shall be 5:12 or greater for 75% of the building designs.
 - d. Garage doors must have windows, decorative details or carriage-style adornments on them.
 - e. Front facades shall have horizontal relief achieved using recesses and projections.
 - f. A varied color palette shall be utilized on homes throughout the subdivision and shall include varied trim, shutter, and accent color complementing the siding color.
 - g. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - h. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Bay window
 - 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 gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable
2. A 10' Type A Landscape Buffer is proposed along adjacent property lines. A 30' Type B Town of Apex Throughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar, pollen, berries, and blooming plants) that bloom in succession from spring to fall. Species shall be

STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 Town Council Meeting



selected from the Design and Development Manual or otherwise approved by Planning staff.

5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.
9. The project shall be one-hundred percent (100%) affordable housing through a partnership with an affordable housing provider. Said provider shall establish the housing affordability standards to provide residential units to buyers making less than one-hundred percent (100%) of the Area Median Income (AMI) for the Raleigh MSA. The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the "Affordable Period"). Examples of an Affordable Housing Provider include, without limitation, Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, or a similar entity identified prior to construction of the new residential units.
10. Existing sidewalk along Tingen Road is sufficient and construction and/or fee-in-lieu for the 10' Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Future stub street extensions shall be provided to the west (PIN 0741-26-1618) and to the north (PIN 0741-26-6820).

Buffers:	UDO Requirement:	Proposed:
Tingen Road (Thoroughfare):	30-foot Type B	30-foot Type B
Adjacent to School:	15-foot Type A	10-foot Type A
Adjacent to Single-family (lot size > 12,000 sf)	20-foot Type B	10-foot Type A
Adjacent to Single-family (lot size 6,000 – 12,000 sf)	15-foot Type A	10-foot Type A
Adjacent to Townhomes:	15-foot Type A	10-foot Type A

ENVIRONMENTAL ADVISORY BOARD

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none">○ Reduce pet waste near SCM drainage areas	Included
Plant trees as designed for efficiency. <ul style="list-style-type: none">○ Plant deciduous shade trees on southern side of buildings.○ Plant evergreen trees as a windbreak on northern side of buildings.	Included
Increase biodiversity. <ul style="list-style-type: none">○ Plant pollinator-friendly flora	Included

STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 Town Council Meeting



EAB Suggested Condition	Applicant's Response
○ Plant native flora	
Implement green infrastructure.	Not Included
Include landscaping that requires less irrigation and chemical use.	Included
○ Plant warm season grasses for drought resistance.	
Include solar conduit in building design.	Included
Install pet waste stations.	Included
Include eight townhomes to have a minimum 4-kW rooftop solar PV system.	Not Included

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

It is anticipated that this project will have less than 30 Single Family Detached units, 45 Single Family Attached units, or 51 Multi-Family units; therefore, the project will not need to be reviewed by the PRCR Advisory Commission per the UDO Sec. 14.1.2 *Exemptions*. Prior to Master Subdivision Plan approval, the fee-in-lieu of dedication will be presented to Town Council.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #21CZ27 Tingen Road Residential with the conditions as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. The Planning Board unanimously voted to recommend approval of Rezoning Case #21CZ27 Tingen Road Residential.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Medium/High Density Residential. The proposed rezoning is consistent with that land use classification.

Approval of the rezoning is reasonable and in the public interest because the rezoning will provide affordable housing, consistent with the goals of Advance Apex and the Apex Affordable Housing Plan. The proximity of the site to schools, transit, and downtown make it an ideal location for affordable housing. The reduction in buffer width and change from 10-foot side path to 5-foot sidewalk is consistent with the draft Affordable Housing Incentive Zoning Manual. The proposed townhome use is consistent with the townhome development to the south.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the High Density Multi-Family Conditional Zoning (HDMF-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.

STAFF REPORT

Rezoning #21CZ27 Tingen Road Residential

January 10, 2023 Town Council Meeting



- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Rezoning #21CZ27

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 #: 21CZ27

Submittal Date: 10/1/2021

Fee Paid: _____

Project Information

Project Name: Tingen Road Residential

Address(es): 1010 Tingen Road

PIN(s): 0741-26-4605

Acreage: 2.27 acres

Current Zoning: RA

Proposed Zoning: HDMF-CZ

Current 2045 LUM Classification(s): Medium-High Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒

No ☐

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

Area classified as mixed use:

Acreage: N/A

Area proposed as non-residential development:

Acreage: N/A

Percent of mixed use area proposed as non-residential:

Percent: N/A

Applicant Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: 919-439-0100

E-mail: jroach@peakengineering.com

Owner Information

Name: Joseph Iannone

Address: 2509 Southwinds Run

City: Apex

State: NC

Zip: 27502

Phone: _____

E-mail: joey@jviconstruction.com

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.

Address: 1125 Apex Peakway

City: Apex

State: NC

Zip: 27502

Phone: 919-439-0100

E-mail: jroach@peakengineering.com

Other contacts: _____

jbarron@morningstarlawgroup.com

PETITION INFORMATION

Application #: 21CZ27 Submittal Date: 10/1/2021

An application has been duly filed requesting that the property described in this application be rezoned from RA _____ to HDMF - 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	Townhouse	21	
2	Multi-family or apartments	22	
3	Greenway	23	
4	Recreation facility, private	24	
5	Park, active	25	
6	Park, passive	26	
7	Utility, minor	27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #:

21CZ27

Submittal Date:

10/1/2021

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

Development of the property shall include the attached conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The 2045 LUM designation for the property is Medium-High Density Residential.

The proposed rezoning would facilitate the development of a residential townhome community consistent with guidance in the Comprehensive Plan for properties with this designation.

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 rezoning site is adjacent to the Westhaven community which is built out as a townhome community similar to what is envisioned for this project. As a result, the proposed rezoning will facilitate the development of a community that is consistent with the adjacent residential community.

PETITION INFORMATION

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Submittal Date:

10/1/2021

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Sec. 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.

Based on the manner in which the Westhaven community was designed and built, the proposed community will not connect to existing residential roads. While such connections are good for connectivity, they rarely are welcomed by owners in established neighborhoods adjacent to new proposed development.

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.

New development on the site will be consistent with the Town's requirements for the same, many of which are meant to minimize a project's impact on the environment. This includes riparian buffers from stream features, which we believe the project site contains.

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 will facilitate the development of a townhome community of only about 16 homes. This community will not have any meaningful impact on the Town's ability to continue providing high levels of service to area residents for municipal services and utilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed rezoning is consistent with the Town's long range plans for development in this area. By providing residential infill development, the project takes advantage of area infrastructure and avoids leap-frog development that can contribute to sprawl.

PETITION INFORMATION

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Submittal Date:

10/1/2021

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

As mentioned above, the proposed site of the rezoning is adjacent to an existing residential townhome community. The proposed development will be compatible with the existing patterns of development in the area. The similar characteristics of the new proposed community to the existing suggests that the project will not be detrimental.

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

The proposed rezoning will facilitate the development of a residential townhome community adjacent to a residential townhome community in an area slated for the same in the Town's Comprehensive Plan. Given the compatibility of the project with both the surrounding area and Town's plans, the rezoning will not create a nuisance.

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

Tingen Road Residential Zoning Conditions

The following zoning conditions shall apply to the development:

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

• Bay windows	• Two or more building materials	• Column on gable
• Recessed windows	• Decorative brick or stone	• Portico
• Decorative windows	• Decorative trim	• Balcony
• Trim around the windows	• Decorative shakes	• Dormer
• Wrap around porch or side porch	• Decorative air vents on gables	• Decorative gable
	• Decorative cornice	
2. A 10' Type 'A' Landscape Buffer is proposed along adjacent property lines. A 30' Type 'B' Town of Apex Thoroughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar pollen berries and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design & Development Manual or otherwise approved by Planning Staff.
5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.

9. The project shall be one-hundred percent (100%) affordable housing through a partnership between the property owner and an affordable housing provider (the “Affordable Housing Provider”). Examples of an Affordable Housing Provider include without limitation Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, Inc., or a similar entity identified prior to construction of the new residential units. Said Affordable Housing Provider shall establish the housing affordability standards to provide residential affordable housing townhouse ownership units (the “Affordable Housing Units”) to buyers at a sales price (includes unit price and lot price) up to median-income (100% of the Area Median Income (AMI)) for the Raleigh, NC Metropolitan Statistical Area (MSA) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by either low-income households earning no more than eighty-percent (80%) or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The maximum affordable housing income limit AMI percentage category shall be the same as the maximum sales price AMI percentage category. The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the “Affordable Period”).
10. Existing sidewalk along Tingen Road is sufficient and construction and/or Fee-in-lie for 10’ Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Future stub street extensions shall be provided to the west (PIN 0741-26-1618) and to the north (PIN 0741-26-6820).

AGENT AUTHORIZATION FORM

Application #: 21CZ27

Submittal Date: 10/1/2021

Joseph Iannone 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: 1010 Tingen Road

The agent for this project is: Joseph Iannone

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

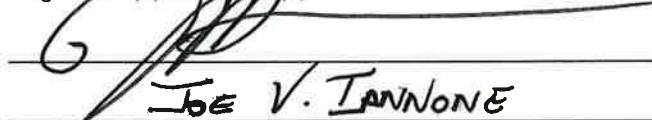
Agent Name: Peak Engineering & Design, PLLC (Jeffrey A. Roach, P.E.)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


JOE V. IANNONE

Type or print name

9-29-21

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

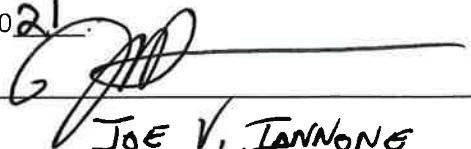
Application #: 21CZ27

Submittal Date: 10/1/2021

The undersigned, Joseph Iannone (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 1010 Tingen Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 5/4/21, and recorded in the Wake County Register of Deeds Office on 5/4/21, in Book 18487 Page 250.
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 5/4/21, 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 5/4/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

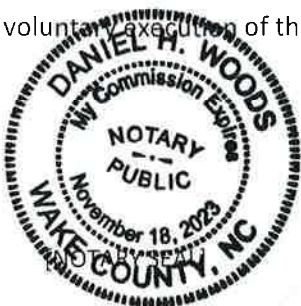
This the 29 day of 9, 2021.




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





Notary Public
State of North Carolina
My Commission Expires: 11/18/2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	Joey Iannone
Developer Representative Phone Number	(919) 387-8846
Developer Representative Email	joey@jviconstruction.com

New Residential Subdivision Information	
Date of Application for Subdivision	October 1, 2021
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Tingen Road Residential (final name TBD)
Address of Subdivision (if unknown enter nearest cross streets)	Tingen Road south of Apex Elementary School
REID(s)	0014351
PIN(s)	0741-26-4605

Projected Dates Information	
Subdivision Completion Date	December 2023
Subdivision Projected First Occupancy Date	January 2023

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	20							1600	2200			2022	6	2023	14		
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.

9/15/21

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
1010 Tingen Road 0741-26-4605

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	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)):

We are seeking rezoning to allow for the development of a townhome community. We envision around 16 townhomes on about 2.27 acres of land.

Estimated submittal date: October 2021

MEETING INFORMATION:

Property Owner(s) name(s): Joseph Iannone
Applicant(s): Joseph Iannone
Contact information (email/phone): joey@jviconstruction.com/919-387-8846
Meeting Address: https://morningstarlaw.group/09292021mtg3
Date/Time of meeting**: September 29, 2021 from 5:30 PM to 7:30 PM

MEETING AGENDA TIMES:

Welcome: 5:30 - 5:32 Project Presentation: 5:32 - 5:35 Question & Answer: 5:35 - 7:30

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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: Tigen Road Residential Zoning: RA

Location: 1010 Tingen Road

Property PIN(s): 0741-26-4605 Acreage/Square Feet: 2.27

Property Owner: Joseph Iannone

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Email: joey@jviconstruction.com

Developer: Same as owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC (Jeff Roach)

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): Same as owner

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

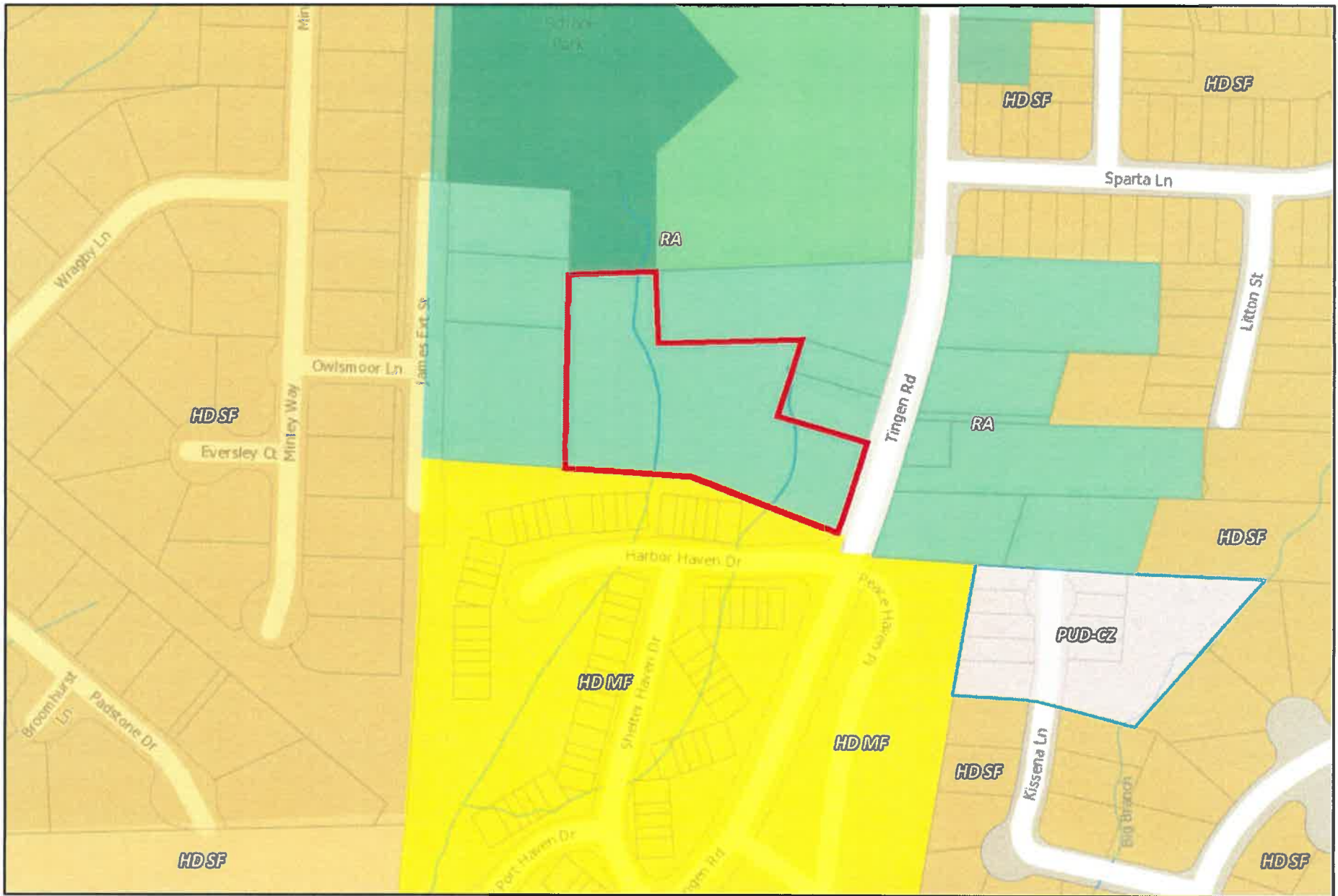
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

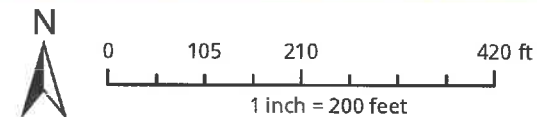
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

Electric Utility Installation: Rodney Smith 919-249-3342

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



Vicinity & Zoning Map



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.

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): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 29, 2021

Time of meeting: 5:30pm-7:30pm

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:

A question was asked about buffering of the western property boundary and whether a fence was planned for that portion of the site

Applicant's Response:

The applicant's representative indicated that the initial proposal is for a 10' Type A buffer and does not include a fence

Question/Concern #2:

A follow up question related to why there was no plan for a fence

Applicant's Response:

the applicant's representative indicated that at this time the intent was to preserve existing vegetation along that side of the property and that a fence could impact such existing vegetation

Question/Concern #3:

A question was asked as to whether there was going to be a connection from this development to the James Street Extension to the west

Applicant's Response:

The applicant's representative indicated that there was no connection being made because the site does not abut James Street Extension but the Town's UDO requires that a stub be provided from the proposed development to the parcel to the west of the subject property

Question/Concern #4:

A question was asked as to what type of buffers are being proposed for the remainder of the property

Applicant's Response:

The applicant's representative indicated that the current proposal was for 10' Type A buffers around the entire perimeter of the site

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): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

Contact information (email/phone): jbarron@morningstarlawgroup.com/919.590.0371

Meeting Format: Virtual per Town's Requirements

Date of meeting: September 29, 2021

Time of meeting: 5:30pm-7:30pm

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 impacts will there be to stream buffers and wetlands

Applicant's Response:

The applicant's representative indicated that part of the development process would include a stream delineation and wetlands determination. Regarding wetlands, federal regulations would be followed regarding any potential impacts, including street crossing internal to the site. With respect to streams, any streams that are delineated and determined to be buffered will have to be accounted for on the site plan. Buffered streams are regulated by the state through the Town and the buffer areas only permit very minimal impacts.

Question/Concern #2:

One of the attendees indicated that she had spoken with the Byrd family that lives west of the property and along James Street Extension, and that they would like to see increased buffers or fencing along the western property boundary

Applicant's Response:

The applicant indicated that they would further examine the options with respect to that perimeter buffer

Question/Concern #3:

An attendee asked how many people received notice of the meeting

Applicant's Response:

84

Question/Concern #4:

An attendee asked if the applicant is aware that the Apex peacock - a wild peacock - was living in this area?

Applicant's Response:

The applicant's representative responded that they were not aware and would notify the owner of the subject property to further investigate.

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: Virtual per Town's Requirements

Date of meeting: September 29, 2021 Time of meeting: 5:30pm-7:30pm

Property Owner(s) name(s): Joseph Iannone

Applicant(s): Peak Engineering and Morningstar Law Group

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.	Shabnam Baig	1743 Minley Way			
2.	Dorothy Easton	935 Tingen Road			
3.	John Amoroso	938 Tingen Road			
4.	Jason Barron, Morningstar Law Group	421 Fayetteville Street, Suite 530, Raleigh			
5.	Jeff Roach, Peak Engineering & Des	1125 Apex Peakway, Apex, NC			
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

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, Jason Barron, 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 Virtual per Town's Requirements (indicate format of meeting) on September 29, 2021 (date) from 530pm (start time) to 730pm (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.

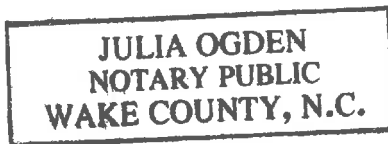
10/1/21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL



[Signature]
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERSApplication #: 21CZ27Submittal Date: 10/1/2021

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

	Owner's Name	PIN
1.	LIST PROVIDED BY TOWN	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
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13.		
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15.		

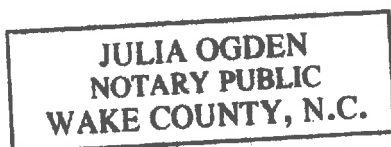
I, Jason Barron, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 10/1/21By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL



[Signature]
Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

SITE_ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
200 HARBOR HAVEN DR	0741263427	ABU, JARADEH ABDALLAH JAMAL ABU, JARADEH FATMA HANYAMIN	200 HARBOR HAVEN DR	APEX NC 27502-4602
103 SHELTER HAVEN DR	0741264225	ACHETT, JOSEPH V. GEORGE, ROSE N.	7022 NOONWOOD CT	SAN JOSE CA 95120-2225
216 HARBOR HAVEN DR	0741261445	ALILI, ABBAS	216 HARBOR HAVEN DR	APEX NC 27502-4602
938 TINGEN RD	0741266639	AMOROSO, JOHN AMOROSO, JAME L	936 TINGEN RD	APEX NC 27502-8736
202 HARBOR HAVEN DR	0741263407	AMZ HOME SERVICES LLC	4264 VALLONIA DR	CARY NC 27519-6704
1743 MINLEY WAY	0741168692	BAIG, SHABNAM ALI, SYED OMAR	1743 MINLEY WAY	APEX NC 27502-5776
0 TINGEN RD	0741267558	BALDWIN, H B HEIRS	PO BOX 2331	RALEIGH NC 27602-2331
1731 MINLEY WAY	0741169805	BHANDARU, KAMESWARI BHANDARU, SRINIVAS	1731 MINLEY WAY	APEX NC 27502-5776
1755 MINLEY WAY	0741168396	BHATIA, VINIT J	1755 MINLEY WAY	APEX NC 27502-5776
109 HARBOR HAVEN DR	0741264353	BORGE, FERNANDO	109 HARBOR HAVEN DR	APEX NC 27502-4726
1747 MINLEY WAY	0741168594	BRADLEY, STUART MICHAEL TRUSTEE STU BRADLEY LIVING TRUST	1747 MINLEY WAY	APEX NC 27502-5776
1735 MINLEY WAY	0741168796	BUCKLEY, PHILIP H BUCKLEY, KRISTEN A	1735 MINLEY WAY	APEX NC 27502-5776
1723 MINLEY WAY	0741179003	BURKEMPER, DAMIAN WOODRING, AMY	1723 MINLEY WAY	APEX NC 27502-5776
109 JAMES EXT ST	0741261922	BYRD, ALBERT HEIRS	115 JAMES EXT ST	APEX NC 27502-2021
117 JAMES EXT ST	0741261618	BYRD, ISOLINE M	117 JAMES EXT ST	APEX NC 27502-2021
108 SHELTER HAVEN DR	0741262287	CERRETTI, LAUREN	108 SHELTER HAVEN DR	APEX NC 27502-4725
1003 TINGEN RD	0741269566	CHAVIS, FRANCES E EPPS, CURTIS LEROY	PO BOX 153	APEX NC 27502-0153
108 HARBOR HAVEN DR	0741264477	DAY, PRISCILLA	108 HARBOR HAVEN DR	APEX NC 27502-4684
220 HARBOR HAVEN DR	0741260491	EASON, VANESSA M TRUSTEE THE VANESSA M EASON REVOCABLE LIVING TRUST	5505 MERION STATION DR	APEX NC 27539-3623
935 TINGEN RD	0741269830	EASTON, HARRISON JR EASTON, DOROTHY	935 TINGEN RD	APEX NC 27502-8737
0 TINGEN RD	0741267486	EPPS, DANIEL JR EPPS, CURTIS LEROY	501 BURTON ST	FUQUAY VARINA NC 27526-1607
230 HARBOR HAVEN DR	0741260279	EUDAILEY, LORI ELAINE	230 HARBOR HAVEN DR	APEX NC 27502-4602
2 SPARTA LN	0741268951	FANG, XIFENG DING, WEI	604 PRAIRIE MEADOWS CT	CARY NC 27519-6306
100 PEACE HAVEN PL	0741266052	FEDERAL HOME APEX, LLC	FEDERAL HOME HARDEE TERRACE LLC	274 MADISON AVE RM 1401
214 HARBOR HAVEN DR	0741261466	FINCHER, MARK W FINCHER, IANA F	110 AVERY CIR	NEW YORK NY 10016-0701
204 HARBOR HAVEN DR	0741262487	FLORES-TAN, CARMELA S TAN, ALDIN N	604 ALDEN BRIDGE DR	CARY NC 27511-3820
206 HARBOR HAVEN DR	0741262467	FRITTS, PATRICIA R	206 HARBOR HAVEN DR	CARY NC 27519-8326
0 TINGEN RD	0741268652	GALLOWAY, JOSEPH CLEVELAND	211 JAMES ST	APEX NC 27502-4602
107 HARBOR HAVEN DR	0741264373	GAO, DI	1413 CRETE DR	APEX NC 27502-2121
1126 KISSENA LN	0741268370	HABITAT FOR HUMANITY OF WAKE COUNTY INC	2420 N RALEIGH BLVD	RALEIGH NC 27606-2586
224 HARBOR HAVEN DR	0741260387	HALPIN, JOHN	224 HARBOR HAVEN DR	RALEIGH NC 27604-2235
222 HARBOR HAVEN DR	0741260399	HARTMAN, JOSEPH HARTMAN, DEVIKA	204 MILPASS DR	APEX NC 27502-4602
1010 TINGEN RD	0741264605	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	HOLLY SPRINGS NC 27540-9651
102 SHELTER HAVEN DR	0741263304	INMAN, JAMES EDWARD	102 SHELTER HAVEN DR	APEX NC 27502-6512
1001 TINGEN RD	0741360405	JOHNSON, MARY G JOHNSON, TRACY M	1007 TINGEN RD	APEX NC 27502-4725
940 TINGEN RD	0741266614	JUDD, REGINALD JUDD, TONY	722 COTTON BRICK DR	APEX NC 27502-8766
104 SHELTER HAVEN DR	0741262392	KATHPALIA, JEETENDER KATHPALIA, SUPREET	3409 SIENNA HILL PL	FUQUAY VARINA NC 27526
1727 MINLEY WAY	0741169904	KAZEZIAN, HRATCH KAZEZIAN, SALPI M	1727 MINLEY WAY	CARY NC 27519-5220
101 HARBOR HAVEN DR	0741265333	KELLY, BRIAN KELLY, KATHLEEN	1207 CAIRPHILLY CASTLE CT	APEX NC 27502-5776
111 HARBOR HAVEN DR	0741264333	LAMY, ALLAN J	111 HARBOR HAVEN DR	APEX NC 27502-4064
112 SHELTER HAVEN DR	0741262273	LEGACY PROPETIES USA LLC	10628 MARION STONE WAY	APEX NC 27502-4726
218 HARBOR HAVEN DR	0741261425	LEWIS, RICHARD JAMES LEWIS, RUTH A	218 HARBOR HAVEN DR	RALEIGH NC 27614-9891
105 SHELTER HAVEN DR	0741264233	LIVSHIN, JAMIE L LIVSHIN, JAMES	1202 WATERFORD GREEN DR	APEX NC 27502-4602
106 SHELTER HAVEN DR	0741262390	LOCKHART, DAVID G LOCKHART, KATHLEEN	3204 RIGHTERS MILL WAY	APEX NC 27502-6210
101 SHELTER HAVEN DR	0741264207	LODHI, KHALID LODHI, NUDRAT K	7624 SPURGE DR	APEX NC 27539-3627
105 HARBOR HAVEN DR	0741264393	LOMELINO, JENNIFER D	105 HARBOR HAVEN DR	FAYETTEVILLE NC 28311-9265
939 TINGEN RD	0741268658	MANGUM, STELLA J HEIRS	C/O PATRICIA M BECKWITH	APEX NC 27502-4726
118 HARBOR HAVEN DR	0741263478	MCMILLIAN, BERYL	118 HARBOR HAVEN DR	2909 EARTH DR
100 SHELTER HAVEN DR	0741263316	MUSE, EMMIE M	100 SHELTER HAVEN DR	APEX NC 27539-6266
111 SHELTER HAVEN DR	0741264168	OAKLEY, ASHLEY	100 SHELTER HAVEN DR	APEX NC 27502-4684
109 SHELTER HAVEN DR	0741264241	ORR, KATHERINE M	111 SHELTER HAVEN DR	APEX NC 27502-4725
0 SPARTA LN	0741268911	PERRY HILL HOMEOWNERS ASSOC	109 SHELTER HAVEN DR	APEX NC 27502-4789
212 HARBOR HAVEN DR	0741261486	PHILLIPS, VANESSA	3308 WHITTINGHAM DR	APEX NC 27502-4789
			212 HARBOR HAVEN DR	NEW HILL NC 27562-8985
				APEX NC 27502-4602

103 HARBOR HAVEN DR	0741265313	PITTMAN, ROBERT ALEXANDER PITTMAN, ROBIN	103 HARBOR HAVEN DR	APEX NC 27502-4726	
228 HARBOR HAVEN DR	0741262230	PLATT, JO ELLEN	228 HARBOR HAVEN DR	APEX NC 27502-4602	
112 HARBOR HAVEN DR	0741264437	RAHILLY, BRENDAN E	112 HARBOR HAVEN DR	APEX NC 27502-4684	
1114 KISSENA LN	0741268146	RASZMANN, MICHAEL PHILLIP HODGES, SARAH ELIZABETH	1114 KISSENA LN	APEX NC 27502-1864	
110 SHELTER HAVEN DR	0741262284	RAUSCHENBACH, JANET L	110 SHELTER HAVEN DR	APEX NC 27502-4725	
114 HARBOR HAVEN DR	0741264417	ROCHMAN, JULIO ROCHMAN, DIANA	2808 BISHOP BROOK CT	CARY NC 27519-7722	
112 LITTON ST	0741360636	ROMINGER, TIM	112 LITTON ST	APEX NC 27502-1228	
100 JAMES EXT ST	0741179382	SALEM VILLAGE OWNERS ASSOCIATION INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119	
0 WRAGBY LN	0741167239	SALEM VILLAGE OWNERS ASSOCIATION INC	PO BOX 97243	RALEIGH NC 27624-7243	
1751 MINLEY WAY	0741168495	SALLUSTO, MICHAEL SALLUSTO, KRISTY	1751 MINLEY WAY	APEX NC 27502-5776	
110 HARBOR HAVEN DR	0741264448	SCHWARTZ, ROXANNE	110 HARBOR HAVEN DR	APEX NC 27502-4684	
232 HARBOR HAVEN DR	0741260277	SHAKED, KEREN SHAKED, MOSHE	232 HARBOR HAVEN DR	APEX NC 27502-4602	
107 SHELTER HAVEN DR	0741264232	SHUE, FELICIA LYN CLAVERING, JOAN	107 SHELTER HAVEN DR	APEX NC 27502-4789	
234 HARBOR HAVEN DR	0741260276	SPENCE, SHANNON	234 HARBOR HAVEN DR	APEX NC 27502-4602	
116 HARBOR HAVEN DR	0741263497	STEEN, CLAUDIA	116 HARBOR HAVEN DR	APEX NC 27502-4684	
208 HARBOR HAVEN DR	0741262437	TANIS, MARTIN L	208 HARBOR HAVEN DR	APEX NC 27502-4602	
226 HARBOR HAVEN DR	0741260385	TAYLOR, BRIDGET A	226 HARBOR HAVEN DR	APEX NC 27502-4602	
700 TINGEN RD	0741272284	WAKE COUNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
0 TINGEN RD	0741261195	WESTHAVEN TOWNHOMES HOMEOWNERS ASSN	PPM	11010 RAVEN RIDGE RD	RALEIGH NC 27614-8837
210 HARBOR HAVEN DR	0741262407	WILLIAMS, RAMEY	210 HARBOR HAVEN DR	APEX NC 27502-4602	
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		CHARLESTON MANAGEMENT CORP	PO BOX 97243	RALEIGH 27624	
		Current Tenant	101 Harbor Haven DR	APEX NC 27502	
		Current Tenant	107 Harbor Haven DR	APEX NC 27502	
		Current Tenant	114 Harbor Haven DR	APEX NC 27502	
		Current Tenant	202 Harbor Haven DR	APEX NC 27502	
		Current Tenant	204 Harbor Haven DR	APEX NC 27502	
		Current Tenant	214 Harbor Haven DR	APEX NC 27502	
		Current Tenant	220 Harbor Haven DR	APEX NC 27502	
		Current Tenant	222 Harbor Haven DR	APEX NC 27502	
		Current Tenant	113 James Ext ST	APEX NC 27502	
		Current Tenant	100 Peace Haven PL	APEX NC 27502	
		Current Tenant	111 Peace Haven PL	APEX NC 27502	
		Current Tenant	112 Peace Haven PL	APEX NC 27502	
		Current Tenant	113 Peace Haven PL	APEX NC 27502	
		Current Tenant	114 Peace Haven PL	APEX NC 27502	
		Current Tenant	121 Peace Haven PL	APEX NC 27502	
		Current Tenant	122 Peace Haven PL	APEX NC 27502	
		Current Tenant	123 Peace Haven PL	APEX NC 27502	
		Current Tenant	124 Peace Haven PL	APEX NC 27502	
		Current Tenant	211 Peace Haven PL	APEX NC 27502	
		Current Tenant	212 Peace Haven PL	APEX NC 27502	
		Current Tenant	213 Peace Haven PL	APEX NC 27502	
		Current Tenant	214 Peace Haven PL	APEX NC 27502	
		Current Tenant	221 Peace Haven PL	APEX NC 27502	
		Current Tenant	222 Peace Haven PL	APEX NC 27502	
		Current Tenant	223 Peace Haven PL	APEX NC 27502	
		Current Tenant	224 Peace Haven PL	APEX NC 27502	
		Current Tenant	231 Peace Haven PL	APEX NC 27502	
		Current Tenant	232 Peace Haven PL	APEX NC 27502	
		Current Tenant	233 Peace Haven PL	APEX NC 27502	
		Current Tenant	234 Peace Haven PL	APEX NC 27502	
		Current Tenant	311 Peace Haven PL	APEX NC 27502	
		Current Tenant	312 Peace Haven PL	APEX NC 27502	
		Current Tenant	313 Peace Haven PL	APEX NC 27502	
		Current Tenant	314 Peace Haven PL	APEX NC 27502	
		Current Tenant	321 Peace Haven PL	APEX NC 27502	
		Current Tenant	322 Peace Haven PL	APEX NC 27502	
		Current Tenant	323 Peace Haven PL	APEX NC 27502	

Current Tenant	324 Peace Haven PL	APEX NC 27502
Current Tenant	411 Peace Haven PL	APEX NC 27502
Current Tenant	511 Peace Haven PL	APEX NC 27502
Current Tenant	512 Peace Haven PL	APEX NC 27502
Current Tenant	513 Peace Haven PL	APEX NC 27502
Current Tenant	514 Peace Haven PL	APEX NC 27502
Current Tenant	521 Peace Haven PL	APEX NC 27502
Current Tenant	522 Peace Haven PL	APEX NC 27502
Current Tenant	523 Peace Haven PL	APEX NC 27502
Current Tenant	524 Peace Haven PL	APEX NC 27502
Current Tenant	531 Peace Haven PL	APEX NC 27502
Current Tenant	532 Peace Haven PL	APEX NC 27502
Current Tenant	533 Peace Haven PL	APEX NC 27502
Current Tenant	534 Peace Haven PL	APEX NC 27502
Current Tenant	611 Peace Haven PL	APEX NC 27502
Current Tenant	612 Peace Haven PL	APEX NC 27502
Current Tenant	613 Peace Haven PL	APEX NC 27502
Current Tenant	614 Peace Haven PL	APEX NC 27502
Current Tenant	621 Peace Haven PL	APEX NC 27502
Current Tenant	622 Peace Haven PL	APEX NC 27502
Current Tenant	623 Peace Haven PL	APEX NC 27502
Current Tenant	624 Peace Haven PL	APEX NC 27502
Current Tenant	631 Peace Haven PL	APEX NC 27502
Current Tenant	632 Peace Haven PL	APEX NC 27502
Current Tenant	633 Peace Haven PL	APEX NC 27502
Current Tenant	634 Peace Haven PL	APEX NC 27502
Current Tenant	711 Peace Haven PL	APEX NC 27502
Current Tenant	712 Peace Haven PL	APEX NC 27502
Current Tenant	713 Peace Haven PL	APEX NC 27502
Current Tenant	714 Peace Haven PL	APEX NC 27502
Current Tenant	721 Peace Haven PL	APEX NC 27502
Current Tenant	722 Peace Haven PL	APEX NC 27502
Current Tenant	723 Peace Haven PL	APEX NC 27502
Current Tenant	724 Peace Haven PL	APEX NC 27502
Current Tenant	731 Peace Haven PL	APEX NC 27502
Current Tenant	732 Peace Haven PL	APEX NC 27502
Current Tenant	733 Peace Haven PL	APEX NC 27502
Current Tenant	734 Peace Haven PL	APEX NC 27502
Current Tenant	811 Peace Haven PL	APEX NC 27502
Current Tenant	812 Peace Haven PL	APEX NC 27502
Current Tenant	813 Peace Haven PL	APEX NC 27502
Current Tenant	814 Peace Haven PL	APEX NC 27502
Current Tenant	821 Peace Haven PL	APEX NC 27502
Current Tenant	822 Peace Haven PL	APEX NC 27502
Current Tenant	823 Peace Haven PL	APEX NC 27502
Current Tenant	824 Peace Haven PL	APEX NC 27502
Current Tenant	831 Peace Haven PL	APEX NC 27502
Current Tenant	832 Peace Haven PL	APEX NC 27502
Current Tenant	833 Peace Haven PL	APEX NC 27502
Current Tenant	834 Peace Haven PL	APEX NC 27502
Current Tenant	101 Shelter Haven DR	APEX NC 27502
Current Tenant	103 Shelter Haven DR	APEX NC 27502
Current Tenant	104 Shelter Haven DR	APEX NC 27502
Current Tenant	105 Shelter Haven DR	APEX NC 27502
Current Tenant	106 Shelter Haven DR	APEX NC 27502
Current Tenant	112 Shelter Haven DR	APEX NC 27502
Current Tenant	2 Sparta LN	APEX NC 27502
Current Tenant	700 Tingen RD	APEX NC 27502
Current Tenant	936 Tingen RD	APEX NC 27502
Current Tenant	939 Tingen RD	APEX NC 27502
Current Tenant	940 Tingen RD	APEX NC 27502
Current Tenant	1001 Tingen RD	APEX NC 27502
Current Tenant	1003 Tingen RD	APEX NC 27502

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 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: +/- 2.27 acres

PIN(s): 0741264605

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ)

2045 Land Use Map: Medium/High Density Residential

Town Limits: Inside the ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 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: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 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: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tina Sherman

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ27 Tingen Road Residential

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

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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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.12.12 18:42:26
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ27 Tingen Road Residential

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: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Property Address: 1010 Tingen Road

Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 21 – December 12, 2022



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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 #21CZ27 Tingen Road Residential

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Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC

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Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

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Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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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 #21CZ27

Tingen Road Residential

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: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Dirección de la propiedad: 1010 Tingen Road

Superficie: ±2.27 acres

Números de identificación de la propiedad: 0741264605

Designación en el Mapa de Uso Territorial para 2045: Medium/High Density Residential

Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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 diciembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



October 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department



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 #21CZ27
1010 Tingen Road
Project Location: 1010 Tingen Road
Applicant or Authorized Agent: Jeff Roach, P.E.
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 21, 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.

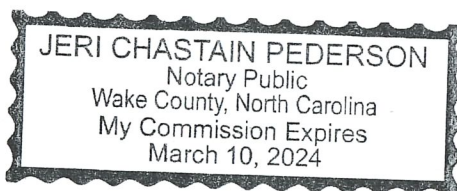
11/21/2022
Date

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 21 day of November, 202 2.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ27
Tingen Road Residential**

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Property Address: 1010 Tingen Road
Acreage: ±2.27 acres
Property Identification Number (PIN): 0741264605
2045 Land Use Map Designation: Medium/High Density Residential
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ27
Tingen Road Residential

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: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedad: 1010 Tingen Road
Superficie: ±2.27 acres
Números de identificación de la propiedad: 0741264605
Designación en el Mapa de Uso Territorial para 2045: Medium/High Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-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: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37116/21CZ27>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022 – 10 de enero de 2023



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ27 Tingen Road Residential

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: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Authorized Agent: Jeff Roach, P.E., Peak Engineering & Design, PLLC

Property Address: 1010 Tingen Road

Acreage: ±2.27 acres

Property Identification Number (PIN): 0741264605

2045 Land Use Map Designation: Medium/High Density Residential

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: High Density Multi-Family-Conditional Zoning (HDMF-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ27

Tingen Road Residential

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Agente autorizado: Jeff Roach, P.E., Peak Engineering & Design, PLLC
Dirección de la propiedad: 1010 Tingen Road
Superficie: ±2.27 acres
Números de identificación de la propiedad: 0741264605
Designación en el Mapa de Uso Territorial para 2045: Medium/High Density Residential
Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)
Ordenamiento territorial propuesto para la propiedad: High-Density Multi-Family-Conditional Zoning (HDMF-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ27
1010 Tingen Road
Project Location: 1010 Tingen Road
Applicant or Authorized Agent: Jeff Roach, P.E.
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

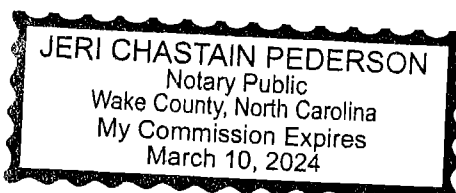
12/19/2022
Date

Shianne Fikkin
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 19 day of December, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Glenn Carrozza
5625 Dillard Drive
Cary, NC 27518

tel: (919) 694-7708

November 9, 2021

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 1, 2021
- Name of development: 21CZ27 Tingen Rd Residential
- Address of rezoning/development: 1010 Tingen Road
- Total number of proposed residential units: 20 Units
- Type(s) of residential units proposed: Townhomes

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
- ☒ Elementary ☐ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☒ School expansion or construction within the next five years may address concerns at these grade levels:
- ☒ Elementary ☐ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,
Glenn Carrozza
Glenn Carrozza

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 28.8420 acres, Hatcher Property, Annexation No. 735 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance - Satellite Annexation
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-001
SATELLITE ANNEXATION PETITION NO. 735
Hatcher Property – 28.8420 acres

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on January 10, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. §160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 10, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled Satellite Annexation Map for the Town of Apex (PIN#0722-01-1663 and 0712-91-5079), dated February 17, 2021" and recorded in Book of Maps book number 2023 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 10th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 00' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 559.71 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 02° 37' 44" East, 116.27 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 28.8420 total acres more or less.

This description was prepared for the sole purpose of satellite annexation of a municipal boundary and for no other use.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2023-001, adopted at a meeting of the Town Council, on the 10th day of January, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of January, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (December 16, 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 **10th day of January, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-58.1:

Satellite Annexation Petition #735 Hatcher Property – 28.8420 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 735" 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, January 10, 2023.

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

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

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

###

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 45' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 559.71 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 02° 37' 44" East, 116.27 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 28.8420 total acres more or less.

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PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2022-010 Submittal Date: 5/2/22
 Fee Paid: \$ 200.00 Check #: #10260

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

Joseph Iannone Jr	0721-91-8593 (partial)
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-387-8846	joey@jviconstruction.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith and Smith Surveyors
 Phone: 919-362-7111 Fax:
 E-mail Address: staleysmith@mindspring.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>27.6</u> ^{28.8420}	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>28</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>LD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-010

Submittal Date: 5/2/22

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Joseph Iannone Jr

JOSEPH V. IANNONE

Please Print

[Signature]

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

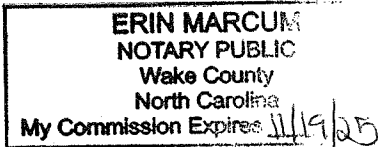
STATE OF NORTH CAROLINA

COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County,
this the 28th day of April, 2022.

[Signature]
Notary Public

SEAL



My Commission Expires: November 19, 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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ12 Hatcher Property Rezoning and Ordinance. The applicant, Joseph Iannone, JVI Building & Development, Inc, seeks to rezone approximately 28.842 acres from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 0 & portion of 3100 Olive Chapel Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on December 12, 2022 and by a vote of 8-0 voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0722011663 & portion of 0712915079.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Addresses: 0 & portion of 3100 Olive Chapel Road
Applicant: Patrick Kiernan, Jones & Clossen Engineering, PLLC
Owner: Joseph Iannone, JVI Building & Development, Inc

PROJECT DESCRIPTION:

Acreage: +/- 28.842 acres
PINs: 0722011663 & portion of 0712915079
Current Zoning: Wake County Residential-80W District (R-80W)
Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)
Current 2045 Land Use Map: Rural Density Residential
2045 Land Use Map if rezoned as proposed: Rural Transition Residential
Town Limits: Outside Corporate Limits and ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential-80W District (R-80W)	Forestry Single-family Residential
South:	Wake County Residential-80W District (R-80W)	US Army Corps of Engineers Land
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32) Wake County Residential-80W District (R-80W)	American Tobacco Trail Smith Farm Subdivision US Army Corps of Engineers Land
West:	Wake County Residential-80W District (R-80W)	Forestry Single-family Residential

EXISTING CONDITIONS:

The site consists of two (2) parcels totaling +/- 28.842 acres and is located on the north side of Olive Chapel Road, west of the American Tobacco Trail. The site is partially wooded and partially cleared. It was recently used for forestry.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 27, 2022. Because the property changed size after the original meeting, the applicant was required to have a second neighborhood meeting on December 5, 2022. The meeting reports for each meeting are attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Rural Density Residential. The applicant proposes a rezoning to Rural Residential-Conditional Zoning (RR-CZ) district, which is not currently consistent within that Land Use Map designation. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Rural Transition Residential per NCGS 160D-605(a).

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PROPOSED ZONING CONDITIONS:

Proposed Uses:

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

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Proposed Conditions:

The applicant has broken the rezoning into two separate areas with separate conditions for each.

Zone A:

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions:

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:

a. Front – 25 ft;	c. Corner side – 15 ft;
b. Side – 8 ft. min/20 ft. total;	d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of three private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Zone B:

Architectural Conditions for RR-CZ - Single Family Residential



1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. 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
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. For stormwater management, 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.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
14. Developer shall emphasize the availability of solar by providing the statement "Solar Options Available" on the development sign at the front of the subdivision.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60' public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10' Side Path for the entirety of the eastern side of the street, to be dedicated prior to the first plat of the subdivision.
17. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
18. A 50' Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10' Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10' Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Buffers:	UDO Requirement:	Proposed:
American Tobacco Trail	50-foot Type A	50-foot Type A
Transit Trail (Major Collector)	10-foot Type A	10-foot Type A
Adjacent to US Army Corps Land	10-foot Type B	split-rail wooden fence
North Adjacent to Class 6: Forestry	40-foot Type A	10-foot Type B
South: Adjacent to Single-family (lot size >12,000 sf)	10-foot Type A	10-foot Type B

Transportation:

Per the proposed Apex Thoroughfare and Collector Street Plan, Transit Trail is designated as a future Major Collector. It is planned to extend north through Legacy PUD and connect from Olive Chapel Road to US 64 Hwy W. In addition, the Apex Bicycle and Pedestrian System Plan Map calls for future sidepath along the eastern side

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



of Transit Trail. The applicant is proposing to construct Transit Trail and the sidepath to Town standards along the property frontage. Specifically, the condition states:

Zone B:

Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60' public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10' Side Path for the entirety of the eastern side of the street, to be dedicated at the time of the first plat of the subdivision.

ENVIRONMENTAL ADVISORY BOARD:

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

EAB Suggested Condition	Applicant's Response
Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.	Included
Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.	Included
Developer shall install pollinator-friendly and native flora within SCM planting areas.	Included
Sod used within perimeter buffers, SCMs, and along streets shall be warm season grasses for drought resistance.	Included
A pet waste station shall be installed in the development.	Included
All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.	Included
Any required outdoor lighting shall utilize full cutoff fixtures that have a minimum color temperature of 3000K.	Included
Recommend the installation of solar photovoltaic (PV) systems of minimum 4 kilowatts (about 12 panels) on a minimum of six homes.	Not Included
If RCA is required, direct that open space to the southeast corner of the property nearby the Army Corps of Engineers land.	Included
The landscaping shall consist of a minimum of 75% native species to the eastern U.S.	Included

After this meeting, the acreage for the property increased. Due to this, the UDO required that the project return to the EAB for another review. That meeting was held on November 17, 2022. Those conditions are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
For stormwater management, 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.	Included
Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.	Included
Developer shall install pollinator-friendly and native flora within SCM planting areas.	Included
At least 75% of the plant species used in the landscape design shall be native	Included

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



EAB Suggested Condition	Applicant's Response
species.	
Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.	Included
In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.	Included
A minimum of one pet waste station shall be installed in HOA common area.	Included
Homeowners Association covenants shall not restrict the construction of accessory dwelling units.	Included
All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.	Included
All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.	Included
Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.	Included
A 50' Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10' Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10' Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.	Included
Install a minimum of two solar PV systems at a minimum of 4-kilowatts.	Not Included

Parks, Recreation, and Cultural Resources Advisory Commission:

It is anticipated that this project will have less than 30 Single Family Detached units, 45 Single Family Attached units, or 51 Multi-Family units; therefore, the project will not need to be reviewed by the PRCR Advisory Commission per the UDO Sec. 14.1.2 *Exemptions*. Prior to Master Subdivision Plan approval, the fee-in-lieu of dedication will be presented to Town Council.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning petition with the following changes:

Zone A Condition 4 states:

A maximum total of three private driveway access points onto Transit Trail shall be allowed.

Staff's recommended change:

A maximum total of two private driveway access points onto Transit Trail shall be allowed.

Planning Board Recommendation:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. The Planning Board unanimously voted to recommend approval of Rezoning Case #22CZ12 Hatcher Property with the conditions as presented by the applicant.

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Rural Density Residential. The applicant proposes a rezoning to Rural Residential-Conditional Zoning (RR-CZ) district, which is not consistent with that Land Use Map designation. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Rural Transition Residential per NCGS 160D-605(a). The proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) will provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable with the zoning condition amendment suggested by staff and in the public interest because it will permit single-family development at a maximum density of 1 dwelling unit per acre, while also constructing a portion of a major collector street and side path which will provide a valuable north-south connection in the future.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Rural Residential-Conditional Zoning (RR-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

STAFF REPORT

Rezoning #22CZ12 Hatcher Property

January 10, 2023 Town Council Meeting



- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Rezoning #22CZ12

Deer
Creek

Adirondack Way

Lawson Ln

Transit Trl

Olive Chapel Rd

American Tobacco Trail

Soaring Silo Way

Herb Garden Way

Early Planting Ave

Barn Cat Way

Milk Bottle Aly

Smith
Farm PUD

Wishing Well Wynd

0 500 1,000
Feet

November 2022
October 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

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 #: 22CZ12 Submittal Date: 5/2/2022
Fee Paid: _____

Project Information

Project Name: Hatcher Property Rezoning
Address(es): 0 & portion of 3100 Olive Chapel Rd
PIN(s): 0722-01-1663 & portion of 0712-91-5079
Acreage to be rezoned: 28.842
Current Zoning: R80-W Proposed Zoning: RR-CZ
Current 2045 LUM Classification(s): Rural Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☒

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

Area classified as mixed use:	Acreage:	_____
Area proposed as non-residential development:	Acreage:	_____
Percent of mixed use area proposed as non-residential:	Percent:	_____

Applicant Information

Name: JVI Building & Development, Inc
Address: 1600 Olive Chapel Rd, Suite 400
City: Apex State: NC Zip: 27502
Phone: 919-387-8846 E-mail: joey@jviconstruction.com

Owner Information

Name: Joseph Iannone Jr
Address: 2509 Southwinds Run
City: Apex State: NC Zip: 27502
Phone: 919-387-8846 E-mail: joey@jviconstruction.com

Agent Information

Name: Jones & Crossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: patrick@jonescrossen.com

Other contacts: _____

PETITION INFORMATIONApplication #: 22CZ12 Submittal Date: 5/2/2022

An application has been duly filed requesting that the property described in this application be rezoned from R80-W to RR-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	Single Family	21	
2	Accessory Apartment	22	
3	Utility, minor	23	
4	Greenway	24	
5	Park, active	25	
6	Park, passive	26	
7		27	
8		28	
9		29	
10		30	
11		31	
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18		38	
19		39	
20		40	

PETITION INFORMATION

Application #:

22CZ12

Submittal Date:

5/2/2022

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.

See attached list

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.

This rezoning would propose to amend the 2045 Land Use Map in order to convert

the designation from Rural Density Residential to the new Rural Density Transition designation.

We believe this to be an appropriate LUM designation, serving as a transition from the Medium/High Density Residential (striped as mixed-use) to the east, to the Rural Density Residential to the west.

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

With this conditional zoning, the we are requesting to cap the density at

1.0 units/acre. As there are medium / high density uses to the east and north, and

rural residential / preserved NC game land uses to the west and south, this

density is compatible as a transition.

PETITION INFORMATION

Application #: 22CZ12 Submittal Date: 5/2/2022

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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

As we are proposing a residential use, there is compatibility with the surrounding lands, and with the low density we are proposing, traffic should be minimal. Trash will be collected for each individual lot as a Town of Apex service, so there is no concern of any common area dumpsters creating an odor 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.

Several environmentally-minded conditions have been added to this conditional zoning in order to minimize the environmental impacts, including stormwater management of the 25-year storm, provision of at least one pet waste station along with signage regarding the need to reduce fertilizers and pet waste near SCMs, provision of solar conduit on all homes, and multiple conditions regarding the use of native plant species.

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 low residential density proposed with this conditional zoning will minimize any overburdening of public facilities. This project would provide a portion of a north-south Major Collector Street, eventually connecting US-64 and Olive Chapel Road.

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 development of this parcel should not have a negative affect on the health, safety or welfare of Apex citizens.

PETITION INFORMATION

Application #:

22CZ12

Submittal Date:

5/2/2022

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

Because of its compatibility with the surrounding land uses (see Legislative Consideration #2), this conditional zoning should not be 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.

Residential homes generally do not constitute a nuisance or hazard because of the character of the neighborhood. The number of units planned for these parcels is small and the impact of these few units on the surrounding area will be minimal.

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.

This rezoning petition is mostly compatible with the Ordinance for the Rural Residential zoning district. There are some deviations to the table of intensities (Table 5.1 of Apex UDO) regarding setbacks and average lot size, but these proposed zoning conditions are still compatible with the Land Use Map designation of Rural Density Transition.

22CZ12 Hatcher Property – Zone A Conditions:

Architectural Conditions for RR-CZ - Single Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of three private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 720,998.30 feet, East 2,019,786.59 feet; thence North 89° 30' 03" West, 412.24 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 00° 20' 14" West, 64.19 feet (chord), 505.00 feet (radius) to a point; thence South 86° 41' 35" East, 60.00 feet to a point; thence South 80° 45' 39" East, 109.43 feet to a point; thence South 52° 58' 07" East, 68.06 feet to a point; thence South 23° 29' 24" East, 73.97 feet to a point; thence South 46° 29' 27" West, 50.55 feet to a point; thence South 08° 02' 55" West, 34.61 feet to a point; thence South 30° 23' 37" East, 308.52 feet to a point; thence South 04° 03' 53" East, 83.22 feet to a point; thence South 03° 33' 46" West, 131.60 feet to the BEGINNING, containing 5.3566 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE A)

22CZ12 Hatcher Property – Zone B Conditions:

Architectural Conditions for RR-CZ - Single Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. 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
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. For stormwater management, 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.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.

22CZ12 Hatcher Property – Zone B Conditions:

5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
14. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60’ public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10’ Side Path for the entirety of the eastern side of the street, to be dedicated prior to the first plat of the subdivision.
17. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
18. A 50’ Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10’ Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10’ Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 45' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 147.47 feet to a point; North 03° 33' 46" East, 131.60 feet to a point; thence North 04° 03' 53" West, 83.22 feet to a point; thence North 30° 23' 37" West, 308.52 feet to a point; thence North 08° 02' 55" East, 34.61 feet; thence North 46° 29' 27" East, 50.55 feet to a point; thence North 23° 29' 24" West, 73.97 feet to a point; thence North 52° 58' 07" West, 68.06 feet to a point; thence North 80° 45' 39" West, 109.43 feet to a point; thence North 86° 41' 35" West, 60.00 feet to a point; thence a curve to the right North 06° 16' 23" East, 52.26 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 23.4854 total acres more or less.

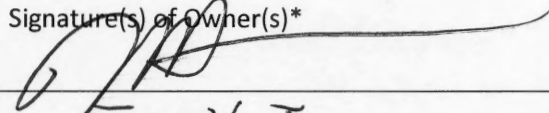
This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE B)

AGENT AUTHORIZATION FORMApplication #: 22CZ12Submittal Date: 5/2/2022

Joseph Iannone Jr 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: 3100 Olive Chapel Rd & 0 Olive Chapel RdThe agent for this project is: Jones & Crossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Patrick KiernanAddress: PO Box 1062, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: patrick@jonescrossen.comSignature(s) of Owner(s)*
JOE V. IANNO

Type or print name

11-21-22

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.

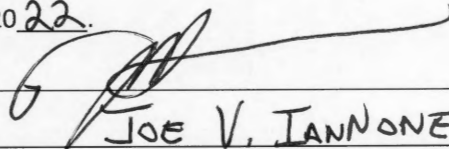
Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. 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 OWNERSHIPApplication #: 22CZ12Submittal Date: 5/2/2022

The undersigned, Joseph Iannone Jr (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 3100 Olive Chapel Rd & 0 Olive Chapel Rd and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 4/29/2021, and recorded in the Wake County Register of Deeds Office on 04/29/2021, in Book 018479 Page 01421.
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 04/29/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 04/29/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

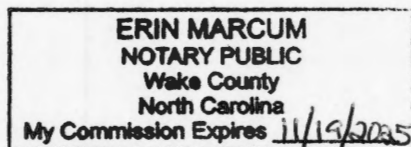
This the 21 day of NOV, 2022.



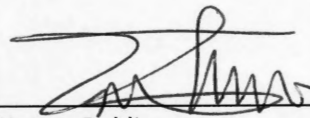
JOE V. IANNONE
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that Joe V Iannone, 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
State of North Carolina
My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ12

Submittal Date: 5/2/2022

Insert legal description below.

Being all of Lots 1 and 2 as recorded in BM 2022 on Page 1473.

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.

April 8, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
3100 Olive Chapel Rd 0712-91-8593

Since the time of the neighborhood meeting, the Town has adopted a new LUM designation, Rural Density Transition, which better suits this rezoning petition. In order to meet this new LUM designation, we are changing our rezoning petition from LD-CZ to RR-CZ. Per TOA staff, since the RR district is less intense than the LD district, a new neighborhood meeting shall not be required.

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Proposing to rezone these two parcels along Olive Chapel Rd. and Transit Tr. from R-80W to

Low Density Condition Zoning (LD-CZ). This would allow for a single family development of up to 3 units per acre.

Estimated submittal date: May 02, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Joseph Iannone Jr

Applicant(s): JVI Building & Development

Contact information (email/phone): patrick@jonescnossen.com/919-387-1174

Meeting Address: Zoom meeting - See enclosed details

Date/Time of meeting**: April 27, 2022 5:30 PM

Welcome: 5:30 PM Project Presentation: 5:35 PM Question & Answer: 6:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.

Zoom Meeting Details – Hatcher Property

When: **April 27, 2022 05:30 PM Eastern Time (US and Canada)**

[Register](#) in advance for this meeting:

Zoom.com

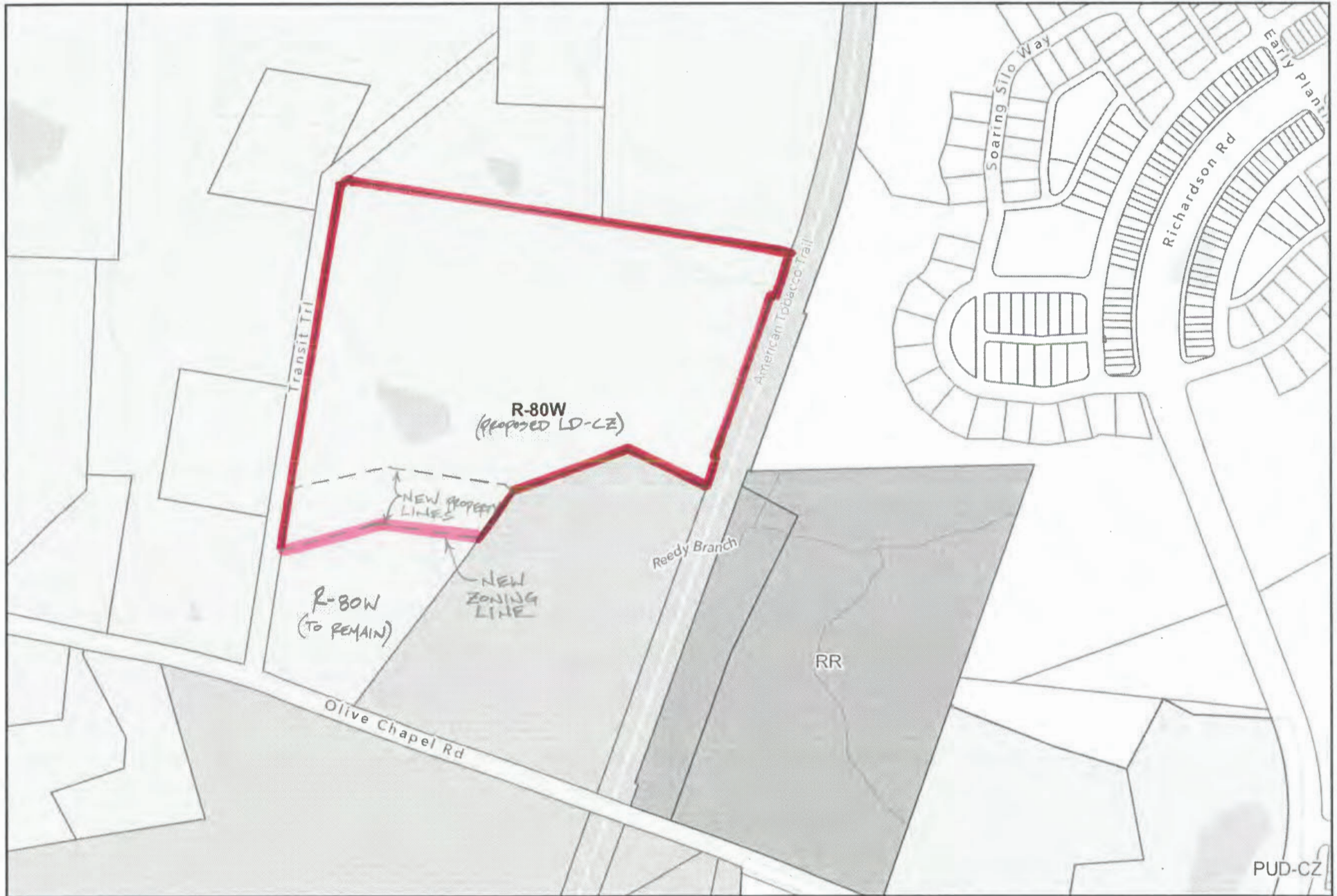
Meeting ID: 865 9608 0758

Passcode: F079da

The Meeting Registration form will request your First and Last Name, Email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting. A dial-in phone option will be provided in the confirmation email.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.



1 inch equals 400 feet

Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

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: Hatcher Property Zoning: LD-CZ

Location: 3100 Olive Chapel Rd

Property PIN(s): 0712-91-8593 Acreage/Square Feet: 26.5 ac.

Property Owner: Joseph Iannone Jr

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Email: joey@jviconstruction.com

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Fax: _____ Email: joey@jviconstruction.com

Engineer: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescnossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

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

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

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
2916 OLIVE CHAPEL RD	0722101607	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
1801 TRANSIT TRL	0722022516	CLEMENT, JOHN M JR CLEMENT, JUDY S	1801 TRANSIT TRL	APEX NC 27502-8506
3124 OLIVE CHAPEL RD	0712920463	CLEMENT, MARTHA S	3200 OLIVE CHAPEL RD	APEX NC 27502-6785
1812 TRANSIT TRL	0712924321	CLEMENT, MARTHA SMITH	3200 OLIVE CHAPEL RD	APEX NC 27502-6785
3100 OLIVE CHAPEL RD	0712918593	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512
0 US 64 HWY W	0711986221	NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201	RALEIGH NC 27611-5201
2948 OLIVE CHAPEL RD	0722006782	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE	1321 MAIL SERVICE CTR
0 RICHARDSON RD	0722118310	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION INC	ELITE MANAGEMENT	4112 BLUE RIDGE RD STE 100
3129 OLIVE CHAPEL RD	0712809339	THORNTON, ANNE HARRIS	3129 OLIVE CHAPEL RD	APEX NC 27502-5710
1101 NEW HILL OLIVE CHAPEL RD	0711787015	UNITED STATES OF AMERICA	310 NEW BERN AVE	RALEIGH NC 27601-1441
1904 TRANSIT TRL	0712912403	WINGLER, REBECCA C WINGLER, BRIAN C	1904 TRANSIT TRL	APEX NC 27502-8505
		Current Tenant	3020 Olive Chapel RD	APEX NC 27502
		Current Tenant	3100 Olive Chapel RD	APEX NC 27502

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom
 Date of meeting: April 27, 2022 Time of meeting: 5:30 pm
 Property Owner(s) name(s): Joseph Iannone Jr
 Applicant(s): JVI Building & Development

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Kip Clement	1801 Transit Trail			Yes
2.	Brian & Rebecca Wingler	1904 Transit Trail			Yes
3.	William Clement	Bristol, TN			Yes
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): Joseph Iannone Jr

Applicant(s): JVI Building & Development

Contact information (email/phone): patrick@jonescossen.com/919-387-1174

Meeting Address: Zoom

Date of meeting: April 27, 2022 Time of meeting: 5:30 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:

If Transit Trail becomes a paved street with sidewalks, will they (the adjacent property owners) be responsible for the cost of maintaining the sidewalk and grass shoulder?

Applicant's Response:

Transit Trail would become a Town of Apex maintained street, and since the sidewalks on both sides of the road would fall inside the public R/W, all maintenance would be handled by the Town.

Question/Concern #2:

While Transit Trail is under construction to become a paved street, how would the properties along Transit Trail access their driveways?

Applicant's Response:

It would be the developer's responsibility to ensure that access to each of the properties along Transit Trail is provided and maintained throughout the construction process. A separate access drive would be installed and utilized until Transit Trail is recorded as TOA R/W and made open to the public.

Question/Concern #3:

Is there any way that construction of Transit Trail and the subdivision could be limited to Monday - Saturday so that they can have reprieve from the noise on Sundays?

Applicant's Response:

I can discuss this with my client, and if he is willing to agree, it could potentially be added as a zoning condition.

Question/Concern #4:

Could the Town of Apex ever force construction of Transit Trail across the undeveloped parcels to the north in order to make the connection to the recently approved Legacy PUD?

Applicant's Response:

While it is beyond the scope of this project, the dedication of Public R/W cannot happen without negotiations having occurred with the property owners in question.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Patrick Kiernan, do hereby declare as follows:

Print Name

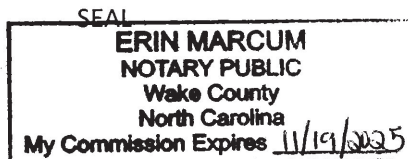
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 April 27, 2022 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

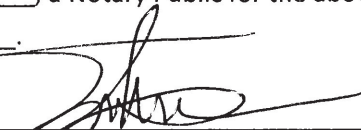
4/28/22
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 28th day of April, 2022.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 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.

November 18, 2022

Date

Dear Neighbor:

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

0 Olive Chapel Rd

0722-01-1663

3100 Olive Chapel Rd

0712-91-5079 (partial)

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

See attached.

Estimated submittal date: submitted May 02, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Joseph Iannone Jr

Applicant(s): JVI Building & Development, Inc.

Contact information (email/phone): patrick@jonescossen.com/919-387-1174

Meeting Address: Zoom meeting - see enclosed details

Date/Time of meeting**: December 05, 2022 6:00-8:00 pm

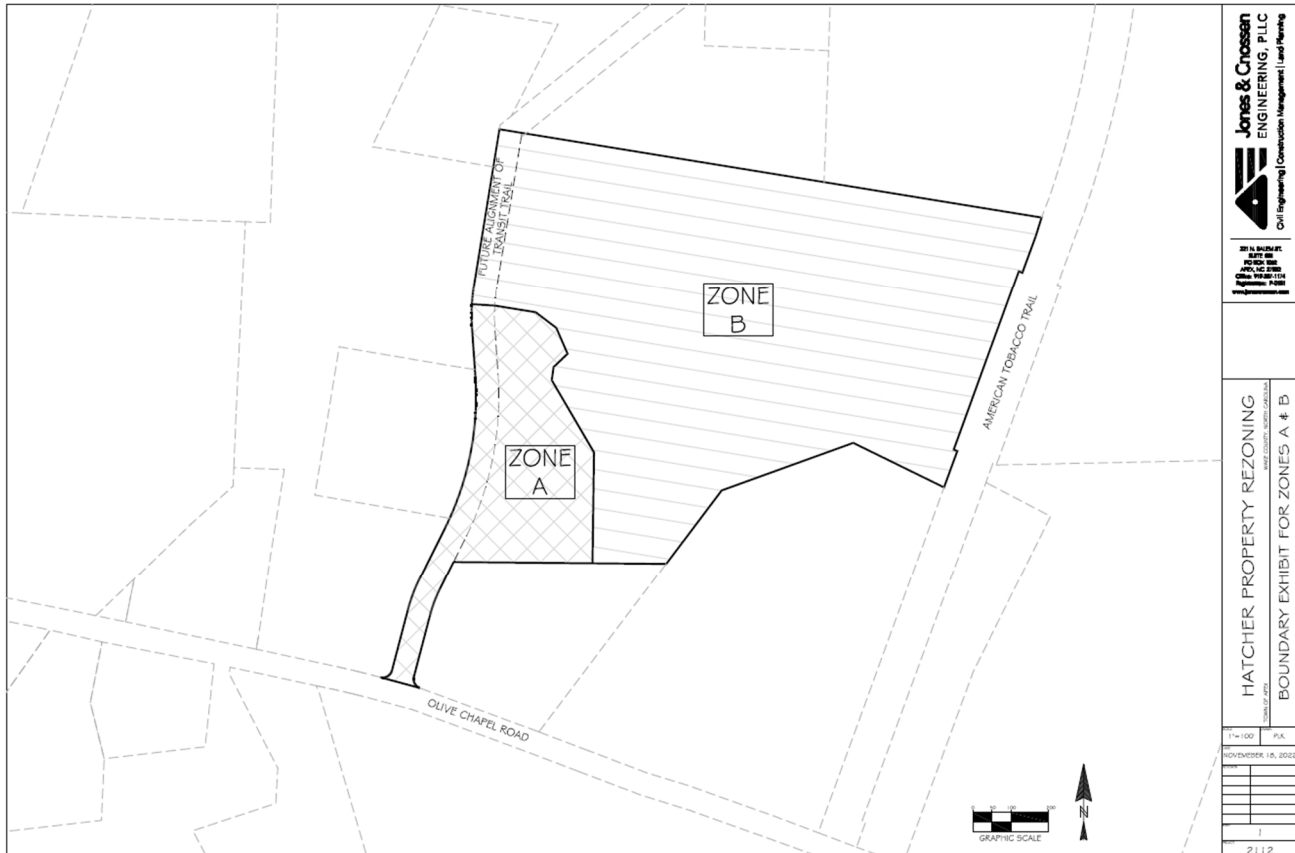
Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

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

Meeting Description

This is a follow-up meeting to the one originally held on 4/27/22, regarding the Hatcher Property rezoning. A second neighborhood meeting is required because the total acreage of the rezoning has changed. The only reason for the change in acreage is due to the meandering re-alignment of future Transit Trail, which has been modified since April.

Another update to the original submission is the separation of two "zones" within this petition. These two zones are both still proposed as Rural Residential (RR), however, they will each have independent zoning conditions from one another. An exhibit is shown below to highlight these two zoning boundaries.



Zoom Meeting Details – Hatcher Property Rezoning

When: December 05, 2022 06:00 PM Eastern Time (US and Canada)

Register using the QR code:

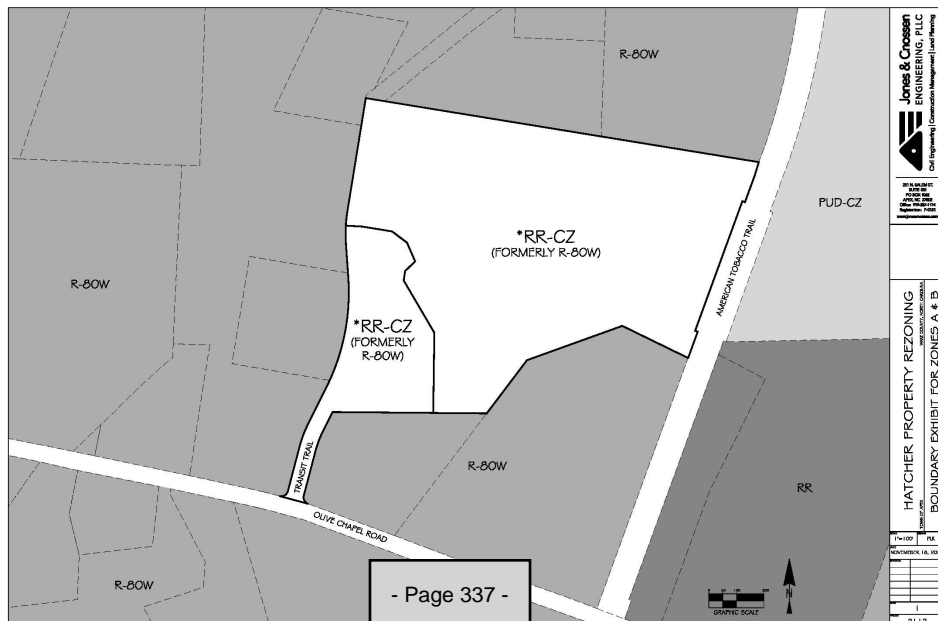


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 869 7312 1835 and then the Passcode: HATCHER22.

Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on December 5th.

Or to join the meeting by phone: dial (305) 224-1968 or (309) 205-3325 and enter the Meeting ID 869 7312 1835 and the Passcode 782253949. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



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: Hatcher Property Zoning: LD-CZ

Location: 0 Olive Chapel Rd; 3100 Olive Chapel Rd

Property PIN(s): 0722-01-1663; 0712-91-5079 (partial) Acreage/Square Feet: 28.34

Property Owner: Joseph Iannone Jr.

Address: 2509 Southwinds Run

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Email: joey@jviconstruction.com

Developer: JVI Building & Development, Inc

Address: 1600 Olive Chapel Rd, Suite 400

City: Apex State: NC Zip: 27502

Phone: 919-387-8846 Fax: Email: joey@jviconstruction.com

Engineer: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: Email: patrick@jonescnossen.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

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

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

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

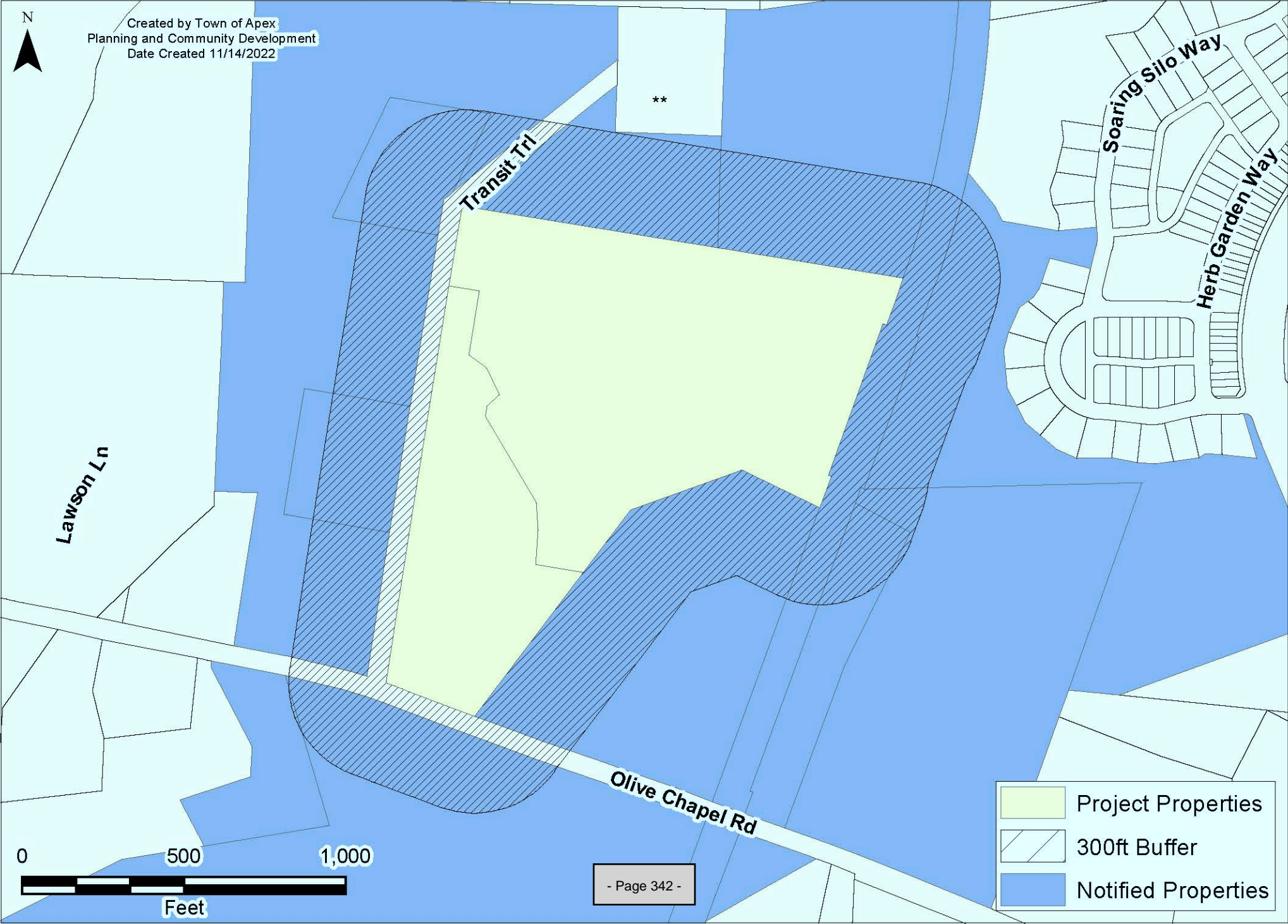
Electric Utility Installation:	Rodney Smith	919-249-3342
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
2916 OLIVE CHAPEL RD	0722101607	APEX TOWN OF	PO BOX 250
3124 OLIVE CHAPEL RD	0712920463	CLEMENT, MARTHA S	3200 OLIVE CHAPEL RD
1812 TRANSIT TRL	0712924321	CLEMENT, MARTHA SMITH	3200 OLIVE CHAPEL RD
0 OLIVE CHAPEL RD	0722011663	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN
0 US 64 HWY W	0711986221	NC DEPARTMENT OF TRANSPORTATION	PO BOX 25201
2948 OLIVE CHAPEL RD	0722006782	NORTH CAROLINA STATE OF	STATE PROPERTY OFFICE
0 RICHARDSON RD	0722118310	SMITH FARM OF APEX HOMEOWNERS ASSOCIATION INC	ELITE MANAGEMENT
3129 OLIVE CHAPEL RD	0712809339	THORNTON, ANNE HARRIS	3129 OLIVE CHAPEL RD
1101 NEW HILL OLIVE CHAPEL RD	0711787015	UNITED STATES OF AMERICA	310 NEW BERN AVE
1904 TRANSIT TRL	0712912403	WINGLER, REBECCA C WINGLER, BRIAN C	1904 TRANSIT TRL
		Current Tenant	3020 Olive Chapel RD
		Current Tenant	3100 Olive Chapel RD
			APEX NC 27502-0250
			APEX NC 27502-6785
			APEX NC 27502-6785
			APEX NC 27502-6512
			RALEIGH NC 27611-5201
			1321 MAIL SERVICE CTR
			4112 BLUE RIDGE RD STE 100
			APEX NC 27502-5710
			RALEIGH NC 27601-1441
			APEX NC 27502-8505
			APEX NC 27502
			APEX NC 27502

Created by Town of Apex Community and Development
Date Created: 11/14/2022

Notified Properties Within 300ft of Project Properties



** Additional property included for Neighborhood Meeting

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom

Date of meeting: December 05, 2022 Time of meeting: 6:00 - 8:00 pm

Property Owner(s) name(s): Joeph Iannone Jr

Applicant(s): JVI Building & Development, Inc.

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.	Patrick Krernan Jones & Chissey Engineering	221 N. Salem St., Suite 001			
2.	KIP CLEMENT	1801 TRANSIT TRAIL			✓
3.	BRIAN & REBECCA WINGLER	1904 TRANSIT TRAIL			✓
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): Joseph Iannone Jr

Applicant(s): JVI Building & Development, Inc.

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom

Date of meeting: December 05, 2022

Time of meeting: 6:00 pm - 8:00 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:

See attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Neighborhood Meeting – Summary of Discussion

Question/Concern #1: What will happen first, construction of homes or construction of Transit Trail?

When can we expect to see survey stakes in the ground so we can visualize where the road will actually be? When can we expect the project to begin?

Applicant's Response: I think that it is most likely that Transit Trail will be built first, but I do not have 100% certainty. Depending on utility availability, I do not know if it would be possible to get building permits for the large estate lots before Transit Trail is built as a public street, but if the building permits can in fact be acquired, then it could be possible to see home construction prior to Transit Trail. Typically you don't see survey stakes in the ground until plans are approved and construction has begun, but in this case, I think it is likely that the Transit Trail alignment will be staked out during the design process. I do not know exactly when that will be, nor do I know when construction will begin. I do know that the developer is anxious to begin, so if the rezoning is approved, then I would think road construction (if that does in fact come first) would break ground around late Spring/early Summer.

Question/Concern #2: Can you confirm the condition regarding the temporary access drive being provided during construction? There has already been damage to the existing Transit Trail gravel due to large trucks coming in and out.

Applicant's Response: Yes, I can confirm that condition is part of the rezoning petition. I will pass along your concerns about the condition of Transit Trail to the developer.

Question/Concern #3: Can you confirm the conditions restricting construction from occurring on Sundays, as well as after 7pm?

Applicant's Response: I can confirm that there is a condition restricting any construction from occurring on Sundays. I must apologize, as I do not recall "no construction after 7pm" being brought up in the initial meeting. I will have to look into this to see if it is possible.

Question/Concern #4: Have you confirmed that Duke will be able to relocate the power poles that will be in the way once Transit Trail is realigned and built as a public street? Is there a chance they bury the lines and run it underground if they have to move it anyway? If the Town of Apex installs electric utilities within Transit Trail to serve the future subdivisions, would we be forced to tap into Town of Apex electric? Our preference would be to stay on Duke electric.

Applicant's Response: We have not had any conversations with Duke yet regarding pole relocation, however it is a common occurrence with new construction, road widenings, etc. If the project is granted this rezoning, then much more design due diligence will begin. I cannot speak for Duke, but I would not anticipate them burying the lines for that short stretch along Olive Chapel Road, unless it were apart of a bigger project to provide underground electric in that area. Since it is overhead east and west of Transit Trail, I would assume they would prefer to stay overhead across the new intersection of Transit Trail. Regarding your own electric services, Apex would not force you to join into their grid just because it would be available within Transit Trail. You would be able to stay in Duke's services if that is your preference.

Question/Concern #5: Can you talk about addressing? Would the new large lots in Zone A have a Transit Trail address? Would we retain our same address? How would the new subdivision to the north be served by USPS? Is there any chance that we would be able to have new mailboxes on Transit Trail so that we don't have to walk all the way out to Olive Chapel Road, as well as cross the street, just to get our mail?

Applicant's Response: The new large lots that would be part of Zone A would have frontage on Transit Trail, and since it would become a public street, their addressing would be off Transit. For the future subdivision to the north, USPS no longer approves individual mailboxes for new subdivisions, but rather a community mail kiosk area. I do not think the large lots in Zone A will be held to that new rule since it is just two lots, but I am not certain. For the same reason, I think that it is a fair question to see if your mailboxes could be moved to the frontage of your property along Transit. Once Transit Trail is built and your new driveways are installed, that would probably be the time to look into getting your mailboxes moved.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Patrick L. Kiernan, do hereby declare as follows:

Print Name

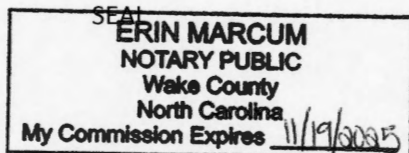
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on December 05, 2022 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/6/22
Date

By: Patrick L. Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 6th day of December, 2022.



Erin Marcum
Notary Public
Print Name

My Commission Expires: November 19, 2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 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: +/- 28.842 acres

PIN(s): 0722011663 & portion of 0712915079

Current Zoning: Wake County Residential-80W District (R-80W)

Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)

Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Town Limits: Outside Corporate Limits and ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 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: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 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: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Daniel Khodaparast

- ☐ *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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ12 Hatcher Property

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Daniel Khodaparast

- ☐ *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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.12.12 19:20:35
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEPHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ12
Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc
Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC
Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road
Superficie: 128.34 acres
Números de identificación de las propiedades: 0722011663 y una parte del 0712915079
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)
Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

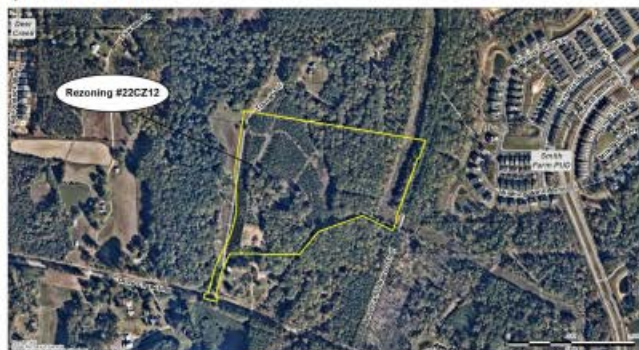
Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 21 de noviembre - 1



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ12 Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc

Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Property Addresses: 0 & portion of 3100 Olive Chapel Road

Acreage: ±28.34 acres

Property Identification Numbers (PINs): 0722011663 & portion of 0712915079

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Existing Zoning of Properties: Wake County Residential-80W District (R-80W)

Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39391>.

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 #22CZ12

Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road

Superficie: ±28.34 acres

Números de identificación de las propiedades: 0722011663 y una parte del 0712915079

Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)

Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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 diciembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39391>

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Rezoning #22CZ12

Transit Trl

Soaring Silo Way

Smith
Farm PUD

3100

Olive Chapel Rd

American Tobacco Trail

May 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

0 250 500

Feet

Public Hearing Sign Posted By

Signature

5/19/2022
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 #21CZ12
Hatcher Property Rezoning

Project Location: 0 & portion of 3100 Olive Chapel Road

Applicant or Authorized Agent: Patrick Kiernan, PE

Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 21, 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.

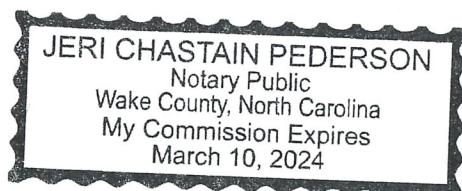
11/21/2022
Date

Shanne G. Kien
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 21 day of November, 202 2.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ12
Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0 & portion of 3100 Olive Chapel Road

Acreage: ±28.34 acres

Property Identification Numbers (PINs): 0722011663 & portion of 0712915079

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Existing Zoning of Properties: Wake County Residential-80W District (R-80W)

Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

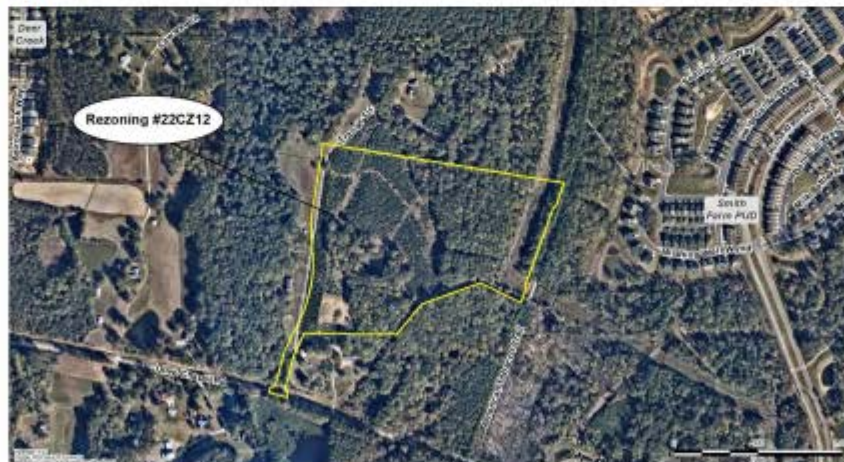
Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39391>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ12
Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc

Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road

Superficie: ±28.34 acres

Números de identificación de las propiedades: 0722011663 y una parte del 0712915079

Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)

Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/lmaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39391>

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ12 Hatcher Property Rezoning

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: Joseph Iannone, JVI Building & Development, Inc

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0 & portion of 3100 Olive Chapel Road

Acreage: ±28.34 acres

Property Identification Numbers (PINs): 0722011663 & portion of 0712915079

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Rural Transition Residential

Existing Zoning of Properties: Wake County Residential-80W District (R-80W)

Proposed Zoning of Properties: Rural Density Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:

<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39391>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ12

Hatcher Property Rezoning

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: Joey Iannone, Jr, JVI Building & Development, Inc

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 y una parte del 3100 Olive Chapel Road

Superficie: ±28.34 acres

Números de identificación de las propiedades: 0722011663 y una parte del 0712915079

Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Rural Transition Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W District (R-80W)

Ordenamiento territorial propuesto para las propiedades: Rural Density Residential-Conditional Zoning (RR-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: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39391>

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ12
Hatcher Property Rezoning

Project Location: 0 & portion of 3100 Olive Chapel Road

Applicant or Authorized Agent: Patrick Kiernan, PE

Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

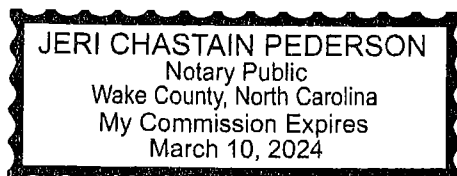
12/19/2022
Date

Shanne F. Kline
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 19 day of December, 2022.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

June 24, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: May 1, 2022
- Name of development: 22CZ12 Hatcher Property
- Address of rezoning: 3100 Olive Chapel Rd
- Total number of proposed residential units: 34
- Type(s) of residential units proposed: Single-family

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
- ☒ Elementary ☐ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☒ School expansion or construction within the next five years may address concerns at these grade levels:
- ☒ Elementary ☐ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 28.842 ACRES LOCATED AT 0 & PORTION OF 3100 OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-80W DISTRICT (R-80W) TO RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#22CZ12

WHEREAS, Joseph Iannone, JVI Building & Development, Inc, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 2nd day of May 2022 (the “Application”). The proposed conditional zoning is designated #22CZ12;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ12 before the Planning Board on the 12th day of December 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of December 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ12. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ12;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #22CZ12 before the Apex Town Council on the 10th day of January 2023;

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

WHEREAS, all persons who desired to present information relevant to the application for #22CZ12 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 Rural Transition Residential. This designation on the 2045 Land Use Map includes the zoning district Rural Residential-Conditional Zoning (RR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Rural Residential-Conditional Zoning (RR-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 permit single-family development at a maximum density of 1 dwelling unit per acre, while also constructing a portion of a major collector street and side path which will provide a valuable north-south connection in the future; and

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #22CZ12 rezoning the subject tract located at 0 & portion of 3100 Olive Chapel Road from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-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.”

Ordinance Amending the Official Zoning District Map #22CZ12

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-CZ), subject to the conditions stated herein.

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

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

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

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Zoning Conditions:

The applicant has broken the rezoning into two separate areas with separate conditions for each.

Zone A:

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions:

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.

Ordinance Amending the Official Zoning District Map #22CZ12

3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of two private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

Zone B:

Architectural Conditions for RR-CZ - Single Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. 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
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions

1. For stormwater management, 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.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.

Ordinance Amending the Official Zoning District Map #22CZ12

5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
14. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
15. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
16. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60’ public right-of-way from Olive Chapel Road to the northernmost property boundary, along with a 10’ Side Path for the entirety of the eastern side of the street, to be dedicated prior to the first plat of the subdivision.
17. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
18. A 50’ Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10’ Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10’ Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.

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.

Ordinance Amending the Official Zoning District Map #22CZ12

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A:

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 720,998.30 feet, East 2,019,786.59 feet; thence North 89° 30' 03" West, 412.24 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 00° 20' 14" West, 64.19 feet (chord), 505.00 feet (radius) to a point; thence South 86° 41' 35" East, 60.00 feet to a point; thence South 80° 45' 39" East, 109.43 feet to a point; thence South 52° 58' 07" East, 68.06 feet to a point; thence South 23° 29' 24" East, 73.97 feet to a point; thence South 46° 29' 27" West, 50.55 feet to a point; thence South 08° 02' 55" West, 34.61 feet to a point; thence South 30° 23' 37" East, 308.52 feet to a point; thence South 04° 03' 53" East, 83.22 feet to a point; thence South 03° 33' 46" West, 131.60 feet to the BEGINNING, containing 5.3566 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE A)

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 45' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 147.47 feet to a point; North 03° 33' 46" East, 131.60 feet to a point; thence North 04° 03' 53" West, 83.22 feet to a point; thence North 30° 23' 37" West, 308.52 feet to a point; thence North 08° 02' 55" East, 34.61 feet; thence North 46° 29' 27" East, 50.55 feet to a point; thence North 23° 29' 24" West, 73.97 feet to a point; thence North 52° 58' 07" West, 68.06 feet to a point; thence North 80° 45' 39" West, 109.43 feet to a point; thence North 86° 41' 35" West, 60.00 feet to a point; thence a curve to the right North 06° 16' 23" East, 52.26 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 23.4854 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

PRELIMINARY
(ZONE B)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.40 acres, located at 1933 Olive Chapel Road, Annexation No. 740 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-002
ANNEXATION PETITION NO. 740
1933 OLIVE CHAPEL ROAD

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on January 10, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 10, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, Wake County, North Carolina (PIN#0722-91-1543), dated July 13, 2022" and recorded in Book of Maps book number 2023 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 10th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Town of Apex, Wake County, North Carolina, and being part of Tract 2 as shown on a map of "Property of M.B. Morris", Book of Maps 1982, Page 582, and being more particularly bounded and described as follows:

BEGINNING at a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Russell Casavant (D.B. 18827, Pg. 2764, Lot 233), in the Kelly West, Phase 1 Subdivision, (B.M. 2000, Pg. 588) and marking a corner common to the lands now or formerly owned by Carey Holding, LLC (D.B. 16905, Pg. 448); thence, with the lands of the said Russell Casavant,

North 18°00'31" West a distance of 39.85 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kathleen Korn (D.B. 18162, Pg. 2711), continuing a distance of 154.32 feet to a stake (found), continuing a distance of 30.00 feet to a 5/8" rebar (set), continuing a distance of 11.25 feet to a point at the southwest corner of a sidewalk easement, continuing a distance of 4.75 feet to a point at the new right-of-way line of Olive Chapel Road, S.R. 1160, continuing a distance of 30.55 feet, in all a distance of 270.72 feet to a point in the centerline of the said Olive Chapel Road; thence, with the centerline of the said Olive Chapel Road,

North 62°16'06" East a distance of 149.51 feet to a point; thence, North 67°41'32" East a distance of 333.18 feet to a point; thence, South 01°40'59" West a distance of 32.57 feet to a point at the new right-of-way line of Olive Chapel Road, continuing a distance of 15.18 feet to a point at the southeast corner of a sidewalk easement, continuing a distance of 3.28 feet to a 5/8" rebar (set) at the northwest corner of a 35 foot thoroughfare buffer, continuing a distance of 37.96 feet to a 1/2" iron pipe (found), marking a

corner common to the lands now or formerly owned by Molli Matheny and Justin Matheny (D.B. 18223, Pg. 344, Lot 134), and being in the line of the Final Subdivision Plat for Greenbrier-Phase One, Section One, (B.M. 1997, Pg. 1733), continuing a distance of 46.58 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nilsa Melendez (D.B. 18223, Pg. 344, Lot 133), continuing a distance of 58.42 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kyle R. Raess (D.B. 12404, Pg. 920, Lot 132), continuing a distance of 64.99 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nathan Pan (D.B. 18591, Pg. 259, Lot 131), continuing a distance of 65.05 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Mary L. Hull (D.B. 8212, Pg. 1433, Lot 130), continuing a distance of 64.96 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by William S. Greene and Ewana C. Greene (D.B. 141124, Pg. 974, Lot 129), continuing a distance of 60.25 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Ravi K. Mistry and Nisha S. Mistry (D.B. 15777, Pg. 2014, Lot 128), continuing a distance of 6.75 feet, in all a distance of 455.99 feet to a 1" iron pipe (found), marking a corner common to the lands now or formerly owned by Yulin Zhang (D.B. 18904, Pg. 487, Lot 123) and the lands now or formerly owned by Robert C. Keck, III, (D.B. 12779, Pg. 1498, Lot 122); thence, with the lands of the said Robert C. Keck, III,

North 89°37'01" West a distance of 303.55 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Jared Schott (D.B. 13826, Pg. 2307, Lot 120) and marking a corner common to the lands of the said Russell Casavant, continuing a distance of 39.95 feet, in all a distance of 343.50 feet to the POINT OR PLACE OF BEGINNING, containing 3.342 acres, as surveyed by Jason D. Leadingham, North Carolina Professional Land Surveyor No. L- 4734, on behalf of Scalice Land Surveying, dated July 13, 2022, and revised on August 9, 2022.

And being the same land as that conveyed from Edward P. Carey and wife, Margaret M. Carey to Carey Holdings, LLC, dated September 11, 2017, and recorded in Deed Book 16905, Page 448, Tract II, and recorded in the Wake County Registry, North Carolina.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2023-002, adopted at a meeting of the Town Council, on the 10th day of January, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of January, 2023.

(SEAL)

Allen L. Coleman, CMC, NCCCC
Town Clerk

TOWN OF APEX

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (December 16, 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 **10th day of January, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #740
1933 Olive Chapel Road – 3.40 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 740" 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, January 10, 2023.

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

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

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

###



SCALICE

land surveying

SURVEYED LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Town of Apex, Wake County, North Carolina, and being part of Tract 2 as shown on a map of "Property of M.B. Morris", Book of Maps 1982, Page 582, and being more particularly bounded and described as follows:

BEGINNING at a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Russell Casavant (D.B. 18827, Pg. 2764, Lot 233), in the Kelly West, Phase 1 Subdivision, (B.M. 2000, Pg. 588) and marking a corner common to the lands now or formerly owned by Carey Holding, LLC (D.B. 16905, Pg. 448); thence, with the lands of the said Russell Casavant,

North 18°00'31" West a distance of 39.85 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kathleen Korn (D.B. 18162, Pg. 2711), continuing a distance of 154.32 feet to a stake (found), continuing a distance of 30.00 feet to a 5/8" rebar (set), continuing a distance of 11.25 feet to a point at the southwest corner of a sidewalk easement, continuing a distance of 4.75 feet to a point at the new right-of-way line of Olive Chapel Road, S.R. 1160, continuing a distance of 30.55 feet, in all a distance of 270.72 feet to a point in the centerline of the said Olive Chapel Road; thence, with the centerline of the said Olive Chapel Road,

North 62°16'06" East a distance of 149.51 feet to a point; thence,

North 67°41'32" East a distance of 333.18 feet to a point; thence,

South 01°40'59" West a distance of 32.57 feet to a point at the new right-of-way line of Olive Chapel Road, continuing a distance of 15.18 feet to a point at the southeast corner of a sidewalk easement, continuing a distance of 3.28 feet to a 5/8" rebar (set) at the northwest corner of a 35 foot thoroughfare buffer, continuing a distance of 37.96 feet to a 1/2" iron pipe (found), marking a

corner common to the lands now or formerly owned by Molli Matheny and Justin Matheny (D.B. 18223, Pg. 344, Lot 134), and being in the line of the Final Subdivision Plat for Greenbrier-Phase One, Section One, (B.M. 1997, Pg. 1733), continuing a distance of 46.58 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nilsa Melendez (D.B. 18223, Pg. 344, Lot 133), continuing a distance of 58.42 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kyle R. Raess (D.B. 12404, Pg. 920, Lot 132), continuing a distance of 64.99 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nathan Pan (D.B. 18591, Pg. 259, Lot 131), continuing a distance of 65.05 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Mary L. Hull (D.B. 8212, Pg. 1433, Lot 130), continuing a distance of 64.96 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by William S. Greene and Ewana C. Greene (D.B. 141124, Pg. 974, Lot 129), continuing a distance of 60.25 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Ravi K. Mistry and Nisha S. Mistry (D.B. 15777, Pg. 2014, Lot 128), continuing a distance of 6.75 feet, in all a distance of 455.99 feet to a 1" iron pipe (found), marking a corner common to the lands now or formerly owned by Yulin Zhang (D.B. 18904, Pg. 487, Lot 123) and the lands now or formerly owned by Robert C. Keck, III, (D.B. 12779, Pg. 1498, Lot 122); thence, with the lands of the said Robert C. Keck, III,

North 89°37'01" West a distance of 303.55 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Jared Schott (D.B. 13826, Pg. 2307, Lot 120) and marking a corner common to the lands of the said Russell Casavant, continuing a distance of 39.95 feet, in all a distance of 343.50 feet to the POINT OR PLACE OF BEGINNING, containing 3.342 acres, as surveyed by Jason D. Leadingham, North Carolina Professional Land Surveyor No. L-4734, on behalf of Scalice Land Surveying, dated July 13, 2022, and revised on August 9, 2022.

And being the same land as that conveyed from Edward P. Carey and wife, Margaret M. Carey to Carey Holdings, LLC, dated September 11, 2017, and recorded in Deed Book 16905, Page 448, Tract II, and recorded in the Wake County Registry, North Carolina.



PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2022-017
Fee Paid \$ 200.00

Submittal Date: 7/28/22
Check # 1004

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

Edward P Carey
Owner Name (Please Print)

919-795-3322
Phone

Margaret Carey
Owner Name (Please Print)

919-795-3335
Phone

ED & MAGGY CAREY
Owner Name (Please Print)
919 795-3322
Phone

BK 3108 PG 0024
Property PIN or Deed Book & Page #

ed.carey@amgincusa.com
E-mail Address

BK 3108 PG 0024
Property PIN or Deed Book & Page #

MAGGY.CAREY@AMGINCUSA.COM
E-mail Address

0722911543
Property PIN or Deed Book & Page #
ED.CAREY@AMGINCUSA.COM
E-mail Address

SURVEYOR INFORMATION

Surveyor: SCALICE LAND SURVEYING, PC
Phone: 984-240-7999 Fax: _____
E-mail Address: CSRNC@MJSLANDSURVEY.COM

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>3.4</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>4</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction)	<input type="checkbox"/>
Proposed # of housing units:	<u>1</u>	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	<u>MD</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-017

Submittal Date: 7-28-22

COMPLETE IF SIGNED BY INDIVIDUALS:

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

EDWARD CAREY

Please Print

MARGARET CAREY

Please Print

Please Print

Please Print

[Signature]

Signature

[Signature]

Signature

Signature

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Carey, a Notary Public for the above State and County,
this the 31 day of May, 2022.

[Signature]

Notary Public

SEAL



My Commission Expires: 5/6/2025

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 #: 2022-017

Submittal Date: 7/28/22

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, CAREY HOLDINGS 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 28 day of July, 2022

Name of Limited Liability Company CAREY HOLDINGS LLC

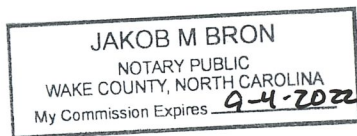
By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jakob M Bron, a Notary Public for the above State and County, this the 28 day of July, 2022

SEAL



Notary Public

My Commission Expires: 9-4-2022

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Notary Public

My Commission Expires: _____

PAYMENT DATE
07/28/2022
COLLECTION STATION
Jeri Pederson
RECEIVED FROM
Peak City Farms
DESCRIPTION
1933 Olive Chapel Rd-Annex- #740 - 2022-00000017

TOWN OF APEX
P O BOX 250
APEX, NC 27502
(919) 362-8676 - Utility Payments
(919) 249-3418 - Permits Only
(919) 249-3426 - Planning & Zoning Only

BATCH NO.
2023-00000301
RECEIPT NO.
2023-00017452
CASHIER
Jeri Pederson

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES 1933 Olive Chapel Rd-Annex- #740 - 2022-00000017	\$200.00						
Payments:	<table><tr><th>Type</th><th>Detail</th><th>Amount</th></tr><tr><td>Check</td><td>1004</td><td>\$200.00</td></tr></table>	Type	Detail	Amount	Check	1004	\$200.00	
Type	Detail	Amount						
Check	1004	\$200.00						
Total Amount:		\$200.00						

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 16.30 acres, The Townes at the Station Planned Unit Development (PUD), Annexation No. 741 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-003
ANNEXATION PETITION NO. 741
THE TOWNES AT THE STATION - 16.30 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 January 10, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 10, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Buckhorn Township, Wake County, North Carolina (PIN#0720-49-2078, A PORTION OF PIN#720-48-4654, A PORTION OF PIN #0720-38-9121), dated July 21, 2022" and recorded in Book of Maps book number 2023 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 10th day of January, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point located South 00° 36' 48" East, 392.35 feet from an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 00' 12" West, 99.79 feet to a point; thence North 02° 54' 44" East, 345.62 feet to a point; thence North 86° 57' 05" West, 228.14 feet to a point; thence North 01° 39' 24" West, 49.31 feet to a point; thence North 86° 09' 57" West, 90.07 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 320.06 feet to a point; thence South 80° 48' 31" West, 766.52 feet to the BEGINNING, containing 16.3895 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76), a portion of that certain parcel described in D.B. 17262, Pg. 1521, and a portion of that certain parcel described in D.B. 17080, Pg. 1036. This description is also being all of Wake County PIN 0720-49-2078, a portion of Wake County PIN 0720-48-4654, and a portion of Wake County PIN 0720-38-9121.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2023-003, adopted at a meeting of the Town Council, on the 10th day of January, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of January, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (December 16, 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 **10th day of January, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #741 The Townes at the Station – 16.30 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 741" 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, January 10, 2023.

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

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

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

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Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

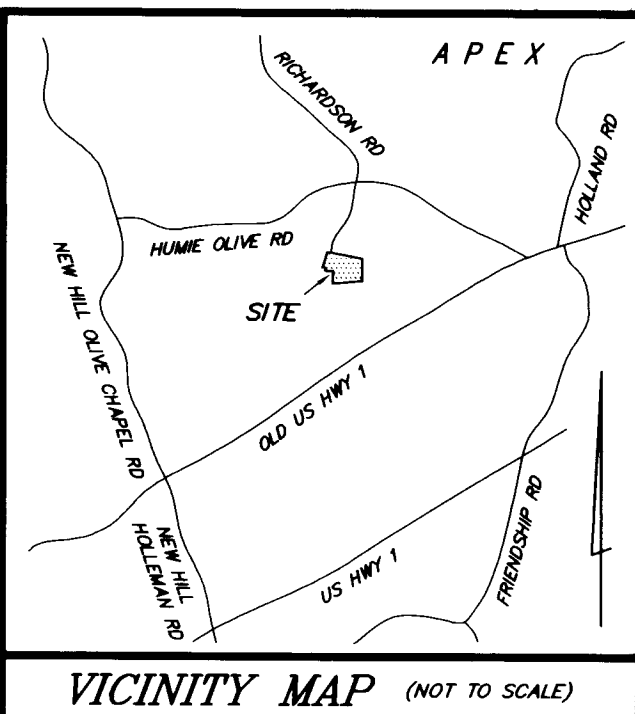
Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point located South 00° 36' 48" East, 392.35 feet from an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 22' 12" West, 99.79 feet to a point; thence North 02° 54' 44" East, 345.62 feet to a point; thence North 86° 57' 05" West, 228.14 feet to a point; thence North 01° 39' 24" West, 49.31 feet to a point; thence North 86° 09' 57" West, 90.07 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 320.06 feet to a point; thence South 80° 48' 31" West, 766.52 feet to the BEGINNING, containing 16.3895 total acres more or less.

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This description prepared for the sole purpose to annex a municipal boundary and for no other use.





I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:

DEED BOOK 18826, PAGE 1922
DEED BOOK 17262, PAGE 1521
DEED BOOK 17080, PAGE 1036

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 10,000+ AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)

THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(c).

I, STALEY C. SMITH, CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:

Class of survey: A
Positional Accuracy: < 0.10' AT 95% CONFIDENCE LEVEL
Type of GPS field procedure: NCRTN/VRS
Dates of survey: 4-21-2020
Datum/Epoch: NAD 83 (2011)
Published/Fixed-control use: NCGS BASE STATION "NCL" (PID DL3891)
Geoid model: 2012
Combined grid factor(s): 0.99988440
GPS/GNSS Scale Point: N= 709,748.28 E= 2,022,977.76
Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 21ST DAY OF NOVEMBER, A.D., 2022.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

- Legend**
- EIP - Existing Iron Pipe
 - EIS - Existing Iron Stake (Rebar)
 - ERRI - Existing Railroad Iron
 - IPS - Iron Pipe Set
 - R/W - Right Of Way
 - PL - Property Line
 - GPS - Global Positioning System
 - PID - Permanent Identifier
 - PIN - Parcel Identification Number
 - RCA - Resource Conservation Area
 - VRS - Virtual Reference Station
 - NCGS - North Carolina Geodetic Survey
 - NCRTN - North Carolina Real-Time Network
 - NAD 83 (2011) - NORTH AMERICAN DATUM 1983 (YEAR OF ADJUSTMENT)
 - Surveyed Line
 - Surveyed Line
 - Property Line (not surveyed)
 - Approximate Right Of Way Line (not surveyed)
 - Easement / Buffer (not surveyed)
 - Existing Town Of Apex Corporate Limits (not surveyed)

M/I HOMES OF RALEIGH, LLC
D.B. 18153, PG. 1114
B.M. 2020, PGS. 1428 & 1429
ZONE: PUD-CZ
ANNEXATION # 597

MAYBERRY INVESTMENTS, LLC
D.B. 17080, PG. 1036
B.M. 2017, PG. 254
ZONE: R-40W

3 BOYS CAPITAL, LLC
MUSIC ROW INVESTMENTS, LLC
CONE AVENUE, LLC
D.B. 17262, PG. 1521
ZONE: R-40W

LISTED OWNERS
(NOT A TITLE VERIFICATION)

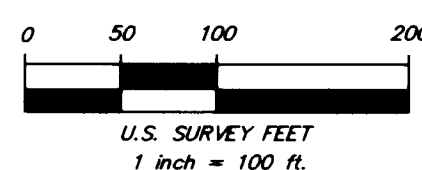
3 BOYS CAPITAL, LLC
1018 N WELLSBURG PL
APEX, NC 27502

CHATHAM CAPITAL GROUP, LLC
1064 N LAKESIDE DR
SMITHFIELD, NC 27577

MUSIC ROW INVESTMENTS, LLC
513 CAROLINA OAKS AVE
SMITHFIELD, NC 27577

CONE AVENUE, LLC
513 CAROLINA OAKS AVE
SMITHFIELD, NC 27577

MAYBERRY INVESTMENTS, LLC
1122 OBERLIN RD
RALEIGH, NC 27605



SURVEYOR NOTES:

1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE SAME.
2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FEET GROUND MEASUREMENTS.
5. AREA DETERMINED USING THE COORDINATE GEOMETRY METHOD.
6. CURRENT PROPERTY ZONING: R-40W (WAKE COUNTY GIS)
7. THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY. THIS IS NOT A RECOMBINATION SURVEY MAP. THIS MAP SHOULD NOT BE USED TO TRANSFER ANY PROPERTY SHOWN HEREON.



TRACT 6
M/I HOMES OF RALEIGH, LLC
D.B. 19069, PG. 219
B.M. 2020, PGS. 1428 & 1429
ZONE: PUD-CZ
ANNEXATION # 597

16.3895 ACRES TOTAL ANNEXED

ANNEXATION #

I, **ALLEN COLEMAN, CMC, NCCCG, TOWN CLERK**, Apex, North Carolina
certify this is a true and exact map of annexation adopted
the _____ day of _____, 2023,
by the Town Council. I set my hand and seal of
the Town of Apex, _____, 2023.

ALLEN COLEMAN, CMC, NCCCG, TOWN CLERK

THE WAKE COUNTY BOARD OF EDUCATION
D.B. 17979, PG. 1506
B.M. 2020, PGS. 1109-1111
ZONE: RR-CZ
ANNEXATION # 597

WILLIAM PRIDGEN
DONNA PRIDGEN
D.B. 3616, PG. 198
B.M. 1973, PG. 25
ZONE: R-40W

SHILPA SATTIRAJU
TARUN THOUTREDDY
D.B. 18646, PG. 869
B.M. 1973, PG. 25
ZONE: R-40W

ANNEXATION MAP for the TOWN OF APEX
3 BOYS CAPITAL, LLC
CHATHAM CAPITAL GROUP, LLC
MUSIC ROW INVESTMENTS, LLC
CONE AVENUE, LLC
MAYBERRY INVESTMENTS, LLC
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PIN 0720-49-2078
A PORTION OF
0720-48-4654
A PORTION OF
0720-38-9121



Smith & Smith,
Surveyors, P.A.

FIRM LICENSE No. C-0155

FIELD DATE
JULY 21, 2022
SCALE 1" = 100'
DRAWN BY MBH
PROJ. NO. 2022-46

RECORDED IN BOOK OF MAPS **2023**, PAGE _____

Annexation #741

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2022-018
Fee Paid \$ 200.00

Submittal Date: 8/1/22
Check # 1010

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

3 Boys Capital LLC, Music Row Investments LLC, Cone Avenue LLC

0720-48-4654

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 610-8353 / (919) 270-0822
Phone

Kstyers@us.ibm.com / midcarolina.hosp@aol.com
E-mail Address

3 Boys Capital LLC, Chatham Capital Group LLC

0720-49-2078

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 610-8353 / (919) 270-0822
Phone

Kstyers@us.ibm.com / midcarolina.hosp@aol.com
E-mail Address

Mayberry Investments LLC

0720-38-9121 (partial)

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 880-8632
Phone

mcgreen.campbell@gmail.com
E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors, PA

Phone: 919-362-7111

Fax: _____

E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>16.3</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>85</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>R-40W</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-018

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, 3 Boys Capital 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 14 day of July, 2022.

Name of Limited Liability Company 3 Boys Capital LLC

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Colhoun a Notary Public for the above State and County, this the 14 day of July, 2022.

Thomas F. Colhoun
Notary Public

SEAL

THOMAS F. COLHOUN
NOTARY PUBLIC
WAKE COUNTY, NC

My Commission Expires: 10/25/2022

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-018

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Music Row Investments 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 26 day of July, 2022.

Name of Limited Liability Company _____

By: _____

Eric V R L

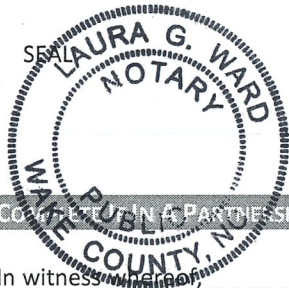
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Laura G. Ward
Eric Brownlee a Notary Public for the above State and County,
this the 26 day of July, 2022

Laura G. Ward

Notary Public



My Commission Expires: 6/17/2026

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-018

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Cone Avenue 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 26 day of July, 2022

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Laura G. Ward, a Notary Public for the above State and County, this the 26 day of July, 2022

Laura G. Ward

Notary Public



My Commission Expires: 6/17/2026

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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-018

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Chatham Capital Group 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 26 day of July, 20 22.

Name of Limited Liability Company _____

By: _____

Eric V. [Signature]

Signature of Member/Manager

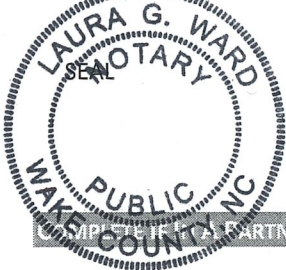
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Laura G. Ward, a Notary Public for the above State and County, this the 26 day of July, 20 22.

Laura G. Ward

Notary Public

My Commission Expires: 6/17/2026



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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-018

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Mayberry Investments 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 18 day of July, 2022.

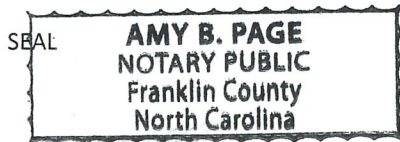
Name of Limited Liability Company MAYBERRY INVESTMENTS LLC

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Amy B. Page, a Notary Public for the above State and County, this the 18th day of July, 2022.



Amy B. Page
Notary Public

My Commission Expires: May 6, 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____.

SEAL

Notary Public

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ17 The Townes at the Station PUD and Ordinance. The applicant, Charm City Developers, LLC, seeks to rezone approximately 16.39 acres from Wake County Residential-40 District (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Richardson Road; 0 & 3261 Olive Farm Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on December 12, 2022 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 072042078, 0720484654 (portion of), 0720389121 (portion of).

Attachments

- Staff Report & Attachments
- Ordinance & Attachments



STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



All property owners, tenant, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 Richardson Road; 0 & 3261 Olive Farm Road
Applicant: Charm City Developers, LLC
Authorized Agent: Patrick Kiernan, Jones & Clossen Engineering, PLLC
Owners: Mayberry Investments LLC; 3 Boys Capital LLC, Music Row Investments LLC, & Cone Avenue LLC; 3 Boys Capital LLC & Chatham Capital Group LLC

PROJECT DESCRIPTION:

Acreage: +/- 16.39 acres
PINs: 072042078, 0720484654 (portion of), 0720389121 (portion of)
Current Zoning: Wake County Residential-40 District (R-40W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential & Protected Open Space
Town Limits: Outside the ETJ & Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ # 18CZ02)	Townhomes (Friendship Station PUD)
South:	Wake County Residential-40 District (R-40W)	Vacant
East:	Wake County Residential-40 District (R-40W) Rural Residential-Conditional Zoning (RR-CZ #20CZ08)	Vacant; Apex Friendship Elementary School
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02)	Single-family residential (Friendship Station PUD)

EXISTING CONDITIONS:

The site consists of three (3) parcels totaling +/- 16.39 acres. The Townes at the Station PUD is located south and east of Friendship Station PUD and west of Apex Friendship Elementary School. The lots are primarily vacant and wooded with a few cleared areas and several large streams throughout. This project is north of Little Beaver Creek and contains a portion of the Little Beaver Creek conservation easement.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on July 28, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Medium Density Residential & Protected Open Space. The density is proposed to not exceed 4.6 units per acre, with a maximum of 75 residential units in the area classified as Medium Density Residential. The area classified as Protected Open Space is proposed to remain undeveloped. The proposed rezoning is consistent with the 2045 Land Use Map designations.

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

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PLANNED UNIT DEVELOPMENT PLAN:

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

Proposed Uses:

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

- Accessory apartment
- Townhouse
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

Conditions:

1. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. Signs 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.
2. Developer shall install pollinator-friendly and native flora within SCM planting areas; 75% of the species selected shall be native to the eastern US. Species selection shall be approved by the Planning Dept.
3. At least 75% of the plant species used in the landscape design shall be native species.
4. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
5. Homeowner Association covenants shall not prohibit clover lawns throughout the neighborhood.
6. A minimum of three (3) pet waste stations shall be installed in HOA common areas.
7. All townhomes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
8. A minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development.
9. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
10. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
11. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
12. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a 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
6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
7. Roofline cannot be a single mass; it must be broken up either horizontally or vertically between every other unit.
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

Proposed Design Controls:

Overall Maximum Density:	4.6 units/acre
Maximum Residential Units:	75
Minimum Lot Width:	18 ft
Maximum Building Height:	45 ft & 3 stories
Maximum Built-Upon Area:	60%

Building Setbacks:	Townhomes:
Front:	15 Ft
Side:	End Units: 5 Ft Corner Units: 10 Ft
Rear:	15 Ft
Building to building:	10 Ft
From Buffers/RCA:	
For buildings:	10 Ft
For parking areas:	5 Ft

Note: Minimum driveway length is 20', measured from back edge of sidewalk to garage.

Proposed RCA & Buffers:

The proposed The Townes at the Station PUD complies with the UDO requirements for RCA. Because the project is planned to be mass graded, the applicant is proposing an additional 5% RCA. The PUD will dedicate at least 35% of the total project area for Resource Conservation Area and buffers.

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the project, the developer shall provide a donation of \$3,000 to a local non-profit organization with a mission towards tree preservation and replacement.

Buffers:	UDO Requirement:	Proposed:
Richardson Road (Thoroughfare):	30-foot Type B	30-foot Type B
North boundary:		
Adjacent to Apex Friendship Elementary School:	15-foot Type A	10-foot Type A
Adjacent to Townhomes in Friendship Station Sec. 1 & 2:	15-foot Type A	10-foot Type B
South boundary:	10-foot Type B	10-foot Type B
East boundary		
Adjacent to Apex Friendship Elementary School:	15-foot Type A	10-foot Type A
Adjacent to Other Use Classes:	10-foot Type B	10-foot Type B
West boundary: (Townhomes in Friendship Station Ph 1B)	15-foot Type A	15-foot Type B

Public Facilities:

The Townes at the Station PUD will be served by Town of Apex water, sanitary sewer, and electrical systems. The utility design will be finalized at Master Subdivision Plan review. A conceptual Utility Plan is included in the PUD Plan for reference. Sewer connections are provided to the south. The ultimate design for the utilities shall meet the current Town of Apex Master Water and Sewer Plans for approval.

The Townes at the Station PUD will meet all applicable requirements and standards as described in Section 6.1 *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year, 10-year, and 25-year 24-hour storm events.

The Townes at the Station PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

Apex Transportation Plan/Access and Circulation:

Pedestrian Facilities:

For pedestrian connectivity, all public streets shall provide 5' sidewalks on both sides of the road. The Richardson Road extension shall provide a 10' Side Path along the eastern side of the road. The east-west residential street that provides connection to the Richardson Road extension to the west and the street stub to the east shall provide a 10' Side Path along the northern side of the road. This complies with the recent amendment to the Town of Apex Bicycle and Pedestrian System Plan Map. Furthermore, a 10' public greenway will connect to this 10' Side Path in the vicinity of the stream crossing, following along the existing north-south stream buffer until connecting to the existing greenway stub provided with the Friendship Station development to the north, which

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



ultimately provides pedestrian connection to Apex Friendship Elementary School. This greenway shall follow the alignment of the existing sewer outfall.

Roadway Infrastructure:

Per the Apex Thoroughfare and Collector Street Plan map, Richardson Road is designated as a future 4-lane median divided thoroughfare. The developer will dedicate right-of-way along their property frontage to meet the requirements shown in Advance Apex. The proposed road section will match the interim road section from the adjacent Friendship Station development, where only the two eastern lanes of the future 4-lane median divided road will be constructed with this project. This project will include the extension of roughly 500' of Richardson Road, a Town of Apex thoroughfare street, as well as an internal road network providing interconnectivity to Richardson Road and the adjacent Friendship Station development.

The residential street that connects to Richardson Road shall be a right-in/right-out entrance in the future when Richardson Road is ultimately widened to include a median. In the interim, the turning movements at this intersection may remain unrestricted. A street stub shall be extended to the Pridgen property to the east (PIN# 0720-58-1790) for possible extension into future development. Interconnectivity with all adjacent properties and roads shall be coordinated with existing or planned rights-of-way. As shown on the PUD Layout Plan (sheet 2), all access points, street stubs, and planned vehicular circulation are conceptual.

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan review and approval process.

Staff asked the applicant to try and purchase additional land from Mayberry Investments, LLC in order to connect Horton Ridge Boulevard and Richardson Road. Unfortunately, the applicant was unable to obtain that land from the owner.

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.

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 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 60% of the Area Median Income (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, the applicant agreed to offer the following condition:

Prior to recording the final subdivision plat for the project, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. ("Habitat Wake") or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of four (4) townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



ENVIROMENTAL ADVISORY BOARD:

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

EAB Suggested Condition	Applicant's Response
For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff for the 1-year, 10-year, and 25-year 24-hour storm events.	Included
Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.	Included
Developer shall install pollinator-friendly and native flora within SCM planting areas.	Included
At least 75% of the plant species used in the landscape design shall be native species.	Included
Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.	Included
In order to reduce water consumption and promote pollinator friendly habitat and bio-diversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.	Included
A minimum of four (4) pet waste stations shall be installed in HOA common area.	Adjusted-3 are provided
All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.	Included
Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a lighting temperature of 3000K.	Included
The developer/builder shall install 29 solar PV systems of a minimum 4.2 kilowatts.	Adjusted*
SCM and infrastructure shall not be placed in the stream buffer area, with the exception of Apex utility and greenway easements.	Included
Donate to a local non-profit organization with a mission to tree canopy preservation and planting.	Included

Instead of 29 solar PV systems, the developer is offering that a minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. This is approximately 5% of the units.

Parks, Recreation, and Cultural Resources Advisory Commission:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the project at their September 28, 2022 meeting and unanimously recommended a fee-in-lieu of dedication, with credit for construction of greenway if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the Single Family Attached fee rate, which shall be set at the time of rezoning approval by Town Council, and will run with the life of the project unless additional land/units are added to the project.

Per Section 14.2 *Greenways* of the Town of Apex UDO, credit for greenways against fees requires the approval of construction plans, and is contingent upon approval of an engineer's estimate of probably cost for greenway construction.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ17 Townes at the Station PUD as proposed.

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. The Planning Board unanimously voted to recommend approval of Rezoning Case #22CZ17 The Townes at the Station PUD.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Medium Density Residential & Protected Open Space. The density is proposed to not exceed 4.6 units per acre, with a maximum of 75 residential units in the area classified as Medium Density Residential. The area classified as Protected Open Space is proposed to remain undeveloped. The proposed rezoning is consistent with the 2045 Land Use Map designations. The proposed rezoning to Planned Unit Development- Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will permit housing that is consistent with surrounding development and provide affordable housing, extension of a Thoroughfare and environmental conditions that exceed what the UDO requires.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1. Planned Unit Development (PUD-CZ) District

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

a) Development parameters

- (i)*** The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (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.

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



- (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) (ii) An overall density of 7 residential units per acre or more; or
 - (iii) (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

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



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.

Legislative Considerations

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



The Planning Board shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>22CZ17</u>	Submittal Date:	<u>7/29/2022</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: The Townes at the Station - PUD

Address(es): 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd

PIN(s) 0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial)

Acreage: 16.39

Current Zoning: R-40W Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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

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

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

Applicant Information

Name: Charm City Developers, LLC

Address: 4201 Taylor Hall Place

City: Chapel Hill State: NC Zip: 27517

Phone: (919) 703-6203 E-mail: andrew.ross@floyddevelopment.com

Owner Information

Name: See attached list

Address:

City: State: Zip:

Phone: (919) 703-6203 E-mail: andrew.ross@floyddevelopment.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: 221 N. Salem St., Suite 001

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 E-mail: patrick@jonescnossen.com

Other contacts:

22CZ17

7/29/2022

SITE ADDRESS		PIN NUM	OWNER	MAILING ADDRESS	
0 RICHARDSON RD	0720492078	3 BOYS CAPITAL LLC /BY COMR	CHATHAM CAPITAL GROUP LLC /BY COMR	1018 N WELLONSBURG PL	APEX NC 27502-7127
0 OLIVE FARM RD	0720484654	3 BOYS CAPITAL LLC	MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE	SMITHFIELD NC 27577-8717
3261 OLIVE FARM RD	0720389121	MAYBERRY INVESTMENTS LLC		1122 OBERLIN RD	RALEIGH NC 27605-1275

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ17

Submittal Date: 7/29/2022

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The 2045 Land Use Map designates this area for medium density residential, which is not to exceed a density of 6 dwelling units per acre. The proposed project is for a townhome residential community with a density of 5.5 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 Friendship Station PUD that is directly north and directly west of this PUD is planned with 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 Friendship Station PUD.

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 be very compatible to the adjacent Friendship Station PUD. Nevertheless this PUD still proposes perimeter landscape buffers to provide a break between projects, as well as a 30' streetscape buffer along Richardson Road

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This PUD proposes an additional 5% of resource conservation area compared to normal UDO requirements for a PUD. This PUD also proposes to analyze the 25-year storm for pre vs. post development runoff flows, an upgrade from the state requirement for the 10-year storm.

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.

Because of the surrounding developments, public infrastructure is readily available and was designed with an assumption of future development within this PUD area. This PUD proposes a greenway connection to the Friendship Station PUD to the north, which will complete a greenway connection from Richardson Road to Apex Friendship Elementary.

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. Because of it's relative location to the surrounding developments, it should not have an adverse affect on the welfare of the surroundings. The proposed transportation network provides more interconnectivity and another egress option for the neighbors to the north.

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

The only adjacent properties that are not currently undergoing development are the parcels to the east and to the south. To the south is a NC Conservation Easement, which will be completely avoided and protected with this PUD. The residential property to the east is currently vacant and is slated for the same land use as is provided with this PUD.

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 Friendship Station PUD. Where the PUD doesn't state otherwise, UDO provisions shall apply.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ17

Submittal Date: 7/29/2022

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 22CZ17Submittal Date: 7/29/2022**Proposed Subdivision/Development Information**Description of location: 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm RdNearest intersecting roads: Richardson Rd & Humie Olive RdWake County PIN(s): 0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial)Township: Buckhorn**Contact Information (as appropriate)**Contact person: Jones & Crossen Engineering, PLLC - Patrick KiernanPhone number: 919-387-1174 Fax number: 919-387-3375Address: 221 N. Salem St., Suite 001, Apex NC 27502E-mail address: patrick@jonescrossen.comOwner: See attached list

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: The Townes at the Station2nd Choice (Optional): _____**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff

10/20/2022

Date

22CZ17

7/29/2022

SITE ADDRESS		PIN NUM	OWNER	MAILING ADDRESS	
0 RICHARDSON RD	0720492078	3 BOYS CAPITAL LLC /BY COMR	CHATHAM CAPITAL GROUP LLC /BY COMR	1018 N WELLONSBURG PL	APEX NC 27502-7127
0 OLIVE FARM RD	0720484654	3 BOYS CAPITAL LLC	MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE	SMITHFIELD NC 27577-8717
3261 OLIVE FARM RD	0720389121	MAYBERRY INVESTMENTS LLC		1122 OBERLIN RD	RALEIGH NC 27605-1275

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ17

Submittal Date: 7/29/2022

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Richardson Rd, Olive Farm Rd (partial)
3261 Olive Farm Rd (partial)
(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Charm City Developers, LLC TOWN OF APEX

BY: [Signature]
Authorized Agent

BY: _____
Authorized Agent

DATE: 7/29/22

DATE: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point located South 00° 36' 48" East, 392.35 feet from an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 22' 12" West, 99.79 feet to a point; thence North 02° 54' 44" East, 345.62 feet to a point; thence North 86° 57' 05" West, 228.14 feet to a point; thence North 01° 39' 24" West, 49.31 feet to a point; thence North 86° 09' 57" West, 90.07 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 320.06 feet to a point; thence South 80° 48' 31" West, 766.52 feet to the BEGINNING, containing 16.3895 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76), a portion of that certain parcel described in D.B. 17262, Pg. 1521, and a portion of that certain parcel described in D.B. 17080, Pg. 1036. This description is also being all of Wake County PIN 0720-49-2078, a portion of Wake County PIN 0720-48-4654, and a portion of Wake County PIN 0720-38-9121.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.

PRELIMINARY


AGENT AUTHORIZATION FORMApplication #: 22CZ17Submittal Date: 7/29/2022

3 Boys Capital LLC & Chatham Capital Group LLC is the owner* of the property for which the attached application is being submitted:

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


The property address is: 0 Richardson RoadThe agent for this project is: Jones & Crossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Patrick KiernanAddress: 221 N Salem St., Suite 001, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*



Kristen Syers
Type or print name

7/14/22
Date



Eric V. Brownlee
Type or print name

7/26/22
Date

Attach additional sheets if there are additional owners.

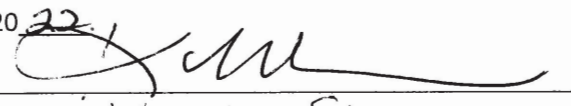
*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

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

AFFIDAVIT OF OWNERSHIPApplication #: 22CZ17Submittal Date: 7/29/2022

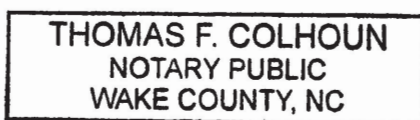
The undersigned, 3 Boys Capital LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

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 Richardson Rd (0720-49-2078) 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 12/03/21, and recorded in the Wake County Register of Deeds Office on 12/03/21, in Book 018826 Page 01922-01924.
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 12/03/21, 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 12/03/21, 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 14 day of July, 2022,
 (seal)
Kristen Styers
 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 Kristen Styers, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIPApplication #: 22C717Submittal Date: 7/29/2022

The undersigned, Chatham Capital Group 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 Richardson Rd (0720-49-2078) 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 12/03/2021, and recorded in the Wake County Register of Deeds Office on 12/03/2021, in Book 018826 Page 01922-01924.
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 12/03/21, 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 12/03/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of July, 2022.

Eric V. Brownlee

(seal)

Eric V. Brownlee

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 Eric V. Brownlee, 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.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 09' 57" West, 397.83 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 97.38 feet to a point; thence North 86° 25' 30" West, 757.80 feet to the BEGINNING, containing 10.0063 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76) and also being Wake County PIN 0720-49-2078.

PRELIMINARY

AGENT AUTHORIZATION FORM

Application #: 22CZ17

Submittal Date: 7/29/2022

3 Boys Capital LLC, Music Row Investments LLC & Cone Avenue LLC

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

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

The property address is: 0 Olive Farm Rd

The agent for this project is: Jones & Cnossen Engineering, PLLC

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


Agent Name: Patrick Kiernan

Address: 221 N. Salem St., Suite 001, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescnossen.com


Signature(s) of Owner(s)*


Kristen Styers

Type or print name

7/14/22

Date


Eric V. Brownlee

Type or print name

7/25/22

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 #: 22CZ17

Submittal Date: 7/29/2022

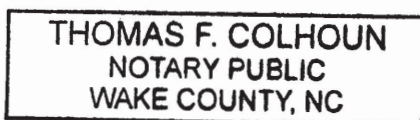
The undersigned, 3 Boys Capital LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

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 Olive Farm Rd (0720-48-4654) 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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, 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 14 day of July, 2022

Kristen Styers (seal)
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 Kristen Styers, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Thomas F. Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ17

Submittal Date: 7/29/2022

The undersigned, Music Row Investments 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 Olive Farm Rd (0720-48-4654) 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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of July, 2022.

Eric V. Brownlee
Eric V. Brownlee

(seal)

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 Eric V. Brownlee 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.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ17

Submittal Date: 7/29/2022

The undersigned, Cone Avenue 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 Olive Farm Rd (0720-48-4654) 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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of July, 2022.

Eric V. Brownlee (seal)
Eric V. Brownlee

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 Eric V. Brownlee, 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.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence South 86° 25' 30" East, 757.80 feet to a point; thence South 01° 10' 12" East, 557.17 feet to a point; thence South 89° 07' 04" West, 761.20 feet to a point; thence North 00° 36' 48" West, 616.06 feet to the BEGINNING, containing 10.2126 total acres more or less.

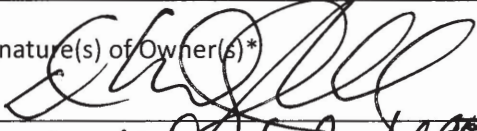
This description is of that certain parcel described in D.B. 17262, Pg. 1521 and also being Wake County PIN 0720-48-4654.

PRELIMINARY

AGENT AUTHORIZATION FORMApplication #: 22CZ17Submittal Date: 7/29/2022

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

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

The property address is: 3261 Olive Farm RdThe agent for this project is: Jones & Crossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Patrick KiernanAddress: 221 N. Salem St., Suite 001, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: patrick@jonescrossen.comSignature(s) of Owner(s)*

J. McDaniel

Type or print name

7/18/22

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.

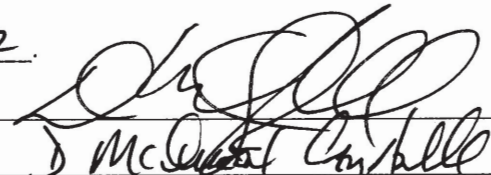
Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. 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 OWNERSHIPApplication #: 22CZ17Submittal Date: 7/29/2022

The undersigned, Mayberry Investments 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 3261 Olive Farm Rd 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 03/27/2018, and recorded in the Wake County Register of Deeds Office on 03/27/2018, in Book 01780 Page 01036-01037.
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 03/27/2018, 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 03/27/2018, 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.

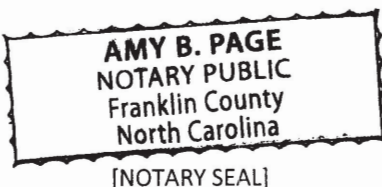
This the 18 day of July, 2022.

 (seal)
P. McQueen Campbell III
 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 P. McQueen Campbell III, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Amy B. Page
 Notary Public
 State of North Carolina
 My Commission Expires: May 6, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence South 00° 36' 58" East, 616.00 feet to a point; thence North 89° 07' 09" East, 761.15 feet to a point; thence South 01° 10' 02" East, 306.04 feet to a point; thence North 85° 28' 15" West, 670.56 feet to a point; thence South 26° 56' 48" East, 12.50 feet to a point; thence South 77° 26' 28" East, 18.37 feet to a point; thence South 20° 38' 33" East, 59.79 feet to a point; thence South 34° 07' 04" East, 18.33 feet to a point; thence South 60° 29' 53" East, 16.47 feet to a point; thence South 21° 42' 42" East, 27.19 feet to a point; thence South 57° 00' 57" East, 10.74 feet to a point; thence South 02° 09' 17" East, 11.16 feet to a point; thence South 46° 36' 50" West, 13.17 feet to a point; thence South 24° 21' 24" West, 30.05 feet to a point; thence South 37° 57' 55" West, 19.51 feet to a point; thence South 55° 37' 33" West, 14.47 feet to a point; thence North 89° 00' 55" West, 11.39 feet to a point; thence South 46° 18' 38" West, 7.96 feet to a point; thence South 02° 56' 22" West, 13.82 feet to a point; thence South 79° 27' 53" West, 842.31 feet to a point; thence South 79° 46' 27" West, 259.31 feet to a point; thence North 02° 29' 53" East, 514.61 feet to a point; thence North 80° 54' 30" East, 119.41 feet to a point; thence North 78° 21' 47" East, 535.32 feet to a point; thence North 01° 39' 54" West, 652.95 feet to a point; thence South 86° 09' 49" East, 307.84 feet to the BEGINNING, containing 20.9700 total acres more or less.

This description is of that certain parcel described in D.B. 17080, Pg. 1036 (Tract 2 ~ B.M. 2017, Pg. 254) and also being Wake County PIN 0720-38-9121.

PRELIMINARY

Developer Company Information	
Company Name	Charm City Developers, LLC
Company Phone Number	(919) 703-6203
Developer Representative Name	Andrew Ross
Developer Representative Phone Number	(919) 703-6203
Developer Representative Email	andrew.ross@floyddevelopment.com

New Residential Subdivision Information	
Date of Application for Subdivision	August 01, 2022
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	The Townes at the Station
Address of Subdivision (if unknown enter nearest cross streets)	0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd
REID(s)	0310486, 0115622, 0052034
PIN(s)	0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial)

Projected Dates Information	
Subdivision Completion Date	
Subdivision Projected First Occupancy Date	

Lot by Lot Development <i>Information</i>																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	90					90		2,200	3,100			2024	90				
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

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.

July 13, 2022

Date

Dear Neighbor:

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

0 Richardson Rd; 0 Olive Farm Rd

0720-492-078; 0720-484-654

3261 Olive Farm Rd (partial)

0720-389-121 (partial)

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

The parcels are currently zoned R-40W. We are proposing a change in zoning to Planned Unit

Development Conditional Zoning (PUD-CZ). The intent for this rezoning is to facilitate the development of a

townhome subdivision. The Land Use Designation for these parcels shall be Medium Density Residential.

Estimated submittal date: August 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): See attached list

Applicant(s): Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/919-387-1174

Meeting Address: Zoom Meeting - see enclosed details

Date/Time of meeting**: July 28, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:00-6:15 pm Question & Answer: 6:15 pm-8:00 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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: The Townes at the Station Zoning: PUD-CZ

Location: 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd

Property PIN(s): 0720-492-078, 0720-484-654, 0720-389-121 (partial) Acreage/Square Feet: approx 16.4

Property Owner: See attached list

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: KC2 Enterprises LLC

Address: 218 Edinburgh Dr.

City: Cary State: NC Zip: 27511

Phone: 919-427-7106 Fax: _____ Email: brad.zadell@gmail.com

Engineer: Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescnossen.com

Builder (if known): _____

Address: _____

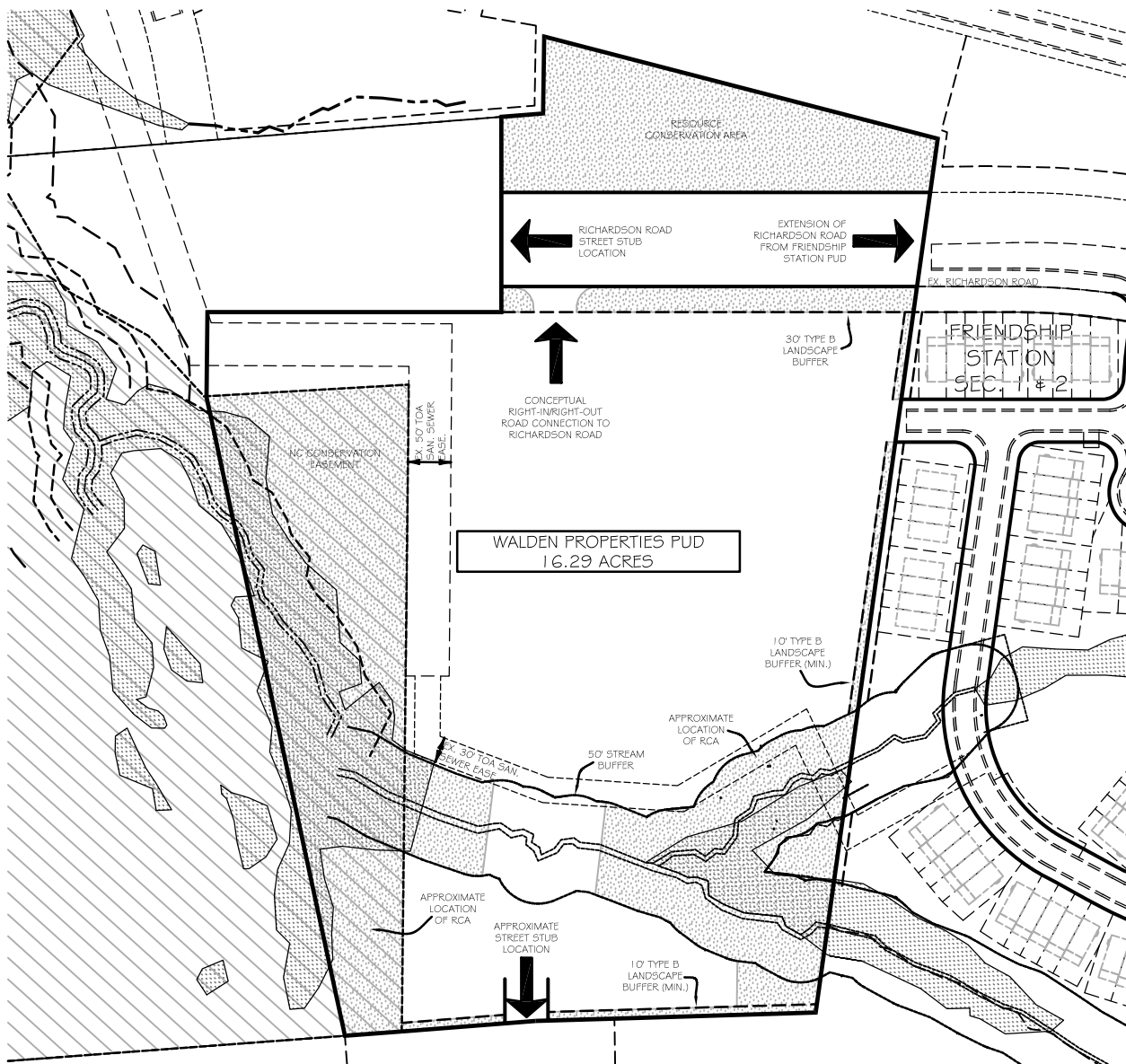
City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

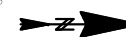
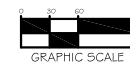
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

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

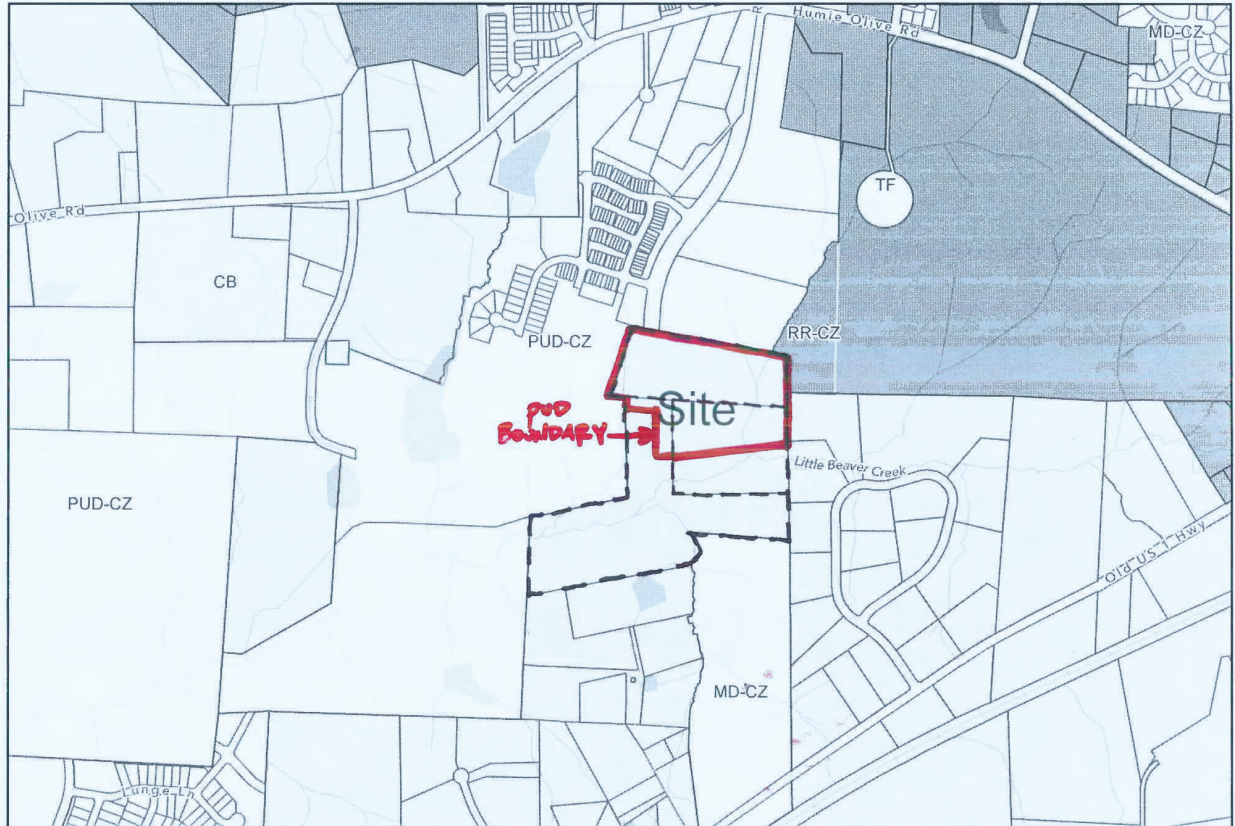
THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS
0 RICHARDSON RD	0720492078	3 BOYS CAPITAL LLC /BY COMR CHATHAM CAPITAL GROUP LLC /BY COMR	1018 N WELLONSBURG PL APEX NC 27502-7127
0 OLIVE FARM RD	0720484654	3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE SMITHFIELD NC 27577-8717
3261 OLIVE FARM RD	0720389121	MAYBERRY INVESTMENTS LLC	1122 OBERLIN RD RALEIGH NC 27605-1275



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Zoom Meeting Details – The Townes at the Station PUD

When: **July 28, 2022 06:00 PM Eastern Time**

[Register](#) in advance for this meeting:

Zoom.us

Enter the Meeting ID **821 2162 5152** and the Passcode **571924**

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

If you prefer to dial-in to the meeting, dial (301) 715-8592 or (312) 626-6799 and enter the Meeting ID and Passcode.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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

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

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

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
0 RICHARDSON RD	0720492078	3 BOYS CAPITAL LLC /BY COMR CHATHAM CAPITAL GROUP LLC /BY COMR	1018 N WELLONSBURG PL	APEX NC 27502-7127
0 OLIVE FARM RD	0720484654	3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE	SMITHFIELD NC 27577-8717
2304 OLD US 1 HWY	0720475059	APEX OLIVE LLC	PO BOX 3557	CARY NC 27519-3557
3135 OLIVE FARM RD	0720273337	FRIENDSHIP STATION HOLDINGS LLC	4201 TAYLOR HALL PL	CHAPEL HILL NC 27517-7439
3200 HINSLEY RD	0720378505	HARWARD, JOHN R HARWARD, CAROLYN C	3200 HINSLEY RD	NEW HILL NC 27562-8977
3208 HINSLEY RD	0720373332	HINSLEY, JOHNNY L HINSLEY, MARTHA E	3304 HINSLEY RD	NEW HILL NC 27562-8979
4713 FAIRFIELD RD	0720570776	JACKSON, REX L JACKSON, DEBORAH C	4713 FAIRFIELD RD	NEW HILL NC 27562-9729
8004 HUMIE OLIVE RD	0720288797	M/H HOMES OF RALEIGH LLC	1511 SUNDAY DR STE 100	RALEIGH NC 27607-5195
3261 OLIVE FARM RD	0720389121	MAYBERRY INVESTMENTS LLC	1122 OBERLIN RD	RALEIGH NC 27605-1275
4717 FAIRFIELD RD	0720580084	MCDOWELL, JOHN M	42 FAIRFIELD CT	ANGIER NC 27501-6558
4725 FAIRFIELD RD	0720581790	PRIDGEN, WILLIAM PRIDGEN, DONNA	108 FOX CT	CARY NC 27513-4920
4721 FAIRFIELD RD	0720580399	SATTIRAJU, SHILPA THOUTREDDY, TARUN	4721 FAIRFIELD RD	NEW HILL NC 27562-9729
7801 HUMIE OLIVE RD	0720694728	THE WAKE COUNTY BOARD OF EDUCATION	ATTN: BETTY L PARKER	111 CORNING RD STE 100
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3208 Hinsley RD	NEW HILL NC 27562
		Current Tenant	3113 Olive Farm RD	APEX NC 27502
		Current Tenant	3136 Olive Farm RD	APEX NC 27502

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom meeting

Date of meeting: July 28, 2022 Time of meeting: 6:00 - 8:00 pm

Property Owner(s) name(s): 3 Boys Capital LLC, Chatham Capital Group LLC, Music Row Investments LLC, Cone Avenue LLC, Mayberry Investments LLC

Applicant(s): Jones & Cossen Engineering, PLLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Kylor Zedell	401 W Hargett St.			
2.	Kira Parker	1511 Sunday Dr			
3.	Patrick Kiernan	221 N Salem St. Ste 201			
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): 3 Boys Capital LLC, Chatham Capital Group LLC, Music Row Investments LLC, Cone Avenue LLC, Mayberry Investments LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom meeting

Date of meeting: July 28, 2022 Time of meeting: 6:00 - 8:00 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:

Based on the layout, it looks like Richardson Road will be extended for this project - is that correct?

Applicant's Response:

That's correct, Richardson Road will be extended roughly 500 feet south.

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, Patrick Kiernan, 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 via Zoom (location/address) on July 28, 2022 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

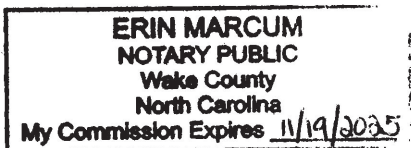
7/29/22
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 29th day of July, 2022.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PD PLAN

The Townes at the Station A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

CHARM CITY DEVELOPERS, LLC

August 1, 2022

Revised: September 9, 2022

Revised: October 14, 2022

Revised: November 3, 2022

Revised: December 6, 2022

Jones & Clossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

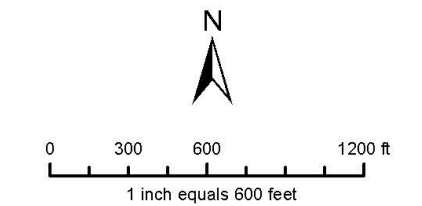
Apex, NC 27502

(919)387-1174

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SECTION 2 – VICINITY MAP



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SECTION 3 – PROJECT DATA

- A. Project name: The Townes at the Station – PUD
- B. Owner/Developer: Charm City Developers, LLC
4201 Taylor Hall Pl. – Chapel Hill, NC 27517
- C. Prepared by: Jones & Clossen Engineering, PLLC
221 N. Salem Street, Ste. 001 – Apex, NC, 27502
- D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Clossen Engineering, PLLC)
- E. Current and Proposed Zoning of the Property:
Current zoning: R-40W (Wake County)
Proposed zoning: PUD-CZ
- F. Current and Proposed Land Uses:
Current: Vacant
Proposed: Residential
- G. Current and Proposed 2045 Land Use Designation.
Current/Proposed: Medium Density Residential & Protected Open Space
- H. Size of project:

Wake County Tax Identification Number	Acreage
0720-49-2078	16.39 acres
0720-48-4654 (partial)	
0720-38-9121 (partial)	

SECTION 4 – PURPOSE STATEMENT

The Townes at the Station PUD is a proposed townhome project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project affects three existing lots of record – one parcel in its entirety, and two parcels to be partially included in this PUD. These parcels are all owned by various LLCs, but the project is being developed by Charm City Developers, LLC. The project is located at the southern end of Richardson Road, south and east of the Friendship Station PUD, west of Apex Friendship Elementary School, and north of Little Beaver Creek and its associated conservation easement. These parcels are all designated as Medium Density Residential on the 2045 Land Use Map.

The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalks along both sides of the internal public streets, along with sidewalk and greenway connections to Richardson Road and the adjacent Friendship Station development. This development will enhance the value of the surrounding properties by providing quality residential development for the area.

SECTION 5 – PERMITTED USES

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

- Townhouse
- Accessory apartment
- Utility, minor
- Greenway
- Park, active
- Park, passive
- Recreational facility, private

Additionally, the following conditions shall also apply:

1. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. Signs 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.
2. Developer shall install pollinator-friendly and native flora within SCM planting areas; 75% of the species selected shall be native to the eastern US. Species selection shall be approved by the Planning Dept.
3. At least 75% of the plant species used in the landscape design shall be native species.
4. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
5. Homeowner Association covenants shall not prohibit clover lawns throughout the neighborhood.
6. A minimum of three (3) pet waste stations shall be installed in HOA common areas.
7. All townhomes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
8. A minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development.
9. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
10. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
11. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
12. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

SECTION 6 – DESIGN CONTROLS

A. Dimensional Standards

Maximum Density:	5.5 Units/Acre
Maximum Number of Townhome Lots:	90
Maximum Built-Upon Area:	60% (total project)
Minimum Lot Width:	18'
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>	

B. Proposed Minimum Building Setbacks

Front:	15'
Rear:	15'
Side:	5' (end units) 10' (corner units)
Building to Building	10'
From Buffer/RCA	10' for Buildings 5' for Parking Areas
<i>Note: Minimum driveway length is 20', measured from back edge of sidewalk to garage.</i>	

C. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads, as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10' Type B Landscape Buffers along the southern, northern, and portions of the eastern perimeters, a 10' Type A Landscape Buffer adjacent to the Apex Friendship Elementary School property to the northeast, 15' Type B Landscape Buffers around the entire perimeter on the west side of the Richardson Road extension, and a 30' Type B Thoroughfare Buffer along the Richardson Road extension (both sides).

D. Percentage of Resource Conservation Area

The Townes at the Station PUD is providing at least 35% of the total area for Resource Conservation Area and landscape buffers, which is a 5% increase from the UDO requirement for a PUD.

SECTION 7 – ARCHITECTURAL STANDARDS

Townhome Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.
3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a 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
6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
7. Roofline cannot be a single mass; it must be broken up either horizontally or vertically between every other unit.
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.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements shall conform to the parking standards listed in Section 8.3, *Off-street Parking and Loading*, of the Town of Apex UDO.

SECTION 9– SIGNS

Signage for this project will comply with Section 8.8, *Signs*, of the Town of Apex UDO.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

- A. This project is located in the Little Beaver Creek drainage basin which is in the Cape Fear Basin. This project currently falls within the primary watershed protection overlay district as shown on Town of Apex watershed maps.
- B. There is a FEMA mapped floodplain along Little Beaver Creek as shown on FEMA FIRM Map Number 3720072000K, dated July 19, 2022.
- C. There are no known historic structures on this project.
- D. The PUD will provide streetscape buffers along Richardson Road which will be used for decorative plantings and aesthetic appeal. Individual sections within the development may also have additional landscape areas located on the site based upon the specific site or subdivision plan. The PUD will dedicate at least 35% of the total project area for Resource Conservation Area or buffer.
- E. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the project, the developer shall provide a donation of \$3,000 to a local non-profit organization with a mission towards tree preservation and replacement.

SECTION 11 – STORMWATER MANAGEMENT

The Townes at the Station PUD will meet all applicable requirements and standards as described in Section 6.1, *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year, 10-year, and 25-year 24 hour storm events.

The Townes at the Station PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

SECTION 12 – PARKS AND RECREATION

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project at the September 28, 2022 meeting and unanimously approved for fee-in-lieu of dedication, with credit for construction of greenway if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the Single Family Attached fee rate, which shall be set at the time of rezoning approval by Town Council, and will run with the life of the project unless additional land/units are added to the project.

Per Section 14.2, *Greenways*, of the Town of Apex UDO, credit for greenway against fees requires the approval of construction plans, and is contingent upon approval of an engineer's estimate of probable cost for greenway construction.

SECTION 13 – PUBLIC FACILITIES

A. General Roadway Infrastructure

The transportation network for The Townes at the Station PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO. This project will include the extension of roughly 500' of Richardson Road, a Town of Apex thoroughfare street, as well as an internal road network providing interconnectivity to Richardson Road and the adjacent Friendship Station development. Richardson Road will continue the same interim road section from Friendship Station, where only the two eastern lanes of the future 4-lane median divided road will be constructed with this project. The residential street that connects to Richardson Road shall be a right-in/right-out entrance in the future when Richardson Road is ultimately widened to include a median. In the interim, the turning movements at this intersection may remain unrestricted. A street stub shall be extended to the Pridgen property to the east (PIN# 0720-58-1790) for possible extension into future development. Interconnectivity with all adjacent properties and roads shall be coordinated with existing or planned rights-of-way.

As shown on the PUD Layout Plan (sheet 2), all access points, street stubs, and planned vehicular circulation are conceptual and will be finalized at the time of Development Plan review and approval.

B. Pedestrian Facilities

For pedestrian connectivity, all public streets shall provide 5' sidewalks on both sides of the road. The Richardson Road extension shall provide a 10' Side Path along the eastern side of the road. The east-west residential street that provides connection to the Richardson Road extension to the west and the street stub to the east shall provide a 10' Side Path along the northern side of the road. This improvement from 5' sidewalk to 10' Side Path is intended to replace the requirement of a separate east-west greenway connection through the project, shown on the Town of Apex Bicycle and Pedestrian System Plan Map as "Little Beaver Creek Greenway". Furthermore, a 10' public greenway will connect to this 10' Side Path in the vicinity of the stream crossing, following along the existing north-south stream buffer until connecting to the existing greenway stub provided with the Friendship Station development to the north, which ultimately provides pedestrian connection to Apex Friendship Elementary School. This greenway shall follow the alignment of the existing sewer outfall.

C. Water and Sanitary Sewer

As shown on the PUD Utility Plan (sheet 4), the sanitary sewer connection will come by connecting to the existing sewer outfall that runs along the north-south stream buffer. On the east side of the stream, a sewer stub shall be provided to the eastern project boundary for possible upstream connection in the future. Water distribution service will be provided to this project by extending the existing 12 inch waterline along Richardson Road, as well as the existing 8 inch waterline along Stevens Pass Station.

D. 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

This project may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential, as well as a small portion of Protected Open Space (representing the NC Conservation Easement). We believe this PUD is appropriate for the area and is consistent with the current Land Use Map. No changes are proposed.

SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for The Townes at the Station PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

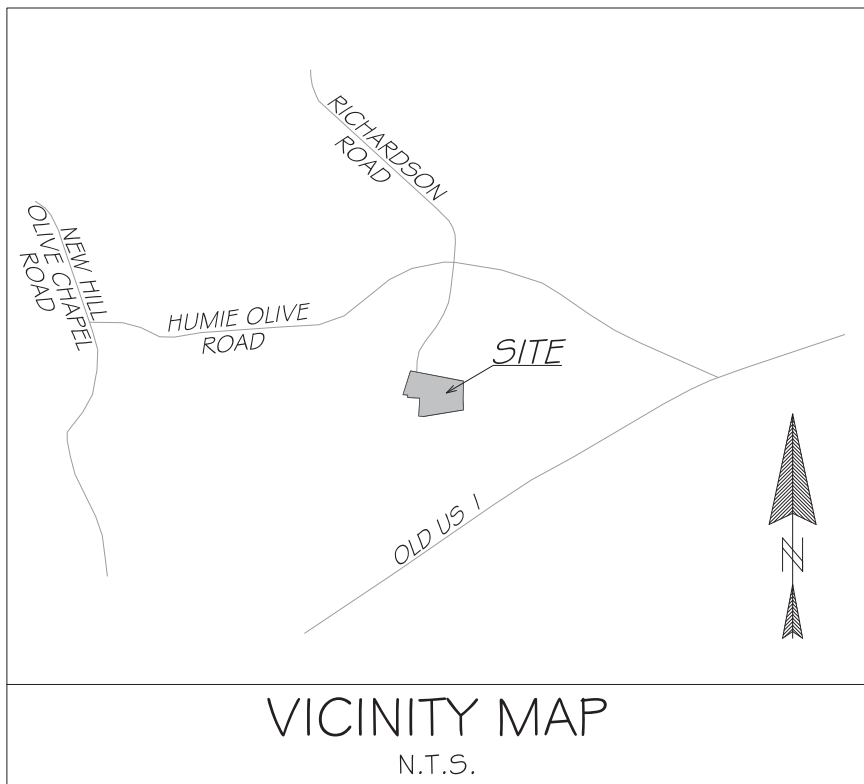
SECTION 17 – LAND USE NOTES

This project will require the formation of at least one Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

SECTION 18 – AFFORDABLE HOUSING

Prior to recording the final subdivision plat for the project, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. (“Habitat Wake”) or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of four (4) townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

THE TOWNES AT THE STATION
PLANNED UNIT DEVELOPMENT



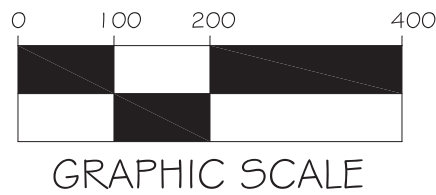
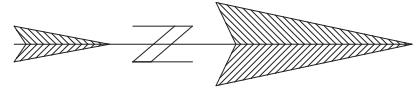
SITE DATA	
PROJECT NAME	THE TOWNES AT THE STATION - PUD
PREPARER'S CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	CHARM CITY DEVELOPERS, LLC 4201 TAYLOR HALL PLACE CHAPEL HILL, NC 27517 PHONE - (919) 703-6203 CONTACT PERSON - ANDREW ROSS
CURRENT ZONING	R-40W
PROPOSED ZONING	PUD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL (MD) & PROTECTED OPEN SPACE
PROPOSED 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL (MD) & PROTECTED OPEN SPACE
PROPOSED ZONING DESIGNATION	PUD-CZ
WAKE COUNTY PINS	0720-49-2078, 0720-48-4654 (PARTIAL), 0720-38-9121 (PARTIAL)
TOTAL PROJECT AREA	16.39 ACRES
MAXIMUM DENSITY	5.5 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	90
REQUIRED RCA / BUFFER AREA	5.74 ACRES (35%)
MAXIMUM BUILT UPON AREA FOR PUD	9.83 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45' OR 3 STORIES
OFF STREET PARKING	PARKING WILL COMPLY WITH APEX UDO SECTION 8.3 FOR TOWNHOMES
PUBLIC RECREATION REQUIREMENT	FEE-IN-LIEU FOR SINGLE FAMILY ATTACHED UNITS (RATE TBD)
WATERSHED INFORMATION	PRIMARY; LITTLE BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	TBD
HISTORIC STRUCTURE?	NO
GRADING TYPE	MASS GRADING (TOWNHOME DEVELOPMENT)
PHASED DEVELOPMENT	TBD
FEMA FLOODPLAIN INFORMATION	MAP #3720072000K (DATED JULY 19, 2022) - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

- PERMITTED USE:
- TOWNHOUSE
 - ACCESSORY APARTMENT
 - UTILITY, MINOR
 - PARK, ACTIVE
 - PARK, PASSIVE
 - GREENWAY
 - RECREATIONAL FACILITY, PRIVATE

MINIMUM BUILDING SETBACKS - TOWNHOMES	
FRONT	15'
REAR	15'
SIDE (END UNITS)	5'
SIDE (CORNER UNITS)	10'
BUILDING TO BUILDING	10'
FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
NOTE: MINIMUM DRIVEWAY LENGTH IS 20', MEASURED FROM BACK EDGE OF SIDEWALK TO GARAGE.	

PD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN
- PRELIMINARY UTILITY PLAN



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY REGULATION REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APE STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APE PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
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 TERRACON CONSULTANTS, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREET BUFFER ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 1-G-011.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #372007200OK (DATED JULY 19, 2022).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. 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.
8. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
9. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
10. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
11. PER THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP, THE LITTLE BEAVER CREEK GREENWAY SHALL EXTEND EAST-WEST THROUGH THIS PROJECT BY UPGRADING THE 5' SIDEWALK ON THE NORTH SIDE OF THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP 1-G-011.
12. THE PROR ADVISORY COMMISSION REVIEWED THE PROJECT AT THE SEPTEMBER 28, 2022 MEETING AND UNANIMOUSLY APPROVED FOR FEE-IN-LIEU OF DEDICATION, WITH CREDIT FOR CONSTRUCTION OF GREENWAY. THE CURRENT FEE RATE FOR SINGLE FAMILY ATTACHED IS \$2,528.25 WITH THE RATE SET AT THE TIME OF THE REZONING APPROVAL BY TOWN COUNCIL, AND RUNS WITH THE LIFE OF THE PROJECT UNLESS ADDITIONAL LANDUNITS ARE ADDED TO THE PROJECT.

1. IN LIEU OF A FULL TRANSPORTATION IMPACT ANALYSIS, A TRIP GENERATION LETTER HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. STREET STUB CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
3. ALL INTERNAL BULBS/STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALKS ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
4. THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
5. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS, AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
6. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
7. THE PUD SHALL MEET TOWN OF AURORA DEVELOPMENT REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1, 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.
8. ALL TOWNHOMES SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS.
9. A PHASING PLAN WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLAN.

THE TOWNES AT THE STATION
PUD = 16.39 ACRES

NOW OR FORMERLY
MAYBERRY INVESTMENTS, LLC
PIN: 0720-38-9121
ZONING: R-40W
USE: VACANT

NOW OR FORMERLY
SHILPA SATTIRAJU &
TARUN THOUTREDDY
PIN: 0720-58-0399
ZONING: R-40W
USE: SINGLE FAMILY

NOW OR FORMERLY
WILLIAM & DONNA PRIDGEN
PIN: 0720-58-1790
ZONING: R-40W
USE: VACANT

NOW OR FORMERLY
WAKE COUNTY BOARD
OF EDUCATION
PIN: 0720-69-4728
ZONING: RR-CZ
USE: SCHOOL

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

THE TOWNES AT THE STATION
PLANNED UNIT DEVELOPMENT
WAKE COUNTY, NORTH CAROLINA
AFEX
PRELIMINARY LAYOUT PLAN

"=60'	DRAWN PLK
AUGUST 1, 2022	
ION 22	PER TRC
4/22	PER TRC
9/22	PB/TRC SET
2	
2150	

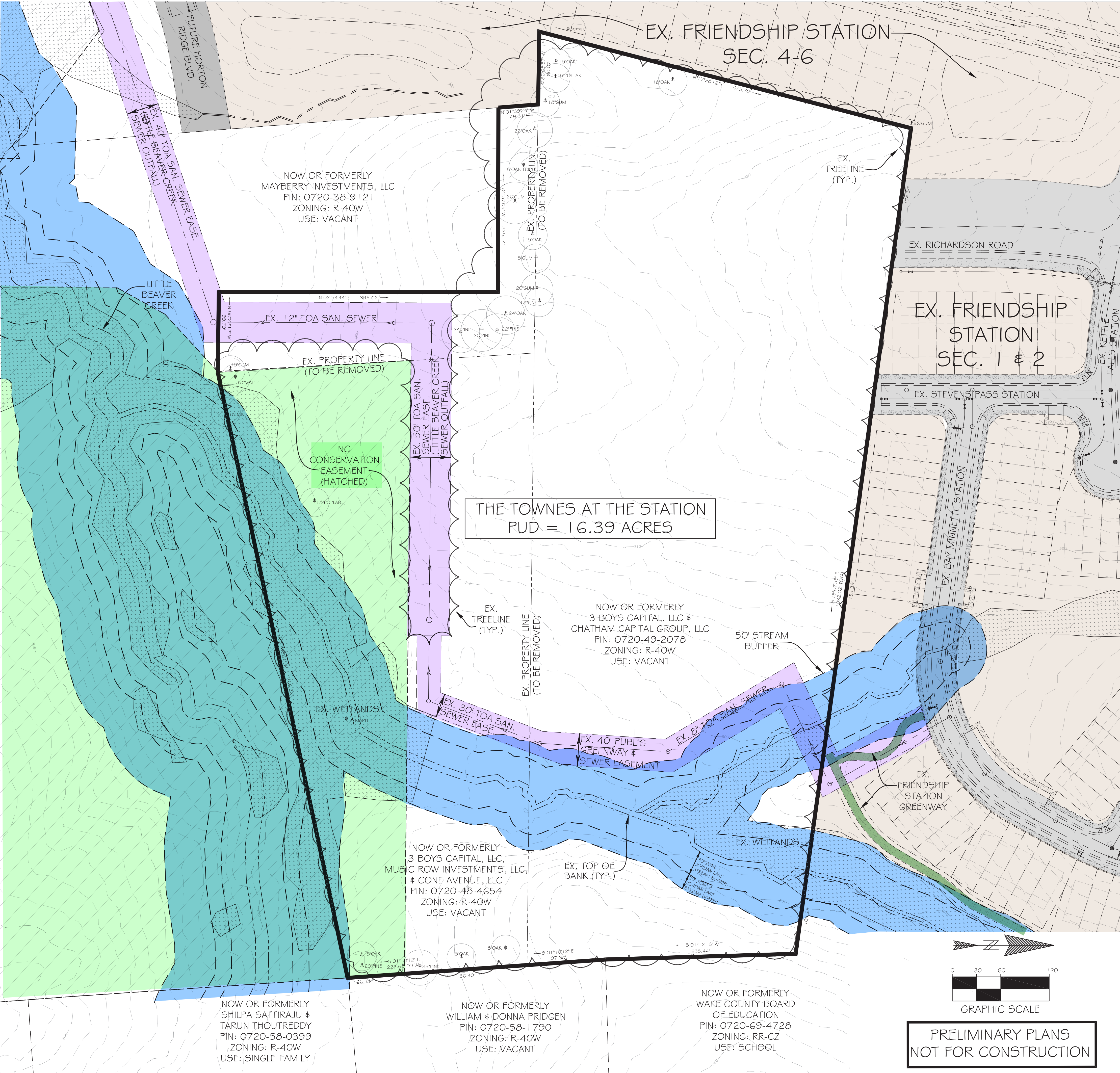
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6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. THE AREA WITHIN THIS PUD IS CURRENTLY VACANT AND ENTIRELY WOODED, OTHER THAN THE CLEAR AND MAINTAINED PUBLIC UTILITY EASEMENTS.

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



Jones & Cossen
ENGINEERING, PLLC



221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescossen.com



THE TOWNES AT THE STATION
PLANNED UNIT DEVELOPMENT
EXISTING CONDITIONS PLAN

SCALE:	1"=60'	DRAWN:	PLK
DATE:	AUGUST 1, 2022		
REVISION:	9/9/22	PER:	TRC
	10/14/22	PER:	TRC
	11/14/22	PER:	SET
SHEET:	3		
PROJECT:	2152		

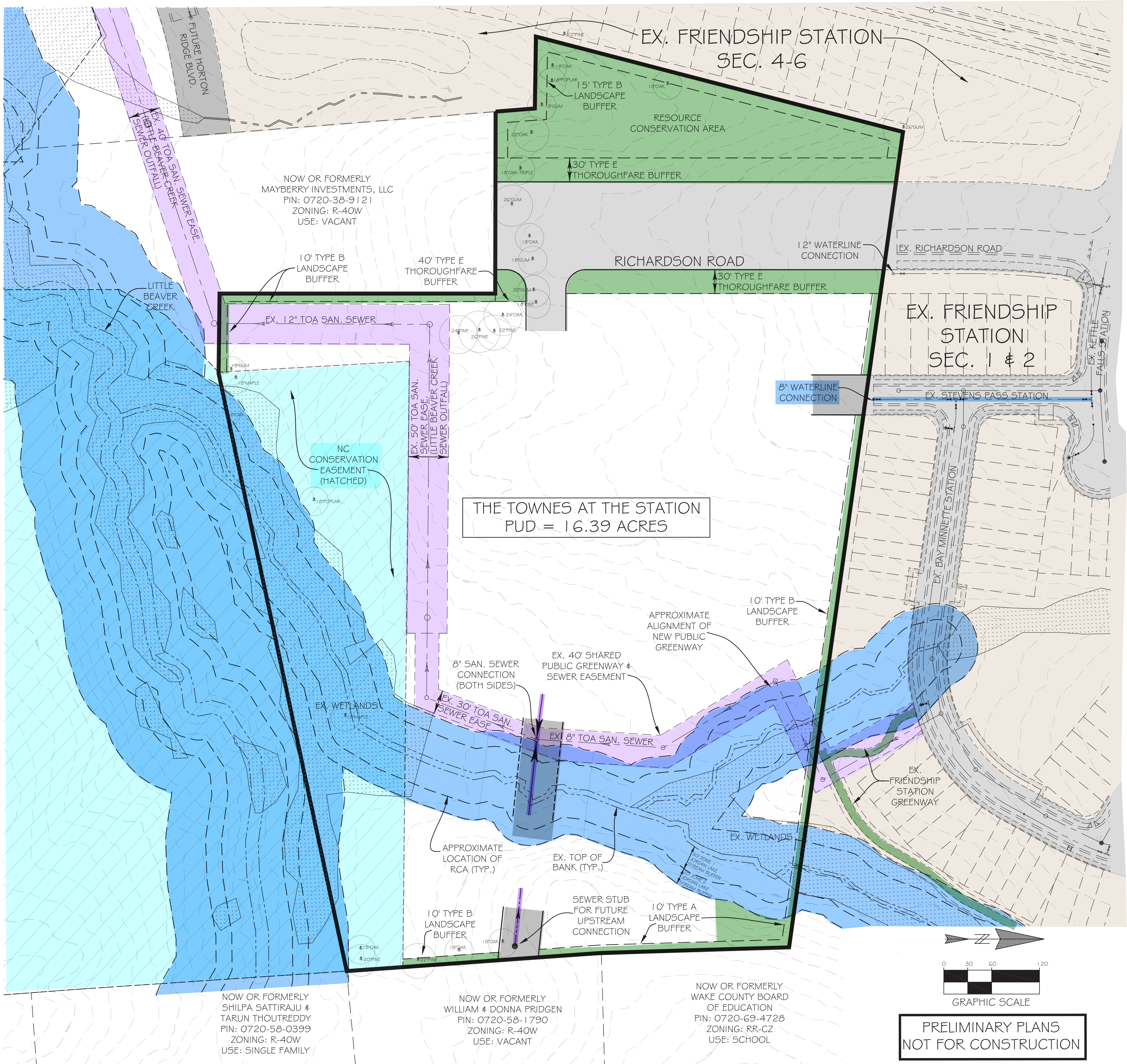
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9. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
10. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC RW SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
11. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
12. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
13. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
14. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
15. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

Townhome Elevations, Illustrative



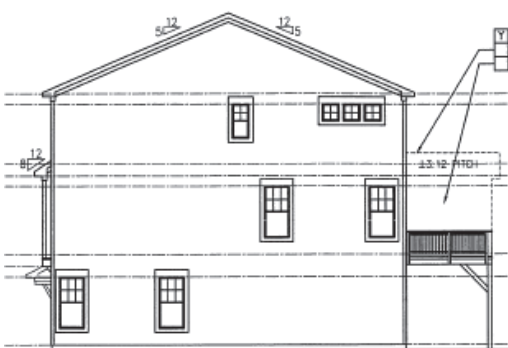
ELEVATION-A
SCALE: 1/4"=1'-0" ON 22x34 AND 1/8"=1'-0" ON 11x17



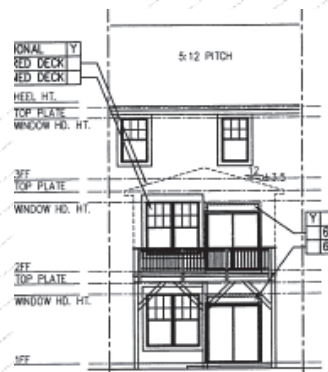
ELEVATION-C



ELEVATION-C



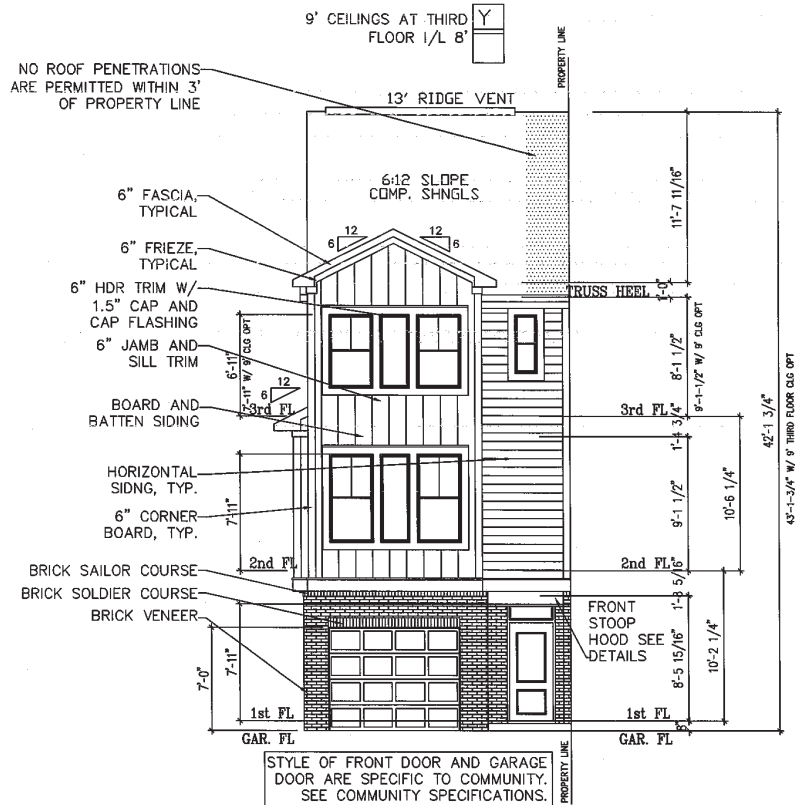
END UNIT - A □
SCALE: 1/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17



REAR ELEVATION-A
/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17

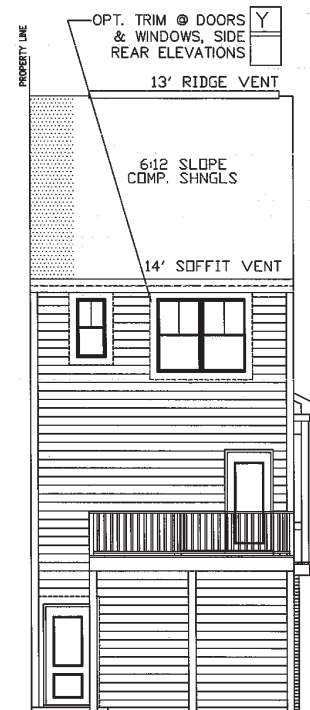


M/I HOMES



BERKSHIRE
ELEVATION-A-FRONT

ROOF VENT. CALCULATIONS ELEV 'A'	
MAIN ROOF ATTIC	867 SQ. FT.
ATRIC VENTILATION REQUIRED	
= 2.88 SQ. FT. / 300	867 SQ. FT.
19 LF RIDGE VENT @ 18 S.I./LF = 18x19 = 342 S.I. = 2.37 SF	
22 LF SOFFIT VENT @ 4.5 S.I./LF = 22x4.5 = 99 S.I. = .68 SF	
3.05 SF PROVIDED	



BERKSHIRE
ELEVATION-A-REAR

THE SIGNATURES AFFIXED BELOW CERTIFY THAT THIS SHEET HAS BEEN REVIEWED AND APPROVED SOLELY FOR THE CERTIFICATIONS SIGNED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS.			
PR - TRANSPORTATION	DATE	WR - STORMWATER	DATE
BUILDING INSPECTORS	DATE	PLANNING	DATE
WR - UTILITY ENGINEERING	DATE	PLANNING - TRANSPORTATION	DATE
ELECTRIC	DATE	FIRE	DATE
WR - S & C	DATE	PARKS, RECREATION & CULTURAL RES.	DATE

©2020 M/I HOMES, INC.

MASTER ISSUE DATE: 03/31/20

DO NOT SCALE PRINTED CONSTRUCTION SHALL BE PER INDICATED DIMENSIONS ONLY. ANY DISCREPANCIES TO BE REPORTED TO M/I HOMES FOR CLARIFICATION.

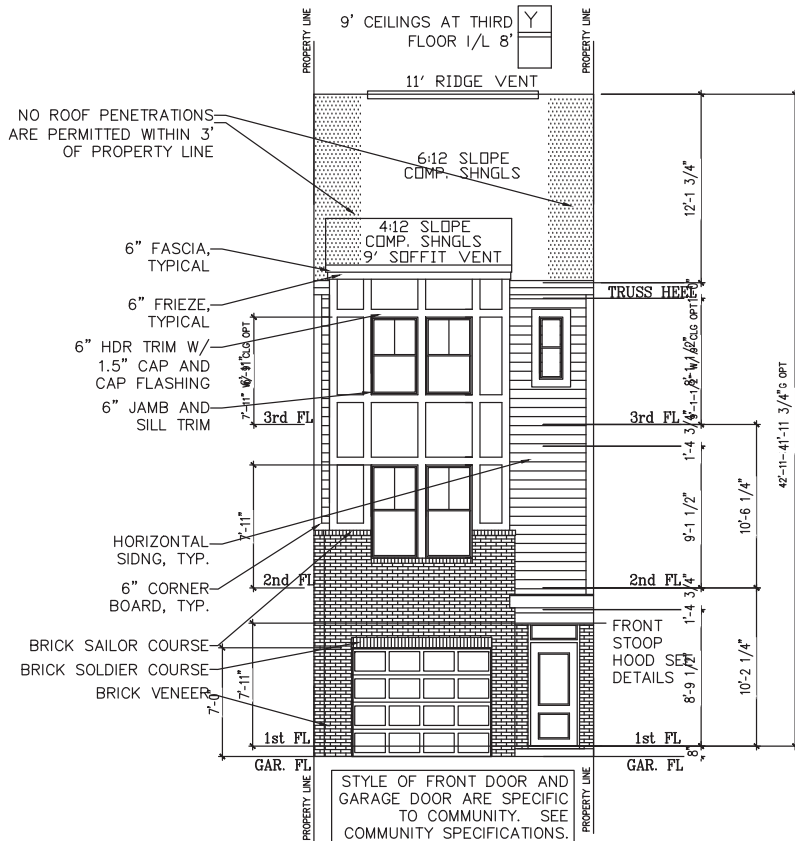
LATEST REVISION DATE: 11/16/20

SUB NAME: LOT# -

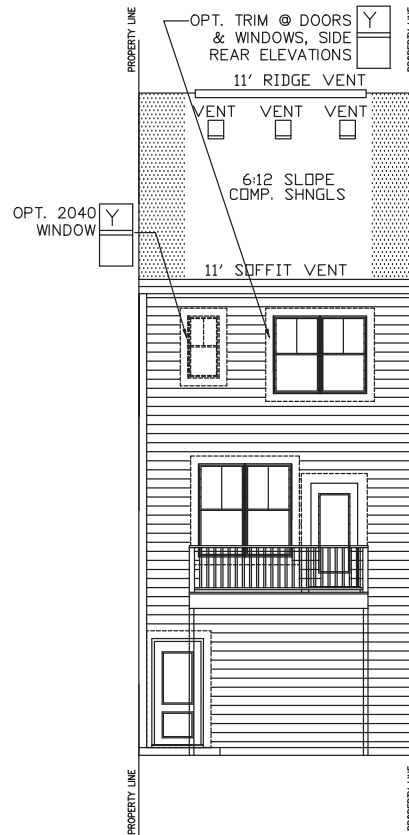
M/I HOMES
Welcome to Better.

BERKSHIRE
GARAGE - LEFT
ELEVATION "A"

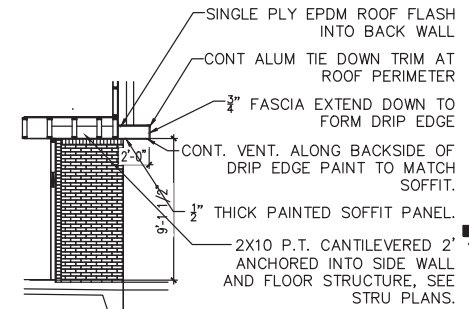
SHEET # 4.00



ELEVATION-A-FRONT



ELEVATION-A-REAR



ELEVATION A
SECTION OF STOOP, HOOD
SCALE: 1/8"=1'-0"

ROOF VENT. CALCULATIONS ELEV 'A'

MAIN ROOF ATTIC
824 SQ. FT.

ATTIC VENTILATION REQUIRED

$$= 2.74 \text{ SQ. FT. } \frac{824 \text{ SQ. FT.}}{300}$$

11 LF RIDGE VENT @ 18 S.I./LF = 18x11 = 198 S.I = 1.37 SF
20 LF SOFFIT VENT @ 4.5 S.I./LF = 20x4.5 = 90 S.I = .62 SF
3 ROOF VENTS @ 50 S.I. EA. = 50x3 = 150 S.I = 1.04 SF

3.03 SF PROVIDED

MASTER ISSUE DATE:
03/12/20
DO NOT SCALE THIS
CONSTRUCTION SHALL BE
PER INDICATED DIMENSIONS
ONLY. ANY DISCREPANCIES
TO BE REPORTED TO M/I
HOMES FOR CLARIFICATION
LATEST REVISION DATE

11/30/20

SUB NAME

LOT# -

---/---/---

M/I HOMES
Welcome to Better.

OAKWELL
GARAGE - LEFT
ELEVATION "A"

SHEET #

4.00

August 17, 2022

Russell Dalton PE
Town Hall (3rd Floor)
73 Hunter Street
Apex, NC 27502
E: russell.dalton@apexnc.org

Reference: Walden Property – Apex, NC

Subject: Trip Generation Letter

Dear Mr. Dalton:

This letter provides an estimate of the trip generation for the proposed Walden Property residential development to be located at the south end of Richardson Road (east of Olive Farm Road) in Apex, North Carolina. The proposed residential development is anticipated to consist of a maximum of 90 townhomes. Site access is proposed one (1) full movement driveway along Richardson Road, which will likely be restricted to right-in/right-out access when Richardson Road is extended further south.

Trip Generation

Average daily traffic, weekday AM and weekday PM peak hour trips for the proposed development were estimate using the methodology contained within the ITE *Trip Generation Manual*, 11th Edition. Table 1 provides a summary of the trip generation potential for the proposed development based on the LUC 215 Single-Family Attached Housing trip generation equations.

Table 1: Site 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 Attached Housing (215)	90 units	635	13	28	28	22

As shown in Table 1, it is estimated that the proposed development is expected to generate 635 trips during a typical 24-hour weekday period. Of the daily site trips, it is anticipated that 41 trips (13 entering and 28 exiting) will occur during the weekday AM peak hour and 50 trips (28 entering and 22 exiting) will occur during the weekday PM peak hour. The typical threshold NCDOT supports for requiring a Traffic Impact Analysis (TIA) is 3,000 or more vehicular trips per day. The Town of Apex threshold to require a TIA is 1,000

or more vehicular trips per day or 100 trips during the weekday AM or PM peak hours. This development is anticipated to be below both thresholds.

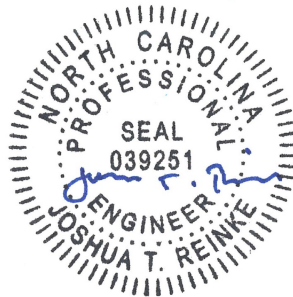
Findings and Summary

Based on the trip generation results, it is expected that the proposed Walden Property residential development will have minimal impact on the surrounding roadway network. The peak hour trip generation potential for this proposed development is expected to be under the typical thresholds for the NCDOT and the Town to require a TIA.

If you have any questions or concerns, please feel free to contact me at (919) 872-5115.

Sincerely,
Ramey Kemp Associates

Josh Reinke, PE
State Traffic Engineering Lead
NC Corporate License # C-0910



Attachments: Preliminary Site Plan

8/17/2022

CC: Serge Grebenschikov Traffic Engineer
Jeremy Warren, PE NCDOT District 1 Engineer



PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 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: +/- 16.39 acres

PIN(s): 072042078, 0720484654 (portion of), 0720389121 (portion of)

Current Zoning: Wake County Residential-40 District (R-40W)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Medium Density Residential & Protected Open Space

Town Limits: Outside the ETJ & 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: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 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: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 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: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Keith Braswell

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:



Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

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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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.12.12 19:50:02
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ17
The Townes at the Station PUD**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Cossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)

2045 Land Use Map Designation: Medium Density Residential & Protected Open Space

Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 21 - December



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-349-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17
The Townes at the Station 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: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

Superficie: 116.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (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

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/49817>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 21 de noviembre - 12 de diciembre de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ17 The Townes at the Station 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: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)

2045 Land Use Map Designation: Medium Density Residential & Protected Open Space

Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

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 #22CZ17

The Townes at the Station 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: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

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Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (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

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre de 2022 4:30 P.M.

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Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

August 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



Public Hearing Sign Posted By

Signature *[Handwritten Signature]*

Date 8/5/2022

Fairfield Rd

Olive Farm Rd

McKenzie Ridge Ln

Grants Pass Sta

Kettle Falls Sta

Friendship
Station PUD

Richardson Rd

Rezoning #22CZ17

Apex Friendship
Elementary School



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 #22CZ17
The Townes at the Station PUD

Project Location: 0 Richardson Road; 0 & 3261 Olive Farm Road

Applicant or Authorized Agent: Patrick Kiernen, PE

Firm: Jones & Cossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 21, 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.

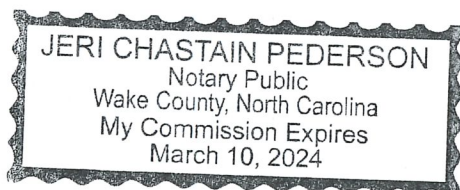
11/21/2022
Date

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 21 day of November, 2022.



Jeri Chastain Pederson
Notary Public

SEAL

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 #22CZ17
The Townes at the Station 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: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

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Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

*Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.*

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17

The Townes at the Station 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: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

Superficie: ±16.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (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: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/478>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022 – 10 de enero de 2023





TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ17 The Townes at the Station 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: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Cossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)

2045 Land Use Map Designation: Medium Density Residential & Protected Open Space

Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17

The Townes at the Station 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: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

Superficie: ±16.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (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.

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Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: CONDITIONAL ZONING #22CZ17
The Townes at the Station PUD

Project Location: 0 Richardson Road; 0 & 3261 Olive Farm Road

Applicant or Authorized Agent: Patrick Kiernan

Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

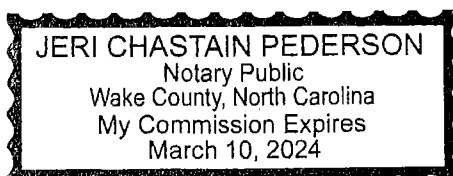
12/19/2022
Date

Maime L. Khin
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 19 day of December, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 03/10/2024

D. McQueen Campbell, III
Mayberry Investments, LLC
1122 Oberlin Rd.
Raleigh, NC 27605

September 15th, 2022

Charm City Developers, LLC
Attn: Andrew Ross
P.O. Box 5548
Cary, NC 27512

Andrew,

After having our conversation over the phone, I am not willing to include any additional land in the PUD and annexation map and will maintain our original land swap agreement between Mayberry Investments, LLC, 3 Boys Capital, LLC, Music Row Investments, LLC, Cone Avenue, LLC and Chatham Capital Group, LLC. I understand through our discussion what could possibly occur with the incremental land but will not sell at this time or agree to include in any new rezoning submittals.

Regards,

A handwritten signature in black ink, appearing to read 'D. McQueen Campbell, III', with a stylized, cursive script.

D. McQueen Campbell, III



Student Assignment

5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

October 20, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: August 1, 2022
- Name of development: 22CZ17 The Townes at the Station PUD
- Address of rezoning: o Richardson Rd, o Olive Farm Rd, 3261 Olive Farm Rd
- Total number of proposed residential units: 90
- Type(s) of residential units proposed: Townhomes

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
- ☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☒ School expansion or construction within the next five years may address concerns at these grade levels:
- ☐ Elementary ☐ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 16.39 ACRES LOCATED AT 0 RICHARDSON ROAD; 0 & 3261 OLIVE FARM ROAD FROM WAKE COUNTY RESIDENTIAL-40 DISTRICT (R-40W) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#22CZ17

WHEREAS, Charm City Developers, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 29th day of July 2022 (the “Application”). The proposed conditional zoning is designated #22CZ17;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ17 before the Planning Board on the 12th day of December 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of December 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ17. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ17;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #22CZ17 before the Apex Town Council on the 10th day of January 2023;

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

WHEREAS, all persons who desired to present information relevant to the application for #22CZ17 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 & Protected Open Space. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will permit housing that is consistent with surrounding development and provide affordable housing, extension of a Thoroughfare and environmental conditions that exceed what the UDO requires.; and

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #22CZ17 rezoning the subject tract located at 0 Richardson Road; 0 & 3261 Olive Farm Road from Wake County Residential-40 District (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 #22CZ17

zoning classification of the "Rezoned Lands" from Wake County Residential-40 District (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" The Townes at the Station 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 _____ 2023.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A:

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point located South 00° 36' 48" East, 392.35 feet from an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 22' 12" West, 99.79 feet to a point; thence North 02° 54' 44" East, 345.62 feet to a point; thence North 86° 57' 05" West, 228.14 feet to a point; thence North 01° 39' 24" West, 49.31 feet to a point; thence North 86° 09' 57" West, 90.07 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 320.06 feet to a point; thence South 80° 48' 31" West, 766.52 feet to the BEGINNING, containing 16.3895 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76), a portion of that certain parcel described in D.B. 17262, Pg. 1521, and a portion of that certain parcel described in D.B. 17080, Pg. 1036. This description is also being all of Wake County PIN 0720-49-2078, a portion of Wake County PIN 0720-48-4654, and a portion of Wake County PIN 0720-38-9121.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.

PRELIMINARY

PD PLAN

The Townes at the Station A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

CHARM CITY DEVELOPERS, LLC

August 1, 2022

Revised: September 9, 2022

Revised: October 14, 2022

Revised: November 3, 2022

Revised: December 6, 2022

Jones & Clossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

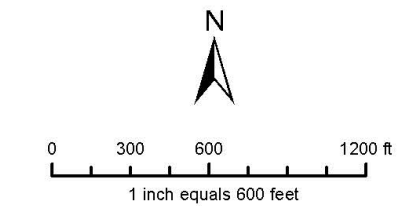
Apex, NC 27502

(919)387-1174

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SECTION 2 – VICINITY MAP



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.

SECTION 3 – PROJECT DATA

- A. Project name: The Townes at the Station – PUD
- B. Owner/Developer: Charm City Developers, LLC
4201 Taylor Hall Pl. – Chapel Hill, NC 27517
- C. Prepared by: Jones & Clossen Engineering, PLLC
221 N. Salem Street, Ste. 001 – Apex, NC, 27502
- D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Clossen Engineering, PLLC)
- E. Current and Proposed Zoning of the Property:
Current zoning: R-40W (Wake County)
Proposed zoning: PUD-CZ
- F. Current and Proposed Land Uses:
Current: Vacant
Proposed: Residential
- G. Current and Proposed 2045 Land Use Designation.
Current/Proposed: Medium Density Residential & Protected Open Space
- H. Size of project:

Wake County Tax Identification Number	Acreage
0720-49-2078	16.39 acres
0720-48-4654 (partial)	
0720-38-9121 (partial)	

SECTION 4 – PURPOSE STATEMENT

The Townes at the Station PUD is a proposed townhome project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project affects three existing lots of record – one parcel in its entirety, and two parcels to be partially included in this PUD. These parcels are all owned by various LLCs, but the project is being developed by Charm City Developers, LLC. The project is located at the southern end of Richardson Road, south and east of the Friendship Station PUD, west of Apex Friendship Elementary School, and north of Little Beaver Creek and its associated conservation easement. These parcels are all designated as Medium Density Residential on the 2045 Land Use Map.

The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalks along both sides of the internal public streets, along with sidewalk and greenway connections to Richardson Road and the adjacent Friendship Station development. This development will enhance the value of the surrounding properties by providing quality residential development for the area.

SECTION 5 – PERMITTED USES

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

- Townhouse
- Accessory apartment
- Utility, minor
- Park, active
- Park, passive
- Greenway
- Recreational facility, private

Additionally, the following conditions shall also apply:

1. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. Signs 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.
2. Developer shall install pollinator-friendly and native flora within SCM planting areas; 75% of the species selected shall be native to the eastern US. Species selection shall be approved by the Planning Dept.
3. At least 75% of the plant species used in the landscape design shall be native species.
4. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
5. Homeowner Association covenants shall not prohibit clover lawns throughout the neighborhood.
6. A minimum of three (3) pet waste stations shall be installed in HOA common areas.
7. All townhomes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
8. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
9. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
10. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
11. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

SECTION 6 – DESIGN CONTROLS

A. Dimensional Standards

Maximum Density:	5.5 Units/Acre
Maximum Number of Townhome Lots:	90
Maximum Built-Upon Area:	60% (total project)
Minimum Lot Width:	18'
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>	

B. Proposed Minimum Building Setbacks

Front:	15'
Rear:	15'
Side:	5' (end units) 10' (corner units)
Building to Building	10'
From Buffer/RCA	10' for Buildings 5' for Parking Areas
<i>Note: Minimum driveway length is 20', measured from back edge of sidewalk to garage.</i>	

C. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads, as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10' Type B Landscape Buffers along the southern, northern, and portions of the eastern perimeters, a 10' Type A Landscape Buffer adjacent to the Apex Friendship Elementary School property to the northeast, 15' Type B Landscape Buffers around the entire perimeter on the west side of the Richardson Road extension, and a 30' Type B Thoroughfare Buffer along the Richardson Road extension (both sides).

D. Percentage of Resource Conservation Area

The Townes at the Station PUD is providing at least 35% of the total area for Resource Conservation Area and landscape buffers, which is a 5% increase from the UDO requirement for a PUD.

SECTION 7 – ARCHITECTURAL STANDARDS

Townhome Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.
3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a 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
6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
7. Roofline cannot be a single mass; it must be broken up either horizontally or vertically between every other unit.
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.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements shall conform to the parking standards listed in Section 8.3, *Off-street Parking and Loading*, of the Town of Apex UDO.

SECTION 9– SIGNS

Signage for this project will comply with Section 8.8, *Signs*, of the Town of Apex UDO.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

- A. This project is located in the Little Beaver Creek drainage basin which is in the Cape Fear Basin. This project currently falls within the primary watershed protection overlay district as shown on Town of Apex watershed maps.
- B. There is a FEMA mapped floodplain along Little Beaver Creek as shown on FEMA FIRM Map Number 3720072000K, dated July 19, 2022.
- C. There are no known historic structures on this project.
- D. The PUD will provide streetscape buffers along Richardson Road which will be used for decorative plantings and aesthetic appeal. Individual sections within the development may also have additional landscape areas located on the site based upon the specific site or subdivision plan. The PUD will dedicate at least 35% of the total project area for Resource Conservation Area or buffer.
- E. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the project, the developer shall provide a donation of \$3,000 to a local non-profit organization with a mission towards tree preservation and replacement.

SECTION 11 – STORMWATER MANAGEMENT

The Townes at the Station PUD will meet all applicable requirements and standards as described in Section 6.1, *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year, 10-year, and 25-year 24 hour storm events.

The Townes at the Station PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

SECTION 12 – PARKS AND RECREATION

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project at the September 28, 2022 meeting and unanimously approved for fee-in-lieu of dedication, with credit for construction of greenway if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the Single Family Attached fee rate, which shall be set at the time of rezoning approval by Town Council, and will run with the life of the project unless additional land/units are added to the project.

Per Section 14.2, *Greenways*, of the Town of Apex UDO, credit for greenway against fees requires the approval of construction plans, and is contingent upon approval of an engineer's estimate of probable cost for greenway construction.

SECTION 13 – PUBLIC FACILITIES

A. General Roadway Infrastructure

The transportation network for The Townes at the Station PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO. This project will include the extension of roughly 500' of Richardson Road, a Town of Apex thoroughfare street, as well as an internal road network providing interconnectivity to Richardson Road and the adjacent Friendship Station development. Richardson Road will continue the same interim road section from Friendship Station, where only the two eastern lanes of the future 4-lane median divided road will be constructed with this project. The residential street that connects to Richardson Road shall be a right-in/right-out entrance in the future when Richardson Road is ultimately widened to include a median. In the interim, the turning movements at this intersection may remain unrestricted. A street stub shall be extended to the Pridgen property to the east (PIN# 0720-58-1790) for possible extension into future development. Interconnectivity with all adjacent properties and roads shall be coordinated with existing or planned rights-of-way.

As shown on the PUD Layout Plan (sheet 2), all access points, street stubs, and planned vehicular circulation are conceptual and will be finalized at the time of Development Plan review and approval.

B. Pedestrian Facilities

For pedestrian connectivity, all public streets shall provide 5' sidewalks on both sides of the road. The Richardson Road extension shall provide a 10' Side Path along the eastern side of the road. The east-west residential street that provides connection to the Richardson Road extension to the west and the street stub to the east shall provide a 10' Side Path along the northern side of the road. This improvement from 5' sidewalk to 10' Side Path is intended to replace the requirement of a separate east-west greenway connection through the project, shown on the Town of Apex Bicycle and Pedestrian System Plan Map as "Little Beaver Creek Greenway". Furthermore, a 10' public greenway will connect to this 10' Side Path in the vicinity of the stream crossing, following along the existing north-south stream buffer until connecting to the existing greenway stub provided with the Friendship Station development to the north, which ultimately provides pedestrian connection to Apex Friendship Elementary School. This greenway shall follow the alignment of the existing sewer outfall.

C. Water and Sanitary Sewer

As shown on the PUD Utility Plan (sheet 4), the sanitary sewer connection will come by connecting to the existing sewer outfall that runs along the north-south stream buffer. On the east side of the stream, a sewer stub shall be provided to the eastern project boundary for possible upstream connection in the future. Water distribution service will be provided to this project by extending the existing 12 inch waterline along Richardson Road, as well as the existing 8 inch waterline along Stevens Pass Station.

D. 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

This project may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential, as well as a small portion of Protected Open Space (representing the NC Conservation Easement). We believe this PUD is appropriate for the area and is consistent with the current Land Use Map. No changes are proposed.

SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for The Townes at the Station PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

SECTION 17 – LAND USE NOTES

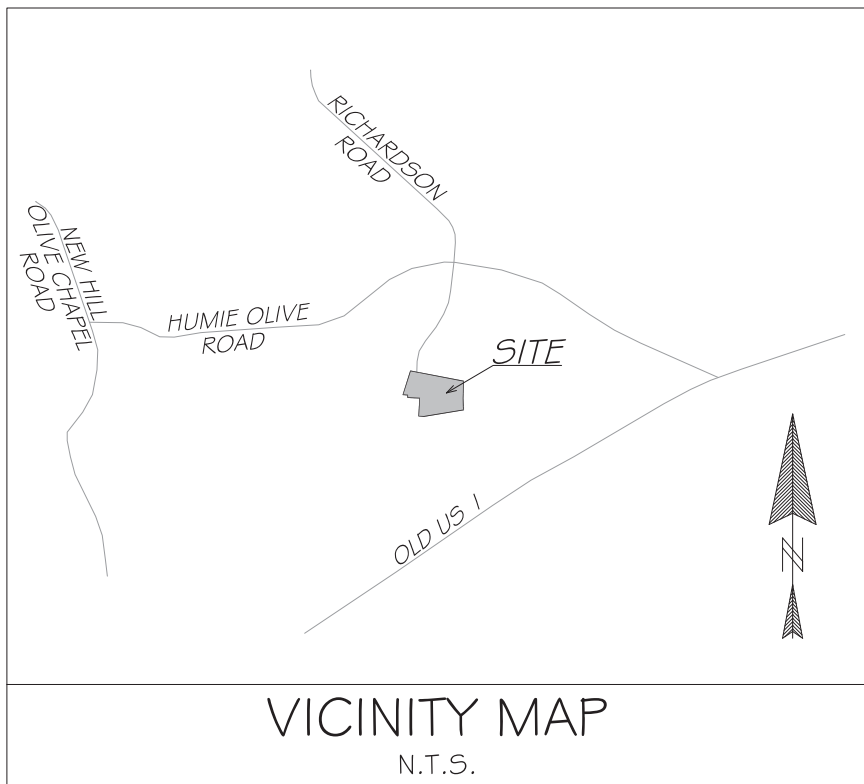
This project will require the formation of at least one Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

SECTION 18 – AFFORDABLE HOUSING

Prior to recording the final subdivision plat for the project, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. (“Habitat Wake”) or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of four (4) townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

THE TOWNES AT THE STATION

PLANNED UNIT DEVELOPMENT



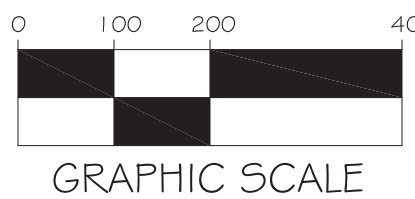
SITE DATA	
PROJECT NAME	THE TOWNES AT THE STATION - PUD
PREPARER'S CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	CHARM CITY DEVELOPERS, LLC 4201 TAYLOR HALL PLACE CHAPEL HILL, NC 27517 PHONE - (919) 703-6203 CONTACT PERSON - ANDREW ROSS
CURRENT ZONING	R-40W
PROPOSED ZONING	PUD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL (MD) * PROTECTED OPEN SPACE
PROPOSED 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL (MD) * PROTECTED OPEN SPACE
PROPOSED ZONING DESIGNATION	PUD-CZ
WAKE COUNTY PINS	0720-49-2078, 0720-48-4654 (PARTIAL), 0720-38-9121 (PARTIAL)
TOTAL PROJECT AREA	16.39 ACRES
MAXIMUM DENSITY	5.5 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	90
REQUIRED RCA / BUFFER AREA	5.74 ACRES (35%)
MAXIMUM BUILT UPON AREA FOR PUD	9.83 ACRES (60%)
MAXIMUM BUILDING HEIGHT	45' OR 3 STORIES
OFF STREET PARKING	PARKING WILL COMPLY WITH APEX UDO SECTION 8.3 FOR TOWNHOMES
PUBLIC RECREATION REQUIREMENT	FEE-IN-LIEU FOR SINGLE FAMILY ATTACHED UNITS (RATE TBD)
WATERSHED INFORMATION	PRIMARY; LITTLE BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	TBD
HISTORIC STRUCTURE?	NO
GRADING TYPE	MASS GRADING (TOWNHOME DEVELOPMENT)
PHASED DEVELOPMENT	TBD
FEMA FLOODPLAIN INFORMATION	MAP #3720072000K (DATED JULY 19, 2022) - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN

- PERMITTED USE:
- TOWNHOUSE
 - ACCESSORY APARTMENT
 - UTILITY, MINOR
 - PARK, ACTIVE
 - PARK, PASSIVE
 - GREENWAY
 - RECREATIONAL FACILITY, PRIVATE

MINIMUM BUILDING SETBACKS - TOWNHOMES	
FRONT	15'
REAR	15'
SIDE (END UNITS)	5'
SIDE (CORNER UNITS)	10'
BUILDING TO BUILDING	10'
FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
NOTE: MINIMUM DRIVEWAY LENGTH IS 20', MEASURED FROM BACK EDGE OF SIDEWALK TO GARAGE.	

PD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN
- PRELIMINARY UTILITY PLAN



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



SCALE:
1"=200'

DATE:
AUGUST 1, 2022

REVISION: 9/9/22	PER TRC
10/14/22	PER TRC
11/14/22	PBYTC SET

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY REGULATION REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APE STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APE PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

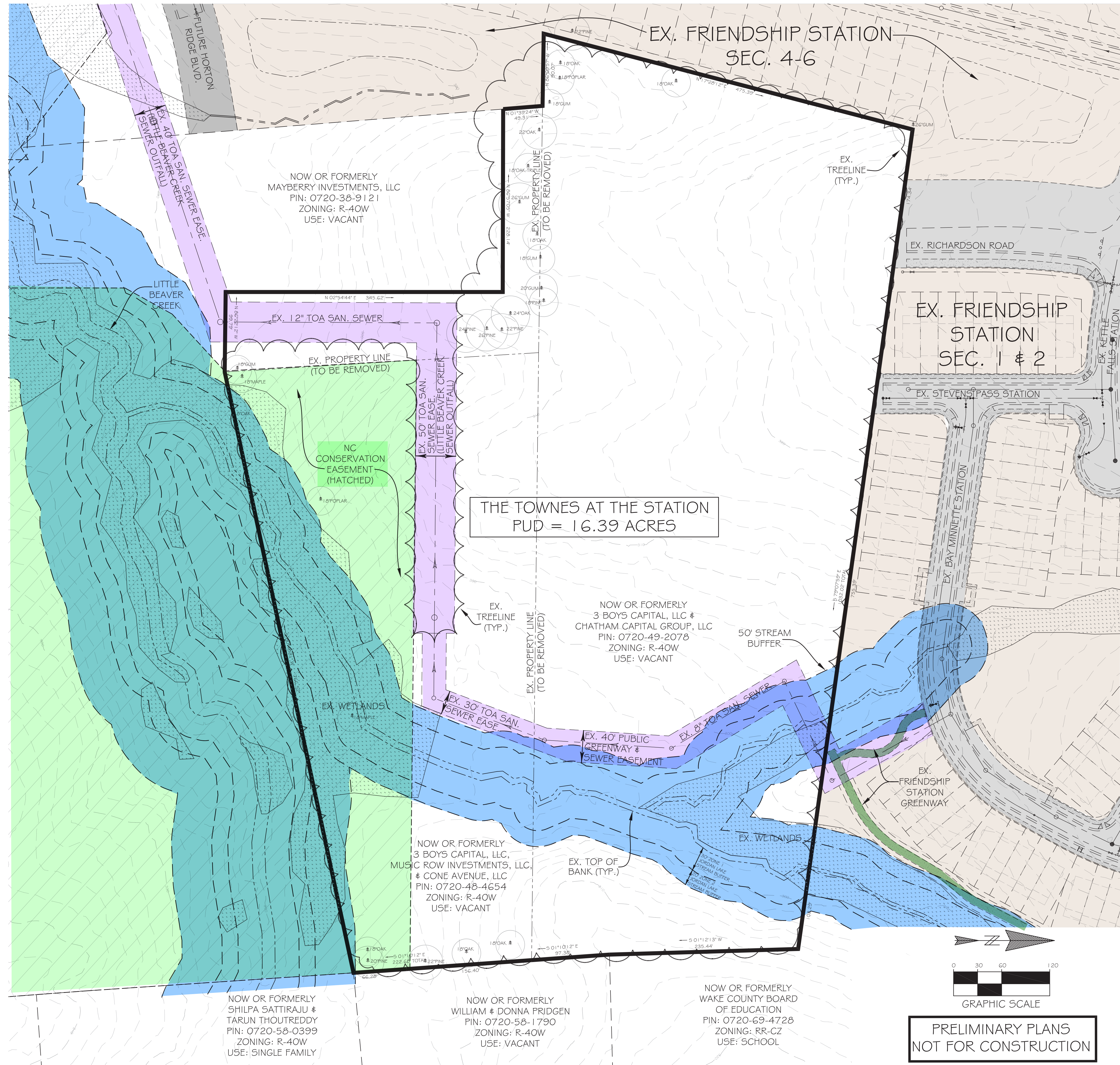
1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY TERRACON CONSULTANTS, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREET BUFFER ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 1-G-011.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #372007200OK (DATED JULY 19, 2022).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. 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.
8. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
9. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
10. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
11. PER THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP, THE LITTLE BEAVER CREEK GREENWAY SHALL EXTEND EAST-WEST THROUGH THIS PROJECT BY UPGRADING THE 5' SIDEWALK ON THE NORTH SIDE OF THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP 1-G-011.
12. THE PROR ADVISORY COMMISSION REVIEWED THE PROJECT AT THE SEPTEMBER 28, 2022 MEETING AND UNANIMOUSLY APPROVED FOR FEE-IN-LIEU OF DEDICATION, WITH CREDIT FOR CONSTRUCTION OF GREENWAY. THE CURRENT FEE RATE FOR SINGLE FAMILY ATTACHED IS \$2,528.25 WITH THE RATE SET AT THE TIME OF THE REZONING APPROVAL BY TOWN COUNCIL, AND RUNS WITH THE LIFE OF THE PROJECT UNLESS ADDITIONAL LANDUNITS ARE ADDED TO THE PROJECT.

1. IN LIEU OF A FULL TRANSPORTATION IMPACT ANALYSIS, A TRIP GENERATION LETTER HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. STREET STUB CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
3. ALL INTERNAL BULBS/STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALKS ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
4. THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
5. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS, AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
6. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
7. THE PUD SHALL MEET TOWN OF AURORA DEVELOPMENT REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1, 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.
8. ALL TOWNHOMES SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS.
9. A PHASING PLAN WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLAN.

[illegible]

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
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4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 16-011.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #372007200K (DATED JULY 19, 2022).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. THE AREA WITHIN THIS PUD IS CURRENTLY VACANT AND ENTIRELY WOODED, OTHER THAN THE CLEAR AND MAINTAINED PUBLIC UTILITY EASEMENTS.



THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescrossen.com



THE TOWNES AT THE STATION
PLANNED UNIT DEVELOPMENT
WAKE COUNTY, NORTH CAROLINA
APEX
EXISTING CONDITIONS PLAN

SCALE 1"=60'	DRAIN PLK
DATE AUGUST 1, 2022	
REVISION 9/9/22	PER TRC
10/14/22	PER TRC
11/4/22	FB/TC SET
SHEET 3	
PROJECT 2152	

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
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4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 16-0111.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #3720072000K (DATED JULY 15, 2023).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. 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.
8. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
9. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
10. 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.
11. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND MASTER RAW SHALL BE ALLOWED THROUGH THE PERIMETER BUFFERS.
12. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
13. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
14. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
15. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
16. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

[illegible]

Townhome Elevations, Illustrative



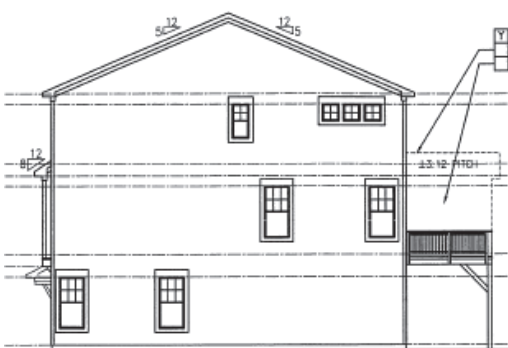
ELEVATION-A
SCALE: 1/4"=1'-0" ON 22x34 AND 1/8"=1'-0" ON 11x17



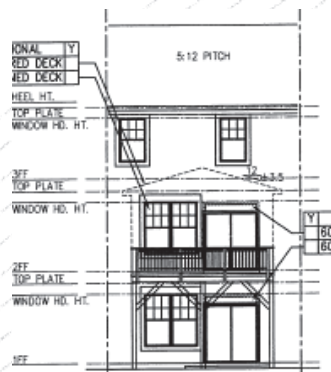
ELEVATION-C



ELEVATION-C



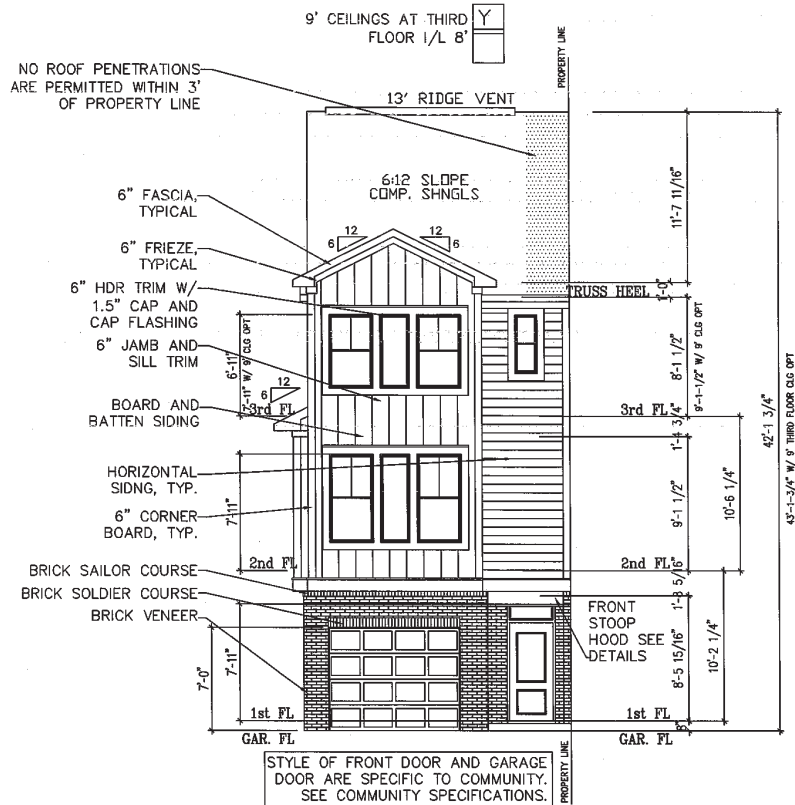
END UNIT - A □
SCALE: 1/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17



REAR ELEVATION-A
/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17

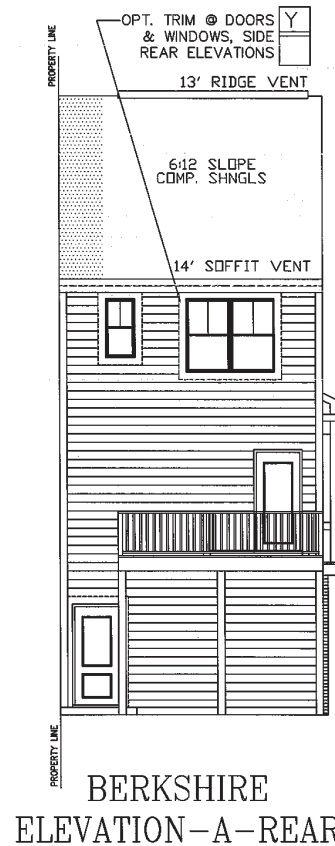


M/I HOMES



BERKSHIRE
ELEVATION-A-FRONT

ROOF VENT. CALCULATIONS ELEV 'A'	
MAIN ROOF ATTIC	867 SQ. FT.
ATTIC VENTILATION REQUIRED	
= 2.88 SQ. FT. $\frac{867 \text{ SQ. FT.}}{300}$	
19 LF RIDGE VENT @ 18 S.I./LF = 18x19 = 342 S.I. = 2.37 SF	
22 LF SOFFIT VENT @ 4.5 S.I./LF = 22x4.5 = 99 S.I. = .68 SF	
3.05 SF PROVIDED	



PRO. TRANSPORTATION	DATE	WK. STORMWATER	DATE
BUILDING INSPECTORS	DATE	PLANNING	DATE
WK. UTILITY ENGINEERING	DATE	PLANNING - TRANSPORTATION	DATE
ELECTRIC	DATE	FIRE	DATE
WK. S & C	DATE	PARKS, RECREATION & CULTURAL RES.	DATE

©2020 M/I HOMES, INC.

MASTER ISSUE DATE: 03/31/20

DO NOT SCALE PRINTS. CONSTRUCTION SHALL BE PER INDICATED DIMENSIONS ONLY. ANY DISCREPANCIES TO BE REPORTED TO M/I HOMES FOR CLARIFICATION.

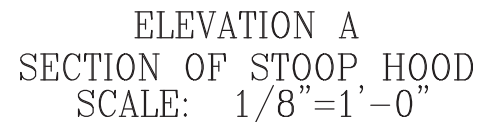
LATEST REVISION DATE: 11/16/20

SUB NAME: LOT# -

M/I HOMES
Welcome to Better.

BERKSHIRE
GARAGE - LEFT
ELEVATION "A"

SHEET # 4.00



3.03 SF PROVIDED

4.00

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application #22CZ20 The Preserve at Holt. The applicant, EarthCentric Engineering Inc., seeks to rezone approximately 4.9263 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1305 Holt Road.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on December 12, 2022 and by a vote of 6 to 2 voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as PIN 0743331106.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Address: 1305 Holt Road
Applicant: Shawn Sidener, EarthCentric Engineering, Inc.
Owner: Raj Baksha, SRP Signature Homes, LLC

PROJECT DESCRIPTION:

Acreage: +/- 4.9263 acres
PIN: 0743331106
Current Zoning: Rural Residential (RR)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: In ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ29)	Single-family Residential (Courtyards on Holt)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ29)	Single-family Residential (Courtyards on Holt)
East:	Rural Residential (RR #00RZ12)	Holt Road; Single-family Residential
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ29)	Single-family Residential (Courtyards on Holt)

BACKGROUND:

The site consists of one (1) parcel totaling +/- 4.926 acres and is located on the west side of Holt Road, north of Catlette Street. This parcel contains part of a stream and is wooded. The parcel is surrounded on three sides by the Courtyards on Holt subdivision.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on September 14, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PROPOSED ZONING CONDITIONS:

Proposed Uses:

STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



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

- | | |
|------------------------------|---------------------------------|
| 1. Single-family residential | 4. Park, active |
| 2. Botanical gardens | 5. Park, passive |
| 3. Greenway | 6. Recreation facility, private |

Proposed Conditions:

1. The maximum number of single family detached units allowed shall be 4.
2. Front setbacks shall be 20'.
3. The project shall extend the existing Elk River Drive right-of-way. The resulting extension will end in a cul-de-sac greater than 600' in length. (Note: the existing stub road is ~725 linear feet and if lengthened the cul-de-sac road length will be ~801 linear feet).
4. This project shall not provide the UDO required 1 off-street parking space per CBU. The CBU shall be located outside of the public right-of-way and behind the public sidewalk. A public sidewalk shall connect all lots to the CBU location.
5. A 5' concrete sidewalk shall not be provided to the Holt Rd thoroughfare. Pedestrians will have sidewalk access to Holt Rd through The Courtyards on Holt subdivision & future greenway trail. This also serves to keep impervious surfaces to a minimum.
6. Developer shall dedicate right-of-way along Holt Road based on the ultimate 3-lane curb and gutter typical section on 80-foot right of way, 40 feet from roadway centerline along the entire property frontage.
7. The project shall provide a 20' type B landscape buffer between this site and The Courtyards on Holt.
8. The development shall provide public greenway easements as reflected on the Parks, Recreation, Greenways, and Open Space Master Plan.
9. The project shall have one (1) pet waste station in the community.
10. The project shall install one (1) sign to reduce pet waste in locations that are publicly accessible, such as adjacent to sidewalks, greenways, or side paths.
11. The project shall preserve a minimum of 50% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.
12. A minimum of 75% of species native to the eastern U.S. shall be used to meet the landscape requirements for section 8.2 of the UDO.
13. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
14. A solar PV system with a minimum four-kilowatt (kW) capacity shall be installed on at least two (2) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 75% of the building permits issued for the development. The lots on which these homes are located shall be identified on the master subdivision plat, which may be amended from time to time.
15. Warm season grasses for drought-resistance shall be used.
16. Vinyl siding is not permitted; however, vinyl windows, decorative elements & trim are permitted.
17. Roofs shall be pitched at 5:12 or greater for 75% of the building designs.
18. Eaves shall project at least 12 inches from the wall of the structure.
19. Garage doors shall have windows, decorative details, or carriage-style adornments.
20. 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

STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



the siding color.

21. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
22. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
23. Front porches shall be a minimum of 6 feet deep.

TRANSPORTATION:

Frontage Improvements & Right-of-way Dedication:

Per the UDO, this project is exempt from any frontage improvements or right-of-way dedication that would normally be required by a larger development. UDO Section 7.5.1.B states:

A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots, has an anticipated number of vehicular trips less than 150 per day, and a total of less than 10,000 square feet of proposed non-residential buildings is exempt from public road frontage improvements and new location public road construction that would otherwise be required based on the Advance Apex: The 2045 Transportation Plan and typical road sections specified in the Town of Apex Standard Specifications and Construction Details. This exemption does not exempt the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location. Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication is recommended for planned public roadways where practical to promote future connectivity to adjacent properties and future improvement projects.

This section was added to the UDO in order to codify the U.S. Supreme Court's "rough proportionality" test, which means that the amount of the exaction must roughly correspond to the burden that the proposed development places on the government. By clearly stating the threshold for requiring road improvements, the UDO removes that from staff interpretation and makes it a consistent standard.

Per the Apex Bicycle and Pedestrian System Plan Map, sidewalk is called for along the western side of Holt Road. Transportation Engineering staff requested a condition to add the sidewalk to fill the gap along Holt Road, despite the UDO exemption. The applicant is not proposing to provide the sidewalk along Holt Road.

Per the proposed Apex Thoroughfare and Collector Street Plan, Holt Road is designated as a widening to a 3-lane Thoroughfare. This road type requires an 80-foot right-of-way. The applicant is proposing to dedicate the right-of-way needed to meet this requirement along their frontage, despite the UDO exemption.

Connectivity:

The UDO requires that the proposed development connect with the Elk River Drive stub street provided by the Courtyards on Holt, regardless of whether a connection is permitted to Holt Road. UDO Section 7.2.1.A.2.c.ii states:

Stub street connections shall be provided to all existing and planned stub streets on adjacent properties.

Due to the location of streams and riparian buffers, the developer cannot construct a connection to Holt Road that aligns with Howell Road to provide a full movement intersection at that location. Since there is less than 400 feet of distance available for a new street connection north of Howell Road to serve this proposed subdivision, it would at most be permitted as a right-in/right-out only intersection if the access was able to achieve acceptable sight distance and gain approval from NCDOT. Traffic engineering staff have received input from NCDOT and concur that extending the existing street without an additional connection to Holt Road is the preferred

STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

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engineering alternative, given that the proposal in combination with the existing subdivision meets UDO requirements for access to a thoroughfare and avoids additional points of conflict on the higher speed roadway.

The UDO also lists a maximum cul-de-sac length. UDO Sec. 7.2.1.G.2 states:

Cul-de-sacs shall not be longer than 600 feet. The length of a cul-de-sac shall be measured from the center of the intersection at the beginning of the cul-de-sac running along the centerline to the center point of the turnaround.

The applicant has proposed the following condition:

The project shall extend the existing Elk River Drive right-of-way. The resulting extension will end in a cul-de-sac greater than 600' in length. (Note: the existing stub road is ~725 linear feet and if lengthened the cul-de-sac road length will be ~801 linear feet).

After evaluating the options, it became clear that a zoning condition would be needed in order for this property develop in a way that is consistent with the 2045 Land Use Map. It would either require a condition to exceed the cul-de-sac length or to reduce the minimum intersection spacing for a right-in, right-out connection.

Staff supports the condition to exceed the maximum permitted cul-de-sac length because we judged it to be the safer of the two available options. The Fire Marshal was included on the rezoning review and asked directly if he is concerned about the additional proposed length. He stated he was not concerned.

Holt Road's challenging topography and road geometry makes it difficult to see on-coming traffic and drivers regularly exceed the speed limit. It is also a highly traveled road that serves two different towns. Unless a second zoning condition is proposed, the developer is required to connect to Elk River Drive. If the road also connected to Holt Road, it would increase the likelihood of accidents at that intersection. Instead, staff supports adding 4 single-family homes to the existing traffic on Elk River Drive, which is a local residential road with a speed limit of 25 mph.

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.

Per North Carolina General Statue §157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least 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 60% of the Area Median Income (AMI). This proposed development does not meet the North Carolina General Statue §157-3 threshold and would not qualify to receive financial assistance from the Town's Affordable Housing Fund.

After staff met with the applicant, 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 #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 18, 2022. The zoning conditions suggested by the EAB are listed below with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
The Project shall have one (1) pet waste station in the community	Included
The Project shall install one (1) sign to reduce pet waste in locations that are publicly accessible, such as adjacent to sidewalks, greenways or side paths.	Included
The project shall preserve a minimum of 50% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.	Included
Existing trees greater than 12" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.	Not Included
A minimum of 75% of species native to the eastern US shall be used to meet the landscaping requirements for Section 8.2 of the UDO.	Included
Tree clearing, SCM, or infrastructure shall not occur or be placed in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities or greenway construction.	Not Included
A solar PV system shall be installed on a minimum of 2 homes within the development and all homes shall be preconfigured with conduit for future installation of a solar PV system. <ul style="list-style-type: none">All single-family detached homes shall be pre-configured with conduit for a solar energy system.A solar PV system with a minimum four-kilowatt (kW) capacity shall be installed on at least two (2) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 75% of the building permits being issued for the development. The lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.	Included
Increase biodiversity. <ul style="list-style-type: none">Plant pollinator-friendly flora.Plant native flora (Refer to the Apex Design & Development Manual for approved native species).	Included
Include landscaping that requires less irrigation and chemical use. o Plant warm season grasses for drought-resistance.	Included
Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre- development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.	Not Included

Due to the limited amount of buildable area, the applicant intends to stay below the impervious surface threshold that would require the construction of an SCM.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



It is anticipated that this project will have less than 30 Single Family Detached units, 45 Single Family Attached units, or 51 Multi-Family units; therefore, the project will not need to be reviewed by the PRCR Advisory Commission per the UDO Sec. 14.1.2 *Exemptions*. Prior to Master Subdivision Plan approval, the fee-in-lieu of dedication will be presented to Town Council.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ20 The Preserve at Holt as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. By a vote of 6 to 2, Planning Board voted to recommend approval of Rezoning Case #22CZ20 The Preserve at Holt. The Board asked that a note be given to Town Council to look into compatible aesthetic characteristics between this project and the Courtyards on Holt. The dissenting opinions are included in the Planning Board Report to Town Council.

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 Medium Density Residential-Conditional Zoning district is consistent with the Medium Density Residential land use classification on the 2045 Land Use Map. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) will provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is in the public interest because it proposes single-family homes that are consistent with the surrounding neighborhoods, but at a lower density due to the amount of riparian buffer on site. In addition, the rezoning provides easements that will be needed for a future greenway and sewer through the property.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Medium Density Residential-Conditional Zoning (MD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

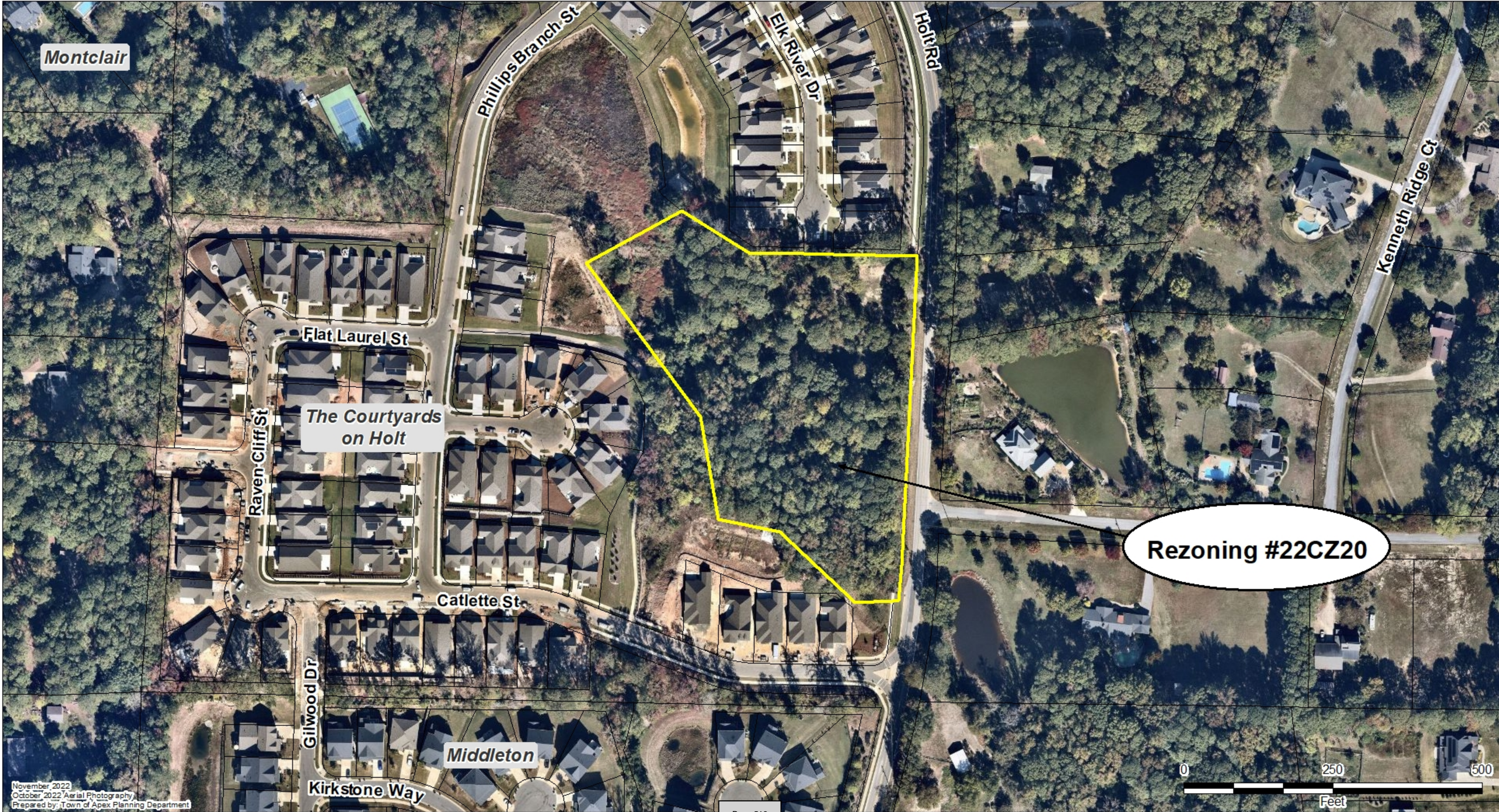
STAFF REPORT

Rezoning #22CZ20 The Preserve at Holt

January 10, 2023 Town Council Meeting



- 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.



**The Courtyards
on Holt**

Rezoning #22CZ20

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 #: _____ Submittal Date: _____
Fee Paid: _____

Project Information

Project Name: The Preserve at Holt
Address(es): 1305 Holt Road
PIN(s): 0743-33-1106
Acreage: 4.9263
Current Zoning: RR Proposed Zoning: MD-CZ
Current 2045 LUM Classification(s): Medium Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒ No ☐

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

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

Applicant Information

Name: EarthCentric Engineering Inc.
Address: 204 West Clay Street
City: Mebane State: NC Zip: 27302
Phone: 919-563-9041 E-mail: Shawn.Sidener@EarthCentric.com

Owner Information

Name: SRP Signature Homes, LLC
Address: 2025 Kirkhaven Road
City: Morrisville State: NC Zip: 27560-7121
Phone: 919-339-5072 E-mail: bsrajnc@gmail.com

Agent Information

Name: Raj Baksha
Address: 2025 Kirkhaven Road
City: Morrisville State: NC Zip: 27560-7121
Phone: 919-339-5072 E-mail: bsrajnc@gmail.com
Other contacts: Charles P. Koch, Design Engineer, Phil.Koch@EarthCentric.com, 919-563-9041

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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	Single Family Residential	21	_____
2	Botanical Gardens	22	_____
3	Greenway	23	_____
4	Park, active	24	_____
5	Park, passive	25	_____
6	Recreation facility, private	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #: _____ Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached sheet for special conditions and waivers.

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 project is consistent with the 2045 Land Use Map, no conditions related to this item is proposed.

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 project is compatible with the Courtyards on Holt neighboring subdivision, in lot size, zoning, and density. See architectural conditions listed on attached sheet.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

No supplemental standards apply. This is a single-family detached home subdivision.

No conditions related to this item is proposed.

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.

This design already minimizes adverse impacts, the density is well under what is allowed in MD (4 units proposed, 29 units maximum). It has a large are of natural open space area, and buffers against teh adjacent development. No additional conditions related to this item is proposed.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The design preserves more open space than is required, including a natural stream buffer. See attached sheet for full list of environmental conditions offered.

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 design only adds 4 units on an almost 5 acres site. Minimal additional load is added to the roads, utilities, schools, and EMS. No additional conditions related to this item is proposed.

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 design provides pedestrian sidewalk access to the public system and does not endanger the health, safety and welfare of town residents. No additional conditions related to this item is proposed.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The design is not detrimental to adjacent properties. The zone, would be the same as the Courtyards, with larger lot sizes. Homes to be similar or greater in value. See attached full list of conditions placed on the project, including architectural commitments.

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.

With a density far less than allowed and buffering to the adjacent neighborhood the project will not constitute any nuisances or hazards. No additional conditions related to this item is proposed.

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 full list of conditions, with conditions that relate to setbacks, cul-de-sac length, CBU parking, and sidewalk access.



204 West Clay Street
Mebane, NC 27302
Phone: (919) 563-9041
Fax: (919) 304-3234

EarthCentric Engineering, Inc.

November 14, 2022

Additional Proposed Conditions for **The Preserve at Holt** (revised 11/14/2022)

1. The maximum number of single family detached units allowed shall be 4.
2. Front setbacks shall be 20'
3. The project shall extend the existing elk river drive right-of-way. The resulting extension will end in a cul-de-sac greater than 600' in length. (Note: the existing stub road is ~725 lf and if lengthened the cul-de-sac road length will be ~801 lf)
4. This project shall not provide the udo required 1 off-street parking space per cbu. The cbu shall be located outside of the public right-of-way and behind the public sidewalk. A public sidewalk shall connect all lots to the cbu location.
5. A 5' concrete sidewalk shall not be provided to the Holt Rd thoroughfare. Pedestrians will have sidewalk access to Holt Rd through The Courtyards on Holt subdivision & future greenway trail. This also serves to keep impervious surfaces to a min.
6. Developer shall dedicate right-of-way along Holt Road based on the ultimate 3-lane curb and gutter typical section on 80-foot right of way, 40 feet from roadway centerline along the entire property frontage.
7. The project shall provide a 20' type B landscape buffer between this site and The Courtyards on Holt.
8. The development shall provide public greenway easements as reflected on the Parks, Recreation, Greenways, and Open Space Master Plan.
9. The project shall have one (1) pet waste station in the community.
10. The project shall install one (1) sign to reduce pet waste in locations that are publicly accessible, such as adjacent to sidewalks, greenways, or side paths.
11. The project shall preserve a minimum of 50% of the existing tree canopy. Preserved areas may include, but are not limited to, RCA, perimeter buffers, riparian buffers and/or HOA maintained open space throughout the neighborhood.
12. A minimum of 75% of species native to the eastern U.S. shall be used to meet the landscape requirements for section 8.2 of the udo.
13. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
14. A solar PV system with a minimum four-kilowatt (kw) capacity shall be installed on at least two (2) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 75% of the building permits issued for the development. The lots on which these homes are located shall be identified on the master subdivision plat, which may be amended from time to time.
15. Warm season grasses for drought-resistance shall be used.
16. Vinyl siding is not permitted; however, vinyl windows, decorative elements & trim are permitted.
17. Roofs shall be pitched at 5:12 or greater for 75% of the building designs.
18. Eaves shall project at least 12 inches from the wall of the structure.
19. Garage doors shall have windows, decorative details, or carriage-style adornments.
20. 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.
21. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
22. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
23. Front porches shall be a minimum of 6 feet deep.

Application #:

Submittal Date:

Insert legal description below.

1305 Holt Road
Annexation
Town of Apex

Beginning at a point, said point being the point and place of beginning and being an iron pipe found having NC Grid Coordinates of N 732793.0113 E 2043233.3030 and being N 88° 10' 25" E 3.95' from an iron pipe set in the right-of-way of Holt Road (State Road 1612), thence with said point of beginning S 86° 27' 23" W 69.61' to an iron pipe found, thence N 47° 29' 25" W 174.02' to an iron pipe found, thence N 79° 23' 17" W 104.24' to an iron pipe set, thence N 10° 32' 20" W 175.06' to an iron pipe found, thence N 37° 12' 27" W 321.25' to an iron pipe set, thence N 60° 36' 35" E 183.83' to an iron pipe found, thence S 57° 52' 21" E 134.27' to an iron pipe found, thence S 89° 48' 52" E 288.81' to an iron pipe set in the right-of-way of Holt Road, thence with said right-of-way S 03° 11' 34" W 579.09' to an iron pipe set in the right-of-way of Holt Road, thence S 88° 10' 25" W 3.95' to the point and place of beginning containing 4.92 acres or 214277 square feet as computed by the coordinate method.

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

SRP Signature Homes, 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: Annexation

The property address is: 1305 Holt Road

The agent for this project is: _____

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

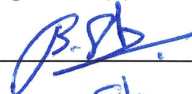
Agent Name: Raj Baksha, SRP Signature Homes, LLC

Address: 2025 Kirkhaven Road, Morrisville NC 27560

Telephone Number: 919-339-5072

E-Mail Address: bsrajnc@gmail.com

Signature(s) of Owner(s)*


Shanmuga RAJ Baksha
Type or print name

09/29/2022
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.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

SRP Signature Homes, 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: Annexation

The property address is: 1305 Holt Road

The agent for this project is: _____

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

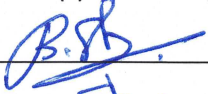
Agent Name: Charles P. Koch, EarthCentric Engineering Inc.

Address: 204 West Clay Street, Mebane NC 27302

Telephone Number: 919-563-9041

E-Mail Address: Phil.Koch@EarthCentric.com

Signature(s) of Owner(s)*


Shanmugaraj Balasubramanian
Type or print name

09/29/2022
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.

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- ☐ Land Use Amendment
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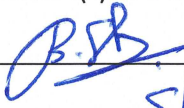
Agent Name: Shawn C. Sidener, EarthCentric Engineering Inc.

Address: 204 West Clay Street, Mebane NC 27302

Telephone Number: 919-563-9041

E-Mail Address: Shawn.Sidener@EarthCentric.com

Signature(s) of Owner(s)*


Shanmugaraj Balakrishna
Type or print name

09/29/2022
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Shanmugaraj Baksha (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 1305 Holt Road, Apex NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 04/13/2022, and recorded in the Wake County Register of Deeds Office on 04/13/2022, in Book 18990 Page 1587.
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 04/13/2022, 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 04/13/2022, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.
This the 29 day of September, 2022.

Shanmugaraj Baksha

(seal)

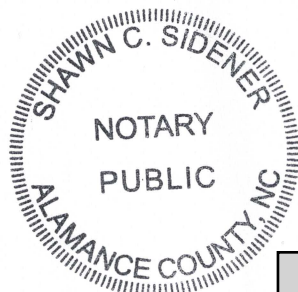
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Alamance

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

[NOTARY SEAL]



[Signature]

Notary Public

State of North Carolina

My Commission Expires: June 27th, 2026

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.

08/22/2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
1305 Holt Road, Apex NC 27523 0743-33-1106

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 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)):

Rezoning of a 4.9263 acre property with a single dwelling unit on it from the RR zone to the MD-CU zone
to allow for the development of a four (4) lot subdivision.

Estimated submittal date: October 1st, 2022

MEETING INFORMATION:

Property Owner(s) name(s): SRP Signature Homes, LLC
Applicant(s): EarthCentric Engineering Inc.
Contact information (email/phone): Shawn.Sidener@EarthCentric.com // 919-563-9041
Meeting Address: Virtual Zoom Meeting (see separate page for joining information)
Date/Time of meeting**: Wednesday, September 14, 2022 from 5:30pm to 7:30 pm

Welcome: ~5:30 pm Project Presentation: ~5:40 pm Question & Answer: ~6:00 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.

Shawn Sidener

Subject: Zoom Meeting: The Preserve at Holt
Location: <https://us02web.zoom.us/j/88112084858>

Start: Wed 9/14/2022 5:30 PM
End: Wed 9/14/2022 7:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Phil Koch

Required Attendees: Shawn Sidener

Optional Attendees: Raj; Randolph Voller

zmMeetingNum: 88112084858

You are invited to a Neighborhood Meeting to discuss the above referenced development. This subdivision, to be constructed at the end of Elk Rive Drive, will consist of 4 single family homes located at the end of a short extension of the existing roadway. This is an informational meeting and will be recorded for use by the Developer and City Staff.

Join Zoom Meeting

<https://us02web.zoom.us/j/88112084858>

Meeting ID: 881 1208 4858

One tap mobile

+13126266799,,88112084858# US (Chicago)

+16469313860,,88112084858# US

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

Meeting ID: 881 1208 4858

Find your local number: <https://us02web.zoom.us/u/kbviwYqp43>

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: The Preserve at Holt Zoning: MD-CU

Location: 1305 Holt Road, Apex NC 27523

Property PIN(s): 0743-33-1106 Acreage/Square Feet: 4.9263 acres

Property Owner: SRP Signature Homes, LLC

Address: 2025 Kirkhaven Road

City: Morrisville State: NC Zip: 27560

Phone: 919-339-5072 Email: bsrajnc@gmail.com

Developer: SRP Signature Homes, LLC

Address: 2025 Kirkhaven Road

City: Morrisville State: NC Zip: 27560

Phone: 919-339-5072 Fax: Email: bsrajnc@gmail.com

Engineer: EarthCentric Engineering Inc.

Address: 204 West Clay Street

City: Mebane State: NC Zip: 27302

Phone: 919-563-9041 Fax: 919-304-3234 Email: Shawn.Sidener@EarthCentric.com

Builder (if known): Unknown

Address:

City: State: Zip:

Phone: Fax: Email:

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

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
------------------------------	------------------------	---------------------

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

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

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

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

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

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

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

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

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

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

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

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

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

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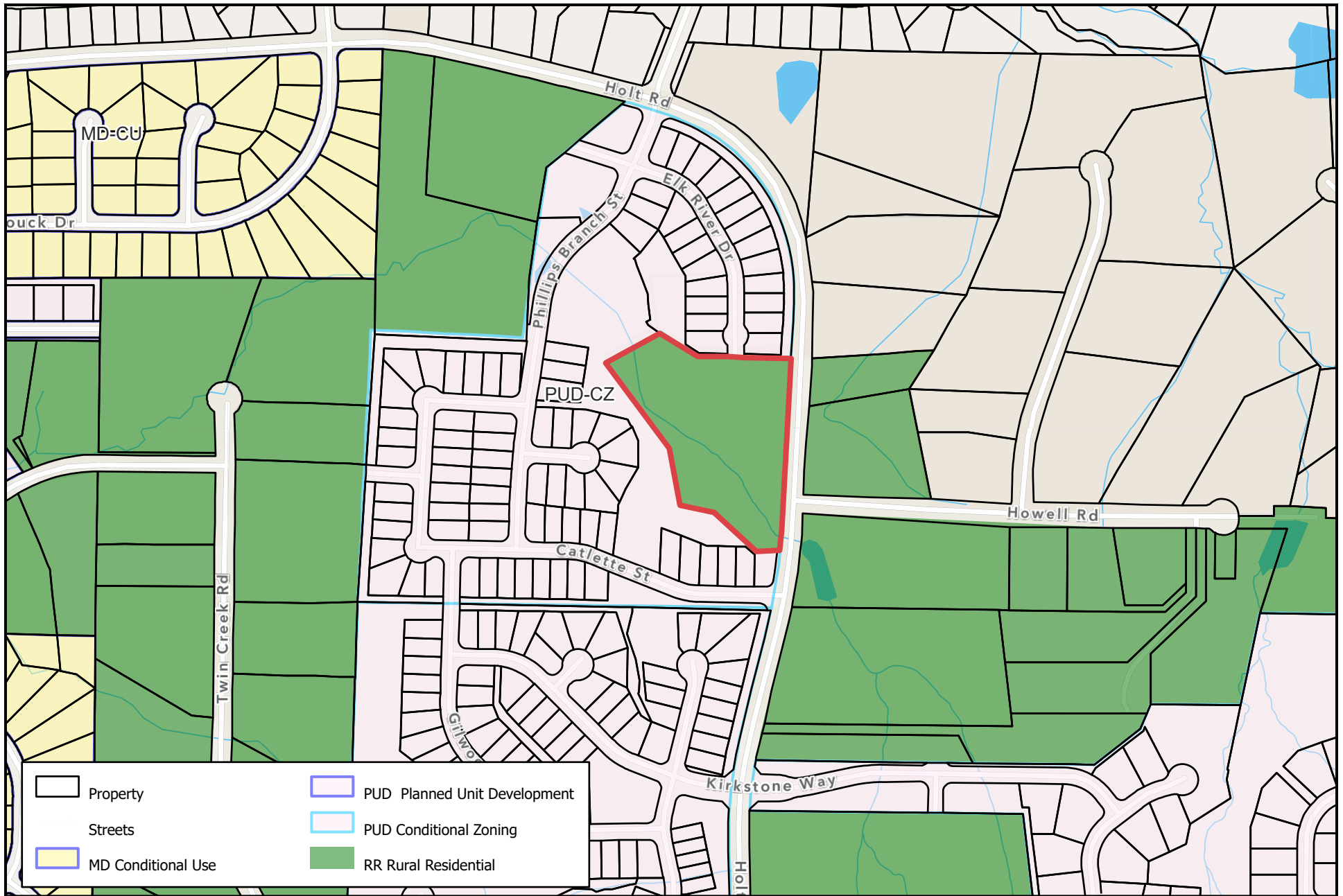
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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

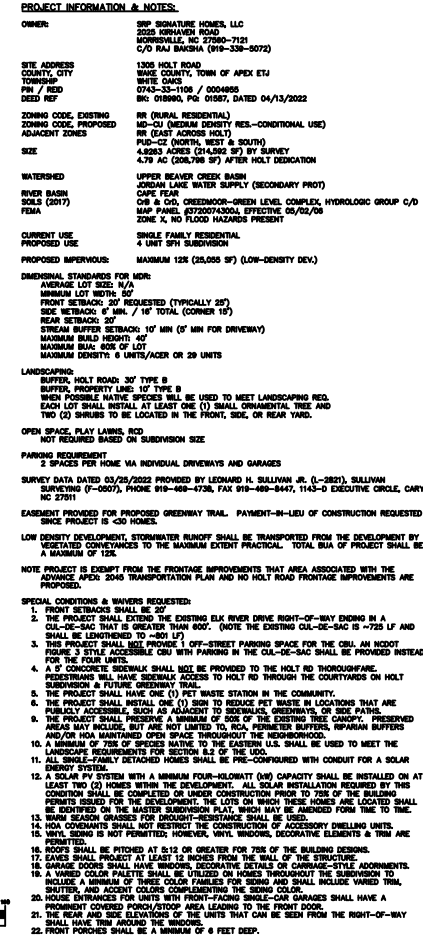
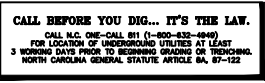
Electric Utility Installation:	Rodney Smith	919-249-3342
---------------------------------------	---------------------	---------------------

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



Vicinity & Zoning Map

REF: DB 2226 PG.693



THE PRESERVE AT HOLT

1306 HOLT ROAD, APEX NC 27623

SITE PLAN

**PRELIMINARY
NOT FOR
CONSTRUCTION**

PRINCIPAL ENGINEER
PHIL KOCH - NCPE #22834

REV.	DATE	DESCRIPTION	BY
1	06/16/2025	REVISION FROM SETBACK	CKR

DATE	06/16/2025
PROPOSED SCALE	AS SHOWN
VERTICAL SCALE	AS SHOWN
PROJECT MANAGER	CKR
DESIGNER	CKR
CHECKED BY	CKR
DATE	06/16/2025
DRAWING NAME	01 SITE PLAN

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SHEET NO.

C3.0

PRELIMINARY

THE PRESERVE AT HOLT

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PRINCIPAL ENGINEER
PHIL KOCH - NCPE #22834

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SHEET NO.

C3.0

PRELIMINARY

THE PRESERVE AT HOLT

1306 HOLT ROAD, APEX NC 27623

SITE PLAN

SHAWN C. SIDENER
401 SHORT STREET
HAW RIVER, NC 27258

ABERNATHY, MICHAEL C
ABERNATHY, JANET K
375 PHILLIPS BRANCH ST
APEX NC 27523-3716

AMICK, ELLIOTT W JR TRUSTEE
AMICK, MARION R TRUSTEE
1325 ELK RIVER DR
APEX NC 27523-3714

ANNAB, LINDA J
OSAMA H ANNAB
1300 TUMBLESTONE CT
APEX NC 27523-3732

ARNOLD, JOHN JOSEPH TRUSTEE
ARNOLD, TINA M DEANG TRUSTEE
1320 HOLT RD
APEX NC 27523-9433

BOTZ, VIRGINIA ANNE TRUSTEE
ADAMS, DONNA BOTZ TRUSTEE
1320 ELK RIVER DR
APEX NC 27523-3714

BRADEN, DONALD
1321 ELK RIVER DR
APEX NC 27523-3714

BRODBECK, HOWARD D TRUSTEE
BRODBECK, CHERYL A TRUSTEE
405 PHILLIPS BRANCH ST
APEX NC 27523-3717

CATTANO, DEBRA A
1312 HOLT RD
APEX NC 27523-9433

COOK, JOE M JR
COOK, GLORIA F
1400 FLAT LAUREL ST
APEX NC 27523-3715

CRADDOCK, CHARLES M
CRADDOCK, MARLEY W
1301 TUMBLESTONE CT
APEX NC 27523-3732

EPCON HOLT ROAD LLC
500 STONEHENGE PKWY
DUBLIN OH 43017-7572

FERSCH, KENNETH E
FERSCH, JUDY H
1220 HOLT RD
APEX NC 27523-5890

FORD, DENNIS CARLTON
FORD, STEPHANIE HITCHCOCK
409 PHILLIPS BRANCH ST
APEX NC 27523-3717

GARR, ARMANDO
GARR, KAREN ANN
1339 ELK RIVER DR
APEX NC 27523-3714

GIBSON, DELORIS LEA
GIBSON, ROBERT ALLEN
1425 HOLT RD
CARY NC 27519-5891

GINSBURG, LAWRENCE J TRUSTEE
GINSBURG, KAREN B TRUSTEE
1324 ELK RIVER DR
APEX NC 27523-3714

HARVEY, TAMMY PASCHAL
1333 ELK RIVER DR
APEX NC 27523-3714

HUANG, SHAOHUA
HUANG, BIYING
201 HOWELL RD
APEX NC 27523-3805

KAZAZIAN, RICHARD
KAZAZIAN, REGINA
204 HOWELL RD
APEX NC 27523-9431

KEEFE, ARTHUR
KEEFE, KERBY
1334 ELK RIVER DR
APEX NC 27523-3714

MARTHINSEN, CONSTANCE J
1314 TUMBLESTONE CT
APEX NC 27523-3732

MATTINA, CHARLES ANTHONY
DORAN, KIM LEVINE
1328 ELK RIVER DR
APEX NC 27523-3714

MIDDLETON OWNERS ASSOCIATION INC
PPM INC
11010 RAVEN RIDGE RD
RALEIGH NC 27614-8837

MITCHELSON, FERNIE
MITCHELSON, JOHN
405 ROWANWOOD WAY
APEX NC 27523-9327

MUTHURAMALINGAM, PRATHESH SANTH
PARTHIBAN, SATHYA SANTHANAM
401 ROWANWOOD WAY
APEX NC 27523-9327

PACCHIOLI, STEPHEN
PACCHIOLI, BEVERLY LULIS
1342 ELK RIVER DR
APEX NC 27523-3714

PALAKODETY, SIVA KUMAR
PALAKODETY, VEENA
1324 HOLT RD
APEX NC 27523-9433

PEARCE, BERNIE P
AGNEW, CHRISTIE J
1305 TUMBLESTONE CT
APEX NC 27523-3732

PURVIS, SANDRA MAGUIRE
PURVIS, JOSEPH DIXON III
1351 ELK RIVER DR
APEX NC 27523-3714

SRP SIGNATURE HOMES LLC
2025 KIRKHAVEN RD
MORRISVILLE NC 27560-7121

TEMPRIE, TONY
TEMPRIE, ALISON
1347 ELK RIVER DR
APEX NC 27523-3714

TENENBAUM, MARTIN
TENENBAUM, ELLEN
1329 ELK RIVER DR
APEX NC 27523-3714

THOMAS, DONALD E
THOMAS, GWEN L
1357 ELK RIVER DR
APEX NC 27523-3714

TOWER, DANA L
1336 CATLETTE ST
APEX NC 27523-3713

VILLANO, GARY
VILLANO, MARY
413 PHILLIPS BRANCH ST
APEX NC 27523-3717

VOORHEIS, JEFFREY FRED
VOORHEIS, LYDIA RUGER
1338 ELK RIVER DR
APEX NC 27523-3714

YXF LLC
SALEM ST REALITY
301 N SALEM ST STE 100
APEX NC 27502-2469

APEX TOWN OF
PO BOX 250
APEX NC 27502-0250

Current Tenant
1305 Holt RD
APEX NC 27523

Current Tenant
1313 Holt RD
APEX NC 27523

Current Tenant
409 Phillips Branch DR
APEX NC 27523

Current Tenant
413 Phillips Brach ST
APEX NC 27523

Current Tenant
400 Rowanwood WAY
APEX NC 27523

Current Tenant
1315 Tumblestone CT
APEX NC 27523

Current Tenant
1308 Tumblestone CT
APEX NC 27523

Current Tenant
1309 Tumblestone CT
APEX NC 27523

Current Tenant
1318 Tumblestone CT
APEX NC 27523

Current Tenant
1304 Tumblestone CT
APEX NC 27523

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom Meeting
 Date of meeting: 09/14/2022 Time of meeting: 5:30 PM - 7:30 PM
 Property Owner(s) name(s): SRP Signature Homes, LLC
 Applicant(s): EarthCentric Engineering Inc.

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.	Charles P. Koch, EarthCentric Engineering Inc.	204 West Clay Street, Mebane NC 27302			
2.	Shawn C. Sidener, EarthCentric Engineering Inc.	204 West Clay Street, Mebane NC 27302			
3.	John Fitzgerald	426 Phillips Branch Street, Apex NC 27523			
4.	Joe & Sandy Purvis	1351 Elk River Dr			
5.	Mary& Gary Villano	413 Phillips Branch St, Apex NC 27523			
6.	Donald Braden	1321 Elk River Dr (lot 76)			
7.	Stephen & Beverly Pacchiolo	1342 Elk River Dr			
8.	Sharon & Jim Berenson				
9.	Steve & Carrie Roberts	501 W Williams St, #2287, Apex NC 27502			
10.	Donald Thomas	1357 Elk River Dr			
11.	Donald & Mary Perlmutter	1362 Elk River Dr			
12.	Karen & Armando Garr	1339 Elk River Dr, Apex NC 27523			
13.	Tony & Alison Temprile	1347 Elk River Dr, Apex NC 27523			
14.	Janice & Don Azevedo	1358 Elk River Dr			

Use additional sheets, if necessary.

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	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
15.	Larry & Karen Ginsburg	1324 Elk River Dr.			
16.	Ellen & Martin Tenenbaum	1329 Elk River Dr, Apex			
17.	Tony Bugel	1315 Tumblestone Ct, Apex			
18.	Jeremy Reynolds	Advisor for 76/1321 Elk River Dr			
19.	Charles & Marley Craddock	1301 Tumblestone Ct			
20.	Bonnie Barefoot	1350 Elk River Dr			
21.	Randolph Voller	Developers Consultant			
22.	Meredith				
23.	Chuck Ma				
24.	Gwen				
25.	Raj Baksha	Developer			
26.	Joe Cook				
27.	User Ms S21				
28.	Steven Lamb				

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): SRP Signature Homes, LLC

Applicant(s): EarthCentric Engineering Inc.

Contact information (email/phone): Shawn.Sidener@EarthCentric.com 919-563-9041

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Question/Concern #1:

Construction Damage Concern.

Applicant's Response:

Take pictures prior to construction, if contractors damage they will be responsible to fix. Talk with City about any damage that occurs. Please refer to the list of common construction problems that was included in your meeting invite. The town and developer will work out how construction damage is repaired.

Question/Concern #2:

Can the sewer easement between lots 2 & 3 be moved to run under the greenway, & allow the housing development on 2 to provide more buffer to lot 76 of COH? Lot 76 paid a significant premium for this lot to not have a house directly beside it.

Applicant's Response:

Sewer is run in a manner that best works for the City. We looked at that earlier in the project and it didn't work out well, but we will take another look at it. Additionally storm is going to be running down this path as well. We will look at trying to create more space on lot 2.

Question/Concern #3:

Please describe the 4 structures.

Applicant's Response:

Single family homes, elevation drawings are still be finalized. They could be sent out at a later date. Two car garages are what is currently being considered. Homes should be complimentary to the Courtyards.

Question/Concern #4:

Concerned about construction traffic & completion of final paving of Elk River Dr. Will this cause a delay in that?

Applicant's Response:

We doubt it would effect that timing, but can't answer that for certain. Check with Epcon.

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Question/Concern #5:

Are the green dotted lines inside of each property line just the setback, or does that represent the "yard" space (meaning, every tree will be cut down inside of these green dashed lines)?

Applicant's Response:

All trees will not necessarily be cleared within the setbacks, but they would be at risk. We will save all the trees we can.

Question/Concern #6:

What is the projected timeline for the infrastructure?

Applicant's Response:

Would like to start next summer, but hard to say, since we are real early in the process.

Question/Concern #7:

Who will maintain the right of way?

Applicant's Response:

After construction the right-of-ways will belong to the city.

Question/Concern #8:

Will there be more trees planted as a buffer from existing houses on Elk river?

Applicant's Response:

The buffers will require planting if existing trees can't be preserved.

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Question/Concern #9:

Who would be responsible for all potential damages from construction?

Applicant's Response:

Report any damage concerns to the City and they will handle responsibilities.

Question/Concern #10:

Can you identify who is on the Council that makes the final approval?

Applicant's Response:

City council members can be found on the cities website.

Question/Concern #11:

Why not just connect to existing greenway via courtyard at Holt.

Applicant's Response:

The city gave us the location of the greenway trail. For some reason the Courtyards greenway does not connect to the property line. Please check with the city on how to tie these together.

Question/Concern #12:

Once houses are occupied, will Elk River Drive become a school bus route?

Applicant's Response:

Unknown, but with only 4 new houses, I would think these children would have to go to the nearest current bus stop.

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Question/Concern #13:

A packet of info was NOT sent to everyone.

Most of us heard about this from others in the community.

Applicant's Response:

Information packets were sent to everyone on the list provided by the city. If you heard about this meeting
from others in the community, you would not have gotten a packet. If you would like a package please indicate
so in the chat.

Question/Concern #14:

What is the proposal about the water drainage behind the properties?

Applicant's Response:

Drainage will have to run between lots 2 and 3 and discharge to the stream.

Question/Concern #15:

Prior to development of COH and POH, there were at least 4 driveways with direct access to Holt.

Why not use the existing driveway as access to the four houses?

Applicant's Response:

Driveway access and roadway access are not equivalent. DOT does not want another road access at this
location. Elk River was always intended to be extended, you can see that in the way it was constructed to the
property line. If connected to Holt it would likely loop from Elk River to Holt.

Question/Concern #16:

It will be very important to get storm water management right.

Applicant's Response:

That is why we want to do a low impact development. It reduces the impervious, reduces the stormwater runoff,
and preserves more trees.

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Question/Concern #17:

Who decided not to build the greenway at this time?

Applicant's Response:

The developer has been working with the Town on the greenway plan & has agreed to pay the fee in lieu & dedicate the area. The Town will then use the funds and land to make the improvements. By working together the community and the developer can potentially get Apex to commit to a timeframe to make any improvements to the greenway.

Question/Concern #18:

Is it correct that replacement trees will be a 1.5" caliper to replace the large trees 12" that are cut down ?

Applicant's Response:

That was a recommendation from the Environmental Review Board, but we have not committed to that standard yet. It is not a requirement.

Question/Concern #19:

Is it Apex decision not to build a sidewalk along Holt Rd at this time, and is there a timeframe for this ?

Applicant's Response:

Because we are a small development, we typically do not have to construct road frontage improvements. The sidewalk really needs to be built at the same time as the roadway improvements to avoid a grading discrepancy. Both HOAs should work with the City to see if they have a timeline for Holt Road improvements.

Question/Concern #20:

How many trees will be cut down in the stream buffer protected area to put in the long greenway and sewer ?

Applicant's Response:

A number of trees will be removed for the sewer easement, but the greenway easement is snaked around the existing trees.

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Question/Concern #21:

Where has this builder built before?

Applicant's Response:

This is the first community for this developer. Tee developer intends to live in one of these houses.

Question/Concern #22:

What are the plans to provide street cleaning for Elk River?

Applicant's Response:

There are no plans that we are aware of for regular street cleaning. If you want to report excessive dirt on the roads refer to your city notification list that mailed out for this meeting. Unfortunately there will be some dirt and dust as this is the nature of construction. We plan to do the best we can with the Erosion Control measures.

Question/Concern #23:

I was lead to believe from Raj several month ago that only 3 homes were going to be built to help protect the environment.

Applicant's Response:

Raj stated that he intends to build 3 homes ASAP and the 4th one may take longer ... as of now.

Question/Concern #24:

On the information we received it mentions rezoning What is it zoned for now and what is the new zoneing going to be?

Applicant's Response:

Current zone is RR (Residential Rural) and we are seeking a rezoning to MD (Medium Density) which is the same zone as the Courtyards. Note due to the overall size of the lot, out density would be similar to RR, even though the lot sizes are closer to MD.

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Question/Concern #25:

Raj, I am very concerned about keeping as much space / privacy between our homes as possible.

Applicant's Response:

Raj indicated that he will try to address it as much as he can through landscaping.

Additionally, we will look at getting as much separation as possible between the houses.

Question/Concern #26:

From Petition, A premium was paid by residents to live in a 55+ community. Benefits will be lost by having another community access the same roads. Desire a connection to Holt.

Applicant's Response:

Elk River is a public street with public access. Directly connection to Holt is against the wishes of the NCDOT and would be a more dangerous access point than through Elk River. Elk River was always supposed to extend to this property, as it was built to the property line with a temporary cul-de-sac instead of permanent design.

Question/Concern #27:

From Petition, Sidewalk traffic through the Courtyards would negatively effect the 55+ community. Why not build a direct connect to Holt.

Applicant's Response:

Sidewalks through the Courtyards are public. Adding just 80' of road and 4 homes will not greatly effect the amount of pedestrian traffic throug the Courtyards. Once the greenway trail is constructed it will access Holt and the Courtyard residences will want to use that then. Less sidewalk is also less impervious.

Question/Concern #28:

From Petition, Request for more buffer between the properties.

Applicant's Response:

10' buffer is required and provided + the 10' buffer already on the Courtyards for a combined vegetative buffer of 20'

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Question/Concern #29:

From Petition, Accessory dwelling units may impact property values.

Applicant's Response:

We are not showing any ADU, and do not want them. This condition was a recommendation from the City.

No ADUs means less impervious and this project does not have a very high impervious limit. Developer will remove this condition from the plan, but neighbors need to be aware that it might come back in discussions with the City.

Question/Concern #30:

From petition, Concern about construction traffic. Can construction traffic come off Holt Road

Applicant's Response:

We think the infrastructure traffic might be able to come from Holt Road and we will design it that way initially.

During home construction though the construction traffic will be accessing from Elk River. Do note that this is subject to review and approval from the City though.

Question/Concern #31:

From petition, Dimensional Standards concern.

Applicant's Response:

We will meet the City standards for MDR.

Question/Concern #32:

From petition, Clarify why the Holt Road improvements are not required.

Applicant's Response:

Subdivisions of 4 lots or less are not required to provide frontage improvements. We do not anticipate doing any frontage improvements, other than the dedication of right-of-way.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #33:

From petition, Tree canopy concern that too many trees are being removed.

Applicant's Response:

We are committing more than what was recommended by the environmental review board. Environmental review board recommended 40%, we committed to 50%, but will likely preserve even more than that.

Question/Concern #34:

From petition, concern about loss of privacy fence.

Applicant's Response:

You will maintain your privacy fence, except in the area of the right-of-way.

Question/Concern #35:

Recommend making a connection between the two HOAs to discuss concerns. Further communication is desired.

Applicant's Response:

We will recommend the developer will reach out and form a small group of people for on-going communication.

Question/Concern #36:

Rain water concern about the current ponds filling up.

Applicant's Response:

All of the storm from even beyond this site drains through the stream and goes into that system. We will be staying under 12% impervious to limit how much stormwater gets to down stream problem areas.

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Question/Concern #37:

We have a 55+ community, what guarantee do we have that kids won't be in our neighborhood.

Will you have age restrictions on your neighborhood.

Applicant's Response:

You live on public streets with public sidewalks. This is only 4 homes. It is unlikely there will be lots of kids running around. We are not planning any age restrictions. Grandkids are already in the neighborhood, they just don't live there. Note that anyone can be on those public streets and sidewalks now.

Question/Concern #38:

We have height concerns. Is there a variance for 40'?

Applicant's Response:

We are not asking for any height variances. 40' is maximum allowed for structures in the MD zone.

We are intending to do 2 stories with possible basements. The typical heights for 1, 2, and 3 story homes was entered into the chat. We do not have elevation views to show at this time.

Question/Concern #39:

Applicant's Response:

Question/Concern #40:

Applicant's Response:

Shawn Sidener

From: Shawn Sidener
Sent: Friday, August 26, 2022 10:32 AM
To: Phil Koch
Subject: FW: Preserve at Holt project

See below from Holt Road Neighbors

Shawn C. Sidener
Office Manager, CAD Drafter
EarthCentric Engineering, Inc.

204 West Clay Street
Mebane, NC 27302-2436

Office: 919-563-9041
Fax: 919-304-3234

From: Dennis and Stephanie Ford <ford409@spectrum.net>
Sent: Friday, August 26, 2022 10:20 AM
To: 'Charles Craddock' <sascec@gmail.com>
Cc: 'John Fitzgerald' <john.fitzgerald4440@gmail.com>; 'Vincent Iamunno' <viamunno33@gmail.com>; 'Voorheis Lydia' <jeff.voorheis@gmail.com>; Shawn Sidener <Shawn.Sidener@EarthCentric.com>
Subject: RE: Preserve at Holt project

Hello Charles:

I received my packet this morning and reviewed the information. I feel for those folks on Elk River Drive that thought they would be finished with construction traffic and messy roads. I hope that at least that part of our community goes to the meeting or is part of it through zoom. The problems I see you have already mentioned but the road is another. When Epcon finishes I think that they will be required to place the 2nd and final layer of asphalt on all of our roads. That last layer of asphalt should be completed before all of the approvals are granted for construction to begin. Once that is done, I assume the bond they posted would be released by the Town of Apex. Will the new developer be required to not only post bond for his new roads, but will they be required to post a bond to fix our community roads if damage occurs. With the weight of these trucks, you have to expect damage so who makes those repairs - the Town of Apex or the developer?

Also, with dust flying during construction our HOA power washes homes - or at least we are scheduling that power washing. Should we consider that expense to be compensated? What is Epcon's view of this project since I understand they originally thought about this project area as being part of our community. Will the developer want to place a sign (Preserve at Holt) at the entrance off of Holt Road near our signs or does he plan to place one near the dead end of Elk River?

A lot to be concerned with since we all were hoping that we would have some peace and quiet from construction after the end of the year. Here we go again with red clay dust and noise and the disturbing of natural areas that causes critters to move about - specifically snakes. Tuesday and Wednesday night - each night - while walking my dog toward the causeway 2 snakes each night were crossing the concrete walk just down from my neighbor's home - Howard. All of the construction and the time of year where snakes give birth has them moving about at night. Now more ground shaking.

Dennis Ford

From: "Charles Craddock"

To: "John Fitzgerald", "Vincent Iamunno", "Dennis and Stephanie Ford", "Voorheis Lydia"

Cc:

Sent: Friday August 26 2022 7:03:14AM

Subject: Preserve at Holt project

Shawn, we received the info packet about the upcoming construction project, The Preserve at Holt and wanted to know a few things before we meet as a community to discuss.

- 1) Can you provide the plot plan for the subdivision in pdf form? The printout sent is difficult to read as it is very small,
- 2) Can you provide the report for the environmental impact of the stream buffer affected by the project or the contact info for the engineer to perform that study?
- 3) Can you tell us what, if any, service utilities would be extended from the adjacent Epcon development? It appears that the sewer connection uses the same line that services our neighborhood; does the storm water runoff also feed our BMP structures?
- 4) What is the status of the proposed greenway spur that connects this new project to our existing greenway system? Can you explain the notation about that on the plans?

Thank you for your assistance.

--

Charles Craddock

1301 Tumblestone Court

Shawn Sidener

From: Shawn Sidener
Sent: Tuesday, September 6, 2022 10:43 AM
To: Charles Craddock
Subject: RE: Preserve at Holt project

We do not, The NCDOT does not want access to Holt Road, since there is a safer public alternative.

Shawn C. Sidener
Office Manager, CAD Drafter
EarthCentric Engineering, Inc.

204 West Clay Street
Mebane, NC 27302-2436

Office: 919-563-9041
Fax: 919-304-3234

From: Charles Craddock <sascec@gmail.com>
Sent: Tuesday, September 6, 2022 10:37 AM
To: Shawn Sidener <Shawn.Sidener@EarthCentric.com>
Subject: Re: Preserve at Holt project

Shawn one last question. Do you have an alternate plot plan showing an exit onto Holt Road?

On Mon, Aug 29, 2022 at 9:52 AM Shawn Sidener <Shawn.Sidener@earthcentric.com> wrote:

Note this project is in the very beginning stages of design and all elements have not fully been fleshed out yet. Note that as this project proceeds through review and approvals with the city, the layout shown here could change in response to comments received. In response to your specific questions.

1. The construction entrance for this project will likely be from Elk River Drive. It is possible we could use the existing driveway on Holt Road for infrastructure construction, but I imagine the city would prefer it being off Elk River Drive, because that is safer. That said all construction materials and equipment could be delivered without damage to the road. Existing conditions and post construction conditions would have to be documented and if damage occurs the City would likely require it to be repaired. As the subdivision designers, we really are not involved in that aspect of the construction. The city will require the same thing they require of all construction projects that are accessed from public city roads.
2. I do not have an estimate on start of construction. There are still a lot of steps ahead before approval. This neighborhood meeting is required before we can even make the first official submittal. You can ask this at the neighborhood meeting and maybe the developer will have another answer for you.
3. The only subdivision sign will be on the property at the end of Elk River Drive. There will not be signage off Holt Road. The City does not allow it to be placed in the right-of-way and we do not own any property or easements at the entrance to the subdivision to the north.
4. A mail kiosk will be used at the end of the cul-de-sac. The post office does not allow individual mailboxes anymore.
5. There will be covenants in place, though our office has nothing to do with setting those up.

6. We are proposing a payment to the city in lieu of construction a sidewalk down Holt Road. This is something that will be worked out with the city during review.
7. There will be a required 10' buffer between the subdivision. The design for this has not been fleshed out yet as it is very early in design.

Shawn C. Sidener

Office Manager, CAD Drafter

EarthCentric Engineering, Inc.

204 West Clay Street

Mebane, NC 27302-2436

Office: 919-563-9041

Fax: 919-304-3234

From: Charles Craddock <sascec@gmail.com>

Sent: Saturday, August 27, 2022 11:53 AM

To: Shawn Sidener <Shawn.Sidener@EarthCentric.com>; Vincent Iamunno <viamunno33@gmail.com>

Subject: Re: Preserve at Holt project

Hey Shawn, several more questions.

Will heavy construction equipment be directed off of Holt Road during this development? There is some concern about damage and construction traffic coming down Elk River Drive. If Elk River Drive will be used for the construction, will a bond be posted for repaving of the street after construction? We plan on repaving the whole neighborhood after construction concludes early next year but would not want to do that road if construction vehicles will just tear it up again at the entrance and Elk River.

Do you have any ideas regarding the timing for construction? Our neighborhood has an annual exterior power washing and we would not want to do that just prior to construction start.

Regarding signage, will the only sign for your neighborhood be at what is the end of Elk River Drive now? Will there be any signage for the neighborhood off of Holt Road? Will each house have a mailbox? Is there a covenant for the development? Is there a sidewalk planned along Holt Road? Are there any plans available for the buffer planned between this neighborhood and Holt Road?

On Fri, Aug 26, 2022 at 9:02 AM Charles Craddock <> wrote:

thanks for the quick response! I will share with our community.

On Fri, Aug 26, 2022 at 8:38 AM Shawn Sidener <Shawn.Sidener@earthcentric.com> wrote:

1. Yeah, the sheet size for these is typically 24"x36" so if shrunk it does become hard to read. Attached is a full-size site plan sheet.
2. We are at the very beginning stages of design and submittal. An environmental Impact report has not yet been performed. We have gotten a Surface Water identification done by Pilot Engineering to determine the stream buffers and are only disturbing the stream buffers for the town required improvements of the sanitary sewer line and greenway trail.
3. The sanitary sewer will connect to the city system at a manhole that is on the subject property. We are also required by the city to construct the sanitary sewer along the stream to the south for other future developments to use. The water will connect to the north in the dead end of Elk River Drive. The storm water has not yet been designed but we are not allowed to send it to the adjacent Stormwater Control Measures. We are designing this as a low impact development so the storm will likely be directed through vegetated swales that discharge at the stream.
4. The City has a proposed greenway trail that runs through this property. Since we are such a small development, they are not requiring us to construct it, however, we will make a payment to the city in lieu of building the trail. The proposed routing is from Holt Road near the intersection of Holt Road and Howell Road, up through the provided sewer easement, then it turns south crossing the stream and ending at the property line to the west. The city gave us the start and end points of the path and will be responsible for the actual construction at some unknown time in the future.

I hope this helps and if you have any further questions before the meeting just let me know. Thank you.

Shawn C. Sidener

Office Manager, CAD Drafter

EarthCentric Engineering, Inc.

204 West Clay Street

Mebane, NC 27302-2436

Office: 919-563-9041

Fax: 919-304-3234

From: Charles Craddock <sascec@gmail.com>

Sent: Friday, August 26, 2022 7:03 AM

To: John Fitzgerald <john.fitzgerald4440@gmail.com>; Vincent Iamunno <viamunno33@gmail.com>; Dennis and Stephanie Ford <ford409@spectrum.net>; Voorheis Lydia <jeff.voorheis@gmail.com>; Shawn Sidener <Shawn.Sidener@EarthCentric.com>

Subject: Preserve at Holt project

Shawn, we received the info packet about the upcoming construction project, The Preserve at Holt and wanted to know a few things before we meet as a community to discuss.

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- 4) What is the status of the proposed greenway spur that connects this new project to our existing greenway system? Can you explain the notation about that on the plans?

Thank you for your assistance.

--

Charles Craddock

1301 Tumblestone Court

Shawn Sidener

From: Shawn Sidener
Sent: Tuesday, September 13, 2022 11:31 AM
To: 'Armando'
Subject: RE: Preserve at Holt project

See below response in red. Any of this can be discussed further with the project engineer during the neighborhood meeting.

Shawn C. Sidener
Office Manager, CAD Drafter
EarthCentric Engineering, Inc.

204 West Clay Street
Mebane, NC 27302-2436

Office: 919-563-9041
Fax: 919-304-3234

From: Armando <mail4armando@yahoo.com>
Sent: Tuesday, September 13, 2022 10:51 AM
To: Shawn Sidener <Shawn.Sidener@EarthCentric.com>
Cc: Armando Garr <mail4armando@yahoo.com>
Subject: Re: Preserve at Holt project

Shawn:

Thanks for the information sent.

I have some questions, which am sending to you in advance to make sure they can be addressed tomorrow during the scheduled Zoom Meeting.

1. Greenway

There is mention of a 162' x 5' connector trail to be constructed by HOA from Greenway Trail to Cul-de-Sac at time of greenway construction. There is also mention of a 488' x 10' greenway trail. The site map shows a 20' easement for sewer and greenway that starts on Holt Rd. in front of Howell Rd. for a greenway that will actually not be built but a payment will be made to the Town of Apex. Can you please clarify which trail or trails will actually be built at this point and their location ?

No trails will be constructed at the time that the roadway and homes are constructed. The developer will make a payment to the city at the time of plan approval and the city will construct the greenway trail at a time of their choosing in the future. The greenway trail that this payment will cover starts at the intersection of Howell Road and Holt Road, runs in the proposed sewer easement, then turns south and crosses the stream in the provided greenway easement to end on the western property line. When the city constructs the greenway, the HOA for this project will be required to construct a connection from the mailbox units in the cul-de-sac to the greenway trail, in the provided easement.

2. Sidewalk

Will a sidewalk be built along Holt Rd.?

We are not proposing a sidewalk along Holt Road, since the town does not require small developments (4 or less, single family lots) to construct any frontage improvements which includes the frontage sidewalk. This sidewalk will be constructed by the town when they decide to widen Holt Road.

3. Access to Holt Rd.

The site map mentions that a 5' sidewalk will *not* be provided to Holt Rd., and that pedestrians will use the Courtyards on Holt for pedestrian access. If the greenway that leads to Holt Rd. won't be built at this time, why wouldn't a 5' sidewalk between lots 1 & 4 be built for access ?

Elk River is a public road with public sidewalks, and we are only extending it by less than 80' with only 4 additional houses. With these factors considered it just does not make sense to alter the current pedestrian traffic paths.

4. Mailboxes

Where will the mailboxes for the 4 proposed houses be located ?

There is a proposed cluster mailbox unit at the end of the cul-de-sac.

5. Tree Replacements

I understand a tree will be planted for any tree greater than 12" that is removed, but can you indicate what size trees these would be ?

This was mentioned as a recommendation by the environmental review board, but we have not yet made that commitment. If this condition is added to the plans the environmental recommendation would to replace with a 1.5" caliper native tree.

6. Tree Canopy

What process will be followed to determine which trees to cut down ? Will the Town of Apex oversee or supervise the tree-cutting ?

Any tree that is include within the limits of disturbance (to be determined with construction plan design) will be removed. This would be in the areas or the lots, roadway, and sewer easement. Generally speaking, the trees in the buffer areas, stream buffers, wetlands, and areas south of the stream will be left undisturbed except as required for the sewer outfall and greenway trail. I do not know what Apex's requirements are for supervision of the actual demolition process.

7. Parking

Can you clarify what is meant by a NCDOT figure 3 style accessible CBU parking means ?

This is in reference to a standard detail published by the NCDOT. It just shows how to place a cluster mailbox unit in a cul-de-sac. This standard is reflected in the current site plan drawing.

8. SRG

Can you share the name of similar developments built by SRG Signature Homes in the past ?

I don't have this information readily available. The developer will be present at the Neighborhood Meeting, and you can ask this question there.

Please keep in mind this neighborhood meeting is one of the very first steps in the design process. No actual official submittal has been made yet, and many elements of design can change throughout the review and approval process with Apex. There is still a lot of design work to be done before anything is final and everything is worked out.

Thanks !
Armando Garr

On Friday, August 26, 2022 at 08:39:28 AM EDT, Shawn Sidener <shawn.sidener@earthcentric.com> wrote:

Amanda,

I also sent the email below in response to some questions by other neighbors. I thought you might like to have this as well.

Shawn C. Sidener

Office Manager, CAD Drafter

EarthCentric Engineering, Inc.

204 West Clay Street

Mebane, NC 27302-2436

Office: 919-563-9041

Fax: 919-304-3234

From: Shawn Sidener

Sent: Friday, August 26, 2022 8:38 AM

To: Charles Craddock <sascec@gmail.com>; John Fitzgerald <john.fitzgerald4440@gmail.com>; Vincent Iamunno <viamunno33@gmail.com>; Dennis and Stephanie Ford <ford409@spectrum.net>; Voorheis Lydia <jeff.voorheis@gmail.com>

Subject: RE: Preserve at Holt project

1. Yeah, the sheet size for these is typically 24"x36" so if shrunk it does become hard to read. Attached is a full-size site plan sheet.
2. We are at the very beginning stages of design and submittal. An environmental Impact report has not yet been performed. We have gotten a Surface Water identification done by Pilot Engineering to determine the stream buffers and are only disturbing the stream buffers for the town required improvements of the sanitary sewer line and greenway trail.
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I hope this helps and if you have any further questions before the meeting just let me know. Thank you.

Shawn C. Sidener

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Mebane, NC 27302-2436

Office: 919-563-9041

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From: Charles Craddock <sascec@gmail.com>

Sent: Friday, August 26, 2022 7:03 AM

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<Shawn.Sidener@EarthCentric.com>

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Thank you for your assistance.

--

Charles Craddock

1301 Tumblestone Court



This petition has collected
55 signatures
using the online tools at www.ipetitions.com

Printed on 2022-09-14

Petition to a Proposal to Develop Preserve at Holt

About this petition

The proposal for the extended sub-division Preserve at Holt to connect and extend The Courtyards on Holt (COH) draws a number of significant concerns for the existing homeowners in COH. The people of COH generally reject the proposal as written and planned, given a number of inconsistencies that appear in the proposal relative to the existing neighborhood.

COH is a planned 55+ small community with consistent housing, managed landscaping, a planned community center, shared mailboxes, and similarly situated people (i.e., generally 55+, retired or near retirement, with few to no children in the neighborhood on a consistent basis). The proposal impacts the promise of the COH as planned and represents a departure in what the residents of COH bought into and expected.

We, the undersigned of COH, reject the proposal for the Preserve at Holt as written. If the proposal is approved by the Town of Apex, we ask for strong consideration from the Council to address the requests of the existing COH homeowners to ensure the development does not destroy the value, structure, community, benefits, and expectations of our community.

If the proposal is not rejected as written, see below concerns and requests.

1. SPECIAL CONDITIONS, RIGHT-OF-WAY: Project shall extend existing Elk River right-of-way
 1. Concern: A premium was paid by residents of the Ctyds. at Holt to live in a 55+ community for some benefits that would be lost by having Elk River Dr. and Phillips Branch Rd. as the only vehicular access for the proposed development.
 2. Request: Provide street access for the Preserve at Holt directly to Holt Rd.
2. SPECIAL CONDITIONS, CONCRETE SIDEWALK: A 5' concrete sidewalk won't be provided to Holt Rd., pedestrians will have access via COH
 1. Concern: To have residents of The Preserve at Holt walk through COH for access to Holt Rd. not only seems unnecessary as their houses would already be very close to Holt Rd., but will also negatively affect some of the reasons to live in a 55+ community.
 2. Request: Provide a short sidewalk to Holt Rd. between proposed lots 1 and 4.
3. PROJECT INFORMATION, LANDSCAPING: Buffer, property line of 10'
 1. Concern: A 10' landscape buffer between both developments is not sufficient.
 2. Request: Provide a 30' buffer between existing COH property lines and proposed houses 1 & 2.
4. SPECIAL CONDITIONS, ACCESSORY DWELLING UNITS: Covenants shall not restrict the construction of accessory dwelling units
 1. Concern: Clarify what is considered an accessory dwelling units, as they may impact property values at COH due to the close proximity to such proposed dwelling units.
 2. Request: Do not allow accessory dwelling units.
5. GENERAL CONCERN, CONSTRUCTION TRAFFIC:
 1. Concern: The construction entrance with gravel as requested by the Town of Apex will reduce but not eliminate dirt and mud from getting on the street and garages, in addition to the constant traffic of trucks and heavy equipment that has already been experienced by COH homeowners, in some cases for almost a year.

2. Request: Provide construction access to Holt Rd.

6. PROJECT INFORMATION, DIMENSIONAL STANDARDS FOR MDR:

1. Concern: Requested is a zoning change to Medium Density Residential which typically includes duplexes and townhomes. It also mentions a maximum built height of 40' and house entrances with single-car garages. If Elk River Dr. were to be extended, the proposed houses need to have a consistent appearance with the rest of the street.

1. Request: Provide drawings of proposed residences and clarify if single family, size and number of levels and make necessary changes to maintain consistency with the rest of Elk River Dr. homes if this street will be used for access. Homes should be required to match the same size/level/sq footage (on average) as homes in COH. Landscaping materials and density should meet the existing requirements in COH to maintain consistency.

7. PROJECT INFORMATION NOTE: No Holt Rd., frontage improvements are proposed

1. Concern: Clarify which improvements are exempt and why. A number of pedestrians use Holt Rd., but the lack of sidewalk in front of this proposed development is a safety hazard that can easily be resolved with a sidewalk.

2. Request: Provide sidewalk along Holt Rd. if not currently planned.

8. SPECIAL CONDITIONS, TREE CANOPY: Project shall preserve a minimum of 50% of the existing tree canopy.

1. Concern: All or most of the trees to be protected are in the protected wetland area. Some builders tend to cut down everything in the construction area, while others flag some existing trees to avoid their removal. A 50% tree removal is excessive considering the land available

2. Request: Mark individual trees to be protected in the construction area to preserve as many as possible and preserve the existing trees along the property line between both developments at a minimum of 30' from property line.

9. GENERAL CONCERN, EXISTING FENCE:

1. Concern: Loss of privacy if the wooden fence along the houses at the end of Elk River Dr. is removed.

2. Request: Keep the privacy fence the way it is and extend it along the full property line of COH that runs alongside the Preserve property line.

Signatures

1. Name: Donald Braden on 2022-09-07 03:53:58
Comments: I agree with this petition! The proposal should be rejected as written or our demands should be met.

2. Name: Armando Garr on 2022-09-07 12:07:47
Comments: I do have a number of questions and concerns.

3. Name: Joe Cook on 2022-09-07 12:28:08
Comments: Reject proposal as submitted. Reject re-zoning to medium density without dedicated road off Holt and improvements of storm drains and sidewalks on Holt.

4. Name: Gloria Cook on 2022-09-07 12:35:31
Comments: Thanks for taking initiative for doing this petition.

5. Name: Tony Bugel on 2022-09-07 13:16:54
Comments:

6. Name: Susan Bugel on 2022-09-07 13:19:06
Comments:

7. Name: Carolyn Pace on 2022-09-07 13:35:22
Comments:

8. Name: Ellen Tenenbaum on 2022-09-07 13:48:16
Comments: There are a number of concerns that need to be addressed.

9. Name: Meredith Ford on 2022-09-07 13:49:35
Comments:

10. Name: Ian Small on 2022-09-07 13:59:37
Comments:

11. Name: Alison Temprile on 2022-09-07 14:10:37
Comments:

12. Name: Charles Craddock on 2022-09-07 14:11:58
Comments:

13. Name: James Jesserer on 2022-09-07 14:15:10
Comments: We specifically moved to live on a cul de sac street in a COMMUNITY of 55+ people. The Town of Apex needs to respect our decision as we could have relocated to

any town in the area.

-
14. Name: Marley Craddock on 2022-09-07 14:17:12
Comments:
-
15. Name: Tony Temprile on 2022-09-07 14:19:37
Comments:
-
16. Name: Marion Dyllick-Brenzinger on 2022-09-07 14:22:24
Comments:
-
17. Name: Donald Perlmutter on 2022-09-07 14:29:38
Comments:
-
18. Name: Erica Henderson on 2022-09-07 14:41:38
Comments:
-
19. Name: Jim on 2022-09-07 14:43:12
Comments: The Preserve on Holt has an existing direct access from Holt Road that should be maintained which would eliminate the need to open Elk River for access.
-
20. Name: Bonnie Barefoot on 2022-09-07 14:50:01
Comments:
-
21. Name: Virginia Bitz on 2022-09-07 15:18:52
Comments: All my concerns have been addressed and I appreciate, to those who posted this online, for giving us the opportunity to have a vote.
-
22. Name: Mary Perlmutter on 2022-09-07 15:26:13
Comments:
-
23. Name: Marion Amick on 2022-09-07 15:44:10
Comments:
-
24. Name: Elliott Amick on 2022-09-07 15:49:21
Comments:
-
25. Name: Beverly Pacchioli on 2022-09-07 16:45:42
Comments:
-
26. Name: Gwen Thomas on 2022-09-07 16:57:48
Comments:

-
27. Name: Karen Garr on 2022-09-07 17:09:10
Comments:
-
28. Name: Dennis Ford on 2022-09-07 17:15:16
Comments:
-
29. Name: Don Fernando Azevedo on 2022-09-07 18:56:38
Comments: Reject the proposal as written and have the developer resubmit a new proposal that addresses the concerns listed.
-
30. Name: Martin Tenenbaum on 2022-09-07 19:03:53
Comments:
-
31. Name: Christine Schlachter on 2022-09-07 19:13:36
Comments:
-
32. Name: Tammy Harvey on 2022-09-07 21:50:25
Comments: I have the concerns listed in this petition especially how it affects our private, dead end Elk River Drive that currently exists. A separate "new neighborhood" warrants a new entrance off Holt Rd., and their residences should not be routed through our COH 55+ specific community.
-
33. Name: Bradley Averette on 2022-09-07 22:22:16
Comments: I think this community should join directly into Holt road as in the past for the single house.
-
34. Name: Janice Azevedo on 2022-09-08 01:33:33
Comments:
-
35. Name: Gary Brunnengraeber on 2022-09-08 01:40:55
Comments:
-
36. Name: Gary Schlachter on 2022-09-08 01:52:04
Comments:
-
37. Name: Donna Adams on 2022-09-08 02:30:45
Comments:
-
38. Name: Jeffrey Voorheis on 2022-09-08 11:40:51
Comments:
-

39. Name: Donald Thomas on 2022-09-08 12:30:11
Comments:
-
40. Name: Vincent lamunno on 2022-09-08 12:56:49
Comments:
-
41. Name: Karen Ginsburg on 2022-09-08 13:58:59
Comments:
-
42. Name: Camille on 2022-09-08 15:00:43
Comments:
-
43. Name: Linda Annab on 2022-09-08 15:37:02
Comments:
-
44. Name: Sally Zenick on 2022-09-08 16:14:07
Comments:
-
45. Name: Hal Zenick on 2022-09-08 16:25:22
Comments:
-
46. Name: Larry Ginsburg on 2022-09-08 17:42:46
Comments:
-
47. Name: Joseph Purvis on 2022-09-08 18:47:18
Comments: I agree entirely with the concerns that are described in this proposal. In addition, I would note that much of the land in question is low-lying and adjacent to the watershed that the EPCON builders have worked to protect. Any proposal for building on this site should be submitted with a detailed description of planned water management and potential impact on this watershed.
-
48. Name: Dana L Tower on 2022-09-08 22:47:01
Comments: Need at minimum Holt Rd. construction access. Also need sidewalk to Holt, and on Holt contingent with the new development area. Need similar look if joined to COH, specifically, 2 car garages, single family homes and lifestyle 55+. Ideally, wold have direct Holt access rather than vi Elk River only.
-
49. Name: John Friedline on 2022-09-09 14:28:57
Comments:
-
50. Name: Charles Adams on 2022-09-09 16:56:55
Comments:
-

51. Name: Laura Averette on 2022-09-09 17:08:21
Comments:

52. Name: Carol Casten on 2022-09-09 21:51:29
Comments:

53. Name: Howard Brodbeck on 2022-09-10 10:05:26
Comments:

54. Name: Sharon Berenson on 2022-09-10 23:15:13
Comments:

55. Name: Stephen Pacchioli on 2022-09-12 04:03:08
Comments:

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, Charles P. Koch, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom virtual meeting (location/address)
on 09/14/2022 (date) from 5:30 PM (start time) to 7:30 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

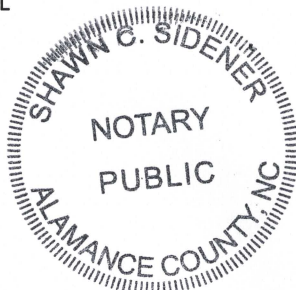
09/22/2022
Date

By: Charles P. Koch

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

Sworn and subscribed before me, Shawn C. Sidener, a Notary Public for the above State and County, on this the 22nd day of September, 2022.

SEAL



Shawn C. Sidener
Notary Public
Shawn C. Sidener
Print Name

My Commission Expires: June 27th 2026

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	SRP Signature Homes, LLC
Company Phone Number	919-339-5072
Developer Representative Name	Raj Baksha
Developer Representative Phone Number	919-339-5072
Developer Representative Email	bsrajnc@gmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	10/03/2022
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	The Preserve at Holt
Address of Subdivision (if unknown enter nearest cross streets)	1305 Holt Road, Apex NC 27523
REID(s)	0004955
PIN(s)	0743-33-1106

Projected Dates Information	
Subdivision Completion Date	June 2024
Subdivision Projected First Occupancy Date	September 2023

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	4						4	3,100	4,500	\$899,000	\$1,200,000	2023	3	2024	1		
Townhomes																	
Condos																	
Apartments																	
Other																	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ20 The Preserve at Holt

Planning Board Meeting Date: December 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: +/- 4.9263 acres

PIN(s): 0743331106

Current Zoning: Rural Residential (RR)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: In 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: 22CZ20 The Preserve at Holt

Planning Board Meeting Date: December 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: 22CZ20 The Preserve at Holt

Planning Board Meeting Date: December 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: 22CZ20 The Preserve at Holt

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented (with note to Council)

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented. Note to Council to look into compatible aesthetic characteristics between the land to be rezoned with Courtyard at Holt.

- ☒ *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 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See reasons for dissenting votes from Tina Sherman and Sarah Soh attached.

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ20 The Preserve at Holt

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented (with note to Council)

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented. Note to Council to look into compatible aesthetic characteristics between the land to be rezoned with Courtyard at Holt.

- ☒ *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 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See reasons for dissenting votes from Tina Sherman and Sarah Soh attached.

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.12.12 18:02:00
-05'00'

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 12/12/2022

☐ Rezoning # #22CZ20

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

For connectivity purposes, I would like there to be more information about the impact of extended the stub street versus and creating a new cul de sac (as we are attempting to limit the number of cul de sacs) versus extending out to Holt Road. Information for NCDOT would be preferable

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 12/12/2022

☐ Rezoning # 22CZ20

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

Main reason is more time for current residents of neighboring community (Courtyards) and the developer to come to agreement. It seems not everything is worked out between the parties regarding.

Additional reasons are not having a confirmation from NCDOT of construction entrance, connectivity reasons of streets & sidewalks.



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ20
The Preserve at Holt

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: EarthCentric Engineering Inc.
Authorized Agent: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.
Property Address: 1305 Holt Road
Acreage: ±4.9263 acres
Property Identification Number (PIN): 0743331106
Current 2045 Land Use Map Designation: 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

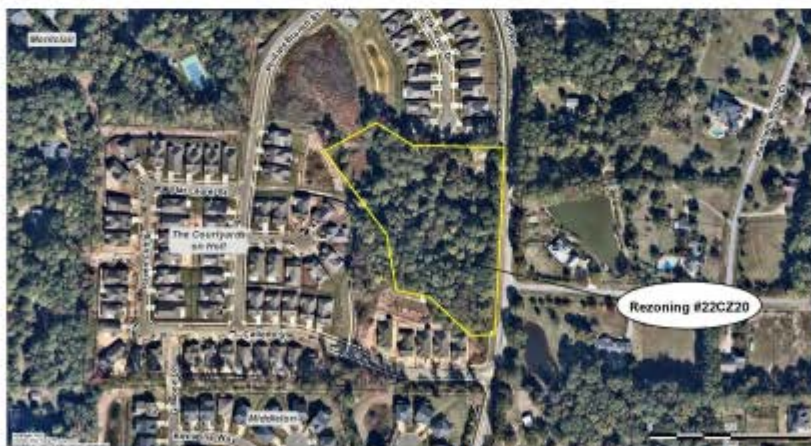
Planning Board Public Hearing Date and Time: December 12, 2022 at 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/4111>.

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 #22CZ20**

The Preserve at Holt

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: EarthCentric Engineering Inc.

Agente autorizado: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Dirección de la propiedad: 1305 Holt Road

Superficie: ±4.9263 acres

Números de identificación de la propiedad: 0743331106

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la 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 diciembre 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41111>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 18 de noviembre - 12 de diciembre de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ20 The Preserve at Holt

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: EarthCentric Engineering Inc.

Authorized Agent: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Property Address: 1305 Holt Road

Acreage: ±4.9263 acres

Property Identification Number (PIN): 0743331106

Current 2045 Land Use Map Designation: 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

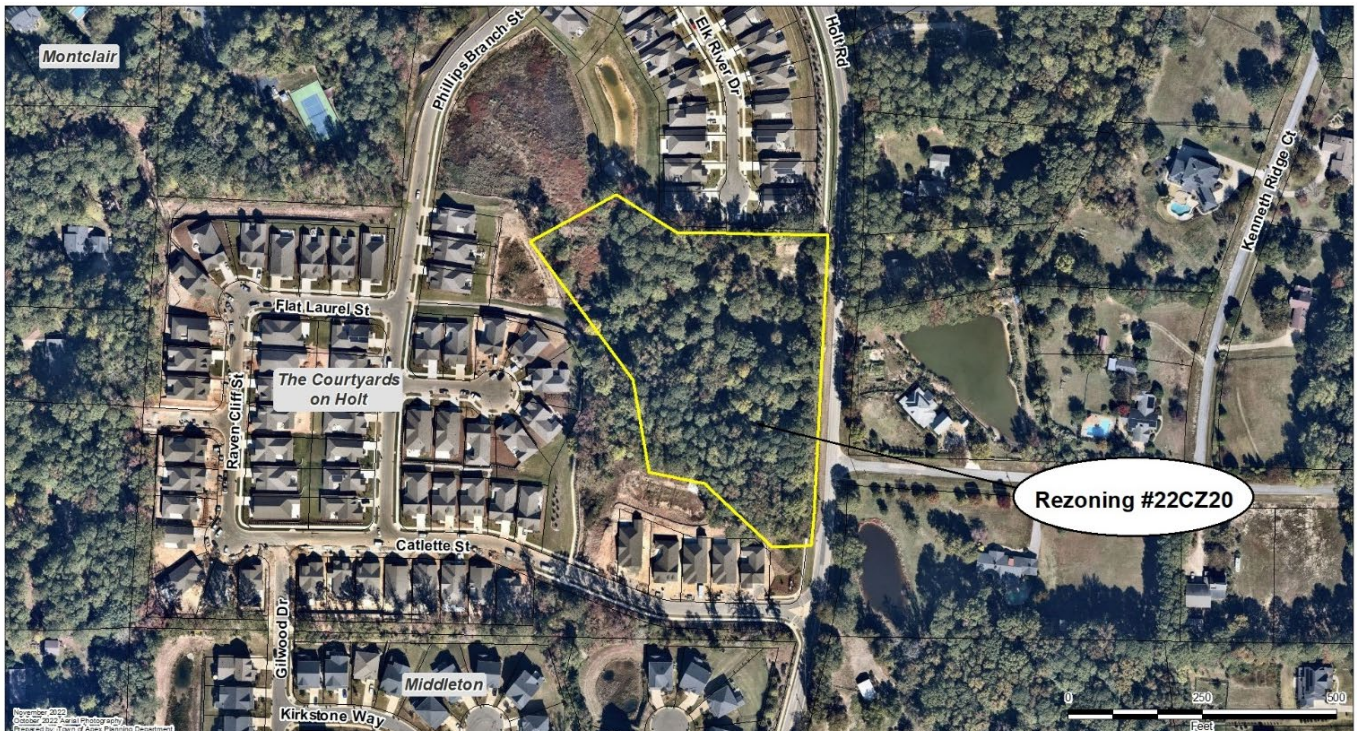
Planning Board Public Hearing Date and Time: December 12, 2022 at 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41111>

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 #22CZ20

The Preserve at Holt

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: EarthCentric Engineering Inc.

Agente autorizado: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Dirección de la propiedad: 1305 Holt Road

Superficie: ±4.9263 acres

Números de identificación de la propiedad: 0743331106

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la 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

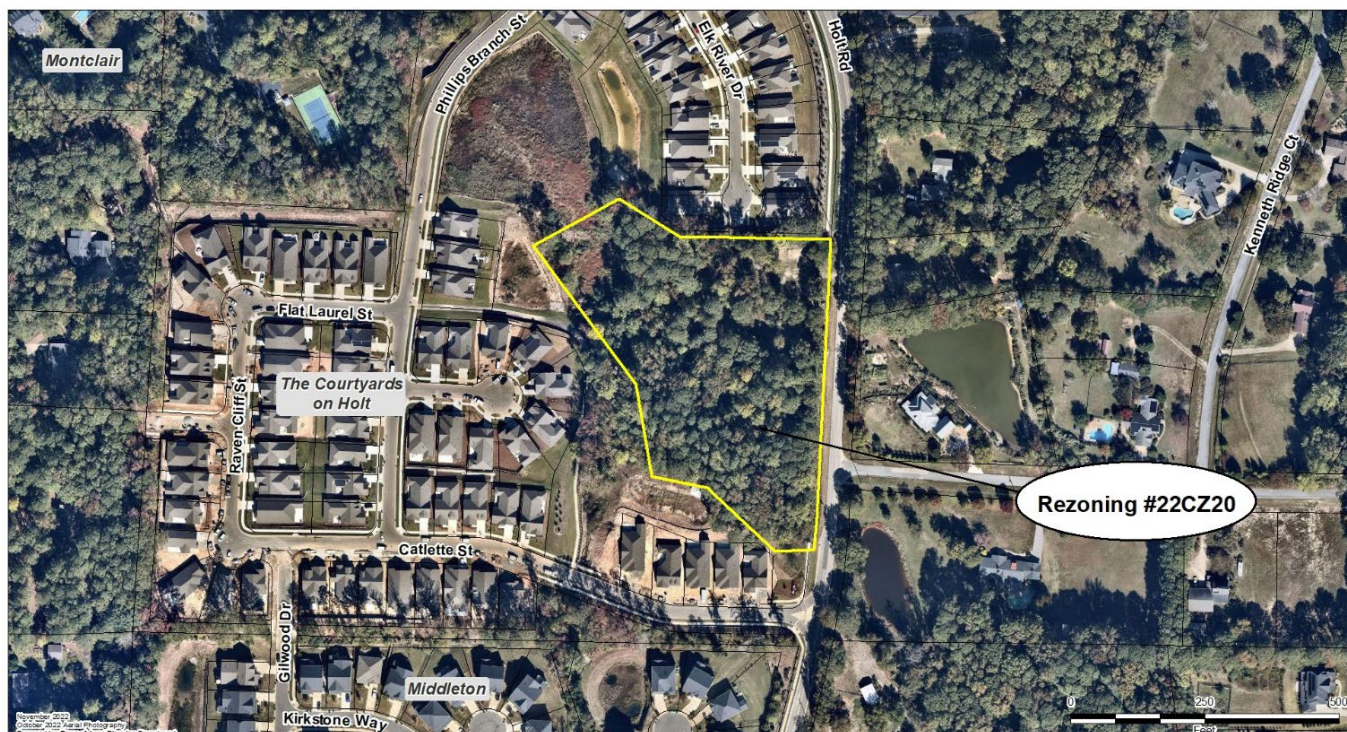
Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41111>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



October 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

Middleton

0 150 300
Feet

Public Hearing Sign Posted By

Signature *[Signature]* Date 10/24/2022



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 #23CZ20
The Preserve at Holt
Project Location: 1305 Holt Road
Applicant or Authorized Agent: Raj Baksha
Firm: EarthCentric Engineering Inc.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 18, 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.

11/21/2022
Date

Jeanne L. 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 21 day of November, 202 2.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ20
The Preserve at Holt

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: EarthCentric Engineering Inc.

Authorized Agent: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Property Address: 1305 Holt Road

Acreage: ±4.9263 acres

Property Identification Number (PIN): 0743331106

Current 2045 Land Use Map Designation: 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: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41111>

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ20 The Preserve at Holt

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: EarthCentric Engineering Inc.

Agente autorizado: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Dirección de la propiedad: 1305 Holt Road

Superficie: ±4.9263 acres

Números de identificación de la propiedad: 0743331106

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la 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: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/lmaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41111>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ20 The Preserve at Holt

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: EarthCentric Engineering Inc.

Authorized Agent: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Property Address: 1305 Holt Road

Acreage: ±4.9263 acres

Property Identification Number (PIN): 0743331106

Current 2045 Land Use Map Designation: 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

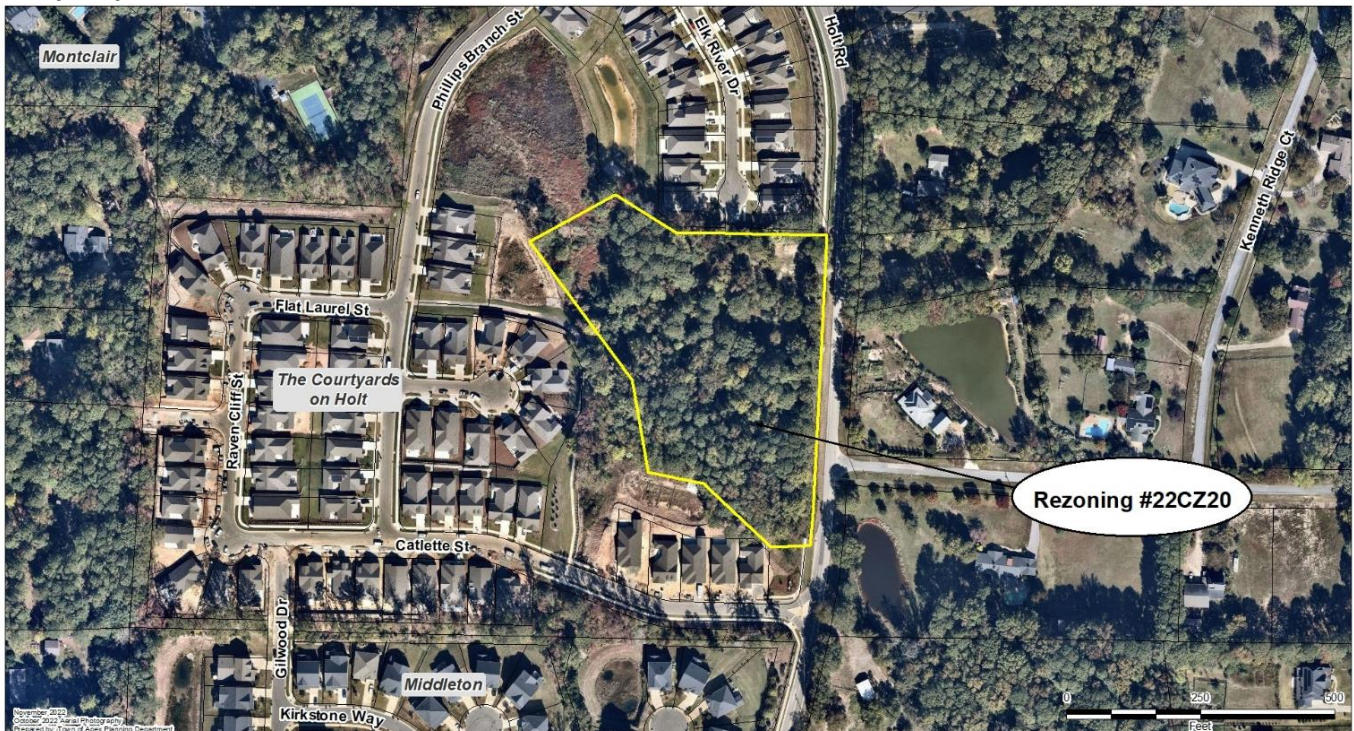
***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41111>

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ20

The Preserve at Holt

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: EarthCentric Engineering Inc.

Agente autorizado: Raj Baksha, SRP Signature Homes, LLC and EarthCentric Engineering Inc.

Dirección de la propiedad: 1305 Holt Road

Superficie: ±4.9263 acres

Números de identificación de la propiedad: 0743331106

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la 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

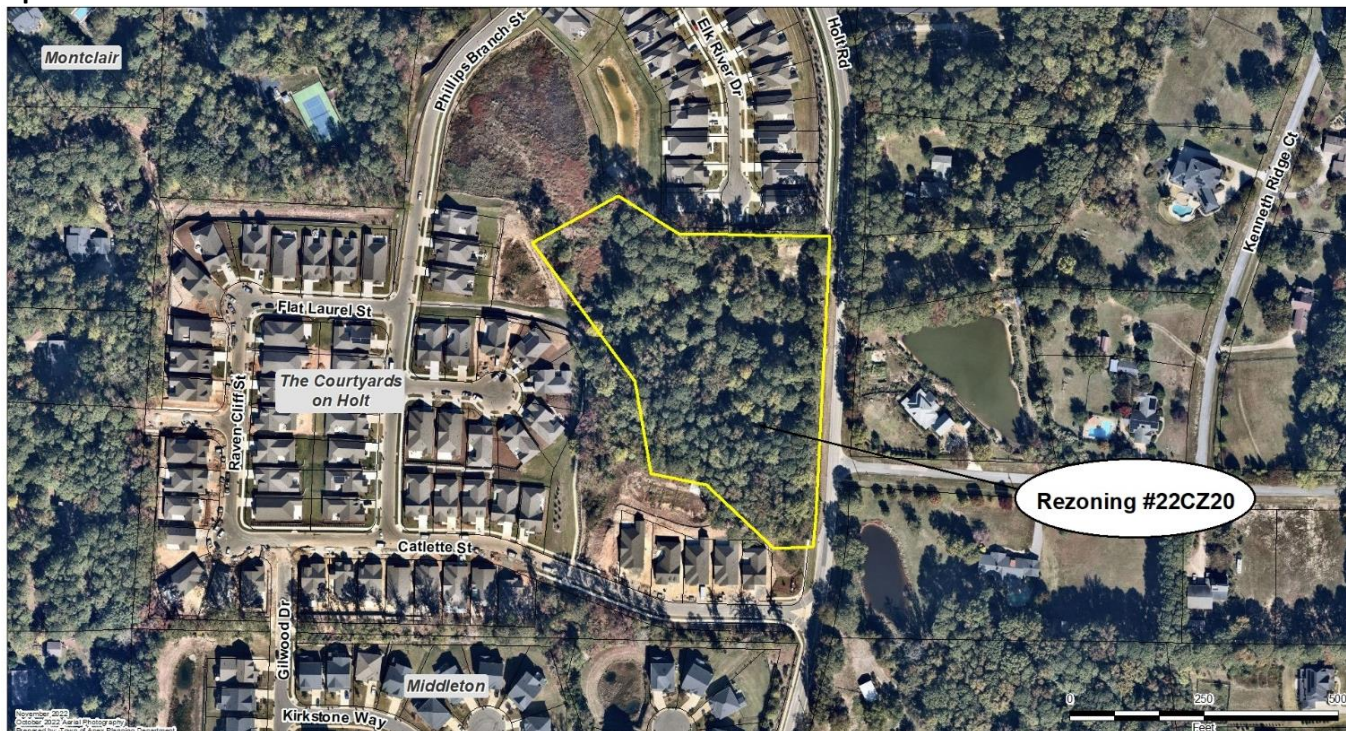
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de enero de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ20
The Preserve at Holt
Project Location: 1305 Holt Road
Applicant or Authorized Agent: Raj Baksha
Firm: EarthCentric Engineering Inc.

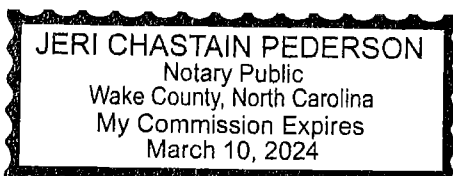
This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12/19/2022
Date

Shanne F. Khin
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 19 day of December, 2022.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

November 15, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: October 3, 2022
- Name of development: 22CZ20 The Preserve at Holt
- Address of rezoning: 1305 Holt Rd
- Total number of proposed residential units: 4
- 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,

Susan Pulliam

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 10, 2023

Item Details

Presenter(s): Dianne Khin, Planning Director

Department(s): Planning

Requested Motion

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

Approval Recommended?

The Planning Department recommends approval. The Planning Board heard these amendments at their December 12, 2022 meeting and unanimously recommended approval.

Item Details

Requested by Planning Staff:

1. Amendments to Secs. 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses* and 4.3.6 *Use Classifications, Industrial Uses* in order to create the use "Warehousing fulfillment center", change the definitions of "Truck terminal" and "Warehousing, general", and to change the use "Wholesaling, general" to "Wholesaling distribution center".
2. Amendment to Sec. 6.1 *Watershed Protection Overlay Districts* in order to change all references to "Environmental Engineering Manager" to "Stormwater Engineering Manager".
3. Amendments to Sec. 6.1.11 *Riparian Buffers* and 6.1.13 *Modifications by Variance* in order to modify the single-family residential riparian buffer requirements and riparian buffer variance standards, and to provide updated references to state law.

Attachments

- Staff Report
- Planning Board Report to Town Council
- Public Notice
- Ordinance



STAFF REPORT

Amendments to the Unified Development Ordinance

January 10, 2023 Town Council Meeting



Requested by Planning Staff:

1. Amendments to Secs. 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses* and 4.3.6 *Use Classifications, Industrial Uses* in order to create the use “Warehousing fulfillment center”, change the definitions of “Truck terminal” and “Warehousing, general”, and to change the use “Wholesaling, general” to “Wholesaling distribution center”.

Use Type	Definition Section	Zoning Districts																					Standards	
		Residential										Business						Planned Development			Other			
		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)																								
Industrial service																								
Warehousing, <u>general</u>	4.3.6.A.8														P	P					*	*		
<u>Warehousing fulfillment center</u>	4.3.6.A.11														<u>P</u>	<u>P</u>								
Woodworking or cabinetmaking	4.3.6.A.9														P	P					*	*		
<u>Wholesaling distribution center, general</u>	4.3.6.A.10														P	P								

4.3.5 Use Classifications, Commercial Uses

...

H) *Vehicle repair and service*

...

8) *Truck terminal. A facility for loading and unloading freight or package express from trucks ~~the dispatching, storage, and maintenance of large vehicles, such as but not limited to tractor trailers and dump trucks. Does not include “Warehousing fulfillment center”, “Warehousing, general”, and “Wholesaling distribution center”.~~*

4.3.6 Use Classifications, Industrial Uses

...

A) *Industrial service*

...

8) Warehousing, general

An establishment primarily engaged in the storage of materials, equipment, or products within a building, ~~for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but~~

~~exclude self-service storage facilities and office-warehouse combinations. This use excludes “Wholesaling distribution center”, “Warehousing fulfillment center”, and “Self-service storage”.~~

...

10) ~~Wholesaling, general~~ **distribution center**

~~An establishment primarily engaged in the display, storage, distribution and sale of goods to other firms for resale, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies. **selling of goods in large quantities to be retailed by others and/or the delivering of large quantities of B2B (business to business) products, such as but not limited to beverage distribution centers and electronics distribution centers. This use excludes “Vehicle sales and rental, heavy”, “Vehicle sales and rental, light”, “Building Supplies, wholesale”, “Gas and fuel, wholesale”, “Greenhouse or nursery, wholesale”, and “Warehousing fulfillment center”.**~~

11) Warehousing fulfillment center

An establishment which serves as a third-party logistics (3PL) warehouse that receives, processes, and fills customer orders on behalf of eCommerce retailers, such as but not limited to Amazon Fulfillment Center, FulfillmentCompanies.net, or FedEx Fulfillment. This use is primarily B2C (business to consumer) in nature. This use excludes “Wholesaling distribution center” and “Warehousing, general”.

2. Amendment to Sec. 6.1 Watershed Protection Overlay Districts in order to change all references to “Environmental Engineering Manager” to “Stormwater Engineering Manager”.

3. Amendments to Sec. 6.1.11 Riparian Buffers and 6.1.13 Modifications by Variance in order to modify the single-family residential riparian buffer requirements and riparian buffer variance standards, and to provide updated references to state law.

6.1.11 Riparian Buffers

...

D) Appeals of Stream Classification

Because the Neuse River is protected by a state-wide buffer program, which is managed by the NC DEQ, the authority to hear appeals of stream classifications for that portion of the Town of Apex and its ETJ that lies within the Neuse River Basin, which shall be indicated on the Town of Apex’s “Watershed Protection Overlay District Map,” rests within the sole jurisdiction of the NC DEQ unless the Town of Apex is delegated the authority to maintain its Neuse Buffer Program locally. Therefore, appeals of stream classifications shall be handled in the following manner:

1) Within the Neuse River Basin

When any affected party within the Neuse River Basin believes that the maps have inaccurately depicted surface waters, the affected party shall consult the NC DEQ as set forth in 15A N.C.A.C. ~~02B 0233(3).~~ **0714(4).**

...

...

G) Uses Permitted Within the Riparian Buffer

This Section shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in Sec. 6.1.11.E upon, a riparian buffer regulated by this Section. The Town shall issue an approval for new development only if the

proposed development will avoid impacts to riparian buffers regulated by this Section or, if an impact to any such buffer is proposed, in accordance with the requirements in Sec. 6.1.11.G.1 or 2 below, as applicable, the applicant has demonstrated that: (i) the proposed activity is exempt, (ii) the proposed activity is allowable or allowable with mitigation, and the requirements of this Section for proceeding such designated use have been met, or (iii) a variance authorizing the proposed activity has been obtained.

1) *Within Zones 1 and 2 of the Neuse River Basin*

Riparian buffers within the Neuse River Basin shall be maintained and protected per 15A NCAC ~~02B 0233.0714~~ Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers, as Readopted effective June 15, 2020, which is hereby incorporated by reference. Development activity may take place within Zone 1 or Zone 2 of a riparian buffer provided that the landowner has one of the following:

- a) For any use, other than one specified as exempt, an authorization certificate that documents that the NC DEQ has approved an allowable use, or an allowable use with mitigation, as described in 15A NCAC ~~02B.02330714~~ Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian of Existing Riparian Buffers.
- b) An opinion from the NC DEQ that vested rights has been established for that activity.
- c) A letter from the NC DEQ documenting that a variance has been granted for the proposed activity.

...

Table 6.1.11.G.1

Use	Exempt*	Allowable*	Allowable with Mitigation*
...			
Recreational and accessory structures in Zones 2 and 3:			
• Sheds and gazebos in Zones 2 and 3, except along perennial waters in Neuse River Basin where high-density development option is utilized		X	
○ Total footprint less than or equal to 150 square feet per lot			
○ Total footprint greater than 150 square feet per lot			X
• Wooden slatted Slatted uncovered decks and associated steps, provided the use meets the requirements of Sec. 6.1.11.E and F of this Ordinance:			
○ Deck at least eight (8) feet in height in Zone 2 and no vegetation removed from Zone 1		X	
○ Deck less than eight (8) feet in height in Zone 2 or vegetation removed from Zone 1			X
○ Deck in Zone 3		X	
...			

Use	Exempt*	Allowable*	Allowable with Mitigation*
<p><u>Residential Properties: Where application of this Section would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in Zone 3 of the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence meets the requirements of Sec. 6.1.11.E and F of the UDO; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer:</u></p> <ul style="list-style-type: none"> • <u>The residence or necessary infrastructure only impacts Zone 3</u> • <u>Impacts other than the residence or necessary infrastructure in Zone 3. Covered porches and pools are not considered necessary infrastructure.</u> 		X	X
...			

...

6.1.13 Modifications by Variance

A) *General*

Requests for minor and major variances from the standards of the Watershed Protection Overlay Districts shall be made to the Board of Adjustment, except for variance requests pertaining to impacts within Zone 1 and/or Zone 2 of a riparian buffer within the Neuse River Basin which shall be made to the Director of the NC DEQ as specified below in Sec. 6.1.13.B.1.b and B.2.c. Due to certain process differences in State statutes or rules for decision making and appeals based on which basin or watershed a proposed project is located, a separate variance provision is set forth below for each of the following basins or watersheds: (i) the Neuse River Basin, (ii) the Jordan Lake Watershed portion of the Cape Fear River Basin and (iii) the Cape Fear River Basin outside of the Jordan Lake Watershed.

Sec 6.1.13.F sets forth an alternative variance process that is available for, but not required to be used by, an applicant seeking a variance from Sec. 6.1 density requirements for a project located in the Secondary Watershed Protection District and/or from Town Buffer requirements. Town Buffers and State Buffers are defined in Sec. 6.1.14.C. The purpose of this alternative variance process is to provide additional design flexibility for a project that provides a unique or additional benefit to the Town or surrounding area that would not be available from a traditional development located in areas within the Town or its ETJ where the applicable requirements of Sec. 6.1 are not part of a State authorized program, or where separate State rules do not apply.

All applications for variances made to the Board of Adjustment shall be reviewed by the Board of Adjustment, which shall approve, approve with conditions (which may include mitigation requirements), or disapprove the variance after a public hearing noticed pursuant to Sec. 2.2.11 *Public Notification*, and conducted pursuant to Sec. 2.2.19 *Quasi-judicial Public Hearing Procedures*, based on the applicable standards in Sec. 6.1.13.E or F.

B) *Variances for Activities in the Neuse River Basin*

2) *Minor Variances*

...

b) *Minor Variance Requests that are to be Submitted to the NC DEQ.* A variance request for an activity in the Neuse River Basin shall be considered minor and a decision on such request shall be made by the NC DEQ when:

- (i) It pertains to activities that will impact Zone 2 of a riparian buffer located within the Neuse River Basin. However, if the impacted area is also within the Neuse River Basin's Primary Watershed Protection District and along perennial waters within a high-density development option area, the proposed impacts to the buffer also shall not exceed five (5%) percent of the buffer area. If such proposed activity within the Neuse River Basin requiring a variance for Zone 2 also includes impacts to Zone 3 that require a variance, then the Director of the NC DEQ shall consider the variance request as it pertains to Zone 2 impacts, and as specified in Sec. 6.1.13.B.1.a.iii a separate variance request shall be submitted to the Board of Adjustment pertaining to Zone 3 impacts.

Pursuant to 15A NCAC ~~02B.0714(10)(a)(iv)~~~~0233(9)(b)~~, a minor variance application for activities that will impact Zone 2 of a Neuse River Basin riparian buffer shall be submitted to the NC DEQ, and an appeal of a decision by the Director of the NC DEQ shall be to the Office of Administrative Hearings.

3) *Major Variances*

...

c) *Major Variance Requests to be Submitted Directly to the NC DEQ for Determination either by the Division or by the Environmental Management Commission.* A request for a variance for an activity in the Neuse River Basin shall be considered major, and pursuant to 15A NCAC ~~02B.0714(10)(a)(iv)~~ an application shall be filed directly with the NC DEQ, and the Division will either determine that the major variance request meets the applicable requirements and submit its preliminary findings to the Environmental Management Commission, or determine that such requirements have not been met when:

...

...

E) *Standards*

4) *General.* The standards set forth in Sec. 6.1.13.E.2-3 shall be applicable to all variance requests submitted to the Board of Adjustment, except for a request submitted pursuant to the alternative variance process in Sec. 6.1.13.F.

5) In order to approve an application for a variance permit, the Board of Adjustment shall make a finding of fact as to whether **there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements** ~~the standards of Sec. 2.3.8.D.1.3 Variance Permit, Standards area met.~~

- 6) ~~The Board of Adjustment shall also make findings of fact~~ **A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:**
- a) **If the applicant complies with the provisions of this Sec. 6.1.11, applicant can secure no reasonable return from, nor make reasonable use of, applicant's property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Board of Adjustment shall consider whether the variance is the minimum possible deviation from the terms of Sec. 6.1.11 that shall make reasonable use of the property possible;**
 - b) **The hardship results from application of Sec. 6.1.11 to the property rather than from other factors such as deed restrictions or other hardship;**
 - c) **The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of Sec. 6.1.11 would not allow reasonable use of the property;**
 - d) **The applicant did not cause the hardship by knowingly or unknowingly violating this Sec. 6.1.11;**
 - e) **If in the Jordan Lake watershed, the applicant did not purchase the property after August 11, 2009, the effective date of 15A NCAC 02B .0267, and then request a variance;**
 - f) **The hardship is rare or unique to the applicant's property;**
 - g) ~~whether~~ **The variance is in harmony with the general purpose and intent of the Town's Watershed Protection Overlay Districts and preserves its spirit; and**
 - h) ~~whether~~ **In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.**

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their December 12, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: December 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: Keith Braswell

- ☒ 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)

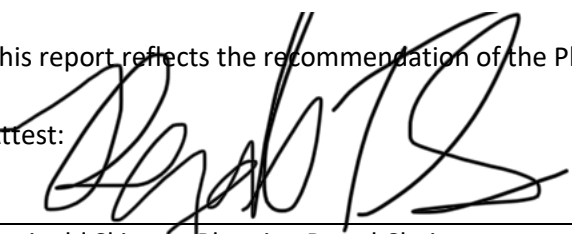
With 8 Planning Board Member(s) voting "aye"

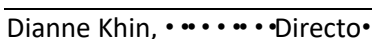
With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:


Reginald Skinner, Planning Board Chair


Dianne Khin, •••••Director•

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: December 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: Keith Braswell

- ☒ 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 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:



Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
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Dianne Khin, Planning Director

Planning Board Report to Town Council



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. Amendments to Secs. 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses* and 4.3.6 *Use Classifications, Industrial Uses* in order to create the use "Warehousing fulfillment center", change the definitions of "Truck terminal" and "Warehousing, general", and to change the use "Wholesaling, general" to "Wholesaling distribution center".
2. Amendment to Sec. 6.1 *Watershed Protection Overlay Districts* in order to change all references to "Environmental Engineering Manager" to "Stormwater Engineering Manager".
3. Amendments to Sec. 6.1.11 *Riparian Buffers* and 6.1.13 *Modifications by Variance* in order to modify the single-family residential riparian buffer requirements and riparian buffer variance standards, and to provide updated references to state law.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning

Published Dates: December 19, 2022 – January 10, 2023



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el personal de planificación:

1. Enmienda a las secciones 4.2.2 *Tabla de usos*; 4.3.5 *Clasificaciones de usos, Usos comerciales* y 4.3.6 *Clasificaciones de usos, Usos industriales* para crear el uso del “Centro de cumplimiento de almacenamiento”, cambiar las definiciones de “Terminal de camiones” y “Almacenamiento, general”, y cambiar el uso de “Venta al por mayor, general” a “Centro de distribución al por mayor”.
2. Enmienda a la sección 6.1 *Distritos de superposición de protección de cuencas* para cambiar todas las referencias de “director de Ingeniería Ambiental” a “director de Ingeniería de Aguas Pluviales”.
3. Enmienda a las secciones 6.1.11 *Zonas de amortiguación ribereñas* y 6.1.13 *Modificaciones por variación* para modificar los requisitos de las zonas de amortiguación ribereñas residenciales unifamiliares y las normas de variación de las zonas de amortiguación ribereñas, y para proporcionar referencias actualizadas a la legislación estatal.

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: 10 de enero de 2023 6:00 PM


Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 19 de diciembre de 2022 – 10 de enero de 2023



TOWN OF APEX
POST OFFICE BOX 2762
APEX, NORTH CAROLINA 27502
PHONE 919.555.5438

**PUBLIC NOTIFICATION
OF PUBLIC HEARING**
AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160B-01 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 adopting amendments to the following amendments to the Unified Development Ordinance:

Requested by Planning Staff:

- Amendments to Secs. 4.2.2 Use Table; 4.3.5 Use Classifications; Commercial Use and 4.3.6 Use Classifications, industrial use in order to create the use "Manufacturing/Industrial Center", change the definition of "Truck terminal" and "Manufacturing, general", and to change the use "Manufacturing, general" to "Manufacturing distribution center";
- Amendment to Sec. 6.1 Watershed Protection Overlay Districts in order to change all references to "Environmental Engineering Manager" to "Stormwater Engineering Manager";
- Amendments to Sec. 6.1.1.1 Algae and 6.1.1.2 Modifications by Variances in order to modify the single-family residential setback requirements and riparian buffer variance standards, and to provide updated references to state law.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: January 10, 2023, 6:00 PM
You may attend the hearing in person or view the hearing through the Town's YouTube livestream at: https://www.apexnc.org/DocumentCenter/View/41746/UDO_Legal_Ad_Dec22_Combo

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org or submit it to the Office of the Town Clerk (73 Hunter Street or 5000 mail - P.O. Box 200, Apex, NC 27502), at least ten 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/udo>

Dianne T. Kline, AICP
Director of Planning

Published Dates: December 19, 2022 – January 10, 2023



TOWN OF APEX
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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
modificación de la Ordenanza
de Desarrollo Unificado (UDO)

...

- 10) **Wholesaling, ~~general~~ distribution center**
An establishment primarily engaged in the ~~display, storage, distribution and sale of goods to other firms for resale, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.~~ **selling of goods in large quantities to be retailed by others and/or the delivering of large quantities of B2B (business to business) products, such as but not limited to beverage distribution centers and electronics distribution centers. This use excludes “Vehicle sales and rental, heavy”, “Vehicle sales and rental, light”, “Building Supplies, wholesale”, “Gas and fuel, wholesale”, “Greenhouse or nursery, wholesale”, and “Warehousing fulfillment center”.**

- 11) **Warehousing fulfillment center**
An establishment which serves as a third-party logistics (3PL) warehouse that receives, processes, and fills customer orders on behalf of eCommerce retailers, such as but not limited to Amazon Fulfillment Center, FulfillmentCompanies.net, or FedEx Fulfillment. This use is primarily B2C (business to consumer) in nature. This use excludes “Wholesaling distribution center” and “Warehousing, general”.

Section 2. **Section 6.1 *Watershed Protection Overlay Districts* of the Unified Development Ordinance is amended in order to change all references to “Environmental Engineering Manager” to “Stormwater Engineering Manager”.**

Section 3. **Sections 6.1.11 *Riparian Buffers* and 6.1.13 *Modifications by Variance* of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

6.1.11 Riparian Buffers

...

D) *Appeals of Stream Classification*

Because the Neuse River is protected by a state-wide buffer program, which is managed by the NC DEQ, the authority to hear appeals of stream classifications for that portion of the Town of Apex and its ETJ that lies within the Neuse River Basin, which shall be indicated on the Town of Apex’s “Watershed Protection Overlay District Map,” rests within the sole jurisdiction of the NC DEQ unless the Town of Apex is delegated the authority to maintain its Neuse Buffer Program locally. Therefore, appeals of stream classifications shall be handled in the following manner:

- 1) *Within the Neuse River Basin*
When any affected party within the Neuse River Basin believes that the maps have inaccurately depicted surface waters, the affected party shall consult the NC DEQ as set forth in 15A N.C.A.C. ~~02B 0233(3).~~ **0714(4).**

...

...

G) *Uses Permitted Within the Riparian Buffer*

This Section shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in Sec. 6.1.11.E upon, a riparian buffer regulated by this Section. The Town shall issue an approval for new

development only if the proposed development will avoid impacts to riparian buffers regulated by this Section or, if an impact to any such buffer is proposed, in accordance with the requirements in Sec. 6.1.11.G.1 or 2 below, as applicable, the applicant has demonstrated that: (i) the proposed activity is exempt, (ii) the proposed activity is allowable or allowable with mitigation, and the requirements of this Section for proceeding such designated use have been met, or (iii) a variance authorizing the proposed activity has been obtained.

1) *Within Zones 1 and 2 of the Neuse River Basin*

Riparian buffers within the Neuse River Basin shall be maintained and protected per 15A NCAC ~~02B 0233.0714~~ **02B.02330714** Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers, as Readopted effective June 15, 2020, which is hereby incorporated by reference. Development activity may take place within Zone 1 or Zone 2 of a riparian buffer provided that the landowner has one of the following:

- a) For any use, other than one specified as exempt, an authorization certificate that documents that the NC DEQ has approved an allowable use, or an allowable use with mitigation, as described in 15A NCAC ~~02B.02330714~~ **02B.02330714** Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian of Existing Riparian Buffers.
- b) An opinion from the NC DEQ that vested rights has been established for that activity.
- c) A letter from the NC DEQ documenting that a variance has been granted for the proposed activity.

...

Table 6.1.11.G.1

Use	Exempt*	Allowable*	Allowable with Mitigation*
...			
Recreational and accessory structures in Zones 2 and 3:			
• Sheds and gazebos in Zones 2 and 3, except along perennial waters in Neuse River Basin where high-density development option is utilized		X	
○ Total footprint less than or equal to 150 square feet per lot			
○ Total footprint greater than 150 square feet per lot			X
• Wooden slatted Slatted uncovered decks and associated steps, provided the use meets the requirements of Sec. 6.1.11.E and F of this Ordinance:			
○ Deck at least eight (8) feet in height <u>in Zone 2</u> and no vegetation removed from Zone 1		X	
○ Deck less than eight (8) feet in height <u>in Zone 2</u> or vegetation removed from Zone 1			X
○ <u>Deck in Zone 3</u>		<u>X</u>	

Use	Exempt*	Allowable*	Allowable with Mitigation*
...			
<u>Residential Properties: Where application of this Section would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in Zone 3 of the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence meets the requirements of Sec. 6.1.11.E and F of the UDO; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer:</u> <ul style="list-style-type: none"> <u>The residence or necessary infrastructure only impacts Zone 3</u> <u>Impacts other than the residence or necessary infrastructure in Zone 3. Covered porches and pools are not considered necessary infrastructure.</u> 		X	X
...			

...

6.1.13 Modifications by Variance

A) General

Requests for minor and major variances from the standards of the Watershed Protection Overlay Districts shall be made to the Board of Adjustment, except for variance requests pertaining to impacts within Zone 1 and/or Zone 2 of a riparian buffer within the Neuse River Basin which shall be made to the Director of the NC DEQ as specified below in Sec. 6.1.13.B.1.b and B.2.c. Due to certain process differences in State statutes or rules for decision making and appeals based on which basin or watershed a proposed project is located, a separate variance provision is set forth below for each of the following basins or watersheds: (i) the Neuse River Basin, (ii) the Jordan Lake Watershed portion of the Cape Fear River Basin and (iii) the Cape Fear River Basin outside of the Jordan Lake Watershed.

Sec 6.1.13.F sets forth an alternative variance process that is available for, but not required to be used by, an applicant seeking a variance from Sec. 6.1 density requirements for a project located in the Secondary Watershed Protection District and/or from Town Buffer requirements. Town Buffers and State Buffers are defined in Sec. 6.1.14.C. The purpose of this alternative variance process is to provide additional design flexibility for a project that provides a unique or additional benefit to the Town or surrounding area that would not be available from a traditional development located in areas within the Town or its ETJ where the applicable requirements of Sec. 6.1 are not part of a State authorized program, or where separate State rules do not apply.

All applications for variances made to the Board of Adjustment shall be reviewed by the Board of Adjustment, which shall approve, approve with conditions (which may include mitigation requirements), or disapprove the variance after a public hearing noticed pursuant to Sec. 2.2.11 *Public Notification*, and conducted pursuant to Sec. 2.2.19 *Quasi-judicial Public Hearing Procedures*, based on the applicable standards in Sec. 6.1.13.E or F.

B) *Variances for Activities in the Neuse River Basin*

2) *Minor Variances*

...

b) *Minor Variance Requests that are to be Submitted to the NC DEQ.* A variance request for an activity in the Neuse River Basin shall be considered minor and a decision on such request shall be made by the NC DEQ when:

- (i) It pertains to activities that will impact Zone 2 of a riparian buffer located within the Neuse River Basin. However, if the impacted area is also within the Neuse River Basin's Primary Watershed Protection District and along perennial waters within a high-density development option area, the proposed impacts to the buffer also shall not exceed five (5%) percent of the buffer area. If such proposed activity within the Neuse River Basin requiring a variance for Zone 2 also includes impacts to Zone 3 that require a variance, then the Director of the NC DEQ shall consider the variance request as it pertains to Zone 2 impacts, and as specified in Sec. 6.1.13.B.1.a.iii a separate variance request shall be submitted to the Board of Adjustment pertaining to Zone 3 impacts.

Pursuant to 15A NCAC ~~02B.0714(10)(a)(iv)~~^{0233(9)(b)}, a minor variance application for activities that will impact Zone 2 of a Neuse River Basin riparian buffer shall be submitted to the NC DEQ, and an appeal of a decision by the Director of the NC DEQ shall be to the Office of Administrative Hearings.

3) *Major Variances*

...

c) *Major Variance Requests to be Submitted Directly to the NC DEQ for Determination either by the Division or by the Environmental Management Commission.* A request for a variance for an activity in the Neuse River Basin shall be considered major, and pursuant to 15A NCAC ~~02B.0714(10)(a)(iv)~~ an application shall be filed directly with the NC DEQ, and the Division will either determine that the major variance request meets the applicable requirements and submit its preliminary findings to the Environmental Management Commission, or determine that such requirements have not been met when:

...

...

E) *Standards*

- 4) *General.* The standards set forth in Sec. 6.1.13.E.2-3 shall be applicable to all variance requests submitted to the Board of Adjustment, except for a request submitted pursuant to the alternative variance process in Sec. 6.1.13.F.
- 5) In order to approve an application for a variance permit, the Board of Adjustment shall make a finding of fact as to whether **there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements** ~~the standards of Sec. 2.3.8.D.1.3~~ *Variance Permit, Standards* are met.
- 6) ~~The Board of Adjustment shall also make findings of fact~~ **A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:**
 - a) **If the applicant complies with the provisions of this Sec. 6.1.11, applicant can secure no reasonable return from, nor make reasonable use of, applicant's property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Board of Adjustment shall consider whether the variance is the minimum possible deviation from the terms of Sec. 6.1.11 that shall make reasonable use of the property possible;**
 - b) **The hardship results from application of Sec. 6.1.11 to the property rather than from other factors such as deed restrictions or other hardship;**
 - c) **The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of Sec. 6.1.11 would not allow reasonable use of the property;**
 - d) **The applicant did not cause the hardship by knowingly or unknowingly violating this Sec. 6.1.11;**
 - e) **If in the Jordan Lake watershed, the applicant did not purchase the property after August 11, 2009, the effective date of 15A NCAC 02B .0267, and then request a variance;**
 - f) **The hardship is rare or unique to the applicant's property;**
 - g) ~~whether~~ The variance is in harmony with the general purpose and intent of the Town's Watershed Protection Overlay Districts and preserves its spirit; and
 - h) ~~whether~~ In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

- Section 4.** The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.
- Section 5.** All ordinances amending the official zoning district map adopted prior to the effective date of this ordinance that permit the “Warehousing, general” use shall be construed to permit both the “Warehousing, general” and “Warehousing fulfillment center” uses as defined herein.
- Section 6.** All ordinances amending the official zoning district map adopted prior to the effective date of this ordinance that permit the “Wholesaling, general” use shall be construed to permit the “Wholesaling distribution center” use as defined herein.
- Section 7.** 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 8.** The ordinance shall be effective upon enactment on the ____ day of _____ 2023.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: January 10, 2023

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Services

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to discuss the handling of the matters: Town of Apex v. Marcia M. Lund; 22-CVS-11706 and Town of Apex v. Susan S. Mills, et al; 22-CVS-11707

Approval Recommended?

[Yes]

Item Details

Attachments

- N/A

